

Tab 1	CS/SB 178 by IS, Rodriguez (CO-INTRODUCERS) Berman ; (Similar to CS/H 00579) Public Financing of Construction Projects					
441272	A	S	RCS	AEG, Rodriguez	Delete L.41 - 119:	02/13 05:33 PM

Tab 2	SB 1104 by Baxley ; (Identical to H 00853) State Park Fee Waivers and Discounts					
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Tab 3	SB 1298 by Simmons ; (Compare to CS/H 01049) Office of the Judges of Compensation Claims					
201602	D	S	RCS	AEG, Simmons	Delete everything after	02/13 05:33 PM

Tab 4	SB 1714 by Bradley ; (Similar to H 01387) Sale of Surplus State-owned Office Buildings and Associated Nonconservation Lands					
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Tab 5	SB 7018 by IS ; (Identical to H 01239) Electric Vehicle Charging Station Infrastructure					
139902	A	S	RS	AEG, Lee	Before L.27:	02/13 05:33 PM
951242	SD	S	RCS	AEG, Lee	Delete everything after	02/13 05:33 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE,
ENVIRONMENT AND GENERAL GOVERNMENT**

Senator Mayfield, Chair
Senator Powell, Vice Chair

MEETING DATE: Thursday, February 13, 2020
TIME: 10:00—11:30 a.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator Mayfield, Chair; Senator Powell, Vice Chair; Senators Albritton, Bean, Berman, Broxson, Hooper, Hutson, Rodriguez, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 178 Infrastructure and Security / Rodriguez (Similar CS/H 579, Compare H 1073, Linked S 7016)	Public Financing of Construction Projects; Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; requiring the department to enforce certain requirements and to adopt rules, etc. EN 11/04/2019 Favorable IS 12/09/2019 Fav/CS AEG 02/13/2020 Fav/CS AP	Fav/CS Yeas 9 Nays 1
2	SB 1104 Baxley (Identical H 853)	State Park Fee Waivers and Discounts; Requiring the Division of Recreation and Parks within the Department of Environmental Protection to provide a specified waiver and discount for state park fees to persons, corporations, or agencies that operate group homes and to relatives and nonrelatives who provide out-of-home care, etc. CF 01/21/2020 Favorable AEG 02/13/2020 Favorable AP	Favorable Yeas 10 Nays 0
3	SB 1298 Simmons (Compare CS/H 1049)	Office of the Judges of Compensation Claims; Providing an appropriation to the Division of Administrative Hearings for adjustments to salaries of the judges of compensation claims; requiring the Deputy Chief Judge to recommend such salary adjustments within the appropriated amount; requiring that such salary adjustments be paid out of a specified trust fund, etc. JU 01/21/2020 Favorable AEG 02/13/2020 Fav/CS AP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Agriculture, Environment and General Government
Thursday, February 13, 2020, 10:00—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1714 Bradley (Similar H 1387)	Sale of Surplus State-owned Office Buildings and Associated Nonconservation Lands; Revising the purpose of the Architects Incidental Trust Fund; requiring funds relating to the sale of surplus state-owned office buildings and associated nonconservation lands to be used for certain purposes; revising the entities that the Board of Trustees of the Internal Improvement Trust Fund must offer a lease to before offering certain surplus lands for sale to other specified entities, etc. GO 02/03/2020 Favorable AEG 02/13/2020 Favorable AP	Favorable Yeas 10 Nays 0
5	SB 7018 Infrastructure and Security (Identical H 1239, Compare H 943, S 452)	Electric Vehicle Charging Station Infrastructure; Requiring the Public Service Commission, in consultation with the Department of Transportation and the Office of Energy within the Department of Agriculture and Consumer Services, to develop and recommend, by a specified date, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a plan for the development of electric vehicle charging station infrastructure along the State Highway System; requiring the plan to include recommendations for legislation; authorizing the plan to include other recommendations as determined by the commission, etc. AEG 02/13/2020 Fav/CS AP	Fav/CS Yeas 9 Nays 1

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: PCS/CS/SB 178 (266148)

INTRODUCER: Appropriations Subcommittee on Agriculture, Environment, and General Government; Infrastructure and Security Committee; and Senators Rodriguez and Berman

SUBJECT: Public Financing of Construction Projects

DATE: February 17, 2020 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schreiber	Rogers	EN	Favorable
2.	Price	Miller	IS	Fav/CS
3.	Reagan	Betta	AEG	Recommend: Fav/CS
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 178 requires a public entity that commissions or manages a construction project within the coastal building zone using funds appropriated from the state to conduct a sea-level impact projection (SLIP) study prior to commencing construction. The bill provides that this provision is effective one year after the Department of Environmental Protection’s (DEP) rule regarding SLIP studies is finalized. The required study must be conducted, submitted to the DEP, and published on the DEP’s website before construction can commence.

The bill requires the DEP to adopt rules establishing standards for the SLIP studies, and the standards must include certain requirements for how the studies will be conducted and the information they must contain. The DEP must publish and maintain a copy of all SLIP studies on its website for 10 years after receipt. The bill requires the DEP to adopt rules as necessary to administer the section and authorizes the DEP to enforce the requirements of the section.

The bill authorizes the DEP to bring a civil action to seek injunctive relief to cease construction, enforce the section or rules adopted pursuant thereto, or seek recovery of state funds expended on a coastal structure, if construction commences without complying with the section. The bill states that the section may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in the SLIP study.

The bill may have both negative and positive fiscal impacts in indeterminate amounts. See Section V.

The bill takes effect July 1, 2020.

II. Present Situation:

Sea-Level Rise and Coastal Flooding

With 1,350 miles of coastline and relatively low elevations, Florida is particularly vulnerable to coastal flooding.¹ There are three primary ways that climate change influences coastal flooding: sea-level rise, storm surge intensity, and rainfall intensity and frequency.²

Sea-level rise is an observed increase in the average local sea level or global sea-level trend.³ The two major causes of global sea-level rise are thermal expansion caused by the warming of the oceans (water expands as it warms) and the loss of land-based ice (ice sheets and glaciers) due to melting.⁴ Since 1880, the average global sea level has risen about 8 to 9 inches, and the rate of global sea-level rise has been accelerating.⁵ The National Oceanic and Atmospheric Administration (NOAA) utilizes tide gauges to measure changes in sea level, and provides data on local sea-level-rise trends.⁶ Analysis of this data shows some low-lying areas in the southeastern U.S. experience higher local rates of sea-level rise than the global average.⁷

Below is a table of projections for future sea-level rise, globally and in regions of Florida, by the year 2100:

¹ This measurement of Florida's coastline increases to over 8,000 miles when accounting for bays, inlets, and waterways. See Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan, State of Florida*, 107-108, 162 (2018) [hereinafter *SHMP*], available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Oct. 16, 2019).

² *Id.* at 107.

³ DEP, *Florida Adaptation Planning Guidebook*, Glossary (2018) [hereinafter *DEP Guidebook*], available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Oct. 16, 2019); NASA, *Facts: Sea Level*, <https://climate.nasa.gov/vital-signs/sea-level/> (last visited Oct. 16, 2019).

⁴ *DEP Guidebook*, at Glossary; NOAA, *Climate Change: Ocean Heat Content*, <https://www.climate.gov/news-features/understanding-climate/climate-change-ocean-heat-content> (last visited Oct. 16, 2019). More than 90 percent of the warming that has happened on Earth over the past 50 years has occurred in the ocean; IPCC, *The Ocean and Cryosphere in a Changing Climate*, SPM-8, SPM-10, SPM-19, SPM -21, SPM-23, 1-14, 4-3, 4-4, 4-14 (Sept. 2019) [hereinafter *IPCC Ocean and Cryosphere*], available at https://report.ipcc.ch/srocc/pdf/SROCC_FinalDraft_FullReport.pdf (last visited Oct. 16, 2019). Uncertainty regarding projected sea-level rise by 2100 is mainly determined by ice sheets, especially in Antarctica and Greenland, which are losing ice at increasing rates.

⁵ U.S. Global Change Research Program, *Fourth National Climate Assessment*, 757 (2018) [hereinafter *NCA4*], available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Oct. 31, 2019); *IPCC Ocean and Cryosphere*, at 4-3.

⁶ NOAA, *What is a Tide Gauge?*, <https://oceanservice.noaa.gov/facts/tide-gauge.html> (last visited Oct. 17, 2019); NOAA, *Tides and Currents, Sea Level Trends*, <https://tidesandcurrents.noaa.gov/sltrends/> (last visited Oct. 16, 2019); see *DEP Guidebook*, at 8, 16.

⁷ *NCA4*, at 757.

Sea-Level Rise Projections for the Year 2100			
Source	Scale	Low (feet)	High (feet)
Intergovernmental Panel on Climate Change ⁸	Global	1.4	2.75
U.S. Global Change Research Program ⁹	Global	1	4.3
Southeast Florida Regional Climate Change Compact Sea Level Rise Work Group ¹⁰	Southeast Florida	2.59	6.75
The Tampa Bay Climate Science Advisory Panel ¹¹	Tampa Bay Region	2	8.5

Florida’s coastal communities are experiencing high-tide flooding events, sometimes referred to as “sunny day” or “nuisance” flooding, with increasing frequency because sea-level rise increases the height of high tides.¹² In Florida, the area at risk from one foot of projected sea-level rise contains more than 65,000 homes and 121,909 people, and Florida’s 35 coastal counties contain 76 percent of its population.¹³ In the U.S., sea-level rise and flooding threaten approximately \$1 trillion in national wealth held in coastal real estate, and analyses estimate that there is a chance Florida could lose more than \$300 billion in property value by 2100.¹⁴ Sea-level rise affects the salinity of both surface water and groundwater through saltwater intrusion, posing a risk particularly for shallow coastal aquifers.¹⁵ Sea-level rise also pushes saltwater further

⁸ *IPCC Ocean and Cryosphere*, at 1-15, 4-4, CCB9-21. These projections are relative to a period of 1986-2005, and the projected range is based on different “representative concentration pathways,” which are scenarios of future concentrations of greenhouse gases and aerosols and chemically active gases, and land use changes.

⁹ *NCA4*, at 406, 758, available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Oct. 31, 2019).

¹⁰ Southeast Florida Regional Climate Change Compact Sea Level Rise Work Group, *Unified Sea Level Rise Projection, Southeast Florida*, 4-5 (2015), available at <https://southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf> (last visited Oct. 21, 2019). These projections are compared to the sea level in 1992.

¹¹ Tampa Bay Climate Science Advisory Panel, *Recommended Projections of Sea Level Rise in the Tampa Bay Region*, 1, 7 (Apr. 2019), available at http://www.tbrpc.org/wp-content/uploads/2019/05/CSAP_SLR_Recommendation_2019.pdf (last visited Oct. 16, 2019).

¹² *SHMP*, at 108, available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Oct. 15, 2019); NOAA, *High-Tide Flooding*, <https://toolkit.climate.gov/topics/coastal-flood-risk/shallow-coastal-flooding-nuisance-flooding> (last visited Oct. 16, 2019).

¹³ *DEP Guidebook*, at III, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Oct. 16, 2019).

¹⁴ *NCA4*, at 324, 758; Zillow, *Climate Change and Housing: Will a Rising Tide Sink All Homes?* (2017), <https://www.zillow.com/research/climate-change-underwater-homes-12890/> (last visited Oct. 31, 2019) (stating that by 2100 \$883 billion in U.S. homes are at risk of being underwater with the total value of potentially underwater properties in Florida at \$413 billion); Union of Concerned Scientists, *New Study Finds 1 Million Florida Homes Worth \$351 Billion Will Be At Risk From Tidal Flooding* (2018), <https://www.ucsusa.org/about/news/1-million-florida-homes-risk-tidal-flooding> (last visited Oct. 31, 2019).

¹⁵ *SHMP*, at 106, available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Oct. 31, 2019).

upstream in tidal rivers and streams, raises coastal groundwater tables, and pushes saltwater further inland at the margins of coastal wetlands.¹⁶

Storm surge intensity and the intensity and precipitation rates of hurricanes are generally projected to increase.¹⁷ Higher sea levels will cause storm surges to travel farther inland and impact more properties than in the past.¹⁸ Storms and sea-level rise are likely to lead to increased coastal erosion.¹⁹

Increases in evaporation rates and water vapor in the atmosphere increases rainfall intensity and precipitation extremes. This sudden onset of water can overwhelm stormwater infrastructure.²⁰ As sea levels and groundwater levels rise, low areas drain more slowly. The combined effects of rising sea levels and extreme rainfall events are increasing the frequency and magnitude of coastal and lowland flood events.²¹

Coastal Construction

Coastal Construction Control Line

Under Florida law, coastal construction is regulated by the Department of Environmental Protection (DEP).²² The Legislature has found that it is in the best interest of the state to protect Florida's beaches and dunes from imprudent construction that can jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access.²³ "Coastal construction" is defined as any work or activity likely to have a material physical effect on existing coastal conditions or natural shore and inlet processes.²⁴ Florida's coastal local governments may establish coastal construction zoning and building codes in lieu of the statutory requirements as long as they are approved by the DEP.²⁵

The coastal construction control line (CCCL) defines the portion of the beach-dune system that is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other forces such as wind, wave, or water level changes.²⁶ A 100-year storm is a shore-incident hurricane or any other storm with accompanying wind, wave, and storm surge intensity having a one percent

¹⁶ *Id.* at 108.

¹⁷ *Id.* at 106, 141; *IPCC Ocean and Cryosphere*, at 6-21, available at https://report.ipcc.ch/srocc/pdf/SROCC_FinalDraft_FullReport.pdf (last visited Oct. 16, 2019); *NCA4*, at 95, 97, 116-117, 1482, available at https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (last visited Oct. 31, 2019).

¹⁸ *NCA4*, at 758; *SHMP*, at 107, 112-113, 158-160; see also NOAA, *Florida Marine Debris Emergency Response Guide: Comprehensive Guidance Document* (Jan. 2019), available at https://marinedebris.noaa.gov/sites/default/files/publications-files/FL_Marine_Debris_Emergency_Response_Guide_2019.pdf (last visited Oct. 16, 2019).

¹⁹ *NCA4*, 331, 340-341, 833, 1054, 1495; *SHMP*, at 108; IPCC, *Climate Change and Land*, 4-44–4-45 (Aug. 2019), available at <https://www.ipcc.ch/site/assets/uploads/2019/08/Fullreport-1.pdf> (last visited Oct. 17, 2019).

²⁰ *SHMP*, at 99, 106, 116, 141, 181; *NCA4*, at 88, 763.

²¹ *SHMP*, at 106; *NCA4*, at 763.

²² Chapter 161, F.S.

²³ Section 161.053(1)(a), F.S.

²⁴ Section 161.021(6), F.S.

²⁵ Section 161.053(3), F.S.

²⁶ Section 161.053, F.S.; Fla. Admin. Code R. 62B-33.005(1); DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 3 (2017), available at <https://floridadep.gov/water/coastal-construction-control-line/documents/homeowners-guide-coastal-construction-control-line> (last visited Oct. 18, 2019).

chance of being equaled or exceeded in any given year.²⁷ Seaward of the CCCL, new construction and improvements to existing structures generally require a CCCL permit from the DEP.²⁸ Due to the potential environmental impacts and greater risk of hazards from wind and flood, the standards for construction seaward of the CCCL are often more stringent than those applied in the rest of the coastal building zone.²⁹ Applicants must show that the proposed project will not result in a significant adverse impact.³⁰ CCCLs are established by the DEP on a county-wide basis, and they currently exist for large portions of Florida's coast.³¹

The “mean high-water line” is the point on the shore marking the average height of the high waters over a 19-year period.³² The mean high-water line is generally the boundary between the publicly-owned foreshore (the land alternately covered and uncovered by the tide) and the dry sand above the line which may be privately owned.³³ Generally, construction is prohibited within 50 feet of the mean high-water line, and this is known as the 50-foot setback.³⁴ Any structures below the mean high-water line which the DEP determines serve no public purpose; endanger human life, health, or welfare; or prove to be undesirable or unnecessary must be adjusted, altered, or removed after written notice by the DEP.³⁵

Above the mean high-water line is the “seasonal high-water line,” which accounts for variations in the local mean high water, such as spring tides that occur twice per month.³⁶ The seasonal high-water line is used to create 30-year erosion projections of long-term shoreline recession based on historical measurements.³⁷ The DEP makes 30-year erosion projections of the location of the seasonal high-water line on a site-specific basis upon receipt of an application.³⁸ With certain exceptions, the DEP or local governments may not issue CCCL permits for major structures that are seaward of the 30-year erosion projection.³⁹

²⁷ Fla. Admin. Code R. 62B-33.002(41).

²⁸ Section 161.053, F.S.; Fla. Admin. Code Chapters 62B-33 and 62B-34; DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 2 (2017); DEP, *ASK - Have Questions about the Coastal Construction Control Line (CCCL)?*, <https://floridadep.gov/water/coastal-construction-control-line/content/ask-have-questions-about-coastal-construction> (last visited Oct. 18, 2019).

²⁹ Fla. Admin. Code Ch. 62B-33.

³⁰ Fla. Admin. Code R. 62B-33.005.

³¹ Section 161.053(2), F.S.; DEP Geospatial Open Data, *Coastal Construction Control Lines (CCCL)*, http://geodata.dep.state.fl.us/datasets/4674ee6d93894168933e99aa2f14b923_2?geometry=-102.41%2C25.011%2C-60.596%2C31.77 (last visited Oct. 18, 2019).

³² Section 177.27(14), (15), F.S.

³³ Section 177.28, F.S.; ss. 161.052(1), 161.151(3), 161.161(3)-(5), and 161.191, F.S. Where an “erosion control line” is established, it serves as the mean high-water line when landward of the existing mean high-water line, and all lands seaward of a recorded erosion control line are deemed to be vested in the state.

³⁴ Fla. Admin. Code R. 62B-33.002(17).

³⁵ Section 161.061, F.S.

³⁶ Section 161.053(5)(a)2., F.S. “Seasonal high-water line” is defined as “the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above local mean high water”; NOAA, *What Are Spring and Neap Tides?*, <https://oceanservice.noaa.gov/facts/springtide.html> (last visited Oct. 17, 2019).

