The Village at Gulfstream Park Community Development District

12051 Corporate Boulevard, Orlando, FL 32817
Phone: 407.723.5900
thevillageatgulfstreamparkcdd.com

The Board of Supervisors meeting of The Village at Gulfstream Park Community Development District ("District") will be held on **July 24, 2020 at 11:00 am via conference call due to the COVID-19 and Office of the Governor, Executive Order 20-69** (as extended by EO 20-112, EO 20-123, EO 20-139, and EO 20-150)**.**

Please use the conference call information below:

Dial-In: 1-844-621-3956
Access Code: 790 393 986 #

BOARD OF SUPERVISOR'S MEETING AGENDA

Administrative Matters

- Call to Order
- Roll Call to Confirm a Quorum
- Public Comment Period

1. **Swearing in New Supervisor Albert Mulet**
2. **Consideration of Resignation of Supervisor Tim Ritvo and Appointing a Supervisor to Seat 5** (Seat expires 2023)
3. **Consideration of the Minutes of the May 8, 2020 Board of Supervisors Meeting**
4. **Consideration of Resolution 2020-04, Setting a Regular Meeting Schedule for FY 2021**

Business Matters

5. **Public Hearing on the Adoption of District's Annual Budget**
    - Public Comments
    - Board Comments
    - **A. Consideration of Resolution 2020-05, Approving a FY 2021 Budget and Appropriating Funds**
    - **B. Consideration of Fiscal Year 2021 Funding Agreement**
6. **Consideration of Resolution 2020-06, Removing the Current Trustee and Appointing a Successor Trustee**
    - **A. U.S. Bank Tri Party Agreement**
    - **B. U.S. Bank Deposit Agreement**
    - **C. U.S. Bank Fee Letter**
7. **Discussion of Financing/Funding New Infrastructure Project**
8. **Consideration of First Amendment to Agreement for District Management Services**
    - **Internal Control Policies**

pfm

9. **Consideration of First Amendment to Agreement between the District and VGlobalTech for Website Maintenance Services**
    - **Website Maintenance Proposal**
10. **Review and Acceptance of Fiscal Year 2019 Audit**
11. **Consideration of Funding Requests 231 – 243**
12. **Review of District Financial Position**

Other Business

Staff Reports

District Counsel

- Review of Legislative Memo from District Counsel

District Engineer

District Manager

Supervisors Requests and Audience Comments

Adjournment

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Oath of Office

OATH OR AFFIRMATION OF OFFICE

I Alberto Mulet, a Citizen of the State of Florida and of the United States of America, and being an officer of THE VILLAGE AT GULFSTREAM PARK Community Development District and a recipient of public funds as such officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida, and will faithfully, honestly and impartially discharge the duties delegated to me as a member of the Board of Supervisors of THE VILLAGE AT GULFSTREAM PARK Community Development District, Broward County, Florida.

Signature

Printed Name: Alberto Mulet

STATE OF FLORIDA
COUNTY OF BROWARD
2020, by Alberto Mulet, whose signature appears hereinabove, who is personally known to me or who produced _____ as identification.

RICHARD B. PATTERSON, JR.
Commission # GG 016857
Expires July 31, 2020
Bonded Thru Troy Fain Insurance 800-385-7019

NOTARY PUBLIC
STATE OF FLORIDA

Print Name: Richard B Patterson, Jr

My Commission Expires: 7/31/2020

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Letter of Resignation

RESIGNATION

TO: **THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENTS DISTRICT BOARD OF SUPERVISORS**

I hereby tender my resignation as a Member of the Board of Supervisors of the Village at Gulfstream Park Community Development District, effective immediately.

DATED as of the 2nd day of March, 2020.

Tim Ritvo

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Minutes

BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS **Call to Order**

The Board of Supervisors' Meeting for the Village at Gulfstream Park Community Development District was called to order on Friday, May 8, 2020 at 11:32 a.m. via conference call due to the COVID-19 Executive Order 20-69. Board Members are listed below:

Present and constituting a quorum:

Jose Lopez	Board Member	(via phone)
Richard Patterson	Board Member	(via phone)
Leah Hatzikonstantinou	Board Member	(via phone)

Also present were:

Jane Gaarlandt	PFM	(via phone)
Christina Hanna	PFM	(via phone)
Amanda Lane	PFM	(joined @ 11:42 a.m. via phone)
Michael J. Pawelczyk	Billing, Cochran, Lyles, Mauro & Anderson, P.A. (via phone)	

SECOND ORDER OF BUSINESS **Public Comment Period**

There were no public comments at this time.

THIRD ORDER OF BUSINESS **Consideration for Nomination(s) for Open Seat on the Board (vacated by Ms. Lillard)**

Ms. Gaarlandt explained Ms. Lillard was elected to the Board through the Landowners Election but declined to accept the seat. It created a vacancy for Seat 3. Ms. Gaarlandt asked if the Board wished to make a nomination.

On MOTION by Ms. Patterson, seconded by Mr. Lopez, with all in favor, the Board nominated Mr. Albert Mulet to Seat 3.

Ms. Gaarlandt will send the oath of office to Mr. Mulet to have executed.

FOURTH ORDER OF BUSINESS **Consideration of Resolution 2020-01, Canvassing and Certifying the Landowners' Election**

The Landowners' Election results were as follows;

1. Seat 2- Richard Patterson with 35 votes
2. Seat 3- Samantha Lillard with 35 votes
3. Seat 4- Tim Ritvo with 25 votes

So, Mr. Patterson and Ms. Lillard will each serve a four-year term and Mr. Ritvo will serve a two-year term. Ms. Gaarlandt requested a motion to approve Resolution 2020-01,

> On MOTION by Mr. Lopez, seconded by Mr. Patterson, with all in favor, the Board approved Resolution 2020-1, Canvassing and Certifying the Landowners' Election.

FIFTH ORDER OF BUSINESS **Consideration of Resolution 2020-02, Election of Officers**

Ms. Gaarlandt noted at the previous meeting Mr. Lopez was elected Chairman, Mr. Patterson was elected Vice-Chairman, and Ms. Gaarlandt as Secretary. She asked the Board to elect Ms. Hanna as Assistant Secretary. The remainder of the slate of officers is as follows; Mr. Ritvo and Ms. Hatzikonstantinou as Assistant Secretaries, Ms. Glasgow as Treasurer, Ms. Hatzikonstantinou as Assistant Treasurer, and Mr. Michael Romano as Assistant Treasurer.

Mr. Patterson and Mr. Lopez discussed the election of officers.

> On MOTION by Mr. Patterson, seconded by Ms. Hatzikonstantinou, with all in favor, the Board approved Resolution 2020-02, Election of Officers as follows; Jose Lope as Chair, Richard Patterson as Vice-Chair, Ms. Gaarlandt as Secretary, Ms. Hanna, Mr. Ritvo, and Ms. Hatzikonstantinou, and Mr. Mulet as Assistant Secretary, Ms. Glasgow as Treasurer, Ms. Hatzikonstantinou, and Mr. Romano as Assistant Secretary, subject to Mr. Mulet being sworn in.

SIXTH ORDER OF BUSINESS **Review of Registered Voters in the District**

There are currently no voters registered within the District.

SEVENTH ORDER OF BUSINESS **Consideration of the Minutes**

a) Minutes of the September 20, 2019 BOS Meeting

b) Minutes of the November 8, 2019 LOE

The Bard reviewed the minutes.

> On MOTION by Mr. Lopez, seconded by Mr. Patterson, with all in favor, the Board approved the Minutes of the September 20, 2019 Board of Supervisors' Meeting and the Minutes of the November 8, 2019 Landowners' Election

EIGHTH ORDER OF BUSINESS **Consideration of Resolution 2020-03, Approving a Proposed Budget for Fiscal Year 2020-20201 and Setting a Public Hearing Date Thereon**

Ms. Gaarlandt suggested July 24, 2020 as the date for the Public Hearing which will coincide with the regular meeting scheduled for the District.

The Board reviewed the proposed budget. This is a Developer funded budget.

> On MOTION by Mr. Lopez, seconded by Mr. Patterson with all in favor, the Board approved Resolution 2020-03, Approving a Proposed Budget for Fiscal Year 2020-2021 and Setting a Public Hearing for July 24, 2020.

NINTH ORDER OF BUSINESS **Consideration of Payment Authorization 29**

The Board reviewed Payment Authorization 29. Ms. Lane joined the meeting via phone at 11:42 a.m. Ms. Gaarlandt requested a motion to approve Payment Authorization 29.

> On MOTION by Mr. Lopez, seconded by Ms. Hatzikonstantinou, with all in favor, the Board approved Payment Authorization 29.

TENTH ORDER OF BUSINESS **Ratification of Funding Requests 219- 230**

Ms. Gaarlandt requested a motion to ratify Funding Requests 219-230.

> On MOTION by Mr. Lopez, seconded by Ms. Hatzikonstantinou, with all in favor, the Board ratified Funding Requests 219-230.

ELEVENTH ORDER OF BUSINESS **Review of District's Financial Statements**

The Board reviewed the Statement of District Financial Position. There was no action required by the Board.

TWELFTH ORDER OF BUSINESS **Staff Reports**

Attorney – Mr. Pawelczyk stated he thinks by July 24, 2020 the District will be able to have in person meetings. If not, District staff will advertise the meeting accordingly and let the Board know.

Mr. Pawelczyk reminded the Board the Form 1 Statement of Financial interest is due by each Board Member by July 1, 2020 and must be submitted to the Supervisor of Elections in the County in which they live. Some counties allow for online submission. He asked Ms. Gaarlandt to circulate the forms the Board and Mr. Mulet as well because he must file one within 30 days of the date he takes his oath. Ms. Gaarlandt confirmed that she will send out the forms and provide email addresses to various counties allowing online submissions. She will also send out the New Supervisor Package to Mr. Mulet which will include the Form 1.

Engineer – Not Present

Manager – Ms. Gaarlandt stated there are some issues with the current Trustee. If the Board agrees, at the next meeting District Management would like to make that an action item and bring back a resolution to switch the Trustee. Ms. Lane stated PFM has worked with Regions and US Bank. Village at Gulfstream Park is the only District with Regions and she has found that they are not on top of everything as US Bank and they charge more as well. She brought it to Ms. Gaarlandt's attention to request to bring it to the Board to switch Trustees.

Mr. Pawelczyk stated the Trust Indenture allows the District Board to make this change for any reason without any penalty. He noted the District Manager is requesting the Board allow District staff to prepare the necessary documentation and present it for Board's approval at the next meeting. The Board so directed staff to prepare the necessary documents.

THIRTEENTH ORDER OF BUSINESS **Audience Comments and Supervisors Requests, Adjourn**

There were no Supervisor requests or audience comments.

Ms. Gaarlandt asked if there was any other business to discuss. Hearing none, she requested a motion to adjourn.

On MOTION by Mr. Patterson, seconded by Ms. Hatzikonstantinou, with all in favor, the May 8, 2020 meeting of the Board of Supervisors for The Village at Gulfstream Park Community Development District was adjourned.

_____ _____

Secretary/Assistant Secretary Chairman/Vice-Chairman

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Resolution 2020-04

RESOLUTION 2020-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT ADOPTING THE ANNUAL MEETING SCHEDULE FOR FISCAL YEAR 2020-2021; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village at Gulfstream Park Community Development District (the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, and situated entirely within Broward County, Florida; and

WHEREAS, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

WHEREAS, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District's regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located; and

WHEREAS, the Board desires to adopt the Fiscal Year 2020-2021 annual meeting schedule attached as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Fiscal Year 2020-2021 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

SECTION 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 24th day of July, 2020.

ATTEST:

VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

_____
Secretary/Assistant Secretary

_____
Chairperson, Board of Supervisors

Exhibit A: Fiscal Year 2020-2021 Annual Meeting Schedule

Exhibit A

BOARD OF SUPERVISORS MEETING DATES
VILLAGE AT GULFSTREAM PARK
COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2020-2021

The Board of Supervisors of the Village at Gulfstream Park Community Development District will hold their regular meetings for Fiscal Year 2020-2021 at 901 South Federal Highway, 4th Floor, Hallandale Beach, FL 33009, at 11:00 a.m., unless otherwise indicated as follows:

October 23, 2020
November 20, 2020
December 18, 2020
January 22, 2021
February 26, 2021
March 26, 2021
April 23, 2021
May 28, 2021
June 25, 2021
July 23, 2021
August 27, 2021
September 24, 2021

The meetings are open to the public and will be conducted in accordance with the provision of Florida Law for Community Development Districts. The meetings may be continued to a date, time, and place to be specified on the record at the meeting. A copy of the agenda for these meetings may be obtained from PFM Group Consulting LLC or by calling (407) 723-5900.

There may be occasions when one or more Supervisors or staff will participate by telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (407) 841-5524 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

District Manager

The Village at Gulfstream Park
Community Development District

Public Hearing

The Village at Gulfstream Park Community Development District

Resolution 2020-05

RESOLUTION 2020-05

THE ANNUAL APPROPRIATION RESOLUTION OF THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2019, submitted to the Board of Supervisors ("**Board**") of the Village at Gulfstream Park Community Development District (**"District"**) proposed budget ("**Proposed Budget**") for the fiscal year beginning October 1, 2020 and ending September 30, 2021 ("**Fiscal Year 2020-2021**") along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statute*s; and

WHEREAS, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

WHEREAS, the Board set July 24, 2020, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, the District Manager posted the Proposed Budget on the District's website at least two days before the public hearing; and

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1st of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

WHEREAS, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BUDGET

a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District's Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

b. The Proposed Budget, attached hereto as **Exhibit "A,"** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* (**"Adopted Budget"**), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.

c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Village at Gulfstream Park Community Development District for the Fiscal Year Ending September 30, 2021."

d. The Adopted Budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption and shall remain on the website for at least 2 years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2020-2021, the sum of $**5,800,703.76** to be raised by the levy of assessments and otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	$ **116,735.00**
DEBT SERVICE FUND(S)	**$5,655,323.24**
TOTAL ALL FUNDS	**$5,800,703.76**

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2019-2020 or within 60 days following the end of the Fiscal Year 2019-2020 may amend its Adopted Budget for that fiscal year as follows:

a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.

b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed $10,000 or 10% of the original appropriation.

c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.

d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget under subparagraphs c. and d. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

SECTION 4. EFFECTIVE DATE**.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 24TH DAY OF JULY, 2020.

ATTEST:

VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

_____
Secretary/Assistant Secretary

By:_____

Its:_____

Exhibit A

The Village at Gulfstream Park CDD

FY 2021 Proposed O&M Budget

	Year To Date				
	Actual Through 06/30/2020	Anticipated July - Sep.	Anticipated Total FY 2020	FY 2020 Adopted Budget	FY 2021 Proposed Budget
Revenues					
Developer Contributions	$ 67,668.37	$ 18,651.94	$ 86,320.31	$ 116,735.00	$ 116,735.00
Net Revenues	**$ 67,668.37**	**$ 18,651.94**	**$ 86,320.31**	**$ 116,735.00**	**$ 116,735.00**
General & Administrative Expenses					
Public Officials' Liability Insurance	$ 4,025.00	$ -	$ 4,025.00	$ 4,320.00	$ 4,500.00
Trustee Services	10,000.00	-	10,000.00	10,000.00	10,000.00
Management	20,000.00	10,000.00	30,000.00	30,000.00	30,000.00
Engineering	-	1,250.00	1,250.00	5,000.00	5,000.00
Dissemination Agent	-	500.00	500.00	500.00	500.00
Property Appraiser	-	1,500.00	1,500.00	1,500.00	1,500.00
District Counsel	9,255.00	3,085.00	12,340.00	30,000.00	30,000.00
Assessment Administration	-	5,000.00	5,000.00	5,000.00	5,000.00
Reamortization Schedules	-	500.00	500.00	500.00	500.00
Audit	4,800.00	-	4,800.00	6,100.00	4,900.00
Arbitrage Calculation	650.00	-	650.00	650.00	650.00
Travel and Per Diem	526.90	175.63	702.53	400.00	400.00
Telephone	-	50.00	50.00	200.00	200.00
Postage & Shipping	23.33	7.78	31.11	100.00	100.00
Copies	-	25.00	25.00	100.00	100.00
Legal Advertising	943.30	250.00	1,193.30	1,000.00	1,500.00
Miscellaneous	-	550.00	550.00	2,200.00	7,710.00
Office Supplies	124.03	41.34	165.37	400.00	-
Web Site Maintenance	1,300.00	1,200.00	2,500.00	2,500.00	2,700.00
Dues, Licenses, and Fees	175.00	-	175.00	175.00	175.00
General Insurance	4,307.00	-	4,307.00	4,622.00	4,700.00
Property & Casualty	6,056.00	-	6,056.00	6,468.00	6,600.00
Contingency	-	-	-	5,000.00	-
Total General & Administrative Expenses	**$ 62,185.56**	**$ 24,134.75**	**$ 86,320.31**	**$ 116,735.00**	**$ 116,735.00**
Total Expenses	**$ 62,185.56**	**$ 24,134.75**	**$ 86,320.31**	**$ 116,735.00**	**$ 116,735.00**
Net Income (Loss)	**$ 5,482.81**	**$ (5,482.81)**	**$ -**	**$ -**	**$ -**

The Village at Gulfstream Park CDD
FY 2021 Proposed Debt Service Budget
Series 2008A Special Assessment Bonds

	Proposed FY 2021 Budget
REVENUES:	
Contributions from Developer	$ 5,655,323.24
User Fee Account as of 06/30/2020	28,224.20
Revenue Account as of 06/30/2020	421.32
TOTAL REVENUES	$ 5,683,968.76
EXPENDITURES:	
Series 2008A - Interest 11/01/2020	$ 1,658,078.13
Series 2008A - Interest 05/01/2021	1,658,078.13
Series 2008A - Principal 05/01/2021	735,000.00
TOTAL EXPENDITURES	$ 4,051,156.26
EXCESS REVENUES	$ 1,632,812.50
Series 2008A - Interest 11/01/2021	$ 1,632,812.50

The Village at Gulfstream Park Community Development District

Fiscal Year 2021 Funding Agreement

FUNDING AGREEMENT

This Agreement is made and entered into this 24th day of July, 2020, by and between **THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT** (hereinafter the "District"), a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within Broward County, Florida and **The Village at Gulfstream Park, LLC** (hereinafter the "Developer").

RECITALS

WHEREAS, the District was established by Ordinance 2007-05, (the Ordinance"), for the purpose of planning, financing, constructing, operating, and maintaining, certain infrastructure improvements; and

WHEREAS, the District's fiscal year runs from October 1 through September 30; and

WHEREAS, the District, pursuant to Chapter 190, Florida Statutes, is authorized to levy such taxes, special assessments, fees, and other charges as may be necessary in furtherance of the District's activities and services; and

WHEREAS, the Developer is agreeable to funding the operations of the District for the 2020/2021 fiscal year as called for in the proposed general fund budget approved by the District's Board of Supervisors, a copy of which is attached hereto and made a part hereof as Exhibit "A", in lieu of paying taxes, assessments or other charges to fund such operations.

NOW, THEREFORE, IN CONSIDERATION OF THE RECITALS, AGREEMENTS, AND MUTUAL COVENANTS CONTAINED HEREIN, AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE DEVELOPER AND THE DISTRICT AGREE AS FOLLOWS"

1. The Developer agrees to make available to the District such monies as are necessary and reflect in the proposed general fund budget for the 2020/2021 fiscal year on a monthly basis within 15 days of a written request by the District, but in no case shall the Developer be obligated to provide funds in excess of the amount shown on Exhibit "A". The funds shall be placed in the District's depository as determined by the District.

2. The parties agree that such monies as the Developer may provide the District under the terms of the Agreement are for operating and maintenance expenses only and, because they are deemed collected in lieu of taxes, assessments, or other charges, will not be reimbursed in this fiscal year.

3. This Agreement shall expire on September 30, 2021.

IN WITNESS WHEREOF THE PARTIES EXECUTE THIS AGREEMENT THE 24th DAY OF JULY, 2020.

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

_____
Chairman / Vice Chairman

ATTEST:

_____

Secretary / Assistant Secretary

_____
Developer

BY: _____

ITS: _____

Exhibit “A”

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Resolution 2020-06

RESOLUTION NO. 2020-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT REMOVING THE CURRENT TRUSTEE, PAYING AGENT AND REGISTRAR UNDER THE MASTER TRUST INDENTURE, AS SUPPLEMENTED BY THE FIRST SUPPLEMENTAL TRUST INDENTURE, AS AMENDED, WITH RESPECT TO THE DISTRICT'S SPECIAL ASSESSMENT BONDS, SERIES 2008; APPOINTING A SUCCESSOR TRUSTEE, PAYING AGENT AND REGISTRAR; PROVIDING AN EFFECTIVE DATE AND FOR OTHER RELATED MATTERS

WHEREAS, Village at Gulfstream Park Community Development District (the "District") is a local unit of special-purpose government organized and existing in accordance with the Uniform Community Development District Act of 1980, Chapter 190, Florida Statutes, as amended (the "Act"), created by Ordinance No. 2007-05 enacted by the City Commission of the City of Hallandale Beach, Florida on May 2, 2007;

WHEREAS, the District entered into a Master Trust Indenture, dated as of January 1, 2008 (the "Master Indenture"), as supplemented by a First Supplemental Trust Indenture, dated as of January 1, 2008, as amended by the First Amendment to First Supplemental Trust Indenture, dated as of November 14, 2013, as further amended by the Second Amendment to First Supplemental Trust Indenture, dated as of February 27, 2015 (collectively, the "First Supplemental Indenture") (the "First Supplemental Indenture" and collectively with the Master Indenture, the "Indenture"), each between the District and Regions Bank, as trustee (the "Prior Trustee") in connection with the issuance by the District of its Special Assessment Bonds, Series 2008 (collectively, the "Bonds") (Capitalized terms used, but not defined, herein shall have the meanings ascribed thereto in the Indenture);

WHEREAS, the Master Indenture provides that the District may remove the Trustee, Paying Agent and Registrar at any time if no default exists under the Indenture; and

WHEREAS, the District desires to remove the Prior Trustee as Trustee, Paying Agent and Registrar under the Indenture and to appoint a successor trustee, paying agent and registrar for the Bonds;

NOW, THEREFORE, BE IT RESOLVED by Village at Gulfstream Park Community Development District, as follows:

Section 1. Definitions. Capitalized terms used, but not defined, herein shall have the meanings assigned thereto in the Indenture.

