

**HOUSE OF REPRESENTATIVES
ECONOMIC DEVELOPMENT COUNCIL
1999 SUMMARY OF PASSED LEGISLATION**



COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE

Representative Rudolph "Rudy" Bradley, Chair
Representative Anne Betancourt, Vice Chair

COMMITTEE ON TOURISM

Representative Robert "Bob" Starks, Chair
Representative Frank Farkas, Vice-Chair

COMMITTEE ON TRANSPORTATION

Representative Kelley Smith, Chair
Representative Bruce Kyle, Vice-Chair

**Representative Carlos L. Valdés, Council Chair
May 1999**

ECONOMIC DEVELOPMENT COUNCIL

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BUSINESS DEVELOPMENT & INTERNATIONAL TRADE COMMITTEE

1999 End-of-Session Summary

Bills that Passed Both Houses

CS/CS/SB 1566 -- Commerce

by Fiscal Policy, Commerce and Economic Opportunities, and Senators Kirkpatrick and Hargrett

Related Bills: HB 571, HB 579, CS/HB 647, CS/1ST ENG/HB 881, 1ST ENG/HB 985, CS/HB 1077, CS/HB 1147, 1ST ENG/HB 1479, HB 1495, 1ST ENG/HB 1825, HB 1963, HB 1977, HB 2017, HB 2075, HB 2103, HB 2129, 2ND ENG/HB 2073, HB 2183, HB 2193, HB 2195, CS/CS/1ST ENG/SB 0252, CS/1ST ENG/ SB 260, SB 886, CS/CS/SB 0972, SB 1054, SB 1066, CS/CS/2ND ENG/S 1560, CS/SB 1578, SB 1616, SB 1894, CS/SB 2152 & 1930, CS/SB 2242, SB 2548, CS/SB 2454.

Enterprise Florida Restructuring

The organizational structure of Enterprise Florida, Inc. (EFI), is substantially revised by the bill, through the elimination of the International Trade and Economic Development Board, the Capital Development Board, the Technology Development Board, and the Enterprise Florida Nominating Council. (The Workforce Development Board is revised based on the federal Workforce Investment Act of 1998. See ***Workforce Development*** section below.) Under the measure, EFI is authorized to create advisory committees or similar organizations to assist in carrying out its mission. At a minimum, EFI must, by August 1, 1999, establish advisory committees on international business and on small business, comprised of individuals with expertise in the respective fields.

This bill amends s. 288.9015, F.S., governing the mission of EFI, to specify that EFI shall aggressively market Florida's rural communities and distressed urban communities as locations for potential investment, assist in the retention and expansion of existing businesses in these areas, and assist these areas in the identification and development of new economic development opportunities for job creation. EFI is also charged with assessing, on an ongoing basis, Florida's competitiveness as compared to other states, and with incorporating the needs of minority and small businesses into its core functions of economic, international, and workforce development.

With respect to the management of EFI, the bill specifies that the organization's president shall serve at the pleasure of the Governor, although the board of directors shall establish and adjust the president's salary. The chairperson of EFI or the chairperson's designee is added to the membership of the authorized executive committee. In addition, the bill specifies that no employee of EFI may receive compensation exceeding the salary of the Governor, unless the board of directors and the employee have executed a contract under which the satisfaction of performance measures provides the basis for incentive payments that increase the employee's compensation above that earned by the Governor.

The bill amends EFI's responsibilities under s. 288.905, F.S., relating to development of a strategic plan, by revising required elements, eliminating required elements, and adding required elements. Among the revised or added elements is that the strategic plan must include strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development and export assistance, and workforce development programs, and that the plan must include the promotion of the successful long-term economic development of the state with increased emphasis on market research and information to local economic development entities and generation of foreign direct investment in Florida.

EFI's statutory responsibilities for generating private-sector contributions to the organization are also amended by the bill. The measure substantially rewords s. 288.90151, F.S., to specify that the state's operating investment in EFI is the budget contracted by the Office of Tourism, Trade, and Economic Development to EFI, less amounts directed by the Legislature to be subcontracted to a specific recipient. Each fiscal year, the state's operating investment in EFI must be matched 100 percent by private-sector cash and in-kind support, including at least \$1 million in cash given directly to EFI for its operating budget and an additional \$400,000 in cash that may include funds jointly raised with local economic development organizations and funds generated by products or services of EFI.

Office of Tourism, Trade, and Economic Development

The bill authorizes the Office of Tourism, Trade, and Economic Development (OTTED) to contract out for the administration of programs under its jurisdiction, using interest earned from the investment of program funds deposited in the Economic Development Trust Fund, the Grants and Donations Trust Fund, the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund, and the Economic Development Transportation Trust Fund. A number of conforming revisions are made to the statute governing OTTED, s. 14.2015, F.S., to reflect other programmatic changes made by the bill, such as the creation of the Office of the Film Commissioner and the consolidation of Florida's professional and amateur sports promotion programs. (See, e.g., ***Entertainment Industry Promotion*** and ***Amateur and Professional Sports***)

Promotion sections below.) The bill also eliminates a requirement that OTTED report to the Legislature on the status of contracts with public-private partnerships, and reduces the required number of economic summit meetings to at least one per year.

Economic Development Initiatives

Certified Capital Company Act: The bill expands the definition of the term “transferee” for purposes of allocating unused premium tax credits under the Certified Capital Company (CAPCO) Act. The revised definition enables such credits to be utilized by a subsidiary of the certified investor; by an entity 10 percent or more of whose outstanding voting shares are owned by the certified investor; or by a person who directly or indirectly controls, is controlled by, or is under the common control with the certified investor. The bill also specifies that the amount of tax credits vested under the CAPCO Act shall not be considered in rate-making proceedings involving a certified investor. The primary purpose of the CAPCO program, as stated in s. 288.99, F.S., is expanded to include increasing access to capital by minority-owned businesses and businesses located in Front Porch communities, enterprise zones, certain distressed urban and rural areas, and historic districts. In addition, the Black Business Investment Board is specifically identified in the bill as an “early stage technology business” and as a “qualified business” for the purpose of receiving investments by CAPCOs.

Black Business Investment Board: The mission underlying the board is expanded to include taking measures to increase access of black businesses to both debt and equity capital. In addition, the board’s powers are expanded to include promoting black ownership of financial institutions and taking, holding, and improving real property.

Qualified Target Industry (QTI) Tax Refund Program: The bill revises the QTI Program to reduce the requirements and restrictions on the use of tax rebates, and to establish a statutory cap on the state share of refunds of \$24 million for fiscal year 1999-2000 and \$30 million for future fiscal years. The measure also authorizes OTTED to approve for tax refund an expansion of an existing business in a rural community or an enterprise zone that results in a net increase in employment of less than 10 percent. The term “rural community” is defined for purposes of the QTI program as a county with a population of 75,000 or less, a county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less, or a municipality within either of such counties.

Qualified Defense Contractors (QDC) Tax Refund Program: The bill abrogates the scheduled 1999 expiration of the QDC Program by extending the program until June 30, 2004. The measure also corrects agency references relating to administration of the program to reflect the dissolution of the Department of Commerce and the assumption of program administration by OTTED.

Capital Investment Tax Credit: Section 220.191, F.S., relating to the Capital Investment Tax Credit, is amended to provide that credits under the program may be granted against premium tax liability. The bill also specifies that an insurance company claiming premium tax credits under the program will not be subject to additional retaliatory tax under s. 624.5091, F.S.

Urban High-Crime Area and Rural Job Tax Credit Programs: The bill specifies that call centers and similar customer service operations are eligible businesses under the two job tax credit programs under ss. 212.097 and 212.098, F.S., and authorizes specified retail businesses to be eligible under the urban high-crime program. In addition, OTTED is authorized to recommend to the Legislature additions to or deletions from the list of standard industrial classifications used to determine an eligible business for purposes of both programs.

Enterprise Zone Pilot Project: The bill creates s. 290.0069, F.S., to direct OTTED to designate a pilot project within one enterprise zone. Eligibility criteria are specified for the pilot project/enterprise zone, including, among others, that the pilot project area contains a diverse cluster or grouping of facilities or space for a mix of retail, restaurant, or service related industries. Beginning December 1, 1999, no more than four businesses in the project area may claim a credit for taxes due under chs. 212 and 220, F.S. Credits must be computed as \$5,000 times the number of full-time employees of the business and \$2,500 times the number of part-time employees of the business, and the total amount of credits that may be granted under this section annually is \$1 million. This section further provides for prorated credit amounts in the event of excess demand. This section specifies eligibility requirements for businesses, including, among others, that the business has entered into a contract with a developer of a diverse cluster or grouping of facilities or space located in the pilot area, governing lease of commercial space in a facility. This section stands repealed on June 30, 2010.

