

**STORAGE NAME:** h1589s1.ca

**DATE:** March 2, 1998

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
COMMUNITY AFFAIRS  
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** CS/HB 1589, IST Engrossed

**RELATING TO:** Counties (Small County Population Requirements)

**SPONSOR(S):** Committee on General Government Appropriations and Representative Westbrook & Others

**STATUTE(S) AFFECTED:** Chapters 40, 163, 212, 218, 252, 265, 288, 327, 373, and 403, Florida Statutes

**COMPANION BILL(S):** SB 200, HB 3303, IST ENG/HB 2109(c)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMUNITY AFFAIRS (W/D)
- (2) FINANCE AND TAXATION (W/D)
- (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 9 NAYS 0
- (4) COMMUNITY AFFAIRS
- (5)

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**I. SUMMARY:**

This bill was originally filed during the 1997 Legislative Session. The bill was referred to the House Community Affairs, Finance & Taxation, and General Government Appropriations Committees. The bill was withdrawn from both the Community Affairs and Finance & Taxation Committees. A committee substitute was unanimously passed by the General Government Appropriations Committee. The Committee Substitute, first engrossed, was carried over to the 1998 Session pursuant to House Rule 96, and placed on the House Consent Calendar. Identical/Similar/Compare Bill(s) passed include the following: CS/CS/HB 1119 (ch. 97-164); HB 164 (ch.97-253); and CS/SB 1754 (ch.97-278).

This bill changes the population requirement from 50,000 or less to 75,000 or less for a county to be designated or considered a small county in certain chapters of the Florida Statutes. Presently, there are 29 counties in Florida with populations of 50,000 or less. The bill adds 3 more counties (Columbia, pop. 53,684; Nassau, pop. 52,740; and Putnam, pop. 70,243) to that list.

The economic impacts of this bill do not require any new state funds. The supplemental distribution provision (in Section 9 of the committee substitute, first engrossed) brings in an additional county (Hamilton) and perhaps changes the amounts received by the receiving counties.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

***List of Small Counties:***

Small counties are considered those counties having a population of 50,000 or less. According to the 1997 Florida Estimates of Population, University of Florida, Bureau of Economic and Business Research, College of Business Administration, April 1, 1997, those counties include:

<b>County</b>	<b>Population</b>
Baker	21,138
Bradford	25,231
Calhoun	12,876
DeSoto	27,224
Dixie	13,039
Flagler	41,190
Franklin	10,497
Gadsden	49,740
Gilchrist	12,531
Glades	9,648
Gulf	14,103
Hamilton	13,708
Hardee	22,447
Hendry	30,308
Holmes	17,609
Jackson	49,387
Jefferson	13,988
Lafayette	7,002
Levy	31,591
Liberty	7,694

Madison	19,035
Okeechobee	34,746
Sumter	44,366
Suwannee	33,223
Taylor	19,184
Union	13,103
Wakulla	18,660
Walton	36,094
Washington	20,116

In addition, according to the 1997 Florida Estimates of Population, University of Florida, Bureau of Economic and Business Research, College of Business Administration, April 1, 1997, counties with populations of between 50,000 and 75,000 include the following:

County	Population
Columbia	53,684
Nassau	52,740
Putnam	70,243

***Current Laws providing benefits or special consideration to small counties:***

Current law provides benefits, exemptions or special consideration to small counties. Some of those statutory provisions include, but are not limited, to the following:

- ➔ Section 327 of chapter 96-410, Laws of Florida, relates to a county achieving and retaining small county status after meeting many qualifying provisions of other statutes, until that county exceeds a population of 75,000.
- ➔ Section 34.191, Florida Statutes, provides for the collection and distribution of fines, forfeitures, and costs collected by county courts for offenses tried in the county.
- ➔ Section 163.05, Florida Statutes, provides the Small County Technical Assistance Program enabling small counties to implement workable solutions to financial and administrative problems.
- ➔ Section 163.3177, Florida Statutes, relates to required and optional elements of local comprehensive plans for local governments.