³⁷ Fla. Admin. Code R. 62B-33.024.

³⁸ *Id.* Applicants may submit projections by licensed engineers.

³⁹ Section 161.053(5), F.S.; DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 6 (2017), available at <https://floridadep.gov/water/coastal-construction-control-line/documents/homeowners-guide-coastal-construction-control-line> (last visited Oct. 18, 2019).



The Coastal Zone Protection Act

The Coastal Zone Protection Act of 1985 (Act) was created to minimize the impacts that activities or construction near the coast have on Florida’s coastal areas.⁴⁰ The Legislature intended the Act to impose strict construction standards in Florida’s coastal areas to protect the natural environment, private property, and life.⁴¹ The Act covers activities and construction within the “coastal building zone:” an area stretching landward from the seasonal high-water line to a line 1,500 feet landward from the CCCL, except that on coastal barrier islands, the coastal building zone stretches 5,000 feet landward from the CCCL.⁴² The Act uses the term “construction” to mean either the act of construction or the result of construction, and defines construction as “the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land.”⁴³

The Act defines certain types of structures regulated within the coastal building zone.⁴⁴ “Major structure[s]” are residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.⁴⁵ “Nonhabitable major structure[s]” are structures that people would generally not dwell in, such as parking garages, drainage structures, electrical power plants, transmission lines, and underground storage tanks.⁴⁶ “Minor structure[s]” are structures that are considered to be expendable under wind, wave, or storm forces, and examples include walkways, bathhouses, fences, and uncovered paved areas.⁴⁷

⁴⁰ Sections 161.52-161.58, F.S.

⁴¹ Section 161.53(1),(4), and (5), F.S.

⁴² Section 161.54(1), F.S.; s. 161.55(4), F.S.

⁴³ Section 161.54(5), (12) F.S. “Substantial improvement” means “any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either: (a) Before the improvement or repair is started; or (b) If the structure has been damaged and is being restored, before the damage occurred.”

⁴⁴ Section 161.54(6), F.S.

⁴⁵ Section 161.54(6)(a), F.S.

⁴⁶ Section 161.54(6)(c), F.S.

⁴⁷ Section 161.54(6)(b), F.S.

The Act generally requires construction to be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and preserve dune stability.⁴⁸ Nonhabitable major structures and minor structures must be designed to produce the minimum adverse impact on the beach and dune system.⁴⁹ Minor structures must be designed to produce the minimum adverse impact to adjacent properties and reduce the potential for water or wind-blown material.⁵⁰ The Act states that both the DEP and local governments have the authority to adopt or enforce standards for construction seaward of the CCCL that are as restrictive or more restrictive than the Act.⁵¹

At or before the sale of real property located partially or totally seaward of the CCCL, the seller must give prospective purchasers a certain written disclosure statement, which states that the property may be subject to coastal erosion and to federal, state, and local regulations that govern coastal property.⁵² The disclosure statement indicates that the DEP can provide additional information on whether significant erosion conditions are associated with the shoreline of the property being purchased. The Legislature found it necessary to ensure that purchasers of interests in real property located in coastal areas are fully aware that such lands are subject to frequent and severe fluctuations.⁵³

Florida Building Code

The Department of Business and Professional Regulation's Florida Building Commission (the Commission) develops, amends, and adopts by rule the Florida Building Code.⁵⁴ The Florida Building Code provides the minimum standard building code which must be applied and enforced by each local government in Florida.⁵⁵ The code contains or incorporates by reference all laws and rules governing the design, construction, and repair of public and private structures in the state. In compliance with statutory requirements, local governments may pass ordinances creating local requirements that are more stringent than the statewide code.⁵⁶

The code contains structural design requirements for the design, construction, improvement, and repair of certain structures seaward of the CCCL or the 50-foot setback line.⁵⁷ Special standards in the code apply in areas such as High-Velocity Hurricane Zones and flood hazard areas.⁵⁸ In flood hazard areas, if repairing "substantial damage," meaning the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the before-damaged market value, all aspects of the structure must comply with the requirements for new construction for

⁴⁸ Section 161.55(3), F.S. The Act makes exceptions for certain structures such as piers, beach access ramps, or shore protection structures.

⁴⁹ Section 161.55(1), (2), F.S. Special requirements for flood proofing nonhabitable major structures exist for sewage treatment plants, public water supply systems, and underground utilities. These are intended to prevent infiltration of surface water from a 100-year storm event, or else loss of function during submersion.

⁵⁰ Section 161.55(1), F.S.

⁵¹ Section 161.56(1), F.S.

⁵² Section 161.57(2), F.S.

⁵³ Section 161.57(1), F.S.

⁵⁴ DBPR, *Building Code Information System*, <https://floridabuilding.org/c/default.aspx> (last visited Oct. 18, 2019).

⁵⁵ Section 553.73, F.S.; Fla. Admin. Code R. 61g20-1.001(1).

⁵⁶ Section 553.73 (4)-(5), F.S. Special exemptions apply to ordinances relating to flooding.

⁵⁷ Section 3109, Florida Building Code, Building, 6th Edition (2017), https://codes.iccsafe.org/content/FBC2017/chapter-31-special-construction#FBC2017_Ch31_Sec3109 (last visited Oct. 18, 2019).

⁵⁸ Section 202, Florida Building Code, Building, 6th Edition (2017).

flood design.⁵⁹ “Substantial structural damage” means certain damage to the load-carrying structures of a building, and the code has separate requirements for repairing such damage.⁶⁰

The Commission updates the code every three years, and the 7th edition will be adopted in 2020.⁶¹ The proposed modifications include changes related to hurricane protection, such as new roofing requirements to mitigate water intrusion, more stringent wind resistance for vinyl siding, additional inspections for exterior wall coverings, and revised wind speed requirements for essential facilities.⁶²

Coastal Resilience

State Programs

Governor DeSantis’ Executive Order 19-12 created the Office of Resilience and Coastal Protection to help prepare Florida’s coastal communities and habitats for impacts from sea-level rise by providing funding, technical assistance, and coordination among state, regional, and local entities.⁶³ In August of 2019, the Governor appointed Florida’s first Chief Resilience Officer, which will report to the Executive Officer of the Governor and collaborate with state agencies, local communities, and stakeholders to prepare for sea-level rise and climate change.⁶⁴

The DEP’s Florida Resilient Coastlines Program helps prepare coastal communities and habitats for the effects of climate change and sea-level rise by offering technical assistance and funding to communities dealing with coastal flooding, erosion, and ecosystem changes.⁶⁵ In 2019, the DEP awarded funding for numerous projects providing assistance for coastal Florida communities.⁶⁶ Priority areas include implementing statutory requirements and objectives, vulnerability assessments, adaptation plans, regional efforts, and environmental justice.⁶⁷

⁵⁹ Section 404.5, Florida Building Code, Existing Building, 6th Edition (2017), https://codes.iccsafe.org/content/FEBC2017/chapter-4-prescriptive-compliance-method#FEBC2017_Ch04_Sec404.5 (last visited Oct. 21, 2019).

⁶⁰ Section 404, Florida Building Code, Existing Building, 6th Edition (2017).

⁶¹ Section 553.73(7), F.S.; DBPR, *Materials Related to the 2020 Update, Supplements - Post Commission August 13, 2019*, http://www.floridabuilding.org/fbc/thecode/2020_Code_Development/2020_Code_Development_Process.htm (last visited Oct. 19, 2019). In the top table, under Florida Supplement, the links show modifications approved by the Commission.

⁶² Florida Senate, Committee on Community Affairs, *Video of Committee Meeting on 10/14/2019*, 32:00:00 http://www.flsenate.gov/Media/VideoPlayer?EventId=2443575804_2019101070 (last visited Oct. 19, 2019).

⁶³ State of Florida, Office of the Governor, *Executive Order Number 19-12*, 5 (2019), available at <https://www.flgov.com/wp-content/uploads/2019/01/EO-19-12-.pdf> (last visited Oct. 20, 2019).

⁶⁴ Governor Ron DeSantis, News Releases, *Governor Ron DeSantis Announces Dr. Julia Nesheiwat as Florida’s First Chief Resilience Officer* (Aug. 1, 2019), <https://flgov.com/2019/08/01/governor-ron-desantis-announces-dr-julia-nesheiwat-as-floridas-first-chief-resilience-officer/> (last visited Oct. 20, 2019).

⁶⁵ DEP, *Florida Resilient Coastlines Program*, <https://floridadep.gov/ResilientCoastlines> (last visited Oct. 19, 2019).

⁶⁶ DEP, *Funded Projects*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/funded-projects> (last visited Oct. 19, 2019).

⁶⁷ DEP, Resiliency Planning Grants, Fiscal Year 2020-2021, *Grant Goals and Priorities*, <https://floridadep.gov/sites/default/files/RPG-FY-20-21-Goals-and-Priorities.pdf> (last visited Oct. 19, 2019).

The program has published the Florida Adaptation Planning Guidebook to be used by local governments to develop and update adaptation plans for sea-level rise.⁶⁸ The guidebook breaks down the adaptation planning process into four steps, and below is a summary:

- **Context:** organizing and engaging stakeholders, and delineating the geographic boundaries of the planning area, including the assets and structures contained therein.
- **Vulnerability Assessment:** an exposure analysis to determine how much sea-level rise will occur and where, a sensitivity analysis to provide an inventory of community assets and features located in areas at risk, and assigning focus areas that will receive attention in adaptation strategies.
- **Adaptation Strategies:** assess adaptive capacities such as planning capabilities and fiscal capacity, prioritize adaptation needs, and identify adaptation strategies, which may include strategies in the following categories:
 - “Protection” strategies that are structurally defensive measures;
 - “Accommodation” strategies that alter the design of vulnerable structures so structures or land use can stay in place with modification;
 - “Retreat” strategies; and
 - “Avoidance” strategies that guide development away from areas subject to coastal hazards, by implementing policies or offering incentives.
- **Implementation:** survey funding options, create a schedule of activities, actions and actors, and monitor and evaluate adaptation strategies.⁶⁹

The DEP’s Florida Coastal Management Program implements the Coastal Partnership Initiative, which makes funding from NOAA available to Florida’s 35 coastal counties, and municipalities therein, that are required to include a coastal zone protection element in their comprehensive plan.⁷⁰ Grant applications must benefit the management of coastal resources, and meet the purpose of at least one of the initiative’s priority areas: resilient communities, coastal resource stewardship, access to coastal resources, and working waterfronts.⁷¹

The DEP issues permits for coastal armoring, defined as manmade structures, such as seawalls or bulkheads, that protect upland properties and structures from erosion, wave action, or currents.⁷² While hardened structures may be necessary in areas of high wave energy, armoring can create problems such as costly construction and maintenance, erosion, and loss of biodiversity and ecosystem services.⁷³ Living shorelines are a nature-based approach to coastal protection, using natural elements such as ecosystems, vegetation, stone, or organic materials to increase coastal resilience and adapt to sea-level rise.⁷⁴ The DEP provides exemptions from environmental

⁶⁸ DEP Guidebook, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Oct. 19, 2019).

⁶⁹ *Id.* at 1-61.

⁷⁰ DEP, *Florida Coastal Management Program*, <https://floridadep.gov/rcp/fcmp> (last visited Oct. 19, 2019); DEP, *Coastal Partnership Initiative*, <https://floridadep.gov/rcp/fcmp/content/coastal-partnership-initiative> (last visited Oct. 19, 2019).

⁷¹ Fla. Admin. Code R. Ch. 62S-4.

⁷² Sections 161.053 and 161.085, F.S.; Fla. Admin. Code Rules 62B-33.0051, 62B-34.010(4), and 62B-41.002(4).

⁷³ DEP, *Living Shorelines*, <https://floridadep.gov/rcp/rcp/content/living-shorelines> (last visited Oct. 20, 2019).

⁷⁴ Bilkovic et. al., *Living Shorelines: The Science and Management of Nature-Based Coastal Protection*, Taylor & Francis Group, 11-25 (2017); Florida Living Shorelines, *Home*, <http://floridalivingshorelines.com/> (last visited Oct. 20, 2019).

resource permitting for small-scale shoreline stabilization projects including living shorelines projects.⁷⁵

In addition to the DEP, other state agencies are working on coastal resilience in Florida. The Department of Transportation plans for resilience to prepare Florida's transportation system for potential hazards.⁷⁶ The Department of Economic Opportunity works with the DEP on the Community Resiliency Initiative, assisting communities with adaptation planning.⁷⁷ The Fish and Wildlife Conservation Commission is Florida's lead agency on addressing the impacts of climate change on fish and wildlife, including adaptation strategies for Florida's coastal ecosystems.⁷⁸ The Division of Emergency Management in the Executive Office of the Governor maintains a state-wide emergency management program, and its roles include administering federal mitigation grant programs and serving as Florida's state coordinating agency for the National Flood Insurance Program.⁷⁹

Regional Programs

The water management districts address flood protection as a core part of their respective missions, and many of their activities are related to resilience efforts. For example, the St. John's River Water Management District provides resources and cost-sharing to increase community resilience.⁸⁰ The South Florida Water Management District is implementing comprehensive plans for addressing sea-level rise, including a flood protection level of service program, incorporating sea-level rise projections into planning, conducting vulnerability assessments, and assisting local governments.⁸¹

In 2010, through a proactive regional collaboration to address climate change, the four counties of Broward, Miami-Dade, Monroe, and Palm Beach signed on to the Southeast Florida Regional Climate Change Compact.⁸² The product has included developing a Regional Climate Action

⁷⁵ Fla. Admin. Code R. 62-330.051(12)(e); see UF IFAS, *Streamlining Resiliency: Regulatory Considerations in Permitting Small-Scale Living Shorelines in Florida*, 1-3 (Apr. 2018), <https://edis.ifas.ufl.edu/pdf/files/SG/SG15500.pdf> (last visited Oct. 20, 2019).

⁷⁶ DOT, *Florida Transportation Plan (FTP): Resilience*, <http://www.floridatransportationplan.com/resilience.htm> (last visited Oct. 25, 2019); DOT, *Florida Transportation Plan (FTP): Resilience Subcommittee Members*, http://www.floridatransportationplan.com/resilience_committee.htm (last visited Oct. 31, 2019).

⁷⁷ DEO, *Adaptation Planning*, <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/adaptation-planning> (last visited Oct. 19, 2019).

⁷⁸ FWC, *What FWC is Doing*, <https://myfwc.com/conservation/special-initiatives/climate-change/fwc/> (last visited Oct. 19, 2019); FWC, *A Guide to Climate Change Adaptation for Conservation*, 6-81-6-108, 9-35-9-51 (2016), available at <https://myfwc.com/media/5864/adaptation-guide.pdf> (last visited Oct. 20, 2019).

⁷⁹ DEM, *Mitigation*, <https://www.floridadisaster.org/dem/mitigation/> (last visited Oct. 20, 2019); DEM, *State Flood Plain Management Program*, <https://www.floridadisaster.org/dem/mitigation/floodplain/> (last visited Oct. 20, 2019).

⁸⁰ St. John's River Water Management District, *Sea-Level Rise*, <https://www.sjrwmd.com/localgovernments/sea-level-rise/#projects> (last visited Oct. 30, 2019).

⁸¹ Akintunde Owosina, South Florida Water Management District, Governing Board Meeting, June 13, 2019, Chief, Hydrology and Hydraulics Bureau, *Impact of Sea Level Rise on the SFWMD Mission, Focus on Flood Protection*, 2, 6, 7-10 (June 13, 2019) available at <https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/21964> (last visited Oct. 20, 2019).

⁸² Regional Climate Leadership Summit, *Southeast Florida Regional Climate Change Compact* (2010), available at <http://southeastfloridaclimatecompact.org/wp-content/uploads/2014/09/compact.pdf> (last visited Oct. 31, 2019); SFRCCC, *What is the Compact?*, <http://southeastfloridaclimatecompact.org/about-us/what-is-the-compact/> (last visited Oct. 31, 2019).

Plan and developing a Unified Sea Level Rise Projection.⁸³ One of the many recommendations in the regional plan is for local governments in the region to incorporate the unified sea-level rise projections into their comprehensive plans, and at least 45 municipalities have completed this recommendation.⁸⁴

Florida's regional planning councils have many programs on resilience initiatives.⁸⁵ For example, the Tampa Bay Regional Planning Council formed the ONE BAY Resilient Communities program, which advances collaborative resilience in the Tampa Bay region.⁸⁶ The East Central Florida Regional Planning Council has produced a Regional Resiliency Action Plan and formed the East Central Florida Regional Resilience Collaborative.⁸⁷ The Northeast Florida Regional Council has provided a Regional Action Plan for sea-level rise.⁸⁸

Local Governments

Florida's local governments in coastal areas must have a coastal management element in their comprehensive plans.⁸⁹ These coastal management elements must use principles to eliminate inappropriate and unsafe development in coastal areas when opportunities arise, and they must:

- Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.
- Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency (FEMA).
- Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in Florida.
- Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable federal flood plain management regulations.
- Require that any construction activities seaward of the coastal construction control lines be consistent with ch. 161, F.S., which regulates coastal construction.

⁸³ SFRCCC, *Regional Climate Action Plan*, <http://southeastfloridaclimatecompact.org/regional-climate-action-plan/> (last visited Oct. 31, 2019); SFRCCC, *Unified Sea Level Rise Projection, Southeast Florida*, 5, 11, 13, 33 (2015), available at <http://www.southeastfloridaclimatecompact.org/wp-content/uploads/2015/10/2015-Compact-Unified-Sea-Level-Rise-Projection.pdf> (last visited Oct. 31, 2019).

⁸⁴ SFRCCC, *ST-1: Incorporate Projections Into Plans*, <http://southeastfloridaclimatecompact.org/recommendations/incorporate-projections-into-plans/> (last visited Oct. 31, 2019); see also SFRCCC, *Integrating the Unified Sea Level Rise Projection into Local Plans*, 17-21 (2017), available at <https://southeastfloridaclimatecompact.org/wp-content/uploads/2017/01/SLRGuidance-Doc.pdf> (last visited Oct. 16, 2019).

⁸⁵ *Peril of Flood - Florida's Coastal Resiliency Portal*, <https://www.perilofflood.net/> (last visited Oct. 30, 2019).