Quick Action Closing Fund: This bill creates a Quick Action Closing Fund within OTTED for the stated purpose of helping the state to compete for high-impact business facilities. Under the program, the Governor must consult with the President of the Senate and the Speaker of the House of Representatives, prior to giving final approval for a project to receive funding. Once a project is approved, OTTED and the business must enter into a contract governing the conditions for payment of moneys from the fund. The bill further requires Enterprise Florida, Inc., to validate contractor performance.

Military Base Retention: This bill designates the Florida Defense Alliance within Enterprise Florida, Inc. (EFI), as responsible for ensuring the competitiveness of Florida's military bases and base communities and for advising EFI on defense-related activity. In addition, the measure appropriates \$2 million for the purpose of assisting

military installations with improvements to or upgrades of infrastructure as part of the state's effort to retain such facilities.

Economic Development Property Tax Exemptions: This bill amends ss. 196.012 and 196.1995, F.S., to allow a business sited on property that is annexed into a municipality to continue receiving the ad valorem tax exemption that had been provided by the county.

Rural Economic Development

The bill contains a number of provisions designed to encourage economic development in Florida's rural communities. Specifically, the bill:

- Provides that job creation and economic development shall be considered as factors in future land use plans and in designation of industrial use, notwithstanding existing population or low-density population.
- Provides that regional planning councils shall have a duty to assist local governments with economic development activities, and authorizes regional planning councils to use their personnel, consultants, or other assistants to help local governments with economic development activities.
- Codifies the Rural Economic Development Initiative (REDI) within OTTED and provides its duties and responsibilities -- including coordinating and focusing the efforts and resources of state and regional agencies on the problems which affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.
- Authorizes the Governor, based upon recommendations from REDI, to designate up to three rural areas of critical economic concern, and to waive economic development incentive criteria for such communities.
- Increases the maximum grant amount under the Regional Rural Development Grant Program to \$35,000, or \$100,000 in a rural area of critical economic concern.
- Authorizes OTTED to allow a rural area of critical economic concern to retain repayments of principal and interest under the Rural Community Development Revolving Loan Fund if certain conditions are met.
- Creates the Rural Infrastructure Fund within OTTED, under which grants are authorized for infrastructure in support of specific economic development projects, including storm water systems, electrical, telecommunications, natural gas, roads, and nature based tourism facilities.

- Authorizes the provision of grants to rural communities to develop and implement strategic economic development plans.
- Directs the Florida Fish and Wildlife Conservation Commission to provide assistance, including marketing and product development, related to nature-based recreation for rural communities.
- Allows a rural electric cooperative to provide any energy or nonenergy service to its membership.
- Authorizes the Governor to waive the eligibility criteria of any program or activity administered by OTTED or EFI, to provide economic relief to a small community that has been determined to be in an economic emergency.
- Amends s. 378.601, F.S., to expand the circumstances under which a heavy mineral mining operation that annually mines less than 500 acres and whose proposed consumption of water is 3 million gallons of water per day or less may not be required to undergo a development of regional impact (DRI) review. The bill broadens the scope of this DRI exemption to include certain cases in which the operator has received a development order under s. 380.06(15), F.S.

Urban Economic Development

To assist in administration of the Front Porch Florida initiative, the Office of Urban Opportunity is created within the Office of Tourism, Trade, and Economic Development. The bill provides that the director of the urban office shall be appointed by and serve at the pleasure of the Governor. The measure also provides for the creation of an Institute on Urban Policy and Commerce as a Type I institute under the Board of Regents at Florida Agricultural and Mechanical University, the stated purpose of which is to improve the quality of life in urban communities through research, teaching, and outreach activities.

Entertainment Industry Promotion

The bill creates the Office of the Film Commissioner, a centralized, state level office established within the Office of Tourism, Trade, and Economic Development (OTTED) to develop and promote the state's entertainment industry. The term "entertainment industry" is broadly defined to include persons or entities engaged in the operation of motion picture or television studios, or recording studios, as well as members of the broadcast industry. The Office of the Film Commissioner is directed, among other things, to develop and implement a five-year strategic plan, develop a methodology for working with local entertainment industry promotion offices in providing service to the industry, serve as a liaison between government and the entertainment industry, and serve as a liaison between the entertainment industry and labor interests.

The bill creates the Florida Film Advisory Council (council), administratively housed within OTTED. The council will provide industry direction on promoting the growth of

the entertainment industry in the state. The Governor, the President of the Senate, and the Speaker of the House of Representatives are to make appointments under criteria prescribed within the bill. The Film Commissioner, and representatives of the Florida Tourism Industry Marketing Corporation and Enterprise Florida, Inc., will serve as ex-officio, non-voting members of the council. The council's duties and powers are delineated, including, but not limited to, advising on development of a five-year strategic plan by the office to develop, promote, and serve the state's entertainment industry and reviewing and advising on the implementation of the plan. The bill repeals various provisions of ch. 288, F.S., relating to the Florida Film and Television Investment Act and the Florida Film and Television Investment Board.

Digital Broadcasting

The bill provides for the formation of a 12-member task force to be called the "21st Century Digital Television and Education Task Force." The task force, to be established within OTTED, is directed to: devise a plan to recruit digital industries to locate in Florida; recommend economic incentives to assist in the recruitment of certain digital industries to Florida; devise a plan to create and maintain higher education opportunities for students interested in the digital television field; recommend methods to hasten the conversion of existing commercial television studios and sound stages from analog to digital technology; investigate means of assisting public broadcast stations in their conversion from analog to digital technology; and issue a report to the Legislature prior to February 1, 2000.

Amateur and Professional Sports Promotion

The bill authorizes the direct-support organization, known as the "Florida Sports Foundation, Inc." (foundation), to absorb many of the duties currently assigned to the Governor's Council on Physical Fitness and Amateur Sports (council). These activities include the promotion of physical fitness and amateur sports for the citizens of Florida, the promotion of Florida as a host for national and international amateur sports competitions, and the administration of the Sunshine State Games. The bill repeals s. 14.22, F.S., which established the council. Additionally, the bill transfers from the council to the foundation the administration of the funds collected from the sale of Olympic license plates under s. 320.08058, F.S., 1998 Supp. The bill also provides for the transfer of all funds and property held by the council and the Sunshine State Games Foundation, Inc., to the foundation and requires that such resources will be used to promote amateur sports.

The promotion and development of Olympic development centers is dissolved and a broader charge is provided in the bill for programs to encourage participation of Florida's youth in Olympic sports and competitions. The 17-member Florida Olympics

and Pan American Games Task Force is dissolved and replaced by provisions in the bill requiring the foundation to assist and support Florida bid-cities or communities seeking to host the Summer Olympics or Pan American Games and to annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of the bid-city efforts.

Tourism Promotion

The bill provides technical and conforming changes as to the duties, responsibilities, and membership of the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation (Visit Florida), including provisions regarding the staffing of the Commission on Tourism by Visit Florida, and authority for the executive director of the Florida Commission on Tourism. The bill clarifies those contributions which are to be allowed in the required private portion of the one-to-one match of private to public contributions for tourism promotion, and corrects a technical error in the statutory definition of a tourist. The bill provides for the establishment of a standing, statewide advisory committee to assist the Florida Commission on Tourism with the implementation of a plan to protect and promote all of the natural, coastal, historical, and cultural tourism assets of this state. The bill requires the Florida Commission on Tourism to incorporate nature-based tourism and heritage tourism components into its comprehensive state marketing plan, and specifies that the plan must include provisions to specifically address the promotion and development of nature-based tourism and heritage tourism in rural communities.

The bill also transfers administrative and fiscal responsibilities for the Welcome Center Office's from the Department of Transportation to the Commission on Tourism and Visit Florida.

International Business & Related Provisions

International Volunteer Corps: The statutory authority under s. 288.0251, F.S., to contract for implementation of a volunteer corps to provide short-term training and technical assistance activities in Latin America and the Caribbean is transferred from the Office of Tourism, Trade, and Economic Development to the Department of State.

Florida Trade Data Center (FTDC): This bill amends s. 288.8155, F.S., substantially revising the existing statute governing the International Trade Data Resource and Research Center (Florida Trade Data Center). Under the measure, the FTDC is to be established as a private, non-profit corporation and not a unit or entity of state government. The bill also requires the FTDC to make information available to the Office of Tourism, Trade, and Economic Development (OTTED), Enterprise Florida, Inc., and state agencies pursuant to a policy by the center's board of directors. Finally, the bill authorizes certain activities, such as developing a state-wide trade information system

and an Internet based electronic commerce system designed to facilitate international trade in the Americas.