Section 2. Removal of Trustee, Paying Agent and Registrar. Pursuant to Section 612 of the Indenture, the District hereby removes the Prior Trustee as Trustee, Paying Agent and Registrar under the Indenture, effective thirty (30) days following receipt by the Prior Trustee of the Instrument of Removal of Indenture Trustee, Appointment of Successor Indenture Trustee and Acceptance by Successor Indenture Trustee (the "Instrument") in substantially the form attached hereto and marked Exhibit A and hereby approved, with such changes therein as shall be approved by the Chairman or Vice

Chairman executing the same, with such execution to constitute conclusive evidence of such officer's approval and the District's approval of any changes therein from the form of Instrument attached hereto.

Section 3. Appointment of Successor Trustee, Paying Agent and Registrar. Pursuant to Sections 613 through 615 of the Indenture, the District hereby appoints U.S. Bank National Association as successor trustee, paying agent and registrar under the indenture (the "Successor Trustee"), effective 30 days following receipt by the Prior Trustee of the Instrument. The Successor Trustee shall also serve as the Authenticating Agent under the Indenture.

Section 4. Further Official Action; Ratification of Prior and Subsequent Acts. The Chairman, the Secretary and each member of the Board of Supervisors of the District and any other proper official of the District are each hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or desirable for carrying out the transactions contemplated by this Resolution. In the event that the Chairman or the Secretary is unable to execute and deliver the documents herein contemplated, such documents shall be executed and delivered by the respective designee of such officer or official or any other duly authorized officer or official of the District. The Secretary or any Assistant Secretary is hereby authorized and directed to apply and attest the official seal of the District to any agreement or instrument authorized or approved herein that requires such a seal and attestation. All of the acts and doings of such members of the Board, the officers of the District, and the agents and employees of the District, which are in conformity with the intent and purposes of this Resolution, whether heretofore or hereafter taken or done, shall be and are hereby ratified, confirmed and approved.

Section 5. Severability. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or ineffective for any reason, the remainder of this resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

Section 6. Inconsistent Proceedings. All resolutions or proceedings, or parts thereof, in conflict with the provisions hereof are to the extent of such conflict hereby repealed or amended to the extent of such inconsistency.

Section 7. Effective Date. This resolution shall take effect immediately upon its adoption, and any provisions of any previous resolutions in conflict with the provisions hereof are hereby superseded.

PASSED in Public Session of the Board of Supervisors of Village at Gulfstream Park Community Development District this ___ day of July, 2020.

VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Attest:

_____ _____

Print name: _____ Print name: _____

Secretary Chair, Board of Supervisors

EXHIBIT A

FORM OF INSTRUMENT

[attached]

TRI-PARTY AGREEMENT

(U.S. Bank as Successor)

AGREEMENT OF RESIGNATION, APPOINTMENT AND ACCEPTANCE (the "Agreement"), dated as of August 27, 2020 (the "Effective Date") by and among Gulfstream Park Community Development District (the "Issuer"), U.S. BANK NATIONAL ASSOCIATION, a national banking association duly organized and existing under the laws of the United States and having a corporate trust office at 225 E. Robinson Street, Suite 250, Orlando, Florida 32801 ("Successor Trustee") and Regions Bank ("Resigning Trustee").

RECITALS:

WHEREAS, there are currently $48,235,000 (the "Securities") outstanding under the Master Trust Indenture dated January 1, 2008 (the "Master Indenture"), the First Supplemental Trust Indenture dated January 1, 2008 (the "First Supplemental Indenture"), the ("Governing Document");

WHEREAS, the Issuer appointed Resigning Trustee as the trustee (the "Trustee"), Paying Agent (the "Paying Agent"), Registrar (the "Registrar") and (the "Authenticating Agent") under the Governing Document on behalf of itself and the holders of the Securities (the "Holders");

WHEREAS, Section 612 of the Governing Document provides that the Trustee may at any be removed with respect to the Securities by both giving written notice of such removal by the Issuer, effective upon the acceptance by a successor Trustee of its appointment as successor Trustee;

WHEREAS, Section 613 and 615 of the Governing Document provides that, if the Trustee shall be removed, the Issuer shall forthwith appoint a successor Trustee to fill such vacancy.

WHEREAS, the Issuer desires to appoint Successor Trustee as successor Trustee, Paying Agent, Registrar and Authenticating Agent to succeed Resigning Trustee in such capacities under the Governing Document; and

WHEREAS, Successor Trustee is willing to accept such appointment as successor Trustee, Paying Agent, Registrar and Authenticating Agent under the Governing Document;

NOW, THEREFORE, the Issuer, Resigning Trustee and Successor Trustee, for and in consideration of the premises and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby consent and agree as follows:

THE RESIGNING TRUSTEE

Pursuant to Section 612 of the Governing Document, Resigning Trustee has received by letter from the Issuer that Resigning Trustee shall be replaced as Trustee, Paying Agent, Registrar and Authenticating Agent under the Governing Document.

Resigning Trustee hereby represents and warrants to Successor Trustee that:

(a) The Governing Document, and each amendment and supplement thereto, if any, was validly and lawfully accepted by Resigning Trustee.

(b) No covenant or condition contained in the Governing Document has been waived by Resigning Trustee or, to the best knowledge of responsible officers of Resigning Trustee's corporate trust department, by the Holders of the percentage in aggregate principal amount of the Securities required by the Governing Document to effect any such waiver.

(c) There is no action, suit or proceeding pending or, to the best knowledge of responsible officers of Resigning Trustee's corporate trust department, threatened against Resigning Trustee before any court or any governmental authority arising out of any act or omission of Resigning Trustee as Trustee under the Governing Document.

(d) As of the Effective Date, Resigning Trustee will hold no moneys or property under the Governing Document.

(e) As of the Effective Date, $48,235,000 are outstanding and interest has been paid through May 1, 2020, the most recent date on which interest was required to be paid in accordance with the terms of such Securities.

(f) The registers in which it has registered and transferred registered Securities accurately reflect the amount of Securities issued and outstanding, the Holders thereof and the amounts payable thereon.

(g) This Agreement has been duly authorized, executed and delivered on behalf of Resigning Trustee and constitutes its legal, valid and binding obligation, enforceable in accordance with its terms.

(h) No responsible officer of Resigning Trustee's corporate trust department has received notice from the Issuer or any Holder that a default or Event of Default or any event which, after notice or lapse of time or both, would become an Event of Default has occurred and is continuing, and no responsible officer of Resigning Trustee's corporate trust department has actual knowledge that a default or Event of Default or any event which, after notice or lapse of time or both, would become an Event of Default has occurred and is continuing under the Governing Document.

(i) To the best of its knowledge, the Holders have not appointed a successor Trustee under the Governing Document.

(j) The Resigning Trustee has met all of its obligations under the Governing Document.

Resigning Trustee hereby assigns, transfers, delivers and confirms to Successor Trustee all right, title and interest of Resigning Trustee in and to the trust under the Governing Document, all funds and other assets held in trust under the Governing Document and all the rights, privileges, responsibilities, powers, trusts, obligations and duties of the Trustee under the Governing Document and any related agreement including, without limitation, all of its rights to, and all of its security interests in and liens upon, the collateral, if any, and all other rights of Resigning Trustee with respect to the collateral, if any, pursuant to the transaction documents. Resigning Trustee shall execute and deliver such further instruments and shall do such other things as Successor Trustee may reasonably require so as to more fully and certainly vest and confirm in Successor Trustee all the rights, title, interests, capacities, privileges, responsibilities, powers,

trusts and duties hereby assigned, transferred, delivered and confirmed to Successor Trustee as Trustee, Paying Agent, Transfer Agent and Authenticating Agent..

1.4 Resigning Trustee shall deliver to Successor Trustee, as of or promptly after the Effective Date, all of the documents listed on Exhibit A hereto. Resigning Trustee represents and warrants that such documents as it shall deliver to Successor Trustee constitute all of the documents in its possession responsive to the items listed in Exhibit A.

THE ISSUER

The Issuer hereby accepts the resignation of Resigning Trustee as Trustee, Paying Agent, Transfer Agent and Authenticating Agent under the Governing Document.

The Issuer hereby appoints Successor Trustee as Trustee, Paying Agent, Transfer Agent and Authenticating Agent under the Governing Document to succeed to, and hereby vests Successor Trustee with, all the rights, title, interests, capacities, privileges, responsibilities, powers, trusts and duties of Resigning Trustee under the Governing Document with like effect as if originally named as Trustee, Paying Agent, Transfer Agent and Authenticating Agent in the Governing Document.

Promptly after the Effective Date, the Successor Trustee shall cause a notice, substantially in the form of Exhibit B annexed hereto, to be mailed to all parties required under the Governing Document or published in accordance with the provisions of Section 617 of the Governing Document.

The Issuer hereby represents and warrants to Resigning Trustee and Successor Trustee that:

(a) The Issuer is Village at Gulfstream Park Community Development District.

(b) The Governing Document, and each amendment or supplemental Governing Document thereto, if any, was validly and lawfully executed and delivered by the Issuer and is in full force and effect and the Securities were validly issued by the Issuer.

(c) The Issuer has performed or fulfilled prior to the date hereof, and will continue to perform and fulfill after the date hereof, each covenant,

agreement, condition, obligation and responsibility under the Governing Document.

(d) No event has occurred and is continuing which is, or after notice or lapse of time would become, an Event of Default under the Governing Document.

(e) No covenant or condition contained in the Governing Document has been waived by the Issuer or, to the best of the Issuer's knowledge, by Holders of the percentage in aggregate principal amount of the Securities required to effect any such waiver.

(f) There is no action, suit or proceeding pending or, to the best of the Issuer's knowledge, threatened against the Issuer before any court or any governmental authority arising out of any act or omission of the Issuer under the Governing Document.

(g) This Agreement has been duly authorized, executed and delivered on behalf of the Issuer and constitutes its valid and binding obligation, enforceable in accordance with its terms.

(h) All conditions precedent requiring action by the Issuer relating to the appointment of U.S. Bank National Association, as successor Trustee under the Governing Document, have been complied with by the Issuer.

THE SUCCESSOR TRUSTEE

Successor Trustee hereby represents and warrants to Resigning Trustee and to the Issuer that:

(a) Successor Trustee is eligible under the provisions of Section 614 of the Governing Document to act as Trustee under the Governing Document.

(b) This Agreement has been duly authorized, executed and delivered on behalf of Successor Trustee and constitutes its Governing, valid and binding obligation, enforceable in accordance with its terms.

Successor Trustee hereby accepts its appointment as successor Trustee, Paying Agent, Registrar and Authenticating Agent under the Governing Document and accepts the assets, all the rights, title, interests, capacities, privileges, responsibilities, powers, trusts and duties of Resigning Trustee as Trustee, Paying Agent, Registrar and Authenticating Agent under the Governing Document, upon the terms and conditions set forth therein, with like effect as if originally named as Trustee, Paying Agent, Registrar and Authenticating Agent under the Governing Document.

References in the Governing Document to "Principal Office" or other similar terms shall be deemed to refer to the designated corporate trust office of Successor Trustee, which is presently located at 225 E. Robinson Street, Suite 250, Orlando Florida 32801 or such other address as may be specified by Successor Trustee, where notices and demands to or upon the Issuer in respect of the Bonds may be served.

MISCELLANEOUS

Except as otherwise expressly provided herein or unless the context otherwise requires, all terms used herein which are defined in the Governing Document shall have the meanings assigned to them in the Governing Document.

This Agreement and the resignation, appointment and acceptance effected hereby shall be effective as of the close of business on the Effective Date, upon the execution and delivery hereof by each of the parties hereto; *provided, however*, that the resignation of the Resigning Trustee and the appointment of the Successor Trustee as Paying Agent and Registrar under the Indenture shall be effective upon the latest of: (a) 10 calendar days after the Effective Date; (b) receipt by The Depository Trust Company ("DTC") of both the Resigning Trustee's transfer agency change notice and the Successor Trustee's transfer agency change notice and (c) the second business day following receipt by the Successor Trustee of the certified Holders list.

This Agreement does not constitute a waiver by any of the parties hereto of any obligation or liability which Resigning Trustee may have incurred in connection with its serving as Trustee, Paying Agent, Registrar and Authenticating Agent under the Governing Document or an assumption by Successor Trustee of any liability of Resigning Trustee arising out of any action or inaction by Resigning Trustee in the performance of its duties under the Governing Document.

Resigning Trustee shall indemnify and hold harmless Successor Trustee with respect to all claims, losses and expenses of any kind (including reasonable attorney fees and costs of enforcement of this indemnity provision) incurred by or asserted (by any party hereto or any other person or entity) against Successor Trustee and caused by or related to Resigning Trustee's serving as Trustee or other capacity with respect to the Securities.

Resigning Trustee hereby acknowledges payment or provision for payment in full by the Issuer of compensation for all services rendered by Resigning Trustee in its capacity as Trustee, Paying Agent, Registrar and Authenticating Agent under Section 615 of the Governing Document and reimbursement in full by the Issuer of the expenses, disbursements and advances incurred or made by Resigning Trustee in its capacity as Trustee, Paying Agent, Registrar and Authenticating Agent in accordance with the provisions of the Governing Document. This Agreement does not constitute a waiver or assignment by Resigning Trustee of any compensation, reimbursement, expenses or indemnity to which it is or may be entitled pursuant to the Governing Document. The Issuer acknowledges that its obligation set forth in Section 604 of the Governing Document to indemnify Resigning Trustee shall survive the execution hereof.

The parties hereto agree to take reasonable action to confirm, evidence and perfect Successor Trustee's rights in, or with respect to, the collateral, if any, pursuant to the transaction documents.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, without regard to conflicts of laws principles thereof.

This Agreement may be executed in any number of counterparts each of which shall be an original, but such counterparts shall together constitute but one and the same instrument. The exchange of copies of this Agreement and of signature pages by facsimile or PDF transmission shall constitute effective execution and delivery of this Agreement as to the parties hereto and may be used in lieu of the original Agreement for all purposes. Signatures of the parties hereto transmitted by facsimile or PDF shall be deemed to be their original signatures for all purposes.

Successor Trustee's appointment and acceptance of its duties under this Agreement is contingent upon compliance with all regulatory requirements applicable to the Issuer, including successful completion of a final background check. These conditions include, without limitation, requirements under the USA PATRIOT Act, the USA FREEDOM Act, the Bank Secrecy Act, and

the U.S. Department of the Treasury Office of Foreign Assets Control. If these conditions are not met, the Successor Trustee may at its option promptly terminate this Agreement in whole or in part without any liability or incurring any additional costs.

This Agreement sets forth the entire agreement of the parties with respect to its subject matter, and supersedes and replaces any and all prior contemporaneous warranties, representations or agreements, whether oral or written, with respect to the subject matter of this Agreement other than those contained in this Agreement.

4.10 This Agreement shall be binding upon and inure to the benefit of the Issuer, Resigning Trustee and Successor Trustee and their respective successors and assigns.

1.11 The parties agree as of the Effective Date, all references to the Resigning Trustee as trustee in the Governing Document shall be deemed to refer to the Successor Trustee.

4.12 Unless otherwise provided herein, all notices, requests and other communications to any party hereunder shall be in writing (including facsimile and electronic transmission in PDF format) and shall be given to such party, addressed to it, as set forth below:

If to the Issuer:

Village at Gulfstream Park Community Development District
C/O PFM Group Consulting LLC
12051 Corporate Boulevard
Orlando, Florida 32817

If to Resigning Trustee:

Regions Bank
10245 Centurion Parkway
Jacksonville, Florida 32256
Attention: Janet Ricardo

If to Successor Trustee:

U.S. Bank National Association
225 E. Robinson Street, Suite 250
Orlando, Florida 32801
Attention: Global Corporate Trust

[Signature pages to follow]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement of Resignation, Appointment and Acceptance to be duly executed, all as of the day and year first above written.

as Issuer

By:_____
Name:
Title:

as Resigning Trustee

By:_____
Name:
Title:

U.S. BANK NATIONAL ASSOCIATION,
as Successor Trustee

By:_____
Name:
Title:

EXHIBIT A

Documents to be delivered to Successor Trustee

Executed copy of Governing Document and each amendment and supplemental thereto, if any.

File of closing documents from initial issuance (closing transcript).

Description of funds and accounts, and balances therein, including asset description, par value, cost, acquisition date, maturity date, interest rate and CUSIP number, collateral, if any, and related documents.

Certified list of Holders, including certificate detail and all "stop transfers" and the reason for such "stop transfers" (or, alternatively, if there are a substantial number of registered Holders, the computer tape reflecting the identity, address, tax identification number and detailed holdings of such Holders).

5. Copies of notices sent by the Trustee to Holders of the Securities pursuant to the terms of the Governing Document, during the past twelve months.

6. All unissued Securities Inventory or DTC FAST held global certificates.

7. All original vault documents, including surety bonds, letters of credit, notes and other similar documents.

8. Such other documents as the Successor Trustee may reasonably require in order to transfer the appointment to it.

EXHIBIT B

NOTICE

NOTICE IS HEREBY GIVEN, pursuant to Section 611 of the Master Indenture dated January 1, 2008 between The Village At Gulfstream Park Community Development District and Regions Bank (the "Governing Document"), Regions Bank has resigned as trustee, paying Agent, registrar and authentication agent under the Governing Document.

Pursuant to Section 613 of the Governing Document, U.S. Bank National Association, a national banking association duly organized and existing under the laws of the United States, has accepted appointment as successor trustee, paying agent, registrar and authentication agent under the Governing Document. The address of the designated corporate trust office of the successor trustee is 225 E. Robinson Street, Suite 250, Orlando, FL 32801.

Regions Bank resignation as trustee, paying agent, registrar and authentication agent and U.S. Bank National Association's appointment as successor trustee, paying agent, registrar, and authentication agent were effective as of the close of business on August 27, 2020.

Dated:
August 18, 2020

The Village At Gulfstream Park Community Development District
Issuer

_____

Signature

DEPOSIT AGREEMENT

THIS DEPOSIT AGREEMENT, dated as of August 27, 2020 ("Agreement"), is by and between The Village at Gulfstream Park Community Development District, ("Depositor") and U.S. Bank National Association**,** a national banking association, as depositary agent ("Agent").

BACKGROUND

WHEREAS, Depositor desires to deposit funds with Agent; and

WHEREAS, Agent has agreed to accept, hold, and disburse the funds deposited with it and the earnings thereon in accordance with the terms of this Agreement.

STATEMENT OF AGREEMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, for themselves, their successors and assigns, hereby agree as follows:

1. Definitions. The following terms shall have the following meanings when used herein:

"Depositor Representative" shall mean the person(s) so designated on Schedule B hereto or any other person designated in a writing signed by Depositor and delivered to Agent in accordance with the notice provisions of this Agreement, to act as its representative under this Agreement.

"Funds" shall mean the funds deposited with Agent pursuant to Section 3 of this Agreement, together with any interest and other income thereon.

"Written Direction" shall mean a written direction executed by a Depositor Representative and directing Agent to disburse all or a portion of the Funds or to take or refrain from taking an action pursuant to this Agreement.

2. Appointment of and Acceptance by Agent. Depositor hereby appoints Agent to serve hereunder. Agent hereby accepts such appointment and agrees to hold and disburse the Funds in accordance with this Agreement.

3. Deposit of Funds. Depositor will transfer the Funds from time to time, by wire transfer of immediately available funds, to the depositary account identified in Schedule A hereto (the "Deposit Account"). Depositor may transfer additional Funds to the Deposit Account from time to time upon Agent's prior written approval.

4. Disbursements of Funds. Agent shall disburse Funds at any time and from time to time, upon receipt of, and in accordance with, Depositor's Written Direction. Such Written

Direction shall contain wiring instructions or an address to which a check shall be sent. All disbursements of funds from the Funds shall be subject to the fees and claims of Agent and the Indemnified Parties (as defined below) pursuant to Section 9 and Section 10 below.

5. Suspension of Performance; Disbursement into Court. If at any time a dispute exists with respect to any obligation of Agent under this Agreement or Agent is unable to determine, to Agent's sole satisfaction, the proper disposition of all or any portion of the Funds or Agent's proper actions with respect to its obligations hereunder, then Agent may, in its sole discretion, take either or both of the following actions:

a. suspend the performance of any of its obligations (including without limitation any disbursement obligations) under this Agreement until such dispute or uncertainty shall be resolved to the sole satisfaction of Agent,

b. petition (by means of an interpleader action or any other appropriate method) any court of competent jurisdiction in any venue convenient to Agent, for instructions with respect to such dispute or uncertainty, and to the extent required or permitted by law, pay into such court, for holding and disposition in accordance with the instructions of such court, all Funds, after deduction and payment to Agent of all fees and expenses (including court costs and attorneys' fees) payable to, incurred by, or expected to be incurred by Agent in connection with the performance of its duties and the exercise of its rights hereunder.