- Section 163.3191, Florida Statutes, relates to small counties' ability to enter into an agreement with the Department of Community Affairs (DCA) to focus planning resources on certain issues or elements when updating its comprehensive plan.
- Section 165.061, Florida Statutes, provides standards for incorporation. An area desiring to incorporate must meet certain statutorily prescribed conditions. Among them is the requirement that in counties with populations of less than 50,000, the area desiring incorporation must have at least 1,500 persons.
- Section 212.055, Florida Statutes, allows small counties to use the proceeds or any interest accrued by virtue of the local government infrastructure surtax for long-term maintenance costs associated with landfill closure.
- Section 218.075, Florida Statutes allows the Department of Environmental Protection (DEP) and the water management districts to reduce or waive the permit processing fees for small counties for public works projects.
- Section 218.65, Florida Statutes, relates to county eligibility of supplemental funds from the local government half-cent sales tax based on certain considerations and populations.
- Paragraph 252.373(3) (a), Florida Statutes, provides small counties with at least a 20 hours a week emergency management coordinator.
- Paragraph 259.032(12)(b), Florida Statutes, requires that counties (1) levy ad valorem tax of at least 8.25 mills or (2) the amount of the tax loss from a completed Preservation 2000 acquisition in the county exceeds 0.01 percent of the county's total taxable value, (in addition to having a population of 75,000 or less) as conditions for receiving payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund. Paragraph (e), relates to the limitation of ten years of annual payments a local government may receive pursuant to this program.
- Paragraph 373.59(14)(b), Florida Statutes, requires same tax levy or tax loss experience as above to receive payment in lieu of taxes from the Water Management Lands Trust Fund.
- Subsection 288.063(3), Florida Statutes, provides small counties certain benefits for transportation projects approved by the Office of Tourism, Trade, and Economic Development. The intent is to attract new employment opportunities or expand or retain employment in existing companies or allow for construction or expansion of a state or federal correctional facility, thereby creating new employment opportunities or expanding or retaining employment in the county.
- Subsection 288.065(2), Florida Statutes, provides long-term loans, loan guarantees, and loan loss reserves to small counties.
- Paragraph 373.441(1)(g), Florida Statutes, provides for consideration of the provisions under which delegation to small counties of the local pollution control permitting program may take place. The Department of Environmental Protection (DEP) and the water management districts may adopt rules in this regard in an effort to streamline the permitting process.

- Subsection 403.4131(5), Florida Statutes, provides for the “Keep Florida Beautiful” program. Small counties are encouraged to adopt a regional approach to administer and coordinate their litter control and prevention programs.
- Paragraph 403.706(4)(d), Florida Statutes, provides for solid waste responsibilities of local governments. Small counties may provide recycling in order to reduce the waste stream by a certain percentage which is statutorily prescribed. Should a small county decide to offer recycling, it must notify the Department of Environmental Protection (DEP) by October 1, 1993.
- Paragraph 403.7095(3)(c), Florida Statutes, provides requirements for review of new waste-to-energy facilities’ capacities by DEP. This statutory provision does not apply to small counties.
- Paragraph 403.7095(7) (a), Florida Statutes, provides a solid waste management grant program. Each eligible small county may receive \$50,000.
- Paragraph 403.719(1)(l), Florida Statutes, allows small counties to use waste tire grants for any solid waste-related purpose.
- Subsection (4) of section 288.065, Florida Statutes, provides that funds appropriated for the Rural Community Development Revolving Loan Fund are not subject to reversion, notwithstanding provisions of section 216.301, Florida Statutes, Planning and Budgeting - Appropriations.
- Paragraphs 288.106(2)(b), (r), (s), and (4)(b), Florida Statutes, provides for wage calculations based on private sector wages in the area where the business is to be located. Projects located in counties designated by the Rural Economic Development Initiative or in enterprise zones may be eligible for waiver of the wage requirement when the merits of the project or the circumstances in the community warrant such action.