Notaries: The bill revises s. 117.103, F.S., regarding the process for certification of a notary public's commission. The bill also amends ss. 15.16 and 118.10, F.S., clarifying the responsibilities and authority of civil law notaries and the Department of State's regulatory powers with regard to civil law notaries, including the processes for issuance of apostilles and notarial certificates.

Foreign Money Judgments: The bill amends s. 55.604, F.S., to include the Department of State with those entities where foreign judgments are required to be filed and amends s. 55.605(2)(g), F.S., to require the Secretary of State to establish and maintain a list of foreign jurisdictions where judgments rendered in Florida would not be given similar recognition with judgments rendered in the other jurisdiction.

Florida State International Archive and Repository: The bill creates s. 257.34, F.S., establishing the Florida State International Archive and Repository within the Division of Library and Information Services (division) of the Department of State (department) for the purpose of preserving those public records, manuscripts, international judgments involving disputes between domestic and foreign businesses, and all other public matters the department or the Florida Council of International Relations deems relevant to international issues. The Florida Council of International Development may select materials for inclusion in the archive and must be consulted by the division in all matters relating to its establishment and maintenance.

International and Cultural Relations: The Secretary of State is directed to coordinate international activities with Enterprise Florida, Inc., and any other organization the Secretary deems appropriate.

Foreign Offices: The bill amends s. 288.012, F.S., to require each foreign office to submit to OTTED, by October 1 of each year, a complete and detailed report on its activities and accomplishments during the preceding fiscal year. The information provided in the report shall include, but not be limited to, the number of Florida companies assisted; the number of inquiries received about investment opportunities in Florida; the number of trade leads generated; the number of investment projects announced; and the estimated U.S. dollar value of sales confirmations. The bill mandates a legislative review of the foreign offices by December 31, 2001, to determine the effectiveness of Florida's foreign offices. The bill also specifies that this section governing foreign offices will not be repealed and is reenacted.

Foreign Direct Investment: The bill requires Enterprise Florida, Inc. (EFI), in conjunction with OTTED, to prepare a plan for promoting direct investment in Florida by

foreign businesses. The plan must assess and inventory Florida's strengths as a location for foreign direct investment and must include a detailed strategy for capitalizing upon those strengths. In developing the plan, EFI must focus on businesses with site-selection criteria that are consistent with Florida's business climate, businesses likely to facilitate the transshipment of goods through Florida or to export Florida-produced goods from the state, and businesses that complement or correspond to those industries identified as part of the sector-strategy approach to economic development required under s. 288.905, F.S. Additionally, the plan must identify weaknesses in Florida's ability to attract foreign direct investment and must include a detailed strategy for addressing those weaknesses. The plan may include recommendations for legislative action designed to enhance Florida's ability to attract foreign direct investment. EFI must solicit the participation and input of entities with expertise and experience in foreign direct investment in the development of the plan. The plan, which EFI may include within the annual update or modification to the strategic plan required under s. 288.905, F.S., must be submitted to the Governor and the Legislature prior to January 1, 2000.

International Trade and Reverse Investment Resources: The bill provides that EFI shall develop a master plan for integrating public-sector and private-sector international trade and reverse investment resources to provide businesses with comprehensive assistance and the most current information. The plan must include resources such as trade leads, reverse investment opportunities, trade counseling, and trade financing services. EFI is directed to consult with the appropriate experts and consumers while researching for this project. The master plan must be submitted to the Governor and the Legislature prior to January 1, 2000.

Cuba: The bill requires EFI to prepare a strategic plan designed to allow Florida to capitalize on the economic opportunities associated with a free Cuba. The plan should recognize the historical and cultural ties between this state and Cuba and should focus on building a long-term economic relationship between these communities. The plan may include recommendations for legislative action necessary to implement the strategic plan. The strategic plan must be submitted to the Governor and the Legislature prior to January 1, 2000.

Appropriation: The bill provides for \$224,750 originally assigned to the Florida First Capital Finance Corporation to be reassigned to the Florida-Korea Economic Cooperation Committee and the San Carlos Institute of Key West.

Ports Infrastructure Development & Other Activities

The bill enacts a number of revisions to statutes affecting activities at seaports in the state. With respect to ports infrastructure development, the bill amends s. 163.3178, F.S., relating to coastal management, to provide that ports which are part of the Florida

Seaport Transportation and Economic Development (FSTED) Council and which have spoil disposal responsibilities must identify disposal sites for dredged materials. For areas owned or controlled by these ports, compliance with this requirement shall be achieved through the ports' comprehensive master plans. Such plans must be integrated with local comprehensive plans through existing processes. The bill also amends s. 163.3187, F.S., to create an exception to the prohibition against amending comprehensive plans more than two times per calendar year in the case of amendments for port transportation facilities and projects eligible for funding by the FSTED Council.

When engaged in activities authorized by water resources or environmental control permits or exemptions, ports listed in s. 403.021(9)(b), F.S., as well as the Florida Inland Navigation District and the West Coast Inland Navigation District, are not required to pay any fees for activities involving the use of sovereign lands. Ports covered by this provision include the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Pensacola, Fernandina, and Key West. The bill also exempts specified expansion activities at these ports from, as well as other port development, transportation, and intermodal transportation activities, from the Development of Regional Impact (DRI) requirements, provided that such expansion or other activities are consistent with the required comprehensive master plans.

With respect to port planning, the bill creates s. 311.14, F.S., to direct the FSTED Council, in cooperation with the Office of the State Public Transportation Administrator, to develop freight-mobility and trade-corridor plans to assist in making freight-mobility investments that contribute to the state's economic growth. The bill directs the Office of the State Public Transportation Administrator to integrate freight-mobility and trade-corridor plans into the Florida Transportation Plan and into the plans of metropolitan planning organizations.

The bill also revises the definition of "port facilities," under s. 315.102, F.S., to include certain facilities used to warehouse, store, and distribute cargo transported or to be transported through an airport or port facility.

Workforce Development

This bill provides specifications for Florida's implementation of the federal Workforce Investment Act of 1998 (WIA), consolidates Florida statutes regarding workforce development in a distinct part of the statutes, and reauthorizes language from the Workforce Florida Act of 1996 inadvertently omitted from current law.

One-Stop Career Centers: One-Stop Career Centers are established in the bill as the state's customer service delivery mechanism. Required one-stop partners, in addition to those mandatory partners specified in the WIA, include food stamp and WAGES/TANF programs. The partners are prohibited from operating independently of the one-stops without approval of regional workforce development boards (RWDBs), and services provided by partners which are not physically located in a one-stop must be approved by the RWDB. Memorandums of understanding must be executed between the RWDB and one-stop partners, and one partner's failure to participate may not block the participation of others.

RWDBs are directed to provide oversight to local one-stops and designate one-stop operators. These boards may retain current one-stop operators without further procurement action where the board has established a one-stop that complies with state and federal law.

Intensive services and training must be provided through Intensive Service Accounts and Individual Training Accounts (ITAs). The WDB must develop an implementation plan, including identification of initially eligible training providers, transition guidelines, and criteria for use of these accounts. ITAs must be performance-based, and expended on programs for high-wage, high-demand occupations. RWDBs, in consultation with training providers, must establish a fair market purchase price for each training program to be paid through an ITA. The WDB must review pricing schedules and recommend process improvement changes to the Legislature.

Workforce Development Board and Regional Workforce Development Boards:

The bill designates the WDB as the state's Workforce Investment Board, and the RWDBs as the local workforce investment boards pursuant to the WIA. The membership composition of the boards must be in compliance with the WIA, and the WDB is directed to provide a transition plan to incorporate the membership composition changes required by the bill.

Implementation of the federal Workforce Investment Act of 1998: The WDB is required by the bill to prepare a five-year plan (to include secondary vocational education) for early implementation of the WIA. Mandatory and optional federal partners must be involved in development of the plan and optional partners choosing to be included in the plan will satisfy all state planning and reporting requirements as they relate to one-stops. The plan must detail a process that would fully integrate all federally mandated and optional partners in the second year of the plan.

The WDB must contract with an administrative entity for the disbursement of WIA funds, including Rapid Response funds, to the RWDBs. Unless a RWDB obtains a waiver, at least 50 percent of pass through Adult/Dislocated WIA Title I funds must be used for ITAs. Tuition, fees, performance-based incentive awards, as well as other

programs, qualify as an ITA expenditure. Ten percent of the WIA youth funds allocated to RWDBs must be used as performance payments for public schools' dropout prevention programs.

The bill creates the Incumbent Worker Training Program, administered by a private entity, to provide grant funding for continuing education and training of incumbent employees. Five percent of the 15 percent of the WIA funds retained at the state level is dedicated to this program.

Department of Labor and Employment Security: The bill provides that the Department of Labor and Employment Security (department) may offer a one-time voluntary reduction-in-force payment to active employees of the department with 30 or more years in a state-administered retirement fund or to persons at least age 62 and eligible for retirement, during 1999-2000 fiscal year.