⁸⁶ Tampa Bay Regional Planning Council, *One Bay Resilient Communities*, <http://www.tbrpc.org/onebay/> (last visited Oct. 31, 2019).

⁸⁷ East Central Florida Regional Planning Council, *East Central Florida Regional Resiliency Action Plan* (2018), available at <http://ftp.ecfrpc.org/Projects/East%20Central%20Florida%20Regional%20Resiliency%20Action%20Plan.pdf> (last visited Oct. 31, 2019); East Central Florida Regional Planning Council, *East Central Florida Regional Resilience Collaborative*, <https://metroplanorlando.org/wp-content/uploads/CFMPOA-MOU-presentation.pdf> (last visited Oct. 31, 2019).

⁸⁸ Northeast Florida Regional Council, *Summary and Regional Action Plan: A Report of the Emergency Preparedness Committee on Sea Level Rise*, <http://www.nefrc.org/WiP/PDFs/Resource-Library/Regional-Action-Plan.pdf> (last visited Oct. 31, 2019).

⁸⁹ Sections 380.24 and 163.3177(6)(g), F.S.

- Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the FEMA to achieve flood insurance premium discounts for their residents.⁹⁰

Florida's Community Planning Act authorizes local governments to establish an "adaptation action area" designation in their comprehensive plan for low-lying coastal zones that are experiencing coastal flooding and are vulnerable to the impacts of sea-level rise.⁹¹ This enables local governments to develop policies and funding priorities that improve coastal resilience and plan for sea-level rise.

Flood Insurance

The FEMA administers the National Flood Insurance Program, created to offer federally subsidized flood insurance to property owners and to encourage land-use controls in floodplains.⁹² The National Flood Insurance Program makes flood insurance available to communities that adopt and enforce a floodplain management ordinance to reduce future flood risk to new construction in floodplains.⁹³ Communities eligible to participate in the National Flood Insurance Program community rating system receive discounts on flood insurance premiums.⁹⁴

An important aspect of the National Flood Insurance Program is the flood maps that FEMA creates to support the program.⁹⁵ A Flood Insurance Rate Map is an official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.⁹⁶ These maps have many applications relevant to resilience planning, including communicating base flood elevations and flood risk, establishing special flood hazard areas where flood insurance is required, and setting local floodplain and building standards.⁹⁷

⁹⁰ Section 163.3178(2)(f), F.S. (referencing 44 C.F.R. part 60, relating to insurance and hazard mitigation, criteria for land management and use); Ch. 2015-69, Laws of Fla. This is referred to as the "Peril of Flood" law.

⁹¹ Sections 163.3177(6)(g) and (10) and 163.3164(1), F.S.; Ch. 2011-139, Laws of Fla.

⁹² 42 U.S.C. § 4001 *et seq.*; 44 C.F.R. Ch. I, Subchap. B.; FEMA, *The National Flood Insurance Program*, <https://www.fema.gov/national-flood-insurance-program> (last visited Oct. 20, 2019).

⁹³ FEMA, *National Flood Insurance Program, Program Description* (Aug. 1, 2002), available at https://www.fema.gov/media-library-data/20130726-1447-20490-2156/nfipdescrip_1_.pdf (last visited Oct. 20, 2019).

⁹⁴ FEMA, *Fact Sheet: Community Rating System* (2017), available at https://www.fema.gov/media-library-data/1507029324530-082938e6607d4d9eba4004890dbad39c/NFIP_CRS_Fact_Sheet_2017_508OK.pdf (last visited Oct. 20, 2019).

⁹⁵ FEMA, *FEMA Flood Map Service Center: Welcome!*, <https://msc.fema.gov/portal/home> (last visited Oct. 20, 2019).

⁹⁶ 44 C.F.R. § 59.1.

⁹⁷ FEMA, *Flood Maps: Know Your Risk and Take Action Against Flooding*, 2, available at https://www.fema.gov/media-library-data/1516468489259-8eb4bfef27ab35159b2f140a2926e809/What_Goes_Into_a_Flood_Map.pdf (last visited Oct. 20, 2019); *SHMP*, at 102-103, available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited Oct. 16, 2019); *DEP Guidebook*, at 40-41, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Oct. 16, 2019).

III. Effect of Proposed Changes:

Section 1 creates s. 161.551, F.S., titled “Public financing of construction projects within the coastal building zone.” The new section is effective July 1, 2021.

The bill creates definitions for five terms, defining them as they are used in the section:

- “Coastal structure” is defined as “a major structure or nonhabitable major structure within the coastal building zone.” As used within the section, the term “coastal structure” would generally include residential, commercial, and public buildings that could substantially impact coastal zones, as well as major uninhabited structures such as parking garages or drainage structures, that are located landward of the seasonal high-water line to a line 1,500 feet landward from the coastal construction control line.
- “Public entity” is defined as “the state or any of its political subdivisions, or any municipality, county, agency, special district, authority, or other public body corporate of the state which is demonstrated to perform a public function or to serve a governmental purpose that could properly be performed or served by an appropriate governmental unit.”
- “SLIP study” is defined as “a sea level impact projection study” as established by the Department of Environmental Protection (DEP) pursuant to requirements specified in the bill.
- “State-financed constructor” is defined as “a public entity that commissions or manages a construction project using funds appropriated from the state.”
- “Substantial flood damage” is defined to mean “flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.”

The bill requires the DEP to develop by rule the standards for a SLIP study. The standards may require that a professional engineer sign off on the study. Further, the rule is effective one year after the date it is finalized and applies only to projects not yet commenced as of the date the rule is finalized. The rule may not apply retroactively to projects that commenced before the date the rule is finalized. The standards must require that state-financed constructors, at a minimum, do all of the following for conducting a SLIP study:

- Use a systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study.
- Assess the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less. This assessment must:
 - Take into account potential sea-level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less, and to the extent possible, account for the contribution of sea-level rise versus land subsidence to the relative local sea-level rise;
 - Provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk;
 - Use and consider available scientific research and generally accepted industry practices;
 - Provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less; and
 - Analyze potential public safety and environmental impacts resulting from damage to the coastal structure including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.

- Provide alternatives for the coastal structure’s design and siting, including discussion of how such alternatives would affect the potential public safety and environmental impacts assessed in the study, as well as the risks and costs associated with maintaining, repairing, and constructing the coastal structure.

The bill requires the DEP to publish and maintain on its website a copy of all SLIP studies it receives pursuant to the bill for a period of at least 10 years following receipt. However, the bill requires the DEP to redact, prior to publication, any portion of a SLIP study containing information that is exempt from Art. I, s. 24(a) of the State Constitution and s. 119.07(1), F.S., which provide for access to public records.

Beginning one year after the DEP’s rule regarding SLIP studies is finalized, the bill requires state-financed constructors to conduct SLIP studies pursuant to the DEP’s standards. The bill prohibits a state-financed constructor from commencing construction of a coastal structure without first doing all of the following:

- Conducting a SLIP study meeting the standards established by the DEP.
- Submitting the SLIP study to the DEP. If multiple coastal structures are to be built concurrently within one project, a state-financed constructor may conduct and submit one SLIP study for the entire project.
- Receiving notification from the DEP that the study was received and published on the DEP’s website for at least 30 days. The bill states that the state-financed constructor is solely responsible for ensuring that the study submitted to the DEP meets the established standards.

If a state-financed constructor begins construction of a coastal structure without first submitting a SLIP study as required under the section, then the DEP is authorized to institute a civil action.

Such civil action may be brought to:

- Seek injunctive relief to cease further construction of the coastal structure;
- Enforce compliance with s. 161.551, F.S., or rules adopted by the DEP pursuant to it; or,
- If the coastal structure has been completed or substantially completed, seek recovery of all or a portion of state funds expended on the coastal structure.

The DEP is required to adopt rules as necessary to administer the section. The DEP is authorized to enforce the requirements of the section. The section may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in the SLIP study.

Section 2 provides the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill requires procedures that identify long-term risks to coastal structures, and potentially avoid some of the large costs of mitigating and dealing with future damage to, or even loss of, coastal structures. To the extent that costs of damage or destruction are avoided, residents and businesses may benefit. The bill may also have a positive, indeterminate impact on private service providers who may be engaged to perform the studies required by the bill. Therefore, the bill may have a positive, indeterminate impact on the private sector.

C. Government Sector Impact:

The bill requires the DEP to promulgate and administer new regulations which may cause the DEP to incur additional costs.

Requiring government entities to conduct a sea-level impact study prior to construction may result in an indeterminate, negative fiscal impact on the government sector in the short-term. However, the bill requires procedures that identify risks and potentially avoid damage and loss of coastal structures that are constructed, at least in part, using funds appropriated from the state. This may result in state funds, or potentially federal grant money that is appropriated from the state, being used for coastal structures that have less risk of damage or loss over time, or coastal structures that may remain undamaged or intact for a longer period of time. Therefore, the bill may result in an indeterminate, positive impact on the government sector in the long-term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 161.551 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Agriculture, Environment, and General Government on February 13, 2020:

The committee substitute:

- Amends the date that a state-financed constructor may not commence construction of a coastal structure without a SLIP study to one year after the DEP's rule regarding slip studies is in effect, rather than July 1, 2021.
- Removes the condition that official baseline projections as provided in s. 14.2031, F.S., must be adopted for the requirements to conduct a SLIP study go into effect.
- Specifies that the DEP's rule regarding SLIP studies must be effective one year after the date it is finalized and applies only to projects that have not yet commenced as of the date the rule is finalized. The rule may not apply retroactively to projects that commenced before the date the rule is finalized.
- Removes the requirement that the DEP's rule require assessments of flooding, inundation, and wave action damage risks to be based on the official baseline projections of sea-level rise and flooding impacts adopted as provided in s. 14.2031, F.S.
- Adds to the requirements for the DEP's rule that assessments of risks to coastal structures must, to the extent possible, account for the contribution of sea-level rise versus land subsidence to the relative local sea-level rise.
- Clarifies that the bill may not be construed to create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in the SLIP study.
- Provides an effective date of July 1, 2020.

CS by Infrastructure and Security on December 9, 2019:

The committee substitute:

- Delays the effective date of the bill until the date on which SB 7016 takes effect, July 1, 2020.
- Applies the requirement for a SLIP study after July 1, 2021, contingent on the Sea-Level Rise Task Force's recommended baseline projections being adopted by the Environmental Regulation Commission.
- Provides the flooding, inundation, and wave action damage risk assessment required by the bill be based on the State's official baseline projections.
- Clarifies that the remedies provided in the bill do not apply until after July 1, 2021.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
	.	
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Appropriations Subcommittee on Agriculture, Environment, and General Government (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 41 - 119
and insert:

(2) Beginning 1 year after the date the rule developed by the department pursuant to subsection (3) is finalized and is otherwise in effect, a state-financed constructor may not commence construction of a coastal structure without:

(a) Conducting a SLIP study that meets the requirements established by the department;



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11 (b) Submitting the study to the department; and
12 (c) Receiving notification from the department that the
13 study was received and that it has been published on the
14 department's website pursuant to paragraph (6) (a) for at least
15 30 days. The state-financed constructor is solely responsible
16 for ensuring that the study submitted to the department for
17 publication meets the requirements under subsection (3).

18 (3) The department shall develop by rule a standard by
19 which a state-financed constructor must conduct a SLIP study and
20 may require that a professional engineer sign off on the study.
21 The rule must be effective 1 year after the date it is finalized
22 and applies only to projects not yet commenced as of the date
23 the rule is finalized. The rule may not apply retroactively to
24 projects that commenced before the date the rule is finalized.
25 At a minimum, the standard must require that a state-financed
26 constructor do all of the following:

27 (a) Use a systematic, interdisciplinary, and scientifically
28 accepted approach in the natural sciences and construction
29 design in conducting the study.

30 (b) Assess the flooding, inundation, and wave action damage
31 risks relating to the coastal structure over its expected life
32 or 50 years, whichever is less.

33 1. The assessment must take into account potential relative
34 local sea-level rise and increased storm risk during the
35 expected life of the coastal structure or 50 years, whichever is
36 less, and, to the extent possible, account for the contribution
37 of sea-level rise versus land subsidence to the relative local
38 sea-level rise.

39 2. The assessment must provide scientific and engineering



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40 evidence of the risk to the coastal structure and methods used
41 to mitigate, adapt to, or reduce this risk.

42 3. The assessment must use and consider available
43 scientific research and generally accepted industry practices.

44 4. The assessment must provide the mean average annual
45 chance of substantial flood damage over the expected life of the
46 coastal structure or 50 years, whichever is less.

47 5. The assessment must analyze potential public safety and
48 environmental impacts resulting from damage to the coastal
49 structure, including, but not limited to, leakage of pollutants,
50 electrocution and explosion hazards, and hazards resulting from
51 floating or flying structural debris.

52 (c) Provide alternatives for the coastal structure's design
53 and siting, and how such alternatives would impact the risks
54 specified in subparagraph (b)5. as well as the risk and cost
55 associated with maintaining, repairing, and constructing the
56 coastal structure.

57
58 If multiple coastal structures are to be built concurrently
59 within one project, a state-financed constructor may conduct and
60 submit one SLIP study for the entire project for publication by
61 the department.

62 (4) If a state-financed constructor commences construction
63 of a coastal structure but has not complied with the SLIP study
64 requirement under subsection (2), the department may institute a
65 civil action in a court of competent jurisdiction to:

66 (a) Seek injunctive relief to cease further construction of
67 the coastal structure or enforce compliance with this section or
68 with rules adopted by the department pursuant to this section.



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69 (b) If the coastal structure has been completed or has been
70 substantially completed, seek recovery of all or a portion of
71 state funds expended on the coastal structure.

72 (5) This section may not be construed to create a cause of
73 action for damages or otherwise authorize the imposition of
74 penalties by a public entity for failure to implement what is
75 contained in the SLIP study.

76 (6) The department:

77 (a) Shall publish and maintain a copy of all SLIP studies
78 submitted pursuant to this section on its website for at least
79 10 years after receipt. However, any portion of a study
80 containing information that is exempt from s. 119.07(1) and s.
81 24(a), Art. I of the State Constitution must be redacted by the
82 department before publication.

83 (b) Shall adopt rules as necessary to administer this
84 section.

85 (7) The department may enforce the requirements of this
86 section.

87 Section 2. This act shall take effect July 1, 2020.

88
89 ===== T I T L E A M E N D M E N T =====

90 And the title is amended as follows:

91 Delete lines 10 - 14

92 and insert:

93 for such studies; providing that such rule operates
94 prospectively on projects that have not yet commenced
95 as of the finalization of the rule; requiring the
96 department to publish such studies on its website,
97 subject to certain conditions; requiring the



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98 department to adopt rules; providing for enforcement;
99 providing an effective date.

By the Committee on Infrastructure and Security; and Senator Rodriguez

596-02006-20

2020178c1

1 A bill to be entitled
 2 An act relating to public financing of construction
 3 projects; creating s. 161.551, F.S.; defining terms;
 4 prohibiting state-financed constructors from
 5 commencing construction of certain structures in
 6 coastal areas after a specified date without first
 7 taking certain steps regarding a sea level impact
 8 projection study; requiring the Department of
 9 Environmental Protection to develop by rule a standard
 10 for such studies; requiring the department to publish
 11 such studies on its website, subject to certain
 12 conditions; requiring the department to enforce
 13 certain requirements and to adopt rules; providing for
 14 enforcement; providing a contingent effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Effective July 1, 2021, section 161.551, Florida
 19 Statutes, is created to read:
 20 161.551 Public financing of construction projects within
 21 the coastal building zone.—
 22 (1) As used in this section, the term:
 23 (a) "Coastal structure" means a major structure or
 24 nonhabitable major structure within the coastal building zone.
 25 (b) "Public entity" means the state or any of its political
 26 subdivisions, or any municipality, county, agency, special
 27 district, authority, or other public body corporate of the state
 28 which is demonstrated to perform a public function or to serve a
 29 governmental purpose that could properly be performed or served

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02006-20

2020178c1

30 by an appropriate governmental unit.
 31 (c) "SLIP study" means a sea level impact projection study
 32 as established by the department pursuant to subsection (3).
 33 (d) "State-financed constructor" means a public entity that
 34 commissions or manages a construction project using funds
 35 appropriated from the state.
 36 (e) "Substantial flood damage" means flood, inundation, or
 37 wave action damage resulting from a single event, such as a
 38 flood or tropical weather system, where such damage exceeds 25
 39 percent of the market value of the coastal structure at the time
 40 of the event.
 41 (2) After July 1, 2021, if official baseline projections
 42 are adopted as provided in s. 14.2031, a state-financed
 43 constructor may not commence construction of a coastal structure
 44 without:
 45 (a) Conducting a SLIP study that meets the requirements
 46 established by the department;
 47 (b) Submitting the study to the department; and
 48 (c) Receiving notification from the department that the
 49 study was received and that it has been published on the
 50 department's website pursuant to paragraph (6)(a) for at least
 51 30 days. The state-financed constructor is solely responsible
 52 for ensuring that the study submitted to the department for
 53 publication meets the requirements under subsection (3).
 54 (3) The department shall develop by rule a standard by
 55 which a state-financed constructor must conduct a SLIP study and
 56 may require that a professional engineer sign off on the study.
 57 At a minimum, this standard must require that a state-financed
 58 constructor do all of the following:

Page 2 of 5

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596-02006-20

2020178c1

59 (a) Use a systematic, interdisciplinary, and scientifically
 60 accepted approach in the natural sciences and construction
 61 design in conducting the study.

62 (b) Based on the official baseline projections of sea-level
 63 rise and flooding impacts adopted as provided in s. 14.2031,
 64 assess the flooding, inundation, and wave action damage risks
 65 relating to the coastal structure over its expected life or 50
 66 years, whichever is less.

67 1. The assessment must take into account potential sea
 68 level rise and increased storm risk during the expected life of
 69 the coastal structure or 50 years, whichever is less.

70 2. The assessment must provide scientific and engineering
 71 evidence of the risk to the coastal structure and methods used
 72 to mitigate, adapt to, or reduce this risk.

