

2007 Legislative Session

Less Money – More Issues

Wade L. Hopping
Frank E. Matthews

OVERVIEW

For the first time in a number of years, funds available for state programs were less than the prior year. The Legislature passed a \$71.5 billion budget that is almost \$2 billion less than the 2006 budget. Governor Crist vetoed over \$400 million in budget items. (The budget includes \$7 billion in reserves). The best the Legislature could do for state employees was a onetime, \$1,000 bonus rather than the usual percentage pay increase. Subsequent to the legislative session, the state's income softened. Additional losses of approximately \$1.1 billion have occurred.

The Legislature was unable to solve the problem of property tax inequities during the regular session. Also left undone were: reenacting Florida's No Fault automobile insurance law; streamlining the Kid Care Health insurance program; and funding the Florida Marlins baseball stadium.

The Legislature finished its deliberations on time on May 4th at 4:12 p.m., thus avoiding the usual late into the night, last-minute flurry of legislation. Some 2,538 bills were introduced, but only 345 passed both Houses, for a near all-time low.

BILLS THAT PASSED

Introduction

Some of the "big picture" items that passed were moving the Presidential primary to January 29, 2008; Everglades cleanup funding and process changes; adopting a significant energy bill (**vetoed**); providing voters with paper trail ballots; allowing phone companies to enter the cable television market; requiring carbon monoxide detectors in hotel/motel rooms; timeshare reform; initiative petition reform; the annual back-to-school sales tax holiday in August and the hurricane supply sales tax holiday in June; and enacting a freeze on rates for customers of Citizens Insurance Company (the State-run windstorm insurance provider).

In response to significant complaints about how the 2005 growth management bill (SB 360) was being implemented with regard to transportation concurrency and financial feasibility, the Legislature enacted HB 7203, which better defines what a developer must pay as its share of the project's transportation impacts. The bill also makes it clear that the developer who pays his share is not obligated to pay for any existing backlog or deficiencies on the transportation system.

CS/CS/HB 985 is 142-page omnibus transportation bill that, among other things, will facilitate the construction of public/private partnership toll roads. This bill contains some interesting provisions related to aggregate mines, the Youth Work Experience Program, and a transportation concurrency incentive.

Also passed was an important bill on affordable housing, CS/HB 1375. This bill was shepherded through the process by Representative Mike Davis. It contains some excellent provisions designed to facilitate and enable more affordable housing to be built in Florida.

Growth Management Reform (HB 7203)

The bill creates a pilot program for reduced state review of comprehensive plan amendments in the selected urbanized communities of Pinellas and Broward counties, their cities, and the cities of Jacksonville, Miami, Tampa and Hialeah. DCA and an "affected person" may challenge these plan amendments. It redefines "financial feasibility" and extends the deadline for local governments to submit conforming capital improvement elements consistent with SB 360 by one year, from December 1, 2007 to December 1, 2008.

The bill clarifies that DRIs that pay their "proportionate share" of their transportation impacts and non-DRI developers who pay their "proportionate fair share" may use "pipelining" and are "not responsible for the additional cost of reducing or eliminating backlogs". The bill extends and streamlines the concurrency exception (TCEA) process to also include narrowly defined urban service areas. It creates tax increment financing programs for both conservation lands and transportation backlog areas. The bill also creates a one time, three-year automatic extension of phasing, buildout and expiration dates for DRIs.

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

Other provisions include airport facility concurrency exemptions; school concurrency clarification; port plan amendment clarification; development agreement length is increased from 10 to 20 years; additional DCA staff funding; and a tribute to Representative Mike Davis for his efforts on behalf of affordable housing. *The bill became effective July 1, 2007; Chapter 2007-204.*

Transportation (CS/CS/HB 985)

This bill makes minor amendments to the FDOT organizational structure and numerous process and organization amendments to the Metropolitan Planning Organization (MPO) structure.