**B. EFFECT OF PROPOSED CHANGES:**

**CS/HB 1589, First Engrossed**, changes the population requirement from 50,000 or less to 75,000 or less for a county to be designated or considered a small county in certain chapters of the Florida Statutes. Presently there are 28 counties in Florida with populations of 50,000 or less. Three additional counties (Columbia, Nassau, and Putnam) would be included under the new population ranges.

The areas of law, addressed in this bill, where small counties are specifically provided for include, but are not limited to, areas such as:

- ✓ Environmental permitting, pollution control and solid waste disposal programs, expeditious permitting procedures and grants for certain environmental programs;
- ✓ Standards for incorporation of a municipality;
- ✓ Comprehensive planning;
- ✓ Emergency management coordinator; and
- ✓ Programs to encourage economic development and job growth.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

Not applicable.

a. Does the bill increase anyone's taxes?

b. Does the bill require or authorize an increase in any fees?

c. Does the bill reduce total taxes, both rates and revenues?

d. Does the bill reduce total fees, both rates and revenues?

- e. Does the bill authorize any fee or tax increase by any local government?

3. Personal Responsibility:

Not applicable.

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

Not applicable.

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

5. Family Empowerment:

Not applicable.

- a. If the bill purports to provide services to families or children:
  - (1) Who evaluates the family's needs?
  - (2) Who makes the decisions?
  - (3) Are private alternatives permitted?
  - (4) Are families required to participate in a program?

- (5) Are families penalized for not participating in a program?
- b. Does the bill directly affect the legal rights and obligations between family members?
- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:
- (1) parents and guardians?
- (2) service providers?
- (3) government employees/agencies?

D. SECTION-BY-SECTION RESEARCH:

***Section-by-section research on CS/HB 1589, First Engrossed***

- Section 1: Repeals section 327 of chapter 96-410, Laws of Florida, which relates to a county achieving and retaining small county status after meeting other qualifying statutory provisions, until that county exceeds a population of 75,000.
- Section 2: Amends section 34.191, Florida Statutes, by adding paragraph (4), to authorize the assignment of collection of past due fines, court costs, and other costs imposed by the court to a licensed private attorney or registered collection agency.
- Section 3: Amends section 163.05, Florida Statutes, provides the Small County Technical Assistance Program enabling small counties to implement workable solutions to financial and administrative problems.
- Section 4: Amends paragraph 163.3177(6)(I), Florida Statutes, relating to the required and optional elements of local comprehensive plans for local governments.
- Section 5: Amends paragraph 163.3186(1)(c), Florida Statutes, allowing plan amendments for small scale development activities based on certain acreage annually; allows the City of Jacksonville, Duval County, Fl, a maximum of 120 acres cumulative annual acreage for all small scale development amendments. **Note: This amendment to paragraph 163.3186(1)(c), Florida Statutes, was implemented by section 3, ch. 97-263, Laws of Florida.**



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Section 6: Amends paragraph 163.3191(12)(a), Florida Statutes, to allow small counties to enter into an agreement with the Department of Community Affairs (DCA) to focus planning resources on certain issues or elements when updating its comprehensive plan.

Section 7: Amends paragraph 165.061(1)(b), Florida Statutes, which provides standards for municipal incorporation. An area desiring to incorporate must meet certain statutorily-prescribed conditions. Among them is the requirement that in counties with populations of less than 50,000, the area desiring incorporation must have at least 1,500 persons.

Section 8: Amends paragraph 212.054(2)(b), Florida Statutes, by adding subparagraph 4, to exclude transactions that are subject to the tourist development tax when the tax is not subject to the discretionary surtax levied by the governing body of a high tourism impact county, subject to certain restrictions.

Section 9: Amends paragraph 212.055(1)(a), (2)(d), and (6), Florida Statutes, to do the following:

To expand the authorization of a Charter County Transit System Surtax to all charter counties regardless of the date of the adoption of their charter;

To allow counties with populations of less than 75,000 that have been required to close their landfills by order of the Department of Environmental Protection, to use the proceeds of their Local Government Infrastructure Surtax or interest accrued from the surtax to be used for long-term maintenance costs associated with the landfill closure, or to retire and/or to service indebtedness incurred for the bonds issued prior to July 1, 1987, for infrastructure purposes; and

To make a technical change referencing definition found in the Florida Hospital Uniform Reporting System manual.