73 3. The assessment must use and consider available
 74 scientific research and generally accepted industry practices.

75 4. The assessment must provide the mean average annual
 76 chance of substantial flood damage over the expected life of the
 77 coastal structure or 50 years, whichever is less.

78 5. The assessment must analyze potential public safety and
 79 environmental impacts resulting from damage to the coastal
 80 structure including, but not limited to, leakage of pollutants,
 81 electrocution and explosion hazards, and hazards resulting from
 82 floating or flying structural debris.

83 (c) Provide alternatives for the coastal structure's design
 84 and siting, and how such alternatives would impact the risks
 85 specified in subparagraph (b)5. as well as the risk and cost
 86 associated with maintaining, repairing, and constructing the
 87 coastal structure.

596-02006-20

2020178c1

88
 89 If multiple coastal structures are to be built concurrently
 90 within one project, a state-financed constructor may conduct and
 91 submit one SLIP study for the entire project for publication by
 92 the department.

93 (4) If a state-financed constructor commences construction
 94 of a coastal structure, but has not complied with the SLIP study
 95 requirement under subsection (2), the department may institute a
 96 civil action in a court of competent jurisdiction to:

97 (a) Seek injunctive relief to cease further construction of
 98 the coastal structure or enforce compliance with this section or
 99 with rules adopted by the department pursuant to this section.

100 (b) If the coastal structure has been completed or has been
 101 substantially completed, seek recovery of all or a portion of
 102 state funds expended on the coastal structure.

103 (5) This section may not be construed to create a cause of
 104 action for damages.

105 (6) The department:

106 (a) Shall publish and maintain a copy of all SLIP studies
 107 submitted pursuant to this section on its website for at least
 108 10 years after receipt. However, any portion of a study
 109 containing information that is exempt from s. 119.07(1) and s.
 110 24(a), Art. I of the State Constitution must be redacted by the
 111 department before publication.

112 (b) Shall adopt rules as necessary to administer this
 113 section.

114 (7) The department may enforce the requirements of this
 115 section.

116 Section 2. This act shall take effect on the same date that

596-02006-20

2020178c1

117 SB 7016 or similar legislation takes effect, if such legislation
118 is adopted in the same legislative session or an extension
119 thereof and becomes a law.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Vice Chair*
Appropriations Subcommittee on Agriculture,
Environment and General Government
Ethics and Elections
Rules

SENATOR JOSE JAVIER RODRIGUEZ

37th District

December 9, 2019

Chair Mayfield

Committee on Appropriations Subcommittee on Agriculture, Environment, and General Government

404 S. Monroe Street

Tallahassee, FL 32399-1100

Sent via email to Mayfield.Debbie@flsenate.gov

Chair Mayfield,

I respectfully request that you place SB 178 Public Financing of Construction Projects on the agenda of the Committee on Appropriations Subcommittee on Agriculture, Environment, and General Government at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in blue ink, appearing to read "JR", written over a white background.

Senator José Javier Rodríguez
District 37

CC:

Giovanni Betta, Staff Director

Michelle Milligan, Administrative Assistant

Adrienne Cronebaugh, Legislative Assistant to Senator Mayfield

Kaitlyn Currey, Legislative Assistant to Senator Mayfield

Frank DiMarco, Legislative Assistant to Senator Mayfield

REPLY TO:

☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 854-0365

☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5037

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/2020
Meeting Date

SB 178
Bill Number (if applicable)

Topic Public financing of construction projects Amendment Barcode (if applicable)

Name Salome Garcia

Job Title Program Manager

Address 124 marriot Dr
Street

Phone 786 387 5111

Tallahassee FL 32301
City State Zip

Email salome@CLEOInstitute.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The CLEO Institute

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/2020

Meeting Date

178

Bill Number (if applicable)

Topic Public Financing of Construction Project

Amendment Barcode (if applicable)

Name JONATHAN WEBER

Job Title Deputy Director

Address 1700 N. Monroe St #11-246

Phone 954-593-4449

Street

Tallahassee

City

FL

State

32303

Zip

Email JWEBER@FCVOTES.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA CONSERVATION VOTERS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13

Meeting Date

178

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 104-2 CAIST St

Phone 941.323.2404

Street

Tit

City

FL

State

32301

Zip

Email cullencasee@

col.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/2020

Meeting Date

0178

Bill Number (if applicable)

Topic PUBLIC FINANCING OF CONSTRUCTION PROJECTS

Amendment Barcode (if applicable)

Name BETH ALVI

Job Title DIR OF POLICY

Address _____

Phone 850-591-9784

Street

TALLAHASSEE

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing AUDUBON FL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: SB 1104

INTRODUCER: Senator Baxley

SUBJECT: State Park Fee Waivers and Discounts

DATE: February 12, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Favorable</u>
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1104 provides annual entrance pass fee waivers for state parks and a 50 percent discount on base campsite fees within state parks to entities operating a licensed residential child-care agency and to relative and nonrelative caregivers who provide children with out-of-home placement pursuant to s. 39.523, F.S. Such fee waivers and discounts are currently available to families operating a licensed family foster home and families who adopt a special needs child.

The bill will have an indeterminate, negative fiscal impact to the state and takes effect July 1, 2020.

II. Present Situation:

Fees at Florida's State Parks

Florida's award-winning state park system contains 175 state parks, including nearly 800,000 acres of state lands and 100 miles of sandy beaches.¹ Florida's state parks include all real property in the state of Florida under the jurisdiction of the Department of Environmental Protection's (DEP) Division of Recreation and Parks (Division), or real property which may come under the Division's jurisdiction regardless of its designation.² The Division manages and controls the operation of all of Florida's state parks.³ There are numerous designations in Florida's state park system; and examples include: state park, state preserve, historic site,

¹ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/parks> (last visited Jan. 16, 2020).

² Fla. Admin. Code R. 62D-2.013(1).

³ Section 258.004(1), F.S.

archaeological site, botanical site, museum, and culture center.⁴ In Fiscal Year 2017-2018, over 28 million people visited Florida's State Parks, generating over \$66 million in revenue.⁵

The Division is authorized to charge reasonable fees for the use of state parks.⁶ Money from such fees is deposited in the State Park Trust Fund, which the Division uses for the administration, improvement, and maintenance of state parks, and for the acquisition and development of lands acquired for state park purposes.⁷ The Division's regulations prohibit any person from entering and using a state park property without paying any appropriate fees.⁸ A full stop must be made at the Ranger Station when entering a park, and no one may enter or leave any state park except through designated entrance points.⁹ No person may remain in any park after the posted closing time unless properly registered as an overnight visitor or in possession of a valid after hours permit.¹⁰

Admission fees at Florida's state parks currently range between \$1 and \$10.¹¹ Individual annual entrance passes are currently \$60.¹² Annual entrance passes generally allow admission to all of Florida's state parks in lieu of paying the general admission fee, but other special use fees may be charged at some parks, such as tours or boat launches.¹³ Standard admission fees and other park fees are recommended by the Division Director and approved by the Secretary of the DEP.¹⁴

The Division's regulations state that admission fees shall be waived by authorized Division personnel for government representatives and for individuals who will benefit the state park system.¹⁵ The regulations also state that admission fees shall be waived for: children under six years old; patients and clients of government-funded mental institutions and certain organizations for minors; Florida school groups; and Division employees and their families.¹⁶

⁴ *Id.*

⁵ DEP, *Long Range Program Plan*, 52 (Oct. 2018), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=18067&DocType=PDF> (last visited Jan. 16, 2020).

⁶ Section 258.014(1), F.S.

⁷ *Id.*

⁸ Fla. Admin. Code. R. 62D-2.014(2)(a); *see* Fla. Admin. Code. R. 62D-2.015(2). Violating the rules for admission to state park property constitutes a noncriminal infraction.

⁹ *Id.*

¹⁰ Fla. Admin. Code. R. 62D-2.014(16)(a).

¹¹ DEP, *Florida State Parks Fee Schedule*, 1 (Oct. 2013), available at <https://www.floridastateparks.org/sites/default/files/media/file/FPSFeeSchedule.pdf> (last visited Jan. 16 2020).

¹² *Id.* The price is \$45 for active-duty U.S. military members and veterans.

¹³ *Id.*

¹⁴ Fla. Admin. Code. R. 62D-2.014(2)(c), (d). The Division Director takes into consideration the following factors when recommending the fees: user demand, location of the park, cost of managing and operating the park, types of facilities available, season, and natural and historic resource values of the park.

¹⁵ Fla. Admin. Code. R. 62D-2.014(2)(b).

¹⁶ Fla. Admin. Code. R. 62D-2.014(2)(b)(1)-(4). Florida citizens who are at least 65 years of age are offered a fifty percent discount on base camping fees.

Foster and Adoptive Families

Section 409.175, F.S., provides for the licensure of family foster homes and includes requirements foster homes must meet in order to operate as a residence for a child.¹⁷ The number of foster families fluctuate, but as of November 2019 there were 6,005 foster homes licensed with the Department of Children and Families (DCF) under s. 409.175, F.S.¹⁸

Subparagraph 409.166(2)(a)2., F.S., defines a “special needs child” in part as a child who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is:

- Eight years of age or older;
- Developmentally disabled;
- Physically or emotionally handicapped;
- Of black or racially mixed parentage; or
- A member of a sibling group of any age, provided 2 or more members of the sibling group remain together for purposes of adoption.¹⁹

Currently, the Division provides free annual state park entrance passes and a 50 percent discount on state park base campsite fees to families operating a licensed family foster home, and a one-time free annual state park entrance pass at the time of adoption to families who adopt a special needs child from the DCF as specifically described in s. 409.166(2)(a)2., F.S.²⁰

Placement Assessment

When a child is unable to safely remain at home with a parent, the most appropriate available out-of-home placement may be chosen after analyzing the child’s age, gender, sibling status, special physical, educational, emotional and developmental needs, alleged type of abuse, neglect or abandonment, community ties and school placement, and potential responsible caregivers that can meet the child’s needs.²¹

Residential Group Care

Residential group care (RGC) placements are licensed by the DCF as residential child-caring agencies that provide staffed 24-hour care for children in facilities maintained for that purpose, regardless of whether operated for profit or whether a fee is charged.²² These include maternity homes, runaway shelters, group homes, and emergency shelters.²³

¹⁷ Section 409.175, F.S.

¹⁸ Department of Children and Families, Florida’s Child Welfare Statistics At-A-Glance, *available at* <https://www.myflfamilies.com/programs/childwelfare/dashboard/index.shtml> (last visited January 16, 2020).

¹⁹ Section 409.166(2)(a)2., F.S.

²⁰ Section 258.0142, F.S.

²¹ Rule 65C-28.004, F.A.C

²² Section 409.175, F.S.

²³ *Id.*

Relatives and Non-Relative Caregivers

Research indicates that children in the care of relatives and non-relatives, such as grandparents or family friends, benefit from increased placement stability compared to children placed in general foster care. As opposed to children living in foster care, children living in relative and non-relative care are more likely to remain in their own neighborhoods, be placed with their siblings, and have more consistent interactions with their birth parents than do children who are placed in foster care, all of which might contribute to less disruptive transitions into out-of-home care.²⁴ Relative and non-relative caregivers are not required to be licensed, but do undergo a background check and a walk-through of their homes to determine if the homes are appropriate to place the children.

Florida created the Relative Caregiver Program in 1998²⁵ to provide financial assistance to eligible relatives caring for children who would otherwise be in the foster care system. In 2014, the Legislature expanded the program to include nonrelatives with whom a child may have a close relationship but are not blood relatives or relatives by marriage.²⁶ Those nonrelatives are eligible for financial assistance if they are able and willing to care for the child and provide a safe, stable home environment. The court must find that a proposed placement is in the best interest of the child.

III. Effect of Proposed Changes:

Section 1 amends s. 258.0142, F.S., by providing annual entrance passes to state parks and a 50 percent discount on base campsite fees both to entities operating a licensed residential child-care agency and to relatives and nonrelative caregivers who provide children with out-of-home placement pursuant to s. 39.523, F.S.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²⁴ David Rubin and Downes, K., et al., The Impact of Kinship Care on Behavioral Well-being for Children in Out-of-Home Care (June 2, 2008), available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2654276/> (last accessed January 16, 2020).

²⁵ Section 39.5085, F.S.

²⁶ Ch. 2014-224, Laws of Florida.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Department of Environmental Protection will experience a loss of fee revenues under the bill. The amount is indeterminate but is not expected to be significant.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There will be an impact on the state parks system resulting from decreased park admission revenues previously paid by residential child-care agencies and the relative and nonrelative caregivers of children placed in out-of-home care. This impact is indeterminate but is not expected to be significant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 258.0142 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Baxley

12-00447A-20

20201104__

A bill to be entitled

An act relating to state park fee waivers and discounts; amending s. 258.0142, F.S.; requiring the Division of Recreation and Parks within the Department of Environmental Protection to provide a specified waiver and discount for state park fees to persons, corporations, or agencies that operate group homes and to relatives and nonrelatives who provide out-of-home care; making technical changes; providing an effective date.

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

Section 1. Section 258.0142, Florida Statutes, is amended to read:

258.0142 Foster family, and adoptive family, group home, and out-of-home care state park fee waivers and discounts.—

(1) To promote awareness of the contributions made by foster families, and adoptive families, group homes, and relatives and nonrelatives who provide children with out-of-home care to the vitality of the state, the Division of Recreation and Parks shall provide the following annual entrance pass fee waivers and discounts, as applicable, on state park fees to the following persons and entities who present the written documentation required by satisfactory to the division pursuant to subsection (2) which evidences their eligibility for the discounts:

(a) Families operating a licensed family foster home under s. 409.175. Such families shall be granted ~~receive~~ family annual

Page 1 of 2

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20201104__

entrance passes ~~at no charge~~ and a 50 percent discount on base campsite fees at state parks.

(b) Families who adopt a special needs child as described in s. 409.166(2)(a)2. from the Department of Children and Families. Such families shall be granted ~~receive~~ a one-time family annual entrance pass ~~at no charge~~ at the time of the adoption.

(c) Persons, corporations, or agencies operating a group home that is licensed as a residential child-caring agency under s. 409.175. Such persons, corporations, and agencies shall be granted annual entrance passes and a 50 percent discount on base campsite fees.

(d) Relatives and nonrelatives who provide children with out-of-home care pursuant to s. 39.523. Such caregivers shall be granted annual entrance passes and a 50 percent discount on base campsite fees.

(2) The division, in consultation with the Department of Children and Families, shall identify the types of documentation sufficient to establish eligibility for the waivers and discounts under this section and shall establish a procedure for providing the waivers and ~~obtaining the~~ discounts.

(3) The division shall continue its partnership with the Department of Children and Families to promote fostering and adoption of special needs children with events held each year during National Foster Care Month and National Adoption Month.

Section 2. This act shall take effect July 1, 2020.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

COMMITTEES:

Ethics and Elections, *Chair*
Appropriations Subcommittee on Education
Education
Finance and Tax
Health Policy
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR DENNIS BAXLEY

12th District

January 21, 2020

The Honorable Chair Debbie Mayfield
322 Senate Office Building
Tallahassee, Florida 32399

Dear Chair Mayfield,

I would like to request that SB 1104 State Park Fee Waivers and Discounts be heard in the next Appropriations Subcommittee on Agriculture, Environment, and General Government Committee meeting.

This good bill will require the Department of Recreation and Parks within the Department of Environmental Protection to provide a specified waiver and discount for state park fees to persons, corporations, or agencies that operate foster group homes and to relatives and nonrelatives who provide out-of-home care to foster children.

Thank you for your favorable consideration.

Onward & Upward,



Senator Dennis K. Baxley
Senate District 12

DKB/dd

cc: Giovanni Betta, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012
Email: baxley.dennis@flsenate.gov

Bill Galvano
President of the Senate

David Simmons
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: PCS/SB 1298 (595712)

INTRODUCER: Appropriations Subcommittee on Agriculture, Environment, and General Government and Senator Simmons

SUBJECT: Office of the Judges of Compensation Claims

DATE: February 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stallard</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Davis/Betta</u>	<u>Betta</u>	<u>AEG</u>	Recommend: Fav/CS
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1298 requires judges of compensation claims to be paid “a salary equal to that of a county court judge,” which is currently \$27,258 higher than the salary of a judge of compensation claims. The bill sets the salary of the Deputy Chief Judge of Compensation Claims at \$1,000 more than that of a county court judge. County court judges are currently paid \$151,822 per year.

The proposed committee substitute appropriates \$1,114,078 in recurring funds from the Division of Administrative Hearing’s Operating Trust Fund for the purpose of increasing the salaries of the judges of compensation claims.

The bill takes effect July 1, 2020.

II. Present Situation:

Overview

Judges of compensation claims are paid \$124,564.20 per year, except the Deputy Chief Judge, who is paid \$127,422.12 per year.

Judges of Compensation Claims

The judges of compensation claims have exclusive jurisdiction over workers' compensation cases.¹ When an employer disputes an employee's claim for workers' compensation, the employee may initiate litigation of the matter by filing a petition with the Office of the Judges of Compensation Claims (OJCC). Even after a petition is filed, a workers' compensation dispute may be resolved through mediation² or arbitration.³ But, when necessary, a judge of compensation claims may hold a hearing to resolve the matter.⁴ Upon conclusion of the hearing, the judge's order may be appealed to the First District Court of Appeal, which has sole appellate jurisdiction.⁵

The OJCC is headed by the Deputy Chief Judge, who reports to the director and Chief Judge of the Division of Administrative Hearings.⁶

Judges of compensation claims are nominated by a statewide nominating commission and appointed by the Governor to a four-year term. The Governor may re-appoint a judge to successive four-year terms and may remove a judge for cause during any term.⁷

The Annual Salary of the Judges of Compensation Claims

Judges of compensation claims are paid \$124,564.20 per year, except the Deputy Chief Judge, who is paid \$127,422.12 per year.⁸

These salaries are roughly equivalent to those of administrative law judges (ALJs), who preside at the Division of Administrative Hearings. The standard ALJ salary is \$123,070 per year, while Senior ALJs are paid \$124,320 per year and the Deputy Chief ALJ is paid \$125,820 per year.⁹ The Chief Judge determines these salaries, except for his own, which is \$131,409.36, and was set by the Florida Cabinet upon his hiring.¹⁰

Until January 1, 1994, the salary of the judges of compensation claims was linked to the salary of Circuit Court judges, who are now paid \$160,688.04 annually.¹¹ But since 1994, the salary of judges of compensation claims has increased only when the Legislature has appropriated general

¹ See *Sanders v. City of Orlando*, 997 So. 2d 1089, 1094 (Fla. 2008).