It contains a number of sections commencing with Section 50 that enhance the possibility of public/private partnerships for the construction of toll roads. It authorizes the leasing of existing toll road facilities to such partnerships except for the Florida Turnpike System. It requires that the private entity shall provided an “investment grade traffic and revenue study prepared by an internationally recognized traffic and revenue expert” as a condition precedent to the creation of public/private partnership toll roads. It authorizes the FDOT to use innovative finance techniques in association with the public/private partnerships. The bill limits the terms of the public/private partnership agreement to no more than 50 years. It authorizes FDOT or toll agencies to advertise and promote electronic toll collection. It increases the amount of bonds that may be outstanding for approved turnpike projects from \$4.5 billion to \$10 billion. The bill exempts transportation authorities created under Chapter 349, which include the new public/private partnership provision, from the Administrative Procedures Act. It requires DOT, in “consultation” with DCA and interested local governments, to designate a study area for conducting a pilot project to determine the benefits of and barriers to establishing a “regional multimodal transportation concurrency district.” It contains the transportation concurrency backlog TIF language also found in HB 7203 and the same ports master plan language that is found in HB 7203.

CS/CS/HB 985 authorizes the operation of ATV’s on certain unpaved roads; addresses traffic enforcement citations; provides certain administrative changes to how funding for airport projects are handled; contains a significant provision on how the construction of aggregate mines are handled. (It prohibits local government mining moratoriums longer than 12 months and creates a Strategic Aggregate’s Review Task Force); and changes the surety bonds provision for construction or maintenance contracts to allow FDOT more flexibility.

CS/CS/HB 985 creates a new transportation concurrency incentive by providing that if a developer voluntarily contributes right of way and also builds a transportation facility or segment for a state transportation facility “and such construction or expansion improves traffic flow, capacity, or safety, the voluntary contribution may be applied as a credit...” against future transportation concurrency requirements. This provision requires a binding agreement between the developer, the local government, and FDOT. A counterpart provision addresses such right of way dedications and road construction for local roads with only the local government and the developer as parties to the required agreement. The bill contains numerous other provisions, many of which are directly related to roads. *The bill became effective July 1, 2007; Chapter 2007-196.*

Transportation (CS/SB 1134)

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

In addition to HB 985, SB 1134 provides for a number of transportation provisions. Some are duplicative of what is contained in HB 985 but in some ways the language in this bill is more expansive as it relates to fixed-guideway transportation systems, their financing, and the Youth Work Experience Program. The bill has relatively extensive provisions making it easier for FDOT to waive prequalification pursuant to any contract of less than \$500,000 or if FDOT determines that the project is of a non-critical nature and noncompliance will not endanger public health, safety or property. The bill also liberalizes the ability of FDOT to waive surety bonds on multi-year maintenance contracts of a certain size.

The bill expands the turnpike project bonding capacity of FDOT from \$4.5 billion to \$10 billion. The bill contains provisions on sign permits by creating a pilot program in Orange and Osceola counties to allow for the distance between permitted signs on the same side of an Interstate to be reduced to 1,000 feet if all other requirements of the law are addressed, if the local government adopts an ordinance authorizing the same, and if the sign owner agrees to the terms of the removal and replacement, and the local government notifies FDOT of its intention for such removal and replacement. The Department of Highway Safety and Motor Vehicles is authorized to implement a secure print on demand electronic temporary license plate registration, record retention, and issue system. *The bill became effective July 1, 2007; Chapter No. 2007-66.*

Affordable Housing (HB 1375)

The bill contains a number of provisions intended to further incentivize and encourage affordable housing.

- Reauthorizes the Community Workforce Housing Innovation Pilot (CWHIP) program
- Requires adoption of a workforce housing plan by July 1, 2008. A penalty is provided for local governments who do not comply.
- Provides transportation concurrency exemption for affordable workforce housing units within qualifying DRIs.
- Provides for an expedited plan amendment process.
- Modifies DRI threshold for a hotel or motel development.
- Amendments to a DRI development order to sell an affordable housing unit do not constitute a substantial deviation.
- Provides that DRIs under active construction on July 1, 2007, are extended for 3 years.
- Allows amendments to integrate a port master plan into a coastal management element and are not subject to the penalty resulting from a local government being late in adopting updated amendments based on its Evaluation and Appraisal Report. *The bill became effective, July 1, 2007; Chapter 2007-198.*