Section 10: Amends section 218.075, Florida Statutes, which allows the Department of Environmental Protection (DEP) and the water management districts to reduce or waive the permit processing fees for small counties for public works projects; providing that a small county (50,000 or less in population) as of April 1, 1994, and until the county's population exceeds 75,000, be subject to a reduction or waiver of permit processing fees.

Section 11: Amends paragraph 218.65(2)(a) and (7)(a), Florida Statutes, 1996 Supplement, which relates to county eligibility of supplemental emergency funds from the local government half-cent sales tax based on certain considerations and populations; removes eligibility pursuant to this section and allows small counties to be eligible for supplemental funds based on inmate population being greater than 7 percent of total population of the county.

Section 12: Amends paragraph 252.373(3)(a), Florida Statutes, which provides small counties with at least a 20 hours a week emergency management coordinator.

Section 13: Amends paragraphs 259.032(12)(b) and (e), Florida Statutes, 1996 Supplement, to permit payment in lieu of taxes in counties which levy ad

valorem taxes are, at a minimum, 8.25 mills (from the current 9 mills requirement) or the amount of the tax loss from a completed Preservation 2000 acquisition in the county exceeds 0.01 percent of the county's total taxable value, as conditions to be met for receiving payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund, when such county has a population of 75,000 or less. This option is also available to counties with populations of less than 100,000 that contain all or a portion of an area of critical state concern (pursuant to designation by chapter 380 and the local governments with such counties). This bill also provides that payment in lieu of taxes be limited to a total of 10 *consecutive* years beginning the year a local government becomes eligible. **Note: This amendment to paragraphs 259.032(12)(b) and (e), FLORIDA STATUTES, was implemented by section 6 of ch. 97-164, Laws of Florida.**

Section 14: Amends paragraphs 373.59(14)(b) and (d), Florida Statutes, 1996 Supplement, to remove requirement of the same tax levy (8.25 mills) or tax loss experience (0.01 percent of the county's total taxable value), as above, as conditions to be met to receive payment in lieu of taxes from the Water Management Lands Trust Fund, beginning the year a local government becomes eligible. **Note: This amendment to paragraphs 373.59(14)(b) and (d), Florida Statutes, was implemented by section 14 of ch. 97-164, Laws of Florida.**

Section 15: Amends subsection 288.063(3), Florida Statutes, 1996 Supplement, which provides small counties certain benefits for transportation projects approved by the Office of Tourism, Trade, and Economic Development. The intent is to attract new employment opportunities or expand or retain employment in existing companies or allow for construction or expansion of a state or federal correctional facility, creating new employment opportunities thereby expanding or retaining existing employment in the county.

Section 16: Amends paragraph 373.44(1)(g), Florida Statutes, which provides for consideration of the provisions under which delegation of the local pollution control permitting program may take place for small counties; changes the population requirement for counties to 75,000 or less for small county status. The Department of Environmental Protection (DEP) and the water management districts may adopt rules in this regard in an effort to streamline the permitting process.

Section 17: Amends subsection 403.4131(5), Florida Statutes, which provides for the "Keep Florida Beautiful" program; changes the population requirement for small county status. Small counties are encouraged to adopt a *regional* approach to administer and coordinate their litter control and prevention programs.

Section 18: Amends paragraph (d) of subsection (4) of section 403.706, Florida Statutes, which provides for solid waste responsibilities of local governments; changes the population requirement for small county status from 50,000 to 75,000. Small counties may provide recycling in order to reduce the waste stream by a certain percentage which is statutorily

prescribed. Should a small county decide to offer recycling, it must notify the Department of Environmental Protection (DEP) by October 1.

Section 19: Amends paragraph 403.7061(3)(c), Florida Statutes, which provides requirements for review of new waste-to-energy facilities' capacities by DEP. Non-applicability of this statutory provision would be for counties of 75,000 or less.