² See s. 440.25, F.S.

³ See s. 440.1926, F.S.

⁴ See s. 440.25(4), F.S.

⁵ Section 440.271, F.S.

⁶ The DOAH Chief Judge acts as the OJCC's "agency head for all purposes." Section 440.45(1)(a), F.S. DOAH and the OJCC exist within the Department of Management Services, but the department may not direct DOAH or the OJCC in any way. Instead the department must "provide administrative support and service to the office to the extent requested by the director of the Division of Administrative Hearings." Section 440.45(1)(a), F.S.

⁷ *Id.*

⁸ Div. of Admin. Hearings, *Analysis of House Bill 1049* (Jan. 3, 2020) (on file with the Senate Committee on Judiciary).

⁹ Newly hired ALJs are paid \$121,320 for their first year, before being raised to the standard rate. Conversation with Cindy Ardoin, Budget Officer, Florida Division of Administrative Hearings (Jan. 14, 2020).

¹⁰ *Id.*

¹¹ Ch. 2018-9, s. 8, Laws of Fla.

state-employee salary increases. The salaries and other expenses of the OJCC are paid from the Workers' Compensation Administration Trust Fund.¹²

Workers' Compensation Administration Trust Fund

Section 440.50, F.S., creates the Workers' Compensation Administration Trust Fund. The revenue sources for this fund are fees, licenses and taxes as provided by ch. 440, F.S., including an assessment paid by carriers writing workers' compensation insurance in the state and selfinsurers. This fund pays for expenses related to the administration of ch. 440, F.S., including the salaries of judges of compensation claims. The fund is administered by the Division of Workers' Compensation within the Department of Financial Services.

III. Effect of Proposed Changes:

The bill requires judges of compensation claims to be paid "a salary equal to that of a county court judge," which is currently \$27,527.80 higher than the salary of a judge of compensation claims. The bill sets the salary of the Deputy Chief Judge of Compensation Claims at \$1,000 more than that of a county court judge. County court judges are currently paid \$151,822 per year.

The bill appropriates \$1,114,078 in recurring funds from the Division of Administrative Hearing's Operating Trust Fund for the purpose of adjusting the salaries of the judges of compensation claims.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

¹² Div. of Admin. Hearings, *Analysis of Senate Bill 780* (Feb. 11, 2019) (on file with the Senate Committee on Judiciary).

E. Other Constitutional Issues:

None identified.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires a recurring appropriation of \$1,114,078 from the Operating Trust Fund of the Division of Administrative Hearings. The revenue to support the Office of Judges of Compensation Claims comes from the Workers' Compensation Administration Trust Fund within the Department of Financial Services.

VI. **Technical Deficiencies:**

None

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends section 440.45 of the Florida Statutes.

IX. **Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Agriculture, Environment, and General Government on February 13, 2020:

The committee substitute adds the provision requiring that the salary of a judge of compensation claims is equal to that of a county court judge and sets the salary of the deputy chief judge at \$1,000 above that of a judge of compensation claims.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



201602

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and General Government (Simmons) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraph (f) is added to subsection (2) of section 440.45, Florida Statutes, to read:

440.45 Office of the Judges of Compensation Claims.—

(2)

(f) Each full-time judge of compensation claims shall receive a salary equal to that of a county court judge. The



201602

11 Deputy Chief Judge shall receive a salary of \$1,000 more per
12 year than the salary paid to a full-time judge of compensation
13 claims.

14 Section 2. For the 2020-2021 fiscal year, the sum of
15 \$1,114,087 in recurring funds is appropriated from the Operating
16 Trust Fund to the Division of Administrative Hearings, and the
17 associated salary rate of 870,392 is authorized, for the
18 purposes of making salary adjustments to judges of compensation
19 claims.

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

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete everything before the enacting clause
25 and insert:

26 A bill to be entitled
27 An act relating to the Office of the Judges of
28 Compensation Claims; amending s. 440.45, F.S.;
29 specifying the salaries of full-time judges of
30 compensation claims and the Deputy Chief Judge of
31 Compensation Claims; providing an appropriation;
32 providing an effective date.

By Senator Simmons

9-01564-20

20201298__

1 A bill to be entitled
2 An act relating to the Office of the Judges of
3 Compensation Claims; amending s. 440.45, F.S.;
4 providing an appropriation to the Division of
5 Administrative Hearings for adjustments to salaries of
6 the judges of compensation claims; requiring the
7 Deputy Chief Judge to recommend such salary
8 adjustments within the appropriated amount; requiring
9 that such salary adjustments be paid out of a
10 specified trust fund; providing an effective date.

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

14 Section 1. Paragraph (f) is added to subsection (2) of
15 section 440.45, Florida Statutes, to read:

16 440.45 Office of the Judges of Compensation Claims.—
17 (2)

18 (f) Beginning with the 2020-2021 fiscal year, the sum of
19 \$1,159,440 in recurring funds from the Operating Trust Fund is
20 appropriated to the Division of Administrative Hearings, and the
21 associated salary rate of 870,392 is authorized, for the purpose
22 of making adjustments to salaries of the judges of compensation
23 claims. The Deputy Chief Judge shall recommend adjustments to
24 the salaries of the judges of compensation claims within the
25 amount appropriated by this paragraph. The salary adjustments
26 must be paid out of the Workers' Compensation Administration
27 Trust Fund established under s. 440.50.

28 Section 2. This act shall take effect July 1, 2020.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Appropriations Subcommittee on Agriculture, Environment, and General Government

Subject: Committee Agenda Request

Date: January 23, 2020

I respectfully request that **Senate Bill 1298**, relating to Office of the Judges of Compensation Claims, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "David Simmons".

Senator David Simmons
Florida Senate, District 9

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20

Meeting Date

SB 1298

Bill Number (if applicable)

Topic OFFICE OF JUDGES OF COMPENSATION CLAIMS

Amendment Barcode (if applicable)

Name RICHARD CHAIT

Job Title ATTORNEY/LEGISLATIVE CHAIR OF WORKERS' COMP SECTION OF BAR

Address 2030 S. DOUGLAS ROAD - STE 217

Phone 305.442.2318

Street

CORAL GABLES

FL

33134

City

State

Zip

Email RICHARD.CHAIT@
FOR THE WORKERS.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing WORKERS' COMPENSATION SECTION OF FLORIDA BAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No
BUT NOT FOR WORKERS' COMP SECTION

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

13 Feb 2020
Meeting Date

1298
Bill Number (if applicable)

Topic Office of the Judges of Compensation Claims

Amendment Barcode (if applicable)

Name GRACE Lovett

Job Title VP of Government Affairs

Address 227 S. Adams Street

Phone 850 222 4082

Tallahassee FL 32301
City State Zip

Email grace@frf.org

Speaking: [] For [] Against [] Information

Waive Speaking: [X] In Support [] Against
(The Chair will read this information into the record.)

Representing FL Retail Federation

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: SB 1714

INTRODUCER: Senator Bradley

SUBJECT: Sale of Surplus State-owned Office Buildings and Associated Nonconservation Lands

DATE: February 12, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Davis/Betta</u>	<u>Betta</u>	<u>AEG</u>	<u>Recommend: Favorable</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 1714 amends ss. 215.196 and 253.0341, F.S., to provide that funds received through the sale of surplus state-owned office buildings and associated nonconservation lands are deposited into the Architects Incidental Trust Fund as opposed to the Internal Improvement Trust Fund, and must be used for the acquisition, lease, planning, entitlement, design, permitting, construction, or maintenance of state-owned office buildings.

The bill also removes the requirement that state universities and Florida College System institutions be offered to lease a building or parcel of land with priority consideration before the same is offered to another government entity or private party.

The bill also provides that when appraising surplus lands' value, the Division of State Lands must base the value on the "highest and best use" of the property after considering any applicable developmental rights.

The bill may have a positive impact on state government revenues. See Section V.

The bill takes effect July 1, 2020.

II. Present Situation:

Architects Incidental Trust Fund

The Architects Incidental Trust Fund was created to provide sufficient funds for the operation of the facilities development activities of the Department of Management Services (department). The department may levy and assess an amount necessary to cover costs associated with fixed capital outlay projects (real property, including additions, replacements, major repairs, furnishing, and renovations) on which it serves as owner representative. The assessment rate is

provided in the General Appropriations Act based on estimated operating cost projections for the services to be rendered. Assessments collected are transferred into the Architects Incidental Trust Fund at the beginning of each fiscal year.¹

The Internal Improvement Trust Fund and Surplus of State-Owned Lands

In 1855, the Trustees of the Internal Improvement Trust Fund (IITF) was created to oversee the management, sale and development of public lands granted to the State through congressional acts.² The Governor and Cabinet serve as the Board of Trustees of the IITF.³ The board is charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by the state or any of its agencies, departments, boards, or commissions.⁴ The board of the IITF controls land where title to the property is vested in the IITF, including the sale or lease of any such land.

The board of the IITF further determines which lands owned by the IITF may be surplus.⁵ Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, the IITF must first offer the building or parcel to state agencies, state universities, and Florida College System institutions. Priority is given to universities and institutions, who have 60 days to submit a leasing plan to the board regarding the intended use. In the last five years there have been at least five leases given to universities and one land exchange with a university following the universities' exercise of priority rights. State agencies requesting the land must also submit a plan within 60 days; their plan must include the intended use, the estimated cost of renovation, a capital improvement plan for any building, and evidence that the building or parcel meets an existing need that cannot otherwise be met.⁶

In practice, such a lease can be executed for up to 50 years. Pursuant to Rule 18-2.020(8), F.A.C., an annual administrative fee of \$300 to occupy state-owned nonconservation land is assessed. No other fees are assessed to a state university or college.⁷

The sale price of surplus lands is determined by the Division of State Lands in consultation with an outside appraisal, a comparable sales analysis, or a broker's opinion. An individual or entity that requests to purchase the surplus land pays all costs associated with determining the property's value, if any.⁸ The revenue received from any sales of such land are deposited in the IITF with no specified use.⁹

¹ Section 215.196, F.S.

² See Internal Improvement Fund, <http://digitalcollections.fiu.edu/iif/about.htm> (last visited January 30, 2020); see also s. 253.01, F.S.

³ FLA CONST Art. IV, s. 1(4)(f)

⁴ Section 253.03(1), F.S.

⁵ Section 253.0341(1), F.S.

⁶ Section 253.0341(7), F.S.

⁷ Department of Management Services, Agency Analysis of 2020 Senate Bill 1714, Jan 29, 2020 (on file with Senate Committee on Government Oversight and Accountability).

⁸ Section 253.0341(8), F.S.

⁹ 253.0341(14), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 215.196, F.S., to provide that funds received through the sale of surplus state-owned office buildings¹⁰ and associated nonconservation lands must be used for the acquisition, lease, planning, entitlement, design, permitting, construction, or maintenance of state-owned office buildings and the nonconservation lands associated with such buildings.

The bill also revises the purpose of the Architects Incidental Trust Fund to include collecting and diverting funds received through the sale of surplus state-owned buildings and the nonconservation lands associated with such buildings.

Section 2 amends s. 253.0341, F.S., to remove the requirement that state universities and Florida College System institutions be offered to lease a building or parcel of land with priority consideration before the same is offered to another government entity or private party. The section also removes related language for the university or institution submitting the plan for intended use.

The bill also provides that when appraising surplus lands' value, the Division of State Lands must base the value on the "highest and best use" of the property after considering any applicable developmental rights. The bill defines "highest and best use" as the reasonable, probable, and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and results in the highest value.

The bill also provides that funds received from the sale of surplus state-owned office buildings and associated nonconservation lands shall be deposited into the Architects Incidental Trust Fund.

Section 3 provides that the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

¹⁰ Section 255.248(9), F.S., "State-owned office building" means any building whose title is vested in the state and which is used by one or more executive agencies predominantly for administrative direction and support functions. The term excludes:

- (a) District or area offices established for field operations where law enforcement, military, inspections, road operations, or tourist welcoming functions are performed.
- (b) All educational facilities and institutions under the supervision of the Department of Education.
- (c) All custodial facilities and institutions used primarily for the care, custody, or treatment of wards of the state.
- (d) Buildings or spaces used for legislative activities.
- (e) Buildings purchased or constructed from agricultural or citrus trust funds.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a positive fiscal impact for the state. Removing the state universities' and Florida College System institutions' right of first refusal will allow the state to further maximize the sale price of surplus state-owned office buildings.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 215.196 and 253.0341.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bradley

5-01404A-20

20201714__

A bill to be entitled

An act relating to the sale of surplus state-owned office buildings and associated nonconservation lands; amending s. 215.196, F.S.; revising the purpose of the Architects Incidental Trust Fund; requiring funds relating to the sale of surplus state-owned office buildings and associated nonconservation lands to be used for certain purposes; amending s. 253.0341, F.S.; revising the entities that the Board of Trustees of the Internal Improvement Trust Fund must offer a lease to before offering certain surplus lands for sale to other specified entities; requiring an appraisal, comparable sales analysis, or broker's opinion of the surplus land's value to consider the highest and best use of the property; defining the term "highest and best use"; requiring funds from the sale of surplus state-owned office buildings and associated nonconservation lands to be deposited into the Architects Incidental Trust Fund; providing an effective date.

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

Section 1. Section 215.196, Florida Statutes, is amended to read:

215.196 Architects Incidental Trust Fund; creation; assessment.—

(1) There is created the Architects Incidental Trust Fund for the purpose of:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-01404A-20

20201714__

(a) Collecting all funds received through the sale of surplus state-owned office buildings, as defined in s. 255.248, and the nonconservation lands associated with such buildings;
(b) Diverting funds referenced in s. 253.0341(14)(b); and
(c) Providing sufficient funds for the operation of the facilities development activities of the Department of Management Services.

(2) The department ~~may is authorized to~~ levy and assess an amount necessary to cover the cost of administration by the department of fixed capital outlay projects on which it serves as owner representative on behalf of the state. The assessment rate is to be provided in the General Appropriations Act and statement of intent and shall be based on estimated operating cost projections for the services rendered. The total assessment shall be transferred into the Architects Incidental Trust Fund at the beginning of each fiscal year.

(3) Funds received through the sale of surplus state-owned office buildings and the nonconservation lands associated with such buildings must be used for the acquisition, lease, planning, entitlement, design, permitting, construction, or maintenance of state-owned office buildings, as defined in s. 255.248, and the nonconservation lands associated with such buildings.

Section 2. Subsections (7), (8), and (14) of section 253.0341, Florida Statutes, are amended to read:

253.0341 Surplus of state-owned lands.—

(7) Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, it must ~~shall~~ first be offered for lease to state

Page 2 of 5

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5-01404A-20

20201714__

59 ~~agencies, state universities, and Florida College System~~
 60 ~~institutions, with priority consideration given to state~~
 61 ~~universities and Florida College System institutions. Within 60~~
 62 ~~days after the offer for lease of a surplus building or parcel,~~
 63 ~~a state university or Florida College System institution that~~
 64 ~~requests the lease must submit a plan for review and approval by~~
 65 ~~the Board of Trustees of the Internal Improvement Trust Fund~~
 66 ~~regarding the intended use, including future use, of the~~
 67 ~~building or parcel of land before approval of a lease. Within 60~~
 68 days after the offer for lease of a surplus building or parcel,
 69 a state agency that requests the lease of such facility or
 70 parcel must submit a plan for review and approval by the board
 71 of trustees regarding the intended use. The state agency plan
 72 must, at a minimum, include the proposed use of the facility or
 73 parcel, the estimated cost of renovation, a capital improvement
 74 plan for the building, evidence that the building or parcel
 75 meets an existing need that cannot otherwise be met, and other
 76 criteria developed by rule by the board of trustees. The board
 77 or its designee shall compare the estimated value of the
 78 building or parcel to any submitted business plan to determine
 79 if the lease or sale is in the best interest of the state. The
 80 board of trustees shall adopt rules pursuant to chapter 120 for
 81 the implementation of this section.

82 (8) The sale price of lands determined to be surplus
 83 pursuant to this section and s. 253.82 shall be determined by
 84 the Division of State Lands, which shall consider an appraisal
 85 of the property or, if the estimated value of the land is
 86 \$500,000 or less, a comparable sales analysis or a broker's
 87 opinion of value. The value must be based on the highest and

Page 3 of 5

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5-01404A-20

20201714__

88 best use of the property, considering all applicable
 89 developmental rights, to ensure the maximum benefit and use to
 90 the state as provided in s. 253.03(7) (a). The division may
 91 require a second appraisal. The individual or entity that
 92 requests to purchase the surplus parcel shall pay all costs
 93 associated with determining the property's value, if any. As
 94 used in this subsection, the term "highest and best use" means
 95 the reasonable, probable, and legal use of vacant land or an
 96 improved property which is physically possible, appropriately
 97 supported, financially feasible, and results in the highest
 98 value.

99 (a) A written valuation of land determined to be surplus
 100 pursuant to this section and s. 253.82, and related documents
 101 used to form the valuation or which pertain to the valuation,
 102 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 103 I of the State Constitution.

104 1. The exemption expires 2 weeks before the contract or
 105 agreement regarding the purchase, exchange, or disposal of the
 106 surplus land is first considered for approval by the board of
 107 trustees.

108 2. Before expiration of the exemption, the Division of
 109 State Lands may disclose confidential and exempt appraisals,
 110 valuations, or valuation information regarding surplus land:

111 a. During negotiations for the sale or exchange of the
 112 land;

113 b. During the marketing effort or bidding process
 114 associated with the sale, disposal, or exchange of the land to
 115 facilitate closure of such effort or process;

116 c. When the passage of time has made the conclusions of

Page 4 of 5

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5-01404A-20

20201714__

117 value invalid; or

118 d. When negotiations or marketing efforts concerning the
119 land are concluded.