Ballot Initiatives/ Private Property - CS/SB 1920

SB 1920 ensures that private property owners may exclude from private property individuals engaging in activity supporting or opposing initiatives. This bill codified existing case law in Florida, and provides additional protection to private property owners who have struggled with signature gatherers who hassle and impede their customers and employees. *The bill became effective July 1, 2007; Chapter 2007-231.*

Petition Form Verification (HB 537)

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

HB 537 requires the Supervisor of Elections to verify signatures within 30 days of receipt of the petition forms, providing additional certainty to the process and ensuring that a voter's petition will be promptly verified. Furthermore, the bill sets forth the requirements for a valid petition form, including the original signature of the voter, that the voter personally dated the petition form, and the name, address, county, and voter registration or date of birth of the voter who signed the form. It also requires the signer of the petition to be a registered voter in the county in which the form is submitted. *The will become effective January 1, 2008; Chapter 2007-30*

Petitions/Truth in Petition Act (CS/SB 900)

SB 900 requires a petition to be turned in to the Supervisor of Elections within 30 days of being signed by a voter. This will ensure that signature gathering firms cannot hold a voter's petition form for months or years without submitting it to a supervisor of elections. The bill also creates a process to allow voters to remove their signatures from petitions which they have signed but with which they now disagree, if they do so within 120 days of the original petition being verified. *Vetoed by Governor June 26, 2007; refer to HB 537.*

Hurricane Preparedness and Insurance (SB 2498)

Many of the changes provided by the bill are to provisions that were contained in property insurance legislation enacted during the 2007A Special Session.

Citizens Property Insurance Corporation

- Expands the eligibility for residential coverage in Citizens to place them in more direct competition.
- Makes property insured for \$1 million+ ineligible for coverage in Citizens starting January 1, 2009.
- Extends the rate freeze for Citizens' rate increases from 2007 to 2008.
- Repeals the 10-day waiting period required before a Citizens' policy can be bound.
- Creates a pilot program to allow Citizens to offer additional sinkhole coverage as an option.
- Creates "The Citizens Property Insurance Corporation Mission Review Task Force" to recommend changes by January 31, 2008 for Citizens to operate as a state created, noncompetitive residual market.

Insurer Affiliates and Subsidiaries ("Pup Companies")

- Starting December 31, 2008, prohibits the formation of new "pup companies" for the transaction of residential property insurance.
- Starting December 31, 2008, requires the rate filings of "pup companies" to include information about the profits of the parent insurer that is located out of state.

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

Timely Payment of Property Claims (90-Day Pay or Deny Provision)

- Requires property insurers to pay or deny claims within 90 days of notice of a claim.
- Prohibits the 90-day pay or deny provision from being waived, voided, or nullified by the insurance policy.
- Makes failure to pay or deny a property claim within 90 days a violation of the Insurance Code.

Insurance Law; Premium Notice

- Clarifies insurers are required to specify the following information on residential property insurance renewal notices only:
 - Amount of any assessment by the Hurricane Catastrophe Fund, Citizens Property Insurance Corp, and the Insurance Guaranty Association; and the full name of the assessing authority.
 - Amount of premium change due to an approved rate increase and the total dollar of premium increase due to coverage changes.

Exclusion of Windstorm and Personal Contents Coverage

- Allows any property insurance policy to exclude windstorm coverage.
- Prohibits the policyholder from rejecting the windstorm exclusion during the policy term.
- Prohibits policyholders having tenants coverage from excluding contents coverage.
- Prohibit the policyholder from rejecting the contents exclusion during the policy term.
- This bill provides two exceptions to the notice of nonrenewal provision. The exceptions require only 100 days notice of non-renewal and apply when:
 - A residential insurance policy is being non-renewed only to revise the sinkhole coverage; and
 - A residential property insurance policy is being non-renewed by Citizens for a policy that has been assumed by an authorized insurer that offers replacement or renewal coverage to the policyholder.

Florida Hurricane Catastrophe Fund

- Expands the optional \$10 million additional FHCF coverage to those insurers that purchased the coverage in 2006 and to all insurers qualifying as limited apportionment companies.
- Exempts medical malpractice insurance from the FHCF assessment base until May 31, 2010.