Agent shall have no liability to Depositor or any other person with respect to any such suspension of performance or disbursement into court, specifically including any liability or claimed liability that may arise, or be alleged to have arisen, out of or as a result of any delay in the disbursement of the Funds or any delay in or with respect to any other action required or requested of Agent.

6. Investments. Based upon Depositor's prior review of investment alternatives, in the absence of further specific written direction to the contrary at any time that an investment decision must be made, Agent is directed to invest and reinvest the Funds in the investment identified in Schedule A. Agent will not provide supervision, recommendations or advice relating to either the investment of Funds or the purchase or disposition of any investment and the Agent shall not have any liability for any loss in an investment made pursuant to the terms of this Agreement. Agent has no responsibility whatsoever to determine the market or other value of any investment and makes no representation or warranty as to the accuracy of any such valuations. To the extent applicable regulations grant rights to receive brokerage confirmations for certain security transactions, Depositor waives receipt of such confirmations. Receipt of Funds and investment and reinvestment of Funds shall be confirmed by Agent by an account statement. Failure to inform Agent in writing of any error or omission in any such account statement within 90 days after receipt shall conclusively be deemed confirmation and approval by Depositor of such account statement.

7. Resignation or Removal of Agent. Agent may resign and be discharged from the performance of its duties hereunder at any time by giving ten (10) days' prior written notice to the Depositor specifying a date when such resignation shall take effect and after such specified date,

notwithstanding any other provision of this Agreement, Agent's sole obligation will be to hold the Funds pending appointment of a successor Agent. Similarly, Agent may be removed at any time by Depositor giving at least thirty (30) days' prior written notice to Agent specifying the date when such removal shall take effect. Upon the effective date of any such resignation or removal, Agent shall return the Funds to or at the direction of the Depositor after deduction and payment to Agent of all fees and expenses (including court costs and attorneys' fees) payable to, incurred by, or expected to be incurred by Agent in connection with the performance of its duties and the exercise of its rights hereunder. After Agent's resignation or removal, the provisions of this Agreement shall inure to its benefit as to any actions taken or omitted to be taken by it while it was acting under this Agreement.

8. Liability of Agent. Agent undertakes to perform only such duties as are expressly set forth herein and no duties shall be implied. Agent has no fiduciary or discretionary duties of any kind. Agent shall have no liability under and no duty to inquire as to the provisions of any agreement other than this Agreement. Agent shall not be liable for any action taken or omitted by it in good faith except to the extent that a court of competent jurisdiction determines, which determination is not subject to appeal, that Agent's gross negligence or willful misconduct was the primary cause of any loss to the Depositor. Agent's sole responsibility shall be for the safekeeping of the Funds in accordance with Agent's customary practices and disbursement of the Funds in accordance with the terms of this Agreement. Agent shall have no implied duties or obligations and shall not be charged with knowledge or notice of any fact or circumstance not specifically set forth herein. Agent may rely upon any notice, instruction, request or other instrument, not only as to its due execution, validity and effectiveness, but also as to the truth and accuracy of any information contained therein, which Agent believes to be genuine and to have been signed or presented by the person or parties purporting to sign the same. In no event shall Agent be liable for incidental, indirect, special, consequential or punitive damages (including, but not limited to lost profits), even if Agent has been advised of the likelihood of such loss or damage and regardless of the form of action. Agent shall not be obligated to take any legal action or commence any proceeding in connection with the Funds, any account in which Funds are deposited, or this Agreement, or to appear in, prosecute or defend any such legal action or proceeding or to take any other action that in Agent's sole judgment may expose it to potential expense or liability. Agent shall not be responsible or liable in any manner for the performance by any party of their respective obligations under any other agreement. Agent may consult legal counsel selected by it in the event of any dispute or question as to the construction of any of the provisions hereof or of any other agreement or of its duties hereunder, or relating to any dispute involving any party hereto, and shall incur no liability and shall be fully indemnified from any liability whatsoever in acting in accordance with the opinion or instruction of such counsel. Depositor shall promptly pay, upon demand, the reasonable fees and expenses of any such counsel.

Agent is authorized, in its sole discretion, to comply with orders issued or process entered by any court with respect to the Funds, without determination by Agent of such court's jurisdiction in the matter. If any portion of the Funds is at any time attached, garnished or levied upon under any court order, or in case the payment, assignment, transfer, conveyance or delivery of any such property shall be stayed or enjoined by any court order, or in case any order, judgment or

decree shall be made or entered by any court affecting such property or any part thereof, then and in any such event, Agent is authorized, in its sole discretion, to rely upon and comply with any such order, writ, judgment or decree which it is advised by legal counsel selected by it is binding upon it without the need for appeal or other action; and if Agent complies with any such order, writ, judgment or decree, it shall not be liable to any of the parties hereto or to any other person or entity by reason of such compliance even though such order, writ, judgment or decree may be subsequently reversed, modified, annulled, set aside or vacated.

9. Indemnification of Agent. From and at all times after the date of this Agreement, Depositor shall, to the fullest extent permitted by law, defend, indemnify and hold harmless Agent and each director, officer, employee and affiliate of Agent (each, an "Indemnified Party") against any and all actions, claims (whether or not valid), losses, damages, liabilities, costs and expenses of any kind or nature whatsoever (including without limitation reasonable attorneys' fees, costs and expenses) incurred by or asserted against any Indemnified Party from and after the date hereof, whether direct, indirect or consequential, as a result of or arising from or in any way relating to any claim, demand, suit, action or proceeding (including any inquiry or investigation) by any person, including without limitation Depositor, whether threatened or initiated, asserting a claim for any legal or equitable remedy against any person under any statute or regulation or under any common law or equitable cause or otherwise, arising from or in connection with the negotiation, preparation, execution, performance or failure of performance of this Agreement or any transactions contemplated herein, whether or not any such Indemnified Party is a party to any such action, proceeding, suit or the target of any such inquiry or investigation; *provided, however*, that no Indemnified Party shall have the right to be indemnified hereunder for any liability finally determined by a court of competent jurisdiction, which determination is not subject to appeal, to have resulted solely from the gross negligence or willful misconduct of such Indemnified Party. Depositor further agrees to indemnify each Indemnified Party for all costs, including without limitation reasonable attorney's fees, incurred by such Indemnified Party in connection with the enforcement of Depositor's indemnification obligations hereunder. The obligations of Depositor this Section 9 shall survive any termination of this Agreement and the resignation or removal of Agent.

10. Compensation to Agent.

a. Fees and Expenses. Depositor shall compensate Agent for its services hereunder in accordance with Schedule A attached hereto and, in addition, shall reimburse Agent for all of its reasonable out-of-pocket expenses, disbursements, and advances, including without limitation the reasonable fees, expenses, and disbursements of its agents and attorneys incurred or made by the Agent in connection with entering into and performing under this Agreement or in connection with investigating and defending itself against any claim or liability in connection with its performance hereunder. The additional provisions and information set forth on Schedule A are hereby incorporated by this reference and form a part of this Agreement. All of the compensation and reimbursement obligations set forth in this Section 10 shall be payable by Depositor upon demand by Agent. The obligations of Depositor under this Section 10 shall survive any termination of this Agreement and the resignation or removal of Agent.

b. Disbursements from Funds to Pay Agent. Agent is authorized to, and may, disburse to itself from the Funds, from time to time, the amount of any compensation and reimbursement due and payable hereunder (including any amount to which Agent is entitled to seek indemnification pursuant to Section 9 hereof).

c. Security and Offset. Depositor hereby grants to Agent and the Indemnified Parties a first priority security interest in and lien upon the Funds to secure all obligations hereunder, and Agent and the other Indemnified Parties shall have the right to offset the amount of any compensation or reimbursement due any of them hereunder (including any claim for indemnification pursuant to Section 9 hereof) against the Funds. If for any reason the Funds available to Agent and the other Indemnified Parties pursuant to such security interest or right of offset are insufficient to cover such compensation and reimbursement, Depositor shall promptly pay such amounts to Agent and the Indemnified Parties upon receipt of an itemized invoice.

11. Representations and Warranties. Depositor makes the following representations and warranties to Agent:

(i) It is duly organized, validly existing, and in good standing under the laws of the state of its incorporation or organization and has full power and authority to execute and deliver this Agreement and to perform its obligations hereunder.

(ii) This Agreement has been duly approved by all necessary action, including any necessary shareholder or membership approval, has been executed by its duly authorized officers, and constitutes its valid and binding agreement enforceable in accordance with its terms.

(iii) The execution, delivery, and performance of this Agreement will not violate, conflict with, or cause a default under its articles of incorporation, articles of organization, bylaws, management agreement or other organizational document, as applicable, any applicable law or regulation, any court order or administrative ruling or decree to which it is a party or any of its property is subject, or any agreement, contract, indenture.

(iv) The applicable persons designated on Schedule B hereto have been duly appointed to act as its representatives hereunder and have full power and authority to execute and deliver any Written Direction, to amend, modify or waive any provision of this Agreement and to take any and all other actions under this Agreement, all without further consent or direction from, or notice to, it or any other party.

(v) No party other than the parties hereto has, or shall have, any lien, claim or security interest in the Funds or any part thereof. No financing statement under the Uniform Commercial Code is on file in any jurisdiction claiming a security interest in or describing (whether specifically or generally) the Funds or any part thereof.

(vi) All of its representations and warranties contained herein are true and complete as of the date hereof and will be true and complete at the time of any disbursement of the Funds.

12. Patriot Act/Identifying Information. To help the government fight the funding of terrorism and money laundering activities, Federal law requires all financial institutions to obtain, verify, and record information that identifies each person who opens an account. For a non-individual person such as a business entity, a charity, a trust, or other legal entity, Agent requires documentation to verify its formation and existence as a legal entity. Agent may ask to see financial statements, licenses, or identification and authorization documents from individuals claiming authority to represent the entity or other relevant documentation. The Depositor acknowledges that a portion of the identifying information set forth herein is being requested by Agent in connection with the USA Patriot Act, Pub.L.107-56 (the "Act") and agrees to provide any additional information requested by Agent in connection with the Act or any other legislation or regulation to which Agent is subject, in a timely manner. The Depositor represents that all identifying information set forth on Schedule A or otherwise provided to Agent, including without limitation, its Taxpayer Identification Number assigned by the Internal Revenue Service or any other taxing authority, is true and complete on the date hereof and will be true and complete at the time of any disbursement of the Funds.

13. Consent to Jurisdiction and Venue. Each of the parties hereto irrevocably (a) consents to the exclusive jurisdiction and venue of the state and federal courts in Broward County, Florida in connection with any matter arising out of this Agreement, (b) waives any objection to such jurisdiction or venue (c) agrees not to commence any legal proceedings related hereto except in such courts

14. Notice. All notices, approvals, consents, requests, and other communications hereunder shall be in writing (provided that each such communication to Agent must be in the form of a document that is signed manually or by way of a DocuSign digital signature or electronic copy of either) and shall be deemed to have been given when the writing is delivered if given or delivered by hand, overnight delivery service, email or facsimile transmitter (with confirmed receipt) to the address or facsimile number set forth on Schedule A hereto, or to such other address as each party may designate for itself by like notice, and shall be deemed to have been given on the date deposited in the mail, if mailed, by first-class, registered or certified mail, postage prepaid, addressed as set forth on Schedule A hereto, or to such other address as each party may designate for itself by like notice. Depositor agrees to assume all risks arising out of the use of digital signatures and electronic methods to submit instructions and directions to Agent, including without limitation the risk of Agent acting on unauthorized instructions, and the risk of interception and misuse by third parties.

15. Amendment, Waiver and Assignment. This Agreement may be changed, waived, discharged or terminated only by a writing signed by the parties hereto. No delay or omission by any party in exercising any right with respect hereto shall operate as a waiver. A waiver on any one occasion shall not be construed as a bar to, or waiver of, any right or remedy on any future occasion. Except as provided in Section 19, this Agreement may not be assigned by any party

without the written consent of the other party.

16. Severability. To the extent any provision of this Agreement is prohibited by or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement.

17. Governing Law. This Agreement shall be construed and interpreted in accordance with the internal laws of the State of Florida without giving effect to the conflict of laws principles thereof.

18. Entire Agreement. This Agreement constitutes the entire agreement between the parties relating to the holding, investment and disbursement of the Funds and sets forth in their entirety the obligations and duties of Agent with respect to the Funds. Nothing in this Agreement, express or implied, is intended to or shall confer upon any person other than the signatory parties hereto and the Indemnified Parties any right, benefit or remedy of any nature whatsoever under or by reason of this Agreement.

19. Binding Effect; Successors. All of the terms of this Agreement, as amended from time to time, shall be binding upon, inure to the benefit of and be enforceable by the respective successors and assigns of Depositor and Agent. If Agent consolidates, merges or converts into, or transfers all or substantially all of its corporate trust business (including the account contemplated by this Agreement) to another entity, the successor or transferee entity without any further act shall be the successor Agent.

20. Execution in Counterparts. This Agreement may be executed in two or more counterparts, which when so executed shall constitute one and the same agreement or direction. The exchange of copies of this Agreement and of signature pages by facsimile transmission or email shall constitute effective execution and delivery of this Agreement as to the parties and may be used in lieu of the original Agreement for all purposes. DocuSign digital signatures and signatures of the parties transmitted by facsimile or email shall be deemed to be their original signatures for all purposes.

21. Termination. Upon the disbursement of all amounts in the Funds pursuant to Written Directions or pursuant to Section 5, Section 7 or Section 8 hereof, this Agreement shall terminate, Agent shall be released from its obligations hereunder and Agent shall have no further liability with respect to the Fund, this Agreement, or any action or refusal to take action hereunder.

22. Dealings. Agent and any stockholder, director, officer or employee of Agent may buy, sell, and deal in any of the securities of the Depositor and become financially interested in any transaction in which Depositor may be interested, and contract and lend money to the Depositor and otherwise act as fully and freely as though it were not acting as the depositary Agent under this

Agreement. Nothing herein shall preclude Agent from acting in any other capacity for the Depositor or for any other person or entity.

23. Optional Security Procedures. In the event funds transfer instructions, address changes or change in contact information are given (other than in writing at the time of execution of this Agreement), whether in writing, by facsimile or otherwise, Agent is authorized but shall be under no duty to seek confirmation of such instructions by telephone call-back to the person or persons designated on Schedule B hereto, and Agent may rely upon the confirmation of anyone purporting to be the person or persons so designated. The persons and telephone numbers for call-backs may be changed only in writing received and acknowledged by Agent and shall be effective only after Agent has a reasonable opportunity to act on such changes. Depositor agrees that Agent may at its option record any telephone calls made pursuant to this Section. Agent in any funds transfer may rely solely upon any account numbers or similar identifying numbers provided by Depositor to identify (a) the beneficiary, (b) the beneficiary's bank, or (c) an intermediary bank. Agent may apply any of the Funds for any payment order it executes using any such identifying number, even when its use may result in a person other than the beneficiary being paid, or the transfer of funds to an agent other than the intended beneficiary's bank or intermediary bank. Depositor acknowledges that these optional security procedures are commercially reasonable.

24. WAIVER OF TRIAL BY JURY. TO THE EXTENT NOT PROHIBITED BY APPLICABLE LAW THAT CANNOT BE WAIVED, THE PARTIES HEREBY WAIVE, AND COVENANT THAT THEY WILL NOT ASSERT (WHETHER AS PLAINTIFF, DEFENDANT OR OTHERWISE), ANY RIGHT TO TRIAL BY JURY IN ANY ACTION ARISING IN WHOLE OR IN PART UNDER OR IN CONNECTION WITH THIS AGREEMENT, WHETHER NOW EXISTING OR HEREAFTER ARISING, AND WHETHER SOUNDING IN CONTRACT, TORT OR OTHERWISE. THE PARTIES AGREE THAT ANY OF THEM MAY FILE A COPY OF THIS PARAGRAPH WITH ANY COURT AS WRITTEN EVIDENCE OF THE KNOWING, VOLUNTARY AND BARGAINED-FOR AGREEMENT AMONG THE PARTIES IRREVOCABLY TO WAIVE ITS RIGHT TO TRIAL BY JURY IN ANY PROCEEDING WHATSOEVER BETWEEN THEM RELATING TO THIS AGREEMENT OR ANY OF THE CONTEMPLATED TRANSACTIONS WILL INSTEAD BE TRIED IN A COURT OF COMPETENT JURISDICTION BY A JUDGE SITTING WITHOUT A JURY.

25. Tax Reporting. Depositor agrees to assume all obligations imposed now or hereafter by any applicable tax law or regulation with respect to payments or performance under this Agreement. Upon Agent's request, Depositor shall provide Agent with a Form W-9 or Form W-8, as applicable, for each payee, together with any other documentation and information requested by Agent in connection with Agent's reporting obligations under the United States Internal Revenue Code and related regulations (the "Code"). If such tax documentation is not so provided, Agent is authorized to withhold taxes as required by the Code. Depositor shall accurately provide Agent with all information requested by Agent in connection with Agent's reporting obligations under the Code. Except as otherwise agreed by Agent in writing, Agent has no tax reporting or withholding obligation except with respect to Form 1099-B reporting on payments of gross proceeds under Code

Section 6045 and Form 1099 and Form 1042-S reporting with respect to investment income, if any.

26. Brokerage Confirmations: The District Acknowledges that to the extent regulations of the Comptroller of the Currency or other applicable regulatory entity grant the District the right to receive individual confirmations of security transactions at no additional cost, as they occur, the District specifically waives receipt of such confirmations to the extent permitted by law. The Trustee will furnish the District periodic cash transactions statements that include detail for all investment transactions made by the Trustee hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first above written.

DEPOSITOR

By: _____
Title: _____

U.S. BANK NATIONAL ASSOCIATION

By: _____
Title: _____

SCHEDULE A

1. Initial Deposit and identification of Deposit Account.

Initial Deposit: $

U.S. Bank National Association
ABA: 091000022
Account Name: US Bank CT Wire Clearing
Account: 180121167365
BNF Address: 777 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202-5300
Ref: The Village of Gulfstream Park CDD
Attn: Tami Abbas 651 466 7523

2. Agent Fees.

Acceptance Fee:	Waived
Annual Fee:	$2,500.00
Out-of-Pocket Expenses	at cost
Other Fees/Attorney, etc.:	at cost

The Acceptance Fee and the Annual Fee are payable upon execution of the agreement. In the event the account is not funded, the Acceptance Fee and all related expenses, including attorneys' fees, remain due and payable, and if paid, will not be refunded. Annual fees cover a full year in advance, or any part thereof, and thus are not pro-rated in the year of termination.

The fees quoted in this schedule apply to services ordinarily rendered in the administration of an account and are subject to reasonable adjustment based on final review of documents, or when Agent is called upon to undertake unusual duties or responsibilities, or as changes in law, procedures, or the cost of doing business demand. Services in addition to and not contemplated in this Agreement, including, but not limited to, document amendments and revisions, non-standard cash and/or investment transactions, calculations, notices and reports, and legal fees, will be billed as extraordinary expenses.

Unless otherwise indicated, the above fees relate to the establishment of one account. Additional sub-accounts governed by the same Agreement may incur an additional charge. Transaction costs include charges for wire transfers, checks, internal transfers and securities transactions.

3. Taxpayer Identification Numbers.

Depositor: 77-0693952

4. Notice Addresses.

If to Depositor, at:
The Village of Gulfstream Park CDD
C/O PFM Group Consulting LLC
12051 Corporate Boulevard
Orlando, Florida 32817
Facsimile: 407-723-5901
Telephone: 407-723-5900
E-mail: gaarlandtj@pfm.com

If to Depositor Counsel, at:
Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
515 East Las Olas Blvd, 6th Floor
Fort Lauderdale, Florida 33301
Facsimile: 954-764-7279
Telephone: 954-764-7150
E-mail: dlyles@bclmr.com

If to Agent, at:
U.S. Bank National Association, as Agent
225 E. Robinson Street, Suite 250
Orlando, Florida 32801
ATTN: James Audette
Telephone: 407-835-3820
E-mail: James.Audette@usbank.com

SCHEDULE B

Each of the following person(s) is a **Depositor representative** and each is authorized to execute documents and direct Agent as to all matters, including fund transfers, address changes and contact information changes, on Depositor's behalf:

_____	_____	_____
Name	Specimen signature	Telephone No.
_____	_____	_____
Name	Specimen signature	Telephone No
_____	_____	_____
Name	Specimen signature	Telephone No

(Note: if only one person is identified above, please complete the following)
The following person not listed above is authorized for call-back confirmations:

[_____]	_____
Name	Telephone Number

SCHEDULE C

U.S. BANK NATIONAL ASSOCIATION
Investment Authorization Form

U.S. BANK MONEY MARKET DEPOSIT ACCOUNT

Description and Terms

The U.S. Bank Money Market Deposit Account is a U.S. Bank National Association ("U.S. Bank") interest-bearing money market deposit account designed to meet the needs of U.S. Bank's Corporate Trust Services Group and other corporate trust customers of U.S. Bank. Selection of this investment includes authorization to place funds on deposit and invest with U.S. Bank.