Section 20: Amends paragraph 403.7095(7)(a), Florida Statutes, which provides a solid waste management grant program. Each eligible small county may receive \$50,000; changes population requirement for small county status.

Section 21: Amends paragraph 403.719(1)(l), Florida Statutes, which allows small counties to use waste tire grants for any solid waste-related purpose; changes population requirement for small county status.

Section 22: Creates subsection 288.065(4), Florida Statutes, 1996 Supplement, which excludes Rural Community Development Revolving Loan fund from reversion (except those subject to the provisions of section 216.301, Florida Statutes, regulating undisbursed balances. **Note: This section has been implemented by section 18 of ch. 97-278, Laws of Florida.**

Section 23: Amends paragraphs 288.106(2)(b), (r), (s), and (4)(b), Florida Statutes, 1996 Supplement, by specifying that the calculation of the average wage be based on the average "private sector" wage in the area where the business is to be located. Further, it adds a provision for the average wage requirement to be waived altogether if the project is located in a county designated by the Rural Economic Development Initiative (REDI) or in an enterprise zone, and only when the merits of the project or the circumstances in the community warrant such action. **Note: This section has been implemented by section 19 of ch. 97-278, Laws of Florida.**

Section 24: Authorizes any county that has a population of 30,000 or less on February 1, 1997, to transfer and use legally restricted fuel taxes for unrestricted purposes for all fiscal years prior to and through 1997-1998.

Section 25: Provides for an effective date of July 1, 1997.

### III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

##### 1. Non-recurring Effects:

The quantifiable positive and negative fiscal impacts this bill may have on state agencies' resources are difficult to ascertain. Any savings resulting from maintaining small counties' population at the current 50,000, might be eventually eroded through diminishment of assistance to these small counties from the state by virtue of small counties' growth in the next few years. On the other hand, by

increasing the population limit to 75,000, only three additional counties will be allowed to participate in the resources available to small counties.

2. Recurring Effects:

See A.1. above.

3. Long Run Effects Other Than Normal Growth:

See A.1. above.

4. Total Revenues and Expenditures:

Indeterminate.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

The bill affects small counties in many aspects. The state provides not only technical assistance and supplemental funding for many programs conducted at the county level, it also facilitates economic growth and expansion opportunities for employment to small counties allowing businesses to prosper, i.e., state prison facilities and expediting of certain permit processes.

2. Recurring Effects:

See B.1. above.

3. Long Run Effects Other Than Normal Growth:

See B.1. above.

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

1. Direct Private Sector Costs:

Indeterminate.

2. Direct Private Sector Benefits:

Residents of several small counties would benefit from this bill to the extent the county could qualify for small county status programs, exemptions and permit waivers thereby saving the taxpayer possible property tax increases or increased fees for such things as solid waste disposal.

3. Effects on Competition, Private Enterprise and Employment Markets:

Indeterminate.

D. FISCAL COMMENTS:

A cursory review of the 1997 Florida Estimates of Population, University of Florida, Bureau of Economic and Business Research, College of Business Administration, reveals that only a few counties account for populations between 75,000 and well over 100,000. In other words, few counties account for populations between the populations of Dade County's range and that of Sumter's. It appears most of Florida's counties consist of either: (1) large or (2) small populations.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to spend money or take action that requires the expenditure of money.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of cities and counties to raise revenues over 2/1/89 levels.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the total aggregate city or county percentage share of a state tax below 2/1/89 levels.

V. COMMENTS:

The Florida Association of Counties comments that this bill is intended to ensure small counties that may be approaching populations of more than 50,000 in the next few years do not, by virtue of going over the population limits, forfeit state or federal funds they may be entitled to. The Association further commented that without small county status, the smaller counties may have difficulty providing necessary services.