Insurance Capital Build-Up Incentive Program

- The bill makes further changes to the Program as follows:
 - Allows mobile home insurers to obtain up to a \$7 million surplus note under the Program.
 - Establishes a priority between mobile home insurers participating in the Program
 - Provides a definition of "an insurer writing only manufactured housing policies" to be used in the Program.

Florida Catastrophic Storm Risk Management Center

- Creates a Center at FSU to promote and disseminate research on issues related to hurricanes.

Florida Building Code

- Retains the internal design options in the Building Code until June 1, 2007, for a building permit application made prior to that date. *The bill became effective June 11, 2007 except as otherwise provided; Governor vetoed specific Line Item(s); Chapter 2007-90.*

Property Tax Legislation

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

During the Special Session of the Florida Legislature which began June 12, 2007, three legislative initiatives were passed all dealing with reform and revision to Florida's property tax code. The statutory changes can be generalized as requiring local governments to rollback ad valorem taxes a specific amount and then cap future increases in the taxes. Constitutional provisions that were also passed relate to reduction in the tax roll by granting "super" homestead exemptions and certain other items including preservation of homesteaders "Save Our Homes" protection, new protection for low income seniors, provisions for assessing the value of affordable housing and working waterfronts on an income approach and granting tangible personal property exemptions.

Property Tax Reform/Proposed Statutory Changes (HB 1B)

2007 – 2008

Cities and Counties. During fiscal year 2007-2008, property taxes for cities and counties must be reduced to the fiscal year 2006-2007 rollback level minus a specified percentage. The percentage reduction from the rollback level for cities and counties ranged between 3% and 9% depending upon how rapidly their ad valorem taxes had risen per capita during the period 2001 through 2007.

Independent Special Districts. All independent special districts were treated uniformly. They will be required to further reduce 2006-2007 taxes by 3%. Notably, cities and special districts that have levied property taxes for less than five years are exempt from this reduction.

The limits contained in the legislation may be overridden by local government governing boards. To exceed the reduced level up to the rollback rate requires a 2/3 vote of governing board. To exceed the reduced level up to the prior year's non-voted millage requires a unanimous vote. Above that level, a referendum would be required.

2008 – 2009

All governments (cities, counties and special districts) will be required to further limit their millage in the next fiscal year. The limitation will be the rolled back rate plus the growth in per capita Florida personal income. To exceed the millage limitation by up to 10%, a 2/3 vote of a governing board is required. Larger increases require a unanimous vote or a referendum.

If the proposed constitutional amendment, (reviewed below) passes, further tax cuts and adjustments will be required.

2009 – 2010 and Beyond

Following the two years described above, local governments taxes may grow by the taxes levied on new construction, plus the percentage growth of per capita of Florida personal income. An override of this limit may be achieved to exceed the cap by 10% by a 2/3 vote of the governing board. Overrides above this level will require unanimous vote of the governing board or a referendum. *Effective date June 21, 2007 except as otherwise provided; Chapter 2007-321.*

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

Property Tax Reform/Proposed Constitutional Changes (SJR 4B)

In addition to the statutory changes identified above, the Legislature also passed a joint resolution which specifies a variety of ad valorem tax and related tax revisions to the Florida Constitution. The specific proposal in the joint resolution include the following:

- A new homestead exemption equal to 75% of the first \$200,000 in property value and a 15% reduction on the next \$300,000.
- A minimum homestead exemption of \$50,000 generally, and \$100,000 for low-income seniors.
- Providing for general law to authorize assessment methods for affordable housing and commercial working waterfronts.
- A “grandfather” provision that will allow people with homesteads as of January 1, 2008, to claim continuing protection of the “Save Our Homes” provisions in the Constitution rather than the new homestead exemption.
- A \$25,000 property tax exemption for tangible personal property.