Community Assistance Programs

Local Government Financial Technical Assistance Program: The program is created in s. 163.055, F.S., for the stated purpose of providing technical assistance to municipalities and special districts to enable them to implement workable solutions to financially related problems. Under the program, the Comptroller is directed to enter into contracts with providers who shall, among other requirements, assist municipalities and independent special districts in developing alternative revenue sources, and assist them in the areas of financial management, accounting, investing, budgeting, and debt issuance.

Florida Interlocal Cooperation Act: The bill amends s. 163.01, F.S., to specify that a local self-insurance fund established under this section may financially guarantee certain bonds or bond anticipation notes issued or loans made under the statute.

Small School District Stabilization Program: The program is created to provide technical and financial assistance to maintain the stability of the educational program in the school district in rural communities that document economic conditions or other significant influences that negatively impact the district. As part of the program, the Office of Tourism, Trade, and Economic Development may consult with Enterprise Florida, Inc., on development of a plan to assist the county with its economic transition. The bill authorizes grants to the school districts, effective July 1, 2000, which may be equivalent to the amount of the decline in project revenues.

Discretionary Per-Vehicle Surcharge: Section 218.503, F.S., is amended to provide that the governing authority of any municipality with a resident population of 300,000 or more, and which has been declared to be in a state of emergency within a specified

period, may impose a discretionary per-vehicle surcharge of up to 20 percent on the gross revenues of the sale, lease, or rental of space at public parking facilities within the municipality.

Professional Regulation

The bill contains several provisions relating to regulation of professions and occupations.

Continuing Education: The bill requires that by the year 2002, the Department of Business and Professional Regulation (DBPR) must monitor 100 percent of professional licensees for compliance with continuing education requirements or privatize that activity. It authorizes administrative fines and provides that a license will not be renewed until all fines are paid and all conditions of a final order are met. The bill also authorizes use of distance learning to satisfy continuing education requirements and provides that DBPR or a board may waive or prorate continuing education requirements.

Restrictions on Employment Opportunities: The bill requires the Legislature, as part of the “sunrise” process, to evaluate new proposals for regulation of professions or occupations to determine the impact on employment opportunities. It also prohibits DBPR and the Department of Health from creating regulations that unreasonably restrict ability to seek or find employment.

Legal Representation: The bill deletes requirements that the Department of Legal Affairs provide counsel to certain professional boards, providing instead that DBPR use its own attorneys, hire private attorneys, or contract with the Department of Legal Affairs.

Minor Violations: The bill provides that certain minor violations will be classified as inactive if 2 years have elapsed since the issuance of the final order imposing discipline and the licensee has not been disciplined for any subsequent minor violation of the same nature.

Cosmetology: The bill defines “skin care services” in the practice act for cosmetology distinctly from the definition of massage in s. 480.033(3), F.S. It also defines “body wrapping” to mean, for the purposes of the cosmetology practice act, treatments using herbal wraps for weight loss and for the purpose of cleansing and beautifying the skin, not including application of oils or lotions or manipulation of the body’s superficial tissue. A person who conducts body wrapping must register with the department, pay a registration fee not to exceed \$25, and participate in a two-day, 12-hour training that includes a HIV/AIDS course approved by DBPR.

State Athletic Commission/Boxing: The bill includes provisions designed to ensure greater accountability by the State Athletic Commission (commission). It provides that the Governor may have a commissioner investigated and may remove a commissioner for specified grounds. The commission's executive officer is to be employed by DBPR, with the approval of the commission. The Department of Business and Professional Regulation is to assist the commission in budget development and is to submit an annual balanced legislative budget based on anticipated revenue. Additionally, the bill requires that the DBPR provide all necessary legal and investigative services to the commission, deletes authority for branch commission offices, increases the amount of the bond that a foreign copromoter must file from \$3,000 to \$15,000, and deletes a \$10 filing fee on the filing of each bond.

Certified Public Accountants: These provisions authorize certified public accountants (CPA) to provide advisory services relating to insurance while acting within their scope of accounting practice. They limit the CPAs' activities to advising clients as to the need for obtaining insurance, the amount of insurance, and the type of insurance needed. A CPA is prohibited from receiving any form of insurance commission or fee for these services.

If approved by the Governor, these provisions take effect July 1, 1999.

Vote: Senate 37-0; House 119-0

TRANSPORTATION COMMITTEE

1999 End-of-Session Summary

Bills that Passed Both Houses

HB 47--Sales Tax Exemption/Truck Stop

by Fuller & Others (SB 142 by Holzendorf & SB 862 by Fiscal Resource)

House Committee(s) of Reference: Transportation; Finance & Taxation; General Appropriations

This bill provides an exemption from sales tax on the renting or leasing of travel center/truck stop facilities. The bill defines "travel center/truck stop facility" as any facility that has declared its primary business activity as the sale of diesel fuel at retail, and which operates a minimum of 6 diesel fuel dispensers.

The bill has a negative fiscal impact to General Revenue of \$.4 million annually. There will also be an insignificant negative impact to the state solid waste management trust fund and the local government half-cent and local option sales tax trust funds.

The effective date of the bill is July 1, 1999.

HB 55--Fuel Tax Refund/Motor Coach Idle Time

by Fuller (passed as CS/SB 1846 by Fiscal Resource & Sebesta)

House Committee(s) of Reference: Transportation; Finance & Taxation; Transportation & Economic Development Appropriations

This bill provides motor coach owners with a diesel fuel tax refund on fuel consumed by a motor coach when the engine is idling to run climate control and electrical systems. The refund to motor coach operators will be 35 percent of fuel taxes paid, and is only applicable to buses that weigh 33,000 pounds or more. State sales tax is due on motor coach fuel that is subject to refund of fuel tax.

The bill is estimated to have a negative fiscal impact to state and local revenues of \$1.2 million on an annualized basis.

The effective date of the bill is January 1, 2000.

CS/HB 75--Road & Bridge Designations by Transportation; Fasano & Others (passed as CS/SB 82 by Transportation; Brown-Waite & Others)

House Committee(s) of Reference: Transportation; Transportation & Economic Development Appropriations

The bill designates the following transportation facilities:

- ▶ That portion of State Road 54 in Pasco County, currently designated as the “Purple Heart Highway,” 1 mile east and 1 mile west of the intersection of State Road 54 and I-75 as the “State Trooper James Crooks Memorial Highway.”
- ▶ The Florida Highway Patrol substation on State Road 52 in Land O’ Lakes as the “State Trooper James Crooks Substation.”
- ▶ That portion of Highway 20 lying west of the Apalachicola River Bridge in Calhoun County to the Bay County Line on the west as the “Fuller Warren Parkway.”
- ▶ Southwest 87th Avenue from Coral Way to Bird Road in Miami-Dade County as the “Saint Marcellin Champagnat Way.”
- ▶ That portion of U.S. Highway 98 in Franklin County between the Tillie Miller Bridge in Carrabelle and the Ochlockonee Bay Bridge as the “Camp Gordon Johnston Memorial Highway.”
- ▶ The bridge crossing the Intracoastal Waterway on State Road A1A/Southeast 17th Street in Fort Lauderdale as the “E Clay Shaw, Jr., Bridge.”
- ▶ That portion of State Road A1A/Southeast 17th Street Fort Lauderdale between Southeast 23rd Avenue and Eisenhower Boulevard as the “Commodore Brook Memorial Causeway.”
- ▶ That portion of U.S. Highway 90 in Jefferson and Leon Counties between Tallahassee and Monticello as part of the “Florida Arts Trail.”
- ▶ State Road 9 from NW 58th Street to County Line Road as the “Carrie P. Meek Boulevard.”
- ▶ The Destin Bridge at East Pass as the “William T. Marler Bridge.”
- ▶ U.S. Highway 27 within the State of Florida as the “Claude Pepper Memorial Highway.”
- ▶ That portion of Biscayne Boulevard in Miami between Northeast 6th Street and Northeast 16th Street as the “Jorge Mas Canosa Boulevard.”
- ▶ That portion of Southwest 1st Street in Dade County between 16th Avenue and 17th Avenue as the “Armando Perez ‘Yambo’ Boulevard.”
- ▶ The Palm Beach Turnpike Plaza as “Charles B. Costar, Sr., Turnpike Plaza.”
- ▶ That portion of State Road 710 in Palm Beach County between State Road 809 and State Road 706 as the “Moroso Memorial Highway.”