***1997 Legislative Changes that have effected this bill:***

The following changes have been made to state law during the 1997 Legislative Session which have effected CS/HB 1589, First Engrossed:

- Section 5 amending paragraph 163.3187(1)(c), FLORIDA STATUTES, has been implemented by section 3 of ch. 97-253, Laws of Florida.
- Section 13 amending paragraphs 259.032(12)(b) and (e), FLORIDA STATUTES, has been implemented by section 6 of ch. 97-164, Laws of Florida.

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- Section 14 amending paragraph 373.59(14)(b), FLORIDA STATUTES, has been implemented by section 14 of ch. 97-164, Laws of Florida.

- Section 20 amending paragraph 403.7095(7)(a), Florida Statutes, was amended by section 34 of ch. 97-153. **Note the following:**

**Prior to the 1997 Legislative Session, paragraph 403.7095(7)(a), Florida Statutes, authorized Solid Waste Management Grants to counties with populations of less than 50,000 through 1996. In 1997, the Legislature passed section 34 of ch. 97-153, Laws of Florida, which raised the population threshold to 100,000 and extended the eligibility date to June 30, 1998.**

- Section 22 creating Paragraph 288.065(4), Florida Statutes, has been implemented by section 18 of ch. 97-278, Laws of Florida.
- Section 23 amending and creating paragraphs 288.106(2)(b), (r), and (s), FLORIDA STATUTES, have been implemented by ch. 97-278, Laws of Florida.
- Section 24, authorizing counties with populations of less than 30,000 to transfer and use legally restricted fuel taxes for unrestricted purposes for all fiscal years prior to and including 1997-1998. **Note the following:**

**This authorization is also contained in HB 1003, sponsored by Representative Crady. HB 1003 was unanimously passed by the House Committees on Community Affairs and Transportation & Economic Development Appropriations. The Bill passed the House and failed to pass the Senate. The bill has been carried over to the 1998 Regular Legislative Session pursuant to House Rule 96 and has been placed on the House Consent Calendar.**

#### VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

##### ***1997 House Committee on General Government Appropriations - Committee Substitute:***

A committee substitute was adopted by the General Government Appropriations Committee on April 18, 1997. The committee substitute differs from the bill as introduced in the following ways:

- ✓ Amends paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, 1996 Supplement, to provide that the City of Jacksonville, Duval County, FL, be allowed a maximum of 120 acres when considering the cumulative annual acreage for small scale development amendments to the local comprehensive plan.
- ✓ Stipulates a certain date (April 1, 1994) that a county must have attained or maintained a population of 50,000 in order to qualify for the reduction or wavier of DEP permit processing fees.
- ✓ Amends paragraph (e) of subsection (12) of section 259.032, Florida Statutes, to limit eligible counties to ten *consecutive* years, beginning the year a local



government becomes eligible, to receive payment in lieu of taxes from the Conservation and Recreation Lands Trust Fund.

- ✓ Amends paragraph (d) of subsection (14) of section 353.59, Florida Statutes, (Water Management Lands Trust Funds) for consistency with paragraph (e) of subsection 12 of section 259.032, Florida Statutes, (CARL).
- ✓ Removes Section 13 of the bill as introduced which creates the Rural Community Development Revolving Loan Funds that provides long-term loans, loan guarantees, and loan loss reserves to small counties.
- ✓ Removes Section 15 of the bill as introduced which provides for residents of certain small counties being placed in a facility for treatment of mental illness a second opinion examination by professionals other than a psychiatrist or clinical psychologist as long as the administrator of the receiving facility so certifies.
- ✓ Removes Section 21 of the bill as introduced relating to review of permit applications, by regional permit action teams directed through the Office of Tourism, Trade, and Economic Development, for the purpose of expediting permits submitted by qualifying businesses.
- ✓ Removes Section 22 of the bill as introduced relating to certification standards for building code inspectors and administrators.