From preliminary discussions and analysis with a variety of different governments including cities, counties and special districts, the effect of the “super” homestead exemption will be far more dramatic than the statutory rollbacks. A sampling of local governments that performed some initial analysis indicated that as much as 25% to 40% of the tax base upon which ad valorem taxes are collected will be lost. In the case of local governments such as fire control or mosquito districts which have recourse to no other source of revenue, the loss of revenue will translate into sharply reduced services and the layoff of an enormous number of employees. The Senate joint resolution cannot be enacted without referendum approval state-wide. The referendum vote will occur January 29th when the state conducts its presidential primary elections. *Passed during Special Session 2007B held on June 12- 14, 2007.*

Property Tax Reform/Referendum Election (HB 5B)

The third bill authorizes a referendum to approve the constitutional amendments to coincide with the presidential primary in Florida scheduled for January 29, 2008. Interestingly, the Democratic minority in the House and Senate could have forced the referendum election to occur in November at the next general election (The Democrats in the House and Senate have enough members to procedurally block the conduct of the referendum at a special election). However, the Democrats determined that there was some advantage to holding the early referendum and campaigning against the constitutional measures. That will remain to be seen. *Effective date June 21, 2007; Chapter 2007-322.*

Beach and Shore Preservation (CS/SB 1472)

This bill makes a series of changes involving the state’s beach management program. Specific provisions:

- Expand the definition of “access” or “public access” to include established accessways to be retained for public use.

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

- Revise provisions for the Department of Environmental Protection to issue dune restoration permits for projects incorporating geotextile containers or similar structures. The bill includes specific requirements governing the installation of these structures. Those requirements include siting, engineering, legal and financial as well as a provision for the removal of failed containers.
- Provide a method for valuing impacts to upland owners in conjunction with a beach restoration project.
- Direct the Department of Environmental Protection to develop a sand source inventory of offshore sand sources. County commissions in coastal counties must be notified when a renourishment project proposes to use adjacent sand sources outside of the region. *The bill became effective July 1, 2007; Chapter 2007-99.*

Carbon Monoxide Detectors (SB 1822)

- The bill requires enclosed spaces or rooms in public lodging establishments which contain a boiler that is heated by combustion of fuels, to be equipped with certified carbon monoxide sensor devices.
- Beginning July 1, 2008, the bill requires construction of new buildings that will contain a fossil-fuel-burning heater or appliance, a fireplace, or an attached garage must have an approved operational carbon monoxide alarm installed within 10 feet of each room used for sleeping purposes.
- The bill requires the Florida Building Commission to adopt rules applicable to these installations and to incorporate the requirements into its next revision of the Florida Building Code. *The bill became effective July 1, 2007; Chapter 2007-181*

Communications (CS/CS/HB 529)

The new law is a comprehensive re-write of the regulatory framework governing issuance of franchises and related activities for cable television and video companies. At its most general level, the bill does the following:

- Prohibits local governments from regulating or issuing television cable or video franchises within their jurisdictions.
- Prohibits cities and counties from negotiating terms and conditions for development approval that are related to cable television and video service; and,
- Designates the Department of State as the sole franchising authority for cable and video franchises. The new law completely preempts franchising to the State. *This bill became effective May 18, 2007; Chapter 2007-29.*

Community Associations (HB 7031)

This legislation appears to be an insurance bill to resolve disputes between condominium associations that engage in self-insurance and insurance companies. The bill essentially requires, among other things that a not-for-profit self-insurer which a condominium association belongs to is an insurer for purpose of assessments imposed by the Hurricane Catastrophe Fund or by Citizens Property Insurance Corporation. *This bill became effective May 24, 2007; Chapter 2007-80.*

Community Development Districts (CS/HB 1491)

CS/HB 1491 is a fairly extensive re-write of Florida's Community Development District Act. Among other things the bill provides:

- CDDs may be established across county lines.
- CDDs may finance and make "fair share or concurrency obligations" payments in addition to payments, contributions, dedications and other exactions.
- CDDs are required to include certain information in a petition and filing fees are adjusted when a CDD is established in multiple municipalities.
- CDD provisions for filling district board vacancies are amended and the CDD board is authorized to appoint qualified electors to the board when no one else qualifies.
- The timeframes for preparation of proposed CDD budgets are revised.
- Statutory authorizations for the enforcement of District assessments is strengthened.
- CDDs must apply the foreclosure provisions within Chapter 170, Florida Statutes, under certain circumstances.
- CDDs are required to competitively solicit for purchasing materials. However, CDDs may proceed with purchasing if no responses are received when competitive solicitation is issued.
- Whenever a CDDs population has attained the standards in Chapter 165, Florida Statutes, for municipal incorporation as determined by the Department of Community Affairs and other requirements for incorporation in Chapter 165, Florida Statutes, are met, the district must hold a referendum at a general election on the question whether to incorporate. *The bill became effective July 1, 2007; Chapter No. 2007-160.*