- ▶ That portion of Southwest 8th Street in Miami between Southwest 67th Avenue and Southwest 70th Avenue as “Dr. Armando Bucelo, Sr., Way.”
- ▶ That portion of State Road 869 between State Road 816 and State Road 870 as the “Trooper Donald Earl Jennings Highway.”
- ▶ The new bridge over Bayou Chico on State Road 292 in Pensacola as the “Bayou Chico Bridge.”
- ▶ That portion of State Road 972 in Miami between Southwest 17th Avenue and Southwest 13th Avenue as “Senator Ruben Mendiola Way.”
- ▶ That portion of State Road 5 in the Village of Pinecrest as the “Pinecrest Parkway.”
- ▶ That portion of Coral Way between 12th Avenue and 22nd Avenue as “Angel Pio de la Portilla Way.”

The Department of Transportation is directed to erect suitable markers for the transportation facility designations. The Department of Highway Safety and Motor Vehicle is directed to erect suitable markers for the Highway Patrol substation designation.

Effective Date: Upon becoming law.

HB 127--US Marine Corps License Plate by Crady & Others (SB 282 by Sullivan)

House Committee(s) of Reference: Transportation; Finance & Taxation

The bill requires the Department of Highway Safety and Motor Vehicles to issue a “United States Marine Corps” license plate. In addition to the usual specialty license plate fees, a \$15 annual use fee will be charged for this new specialty license plate.

Annual use fees for the license plate are to be distributed as follows:

- The first \$50,000 collected annually will be deposited in the State Homes for Veterans Trust Fund and used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans subject to the requirements of chapter 216, F.S.
- Any additional fees collected annually are to be deposited in the Marine Corps Scholarship Foundation, Inc., successor to the USMV Tag/Scholarship Fund, Inc., which must use the fees to fund scholarships and assist Marine Corps Junior ROTC programs.

The effective date of the bill is July 1, 1999.

HB 267--Purple Heart License Plate by Fiorentino & Others (SB 1018 by Latvala)

House Committee(s) of Reference: Transportation; Community Affairs

The bill authorizes the Department of Highway Safety and Motor Vehicles to issue the Purple Heart license plate to an unremarried surviving spouse of a Purple Heart medal recipient.

The bill is effective on becoming a law.

CS/HB 311 & 243--DOT & Public Authorities/Law Suits by Judiciary; Fuller; Governmental Operations; Trovillion & Others (CS/SB 240 by Fiscal Policy, Sebesta & others; SB 810 by Lee)

House Committee(s) of Reference: Transportation; Judiciary; Transportation & Economic Development Appropriations

The bill specifies conditions under which suits may be brought by and against the Department of Transportation (DOT) and other public authorities on contract claims based on breach of an express provision or an implied covenant of a written agreement or directive. Both the government and the contractor would have the same rights, remedies and defenses as a private person in such suits, except that liability could not be based on oral modifications of the contract. The bill specifically provides that the sovereign immunity of the state and its political subdivisions is not waived from equitable claims and equitable remedies.

The bill further provides that claims between DOT and contractors of up to \$1 million may be heard and resolved by the State Arbitration Board. Currently claims over \$250,000 must go to court. The bill also repeals a provision authorizing DOT to establish an Owner Controlled Insurance Program (OCIP). An OCIP provides insurance coverage for DOT and for worker's compensation and employers liability, and general liability and builders risk for contractors and subcontractors in conjunction with all work performed on a DOT project.

Effective Date: Upon becoming a law except as otherwise provided.

HB 411--Lawton Chiles Trail

by L. Miller & Others (passed as CS/SB 892 by Transportation, Dyer & Others)

House Committee(s) of Reference: Transportation; Community Affairs;
Transportation & Economic Development Appropriations

This bill designates the following roadways and portions of roadways as the "Lawton Chiles Trail":

Century to Tallahassee, consisting of;

- ▶ That portion of Highway 4 between the intersection at Highway 29 and the intersection at Highway 90.
- ▶ That portion of Highway 90 between the intersection at Highway 4 and Tallahassee.

Tallahassee to Monticello, consisting of;

- ▶ That portion of Highway 90 between Tallahassee and Monticello.

Monticello to Live Oak, consisting of;

- ▶ That portion of Highway 90 between Monticello and Live Oak.

Live Oak to Lake Butler, consisting of;

- ▶ That portion of Highway 90 between Live Oak and Lake City.
- ▶ That portion of Highway 100 between Lake City and Lake Butler.

Lake Butler to Ocala, consisting of;

- ▶ That portion of Highway 100 between Lake Butler and Starke.
- ▶ That portion of Highway 301 between Starke and Waldo.
- ▶ That portion of Highway 24 between Waldo and Gainesville.
- ▶ That portion of Highway 441 between Gainesville and Ocala.

Ocala to Sanford, consisting of;

- ▶ That portion of Highway 40 between Ocala and Barberville.
- ▶ That portion of Highway 17 between Barberville and DeLand.
- ▶ That portion of Highway 92 between DeLand and Daytona Beach.
- ▶ That portion of Highway U.S. 1 between Daytona Beach and New Smyrna Beach.
- ▶ That portion of Highway 44 between New Smyrna Beach and Samsula.
- ▶ That portion of Highway 415 between Samsula and Sanford.

Sanford to Orlando, consisting of;

- ▶ That portion of Highways 17 and 92 between Sanford and Orlando.

Orlando to St. Petersburg, consisting of;

- ▶ That portion of Highways 17 and 92 between Orlando and Tampa.
- ▶ The Gandy Bridge into St. Petersburg.

St. Petersburg to Fort Myers, consisting of;

- ▶ That portion of Highway 618 between the Gandy Bridge and the intersection at Highway 41.
- ▶ That portion of Highway 41 between the intersection at Highway 618 and the intersection at Highway 776.
- ▶ That portion of Highway 776 between the intersection at Highway 41 and Englewood.
- ▶ That portion of Highway 776 between Englewood and Fort Myers.

Fort Myers to West Palm Beach, consisting of;

- ▶ That portion of Highway 80 between Fort Myers and the intersection at Highway 27.
- ▶ That portion of Highway 27 between the intersection at Highway 80 and Belle Glade.
- ▶ That portion of County Road 880 between Belle Glade and Highway 98.
- ▶ That portion of Highway 98 between the intersection at County Road 880 and the intersection at Highway 80.
- ▶ That portion of Highway 80 between the intersection at Highway 98 and the intersection at Highway U.S. 1.

West Palm Beach to Key Largo, consisting of ;

- ▶ That portion of Highway U.S. 1 between West Palm Beach and Key Largo, including that portion of Highway 838 that connects sections of Highway U.S. 1 in Fort Lauderdale.

The department is directed to erect suitable markers for the “Lawton Chiles Trail” and is authorized to erect markers detailing Governor Lawton Chiles’ walk, commitment to children and service to the State of Florida.

Effective Date: Upon becoming law.

HB 509--Choose Life License Plate by Kilmer & Others (SB 1526 by Sebesta)

House Committee(s) of Reference: Transportation; Finance & Tax; Transportation & Economic Development Appropriations

The bill requires the Department of Highway Safety and Motor Vehicles to issue a "Choose Life" license plate. In addition to the usual specialty license plate fees, a \$20 annual use fee will be charged for this new specialty license plate.

Annual use fee proceeds from the Choose Life plate are distributed annually to each county based on the ratio of annual use fees collected in each county to the total fees collected for the plate statewide. The bill requires counties to distribute the funds to nongovernmental, not-for-profit agencies which provide services limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption.

The effective date of the bill is July 1, 1999.

HB 589--Vessel Registration by Transportation; K. Smith (SB 1312 by Webster)

House Committee(s) of Reference: Community Affairs; Transportation & Economic Development Appropriations

Vessel registration and safety laws are contained in chapter 327, F.S., and are administered by both the Department of Environmental Protection (DEP) and DHS&MV. DEP is responsible for vessel safety and DHS&MV is responsible for vessel registration.

The bill transfers vessel registration statutes from chapter 327, F.S. to chapter 328, F.S. (vessel titles). This would place DHS&MV's vessel registration and titling responsibilities into the same chapter of the Florida Statutes. Chapter 327, F.S., would continue to be related to vessel safety and be administered by DEP. Reorganizing the statutes will serve to align the statutes according to the missions and responsibilities of DEP and DHS&MV.

The bill is effective on becoming a law.