U.S. Bank uses the daily balance method to calculate interest on this account (actual/365 or 366). This method applies a daily periodic rate to the principal balance in the account each day. Interest is accrued daily and credited monthly to the account. Interest rates are determined at U.S. Bank's discretion and may be tiered by customer deposit amount.

The owner of the account is U.S. Bank as agent for its corporate trust customers. U.S. Bank's Corporate Trust Services Group performs all account deposits and withdrawals. Deposit accounts are FDIC insured per depositor, as determined under FDIC Regulations, up to applicable FDIC limits.

U.S. BANK IS NOT REQUIRED TO REGISTER AS A MUNICIPAL ADVISOR WITH THE SECURITIES AND EXCHANGE COMMISSION FOR PURPOSES OF COMPLYING WITH THE DODD-FRANK WALL STREET REFORM & CONSUMER PROTECTION ACT. INVESTMENT ADVICE, IF NEEDED, SHOULD BE OBTAINED FROM YOUR FINANCIAL ADVISOR.

Automatic Authorization

In the absence of specific written direction to the contrary, U.S. Bank is hereby directed to invest and reinvest proceeds and other available moneys in the U.S. Bank Money Market Deposit Account. The customer(s) confirm that the U.S. Bank Money Market Deposit Account is a permitted investment under the operative documents and this authorization is the permanent direction for investment of the moneys until notified in

U.S. Bank, N.A.
Global Corporate Trust Group
225 E. Robinson Street, Suite 250
Orlando, FL 32801

James Audette
Vice President
Email: james.audette@usbank.com
Phone: 407-835-3820 Fax: 407-835-3814

Date: June 24, 2020

Village at Gulfstream Park Community Development District
C/O PFM Group Consulting LLC
12051 Corporate Blvd.
Orlando, Florida 32817

gaarlandtj@pfm.com

Re: Village at Gulfstream Park Community Development District Special Assessment Revenue Bonds, Series 2008

Dear Jane:

U.S. Bank appreciates the opportunity to work with the District on this transaction. Our fees for Trustee, Paying Agent, Custodian and Registrar are as follows:

Annual Trustee Administration Fee: $ 8,500.00
(.03% of current bonds outstanding with a minimum of $3,850.00 and a maximum of $8,500.00)

Incidental Expenses: 7.75% of Annual Trustee Administration Fee: $ 658.75
(Incidental expenses travel and closing expenses, wires, postage, copies, mailings, courier expenses, etc.)

Annual Depositor Fee (Custody Account Tenant Fees): $ 2,500.00

Sincerely,

James Audette
Vice President

Extraordinary Expenses / Other Services **Billed at Cost**

Extraordinary Administration Services ("EAS") are duties, responsibilities or activities not expected to be provided by the trustee or agent at the outset of the transaction, not routine or customary, and/or not incurred in the ordinary course of business, and may require analysis or interpretation. Billing for fees and expenses related to EAS is appropriate in instances where particular inquiries, events or developments are unexpected, even if the possibility of such circumstances could have been identified at the inception of the transaction, or as changes in law, procedures, or the cost of doing business demand. At our option, EAS may be charged on an hourly (time expended multiplied by current hourly rate), flat or special fee basis at such rates or in such amounts in effect at the time of such services, which may be modified by us in our sole discretion from time to time. In addition, all fees and expenses incurred by the trustee or agent, in connection with the trustee's or agent's EAS and ordinary administration services and including without limitation the fees and expenses of legal counsel, financial advisors and other professionals, charges for document amendments and substitutions, tenders, optional redemptions, UCC filings, investment agreements, outside held money market funds, default administration, wire transfers, checks, internal transfers and securities transactions, travel expenses, communication costs, postage (including express mail and overnight delivery charges), copying charges and the like will be payable, at cost, to the trustee or agent. EAS fees are due and payable in addition to annual or ordinary administration fees. Failure to pay for EAS owed to U.S. Bank within 45 days may result in interest being charged on amounts owed to U.S. Bank for extraordinary administration services fees and expenses at the prevailing market rate.

* The quoted fee does not include services as Disclosure Agent pursuant to Securities & Exchange commission Rule 15c12-12, as amended. U.S. Bank will discuss this service with the Obligor if applicable pursuant to the terms of the bond issues.

Account approval is subject to review and qualification. Fees are subject to change at our discretion and upon written notice. Fees paid in advance will not be prorated. The fees set forth above and any subsequent modifications thereof are part of your agreement. Finalization of the transaction constitutes agreement to the above fee schedule, including agreement to any subsequent changes upon proper written notice. In the event your transaction is not finalized, any related out-of-pocket expenses will be billed to the client directly. Absent your written instructions to sweep or otherwise invest, all sums in your account will remain uninvested and no accrued interest or other compensation will be credited to the account. Payment of fees constitutes acceptance of the terms and conditions set forth.

IMPORTANT INFORMATION ABOUT PROCEDURES FOR OPENING A NEW ACCOUNT:
To help the government fight the funding of terrorism and money laundering activities, federal law requires all financial institutions to obtain, verify and record information that identifies each person who opens an account. For a nonindividual person such as a business entity, a charity, a trust or other legal entity, we ask for documentation to verify its formation and existence as a legal entity. We may also ask to see financial statements, licenses, identification and authorization documents from individuals claiming authority to represent the entity or other relevant documentation.

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Discussion
Financing / Funding New Infrastructure Project

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

First Amendment to Agreement for District Management Services

FIRST AMENDMENT TO AGREEMENT FOR DISTRICT MANAGEMENT SERVICES BETWEEN VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT AND PFM GROUP CONSULTING LLC

THIS FIRST AMENDMENT TO AGREEMENT FOR DISTRICT MANAGEMENT SERVICES (the "Amendment") is made and entered into this 24th day of July, 2020 by and between:

VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to chapter 190, Florida Statutes, being situated in Broward County, Florida, (the "District"); and

PFM GROUP CONSULTING LLC, whose mailing address is 12051 Corporate Boulevard., Orlando, Florida 32817 (the "Manager").

RECITALS

WHEREAS, on February 12, 2019, the District entered into Agreement for District Management Services with the Manager, as amended by the First Amendment to Agreement for District Management Services, dated July 24, 2020 (collectively, the "Agreement"); and

WHEREAS, the Manager is responsible for providing professional district management, financial management and records management for the District and for performing such other duties as may be prescribed by the District, as provided expressly by the Agreement and by section 190.007(1), Florida Statutes; and

WHEREAS, Section 218.33, Florida Statutes, was recently amended to provide for additional accounting internal controls for local governments, including community development districts; and

WHEREAS, the District Manager is in a position to comply with and provide for the District's compliance with the practices and procedures and internal controls set forth in Section 218.33, Florida Statutes; and

WHEREAS, parties desire to amend the Agreement to clarify the obligation of the Manager to maintain the District's compliance with the practices, procedures, and internal controls required by Section 218.33, Florida Statutes, and to implement such practices, procedures, and internal controls as part of the services provided by the Manager pursuant to the Agreement.

NOW, THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, District and Manager agree to amend the Agreement as follows:

1. RECITALS. The recitals so stated are true and correct and by this reference are incorporated into and form a material part of this Amendment.

2. AMENDMENT. The Agreement is hereby amended to establish, maintain, implement, and follow internal controls in accordance with Section 218.33, Florida Statutes, as amended from time to time. On an annual basis, the Manager shall present a written report to the District Board of Supervisors identifying the practices, procedures, and internal controls that have been established, maintained, implemented, and followed by the Manager in strict accordance with the requirements of Section 218.33, Florida Statutes.

3. IMPACT OF AMENDMENT. Except as described above, nothing herein shall modify the rights and obligations of the parties under the Agreement.

4. EFFECTIVE DATE. This Amendment shall have an effective date as of the date first written above.

IN WITNESS WHEREOF, the parties execute this Amendment the day and year first written above.

Approved by:

VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

_____	_____
Secretary/Assistant Secretary	By: _____
	Title: Chairman / Vice Chairman
	Date:_____

MANAGER:

_____	_____
Witness name:_____	Print name: _____
_____	Title: _____
Witness name:_____	Date: _____

VILLAGE AT GULFSTREAM PARK
COMMUNITY DEVELOPMENT DISTRICT
INTERNAL CONTROLS POLICY

1. Purpose.

1.1. The purpose of this internal controls policy is to establish and maintain internal controls for the Village at Gulfstream Park Community Development District.

1.2. Consistent with Section 218.33(3), *Florida Statutes*, the internal controls adopted herein are designed to:

1.2.1. Prevent and detect Fraud, Waste, and Abuse (as hereinafter defined).

1.2.2. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

1.2.3. Support economical and efficient operations.

1.2.4. Ensure reliability of financial records and reports.

1.2.5. Safeguard Assets (as hereinafter defined).

2. Definitions.

2.1. "Abuse" means behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.

2.2. "Assets" means District assets such as cash or other financial resources, supplies, inventories, equipment and other fixed assets, real property, intellectual property, or data.

2.3. "Auditor" means the independent auditor (and its employees) retained by the District to perform the annual audit required by state law.

2.4. "Board" means the Board of Supervisors for the District.

2.5. "District Management" means (i) the independent contractor (and its employees) retained by the District to provide professional district management services to the District and (ii) any other independent contractor (and its employees) separately retained by the District to provide amenity management services, provided said services include a responsibility to safeguard and protect Assets.

2.6. "Fraud" means obtaining something of value through willful misrepresentation, including, but not limited to, intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity's assets, bribery, or the use of one's position for personal enrichment through the deliberate misuse or misapplication of an organization's resources.

2.7. "Internal Controls" means systems and procedures designed to prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and safeguard assets.

2.8. "Risk" means anything that could negatively impact the District's ability to meet its goals and objectives. The term includes strategic, financial, regulatory, reputational, and operational risks.

2.9. "Waste" means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

3. Control Environment.

3.1. Ethical and Honest Behavior.

3.1.1. District Management is responsible for maintaining a work environment that promotes ethical and honest behavior on the part of all employees, contractors, vendors and others.

3.1.2. Managers at all levels must behave ethically and communicate to employees and others that they are expected to behave ethically.

3.1.3. Managers must demonstrate through words and actions that unethical behavior will not be tolerated.

4. Risk Assessment.

4.1. Risk Assessment. District Management is responsible for assessing Risk to the District. District Management's Risk assessments shall include, but not be limited to:

4.1.1. Identifying potential hazards.

4.1.2. Evaluating the likelihood and extent of harm.

4.1.3. Identifying cost-justified precautions and implementing those precautions.

5. Control Activities.

5.1. Minimum Internal Controls. The District hereby establishes the following minimum Internal Controls to prevent and detect Fraud, Waste, and Abuse:

5.1.1. Preventive controls designed to forestall errors or irregularities and thereby avoid the cost of corrections. Preventive control activities shall include, but not be limited to, the following:

5.1.1.1. Identifying and segregating incompatible duties and/or implementing mitigating controls.

5.1.1.2. Performing accounting functions in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.

5.1.1.3. Requiring proper authorizations to access and/or modify accounting software.

5.1.1.4. Implementing computerized accounting techniques (e.g. to help identify coding errors, avoid duplicate invoices, etc.).

5.1.1.5. Maintaining a schedule of the District's material fixed Assets.

5.1.1.6. Maintaining physical control over the District's material and vulnerable Assets (e.g. lock and key, computer passwords, network firewalls, etc.).

5.1.1.7. Retaining and restricting access to sensitive documents.

5.1.1.8. Performing regular electronic data backups.

5.1.2. Detective controls designed to measure the effectiveness of preventive controls and to detect errors or irregularities when they occur. Detective control activities shall include, but not be limited to, the following:

5.1.2.1. Preparing financial reports in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) standards.

5.1.2.2. Reviewing financial statements and investigating any material variances between budgeted expenses and actual expenses.

5.1.2.3. Establishing and implementing periodic reconciliations of bank, trust, and petty cash accounts.

5.1.2.4. Establishing an internal protocol for reporting and investigating known or suspected acts of Fraud, Waste, or Abuse.

5.1.2.5. Engaging in periodic physical inventory counts and comparisons with inventory records.

5.1.2.6. Monitoring all ACH (electronic) transactions and the sequencing of checks.

5.2. Implementation. District Management shall implement the minimum Internal Controls described herein. District Management may also implement additional Internal Controls that it deems advisable or appropriate for the District. The specific ways District Management implements these minimum Internal Controls shall be consistent with Generally Accepted Accounting Principles (GAAP) and otherwise conform to Governmental Accounting Standards Board (GASB) and American Institute of Certified Public Accountants (AICPA) standards and norms.

6. Information and Communication.

6.1. Information and Communication. District Management shall communicate to its employees (needing to know) information relevant to the Internal Controls, including but not limited to any changes to the Internal Controls and/or changes to laws, rules, contracts, grant agreements, and best practices.

6.2. Training. District Management shall regularly train its employees (needing the training) in connection with the Internal Controls described herein and promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

7. Monitoring Activities.

7.1. Internal Reviews. District Management shall internally review the District's Internal Controls at least once per year. In connection with this internal review, District Management shall:

7.1.1.1. Review its operational processes.

7.1.1.2. Consider the potential risk of Fraud, Waste, or Abuse inherent in each process.

7.1.1.3. Identify the controls included in the process, or controls that could be included, that would result in a reduction in the inherent risk.

7.1.1.4. Assess whether there are Internal Controls that need to be improved or added to the process under consideration.

7.1.1.5. Implement new controls or improve existing controls that are determined to be the most efficient and effective for decreasing the risk of Fraud, Waste or Abuse.

7.1.1.6. Train its employees on implemented new controls or improvements to existing controls.

7.2. External Audits and Other Reviews. Audits and other reviews may be performed on various components of the District's Internal Controls by the Auditor consistent with Government Auditing Standards (GAS). Audits may identify material deficiencies in the Internal Controls and make recommendations to improve them. District Management shall communicate and cooperate with the Board and the Auditor regarding the potential implementation of Auditor recommendations.

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

First Amendment to Agreement between the District and VGlobalTech for Website Maintenance Services

FIRST AMENDMENT TO
AGREEMENT FOR WEBSITE AUDITING,
REMEDIATION, AND MAINTENANCE SERVICES

THIS FIRST AMENDMENT TO AGREEMENT (the "**Amendment**") is entered into as of this _____ day of _____, 2020 (the "Effective Date"), by and between:

VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT, a local unit of special- purpose government, established and existing pursuant to Chapter 190, *Florida Statutes*, with a mailing address of 12051 Corporate Boulevard, Orlando, Florida 32817 (the "**District**"), and

NEWAGETUTORS LLC, D/B/A VGLOBALTECH, a Florida limited liability company, with a mailing address of 636 Fanning Drive, Winter Springs, Florida 32708 (the "**Contractor**").

RECITALS

WHEREAS, the District and Contractor entered in an Agreement for Website Auditing, Remediation, and Maintenance Services, dated September 20, 2019 (the "Agreement"); and

WHEREAS, at the request of the District Manager of the District, the Contractor has submitted its proposal, dated June 25, 2020 (the "Proposal") to provide total monthly maintenance of the District's Website with full content upload and document conversion (the "Additional Services"), which Proposal is attached hereto and made a part hereof as Exhibit A-1; and

WHEREAS, the Contractor represents and warrants to the District that it is qualified, willing and capable of providing the Additional Services.

NOW, THEREFORE, in consideration of the recitals, agreements and mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

SECTION 1. RECITALS. The recitals stated above are true and correct and by this reference are incorporated herein and form a material part of this Amendment.

SECTION 2. SCOPE OF WORK. Section 2 of the Agreement, entitled, "SCOPE OF WORK" is hereby amended to add the Additional Services described in the Contractor's Proposal.

SECTION 3. COMPENSATION. Section 3 of the Agreement, entitled "COMPENSATION" is hereby amended to provide that the District agrees to pay the Contractor the sum of One Hundred Twenty-Five and 00/100 ($125.00) Dollars per month in accordance with the terms of the Proposal. While it is not expected that it will be necessary for Contractor to provide Additional Services beyond 10 hours per month, if such Additional Services are provided beyond 10 hours per month, Contractor shall be paid an additional $55 per hour (billed in increments of 6 minutes each) for hours worked in excess of the 10 hours, provided that a time sheet detailing Additional Services performed is provided by the Contractor to the District with the monthly invoice.

SECTION 4. Except as otherwise set forth in this Amendment, all other terms of the original

Agreement between the parties dated September 20, 2019, are hereby ratified, reaffirmed and shall remain in full force and effect as provided by their terms.

IN WITNESS WHEREOF, the parties have, by their duly authorized representatives, executed this Amendment as of the date and year first set forth above.

ATTEST**:**

VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

_____ _____

Print name: _____ Print name: _____

Secretary Chairperson, Board of Supervisors

Date: _____, 2020

WITNESS**:**

NEWAGETUTORS LLC, D/B/A VGLOBALTECH, a Florida limited liability company

_____ _____

Print Name: By: Vaibhav V. Joshi, Managing Member

Date: _____, 2020

Exhibit A-1: Proposal for Additional Services

Exhibit A-1

Proposal for Additional Services

Website Maintenance Proposal For

Village at Gulfstream Park CDD

Date	Version#	Comments	Author
June 25, 2020	1.0	Created Proposal	VB Joshi

VGlobalTech is the ADA, WCAG Compliance Expert and leading Web design company, with over 300 ADA & WCAG compliant websites created (….and counting) to-date! We have partnered with a non-profit agency to conduct Human Audit and Certification Seal. Visit https://vglobaltech.com/website-compliance/ for details.

Your strategic partner for Web Design, Software, Marketing, and SEO solutions.
Call: 321-947-7777 | Email: contact@VGlobalTech.com

***** *VGlobalTech has developed unique ADA and WCAG compliance expertise, optimized website templates, compliance multi-step procedure and quality control, document conversion software and test procedures. Contact us for details of VGlobalTech's Intellectual Property.*

Table of Contents

1.0 Pricing

1.1 Monthly Maintenance, Hosting and Email Support

Maintenance contract is required for VGlobalTech's proprietary document conversion software (PDF to RTF) to be used that allows faster, accurate and batch processing for document conversion.

	Task
1.	Full content upload support to regularly keep site updated (includes all documents, audit reports, agendas, meeting minutes, events etc). ***Update turnaround time – less than 24 hrs from customer sending the content and documents to be updated to VGT team.***
2.	PDF Documents conversion (to Text, HTML etc) as needed (***new documents during the maintenance year only***) for ADA Compliance / Reader Compliance. VGlobalTech's **proprietary batch conversion software** shall be used by our team for faster batch-conversion processing as long as the contract is valid (big time saver that creates compliant documents that can be uploaded to the website). If Auto conversion fails, VGlobalTech team shall perform manual OCR and conversion within 24 hrs.
3.	Email accounts setup and support
	Total Monthly Maintenance with full content upload, document conversion: **$125 / month** *support beyond 10 hrs. / month / CDD shall be billed at $55 / hr. separately (VGlobalTech team shall be responsible to track and report hours exceeded, if any) ***Monthly maintenance must be paid before the 10th of every month

This proposal includes following points, stipulations terms and conditions:

*(1) conference call or in person meetings per month with client to review metrics, results and monthly recaps **unless otherwise noted*

* email and phone communication

*Anything out of the scope of work in the above proposal will be addressed and client will be immediately notified. After notification of additional work, a subsequent quote will be provided to cover that work.

*Client is responsible to adhering to timelines as far as information required to complete the task is concerned. If timelines are not adhered to and exceed 15 business days past the current marketing months, last day, all work will end. A new month with new allocated costs will be presented for future work to commence. No refunds and owed work will be due unless otherwise agreed upon. **An Invoice will be provided once signature approval of this project proposal. Payments will be made to VGLOBALTECH**

*Client is responsible for verifying quality of work, providing feedback, verifying that compliance has been met as required. VGlobalTech team shall not be responsible for any legal ramifications arising from work not done as per external agencies / organizations / associations needs if proper feedback is not provided by the customer. VGlobalTech's work will be in best faith but cannot guarantee all compliance / legal needs since we are not the final authority in the ADA or WCAG compliance area. VGlobalTech shall not be liable for any legal ramifications arising from compliance issues and cannot be held responsible for any legal or other lawsuits.

Refund Policy: The client may halt work and request for a refund within seven days of the date of signing this services agreement by mailing a signed letter to the main address listed on www.VGlobalTech.com website. If client requests a refund within seven days of the date of signing their agreement, they shall be liable to pay for all work completed and will be refunded the remaining balance of the initial payment if billable work has not exceeded a charge that would be greater than client's initial payment. If client requests a refund after the seven days from the date of the signing of the agreement client is liable to pay for all work completed plus an additional 25% of any remaining balance that may still be due. Once line item projects are complete no refunds will be issued. Confidentiality: All information between client and service provider inclusive of technical and business information relating to proprietary ideas, patentable ideas and/or trade secrets, existing and/or contemplated products and services, research and development, production, costs, profit and margin information, finances and financial projections, customers, clients, marketing, and current or future business plans and models, regardless of whether such information is designated as "Confidential Information" at the time of its disclosure and will be treated as such and with absolute confidentiality and will not be shared or used, which will be maintained at all times. The client is not allowed to disclose their price with any third parties. Doing so is in breach of this agreement. All information development will be shared and proprietary information and property between client and service providers.