Condominium Termination (SB 314)

This bill has extensive provisions authorizing the termination of existing condominiums. It has a provision that allows for termination because of economic waste or impossibility where the total estimated cost to repair exceeds the combined fair market value of all units or it becomes impossible to operate or reconstruct the condominium in its prior physical confirmation because of land use laws or regulations. The bill also provides for optional termination and deals with termination when timeshares are involved. It allows for optional termination when 80% of the total voting interest of the condominium decides to do so. It has specific provisions for the protection of mortgage and lien holders and natural disaster termination. It requires the creation of a Plan of Termination and that a copy of the proposed Plan of Termination must be given to all unit owners. It sets forth Plan of Termination required provisions and optional provisions in some detail. It provides for the allocation of the proceeds of sale of condominium property pursuant to the Plan of Termination. It provides how the proceeds are to be apportioned between various owners of the units. It allows the appointment of a termination trustee, vesting title in the termination trustee. It requires specific notice and grants the right to contest the Plan of Termination to unit owners. This bill is an improvement over a similar termination bill which was vetoed last year by Governor Jeb Bush. *The bill became effective July 1, 2007; Chapter 2007-226.*

Everglades, Lake Okeechobee, St. Lucie River, and Caloosahatchee River Watersheds (CS/CS/SB 392)

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

The legislation expands the authority for issuance of Everglades restoration bonds to encompass implementation of the Lake Okeechobee Protection Plan and the newly created Caloosahatchee and St. Lucie River watershed protection plans. The bill places all of these plans under section 373.4595, Florida Statutes. It also expands the existing Lake Okeechobee Protection Program to encompass the “northern Everglades and estuaries,” which include the Caloosahatchee River and St. Lucie River watersheds. The bill would apply to these newly added areas all of the water quality protection and restoration measures now being applied in the Lake Okeechobee basin. These measures are focused on nutrient (phosphorus and nitrogen) reduction and include restrictions on wastewater residuals, animal waste and septage; implementation of various best management practices; and overall adherence to limitations established in the Total Maximum Daily Load determinations and Basin Management Action Plans. The legislation requires the Department of Environmental Protection to expedite their regulatory determinations for these programs and practices. The legislation also requires the development and implementation of specific watershed protection plans—by dates certain—for the St. Lucie and Caloosahatchee rivers. These plans will generally parallel previous requirements for the development and implementation of the Lake Okeechobee Protection Plan. The legislation also makes some modifications to the provisions relating to the Lake Okeechobee Protection Program, updating requirements to reflect progress to date. *The bill became effective July 1, 2007; Chapter 2007-253.*

Everglades Restoration Plan (SM 2770)

SM 2770 is a memorial from the Florida Legislature to the U.S. Congress urging Congress to fully authorize funding for the Comprehensive Everglades Restoration Plan (CERP) as approved in the Water Resources Development Act of 2000. In support of this urging, SM 2770 states that the Everglades is one of the most unique and fragile ecosystems in the world which is recognized as imperiled and must be restored. SM 2770 notes that the Florida Legislature and the South Florida Water Management District have appropriated more than \$2 billion to implement CERP since 2000, which accounts for more than 90% of the total funding. The memorial also notes that the federal Water Resource Development Act of 2000 approved CERP as a full and equal partnership between the State of Florida and the federal government. The memorial points out that the Indian River Lagoon, Picayne Strand, and ten conditionally approved projects require funding authorization from Congress. *Filed with the Secretary of State May 18, 2007.*

Homeowner Associations (CS/SB 1844)

The legislation provides the following:

- Any parcel owner within a property owners association is liable for all property assessments.
- Under certain circumstances, overdue assessments on property may carry interest on the assessment of up to 18% a year.
- Specific, fairly involved foreclosure procedures are required whenever assessments are in arrears. *The bill became effective July 1, 2007; Chapter No. 2007-183.*

Mobile Home Relocation (CS/HB 259)

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

This bill provides amendments to the provisions of the mobile home regulation statutes relating to mobile home relocation whenever a mobile home park owner determines to evict their renters.