HB 591--Transportation Department by Transportation; K. Smith (CS/HB 1021 by Spratt & Others; CS/HB 1147 by Transportation & K. Smith; HB 1437 by Sobel; HB 2085 by Henriquez; CS/CS/SB 940 by Fiscal Policy & Comprehensive Planning, Local and Military Affairs; CS/CS/SB 972 by Fiscal Policy,

Transportation & Casas; CS/SB 1314 by Transportation, Webster & Others; SB 2490 by Jones)

House Committee(s) of Reference: Community Affairs; Finance & Tax

This bill includes the Department of Transportation's (DOT) 1999 legislative proposals as contained in CS/HB 1147. The bill addresses a number of transportation infrastructure financing issues and conforms state law to recent changes in federal transportation law, the Transportation Equity Act for the 21st Century (TEA-21). Many of the provisions in the bill are related to department operations and are intended to allow DOT to operate more efficiently. Major provisions in the bill would:

1. Enhance or implement transportation finance programs related to right-of-way and bridge bonds, federal grant anticipation revenue bonds, fixed guideway project bonds, and direct federal loans for railroad rehabilitation and improvement financing.
2. Conform DOT's and MPO's transportation planning process with new federal requirements, including placing more emphasis on freight and intermodal issues in transportation planning and project selection.
3. Improve DOT contract administration process, including increasing the number of construction contract claims that can be resolved by the State Arbitration Board prior to litigation and allowing DOT to contract directly with utility company for right-of-way clearing work necessary for utility relocation.

The bill also incorporated the provisions of CS/HB 1021 related to the Small County Road Assistance Program. The program is created within the Department of Transportation (DOT) to assist small counties (1990 population of 75,000 or less) in resurfacing or reconstructing county roads. From fiscal year 1999-2000 until fiscal year 2009-2010, up to \$25 million from the State Transportation Trust Fund (STTF) may be used annually to fund the program.

The bill further includes the provisions of CS/CS/SB 940 related to eminent domain. The bill creates a presuit negotiation process in eminent domain proceedings which requires providing notice and written offers of compensation, and exchanging of information such as appraisal reports, design plans and business records, between condemning authorities and property and business owners. These provisions are intended to encourage more presuit settlements, and may decrease litigation costs.

Finally, the bill includes the results of the 1997 State Government Function/Activity Review Interim Project by the House Transportation Committee to identify obsolete or

incorrect statutory language relating to transportation issues. These provisions were in HB 591 as originally introduced. As such, the bill removes obsolete language, corrects cross references, and otherwise, makes a number of technical changes to certain existing transportation laws. These changes are accomplished through revising, reenacting, and amending various relevant provisions of existing Florida law.

The bill results in administrative cost-savings and increased departmental efficiencies which are expected to have an overall positive fiscal impact on DOT operating costs. The bonding and other financing provisions in the bill have the potential for significant positive fiscal impacts on DOT's 5-year work program, adding up to \$1.5 billion in transportation infrastructure projects.

Effective Date: July 1, 1999, except as otherwise provided.

HB 601-- Share the Road License Plate by Casey & Others (SB 280 by Sullivan)

House Committee(s) of Reference: Transportation; Finance & Taxation;
Transportation & Economic Development Appropriations

The bill requires the Department of Highway Safety and Motor Vehicles to issue a "Share the Road" license plate. In addition to the usual specialty license plate fees, a \$15 annual use fee will be charged for this new specialty license plate.

Annual use fee proceeds from the Share the Road plate are distributed to the Florida Governor's Council on Physical Fitness and Amateur Sports, a portion of which may be used for marketing and promoting the license plate. The remaining funds are divided equally between Bike Florida, Inc., and the Florida Bicycle Association, Inc., to be used for:

- Education and awareness programs, for bicycle safety and motorist safety, with emphasis on sharing the roadway by all users.
- Training, workshops, educational materials, and media events.
- The promotion of safe bicycling.

The effective date of the bill is July 1, 1999.

HB 613--Tampa Bay Estuary License Plate by Henriquez & Others (passed as SB 1266 by Sebesta)

House Committee(s) of Reference: Transportation; Finance & Taxation;
Transportation & Economic Development Appropriations

The bill requires the Department of Highway Safety and Motor Vehicles to issue a "Tampa Bay Estuary" license plate. In addition to the usual specialty license plate fees, a \$15 annual use fee will be charged for this new specialty license plate.

Annual use fee proceeds are authorized to be used in the following manner:

- 20 percent, not to exceed \$50,000, to the Tampa Bay Regional Planning Council for support of activities of the Agency on Bay Management.

- Up to 5 percent for marketing the Tampa Bay Estuary license plate.
- Of the remaining proceeds, implementation of the Comprehensive Conservation and Management Plan for Tampa Bay in accordance with priorities approved by the Tampa Bay Estuary Program Policy Board.

The effective date of the bill is July 1, 1999.

HB 849--Golf Carts & Utility Vehicles
by Farkas (passed as SB 996 by Transportation)

House Committee(s) of Reference: Transportation; Community Affairs

This bill defines a “low speed vehicle” as any four wheeled electric vehicle whose top speed is more than 20 miles per hour but less than 25 miles per hour, and authorizes the operation of such vehicles on local roads and urban minor arterial roads where the posted speed-limit does not exceed 35 miles per hour. The bill requires low-speed vehicles to be equipped with headlamps, stop lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers. The bill further requires operators of low-speed vehicles to be licensed and insured.

The bill also authorizes municipalities to use golf carts and utility vehicles on public roads, if specified safety requirements are met.

The bill is effective on becoming a law.

CS/HB 967--Traffic Control/Highway Safety Motor Vehicles
by Transportation; Kyle and Others (passed as CS/CS/SB 1270
 Fiscal Policy; Transportation; Casas and Forman)

House Committee(s) of Reference: Transportation; Agriculture; Finance & Taxation; Transportation & Economic Development Appropriations

The bill contains numerous changes to provisions of law relating to programs administered by the Department of Highway Safety and Motor Vehicles (DHS&MV). Substantive issues included in the bill relate to traffic control, highway safety, motor vehicles, drivers’ licenses, and vessels. Major provisions include:

Traffic Control - The bill establishes employment requirements and responsibilities for traffic accident investigation officers employed by the Florida Highway Patrol. The bill

provides for increased penalties for allowing debris on a vehicle to escape onto the highway. The bill exempts authorized emergency motor vehicles from requirements relating to unattended motor vehicles.

Motor Vehicle Registration - The bill enhances the fleet registration program by revising eligibility requirements and providing additional flexibility for program participants. The bill creates a manufacturer license plate, redefines antique vehicles, and abolishes the collectible license plate. The bill also creates a new category for antique firefighting and military equipment. Finally, the bill provides for enhanced penalties for deliberate misuse of temporary tags to avoid registration requirements.

Drivers' Licenses The bill contains several provisions regarding DUI-related suspensions. The bill deletes the requirement for an informal review in the case of license suspensions where the person fails to appear for the formal hearing without just cause. The bill provides that no administrative suspension may be stayed upon request for review until the judicial review determines the validity of the order. The bill provides a person is not eligible for a business or employment purposes license until after the expiration of the mandatory suspension period.

Motor Vehicle Inspection Program - The bill revises the motor vehicle emissions inspection program to implement the following: exempt the current and two most recent model year vehicles from testing; provide for the continued use of the current testing procedures and equipment; and impose a \$19 cap on inspection fees. The bill also provides that contracts entered into pursuant to the bill may not exceed 7 years in length.

Vessel Registration and Titling - The bill implements numerous changes to chapters 327 and 328, F.S. These provisions are intended to make vessel titling and registration laws consistent with comparable motor vehicle titling and registration requirements.

The effective date of the bill is on becoming a law, except as provided otherwise.

HB 1015--Driver's Licenses/Sale of Information by Feeney and Others (CS/SB 1898 by Transportation & Brown- Waite)

House Committee(s) of Reference: Transportation; Transportation & Economic Development Appropriations

The bill repeals the Department of Highway Safety and Motor Vehicles' authority to sell copies of photographs, electronically stored photographs, and other driver's license

and state identification card information when such information is used for fraud prevention. As a result, the Department is prohibited from releasing driver license photographs and digital images, except for law enforcement purposes.

The bill also requires the State Technology Council to create a Task Force on Privacy and Technology. The task force shall include professionals in the fields of communications, government, law enforcement, law, marketing, technology, and financial services, including, but not limited to, the Society of Consumer Affairs Professionals in Business, the Florida Retail Federation, and the Office of Statewide Prosecution. The task force is required to issue a report with recommendations by February 1, 2000, on the following issues:

- Privacy issues under the Constitutions and laws of the United States and the State of Florida, the Public Records Act, and the advent of the use of advanced technologies.
- Technology fraud, including, but not limited to, the illegal use of citizens' identities and credit.
- Balancing the traditional openness of public records in the state with the need to protect the privacy and identity of individuals.
- The sale of public records to private individuals and companies.

The bill is effective on becoming a law.

HB 1909--Florida Wildflower License Plate by Kosmas & Others (SB 2018 by Kirkpatrick)

House Committee(s) of Reference: Transportation; Finance & Taxation;
Transportation & Economic Development Appropriations

The bill requires the Department of Highway Safety and Motor Vehicles to issue a "Florida Wildflower" license plate. In addition to the usual specialty license plate fees, a \$15 annual use fee will be charged for this new specialty license plate.