2.0 Proposal Acceptance:

The VGlobalTech proposed solution and terms have been accepted by the customer and the VGlobalTech can proceed with the project. All payments shall be made according to this agreement.

☑ ***Website, Monthly Maintenance w/ Hosting and Email support***

Signatures:

For Customer *Date*

VB Joshi

For VGlobalTech *Date*

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Fiscal Year 2019 Audit Report

THE VILLAGE AT GULFSTREAM PARK
COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
FINANCIAL REPORT
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2019

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA

TABLE OF CONTENTS

Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

951 Yamato Road ▪ Suite 280
Boca Raton, Florida 33431
(561) 994-9299 ▪ (800) 299-4728
Fax (561) 994-5823
www.graucpa.com

INDEPENDENT AUDITOR'S REPORT

To the Board of Supervisors
The Village at Gulfstream Park Community Development District
City of Hallandale Beach, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund of The Village at Gulfstream Park Community Development District, City of Hallandale Beach, Florida (the "District") as of and for the fiscal year ended September 30, 2019, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of September 30, 2019, and the respective changes in financial position thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated June 26, 2020, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

June 26, 2020

MANAGEMENT'S DISCUSSION AND ANLAYSIS

Our discussion and analysis of The Village at Gulfstream Park Community Development District, City of Hallandale Beach, Florida ("District") provides a narrative overview of the District's financial activities for the fiscal year ended September 30, 2019. Please read it in conjunction with the District's Independent Auditor's Report, basic financial statements, accompanying notes and supplementary information to the basic financial statements.

FINANCIAL HIGHLIGHTS

- The liabilities of the District exceeded its assets at the close of the fiscal year ended September 30, 2019 resulting in a net position deficit balance of ($27,055,652).

- The change in the District's total net position in comparison with the prior year was ($684,498), a decrease. The key components of the District's net position and change in net position are reflected in the table in the government-wide financial analysis section.

- At September 30, 2019, the District's governmental funds reported combined ending fund balances of $3,111,711, an increase of $179,134 in comparison with the prior fiscal year. A portion of fund balance is restricted for debt service and the remainder is unassigned fund balance which is available for spending at the District's discretion.

OVERVIEW OF FINANCIAL STATEMENTS

This discussion and analysis are intended to serve as the introduction to the District's basic financial statements. The District's basic financial statements are comprised of three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-Wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the District's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all the District's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the District is improving or deteriorating.

The statement of activities presents information showing how the government's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods.

The government-wide financial statements include all governmental activities that are principally supported by Developer contributions and user fees. The District does not have any business-type activities. The governmental activities of the District include the general government (management) and maintenance functions.

Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The District, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. The District maintains only one category of funds, the governmental funds.

OVERVIEW OF FINANCIAL STATEMENTS (Continued)

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflow of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a District's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the District's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

The District maintains two governmental funds. Information is presented separately in the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances for the general and debt service funds which are considered major funds.

The District adopts an annual appropriated budget for its general fund. A budgetary comparison schedule has been provided for the general fund to demonstrate compliance with the budget.

Notes to the Financial Statements

The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of an entity's financial position. In the case of the District, liabilities exceeded assets at the close of the fiscal year ended September 30, 2019.

Key components of the District's net position are reflected in the following table:

NET POSITION
SEPTEMBER 30,

	2019	2018
Assets, excluding capital assets	$ 3,132,065	$ 2,946,586
Capital assets, net of depreciation	20,077,453	21,480,514
Total assets	23,209,518	24,427,100
Liabilities, excluding long-term liabilities	1,410,170	1,428,254
Long-term liabilities	48,855,000	49,370,000
Total liabilities	50,265,170	50,798,254
Net position		
Net investment in capital assets	(28,777,547)	(27,889,486)
Restricted	1,706,705	1,503,143
Unrestricted	15,190	15,189
Total net position	$ (27,055,652)	$ (26,371,154)

GOVERNMENT-WIDE FINANCIAL ANALYSIS (Continued)

A portion of the District's net position reflects its investment in capital assets (e.g. land, land improvements, and infrastructure) less any related debt used to acquire those assets that is still outstanding. These assets are used to provide services to residents; consequently, these assets are not available for future spending. Although the District's investment in capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

The restricted portion of the District's net position represents resources that are subject to external restrictions on how they may be used. The remaining balance of unrestricted net position may be used to meet the District's other obligations.

The District's net position decreased during the most recent fiscal year. The majority of the decrease is the result of the cost of operations and depreciation exceeding ongoing program revenues.

Key elements of the change in net position are reflected in the following table:

CHANGES IN NET POSITION
FOR THE FISCAL YEAR ENDED SEPTEMBER 30,

	2019	2018
Revenues:		
Program revenues		
Charges for services	$ 463,283	$ 321,904
Operating grants and contributions	3,720,912	3,603,238
Total revenues	4,184,195	3,925,142
Expenses:		
General government	86,196	78,104
Maintenance and operations	1,403,061	1,403,061
Interest	3,379,436	3,410,831
Total expenses	4,868,693	4,891,996
Change in net position	(684,498)	(966,854)
Net position - beginning, as restated (Note 14)	(26,371,154)	(25,404,300)
Net position - ending	$ (27,055,652)	$ (26,371,154)

As noted above and in the statement of activities, the cost of all governmental activities during the fiscal year ended September 30, 2019 was $4,868,693. The costs of the District's activities were primarily funded by program revenues. Program revenues were comprised primarily of funds from the Developer to fund operations and for the payment of interest on its long-term debt. Program revenues increased from the prior fiscal year due mostly to increased Developer contributions to fund debt payments. The District also received funds from user fee revenues and tenant fee revenues which are included in program revenues and are discussed in the notes to the financial statements.

GENERAL BUDGETING HIGHLIGHTS

An operating budget was adopted and maintained by the governing board for the District pursuant to the requirements of Florida Statutes. The budget is adopted using the same basis of accounting that is used in preparation of the fund financial statements. The legal level of budgetary control, the level at which expenditures may not exceed budget, is in the aggregate. Any budget amendments that increase the aggregate budgeted appropriations must be approved by the Board of Supervisors.

CAPITAL ASSETS AND DEBT ADMINISTRATION

Capital Assets

At September 30, 2019, the District had $32,705,000 invested in infrastructure, and improvements, for its governmental activities. In the government-wide financial statements accumulated depreciation of $12,627,547 has been taken, which resulted in a net book value of $20,077,453. More detailed information about the District's capital assets is presented in the notes of the financial statements.

Capital Debt

At September 30, 2019, the District had $48,855,000 Bonds outstanding for its governmental activities. More detailed information about the District's capital debt is presented in the notes of the financial statements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND OTHER EVENTS

The District does not anticipate any major projects or significant changes to its infrastructure maintenance program for the subsequent fiscal year. In addition, it is anticipated that the general operations of the District will remain fairly constant.

CONTACTING THE DISTRICT'S FINANCIAL MANAGEMENT

This financial report is designed to provide our citizens, land owners, customers, investors and creditors with a general overview of the District's finances and to demonstrate the District's accountability for the financial resources it manages and the stewardship of the facilities it maintains. If you have questions about this report or need additional financial information, contact The Village at Gulfstream Park Community Development District's Finance department at 12051 Corporate Boulevard, Orlando, FL 32817.

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
STATEMENT OF NET POSITION
SEPTEMBER 30, 2019

	Governmental Activities
ASSETS	
Cash	$ 15,190
Due from Developer	9,677
Restricted assets:	
Interest receivable	926
Investments	3,106,272
Capital assets:	
Depreciable, net	20,077,453
Total assets	23,209,518
LIABILITIES	
Accounts payable	10,677
Accrued interest payable	1,399,493
Non-current liabilities:	
Due within one year	620,000
Due in more than one year	48,235,000
Total liabilities	50,265,170
NET POSITION	
Net investment in capital assets	(28,777,547)
Restricted	1,706,705
Unrestricted	15,190
Total net position	$ (27,055,652)

See notes to the financial statements

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
STATEMENT OF ACTIVITIES
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2019

Functions/Programs	Expenses	Program Revenues: Charges for Services	Program Revenues: Operating Grants and Contributions	Net (Expense) Revenue and Changes in Net Position: Governmental Activities
Primary government:				
Governmental activities:				
General government	$ 86,196	$ -	$ 82,197	$ (3,999)
Maintenance and operations	1,403,061	-	-	(1,403,061)
Interest on long-term debt	3,379,436	463,283	3,638,715	722,562
Total governmental activities	4,868,693	463,283	3,720,912	(684,498)
Change in net position				(684,498)
Net position - beginning, as restated (Note 14)				(26,371,154)
Net position - ending				$ (27,055,652)

See notes to the financial statements

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2019

	Major Funds		Total
	General	Debt Service	Governmental Funds
ASSETS			
Cash	$ 15,190	$ -	$ 15,190
Investments	-	3,106,272	3,106,272
Due from Developer	9,677	-	9,677
Interest receivable	-	926	926
Total assets	$ 24,867	$ 3,107,198	$ 3,132,065
LIABILITIES, DEFERRED INFLOWS OF RESOURCES, AND FUND BALANCES			
Liabilities:			
Accounts payable	$ 9,677	$ 1,000	$ 10,677
Total liabilities	9,677	1,000	10,677
Deferred inflows of resources:			
Unavailable revenues	9,677	-	9,677
Total deferred inflows of resources	9,677	-	9,677
Fund balances:			
Restricted for:			
Debt service	-	3,106,198	3,106,198
Unassigned	5,513	-	5,513
Total fund balances	5,513	3,106,198	3,111,711
Total liabilities, deferred inflows of resources and fund balances	$ 24,867	$ 3,107,198	$ 3,132,065

See notes to the financial statements

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET POSITION
SEPTEMBER 30, 2019

Total fund balances - governmental funds		$	3,111,711
Amounts reported for governmental activities in the statement of net position are different because:			
Capital assets used in governmental activities are not financial resources and, therefore, are not reported as assets in the governmental funds. The statement of net position includes those capital assets, net of any accumulated depreciation, in the net position of the government as a whole.			
Cost of capital assets	32,705,000		
Accumulated depreciation	(12,627,547)		20,077,453
Assets recorded in the governmental fund financial statements that are not available to pay for current-period expenditures are unavailable revenue in the governmental funds.			9,677
Liabilities not due and payable from current available resources are not reported as liabilities in the governmental fund statements. All liabilities, both current and long-term, are reported in the government-wide financial statements.			
Accrued interest payable	(1,399,493)		
Bonds payable	(48,855,000)		(50,254,493)
Net position of governmental activities		$	(27,055,652)

See notes to the financial statements

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2019

	Major Funds		Total
	General	Debt Service	Governmental Funds
REVENUES			
Developer contributions	$ 72,520	$ 3,085,595	$ 3,158,115
User and tenant fee revenue	-	463,283	463,283
Intergovernmental revenue	-	479,832	479,832
Interest	-	73,288	73,288
Total revenues	72,520	4,101,998	4,174,518
EXPENDITURES			
Current:			
General government	82,196	4,000	86,196
Debt service:			
Principal		515,000	515,000
Interest	-	3,394,188	3,394,188
Total expenditures	82,196	3,913,188	3,995,384
Excess (deficiency) of revenues over (under) expenditures	(9,676)	188,810	179,134
Fund balances - beginning, as restated (Note 14)	15,189	2,917,388	2,932,577
Fund balances - ending	$ 5,513	$ 3,106,198	$ 3,111,711

See notes to the financial statements

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2019

Net change in fund balances - total governmental funds	$	179,134
Amounts reported for governmental activities in the statement of activities are different because:		
Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the governmental fund financial statements.		9,677
Repayment of long-term liabilities are reported as expenditures in the governmental fund financial statements, but such repayments reduce liabilities in the statement of net position and are eliminated in the statement of activities.		515,000
The change in accrued interest on long-term liabilities between the current and prior fiscal years is recorded in the statement of activities, but not in the governmental fund financial statements.		14,752
Depreciation of capital assets is not recognized in the governmental fund financial statements, but is reported as an expense in the statement of activities.		(1,403,061)
Change in net position of governmental activities	$	(684,498)

See notes to the financial statements

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
NOTES TO FINANCIAL STATEMENTS

NOTE 1 – NATURE OF ORGANIZATION AND REPORTING ENTITY

The Village at Gulfstream Park Community Development District ("District") was established May 2, 2007. The District was created by ordinance number 2007-05 of the City of Hallandale Beach, Florida, pursuant to the Uniform Community Development District Act of 1980, otherwise known as Chapter 190, Florida Statutes. The Act provides among other things, the power to manage basic services for community development, the power to borrow money and issue bonds, and to levy and assess non-ad valorem assessments for the financing and delivery of capital infrastructure.

The District was established for the purpose of financing and managing the acquisition, construction, maintenance and operation of a portion of the infrastructure necessary for community development within the District.

The District is governed by the Board of Supervisors ("Board"), which is composed of five members. The Supervisors are elected by the owners of the property within the District. The Board of Supervisors of the District exercise all powers granted to the District pursuant to Chapter 190, Florida Statutes. At September 30, 2019, some Board members are affiliated with The Village at Gulfstream Park, LLC (the "Developer") and its affiliates.

The Board has the responsibility for:
1. Assessing and levying assessments.
2. Approving budgets.
3. Exercising control over facilities and properties.
4. Controlling the use of funds generated by the District.
5. Approving the hiring and firing of key personnel.
6. Financing improvements.

The financial statements were prepared in accordance with Governmental Accounting Standards Board ("GASB") Statements. Under the provisions of those standards, the financial reporting entity consists of the primary government, organizations for which the District Board of Supervisors is considered to be financially accountable, and other organizations for which the nature and significance of their relationship with the District are such that, if excluded, the financial statements of the District would be considered incomplete or misleading. There are no entities considered to be component units of the District; therefore, the financial statements include only the operations of the District.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Government-Wide and Fund Financial Statements
The basic financial statements include both government-wide and fund financial statements.

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the non-fiduciary activities of the primary government. For the most part, the effect of interfund activity has been removed from these statements.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to customers who purchase, use or directly benefit from goods, services or privileges provided by a given function or segment; (Operating-type special assessments for maintenance and debt service are treated as charges for services.) and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Other items not included among program revenues are reported instead as general revenues.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the *economic resources measurement* focus and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Assessments are recognized as revenues in the year for which they are levied. Grants and similar items are to be recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures are recorded only when payment is due.

Assessments

Assessments are non-ad valorem assessments on benefited lands, or interests therein, within the District. Assessments are levied each November 1 on property of record as of the previous January 1 to pay for the operations and maintenance and debt service of the District. The fiscal year for which annual assessments are levied begins on October 1 with discounts available for payments through February 28 and become delinquent on April 1.

Assessments and interest associated with the current fiscal period are considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. The portion of assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period.

The District reports the following major governmental funds:

General Fund

The general fund is the general operating fund of the District. It is used to account for all financial resources except those required to be accounted for in another fund.

Debt Service Fund

The debt service fund is used to account for the accumulation of resources for the annual payment of principal and interest on long-term debt.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements.

When both restricted and unrestricted resources are available for use, it is the government's policy to use restricted resources first for qualifying expenditures, then unrestricted resources as they are needed.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Assets, Liabilities and Net Position or Equity

Restricted Assets
Restricted assets represent cash and investments set aside pursuant to Bond covenants or other contractual restrictions.

Deposits and Investments
The District's cash and cash equivalents are considered to be cash on hand and demand deposits.

The District has elected to proceed under the Alternative Investment Guidelines as set forth in Section 218.415 (17) Florida Statutes. The District may invest any surplus public funds in the following:

a) The Local Government Surplus Trust Funds, or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act;
b) Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency;
c) Interest bearing time deposits or savings accounts in qualified public depositories;
d) Direct obligations of the U.S. Treasury.

Securities listed in paragraph c and d shall be invested to provide sufficient liquidity to pay obligations as they come due. In addition, surplus funds may be deposited into certificates of deposit which are insured and any unspent Bond proceeds are required to be held in investments as specified in the Bond Indenture.

The District records all interest revenue related to investment activities in the respective funds. Investments are measured at amortized cost or reported at fair value as required by generally accepted accounting principles.

Prepaid Items
Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements.

Capital Assets
Capital assets, which include property, plant and equipment, and infrastructure assets (e.g., roads, sidewalks and similar items) are reported in the government activities columns in the government-wide financial statements. Capital assets are defined by the government as assets with an initial, individual cost of more than $5,000 (amount not rounded) and an estimated useful life in excess of two years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at estimated fair market value at the date of donation.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets lives are not capitalized. Major outlays for capital assets and improvements are capitalized as projects are constructed.

Property, plant and equipment of the District are depreciated using the straight-line method over the following estimated useful lives:

Assets	Years
Roadway and transportation improvements	30
Stormwater management system	30
Water distribution system	30
Sanitary sewer system	30
Parks, outdoor and cultural facilities	15

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Assets, Liabilities and Net Position or Equity (Continued)

Capital Assets (Continued)
In the governmental fund financial statements, amounts incurred for the acquisition of capital assets are reported as fund expenditures. Depreciation expense is not reported in the governmental fund financial statements.

Unearned Revenue
Governmental funds report unearned revenue in connection with resources that have been received, but not yet earned.

Long-Term Obligations
In the government-wide financial statements long-term debt and other long-term obligations are reported as liabilities in the statement of net position. Bond premiums and discounts are deferred and amortized over the life of the Bonds. Bonds payable are reported net of applicable premiums or discounts. Bond issuance costs are expensed when incurred.

In the fund financial statements, governmental fund types recognize premiums and discounts, as well as issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

Deferred Outflows/Inflows of Resources
In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

Fund Equity/Net Position
In the fund financial statements, governmental funds report non spendable and restricted fund balance for amounts that are not available for appropriation or are legally restricted by outside parties for use for a specific purpose. Assignments of fund balance represent tentative management plans that are subject to change.

The District can establish limitations on the use of fund balance as follows:

Committed fund balance – Amounts that can be used only for the specific purposes determined by a formal action (resolution) of the Board of Supervisors. Commitments may be changed or lifted only by the Board of Supervisors taking the same formal action (resolution) that imposed the constraint originally. Resources accumulated pursuant to stabilization arrangements sometimes are reported in this category.

Assigned fund balance – Includes spendable fund balance amounts that are intended to be used for specific purposes that are neither considered restricted nor committed. The Board may also assign fund balance as it does when appropriating fund balance to cover differences in estimated revenue and appropriations in the subsequent year's appropriated budget. Assignments are generally temporary and normally the same formal action need not be taken to remove the assignment.

NOTE 2 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Assets, Liabilities and Net Position or Equity (Continued)

Fund Equity/Net Position (Continued)
The District first uses committed fund balance, followed by assigned fund balance and then unassigned fund balance when expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used.

Net position is the difference between assets and deferred outflows of resources less liabilities and deferred inflows of resources. Net position in the government-wide financial statements are categorized as net investment in capital assets, restricted or unrestricted. Net investment in capital assets represents net position related to infrastructure and property, plant and equipment. Restricted net position represents the assets restricted by the District's Bond covenants or other contractual restrictions. Unrestricted net position consists of the net position not meeting the definition of either of the other two components.

Other Disclosures

Use of Estimates
The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

NOTE 3 – BUDGETARY INFORMATION

The District is required to establish a budgetary system and an approved Annual Budget. Annual Budgets are adopted on a basis consistent with generally accepted accounting principles for the general fund. All annual appropriations lapse at fiscal year end.

The District follows these procedures in establishing the budgetary data reflected in the financial statements.

a) Each year, the District Manager submits to the District Board a proposed operating budget for the fiscal year commencing the following October 1.
b) Public hearings are conducted to obtain public comments.
c) Prior to October 1, the budget is legally adopted by the District Board.
d) All budget changes must be approved by the District Board.
e) The budgets are adopted on a basis consistent with generally accepted accounting principles.
f) Unused appropriation for annually budgeted funds lapse at the end of the year.

NOTE 4 – DEPOSITS AND INVESTMENTS

Deposits
The District's cash balances were entirely covered by federal depository insurance or by a collateral pool pledged to the State Treasurer. Florida Statutes Chapter 280, "Florida Security for Public Deposits Act", requires all qualified depositories to deposit with the Treasurer or another banking institution eligible collateral equal to various percentages of the average daily balance for each month of all public deposits in excess of any applicable deposit insurance held. The percentage of eligible collateral (generally, U.S. Governmental and agency securities, state or local government debt, or corporate bonds) to public deposits is dependent upon the depository's financial history and its compliance with Chapter 280. In the event of a failure of a qualified public depository, the remaining public depositories would be responsible for covering any resulting losses.

NOTE 4 – DEPOSITS AND INVESTMENTS (Continued)

Investments

The District's investments were held as follows at September 30, 2019:

	Amortized Cost	Credit Risk	Maturities
Fidelity Institutional Government Portfolio Class I	$ 587,972	S&P AAAm	Weighted average maturity - 23 days
Florida SAFE Investment Pool	2,518,300	S&P AAAm	Not available
	$ 3,106,272		

Credit risk – For investments, credit risk is generally the risk that an issuer of an investment will not fulfill its obligation to the holder of the investment. This is measured by the assignment of a rating by a nationally recognized statistical rating organization. Investment ratings by investment type are included in the preceding summary of investments.

Concentration risk – The District places no limit on the amount the District may invest in any one issuer.

Interest rate risk – The District does not have a formal policy that limits investment maturities as a means of managing exposure to fair value losses arising from increasing interest rates.