***Proposed 1998 Legislative Session "Strike Everything After the Enactment Clause" Amendment:***

A strike-everything-after-the-enactment-clause amendment is being offered by Representative Westbrook which makes the following changes to CS/HB1589, First engrossed:

- Section 1: Repeals section 327 of chapter 96-410, Laws of Florida, which relates to a county achieving and retaining small county status after meeting other qualifying statutory provisions, until that county exceeds a population of 75,000.
- Section 2: Amends section 34.191, Florida Statutes, by adding paragraph (4), to authorize the assignment of collection of past due fines, court costs, and other costs imposed by the court to a licensed private attorney or registered collection agency. Deletes reference to 1996 Supplement.
- Section 3: Amends section 163.05, Florida Statutes, provides the Small County Technical Assistance Program enabling small counties to implement workable solutions to financial and administrative problems. Deletes reference to 1996 Supplement.
- Section 4: Amends paragraph 163.3177(6)(I), Florida Statutes, relating to the required and optional elements of local comprehensive plans for local governments.
- Section 5: Amends 163.3191(12)(a), Florida Statutes, to allow small counties to enter into an agreement with the Department of Community Affairs (DCA) to focus

planning resources on certain issues or elements when updating its comprehensive plan. Deletes reference to 1996 Supplement.

- Section 6: Amends paragraph 165.061(1)(b), Florida Statutes, which provides standards for municipal incorporation. An area desiring to incorporate must meet certain statutorily-prescribed conditions. The amendment provides, in counties with populations of less than 75,000, the area desiring incorporation must have at least 1, 500 persons. Deletes reference to 1996 supplement.
- Section 7: Amends paragraph 212.055(2)(d), Florida Statutes, which authorizes proceeds from Local Government Infrastructure Surtaxes to be used for long-term maintenance costs associated with landfill closures ordered by the Department of Environmental Protection, or to retire and/or to service indebtedness incurred for bonds issues prior to July 1, 1987, for infrastructure purposes in counties with a population of less than 75,000. Deletes reference to 1996 supplement.
- Section 8: Amends section 218.075, Florida Statutes, providing for reduction or waivers of permits issued by the Department of Environmental Protection (DEP) and the water management districts for small counties for public works projects, providing the county has a population of 75,000 or less on April 1, 1994.
- Section 9: Amends paragraph 218.65(2)(a) and (7)(a), Florida Statutes, which relates to county eligibility of supplemental emergency funds from the local government half-cent sales tax based on certain considerations in counties which have populations of 65,000 or above; allows small counties where inmate population is greater than 7 percent of the total population to be eligible for supplemental funds. Deletes reference to 1996 supplement.
- Section 10: Amends paragraph 252.373(3)(a), Florida Statutes, which provides small counties with, at least, a 20 hours a week emergency management coordinator. Deletes reference to 1996 supplement.
- Section 11: Amends subsection 288.063(3), Florida Statutes, which provides small counties certain benefits for transportation projects approved by the Office of Tourism, Trade, and Economic Development. Deletes reference to 1996 supplement.
- Section 12: Amends paragraph 373.441(1)(g), Florida Statutes, which provides for consideration of the provisions under which delegation of the local pollution control permitting program may take place for small counties; changes the population requirement for counties to 75,000 or less for small county status.
- Section 13: Amends subsection 403.4131(5), Florida Statutes, which provides for the "Keep Florida Beautiful" program; changes the population requirement for small county status to 75,000.

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Section 14: Amends paragraph 403.706(4)(d), Florida Statutes, providing for local government solid waste responsibilities and the opportunity to recycle; changes the population requirement to 75,000.

Section 15: Amends paragraph 403.7061(3)(c), Florida Statutes, which provides requirements for review of new waste-to-energy facilities' capacities by DEP. Non-applicability of this statutory provision is permitted for counties of 75,000 or less.

Section 16: Amends paragraph 403.7095(7)(a), Florida Statutes, which authorizes a solid waste management grant program for counties with populations fewer than 100,000 and removes June 30, 1998, sunset date of the grant program.

Section 17: Amends 403.719(1), Florida Statutes, which allows small counties with populations of 75,000 or less, to use waste tire grants for any solid waste related purpose.

Section 18: Provides an effective date of July 1, 1998 for the act.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

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Jenny Underwood Dietzel

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

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