Annual use fee proceeds must be used to establish native Florida wildflower research programs, wildflower educational programs and wildflower grant programs.

The effective date of the bill is July 1, 1999.

HB 2283--Florida Memorial College License Plate

by Logan (Passed as SB 1538 by Dawson-White & Others)

House Committee(s) of Reference:

The bill directs the Department of Highway Safety and Motor Vehicles (DHS&MV) to develop a Florida Memorial College license plate. Such plates would be available upon payment of appropriate license taxes, and an annual use fee of \$25. The \$25 annual use fee will be distributed to the Florida Memorial College.

The effective date of the bill is July 1, 1999

TOURISM COMMITTEE

1999 End-of-Session Summary

Bills that Passed Both Houses

CS/1st Eng/HB 519--Spring Training Franchise Facilities by Tourism; Sembler (CS/SB 1940 by Comprehensive Planning, Local & Military Affairs; Kurth)

House Committee(s) of Reference: Tourism; Finance & Taxation; Transportation & Economic Development Appropriations

CS/1st Eng/HB 519 amends s. 125.0104 (2)(b), F.S., 1998 Supplement, providing a definition for a “retained spring training franchise.” “Retained spring training franchise” is defined as a spring training franchise that had a location in this state on or before December 31, 1998, and that has continuously remained at that location for at least the 10 years preceding that date.

The bill also amends s. 125.0104 (3)(l) and (n), F.S., 1998 Supplement, to provide that the additional local option tourist development taxes presently authorized to pay the debt service on bonds to finance the construction, reconstruction, or renovation of a professional sports franchise facility or a convention center and to pay for the planning and design costs incurred prior to the issuance of the bonds, may also be used to pay the debt service on bonds to finance the acquisition, construction, or renovation of a “retained spring training franchise facility” and to pay the planning and design costs incurred prior to the issuance of the bonds. In order for a local government to be able to assess the first professional sports franchise facility/convention center 1 percent levy, the initial local option tourist development tax of 1 to 2 percent and the subsequent authorized local option tourist development tax of 1 percent must have been levied pursuant to s. 125.0104, F.S., 1998 Supplement. In order to access the second 1 percent levy authorized under s. 125.0104(3)(n), F.S., 1998 Supplement, the governing board must have already authorized the levy under s. 125.0104(3)(l), F.S., 1998 Supplement.

As of June 1998, 42 counties assessed the initial local option tourist development tax levy of 1 to 2 percent. Of those counties, 24 counties levied the additional local option tourist tax of 1 percent. Half of these counties, 12, levied the initial professional sports franchise facility tax/convention center tax of 1 percent. As of June 1998, only three counties levied the additional professional sports franchise facility tax of 1 percent.

Of the 20 professional spring training franchise facilities located in Florida, nine meet the criteria of a “retained spring training franchise” as defined in the bill. Five of the nine are located in counties that already have levied the 1 percent under the first professional sports franchise/convention center levy. The remaining four are located in counties that have not levied the 1 percent but still have it available to them. Only one “retained spring training franchise” facility is privately-owned by the franchise ownership and only one local government governing board would, therefore, directly benefit from including the “acquisition” of such a facility to the language in s. 125.0104(3)(l), F.S., 1998 Supplement.

Of the five retained spring training franchise facilities located in areas levying the first professional sports 1 percent tax authorized, all are in counties that could potentially levy the second authorized professional sports franchise tax and use the funds for retained spring training franchise facilities now provided for in the bill. Others will become eligible for funding as they meet the definition contained in the bill and as the respective local governing bodies levy the first percent under s. 125.0104(3)(l), F.S., 1998 Supplement.

Section 2 of the bill provides an appropriation from General Revenue of \$3.75 million in fiscal year 1999-2000 and \$3.75 million in fiscal year 2000-2001 to the Office of Tourism, Trade and Economic Development (OTTED) in the Office of the Governor to be used as a grant to a unit of local government for the acquisition, construction, reconstruction, or renovation of a privately owned retained spring training franchise facility. OTTED is required to verify certain conditions prior to distribution of this appropriation.

The effective date of the bill is July 1, 1999.

HB 579--Tourism

by Tourism; Starks & Others (Passed as sections 14 -21 of CS/CS/1st Eng/SB 1566 by Fiscal Policy; Commerce & Economic Opportunities; Kirkpatrick)

House Committee(s) of Reference: Tourism; Transportation; Business Development & International Trade; Transportation & Economic Development Appropriations

The bill amends several sections of the statutes which relate to the Florida Commission on Tourism and the Florida Tourism Industry Marketing Corporation, dba Visit Florida. It corrects one of the references to the Commission’s strategic plan by changing the time frame from 5-years to 4-years, thereby making it the same as the other references. A correction is made in the definition of “tourist” to reflect that a person who participates

in trade or recreation activities outside of his or her home county and not country is considered a tourist. The proposal also removes an obsolete reference to when the Commission's first meeting must take place and provides that the commission will elect its vice-chair annually instead of biennially. It also adds a provision relating to the term lengths of the 17 general-tourism-industry members to make the 2, four-year consecutive term limit apply only after June 30, 1996. Obsolete provisions relating to the powers and duties of the Commission are removed and the provision relating to the required one-to-one match of private to public contributions is further delineated regarding what can be used in calculating the private sector match. Language is added to provide that staff support for the Commission will be provided by Visit Florida and that the president and chief executive officer of Visit Florida will serve as the executive director of the Commission.

Language is also added that establishes a statewide advisory committee of the Commission to assist the Commission with implementation of a plan to protect and promote all of the natural, coastal, historical, and cultural tourism assets of the state. Membership criteria for the advisory committee is delineated. The Commission is instructed to incorporate nature-based tourism and heritage tourism components into its comprehensive tourism marketing plan.

Finally, effective July 1, 1999, the proposal reduces the responsibility for the Department of Transportation by removing its statutory responsibilities for the Welcome Centers Office that was placed there in 1996 for administrative and fiscal accountability purposes only. The responsibility for the Office is transferred to the Commission on Tourism and Visit Florida, its direct support organization, thereby privatizing the operation. Staff of the Welcome Centers is to be offered employment through Visit Florida at the same salary they received through the Department of Transportation but with the same benefits provided by the direct-support organizations to its employees. By January 1, 2000, all Welcome Center employees must choose to be employed by Visit Florida or remain employed by the state. Until June 30, 2001, for Welcome Center employees choosing to remain in state employment, the Department of Transportation may continue to assign them to the centers. The agreement between the department and the Florida Commission on Tourism concerning the funding of welcome center positions will continue until all of the employees are employed by Visit Florida or until they have found other state employment, but no later than June 30, 2001. Additionally, the law regarding Welcome Centers was clarified and the current contractual responsibilities of the Department of Transportation and the Florida Commission on Tourism and Visit Florida for maintenance, management, and repairs of Welcome Centers was codified.

The effective date of the bill is July 1, 1999.

HB 675--Historical Resources Publication

by Russell (Passed as section 3 of CS/2nd Eng/SB 1444 by Regulated Industries; Jones)

House Committee(s) of Reference: Tourism; Business Regulation & Consumer Affairs; Transportation & Economic Development Appropriations

The bill amends s. 267.081, F.S., to provide for the deposit of revenues received from sales of publications by the Division of Historical Resources of the Department of State in either the operating trust fund of the division or in a separate depository account of a statutorily approved citizen support organization under s. 267.17, F.S. The use of the separate depository account is subject to a letter of agreement between the division and the CSO. All other administrative procedures concerning the sale of publications remain the same.

Upon the renewal of the Division of Historical Resources' annual agreement with its CSO, the office of the Inspector General and the Division of Administrative Services within the Department of State recommended the inclusion in law of certain authority for the division's customary deposit of checks into an account held by the Florida Trust for Historical Preservation. Although there are other statutory provisions as indicated above that provide for the actions of the division, the department's requested change is to remove any audit questions that might arise by specifically codifying practice.

The change codifies existing practice. There is no fiscal impact.

The effective date of the bill is upon becoming a law.

1st Eng/HB 985--Entertainment Florida Act of 1999

by Tourism; Starks & Others (Passed as sections 1 - 6 and 11 -13 of CS/CS/1st Eng/SB 1566 by Fiscal Policy; Commerce & Economic Opportunities; Kirkpatrick)

House Committee(s) of Reference: Tourism; Governmental Rules & Regulation; Transportation & Economic Development Appropriations

The bill repeals the statutes which provide for the administration of programs to develop the entertainment industry through a contract with a private, not-for-profit corporation or a direct-support organization. The bill directs that these functions are to be administered by the Office of the Film Commissioner (Office), a centralized, state level office established within the Office of Tourism, Trade and Economic Development (OTTED) in the Office of the Governor. A definition of the term "entertainment industry" as it applies to the Office of the Film Commissioner and the Florida Film Advisory

Council is provided. Additionally, s. 288.1253, F.S., is created to provide authorization for the Office of the Film Commissioner, subject to Comptroller's Office and OTTED oversight, to expend funds on travel and entertainment for certain business clients and for certain business-related functions.