120 (b) A unit of government that acquires title to lands
121 pursuant to this section for less than appraised value may not
122 sell or transfer title to all or any portion of the lands to any
123 private owner for 10 years. A unit of government seeking to
124 transfer or sell lands pursuant to this paragraph must first
125 allow the board of trustees to reacquire such lands for the
126 price at which the board of trustees sold such lands.

127 (14) (a) Funds received from the sale of surplus
128 nonconservation lands or lands that were acquired by gift, by
129 donation, or for no consideration shall be deposited into the
130 Internal Improvement Trust Fund.

131 (b) Notwithstanding paragraph (a), funds received from the
132 sale of surplus state-owned office buildings, as defined in s.
133 255.248, and the nonconservation lands associated with such
134 buildings shall be deposited into the Architects Incidental
135 Trust Fund, as established pursuant to s. 215.196.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20
Meeting Date

SB 1714
Bill Number (if applicable)

Topic Real Estate

Amendment Barcode (if applicable)

Name Cody Farrill

Job Title Deputy Chief of Staff

Address 4050 Esplanade Way

Phone 850 487 7001

Tallahassee FL 32311
City State Zip

Email cody.farrill@dms.myfla.ca

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Management Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

1714
Bill Number (if applicable)

Topic SB 1714

Amendment Barcode (if applicable)

Name Alex Bickley

Job Title LAD

Address _____
Street

Phone _____

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL DEP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Agriculture, Environment, and General Government

BILL: PCS/SB 7018 (857014)

INTRODUCER: Appropriations Subcommittee on Agriculture, Environment, and General Government;
and Infrastructure and Security Committee

SUBJECT: Essential State Infrastructure

DATE: February 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Price	Miller		IS Submitted as Committee Bill
1.	Sanders/Blizzard	Betta	AEG	Recommend: Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 7018 provides that a permit application to use the right-of-way for a utility must be processed and acted upon within the expedited time frames of the “Advanced Wireless Infrastructure Deployment Act,” s. 337.401(7)(d)7.,8., and 9., F.S.

The bill requires the Public Service Commission (PSC), in coordination with the Department of Transportation and the Department of Agriculture and Consumer Services, to develop and recommend a plan for the development of electric vehicle (EV) charging station infrastructure along the State Highway System (SHS). The bill sets out a number of legislative findings, as well as the nonexclusive goals and objectives of the recommended plan.

The bill requires the recommended plan to be developed and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include other recommendations as determined by the PSC. The bill also requires the PSC, by December 1, 2020, to file a status report containing any preliminary recommendations, including recommendations for legislation.

The bill clarifies that ss. 570.71 and 704.06, F.S., not be interpreted to prohibit lands traditionally used for agriculture that are subject to a conservation easement from being utilized for the construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated.

The bill appears to have an indeterminate fiscal impact on local and state governmental entities. See Section V.

The bill takes effect July 1, 2020.

II. Present Situation:

Use of Right-of-Way by Utilities

Section 337.401, F.S., addresses the use of public right-of-way for utility purposes and sets out regulations governing such use. That section authorizes the Florida Department of Transportation (FDOT) and local governmental entities (referred to as “authorities”) to adopt and enforce reasonable rules or regulations relating to the placement and maintenance of facilities or equipment, across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdiction. This includes any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to as “utilities” in ss. 337.401-337.404, F.S.

Authorities may authorize any person who is a resident of this state, or any corporation which is organized under the laws of this state or licensed to do business within this state, to use a right-of-way for a utility in accordance with the authority’s rules or regulations.¹ A utility may not be installed, located, or relocated within a right-of-way unless authorized by a written permit.² Entities interested in performing utility work in a right-of-way may file an application to use a right-of-way for placing and maintaining utilities with the appropriate jurisdictional permitting authority.

FDOT Utility Permitting

Pursuant to the grant of authority in s. 337.401, F.S., the FDOT generally issues permits for the construction, alteration, operation, relocation, removal, and maintenance of utilities in the FDOT’s right-of-way in conformance with its Utility Accommodation Manual (UAM).³ The UAM requires the FDOT to process all permit applications in accordance with s. 120.60, F.S., related to licensing.

Section 120.60, F.S., requires the FDOT to: examine a utility permit application; notify the applicant of any apparent errors or omissions within 30 days of its receipt; and request any additional information the FDOT is permitted by law to require. That section of law also authorizes the FDOT to establish by rule the time period for submitting any requested additional information. However, the UAM sets out no such time period.

Under s. 120.60, F.S., an application is complete upon the FDOT’s receipt of all requested information and correction of any error or omission for which the applicant was timely notified.

¹ s. 337.401(2), F.S.

² *Id.*

³ Rule Chapter 14-46, F.A.C.

The FDOT must approve or deny a utility permit application within 90 days after receipt of the completed application.

Municipal and County Utility Permitting

Based on research, no set time period govern local governmental entity processing of general utility permit applications. However, under current law, a shorter period of time for processing utility permit applications is provided in the Advanced Wireless Infrastructure Deployment Act (the Act). The Act applies only to a county or municipality as the “authority” and expressly provides that the term “authority” does not include the FDOT. Rights-of-way under the jurisdiction and control of the FDOT are expressly excluded from subsection (7) of s. 337.401, F.S.

Under the Act:

- Within 14 days after receiving an application, a county or municipality with jurisdiction and control of the rights-of-way of any public road must determine whether the application is complete and notify the applicant by electronic mail. If this requirement is not met within the 14 day timeframe, the application is deemed complete.⁴
- A complete application must be approved or denied within 60 days after receipt or it is deemed approved.⁵
- If the application is denied, the county or municipality must specify in writing the basis for denial and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority must approve or deny the revised application within 30 days after receipt or the application is deemed approved. If an authority provides for administrative review of the denial of an application, the review must be complete and a written decision issued within 45 days after a written request for review is made. If the administrative review is not complete within 45 days, the authority waives any claim regarding failure to exhaust administrative remedies in any judicial review of the denial of an application.⁶

Electric Vehicle Charging Station Infrastructure

Burning fossil fuels, such as gasoline and diesel, releases carbon dioxide into the atmosphere. Increased levels of carbon dioxide, along with other greenhouse gas levels, warm the earth’s atmosphere, resulting in documented effects such as sea-level rise, storm surge intensity, and increased rainfall and intensity.⁷ According to information released in February 2019 by the United States Energy Information Administration, of the 230.1 million metric tons (MMTs) of

⁴ s. 337.401(7)(d)7., F.S.

⁵ s. 337.401(7)(d)8., F.S.

⁶ s. 337.401(7)(d)9., F.S.

⁷ Florida Division of Emergency Management, *Enhanced State Hazard Mitigation Plan, State of Florida*, 106, 141 (2018) available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf (last visited February 6, 2020).

carbon dioxide produced in Florida in 2016, the transportation sector accounted for 103.6 MMTs.⁸

Electric vehicles (EVs) offer a cleaner fuel source, and interest in EV use has been driven in part by their potential for reduction in greenhouse gas emissions. However, their relative high cost compared to conventional fuel-powered vehicles and their relative limited range have restricted the commercial viability of EVs.⁹ Yet, while advancements in EV-related technology are continuing, EV manufacturing is rising, and EV prices have been dropping, representatives in both the government and the private sector suggest that successful adoption of EV use is heavily dependent on the accessibility of charging stations.¹⁰

Types of EVs

The U.S. Department of Energy's Alternative Fuels Data Center (AFDC) uses the term, "electric-drive vehicles," to collectively refer to hybrid electric vehicles (HEVs), plug-in hybrid electric vehicles (PHEVs), and all-electric vehicles (AEVs). According to the AFDC:

- HEVs are primarily powered by an internal combustion engine that runs on conventional or alternative fuel and an electric motor that uses energy stored in a battery. The battery is charged through regenerative braking and by the internal combustion engine and is not plugged in to charge.
- PHEVs are powered by an internal combustion engine that can run on conventional or alternative fuel and an electric motor that uses energy stored in a battery. The vehicle can be plugged in to an electric power source to charge the battery. Some can travel nearly 100 miles on electricity alone, and all can operate solely on gasoline (similar to a conventional hybrid).
- AEVs use a battery to store the electric energy that powers the motor. AEV batteries are charged by plugging the vehicle in to an electric power source.¹¹

EV Charging Equipment

EV charging equipment is generally classified based on the rate at which the equipment charges the EV batteries. Charging times vary, depending on the depletion level of the battery, how much energy the battery holds, the type of battery, and the type of supply equipment. According to the AFDC, charging times can range from less than 20 minutes to 20 hours or more, depending on the identified factors. Potential driving distance ranges from:

- Two to five miles of range per one hour of charging for AC Level 1 supply equipment;
- Ten to twenty miles per one hour of charging for AC Level 2 supply equipment; and

⁸ U.S. Energy Information Administration, *Energy-Related Carbon Dioxide Emissions By State, 2005-2016* (February 2019), Table 4, available at <https://www.eia.gov/environment/emissions/state/analysis/pdf/stateanalysis.pdf> (last visited February 6, 2020).

⁹ See the Federal Highway Administration's *FHWA NHTS Brief, Electric Vehicle Feasibility*, July 2016, pp. 1-2, available at <https://nhts.ornl.gov/briefs/EVFeasibility20160701.pdf> (last visited February 6, 2020).

¹⁰ *Id.* at p. 2. See also CBSChicago, *Electric Vehicle Sales on the Rise, But More Charging Stations Needed To Keep the Trend Going*, September 19, 2019, available at <https://chicago.cbslocal.com/2019/09/19/electric-vehicles-super-fast-charging-stations/> (last visited February 6, 2020).

¹¹ U.S. Department of Energy, Alternative Fuels Data Center, *Hybrid and Plug-In Electric Vehicles*, available at <https://www.afdc.energy.gov/vehicles/electric.html> (Last visited February 6, 2020).

- Sixty to eighty miles per twenty minutes of charging for DC fast charging supply equipment.¹²

According to the AFDC, for most drivers, charging currently occurs at home or at fleet facilities.¹³

More specifically, Level 1 (home) charging cords come as standard equipment on new EVs, only require a standard 120-volt outlet, and can add about 50 miles of range in an overnight charge. Level 1 charging is sufficient for low- and medium-range PHEVs and all AEVs for drivers with relatively low daily driving.¹⁴

Level 2 (home and public) charging commonly requires a charging unit on a 240-volt circuit, such as one used to run a household clothes dryer, with the charging rate dependent on the rate at which a vehicle can accept a charge and the maximum current available. An eight-hour charge will add about 180 miles of range with a typical 30-amp circuit. This method may require the purchase of a home charging unit and modifications to a home electric system but charges from two to eight times faster than a Level 1, depending on the amperage and the vehicle. These chargers are said to be the most common at public charging places like offices, grocery stores, and parking garages.¹⁵

DC Fast Chargers (public charging) can typically add 50 to 90 miles in 30 minutes, depending on the charging station's power capacity and the make of the EV. These chargers are best used for longer travel distances; vehicles used the major portion of a day, such as taxis; and for vehicles whose drivers have limited access to home charging.¹⁶

Tesla recently opened a "next-generation" EV charging station in Las Vegas supporting a peak rate of up to 250 kilowatts capable of charging up to 1,500 vehicles per day. However only one Tesla vehicle can charge at the peak rate, resulting in up to 180 miles of range in 15 minutes on a Tesla Model 3 Long Range.¹⁷

Additional charging options are under development, such as an industry standard for higher rates of charging using power levels common at commercial and industrial locations in the United States. The standard's target is power levels far exceeding currently typical voltages.¹⁸

¹² *Id.*

¹³ U.S. Department of Energy, Alternative Fuels Data Center, *Developing Infrastructure to Charge Electric Plug-In Vehicles*, available at https://afdc.energy.gov/fuels/electricity_infrastructure.html (last visited February 6, 2020).

¹⁴ Union of Concerned Scientists, *Electric Vehicle Charging, Types, Time, Cost and Savings*, (March 2018) available at <https://www.ucsusa.org/resources/electric-vehicle-charging-types-time-cost-and-savings> (last visited February 6, 2020).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ See TechCrunch, *Tesla's new V3 Supercharger can charge up to 1,500 electric vehicles a day*, Korosec, K., (July 18, 2019), available at <https://techcrunch.com/2019/07/18/teslas-new-v3-supercharger-can-charge-up-to-1500-electric-vehicles-a-day/> (last visited February 6, 2020).

¹⁸ See *supra* note 7.

Current Availability of EV Charging Stations in Florida

Section 377.815, F.S., authorizes, but does not require, the Florida Department of Agriculture and Consumer Services (DACCS) to post information on its website relating to alternative fueling stations (including electric vehicle charging stations) that are available for public use in this state. The DACCS's website contains addresses by city and county on EV charging station locations in Florida reflecting 889 charging station locations by specific address.¹⁹ The AFDC currently indicate that the total number of public EV charging stations in Florida is 1,345, consisting of 3,884 charging outlets.²⁰

Whether the currently available charging stations are sufficient (in number, location, and charging capability) to encourage expansion of EV use in Florida, by individuals and by commercial fleets, as a tool against the effects of climate change, is an open question.

Conservation Easements

A conservation easement is a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural or wooded condition. Conservation easements are meant to retain areas as suitable habitat for fish, plants or wildlife or to retain the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological or cultural significance. The purpose of a conservation easement is accomplished by restricting the amount of development allowed on a piece of property, limiting other land uses, and maintaining existing areas of conservation interest on a piece of property in their natural condition.

A conservation easement must prohibit or limit any or all of the following:

- Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
- Removal or destruction of trees, shrubs, or other vegetation;
- Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- Activities detrimental to drainage, flood control, water conservation erosion control, soil conservation, or fish and wildlife habitat preservation;
- Acts or uses detrimental to such retention of land or water areas; and
- Acts or uses detrimental to the preservation of the structural integrity or physical appearances of sites or properties of historical, architectural, archaeological, or cultural significance.²¹

¹⁹ See the Florida Department of Agriculture and Consumer Services website, select *Electricity*, available at <https://www.fdacs.gov/Energy/Florida-Energy-Clearinghouse/Transportation> (last visited February 6, 2020).

²⁰ U.S. Department of Energy, Alternative Fuels Data Center, *Alternative Fueling Station Counts By State*, available at <https://afdc.energy.gov/stations/states> (last visited February 6, 2020).

²¹ Section 704.06, F.S.

Section 704.06(11), F.S., dictates that no provision of law may prohibit or limit the owner of land or the owner of a conservation easement from voluntarily negotiating the sale or use of such land or easement for the construction and operation of linear facilities, to include; electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances.

III. Effect of Proposed Changes:

Section 1 amends s. 337.401(2), F.S., to apply the expedited timeframes for processing utility permit applications for communications facilities in county or municipal rights-of-way to all utility permit applications under s. 337.401, F.S. Any utility permit application submitted to the FDOT or local governmental entities would be subject to the described, expedited timeframes under s. 337.401(7), F.S.

Section 2 creates s. 366.945, F.S., to require development of a recommended plan for the development of EV charging station infrastructure along the SHS.²²

The bill recites the following legislative findings:

- Climate change may have significant impacts to the State of Florida which will require the development of avoidance, adaptation, and mitigation strategies to address these potential impacts on future state projects, plans, and programs;
- A significant portion of the carbon dioxide emissions in Florida are produced by the transportation sector;
- EVs can help reduce these emissions, thereby helping to reduce the impact of climate change on the state;
- Use of EVs for non-local driving requires adequate reliable charging stations to help with electric vehicle battery range limitations;
- Having adequate reliable charging stations along the SHS will also help with evacuations during hurricanes or other disasters;
- Ensuring the prompt installation of adequate reliable charging stations is in the public interest; and
- A recommended plan for electric vehicle charging station infrastructure should be established to address changes in the emerging electric vehicle market and necessary charging infrastructure.

The PSC,²³ in coordination with the Department of Transportation and the Department of Agriculture and Consumer Services, is directed to develop and recommend a plan for current and

²² Section 334.03(24), F.S., defines the State Highway System as “the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state’s jurisdiction. These facilities shall be facilities to which access is regulated.”

²³ Sections 350.011, 366.04, and 366.05, F.S., set out the jurisdiction, powers, and duties of the PSC. With respect to the PSC’s current regulation of electric industries, the PSC regulates investor-owned electric companies and matters such as rates and charges, meter and billing accuracy, electric lines up to a meter, reliability of electric service, new construction safety code compliance for transmission and distribution; territorial agreements and disputes, and the need for certain power plants

future plans for the development of EV charging station infrastructure along the SHS. The PSC is authorized to consult with other agencies as it deems appropriate.

The bill requires the recommended plan to be developed and submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include any other recommendations as determined by the PSC.

The bill sets out the following goals and objectives of the plan, including, but not limited to:

- Projecting the increase in use of EVs in the state over the next 20 years and determining how to ensure an adequate supply of reliable EV charging stations to support and encourage this growth in a manner supporting a competitive market with ample consumer choice;
- Evaluating and comparing the types of EV charging stations available at present and in the future, including the technology and infrastructure incorporated in such stations, along with the circumstances within which each type of station and infrastructure is typically used, including fleet charging, for the purpose of identifying any advantages to developing particular types or uses of these stations;
- Considering strategies to develop this supply of charging stations, including but not limited to, methods of building partnerships with local governments, other state and federal entities, electric utilities, the business community, and the public in support of EV charging stations;
- Identifying the types or characteristics of locations along the SHS to support a supply of electric vehicle charging stations that will:
 - Accomplish the goals and objectives of this section;
 - Support both short-range and long-range electric vehicle travel;
 - Encourage the expansion of EV use in this state; and
 - Adequately serve evacuation routes in this state;
- Identifying any barriers to the use of EVs and EV charging station infrastructure both for short- and long-range EV travel along the SHS;
- Identifying an implementation strategy for expanding electric vehicle and charging station infrastructure use in this state;
- Identifying the type of regulatory structure for the delivery of electricity to EVs and charging station infrastructure, including competitive neutral policies and the participation of public utilities in the marketplace; and
- Reviewing emerging technologies in the electric and alternative vehicle market, including alternative fuel sources.