However, the Bond Indenture limits the type of investments held using unspent proceeds.

Fair Value Measurement – When applicable, the District measures and records its investments using fair value measurement guidelines established in accordance with GASB Statements. The framework for measuring fair value provides a fair value hierarchy that prioritizes the inputs to valuation techniques.

These guidelines recognize a three-tiered fair value hierarchy, in order of highest priority, as follows:

- *Level 1:* Investments whose values are based on unadjusted quoted prices for identical investments in active markets that the District has the ability to access;
- *Level 2:* Investments whose inputs - other than quoted market prices - are observable either directly or indirectly; and,
- *Level 3:* Investments whose inputs are unobservable.

The fair value measurement level within the fair value hierarchy is based on the lowest level of any input that is significant to the entire fair value measurement. Valuation techniques used should maximize the use of observable inputs and minimize the use of unobservable inputs.

Money market investments that have a maturity at the time of purchase of one year or less and are held by governments other than external investment pools should be measured at amortized cost. For external investment pools that qualify to be measured at amortized cost, the pool's participants should also measure their investments in that external investment pool at amortized cost for financial reporting purposes. Accordingly, the District's investments have been reported at amortized cost above.

NOTE 5 – CAPITAL ASSETS

Capital asset activity for the fiscal year ended September 30, 2019 was as follows:

	Beginning Balance	Additions	Deletions	Ending Balance
Governmental activities				
Capital assets, being depreciated				
Roadway and transportation improvements, including parking garage	$ 13,663,857	$ -	$ -	$ 13,663,857
Stormwater management system	4,501,972	-	-	4,501,972
Water distribution system	1,683,385	-	-	1,683,385
Sanitary sewer system	3,468,988	-	-	3,468,988
Parks, outdoor and cultural facilities	9,386,798	-	-	9,386,798
Total capital assets, being depreciated	32,705,000	-	-	32,705,000
Less accumulated depreciation for:				
Roadway and transportation improvements, including parking garage	3,643,694	455,462	-	4,099,156
Stormwater management system	1,200,528	150,066	-	1,350,594
Water distribution system	448,904	56,113	-	505,017
Sanitary sewer system	925,064	115,633	-	1,040,697
Parks, outdoor and cultural facilities	5,006,296	625,787	-	5,632,083
Total accumulated depreciation	11,224,486	1,403,061	-	12,627,547
Total capital assets, being depreciated, net	21,480,514	(1,403,061)	-	20,077,453
Governmental activities capital assets, net	$ 21,480,514	$ (1,403,061)	$ -	$ 20,077,453

The cost of the infrastructure development financed by the District had been estimated at approximately $143,000,000. The project will include on-site and off-site roadways, a public parking garage, a storm-water and wastewater management system, a water distribution system and parks, outdoor recreation and cultural facilities. The capital improvements will be financed by the District's Series 2008 Bonds in addition to future bond issuances or Developer contributions. Phase I includes approximately $50,000,000 in public improvements. Certain improvements were acquired directly from the Developer in accordance with the Assignment and Acquisition Agreement between the District and the Developer. Certain improvements were conveyed to other entities in a prior fiscal year.

Depreciation expense was charged to the maintenance and operations costs function.

NOTE 6 – LONG TERM LIABILITIES

On January 30, 2008, the District issued $60,285,000 of Special Assessment Revenue Bonds, Series 2008 due May 1, 2039 with a fixed interest rate of 6.875%. The Bonds were issued to finance the acquisition and construction of certain improvements for the benefit of the District. Interest is to be paid semiannually on each May 1 and November 1. Principal on the Bonds is to be paid serially commencing May 1, 2018 through May 1, 2039.

The Series 2008 Bonds are subject to redemption prior to maturity at the option of the District in whole or in part at any time on or after May 1, 2016. The Bonds are subject to extraordinary mandatory redemption prior to their selected maturity in the manner determined by the Bond Registrar if certain events occurred as outlined in the Bond Indenture.

The Bond Indenture established a debt service reserve requirement as well as other restrictions and requirements relating principally to the use of proceeds to pay for the infrastructure improvements and the procedures to be followed by the District on assessments to property owners. The District agrees to levy special assessments in annual amounts adequate to provide payment of debt service and to meet the reserve requirements. The District is in compliance with those requirements of the Bond Indenture at September 30, 2019.

NOTE 6 – LONG TERM LIABILITIES (Continued)

Changes in long-term liability activity for the fiscal year ended September 30, 2019 were as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental activities					
Series 2008	$ 49,370,000	$ -	$ 515,000	$ 48,855,000	$ 620,000
Total	$ 49,370,000	$ -	$ 515,000	$ 48,855,000	$ 620,000

At September 30, 2019, the scheduled debt service requirements on the long-term debt were as follows:

Year ending September 30	Governmental Activities		
	Principal	Interest	Total
2020	$ 620,000	$ 3,358,781	$ 3,978,781
2021	735,000	3,316,156	4,051,156
2022	860,000	3,265,625	4,125,625
2023	990,000	3,206,500	4,196,500
2024	1,135,000	3,138,438	4,273,438
2025-2029	8,280,000	14,293,813	22,573,813
2030-2034	14,025,000	10,716,406	24,741,406
2035-2039	22,210,000	4,836,906	27,046,906
Total	$ 48,855,000	$ 46,132,625	$ 94,987,625

NOTE 7 – DEVELOPER TRANSACTIONS AND INFORMATION

The Developer is the sole landowner in the District. The Developer funds the general operations of the District. Developer contributions to the general fund in the current fiscal year were $72,520 which includes a receivable of $9,677 as of September 30, 2019.

The Developer has also agreed to fund the debt service on the Bonds which is not paid through user fee revenue, intergovernmental revenue and tenant fee revenue. During the current fiscal year, the Developer provided $3,085,595 to the Debt Service Fund.

On July 20, 2012, the Stronach Group, through its subsidiary GPRA Commercial Enterprises, Inc., purchased the portion of the Developer that was previously owned by FC Gulfstream Park, Inc. The Stronach Group, through its subsidiary GPRA Commercial Enterprises, Inc., now owns 100% of the Developer.

The Developer is also affiliated with the sole-owner of the Series 2008 bonds.

NOTE 8 – CONCENTRATION

The District's activity is dependent upon the continued involvement of the Developer, the loss of which could have a material adverse effect on the District's operations.

NOTE 9 – PUBLIC USER FEE

The Developer has imposed a public user fee on all sales occurring on property for which it holds a leasehold interest within the District. The Developer has assigned the District as beneficiary of the public user fee. In a prior fiscal year, the District entered into a user fee collection agreement with the Developer, Regions Bank and MuniCap (collecting agent), where the public user fee is collected and paid to the District. During the term of the outstanding Bonds, the public user fees collected are applied by the Bond Trustee in accordance with the Bond Indenture. Subsequent to the amortization of the Bonds, the public user fees will be used to finance the operations of the District and then pay deferred costs of the Developer. The amount received from public user fees during the fiscal year ended September 30, 2019 was $297,243.

NOTE 10 – TENANT FEES

The Developer leases out retail space within the District. As part of its lease agreements with tenants the Developer charges a fee which is computed on a per square foot basis per year and billed monthly. These amounts are not charged or imposed by the District, but rather are part of the contractual obligations between the Developer and the tenants. Collections are received in a custodial account held in the Developer's name by a trustee. The trustee makes disbursements twice a month to the District's Revenue account. The Developer is directly billed for Debt Service after available amounts in the trust accounts are factored in. The amount received by the District from the custodial account is part of available amounts. The District received $166,040 for tenant fees during the fiscal year ended September 30, 2019.

NOTE 11 – INTERGOVERNMENTAL REVENUE

In May 2009, the District entered into an agreement (the "TIF agreement") with the Hallandale Beach Community Redevelopment Agency (CRA) and the Developer, where the CRA will pay to the District, from tax increment revenue, the lesser of $900,000 or 100% of the ad-valorem taxes levied within the District less the amount of ad-valorem taxes that would have been produced by the millage rate for the applicable year. Payment to the District was to be received on May 1, 2011 and on May 1 of each of the following four years. After the initial five years, the CRA will pay to the District the lesser of $900,000 or 50% of the ad-valorem taxes levied within the District less the amount of ad-valorem taxes that would have been produced by the millage rate for the applicable year. Payments and benefits under this agreement will terminate on September 30, 2026 or upon certain other conditions as set forth in the agreement. The payments are dependent on a series of contingencies set forth in the agreement. From inception of the TIF agreement to September 30, 2019 the District has received $5,184,762 in relation to the TIF agreement. During the fiscal year ended September 30, 2019, the District received $479,832 in relation to the TIF agreement.

NOTE 12 – MANAGEMENT COMPANY

The District has contracted with a management company to perform management advisory services, which include financial and accounting services. Certain employees of the management company also serve as officers of the District. Under the agreement, the District compensates the management company for management, accounting, financial reporting, computer and other administrative costs.

NOTE 13 – RISK MANAGEMENT

The District is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; natural disasters; and environmental remediation. The District has obtained commercial insurance from independent third parties to mitigate the costs of these risks; coverage may not extend to all situations. There were no settled claims during the past three years.

NOTE 14 – PRIOR PERIOD ADJUSTMENT

During the current fiscal year, the District has recorded a prior period adjustment in order to increase beginning equity for a certain trust account which was collecting tenant fees which was not reflected in the District's books:

	Debt Service Fund - Fund Balance	Governmental Activities - Net Position
Fund balance (Net position) - beginning, as previously stated	$ 2,660,901	$ (26,627,641)
Prior period adjustment	256,487	256,487
Fund balance (Net position) - beginning, as restated	$ 2,917,388	$ (26,371,154)

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL – GENERAL FUND
FOR THE FISCAL YEAR ENDED
SEPTEMBER 30, 2019

	Budgeted Amounts Original & Final	Actual Amounts	Variance with Final Budget - Positive (Negative)
REVENUES			
Developer contributions	$ 111,735	$ 72,520	$ (39,215)
Total revenues	111,735	72,520	(39,215)
EXPENDITURES			
Current:			
General government	111,735	82,196	29,539
Total expenditures	111,735	82,196	29,539
Excess (deficiency) of revenues over (under) expenditures	$ -	(9,676)	$ (9,676)
Fund balance - beginning		15,189	
Fund balance - ending		$ 5,513	

See notes to required supplementary information

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT
CITY OF HALLANDALE BEACH, FLORIDA
NOTES TO REQUIRED SUPPLEMENTARY INFORMATION

An operating budget was adopted and maintained by the governing board for the District pursuant to the requirements of Florida Statutes. The budget is adopted using the same basis of accounting that is used in preparation of the fund financial statements. The legal level of budgetary control, the level at which expenditures may not exceed budget, is in the aggregate. Any budget amendments that increase the aggregate budgeted appropriations must be approved by the Board of Supervisors.

Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

951 Yamato Road ▪ Suite 280
Boca Raton, Florida 33431
(561) 994-9299 ▪ (800) 299-4728
Fax (561) 994-5823
www.graucpa.com

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Board of Supervisors
The Village at Gulfstream Park Community Development District
City of Hallandale Beach, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of The Village at Gulfstream Park Community Development District, City of Hallandale Beach, Florida ("District") as of and for the fiscal year ended September 30, 2019, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our opinion thereon dated June 26, 2020.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

June 26, 2020

Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

951 Yamato Road ▪ Suite 280
Boca Raton, Florida 33431
(561) 994-9299 ▪ (800) 299-4728
Fax (561) 994-5823
www.graucpa.com

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH THE REQUIREMENTS OF SECTION 218.415, FLORIDA STATUTES, REQUIRED BY RULE 10.556(10) OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA

To the Board of Supervisors
The Village at Gulfstream Park Community Development District
City of Hallandale Beach, Florida

We have examined The Village at Gulfstream Park Community Development District, City of Hallandale Beach, Florida's ("District") compliance with the requirements of Section 218.415, Florida Statutes, in accordance with Rule 10.556(10) of the Auditor General of the State of Florida during the fiscal year ended September 30, 2019. Management is responsible for District's compliance with those requirements. Our responsibility is to express an opinion on District's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the District complied, in all material respects, with the specified requirements referenced in Section 218.415, Florida Statutes. An examination involves performing procedures to obtain evidence about whether the District complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion. Our examination does not provide a legal determination on the District's compliance with specified requirements.

In our opinion, the District complied, in all material respects, with the aforementioned requirements for the fiscal year ended September 30, 2019.

This report is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, management, and the Board of Supervisors of The Village at Gulfstream Park Community Development District, City of Hallandale Beach, Florida and is not intended to be and should not be used by anyone other than these specified parties.

June 26, 2020

Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

951 Yamato Road ▪ Suite 280
Boca Raton, Florida 33431
(561) 994-9299 ▪ (800) 299-4728
Fax (561) 994-5823
www.graucpa.com

MANAGEMENT LETTER PURSUANT TO THE RULES OF THE AUDITOR GENERAL FOR THE STATE OF FLORIDA

To the Board of Supervisors
The Village at Gulfstream Park Community Development District
City of Hallandale Beach, Florida

Report on the Financial Statements

We have audited the accompanying basic financial statements of The Village at Gulfstream Park Community Development District ("District") as of and for the fiscal year ended September 30, 2019, and have issued our report thereon dated June 26, 2020.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in G*overnment Auditing Standards,* issued by the Comptroller General of the United States; and Chapter 10.550, Rules of the Florida Auditor General.

Other Reporting Requirements

We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards;* and Independent Auditor's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated June 26, 2020, should be considered in conjunction with this management letter.

Purpose of this Letter

The purpose of this letter is to comment on those matters required by Chapter 10.550 of the Rules of the Auditor General for the State of Florida. Accordingly, in connection with our audit of the financial statements of the District, as described in the first paragraph, we report the following:

I. Current year findings and recommendations.
II. Status of prior year findings and recommendations.
III. Compliance with the Provisions of the Auditor General of the State of Florida.

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, as applicable, management, and the Board of Supervisors of The Village at Gulfstream Park Community Development District, City of Hallandale Beach, Florida and is not intended to be and should not be used by anyone other than these specified parties.

We wish to thank The Village at Gulfstream Park Community Development District, City of Hallandale Beach, Florida and the personnel associated with it, for the opportunity to be of service to them in this endeavor as well as future engagements, and the courtesies extended to us.

June 26, 2020

REPORT TO MANAGEMENT

I. CURRENT YEAR FINDINGS AND RECOMMENDATIONS

None

II. PRIOR YEAR FINDINGS AND RECOMMENDATIONS

None

III. COMPLIANCE WITH THE PROVISIONS OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA

Unless otherwise required to be reported in the auditor's report on compliance and internal controls, the management letter shall include, but not be limited to the following:

1. A statement as to whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report.

   There were no significant findings and recommendations made in the preceding annual financial audit report for the fiscal year ended September 30, 2018.

2. Any recommendations to improve the local governmental entity's financial management.

   There were no such matters discovered by, or that came to the attention of, the auditor, to be reported for the fiscal year ended September 30, 2019.

3. Noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance.

   There were no such matters discovered by, or that came to the attention of, the auditor, to be reported, for the fiscal year ended September 30, 2019.

4. The name or official title and legal authority of the District are disclosed in the notes to the financial statements.

5. The District has not met one or more of the financial emergency conditions described in Section 218.503(1), Florida Statutes.

6. We applied financial condition assessment procedures and no deteriorating financial conditions were noted as of September 30, 2019. It is management's responsibility to monitor financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Funding Requests 231 - 243

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 231
2/21/2020

Item No.	Payee	Invoice Number	Amount
1	**PFM Group Consulting**		
	Reimbursables: August 2019	106368	$ 526.90
	DM Fee: February 2020	DM-02-2020-0068	$ 2,500.00
	Website Fee: February 2020	DM-02-2020-0069	$ 125.00
		TOTAL	**$ 3,151.90**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 232
2/28/2020

Item No.	Payee	Invoice Number		Amount
1	**PFM Group Consulting** January Reimbursables	OE-EXP-00702	$	4.95
		TOTAL	**$**	**4.95**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 233
3/13/2020

Item No.	Payee	Invoice Number	Amount
1	**Billing, Cochran, Lyles, Mauro & Ramsey**		
	General Counsel Through 01/31/2020	160853	$ 797.50
2	**PFM Group Consulting**		
	DM Fee: March 2020	DM-03-2020-0068	$ 2,500.00
	Website Fee: March 2020	DM-03-2020-0069	$ 125.00
3	**Sun Sentinel**		
	Legal Advertising on 02/14/2020	SSC17003646	$ 133.60
		TOTAL	**$ 3,556.10**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 234
3/27/2020

Item No.	Payee	Invoice Number	Amount
1	**Billing, Cochran, Lyles, Mauro & Ramsey**		
	General Counsel Through 02/29/2020	161153	$ 500.00
		TOTAL	**$ 500.00**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 235
4/10/2020

Item No.	Payee	Invoice Number	Amount
1	**Grau and Associates** FY 2019 Audit	19472	$ 2,500.00
		TOTAL	**$ 2,500.00**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 236
4/24/2020

Item No.	Payee	Invoice Number	Amount
1	**Billing, Cochran, Lyles, Mauro & Ramsey**		
	General Counsel Through 03/31/2020	161845	$ 500.00
2	**PFM Group Consulting**		
	DM Fee: April 2020	DM-04-2020-0068	$ 2,500.00
	Website Fee: April 2020	DM-04-2020-0069	$ 125.00
		TOTAL	**$ 3,125.00**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 237
5/15/2020

Item No.	Payee	Invoice Number	Amount
1	**PFM Group Consulting**		
	DM Fee: May 2020	DM-05-2020-0068	$ 2,500.00
	Website Fee: May 2020	DM-05-2020-0069	$ 125.00
2	**SunSentinel**		
	Legal Advertising 04/01/20-04/30/20	019656432000	$ 398.80
3	**VGlobalTech**		
	Quarterly ADA & WCAG Audits	1599	$ 300.00
		TOTAL	**$ 3,323.80**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 238
5/22/2020

Item No.	Payee	Invoice Number		Amount
1	**PFM Group Consulting**			
	March Postage	OE-EXP-00807	$	1.80
	April Postage	OE-EXP-00868	$	1.50
		TOTAL	**$**	**3.30**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
COMMUNITY DEVELOPMENT DISTRICT

Funding Request No. 239
5/29/2020

Item No.	Payee	Invoice Number	Amount
1	**Billing, Cochran, Lyles, Mauro & Ramsey, P.A**		
	District counsel	162292	$ 3,080.00
		TOTAL	**$ 3,080.00**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 240
6/15/2020

Item No.	Payee	Invoice Number	Amount
1	**Grau and Associates**		
	Audit FY 19	19849	$ 2,300.00
2	**PFM Group Consulting**		
	Reimbursables	OE-EXP-00761	$ 5.98
		TOTAL	**$ 2,305.98**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 241
6/22/2020

Item No.	Payee	Invoice Number	Amount
1	**Billing, Cochran, Lyles, Mauro & Ramsey, P.A**		
	Legal Counsel	162670	$ 1,237.50
		TOTAL	**$ 1,237.50**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 242
6/26/2020

Item No.	Payee	Invoice Number	Amount
1	**LLS Tax Solutions Inc** Arbitage Calculation S2008	1946	$ 650.00
2	**VGlobalTech** Quarter 2 ADA Audit	1761	$ 300.00
		TOTAL	**$ 950.00**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK
C O M M U N I T Y D E V E L O P M E N T D I S T R I C T

Funding Request No. 243
7/14/2020

Item No.	Payee	Invoice Number	Amount
1	**PFM Group Consulting, LLC**		
	DM Fees - June 2020	DM-07-2020-0100	$ 2,500.00
	Website fees - June 2020	DM-07-2020-0101	$ 125.00
	Website fees - July 2020	DM-07-2020-0110	$ 125.00
	DM Fees - July 2020	DM-07-2020-0109	$ 2,500.00
		TOTAL	**$ 5,250.00**

Secretary / Assistant Secretary

Chairperson

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Financial Statements

The Village at Gulfstream Park CDD
Statement of Financial Position
As of 6/30/2020

	General	Debt Service	Capital Projects	General Long-Term Debt	Total
Assets					
Current Assets					
General Checking Account	$ 14,538.94				$ 14,538.94
Accounts Receivable - Due from Developer	4,070.38				4,070.38
Debt Service Reserve Bond		$ 35.92			35.92
Debt Service Reserve Bond		2,449,499.53			2,449,499.53
Revenue Bond		421.32			421.32
Interest Bond		0.36			0.36
User Fee Bond		28,224.20			28,224.20
Custody Bond		154,889.18			154,889.18
Total Current Assets	$ 18,609.32	$ 2,633,070.51	$ -	$ -	$ 2,651,679.83
Investments					
Amount Available in Debt Service Funds				$ 2,633,070.51	$ 2,633,070.51
Amount To Be Provided				45,601,929.49	45,601,929.49
Total Investments	$ -	$ -	$ -	$ 48,235,000.00	$ 48,235,000.00
Total Assets	$ 18,609.32	$ 2,633,070.51	$ -	$ 48,235,000.00	$ 50,886,679.83
Liabilities and Net Assets					
Current Liabilities					
Accounts Payable	$ 3,543.48				$ 3,543.48
Deferred Revenue	4,070.38				4,070.38
Total Current Liabilities	$ 7,613.86	$ -	$ -	$ -	$ 7,613.86
Long Term Liabilities					
Revenue Bonds Payable - Long-Term				$ 48,235,000.00	$ 48,235,000.00
Total Long Term Liabilities	$ -	$ -	$ -	$ 48,235,000.00	$ 48,235,000.00
Total Liabilities	$ 7,613.86	$ -	$ -	$ 48,235,000.00	$ 48,242,613.86
Net Assets					
Net Assets, Unrestricted	$ 839.39				$ 839.39
Net Assets - General Government	4,673.26				4,673.26
Current Year Net Assets - General Government	5,482.81				5,482.81
Net Assets, Unrestricted		$ 3,106,197.42			3,106,197.42
Current Year Net Assets, Unrestricted		(473,126.91)			(473,126.91)
Net Assets, Unrestricted			$ (173,579.87)		(173,579.87)
Net Assets, Unrestricted			173,579.87		173,579.87
Total Net Assets	$ 10,995.46	$ 2,633,070.51	$ -	$ -	$ 2,644,065.97
Total Liabilities and Net Assets	$ 18,609.32	$ 2,633,070.51	$ -	$ 48,235,000.00	$ 50,886,679.83