The bill creates the Florida Film Advisory Council which will be administratively housed within OTTED. It is created to provide industry direction on promoting the growth of the entertainment industry in the state. The Governor, President of the Senate, and Speaker of the House of Representatives are to make appointments under criteria prescribed within the act. The Council's duties and powers are delineated, including, but not limited to, advising on development of a 5-year strategic plan by the office to develop, promote, and serve the state's entertainment industry and reviewing and advising on the implementation of the plan.

The Film Commissioner's Office, created within OTTED, is directed, among other things, to develop and implement the 5-year strategic plan, develop a methodology for working with local entertainment industry promotion offices in providing service to the industry, serve as a liaison between government and the entertainment industry and serve as a liaison between the entertainment industry and labor interests.

July 1, 1999, 3 full-time-equivalent positions are appropriated to the Executive Office of the Governor to implement provisions related to the Office of the Film Commissioner.

Various provisions of Chapter 288, F.S., relating to the Florida Film and Television Investment Act and the Florida Film and Television Investment Board are repealed.

Finally, the bill creates within OTTED the "21st Century Digital Television and Education Task Force" to serve through February 1, 2000. OTTED is to provide staff support to the task force. Membership of the twelve member task force includes: two members appointed by the Governor; two members of the Senate, or their designees, appointed by the Senate President; two members of the House of Representatives, or their designees, appointed by the House Speaker; the Commissioner of Education or the Commissioner's designee; the Chancellor of the State University System, or the Chancellor's designee; the Executive Director of the State Community College System, or the director's designee; the President of the Independent Colleges and Universities of Florida or the president's designee; a representative of Enterprise Florida, Inc., ; and the Film Commissioner. The task force is directed to devise a plan to recruit digital industries to locate in Florida; recommend economic incentives to assist the recruitment of certain digital industries to Florida; devise a plan to create and maintain higher education opportunities for students interested in the digital television field; recommend methods to hasten the conversion of existing commercial television studios and sound stages from analog to digital technology; investigate means of assisting public broadcast stations in their conversion from analog to digital technology; and

issue a report to the Legislature prior to February 1, 2000 on its findings and recommendations.

The effective date of the bill is July 1, 1999.

**HB 1449--Designations/Official Flagship
by Sorensen** (Passed as section 3 of 1st Eng/HB 85 by Cosgrove)

House Committee(s) of Reference: Tourism

The bill designates the schooner Western Union, a historic sailing vessel of the tallship class, built in Key West, Florida, and first launched in 1939, as an official flagship of the State of Florida.

The effective date of the bill is upon becoming a law.

**HB 2103--State Athletic Commission
by Tourism; Starks & Others (Passed as part of CS/CS/1st Eng/SB
1566 by Fiscal Policy; Commerce & Economic Opportunities;
Kirkpatrick)**

House Committee(s) of Reference of House Bill: Tourism; Governmental Operations; General Government Appropriations

The State Athletic Commission, created under Chapter 548, F.S., and attached to the Department of Business and Professional Regulation (DBPR), is responsible for providing oversight and regulation of pugilistic exhibitions under Chapter 548, F.S., and for carrying out the provisions of that chapter. The bill amends several provisions of Chapter 548, F.S., relating to pugilistic exhibitions. It changes the name of the State Athletic Commission to the Florida State Boxing Commission to more clearly indicate what is governed by the Commission which is boxing and kickboxing and changes the name of the executive secretary to executive director. The bill deletes reference to martial arts, other than kickboxing, being under the jurisdiction of the Commission since this has never been regulated by the Commission and there are no professional martial arts matches being held in Florida. Confusing and unnecessary references to amateur events and amateurs are deleted since the chapter pertains to professional events. Additionally, the bill updates the law by deleting outdated terms, increasing minimums for surety bonds, removing the use of bearer bonds in lieu of surety bonds, changing requirements for maintenance of information on distribution of purses, and clarifying rulemaking authority of the Commission.

The bill amends Chapter 548, F.S., to provide greater accountability for the Commission membership, executive secretary of the Commission, and the activities of the Commission. The bill specifies criteria for removal of members, provides that the Department of Business and Professional Regulation employs the executive director with the approval of the Commission, and provides that the executive director serves at the pleasure of the Secretary of DBPR. Additionally, the bill provides certain procedures for meetings similar to those required for other commissions and boards, including the electronic recording of meetings. With regard to accountability of the actions and activities of the Commission, the bill requires the development of a long-range policy plan that includes performance measures and a long range monitoring process with specific items delineated for evaluation. Concise management reports are required. The plans must be approved by the Governor and annually submitted to the Legislature for review. DBPR is to assist the Commission with the plans and is to provide progress reports to the Commission. The department is also responsible for having oversight of the activities of the Commission.

Provisions of Chapter 548, F.S., are amended to further clarify the relationship between the Commission and DBPR. The Commission is assigned to the department for administrative and fiscal accountability purposes only. The department is required to provide all legal and investigative services necessary to implement Chapter 548, F.S. The department provides technical assistance and administrative support in areas such as budget preparation and submission, personnel, property management, or other areas necessary for compliance with requirements of the chapter or for protecting the interests of the state. The department is required to submit an annual balanced legislative budget for the commission which is based upon anticipated revenue. Commission authority to carry out the provisions of Chapter 548, F.S., is unchanged.

Provisions which prohibit toughman and badman competitions are amended to provide that amateur as well as professional competitions are prohibited. Finally, the bill revises the limitations prescribed for acceptable differences in weight classes by resetting the statutory maximum and by providing that the Commission will establish by rule the acceptable difference for each class. Similarly, the bill provides the Commission to establish by rule the appropriate weight of boxing gloves for each match while changing the minimum from 6 to 8 ounces.

The effective date of the bill is July 1, 1999.

**HB 2129--Sports-Related Industries/Promotion
by Tourism; Starks & Others**(Passed as sections 1 and 7 - 10 of
CS/CS/1st Eng/SB 1566 by Fiscal Policy; Commerce & Economic
Opportunities; Kirkpatrick)

House Committee(s) of Reference: Tourism; Transportation & Economic
Development Appropriations

The bill authorizes the direct-support organization, known as the "Florida Sports Foundation" (Foundation), established under the Governor's Office of Tourism, Trade, and Economic Development (OTTED) to absorb many of the duties currently assigned to the Governor's Council on Physical Fitness and Amateur Sports (Council). These activities include the promotion of physical fitness and amateur sports for the citizens of Florida, the promotion of Florida as a host for national and international amateur sports competitions, and the administration of the Sunshine State Games. The bill repeals s. 14.22, F.S., which established the Council. Additionally, the bill transfers from the Council to the Foundation the administration of the funds collected from the sale of Olympic license plates under s. 320.08058, F.S., 1998 Supplement. The use of the state funds is clarified to make certain that they are used to support the Sunshine State Games. The bill also provides for the transfer of all funds and property held by the

Council and the Sunshine State Games Foundation, Inc., to the Florida Sports Foundation and requires that such resources will be used to promote amateur sports.

Under current law, the Council is required to promote and provide information and education regarding physical fitness; to promote amateur sports competitions for Floridians; to promote national and international amateur athletic competitions; to promote the development of the Sunshine State Games; and, to promote development of Olympic development centers. Under current law, the Foundation is required to promote the sports industry and related industries in the state; to serve as the primary source of information on sports and sporting opportunities in the state; and, to work in the areas of both professional and amateur sports.

Duties related to the promotion of amateur sports and physical fitness under current law are streamlined and more discretion is given to the direct-support organization by the bill. The promotion and development of Olympic development centers is dissolved and a broader charge is provided in the bill for programs to encourage participation of Florida's youth in Olympic sports and competitions. Also, the 17-member Florida Olympics and Pan American Games Task Force is dissolved and replaced by provisions in the bill requiring the direct-support organization to assist and support Florida bid-cities or communities seeking to host the Summer Olympics or Pan American Games and to annually report to the Governor, President of the Senate and the Speaker of the House of Representatives on the status of the bid-city efforts.

The bill amends the requirements for the qualifications and the number of the board members of the Foundation's board of directors.

Finally, the combining of both the functions and administration of these two sports promotion entities should reduce expenses and eliminate confusion created by having two very similar organizations representing sports interests of Florida. Overall cost savings estimated by OTTED totals \$756, 578.

The effective date of the bill is July 1, 1999.