The bill requires the PSC, by December 1, 2020, to file a status report with the Governor, the President of the Senate, and the Speaker of the House of Representatives containing any preliminary recommendations, including recommendations for legislation.

and transmission lines. The PSC does not regulate rates and adequacy of services provided by municipally-owned and rural cooperative electric utilities, except for safety oversight; electrical wiring inside a customer's building; taxes on the electric bill; physical placement of transmission and distribution lines; damages claims; right of way matters, or physical placement or relocation of utility poles. See PSC, *When to Call The Florida Public Service Commission*, available at http://www.psc.state.fl.us/Files/PDF/Publications/Consumer/Brochure/When_to_Call_the_PSC.pdf (last visited February 6, 2020).

Section 3 clarifies that ss. 570.71 and 704.06, F.S., not be interpreted to prohibit lands traditionally used for agriculture and subject to a conservation easement from being utilized for the construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated. Reasonable compensation for use of the conservation easement must be based on the resulting diminution in value of the easement. The bill provides that a linear facility remains subject to state environmental permitting regulations.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that development of the required plan increases the number of EV charging stations in the state, residents, businesses, and tourists are expected to benefit from increased availability of EV charging stations, facilitating mobility and commerce and reducing costs related to EV travel.

The ability to construct linear facilities through a conservation easement instead of bypassing the easement, may provide a cost savings to private companies.

Landowners will be required to compensate governmental entities based on the reduction in value of conservation easements, however, this cost may be offset by the amount

received from private entities for the construction of linear facilities through the easements.

C. Government Sector Impact:

The PSC estimates a fiscal impact of \$43,871.²⁴ This will be necessary to support activities related to developing and submitting the required status report, recommended plan, and recommended legislation; however, based upon information received, this could be handled within existing resources. The Department of Transportation has indicated the bill has an indeterminate but negative impact due to the loss of fuel tax revenue and the costs associated with implementing coordination of the recommended plan.²⁵ In addition, the fiscal impact related to potential increased workload to accommodate the expedited time periods for all utility permit applications to both state and local governmental entities is unknown and indeterminate. The Department of Agriculture and Consumer Services will have indeterminate expenses related to the required coordination in developing the recommended plan, but these costs can be absorbed within existing resources.²⁶

There may be an indeterminate positive impact to governmental entities relating to the construction of linear facilities across land subject to a conservation easement owned by a governmental entity. The bill requires landowners to compensate the entities for the reduced value of the conservation easement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 337.401 and 704.06.

This bill creates section 366.945 of the Florida Statutes.

²⁴ Public Service Commission, *Senate Bill 7018 Agency Bill Analysis* (December 18, 2019) (on file with Appropriations Subcommittee on Agriculture, Environment and General Government).

²⁵ Conversation with John Kotyk, Legislative Affairs Director, Florida Department of Transportation (February 13, 2020).

²⁶ Florida Department of Agriculture and Consumer Services, *Senate Bill 7018 Agency Bill Analysis* (January 1, 2020) (on file with Appropriations Subcommittee on Agriculture, Environment and General Government).

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Agriculture, Environment, and General Government on February 13, 2020:

The committee substitute:

- Provides that the permit application to use the right-of-way for a utility must be processed and acted upon within time frames of the “Advanced Wireless Infrastructure Deployment Act,” s. 337.401(7)(d)7.,8., and 9., F.S. which provides for expedited timeframes.
- Requires the Public Service Commission (PSC), in coordination with the Department of Transportation and the Department of Agriculture and Consumer Services, to develop and recommend a plan for the development of electric vehicle (EV) charging station infrastructure along the State Highway System.
- Clarifies that sections 570.71 and 704.06, F.S., shall not be interpreted to prohibit lands traditionally used for agriculture that are subject to a conservation easement, from being utilized for the construction of any public or private linear facility and right of access, if such rights are voluntarily negotiated.

- B. **Amendments:**

None.



139902

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/13/2020	.	
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	.	
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Appropriations Subcommittee on Agriculture, Environment, and
General Government (Lee) recommended the following:

Senate Amendment (with title amendment)

Before line 27

insert:

Section 1. Subsection (2) of section 337.401, Florida
Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to
regulation; permit; fees.—

(2) The authority may grant to any person who is a resident
of this state, or to any corporation which is organized under



139902

11 the laws of this state or licensed to do business within this
12 state, the use of a right-of-way for the utility in accordance
13 with such rules or regulations as the authority may adopt. ~~A No~~
14 utility may not ~~shall~~ be installed, located, or relocated unless
15 authorized by a written permit issued by the authority. However,
16 for public roads or publicly owned rail corridors under the
17 jurisdiction of the department, a utility relocation schedule
18 and relocation agreement may be executed in lieu of a written
19 permit. The permit must ~~shall~~ require the permitholder to be
20 responsible for any damage resulting from the issuance of such
21 permit. The authority may initiate injunctive proceedings as
22 provided in s. 120.69 to enforce provisions of this subsection
23 or any rule or order issued or entered into pursuant thereto. A
24 permit application required by an authority under this section
25 must be processed and acted upon consistent with the timeframes
26 provided in subparagraphs (7)(d)7., 8., and 9.

27 Section 2. Subsection (11) of section 704.06, Florida
28 Statutes, is amended to read

29 704.06 Conservation easements; creation; acquisition;
30 enforcement.—

31 (11) (a) ~~Nothing in~~ This section or other provisions of law
32 may not ~~shall~~ be construed to prohibit or limit the owner of
33 land, or the owner of a conservation easement over land, to
34 voluntarily negotiate the sale or use ~~utilization~~ of such lands
35 or easement for the construction and operation of linear
36 facilities, including electric transmission and distribution
37 facilities, telecommunications transmission and distribution
38 facilities, pipeline transmission and distribution facilities,
39 public transportation corridors, and related appurtenances, nor



139902

40 does ~~shall~~ this section prohibit the use of eminent domain for
41 said purposes as established by law. In any legal proceeding to
42 condemn land for the purpose of construction and operation of a
43 linear facility as described above, the court shall consider the
44 public benefit provided by the conservation easement and linear
45 facilities in determining which lands may be taken and the
46 compensation paid.

47 (b) For any land that has traditionally been used for
48 agriculture, as that term is defined in s. 570.02, and is
49 subject to a conservation easement entered into at any time
50 pursuant to s. 570.71, this section or s. 570.71 may not be
51 construed to limit the owner of the land to voluntarily
52 negotiating the use of the land for any public or private linear
53 facility, right of access, and related appurtenances, and
54 reasonable compensation based on diminution in value of its
55 interest in the conservation easement shall be the only remedy
56 to the owner of the conservation easement for the construction
57 and operation of any public or private linear facilities and
58 related access and appurtenances.

59 (c) This section does not preclude the applicability of any
60 environmental permitting requirements applicable to a linear
61 facility pursuant to chapters 369-380 or chapter 403 or any
62 agency rules adopted pursuant to those chapters.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 2 - 3

67 and insert:

68 An act relating to essential state infrastructure;



139902

69 amending s. 337.401, F.S.; specifying permit
70 application timeframes required for the installation,
71 location, or relocation of utilities within rights-of-
72 way; amending s. 704.06, F.S.; providing construction
73 relating to the rights of an owner of land that has
74 been traditionally used for agriculture and is subject
75 to a conservation easement; creating s. 366.945, F.S.;
76 providing



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Agriculture, Environment, and General Government (Lee) recommended the following:

1 **Senate Substitute for Amendment (139902) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (2) of section 337.401, Florida
7 Statutes, is amended to read:

8 337.401 Use of right-of-way for utilities subject to
9 regulation; permit; fees.—

10 (2) The authority may grant to any person who is a resident



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11 of this state, or to any corporation which is organized under
12 the laws of this state or licensed to do business within this
13 state, the use of a right-of-way for the utility in accordance
14 with such rules or regulations as the authority may adopt. A ~~No~~
15 utility may not shall be installed, located, or relocated unless
16 authorized by a written permit issued by the authority. However,
17 for public roads or publicly owned rail corridors under the
18 jurisdiction of the department, a utility relocation schedule
19 and relocation agreement may be executed in lieu of a written
20 permit. The permit must shall require the permitholder to be
21 responsible for any damage resulting from the issuance of such
22 permit. The authority may initiate injunctive proceedings as
23 provided in s. 120.69 to enforce provisions of this subsection
24 or any rule or order issued or entered into pursuant thereto. A
25 permit application required by an authority under this section
26 must be processed and acted upon consistent with the timeframes
27 provided in subparagraphs (7)(d)7., 8., and 9.

28 Section 2. Section 366.945, Florida Statutes, is created to
29 read:

30 366.945 Electric vehicle charging stations; infrastructure
31 plan development.-

32 (1) The Legislature finds that:

33 (a) Climate change may have significant impacts to this
34 state which will require the development of avoidance,
35 adaptation, and mitigation strategies to address these potential
36 impacts on future state projects, plans, and programs;

37 (b) A significant portion of the carbon dioxide emissions
38 in this state are produced by the transportation sector;

39 (c) Electric vehicles can help reduce these emissions,



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40 thereby helping to reduce the impact of climate change on this
41 state;

42 (d) The use of electric vehicles for non-local driving
43 requires adequate, reliable charging stations to address
44 electric vehicle battery range limitations;

45 (e) Having adequate, reliable charging stations along the
46 State Highway System will also help with evacuations during
47 hurricanes or other disasters;

48 (f) Ensuring the prompt installation of adequate, reliable
49 charging stations is in the public interest; and

50 (g) A recommended plan for electric vehicle charging
51 station infrastructure should be established to address changes
52 in the emerging electric vehicle market and necessary charging
53 infrastructure.

54 (2) (a) The commission, in coordination with the Department
55 of Transportation and the Office of Energy within the Department
56 of Agriculture and Consumer Services, shall develop and
57 recommend a plan for current and future plans for the
58 development of electric vehicle charging station infrastructure
59 along the State Highway System, as defined in s. 334.03(24). The
60 commission may consult with other agencies as the commission
61 deems appropriate. The recommended plan must be developed and
62 submitted to the Governor, the President of the Senate, and the
63 Speaker of the House of Representatives by July 1, 2021. The
64 plan must include recommendations for legislation and may
65 include other recommendations as determined by the commission.

66 (b) The goals and objectives of the plan include, but are
67 not limited to, all of the following:

68 1. Projecting the increase in the use of electric vehicles



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69 in this state over the next 20 years and determining how to
70 ensure an adequate supply of reliable electric vehicle charging
71 stations to support and encourage this growth in a manner
72 supporting a competitive market with ample consumer choice.

73 2. Evaluating and comparing the types of electric vehicle
74 charging stations available at present and that may become
75 available in the future, including the technology and
76 infrastructure incorporated in such stations, along with the
77 circumstances within which each type of station and
78 infrastructure is typically used, including fleet charging, for
79 the purpose of identifying any advantages to developing
80 particular types or uses of these stations.

81 3. Considering strategies to develop this supply of
82 charging stations, including, but not limited to, methods of
83 building partnerships with local governments, other state and
84 federal entities, electric utilities, the business community,
85 and the public in support of electric vehicle charging stations.

86 4. Identifying the types or characteristics of possible
87 locations for electric vehicle charging station infrastructure
88 along the State Highway System to support a supply of electric
89 vehicle charging stations that will:

- 90 a. Accomplish the goals and objectives of this section;
- 91 b. Support both short-range and long-range electric vehicle
92 travel;
- 93 c. Encourage the expansion of electric vehicle use in this
94 state; and
- 95 d. Adequately serve evacuation routes in this state.

96 5. Identifying any barriers to the use of electric vehicles
97 and electric vehicle charging station infrastructure both for



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98 short-range and long-range electric vehicle travel along the
99 State Highway System.

100 6. Identifying an implementation strategy for expanding
101 electric vehicle and charging station infrastructure use in this
102 state.

103 7. Identifying the type of regulatory structure necessary
104 for the delivery of electricity to electric vehicles and
105 charging station infrastructure, including competitive neutral
106 policies and the participation of public utilities in the
107 marketplace.

108 8. Reviewing emerging technologies in the electric and
109 alternative vehicle market, including alternative fuel sources.

110 (c) By December 1, 2020, the commission shall file a status
111 report with the Governor, the President of the Senate, and the
112 Speaker of the House of Representatives containing any
113 preliminary recommendations, including recommendations for
114 legislation.

115 Section 3. Subsection (11) of section 704.06, Florida
116 Statutes, is amended to read

117 704.06 Conservation easements; creation; acquisition;
118 enforcement.—

119 (11) (a) ~~Nothing in~~ This section or other provisions of law
120 may not shall be construed to prohibit or limit the owner of
121 land, or the owner of a conservation easement over land, to
122 voluntarily negotiate the sale or use ~~utilization~~ of such lands
123 or easement for the construction and operation of linear
124 facilities, including electric transmission and distribution
125 facilities, telecommunications transmission and distribution
126 facilities, pipeline transmission and distribution facilities,



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127 public transportation corridors, and related appurtenances, nor
128 does shall this section prohibit the use of eminent domain for
129 said purposes as established by law. In any legal proceeding to
130 condemn land for the purpose of construction and operation of a
131 linear facility as described above, the court shall consider the
132 public benefit provided by the conservation easement and linear
133 facilities in determining which lands may be taken and the
134 compensation paid.

135 (b) For any land that has traditionally been used for
136 agriculture, as that term is defined in s. 570.02, and is
137 subject to a conservation easement entered into at any time
138 pursuant to s. 570.71, this section or s. 570.71 may not be
139 construed to limit the owner of the land to voluntarily
140 negotiating the use of the land for any public or private linear
141 facility, right of access, and related appurtenances, and
142 reasonable compensation based on diminution in value of its
143 interest in the conservation easement shall be the only remedy
144 to the owner of the conservation easement for the construction
145 and operation of any public or private linear facilities and
146 related access and appurtenances.

147 (c) This section does not preclude the applicability of any
148 environmental permitting requirements applicable to a linear
149 facility pursuant to chapters 369-380 or chapter 403 or any
150 agency rules adopted pursuant to those chapters.

151 Section 4. This act shall take effect July 1, 2020.

152
153 ===== T I T L E A M E N D M E N T =====

154 And the title is amended as follows:

155 Delete everything before the enacting clause



951242

156 and insert:

157 A bill to be entitled
158 An act relating to essential state infrastructure;
159 amending s. 337.401, F.S.; specifying permit
160 application timeframes required for the installation,
161 location, or relocation of utilities within rights-of-
162 way; creating s. 366.945, F.S.; providing legislative
163 findings; requiring the Public Service Commission, in
164 consultation with the Department of Transportation and
165 the Office of Energy within the Department of
166 Agriculture and Consumer Services, to develop and
167 recommend, by a specified date, to the Governor, the
168 President of the Senate, and the Speaker of the House
169 of Representatives a plan for the development of
170 electric vehicle charging station infrastructure along
171 the State Highway System; authorizing the commission
172 to consult with other agencies as the commission deems
173 appropriate; requiring the plan to include
174 recommendations for legislation; authorizing the plan
175 to include other recommendations as determined by the
176 commission; providing the goals and objectives of the
177 plan; requiring the commission to file a status report
178 with the Governor and the Legislature by a specified
179 date containing any preliminary recommendations,
180 including recommendations for legislation; amending s.
181 704.06, F.S.; providing construction relating to the
182 rights of an owner of land that has been traditionally
183 used for agriculture and is subject to a conservation
184 easement; providing an effective date.

By the Committee on Infrastructure and Security

596-02011-20

20207018__

1 A bill to be entitled
 2 An act relating to electric vehicle charging station
 3 infrastructure; creating s. 366.945, F.S.; providing
 4 legislative findings; requiring the Public Service
 5 Commission, in consultation with the Department of
 6 Transportation and the Office of Energy within the
 7 Department of Agriculture and Consumer Services, to
 8 develop and recommend, by a specified date, to the
 9 Governor, the President of the Senate, and the Speaker
 10 of the House of Representatives a plan for the
 11 development of electric vehicle charging station
 12 infrastructure along the State Highway System;
 13 authorizing the commission to consult with other
 14 agencies as the commission deems appropriate;
 15 requiring the plan to include recommendations for
 16 legislation; authorizing the plan to include other
 17 recommendations as determined by the commission;
 18 providing the goals and objectives of the plan;
 19 requiring the commission to file a status report with
 20 the Governor and the Legislature by a specified date
 21 containing any preliminary recommendations, including
 22 recommendations for legislation; providing an
 23 effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Section 366.945, Florida Statutes, is created to
 28 read:
 29 366.945 Electric vehicle charging stations; infrastructure

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02011-20

20207018__

30 plan development.
 31 (1) The Legislature finds that:
 32 (a) Climate change may have significant impacts to this
 33 state which will require the development of avoidance,
 34 adaptation, and mitigation strategies to address these potential
 35 impacts on future state projects, plans, and programs;
 36 (b) A significant portion of the carbon dioxide emissions
 37 in this state are produced by the transportation sector;
 38 (c) Electric vehicles can help reduce these emissions,
 39 thereby helping to reduce the impact of climate change on this
 40 state;
 41 (d) The use of electric vehicles for non-local driving
 42 requires adequate, reliable charging stations to address
 43 electric vehicle battery range limitations;
 44 (e) Having adequate, reliable charging stations along the
 45 State Highway System will also help with evacuations during
 46 hurricanes or other disasters;
 47 (f) Ensuring the prompt installation of adequate, reliable
 48 charging stations is in the public interest; and
 49 (g) A recommended plan for electric vehicle charging
 50 station infrastructure should be established to address changes
 51 in the emerging electric vehicle market and necessary charging
 52 infrastructure.
 53 (2) (a) The commission, in coordination with the Department
 54 of Transportation and the Office of Energy within the Department
 55 of Agriculture and Consumer Services, shall develop and
 56 recommend a plan for current and future plans for the
 57 development of electric vehicle charging station infrastructure
 58 along the State Highway System, as defined in s. 334.03(24). The

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02011-20 20207018__

59 commission may consult with other agencies as the commission
 60 deems appropriate. The recommended plan must be developed and
 61 submitted to the Governor, the President of the Senate, and the
 62 Speaker of the House of Representatives by July 1, 2021. The
 63 plan must include recommendations for legislation and may
 64 include other recommendations as determined by the commission.
 65 (b) The goals and objectives of the plan include, but are
 66 not limited to, all of the following:
 67 1. Projecting the increase in the use of electric vehicles
 68 in this state over the next 20 years and determining how to
 69 ensure an adequate supply of reliable electric vehicle charging
 70 stations to support and encourage this growth in a manner
 71 supporting a competitive market with ample consumer choice.
 72 2. Evaluating and comparing the types of electric vehicle
 73 charging stations available at present and that may become
 74 available in the future, including the technology and
 75 infrastructure incorporated in such stations, along with the
 76 circumstances within which each type of station and
 77 infrastructure is typically used, including fleet charging, for
 78 the purpose of identifying any advantages to developing
 79 particular types or uses of these stations.
 80 3. Considering strategies to develop this supply of
 81 charging stations, including, but not limited to, methods of
 82 building partnerships with local governments, other state and
 83 federal entities, electric utilities, the business community,
 84 and the public in support of electric vehicle charging stations.
 85 4. Identifying the types or characteristics of possible
 86 locations for electric vehicle charging station infrastructure
 87 along the State Highway System to support a supply of electric

596-02011-20 20207018__

88 vehicle charging stations that will:
 89 a. Accomplish the goals and objectives of this section;
 90 b. Support both short-range and long-range electric vehicle
 91 travel;
 92 c. Encourage the expansion of electric vehicle use in this
 93 state; and
 94 d. Adequately serve evacuation routes in this state.
 95 5. Identifying any barriers to the use of electric vehicles
 96 and electric vehicle charging station infrastructure both for
 97 short-range and long-range electric vehicle travel along the
 98 State Highway System.
 99 6. Identifying an implementation strategy for expanding
 100 electric vehicle and charging station infrastructure use in this
 101 state.
 102 7. Identifying the type of regulatory structure necessary
 103 for the delivery of electricity to electric vehicles and
 104 charging station infrastructure, including competitive neutral
 105 policies and the participation of public utilities in the
 106 marketplace.
 107 8. Reviewing emerging technologies in the electric and
 108 alternative vehicle market, including alternative fuel sources.
 109 (c) By December 1, 2020, the commission shall file a status
 110 report with the Governor, the President of the Senate, and the
 111 Speaker of the House of Representatives containing any
 112 preliminary recommendations, including recommendations for
 113 legislation.
 114 Section 2. This act shall take effect July 1, 2020.