The bill:

- Strengthens the notice provision that park owners must give by providing six (6) months notice of eviction.
- Provides that mobile home owners within a park that is closing may apply for up to \$3,750.00 for relocation expenses from the Florida Mobile Home Relocation Corporation.
- Provides penalties for mobile home park owners who are late in providing required payments into the Florida Mobile Home Relocation Trust Fund. *The bill became effective May 22, 2007; Chapter 2007-47.*

Specialty License Plates (SB 1900)

CS/SB 1900 creates five new specialty license plates, including “Support Our Troops,” “Corrections Foundation,” “Trees Are Cool,” “Protect Florida Springs” and “NASCAR.” The bill also deletes language in the statute regarding the Girl Scout plate which has been discontinued. A new “Gold Star” military license plate is created to honor family members of service members who have been killed while serving in the U.S. Armed Forces. The bill also specifies that the fees from license plates may not be used for the purpose of marketing, lobbying, or rewarding an employee of a governmental agency that sells specialty license plates. *This bill becomes effective October 1, 2007 except as otherwise provided; Chapter No. 103.*

State Parks (CS/HB 981)

This bill decriminalizes violations of the Division of Recreation and Parks’ rules. At present, the violation of any rule authorized by Section 258.007 (2), Florida Statutes, is a misdemeanor and punishable accordingly as a criminal activity. This bill would provide for certain listed crimes to remain as misdemeanors, but allow the majority of park rule violations to be punishable as non-criminal infractions and by the imposition of fines.

The bill also allows the continuation of tenant farming and hunting on the Babcock Ranch prior to the completion of a ranch management plan contingent upon Babcock Ranch Management meeting the requirements of section 259.1053(11)(d), Florida Statutes.

Finally, the bill allows half-price admittance for members of the National Guard and their families to state parks, and allows the use of golf carts and utility vehicles in state parks. *Vetoed by Governor June 26, 2007.* Will be part of the DEP’s 2008 agenda.

Surface Water Protection Programs (CS/CS/HB 197)

The bill applies the variance provisions of Section 403.201, Florida Statutes, to Environmental Resource Permits issued in Northwest Florida. It continues an exception to state water quality

Speaker 2: Wade L. Hopping of Hopping Green & Sams, P.A

standards inside stormwater management systems for the Northwest Florida Environmental Resource Permit program. The bill clarifies that the Department of Environmental Protection or the South Florida Water Management District may adopt basin-specific criteria to protect water resources in the Lake Okeechobee basin. The bill streamlines permitting of high-quality peat mining and the applicable mitigation requirements. It provides that the Suwannee River and Northwest Florida water management districts are not required to provide matching money for the Surface Water Improvement and Management program. It increases the cumulative acreage defining certain small mines, distinguishing them from the larger mines that must meet greater regulatory requirements. *The bill became effective July 1, 2007; Chapter 2007-191.*

BILLS THAT DIED

Clean Ocean Act/Gambling Vessels (CS/SB 57/CS/SB 444)
Economic Development Projects/Permitting Process (CS HB 1031/SB 1798)
Environmental Permitting (CS/CS/HB 957 CS/CS/SB 2082)
Environmental Protection (CS/CS/CS/SB 2054)
Florida Springs Stewardship Act (CS/HB 299 CS/CS/SB 1486)
George Kirkpatrick State Reserve (HB 427)/SB 1930)
Incentive-based Permitting Act (HB 297/SB 738)
Inland Navigation Districts (HB 719)
Manatee County Port Authority (SB 3078)
Municipal Annexation (CS/HB 425/SB 572)
Outdoor Recreation/Grant Amounts (CS/SB 1494)
Performance-based Permitting Act/Gold Star (HB 7171)
Protection of Seagrasses/Boats (CS/HB 1069/CS/SB 548)
Wekiva Onsite Sewage Grant Program (HB 357/SB 2680)
West Palm Beach/Palm Beach County (CS HB 939)

For more information on these bills that died, see DEP 2007 Legislative Summary, available at <http://www.dep.state.fl.us/mainpage/programs/la.htm>