The Village at Gulfstream Park CDD

Statement of Activities

As of 6/30/2020

	General	Debt Service	Capital Projects	General Long-Term Debt	Total
Revenues					
Developer Contributions	$ 67,668.37				$ 67,668.37
Other Assessments		$ 2,783,823.04			2,783,823.04
User Fee Revenue		124,654.03			124,654.03
Tenant Fees		119,013.73			119,013.73
Other Income & Other Financing Sources		450,776.00			450,776.00
Total Revenues	$ 67,668.37	$ 3,478,266.80	$ -	$ -	$ 3,545,935.17
Expenses					
Public Officials' Liability Insurance	$ 4,025.00				$ 4,025.00
Trustee Services	10,000.00				10,000.00
Management	20,000.00				20,000.00
District Counsel	9,255.00				9,255.00
Audit	4,800.00				4,800.00
Arbitrage Calculation	650.00				650.00
Travel and Per Diem	526.90				526.90
Postage & Shipping	23.33				23.33
Legal Advertising	943.30				943.30
Office Supplies	124.03				124.03
Web Site Maintenance	1,300.00				1,300.00
Dues, Licenses, and Fees	175.00				175.00
General Insurance	4,307.00				4,307.00
Property & Casualty	6,056.00				6,056.00
Trustee Services		$ 2,000.00			2,000.00
Principal Payments		620,000.00			620,000.00
Interest Payments		3,358,781.26			3,358,781.26
Total Expenses	$ 62,185.56	$ 3,980,781.26	$ -	$ -	$ 4,042,966.82
Other Revenues (Expenses) & Gains (Losses)					
Interest Income		$ 4,135.01			$ 4,135.01
Dividend Income		25,252.54			25,252.54
Total Other Revenues (Expenses) & Gains (Losses)	$ -	$ 29,387.55	$ -	$ -	$ 29,387.55
Change In Net Assets	$ 5,482.81	$ (473,126.91)	$ -	$ -	$ (467,644.10)
Net Assets At Beginning Of Year	$ 5,512.65	$ 3,106,197.42	$ -	$ -	$ 3,111,710.07
Net Assets At End Of Year	$ 10,995.46	$ 2,633,070.51	$ -	$ -	$ 2,644,065.97

The Village at Gulfstream Park CDD
Budget to Actual
For the Month Ending 6/30/2020

	Year To Date			
	Actual	**Budget**	**Variance**	**FY 2020 Adopted Budget**
Revenues				
Developer Contributions	$ 67,668.37	$ 87,551.28	$ (19,882.91)	$ 116,735.00
Net Revenues	**$ 67,668.37**	**$ 87,551.28**	**$ (19,882.91)**	**$ 116,735.00**
General & Administrative Expenses				
Public Officials' Liability Insurance	$ 4,025.00	$ 3,240.00	$ 785.00	$ 4,320.00
Trustee Services	10,000.00	7,499.97	2,500.03	10,000.00
Management	20,000.00	22,500.00	(2,500.00)	30,000.00
Engineering	-	3,750.03	(3,750.03)	5,000.00
Dissemination Agent	-	375.03	(375.03)	500.00
Property Appraiser	-	1,125.00	(1,125.00)	1,500.00
District Counsel	9,255.00	22,500.00	(13,245.00)	30,000.00
Assessment Administration	-	3,750.03	(3,750.03)	5,000.00
Reamortization Schedules	-	375.03	(375.03)	500.00
Audit	4,800.00	4,574.97	225.03	6,100.00
Arbitrage Calculation	650.00	487.53	162.47	650.00
Travel and Per Diem	526.90	299.97	226.93	400.00
Telephone	-	150.03	(150.03)	200.00
Postage & Shipping	23.33	74.97	(51.64)	100.00
Copies	-	74.97	(74.97)	100.00
Legal Advertising	943.30	749.97	193.33	1,000.00
Miscellaneous	-	1,650.06	(1,650.06)	2,200.00
Office Supplies	124.03	299.97	(175.94)	400.00
Web Site Maintenance	1,300.00	1,874.97	(574.97)	2,500.00
Dues, Licenses, and Fees	175.00	131.22	43.78	175.00
General Insurance	4,307.00	3,466.53	840.47	4,622.00
Property & Casualty	6,056.00	4,851.00	1,205.00	6,468.00
Contingency	-	3,750.03	(3,750.03)	5,000.00
Total General & Administrative Expenses	**$ 62,185.56**	**$ 87,551.28**	**$ (25,365.72)**	**$ 116,735.00**
Total Expenses	**$ 62,185.56**	**$ 87,551.28**	**$ (25,365.72)**	**$ 116,735.00**
Net Income (Loss)	**$ 5,482.81**	**$ -**	**$ 5,482.81**	**$ -**

THE VILLAGE AT GULFSTREAM PARK COMMUNITY DEVELOPMENT DISTRICT

Legislative Updates

MEMORANDUM

TO: District Manager

FROM: Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
District Counsel

DATE: July 13, 2020

RE: 2020 Legislative Update

As District Counsel, throughout the year we continuously monitor pending legislation that may be applicable to the governance and operation of our Community Development District and other Special District clients. It is at this time of year that we summarize those legislative acts that have become law during the most recent legislative session, as follows:

1. Chapter 2020-077, Laws of Florida (SB 1466). This legislation pertains to government accountability and amends Sections 189.031 and 190.007, F.S. to specify (i) those conditions under which board members and public employees of special districts and community development districts, respectively, do not abuse their public positions under Article II, section 8(h)(2) of the Florida Constitution when the board member or public employee commits an act or omission that is authorized under Sections 112.313 (7), (12), (15), or (16), or Section 112.3143(3)(b), and (ii) that an abuse of a board member's position does not include any act or omission in connection with a vote when the board member has followed the procedures required by Section 112.3143. The act also amends Section 189.069, which requires special districts to maintain a website, to allow the district to provide a link to the district's audit report on the Auditor General's website rather than posting the audit report for the most recent completed fiscal year in its entirety, and removes the requirement that the public facilities report be posted on the website. The act clarifies that the agenda for each meeting or workshop shall be posted on the website for at least seven days prior to such meeting or workshop and removes the requirement that any meeting materials available in electronic format also be posted. This act takes effect on July 1, 2020.

2. Chapter 2020-155, Laws of Florida (HB 279). Special districts, counties, municipalities, and other political subdivisions are required to competitively bid projects to construct or improve a public building or structure if the projected cost of the project exceeds $300,000 and for electrical work estimated to cost more than $75,000. This act provides direction with respect to calculating the estimated cost of a project for purposes of Section 255.20, Florida Statutes, by clarifying that the estimated project cost shall include all costs associated with performing and completing the work, including employee compensation and benefits, the cost of equipment and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project including those materials to be directly purchased by the local government, and other direct costs, plus a factor of 20% for management, overhead and other indirect costs. The act also amends Section 218.80, F.S., to require that local government issuing bid documents or other requests for proposals disclose in such documents a list of other governmental entities that may have additional permits or fees generated by the project. If such

entities, permits or fees are not disclosed in the bidding documents or other requests for proposal or a contract between the local government and the contractor, such fee shall not be assessed or collected after the contract is let. The effective date of this legislation is July 1, 2020

3. Chapter 2020-127, Laws of Florida (HB 441/SB 506). This act pertains specifically to "continuing contracts" as that term is utilized in the Consultants' Competitive Negotiation Act, Section 287.055, F.S. The act amends Section 287.055, F.S., to amend the definition of "continuing contract" with respect to contracts for professional services to authorize such contracts where the estimated construction cost of each individual project under the continuing contract does not exceed $4 million (formerly $2 million) and where the fee for professional services for each individual study activity under the continuing contract does not exceed $500,000 (increased from $200,000 dollars). The act also amends Section 255.103 (4), F.S. to increase the threshold amount from $2 million to $4 million dollars for each project in which a governmental entity is authorized to enter into a continuing contract for construction management or program management. The effective date of this act is July 1, 2020.

4. Chapter 2020-__, Laws of Florida (HB 101). This act amends Sections 218.735, 255.05 and 255.078, F.S., to change the amount of retainage that may be withheld from progress payments for any state and local government construction services contracts, including those in which a special district is a party. The law previously limited retainage that could be withheld to 10% per progress payment where the contract is more than $200,000. The law changes the maximum amount of retainage per progress payment to 5%. This act shall take effect on October 1, 2020.

5. Chapter 2020-__, Laws of Florida (HB 7009). Florida voters approved Amendment 12 during the 2018 General Election, amending Article II, Section 8 of the Florida Constitution to provide a constitutional prohibition on public officers and public employees abusing their positions in order to obtain a "disproportionate benefit" for themselves or others. This legislation has the effect of reenacting provisions of the Florida Code of Ethics that provide penalties for violations of the Code of Ethics and further provides for statutory penalties applicable to Article II, Section 8 (h)(2) of the Florida Constitution. As a result, the Florida Commission on Ethics recently enacted rules implementing this provision and further defining "disproportionate benefit" as a benefit, privilege, exemption or result arising from an act or omission by public office or public employee inconsistent with the proper performance of his or her duties. The rule enacted by the Florida Commission on Ethics also describes the requisite intent for finding a violation of this provision if the public officer or public employee acted, or refrained from acting, with wrongful intent for the purpose of obtaining any benefit, privilege, exemption or result from the act or omission which is inconsistent with the proper performance of his or her public duties. The effective date of this legislation is December 31, 2020.

6. Chapter 2020-150, Laws of Florida (SB 664). This act pertains to employment eligibility and creates Section 448.095, F.S. to require public employers, contractors, and subcontractors to register with and use the E-Verify system to prohibit such entities from entering into a contract with a government entity unless each party to the contract registers with and uses the E-Verify system, and requires private employers to also verify the employment eligibility of newly hired employees beginning on a specified date. The requirements contained herein are scheduled to take effect on July 1, 2020. Our special district clients will need to include this E-

Verify requirement when entering into construction and service contracts and otherwise pursuant to this Section 448.095, F.S.

7. Chapter 2020-058, Laws of Florida, (HB 637/SB 1066). Impact fees are imposed by counties, municipalities and special districts to fund local public infrastructure that is needed to meet the demands accompanying population growth caused by development. Impact fees are imposed by ordinance and the impact fee amount is required to have a rational nexus to the need for additional capital facilities and to the expenditures of funds collected and the benefits accruing to the new construction. This act relates to impact fees and amends Section 163.318(01), F.S. to prohibit new or increased impact fees from applying to current or pending permit applications submitted prior to the effective date of an ordinance or resolution imposing a new or increased impact fee. Accordingly, this act limits the ability of a local government to increase impact fees when permit applications are submitted prior to the effective date of an ordinance or resolution imposing a new impact fee. The act further clarifies that impact fee credits are assignable and transferrable any time after the establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and receives benefits from the improvement or contribution that generated the credits. The effective date of this act is July 1, 2020.

8. Chapter 2020-119, Laws of Florida, (HB 579/SB 178). This act creates Section 161.551, F.S. and relates to the public financing of construction projects within the coastal building zone. The act requires sea level impact projection studies prior to the beginning of construction, requires the Department of Environmental Protection to develop study standards, publish studies on its website, enforce the requirements and adopt rules related thereto. This act appears to apply only to public entities that commission or manage construction projects utilizing funds appropriated from the State of Florida. This act is scheduled to take effect on July 1, 2020.

9. Chapter 2020-151, Laws of Florida (HB 1343/SB 712). This act makes numerous changes to current laws relating to water quality improvements, septic systems, basin management action plans, stormwater management, sanitary sewer overflows, and wastewater project plans. The act could result in an increase in the number of required site monitoring visits, water quality improvements costs, water quality monitoring, and monitoring of total maximum daily loads, and will likely primarily impact the development approval process. This act takes effect on July 1, 2020 and pertains primarily to the effort to reduce sewage and sewage related waste from being disposed of into the stormwater systems.

10. Chapter 2020-__, Laws of Florida (SB 7004). This act relates to public records and amends Section 197.3225, F.S., to maintain the public record exemption for taxpayer email addresses, where such email addresses are held by tax collectors for certain tax notice purposes. This public records exemption was scheduled to expire on October 2, 2020, but that schedule for the repeal of this exemption has been removed. This act will take effect on October 1, 2020.

11. Chapter 2020-114, Laws of Florida (HB 5003). This act implements the 2020/21 General Appropriations Act, and contains provisions establishing the local government efficiency task force within the legislature to review the governance structure and function of local

governments and make recommendations on any changes that may be necessary to make such local governments more efficient. The legislation specifies the task force membership, authorizes the task force to conduct meetings, and requires the task force to submit a report to the Governor and the Florida Legislature by June 1, 2021. This act is effective July 1, 2020. It is unclear how this will affect special districts, but we will continue to monitor over the next year and will advise our special district clients accordingly.

12. Chapter 2020-021, Laws of Florida (SB 7018). This act pertains to essential state infrastructure and expands special treatment for the utility industry. Pursuant to Section 337.401, F.S., the Department of Transportation (DOT) and each local government having control of public roads or publicly owned rail corridors is authorized to prescribe and enforce reasonable rules and regulations pertaining to the placement and maintenance of utility facilities within the rights-of-way under its jurisdiction. This act expands the expedited permitting process to include right-of-way permits for electric, natural gas, water and sewer facilities, and other utilities. The Act also creates Section 338.236, F.S to allow for staging areas to be activated during a declared state of emergency at key geographic locations on Florida's Turnpike system. The bill further promotes electric vehicle (EV) charging station infrastructure by providing for the establishment of a recommended plan for EV charging station infrastructure, requires the DOT to coordinate, develop, and recommend a master plan for the implementation of EV charging station infrastructure along the State Highway System. Finally, the bill addresses conservation easements to indicate that owners of land are not restricted from negotiating the use of lands traditionally used for agriculture that are the subject of a conservation easement for any private or public linear facility, right of access, and related appurtenances. The effective date of this legislation is July 1, 2020.

13. Chapter 2020- __, Laws of Florida (HB 133). This act requires counties and permits municipalities to establish maximum rates for the towing and immobilization of vessels, as well as vehicles. The act further requires that tow-away zone notices be placed within ten (10) feet of the road, as defined in Section 334.03 (22), F.S. instead of within five (5) feet of the public right-of-way line, as was formerly permitted. This act becomes effective on October 1, 2020.

For convenience, we have included copies of the legislation referenced in this memorandum. We request that you include this memorandum as part of the agenda packages for upcoming meetings of the governing boards of those special districts in which you serve as the District Manager and this firm serves as District Counsel. For purposes of the agenda package, it is not necessary to include the attached legislation, as we can provide copies to anyone requesting the same. Copies of the above are also accessible by visiting this link: http://laws.flrules.org/.

CHAPTER 2020-77

Committee Substitute for Senate Bill No. 1466

An act relating to government accountability; amending s. 189.031, F.S.; specifying conditions under which board members and public employees of special districts do not abuse their public positions; amending s. 189.069, F.S.; revising the list of items required to be included on the websites of special districts; amending s. 190.007, F.S.; specifying conditions under which board members and public employees of community development districts do not abuse their public positions; providing effective dates.

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

Section 1. Effective January 1, 2021, subsection (6) is added to section 189.031, Florida Statutes, to read:

189.031 Legislative intent for the creation of independent special districts; special act prohibitions; model elements and other requirements; local general-purpose government/Governor and Cabinet creation authorizations.—

(6) GOVERNANCE.—For purposes of s. 8(h)(2), Art. II of the State Constitution, a board member or a public employee of a special district does not abuse his or her public position if the board member or public employee commits an act or omission that is authorized under s. 112.313(7), (12), (15), or (16) or s. 112.3143(3)(b), and an abuse of a board member's position does not include any act or omission in connection with a vote when the board member has followed the procedures required by s. 112.3143.

Section 2. Paragraph (a) of subsection (2) of section 189.069, Florida Statutes, is amended to read:

189.069 Special districts; required reporting of information; web-based public access.—

(2)(a) A special district shall post the following information, at a minimum, on the district's official website:

1. The full legal name of the special district.

2. The public purpose of the special district.

3. The name, official address, official e-mail address, and, if applicable, term and appointing authority for each member of the governing body of the special district.

4. The fiscal year of the special district.

5. The full text of the special district's charter, the date of establishment, the establishing entity, and the statute or statutes under which the special district operates, if different from the statute or statutes under which the special district was established. Community development districts may reference chapter 190 as the uniform charter but must include information relating to any grant of special powers.

6. The mailing address, e-mail address, telephone number, and website uniform resource locator of the special district.

7. A description of the boundaries or service area of, and the services provided by, the special district.

8. A listing of all taxes, fees, assessments, or charges imposed and collected by the special district, including the rates or amounts for the fiscal year and the statutory authority for the levy of the tax, fee, assessment, or charge. For purposes of this subparagraph, charges do not include patient charges by a hospital or other health care provider.

9. The primary contact information for the special district for purposes of communication from the department.

10. A code of ethics adopted by the special district, if applicable, and a hyperlink to generally applicable ethics provisions.

11. The budget of the special district and any amendments thereto in accordance with s. 189.016.

12. The final, complete audit report for the most recent completed fiscal year and audit reports required by law or authorized by the governing body of the special district. If the special district has submitted its most recent final, complete audit report to the Auditor General, this requirement may be satisfied by providing a link to the audit report on the Auditor General's website.

13. A listing of its regularly scheduled public meetings as required by s. 189.015(1).

14. ~~The public facilities report, if applicable.~~

~~15.~~ The link to the Department of Financial Services' website as set forth in s. 218.32(1)(g).

15.~~16.~~ At least 7 days before each meeting or workshop, the agenda of the event~~, along with any meeting materials available in an electronic format, excluding confidential and exempt information~~. The information must remain on the website for at least 1 year after the event.

Section 3. Effective January 1, 2021, subsection (1) of section 190.007, Florida Statutes, is amended to read:

190.007 Board of supervisors; general duties.—

(1) The board shall employ, and fix the compensation of, a district manager. The district manager shall have charge and supervision of the works of the district and shall be responsible for preserving and maintaining any improvement or facility constructed or erected pursuant to the provisions of this act, for maintaining and operating the equipment owned by the district, and for performing such other duties as may be prescribed by the board. It shall not be a conflict of interest under chapter 112 for a board member or the district manager or another employee of the district to be a stockholder, officer, or employee of a landowner or of an entity affiliated with a landowner. The district manager may hire or otherwise employ and terminate the employment of such other persons, including, without limitation, professional, supervisory, and clerical employees, as may be necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be as provided by the board. For purposes of s. 8(h)(2), Art. II of the State Constitution, a board member or a public employee of a district does not abuse his or her public position if the board member or public employee commits an act or omission that is authorized under this subsection, s. 112.313(7), (12), (15), or (16), or s. 112.3143(3)(b), and an abuse of a board member's public position does not include any act or omission in connection with a vote when the board member has followed the procedures required by s. 112.3143.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

Approved by the Governor June 23, 2020.

Filed in Office Secretary of State June 23, 2020.

CHAPTER 2020-155

Committee Substitute for House Bill No. 529

An act relating to insurance guaranty associations; amending s. 631.57, F.S.; revising the obligations of the Florida Insurance Guaranty Association, Incorporated, for policies covering condominium associations and homeowners' associations; revising the percentage limits on the emergency assessments levied against insurers by the Office of Insurance Regulation; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and paragraph (e) of subsection (3) of section 631.57, Florida Statutes, are amended to read:

631.57 Powers and duties of the association.—

(1) The association shall:

(a)1. Be obligated to the extent of the covered claims existing:

a. Prior to adjudication of insolvency and arising within 30 days after the determination of insolvency;

b. Before the policy expiration date if less than 30 days after the determination; or

c. Before the insured replaces the policy or causes its cancellation, if she or he does so within 30 days of the determination.

2. The obligation under subparagraph 1. includes only the amount of each covered claim which is in excess of $100 and is less than $300,000, except that policies providing coverage for homeowner's insurance shall provide for an additional $200,000 for the portion of a covered claim which relates only to the damage to the structure and contents.

3.a. Notwithstanding subparagraph 2., the obligation under subparagraph 1. for policies covering condominium associations or homeowners' associations, which associations have a responsibility to provide insurance coverage on residential units within the association, shall include that amount of each covered property insurance claim which is less than $200,000 ~~$100,000~~ multiplied by the number of condominium units or other residential units; however, as to homeowners' associations, this sub-subparagraph applies only to claims for damage or loss to residential units and structures attached to residential units.

b. Notwithstanding sub-subparagraph a., the association has no obligation to pay covered claims that are to be paid from the proceeds of bonds issued under s. 631.695. However, the association shall assign and pledge

the first available moneys from all or part of the assessments to be made under paragraph (3)(a) to or on behalf of the issuer of such bonds for the benefit of the holders of such bonds. The association shall administer any such covered claims and present valid covered claims for payment in accordance with the provisions of the assistance program in connection with which such bonds have been issued.