The Florida Senate

Committee Agenda Request

To: Senator Debbie Mayfield, Chair
Appropriations Subcommittee on Ag., Environment, and General Government

Subject: Committee Agenda Request

Date: December 18, 2019

I respectfully request that **Senate Bill #7018**, relating to Electric Vehicle Charging Station Infrastructure, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Tom Lee".

Senator Tom Lee
Florida Senate, District 20

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20
Meeting Date

7038
Bill Number (if applicable)

129902
Amendment Barcode (if applicable)

Topic _____

Name DAVID CULLEN

Job Title _____

Address 104-2 CREST ST
Street

Phone 941-323-2404

TLH _____
City State Zip

Email cullenas@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13

Meeting Date

7058

Bill Number (if applicable)

951282

Amendment Barcode (if applicable)

Topic _____

Name DAVID CULLEN

Job Title _____

Address 104-2 CREST ST

Street

Phone 941-323-2404

12H

City

FL

State

32301

Zip

Email cullenasea@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20
Meeting Date

7018
Bill Number (if applicable)
951242
Amendment Barcode (if applicable)

Topic Electric Vehicle Charging Station

Name Amber Hughes

Job Title Sr. Legislative Advocate

Address PO Box 1757
Street

Phone 850-701-3621

Tallahassee FL 32302
City State Zip

Email ahughes@flcities.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/13/2020

Meeting Date

7018

Bill Number (if applicable)

951242

Amendment Barcode (if applicable)

Topic Essential State Infrastructure

Name Melanie Bostick

Job Title _____

Address P. O. Box 390

Phone (850) 841-1726

Street

Tallahassee

FL

32301

City

State

Zip

Email melanie@libertypartnersfl.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Advanced Energy Economy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

2113120

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7018

Bill Number (if applicable)

139902

Amendment Barcode (if applicable)

Topic _____

Name MATT ALFORD

Job Title EXECUTIVE DIRECTOR

Address 1679 CLEARLAKE RD

Street

COCOA

City

FL

State

32922

Zip

Phone (850) 556-6487

Email MATTALFORD@DRIVEE

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DRIVE ELECTRIC FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20

Meeting Date

7018

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name MATT ALFORD

Job Title EXECUTIVE DIRECTOR

Address 1679 CLEARLAKE RD

Phone (850) 556-6487

Street

COCOA

City

FL

State

32922

Zip

Email MATTALFORD@DRIVEELECTRICFLORIDA.ORG

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing DRIVE ELECTRIC FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/2020
Meeting Date

7018
Bill Number (if applicable)

Topic Electric Vehicle Charging Station Infrastructure Amendment Barcode (if applicable)

Name Melanie Bostick

Job Title _____

Address 113 E. College Ave.
Street

Phone 850-841-1726

Tallahassee FL 32301
City State Zip

Email office@libertypartnersfl.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Advanced Energy Economy

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20

Meeting Date

7018

Bill Number (if applicable)

Topic Electric vehicle charging

Amendment Barcode (if applicable)

Name Lauren Gallo

Job Title Lobbyist

Address 106 E College Ave suite 640

Phone (850) 224-1660

Street

Tallahassee

State

FL

Zip

32301

Email ingallocag@gmail.com

City

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-13-2020

Meeting Date

7018

Bill Number (if applicable)

Topic Electric Vehicle Charging Stations

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Environmental Activist.

Address _____

Phone 850 322-7599

Street

Tallahassee

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Environmental Caucus of FC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20
Meeting Date

7018
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 104.2 Crest St
Street

Phone _____

YLD
City

FL
State

32305
Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER NICOLE "NIKKI" FRIED

December 13, 2019

Agency Affected: Dept. of Agriculture and Consumer Services

Telephone: 850-617-7000

Agency Contact: Emily Buckley, Legislative Affairs Director

Telephone: 850-617-7700

Senate Bill Number: SB 7018

Senate Bill Sponsor: Infrastructure & Security Committee

Bill Title: Electric Vehicle Charging Station Infrastructure

Effective Date: July 1, 2020

Similar Bill(s): Yes No

Similar Bill(s):

Identical Bill: Yes No

Identical Bill:

1. SUMMARY

The bill establishes a reporting requirement related to a plan for electric vehicle (EV) charging stations, to be developed by the Florida Public Service Commission (FPSC), in coordination with the Florida Department of Agriculture and Consumer Services Office of Energy (FDACS OOE), and the Florida Department of Transportation (FDOT). The plan would describe current and future plans for the development of EV charging stations on the State Highway System (SHS). At minimum, it must meet eight specific objectives and include recommendations for legislation. The plan must be developed and submitted by July 1, 2021, with a status report required to be filed by December 1, 2020.

2. PRESENT SITUATION

Charging Stations

Electric vehicle charging stations are equipped to charge an electric vehicle's depleted battery within a timeframe dependent on the type of charging equipment and size and type of the vehicle battery. The Alternative Fuels Data Center of the U.S. Department of Energy indicates there are a total of 23,649 public EV charging stations nationwide, with

1,351 in Florida.¹ The total number of public outlets for EV charging in the U.S. is reported as 70,599, with 3,590 in Florida.²

Volkswagen Settlement - Environmental Mitigation Trust for State Beneficiaries

As a result of the Volkswagen Settlement, Florida is eligible to receive approximately \$166 million from the Environmental Mitigation Trust for State Beneficiaries for eligible mitigation actions that reduce nitrogen oxides emissions over the next ten years. The Florida Department of Environmental Protection has been named as the beneficiary for the State of Florida, and plans to use the maximum allowed 15 percent, or \$24.9 million for Electric Vehicle Charging Infrastructure (EVCI) installation.

FDAVS OOE EV Roadmap

The Office of Energy is currently working on the EV Roadmap for the state of Florida. Its goals are to:

- Identify EV charging infrastructure impacts on the electric grid.
- Identify solutions for any negative impacts.
- Locate areas that lack EV charging infrastructure.
- Identify best practices for siting EV charging stations.
- Identify technical or regulatory barriers to expansion of EV charging infrastructure.

State Highway System

The SHS is comprised of roads under the jurisdiction of the FDOT. Section 334.03(24), F.S., defines the SHS as “the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state’s jurisdiction. These facilities shall be facilities to which access is regulated.” State Road numbers are assigned by FDOT and County Road numbers by the counties.

3. EFFECT OF PROPOSED CHANGES

The bill creates a new section of law, s. 339.287, F.S., which requires the development of a recommended plan for EV charging station infrastructure along the State Highway System. The FPSC, in coordination with the FDOT and FDACS OOE, is directed to develop and recommend a plan for current and future plans for the development of EV charging station infrastructure along the SHS. The FPSC is authorized to consult with other agencies as it deems appropriate. The proposed bill requires the recommended plan to be developed and submitted to the Governor, the Senate President, and the House Speaker by July 1, 2021. The plan must include recommendations for legislation and may include any other recommendations as determined by the FPSC. The proposed

¹ Alternative Fuels Data Center, *Alternative Fueling Station Counts by State*, available at <https://afdc.energy.gov/stations/states> (last visited Dec. 9, 2019).

² *Id.*

bill requires the FPSC, by December 1, 2020, to file a status report with the Governor, the Senate President, and the House Speaker containing any preliminary recommendations.

The bill lists the following goals and objectives for the master plan, including, but not limited to:

- Projecting the increase in use of EVs in the state over the next 20 years and determining how to ensure an adequate supply of reliable EV charging stations to support and encourage this growth in a manner supporting a competitive market with ample consumer choice;
- Evaluating and comparing the types of EV charging stations available at present and in the future, including the technology and infrastructure incorporated in such stations, along with the circumstances within which each type of station and infrastructure is typically used, including fleet charging, for the purpose of identifying any advantages to developing particular types or uses of these stations;
- Considering strategies to develop this supply of charging stations, including, but not limited to, methods of building partnerships with local governments, other state and federal entities, electric utilities, the business community, and the public in support of EV charging stations;
- Identifying the types or characteristics of locations along the SHS to support a supply of electric vehicle charging stations that will:
 - Accomplish the goals and objectives of this section;
 - Support both short-range and long-range electric vehicle travel;
 - Encourage the expansion of EV use in this state; and
 - Adequately serve evacuation routes in this state;
- Identifying any barriers to the use of EVs and EV charging station infrastructure both for short- and long-range EV travel along the SHS;
- Identifying an implementation strategy for expanding electric vehicle and charging station infrastructure use in this state;
- Identifying the type of regulatory structure for the delivery of electricity to EVs and charging station infrastructure, including competitive neutral policies and the participation of public utilities in the marketplace; and
- Reviewing emerging technologies in the electric and alternative vehicle market, including alternative fuel sources.

4. FISCAL IMPACT

The fiscal impact of this proposed bill on the Florida Department of Agriculture and Consumer Services is indeterminate until the level of the department’s involvement with the FPSC’s plan is established.

	(FY 20-21) Amount/ FTE	(FY 21-22) Amount/ FTE	(FY 22-23) Amount/ FTE
A. Revenues			
Recurring			
Non-Recurring			
TOTAL REVENUES			
B. Expenditures			
Recurring			
Non-Recurring			
TOTAL EXPENDITURES			
C. NET TOTAL			

5. IS THERE AN ESTIMATED FISCAL IMPACT ON LOCAL GOVERNMENT(S)?

No.

6. IS THERE AN ESTIMATED FISCAL IMPACT ON THE PRIVATE SECTOR?

No.

7. ARE THERE ESTIMATED TAXES, FEES, OR FINES ASSOCIATED WITH THE PROPOSED BILL? (If yes, please explain the impact in A and/or B below). No.

A. Does the proposed bill create new or increase existing taxes, fees, or fines? If so, please explain.

No.

B. Does the proposed bill repeal or decrease existing taxes, fees, or fines? If so, please explain.

No.

C. DOES THE BILL DIRECT OR ALLOW THE DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?

- a. Yes: No:
b. If yes please explain:

8. DOES THE PROPOSED BILL REQUIRE THE DEPARTMENT TO PARTICIPATE IN OR PRODUCE ANY REPORTS OR STUDIES?

- a. Yes: No:
b. If yes please explain:

The bill directs the FPSC to coordinate with the FDACS OOE to develop and submit a plan for electric vehicle charging stations on the state highway system by July 1, 2021.

9. ARE THERE ANY APPOINTMENTS, CREATION OF, OR CHANGES TO ANY BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. THAT WILL IMPACT THE DEPARTMENT?

- a. Yes: No:
b. If yes please explain:

LEGAL ISSUES

10. Does the proposed bill conflict with existing federal law or regulations that impact the department? If so, what laws and/or regulations?

No.

11. Does the proposed bill raise significant constitutional concerns under the U.S. or Florida Constitutions (e.g. separation of powers, access to the courts, equal protection, free speech, establishment clause, impairment of contracts) that impacts the department?

No.

12. Is the proposed bill likely to generate litigation for the department and, if so, from what interest groups or parties?

No.

COMMENTS:

By limiting the scope to only the State Highway System, county roads would not be required in the analysis. County roads will be an important factor when considering EV infrastructure location especially for hurricane evacuation routes.

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Agriculture, Environment, and General Government Judge:

Started: 2/13/2020 10:01:12 AM

Ends: 2/13/2020 11:26:07 AM

Length: 01:24:56

10:01:15 AM Sen. Mayfield (Chair)
10:02:26 AM S 1714
10:02:33 AM Sen. Bradley
10:03:43 AM Cody Farrill, Deputy Chief of Staff, Dept. of Management Services (waives in support)
10:04:26 AM Sen. Mayfield
10:04:37 AM S 1104
10:04:42 AM Sen. Baxley
10:06:23 AM Sen. Powell
10:07:11 AM Sen. Bean
10:08:28 AM Sen. Mayfield
10:08:43 AM S 178
10:08:48 AM Sen. Rodriguez
10:09:24 AM Sen. Bean
10:09:46 AM Sen. Rodriguez
10:10:24 AM Sen. Bean
10:11:14 AM Sen. Rodriguez
10:12:11 AM Sen. Broxson
10:12:42 AM Sen. Rodriguez
10:14:34 AM Sen. Hutson
10:14:57 AM Sen. Rodriguez
10:16:13 AM Am. 441272
10:16:20 AM Sen. Rodriguez
10:17:28 AM S 178 (cont.)
10:17:53 AM Salome' Garcia, Program Manager, The CLEO Institute
10:20:13 AM Jonathan Webber, Deputy Director, Florida Conservation Voters (waives in support)
10:20:19 AM David Cullen, Lobbyist, Sierra Club Florida (waives in support)
10:20:23 AM Beth Alvi, Director of Policy, Audubon Florida (waives in support)
10:20:37 AM Sen. Bean
10:21:11 AM Sen. Rodriguez
10:22:14 AM S 7018
10:22:22 AM Sen. Lee
10:24:57 AM Sen. Rodriguez
10:25:48 AM Sen. Lee
10:28:37 AM Sen. Rodriguez
10:29:00 AM Sen. Lee
10:31:08 AM Sen. Berman
10:31:31 AM Sen. Lee
10:31:50 AM Am. 139902
10:31:57 AM Am. 951242
10:32:03 AM Sen. Lee
10:37:13 AM Sen. Stewart
10:37:48 AM Sen. Lee
10:37:59 AM Sen. Stewart
10:38:05 AM Sen. Lee
10:39:31 AM Sen. Stewart
10:39:58 AM Sen. Lee
10:40:04 AM Sen. Stewart
10:40:24 AM Sen. Lee
10:41:06 AM Sen. Stewart
10:41:15 AM Sen. Rodriguez
10:41:58 AM Sen. Lee
10:42:44 AM Sen. Rodriguez

10:43:59 AM Sen. Lee
10:45:58 AM Sen. Rodriguez
10:46:51 AM Sen. Lee
10:47:44 AM Sen. Powell
10:48:28 AM Sen. Lee
10:49:39 AM Sen. Powell
10:50:36 AM Sen. Mayfield
10:50:53 AM Sen. Lee
10:51:35 AM Sen. Rodriguez
10:52:29 AM Sen. Lee
10:53:55 AM David Cullen, Lobbyist, Sierra Club Florida
10:56:18 AM Amber Hughes, Sr. Legislative Advocate, Florida League of Cities
10:57:51 AM Melanie Bostick, Advanced Energy Economy (waives in support)
10:57:56 AM Matt Alford, Executive Director, Drive Electric Florida (waives in support)
10:58:06 AM Sen. Albritton
11:00:47 AM Sen. Rodriguez
11:03:19 AM Sen. Bean
11:04:26 AM Sen. Lee
11:08:17 AM S 7018 (cont.)
11:08:26 AM M. Alford (waives in support)
11:08:32 AM M. Bostick (waives in support)
11:08:36 AM Lauren Gallo, Lobbyist, League of Women Voters (waives in support)
11:08:42 AM Amy Datz, Environmental Activist, Environmental Caucus of Florida
11:11:42 AM D. Cullen
11:12:19 AM Sen. Berman
11:13:26 AM Sen. Stewart
11:13:58 AM Sen. Rodriguez
11:16:34 AM Sen. Mayfield
11:17:54 AM Sen. Lee
11:20:10 AM S 1298
11:20:16 AM Sen. Simmons
11:21:05 AM Am. 201602
11:21:13 AM Sen. Simmons
11:21:35 AM Sen. Stewart
11:22:20 AM S 1298 (Cont.)
11:22:42 AM Richard Chait, Legislative Chair, Worker's Comp Section of Florida Bar
11:24:20 AM Grace Lovett, VP of Government Affairs, FL Retail Federation (waives in support)
11:24:31 AM Sen. Powell
11:25:01 AM Sen. Simmons
11:25:40 AM Sen. Mayfield
11:25:46 AM Sen. Hooper
11:25:58 AM Sen. Mayfield