4. In no event shall the association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises.

(3)

(e)1. In addition to assessments authorized in paragraph (a), and to the extent necessary to secure the funds for the account specified in s. 631.55(2)(b) for the direct payment of covered claims of insurers rendered insolvent by the effects of a hurricane and to pay the reasonable costs to administer such claims, or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy emergency assessments upon insurers holding a certificate of authority. The emergency assessments levied against any insurer may not exceed in any one calendar year more than 4 ~~2~~ percent of that insurer's net written premiums in this state for the kinds of insurance within the account specified in s. 631.55(2)(b).

2. Emergency assessments authorized under this paragraph shall be levied by the office upon insurers in accordance with paragraph (f), upon certification as to the need for such assessments by the board of directors. If the board participates in the issuance of bonds in accordance with s. 631.695, emergency assessments shall be levied in each year that bonds issued under s. 631.695 and secured by such emergency assessments are outstanding in amounts up to such 4 percent ~~2 percent~~ limit as required in order to provide for the full and timely payment of the principal of, redemption premium, if any, and interest on, and related costs of issuance of, such bonds. The emergency assessments are assigned and pledged to the municipality, county, or legal entity issuing bonds under s. 631.695 for the benefit of the holders of such bonds in order to provide for the payment of the principal of, redemption premium, if any, and interest on such bonds, the cost of issuance of such bonds, and the funding of any reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, without further action by the association, the office, or any other party. If bonds are issued under s. 631.695 and the association determines to secure such bonds by a pledge of revenues received from the emergency assessments, such bonds, upon such pledge of revenues, shall be secured by and payable from the proceeds of such emergency assessments, and the proceeds of emergency assessments levied under this paragraph

shall be remitted directly to and administered by the trustee or custodian appointed for such bonds.

3. Emergency assessments used to defease bonds issued under this part may be payable in a single payment or, at the option of the association, may be payable in 12 monthly installments with the first installment being due and payable at the end of the month after an emergency assessment is levied and subsequent installments being due by the end of each succeeding month.

4. If emergency assessments are imposed, the report required by s. 631.695(7) must include an analysis of the revenues generated from the emergency assessments imposed under this paragraph.

5. If emergency assessments are imposed, the references in sub-subparagraph (1)(a)3.b. and s. 631.695(2) and (7) to assessments levied under paragraph (a) must include emergency assessments imposed under this paragraph.

6. If the board of directors participates in the issuance of bonds in accordance with s. 631.695, an annual assessment under this paragraph shall continue while the bonds issued with respect to which the assessment was imposed are outstanding, including any bonds the proceeds of which were used to refund bonds issued pursuant to s. 631.695, unless adequate provision has been made for the payment of the bonds in the documents authorizing the issuance of such bonds.

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

Approved by the Governor June 30, 2020.

Filed in Office Secretary of State June 30, 2020.

CHAPTER 2020-127

Committee Substitute for
Committee Substitute for House Bill No. 441

An act relating to the public procurement of services; amending s. 255.103, F.S.; revising the maximum dollar amount for continuing contracts for construction projects; amending s. 287.055, F.S.; revising the term "continuing contract" to increase certain maximum dollar amounts for professional architectural, engineering, landscape architectural, and surveying and mapping services; providing an effective date.

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

Section 1. Subsection (4) of section 255.103, Florida Statutes, is amended to read:

255.103 Construction management or program management entities.

(4) A governmental entity's authority under subsections (2) and (3) includes entering into a continuing contract for construction projects, pursuant to the process provided in s. 287.055, in which the estimated construction cost of each individual project under the contract does not exceed $4 ~~$2~~ million. For purposes of this subsection, the term "continuing contract" means a contract with a construction management or program management entity for work during a defined period on construction projects described by type which may or may not be identified at the time of entering into the contract.

Section 2. Paragraph (g) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(g) A "continuing contract" is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed $4 ~~$2~~ million, for study activity if the fee for professional services for each individual study under the contract does not exceed $500,000 ~~$200,000~~, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

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

Approved by the Governor June 29, 2020.

Filed in Office Secretary of State June 29, 2020.

An act relating to public construction; amending s. 218.735, F.S.; revising the amount of retainage that certain local government entities and contractors may withhold from progress payments for any construction services contract; conforming a provision to changes made by the act; amending s. 255.05, F.S.; revising requirements for Department of Management Services rules governing certain contracts; amending s. 255.077, F.S.; conforming a cross-reference; amending s. 255.078, F.S.; revising the amounts of retainage that certain public entities and contractors may withhold from progress payments for any construction services contract; conforming a provision to changes made by the act; providing applicability; providing an effective date.

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

Section 1. Paragraph (i) of subsection (7) and subsection (8) of section 218.735, Florida Statutes, are amended to read:

218.735 Timely payment for purchases of construction services.—

(7) Each contract for construction services between a local governmental entity and a contractor must provide for the

development of a single list of items required to render complete, satisfactory, and acceptable the construction services purchased by the local governmental entity.

(i) If a local governmental entity fails to comply with its responsibilities to develop the list required under paragraph (a) or paragraph (b) within the time limitations provided in paragraph (a), the contractor may submit a payment request for all remaining retainage withheld by the local governmental entity pursuant to this section; and payment of any remaining undisputed contract amount, less any amount withheld pursuant to the contract for incomplete or uncorrected work, must be paid within 20 business days after receipt of a proper invoice or payment request. If the local governmental entity has provided written notice to the contractor specifying the failure of the contractor to meet contract requirements in the development of the list of items to be completed, the local governmental entity need not pay or process any payment request for retainage if the contractor has, in whole or in part, failed to cooperate with the local governmental entity in the development of the list or to perform its contractual responsibilities, if any, with regard to the development of the list or if paragraph (8)(c) ~~(8)(f)~~ applies.

(8)(a) With regard to any contract for construction services, a local governmental entity may withhold from each progress payment made to the contractor an amount not exceeding

5 ~~10~~ percent of the payment as retainage ~~until 50-percent completion of such services~~.

~~(b) After 50-percent completion of the construction services purchased pursuant to the contract, the local governmental entity must reduce to 5 percent the amount of retainage withheld from each subsequent progress payment made to the contractor. For purposes of this subsection, the term "50-percent completion" has the meaning set forth in the contract between the local governmental entity and the contractor or, if not defined in the contract, the point at which the local governmental entity has expended 50 percent of the total cost of the construction services purchased as identified in the contract together with all costs associated with existing change orders and other additions or modifications to the construction services provided for in the contract. However, notwithstanding this subsection, a municipality having a population of 25,000 or fewer, or a county having a population of 100,000 or fewer, may withhold retainage in an amount not exceeding 10 percent of each progress payment made to the contractor until final completion and acceptance of the project by the local governmental entity.~~

~~(c) After 50-percent completion of the construction services purchased pursuant to the contract, the contractor may elect to withhold retainage from payments to its subcontractors at a rate higher than 5 percent. The specific amount to be withheld must be determined on a case-by-case basis and must be~~

~~based on the contractor's assessment of the subcontractor's past performance, the likelihood that such performance will continue, and the contractor's ability to rely on other safeguards. The contractor shall notify the subcontractor, in writing, of its determination to withhold more than 5 percent of the progress payment and the reasons for making that determination, and the contractor may not request the release of such retained funds from the local governmental entity.~~

~~(d) After 50-percent completion of the construction services purchased pursuant to the contract, the contractor may present to the local governmental entity a payment request for up to one-half of the retainage held by the local governmental entity. The local governmental entity shall promptly make payment to the contractor, unless the local governmental entity has grounds, pursuant to paragraph (f), for withholding the payment of retainage. If the local governmental entity makes payment of retainage to the contractor under this paragraph which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor shall timely remit payment of such retainage to those subcontractors and suppliers.~~

(b) ~~(e)~~ This section does not prohibit a local governmental entity from withholding retainage at a rate less than 5 ~~10~~ percent of each progress payment, from incrementally reducing the rate of retainage pursuant to a schedule provided for in the

contract, or from releasing at any point all or a portion of any retainage withheld by the local governmental entity which is attributable to the labor, services, or materials supplied by the contractor or by one or more subcontractors or suppliers. If a local governmental entity makes any payment of retainage to the contractor which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor must ~~shall~~ timely remit payment of such retainage to those subcontractors and suppliers.

(c) ~~(f)~~ This section does not require the local governmental entity to pay or release any amounts that are the subject of a good faith dispute, the subject of a claim brought pursuant to s. 255.05, or otherwise the subject of a claim or demand by the local governmental entity or contractor.

(d) ~~(g)~~ The time limitations set forth in this section for payment of payment requests apply to any payment request for retainage made pursuant to this section.

(e) ~~(h)~~ Paragraph (a) does ~~Paragraphs (a)-(d) do~~ not apply to construction services purchased by a local governmental entity which are paid for, in whole or in part, with federal funds and are subject to federal grantor laws and regulations or requirements that are contrary to any provision of the Local Government Prompt Payment Act.

(f) ~~(i)~~ This subsection does not apply to any construction services purchased by a local governmental entity if the total

cost of the construction services purchased as identified in the contract is $200,000 or less.

Section 2. Paragraph (f) of subsection (1) of section 255.05, Florida Statutes, is amended to read:

255.05 Bond of contractor constructing public buildings; form; action by claimants.—

(1) A person entering into a formal contract with the state or any county, city, or political subdivision thereof, or other public authority or private entity, for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work shall be required, before commencing the work or before recommencing the work after a default or abandonment, to execute and record in the public records of the county where the improvement is located, a payment and performance bond with a surety insurer authorized to do business in this state as surety. A public entity may not require a contractor to secure a surety bond under this section from a specific agent or bonding company.

(f) The Department of Management Services shall adopt rules with respect to all contracts for $200,000 or less, to provide:

1. Procedures for retaining up to 5 ~~10~~ percent of each request for payment submitted by a contractor and procedures for determining disbursements from the amount retained on a pro rata

basis to laborers, materialmen, and subcontractors, as defined in s. 713.01.

2. Procedures for requiring certification from laborers, materialmen, and subcontractors, as defined in s. 713.01, before final payment to the contractor that such laborers, materialmen, and subcontractors have no claims against the contractor resulting from the completion of the work provided for in the contract.

The state is not liable to any laborer, materialman, or subcontractor for any amounts greater than the pro rata share as determined under this section.

Section 3. Subsection (8) of section 255.077, Florida Statutes, is amended to read:

255.077 Project closeout and payment of retainage.—

(8) If a public entity fails to comply with its responsibilities to develop the list required under subsection (1) or subsection (2), as defined in the contract, within the time limitations provided in subsection (1), the contractor may submit a payment request for all remaining retainage withheld by the public entity pursuant to s. 255.078. The public entity need not pay or process any payment request for retainage if the contractor has, in whole or in part, failed to cooperate with the public entity in the development of the list or failed to perform its contractual responsibilities, if any, with regard to

the development of the list or if s. 255.078(3) ~~s. 255.078(6)~~ applies.

Section 4. Section 255.078, Florida Statutes, is amended, to read:

255.078 Public construction retainage.—

(1) With regard to any contract for construction services, a public entity may withhold from each progress payment made to the contractor an amount not exceeding 5 ~~10~~ percent of the payment as retainage ~~until 50-percent completion of such services~~.

~~(2) After 50-percent completion of the construction services purchased pursuant to the contract, the public entity must reduce to 5 percent the amount of retainage withheld from each subsequent progress payment made to the contractor. For purposes of this section, the term "50-percent completion" has the meaning set forth in the contract between the public entity and the contractor or, if not defined in the contract, the point at which the public entity has expended 50 percent of the total cost of the construction services purchased as identified in the contract together with all costs associated with existing change orders and other additions or modifications to the construction services provided for in the contract.~~

~~(3) After 50-percent completion of the construction services purchased pursuant to the contract, the contractor may elect to withhold retainage from payments to its subcontractors~~

~~at a rate higher than 5 percent. The specific amount to be withheld must be determined on a case-by-case basis and must be based on the contractor's assessment of the subcontractor's past performance, the likelihood that such performance will continue, and the contractor's ability to rely on other safeguards. The contractor shall notify the subcontractor, in writing, of its determination to withhold more than 5 percent of the progress payment and the reasons for making that determination, and the contractor may not request the release of such retained funds from the public entity.~~

~~(4) After 50-percent completion of the construction services purchased pursuant to the contract, the contractor may present to the public entity a payment request for up to one-half of the retainage held by the public entity. The public entity shall promptly make payment to the contractor, unless the public entity has grounds, pursuant to subsection (6), for withholding the payment of retainage. If the public entity makes payment of retainage to the contractor under this subsection which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor shall timely remit payment of such retainage to those subcontractors and suppliers.~~

(2) ~~(5)~~ ~~Neither~~ This section and ~~nor~~ s. 255.077 do not prohibit ~~prohibits~~ a public entity from withholding retainage at a rate less than 5 ~~10~~ percent of each progress payment, from

incrementally reducing the rate of retainage pursuant to a schedule provided for in the contract, or from releasing at any point all or a portion of any retainage withheld by the public entity which is attributable to the labor, services, or materials supplied by the contractor or by one or more subcontractors or suppliers. If a public entity makes any payment of retainage to the contractor which is attributable to the labor, services, or materials supplied by one or more subcontractors or suppliers, the contractor must ~~shall~~ timely remit payment of such retainage to those subcontractors and suppliers.

(3) ~~(6)~~ ~~Neither~~ This section and ~~nor~~ s. 255.077 do not require ~~requires~~ the public entity to pay or release any amounts that are the subject of a good faith dispute, the subject of a claim brought pursuant to s. 255.05, or otherwise the subject of a claim or demand by the public entity or contractor.

(4) ~~(7)~~ The same time limits for payment of a payment request apply regardless of whether the payment request is for, or includes, retainage.

(5) ~~(8)~~ Subsection (1) does ~~Subsections (1)-(4) do~~ not apply to construction services purchased by a public entity which are paid for, in whole or in part, with federal funds and are subject to federal grantor laws and regulations or requirements that are contrary to any provision of the Florida Prompt Payment Act.

(6) ~~(9)~~ This section does not apply to any construction services purchased by a public entity if the total cost of the construction services purchased as identified in the contract is $200,000 or less.

Section 5. (1) This act does not apply to any contract for construction services which is entered into or is pending approval by a public entity, as defined in s. 255.072, Florida Statutes, or by a local governmental entity, as defined in s. 218.72, Florida Statutes, or to any construction services project advertised for bid by the public entity or local governmental entity, on or before October 1, 2020.

(2) The amendments made to ss. 255.05 and 255.078, Florida Statutes, by this act do not apply to contracts executed under chapter 337, Florida Statutes.

Section 6. This act shall take effect October 1, 2020.

An act relating to penalties for violations of the constitutional prohibition against abuse of public position; reenacting s. 112.317, F.S., relating to penalties; providing an effective date.

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

Section 1. For the purpose of implementing the amendment to s. 8, Article II of the State Constitution and the creation of s. 38, Article XII of the State Constitution, as adopted in Amendment 12 in the 2018 general election, and specifying the applicable penalties for violations of the prohibition against abuse of public position, section 112.317, Florida Statutes, is reenacted.

Section 2. This act shall take effect December 31, 2020.

CHAPTER 2020-150

Committee Substitute for
Committee Substitute for Senate Bill No. 712

An act relating to environmental resource management; providing a short title; requiring the Department of Health to provide a specified report to the Governor and the Legislature by a specified date; requiring the Department of Health and the Department of Environmental Protection to submit to the Governor and the Legislature, by a specified date, certain recommendations relating to the transfer of the Onsite Sewage Program; requiring the departments to enter into an interagency agreement that meets certain requirements by a specified date; transferring the Onsite Sewage Program within the Department of Health to the Department of Environmental Protection by a type two transfer by a specified date; providing that certain employees retain and transfer certain types of leave upon the transfer; amending s. 373.036, F.S.; directing water management districts to submit consolidated annual reports to the Office of Economic and Demographic Research; requiring such reports to include connection and conversion projects for onsite sewage treatment and disposal systems; requiring the Department of Environmental Protection, in coordination with the water management districts, to conduct a study on the bottled water industry in this state; providing requirements for the study; requiring the department to submit a report containing the findings of the study to the Governor and the Legislature by a specified date; defining terms; amending s. 373.4131, F.S.; requiring the Department of Environmental Protection to include stormwater structural control inspections as part of its regular staff training; requiring the department and the water management districts to adopt rules regarding stormwater design and operation regulations by a specified date and address specified information as part of such rule development; requiring the department to review and evaluate data relating to self-certification and provide the Legislature with recommendations for improvements; amending s. 381.0065, F.S.; requiring the department to implement an approval process for the use of specified nutrient-reducing onsite sewage treatment and disposal systems by a specified date; defining the term "department" for the regulation of onsite sewage treatment and disposal systems; revising the duties of the department; requiring the Department of Environmental Protection to adopt rules relating to the location of onsite sewage treatment and disposal systems and complete such rulemaking by a specified date; providing requirements for such rules; requiring the department to determine that a hardship exists for certain variance applicants; providing that certain provisions relating to existing setback requirements are applicable to permits only until the effective date of certain rules adopted by the department; removing provisions requiring certain onsite sewage treatment and disposal system research projects to be approved by a Department of Health technical review and advisory panel; removing provisions prohibiting the award of research projects to

certain entities; removing provisions establishing a Department of Health onsite sewage treatment and disposal system research review and advisory committee; conforming provisions to changes made by the act; creating s. 381.00652, F.S.; defining the term "department"; creating the onsite sewage treatment and disposal systems technical advisory committee within the Department of Environmental Protection; authorizing the department, in consultation with the Department of Health, to appoint an onsite sewage treatment and disposal systems technical advisory committee; providing for committee purpose, membership, and expiration; requiring the committee to submit its recommendations to the Governor and Legislature; providing for the expiration of the committee; repealing s. 381.0068, F.S., relating to the Department of Health onsite sewage treatment and disposal systems technical review and advisory panel; amending s. 403.061, F.S.; requiring the department to adopt rules relating to domestic wastewater collection and transmission system pipe leakages and inflow and infiltration; requiring the department to adopt rules to require public utilities or their affiliated companies holding, applying for, or renewing a domestic wastewater discharge permit to file certain annual reports and data with the department; creating s. 403.0616, F.S.; requiring the department, subject to legislative appropriation, to establish a real-time water quality monitoring program; encouraging the formation of public-private partnerships; amending s. 403.064, F.S.; requiring the Department of Environmental Protection to initiate rule revisions based on certain potable reuse recommendations by a specified date; providing requirements for such rules; providing that reclaimed water is deemed a water source for public water supply systems; amending s. 403.067, F.S.; requiring basin management action plans for nutrient total maximum daily loads to include wastewater treatment and onsite sewage treatment and disposal system remediation plans that meet certain requirements; requiring the Department of Agriculture and Consumer Services to collect fertilizer application records from certain agricultural producers and provide the information to the department annually by a specified date; requiring the Department of Agriculture and Consumer Services to perform onsite inspections of the agricultural producers at specified intervals; providing for prioritization of such inspections; requiring certain basin management action plans to include cooperative agricultural regional water quality improvement elements; requiring the Department of Agriculture and Consumer Services, in cooperation with specified entities, to annually develop research plans and legislative budget requests relating to best management practices by a specified date; requiring such entities to submit such plans to the Department of Environmental Protection and the Department of Agriculture and Consumer Services by a specific date; requiring the Department of Environmental Protection to work with specified entities to consider the adoption of best management practices for nutrient impacts from golf courses; creating s. 403.0671, F.S.; directing the Department of Environmental Protection, in coordination with specified entities, to submit reports regarding wastewater projects identified in the basin management action plans to the Governor and the Legislature and to

submit certain wastewater project cost estimates to the Office of Economic and Demographic Research by specified dates; creating s. 403.0673, F.S.; establishing a wastewater grant program within the Department of Environmental Protection; authorizing the department to distribute appropriated funds for certain projects; providing requirements for the distribution; requiring the department to coordinate with each water management district to identify grant recipients; requiring an annual report to the Governor and Legislature by a specified date; creating s. 403.0855, F.S.; providing legislative findings regarding the regulation of biosolids management in this state; requiring the department to adopt rules for biosolids management; providing that such rules are not effective until ratified by the Legislature; providing permitting requirements for biosolids land application sites and facilities; requiring biosolids application sites and facilities to be enrolled in a specified best management practices program or be within a specified agricultural operation; providing requirements for the land application of biosolids; providing a definition; authorizing the enforcement or extension of certain local government regulations relating to the land application of biosolids until such regulations are repealed; amending s. 403.086, F.S.; prohibiting sewage disposal facilities from disposing waste into the Indian River Lagoon beginning on a specified date without certain advanced waste treatment; directing the Department of Environmental Protection, in consultation with specified entities, to submit a report to the Governor and the Legislature by a specified date; requiring sewage disposal facilities to have a power outage contingency plan, to take steps to prevent overflows and leaks and ensure that the wastewater reaches the facility for appropriate treatment, and to provide the Department of Environmental Protection with certain information; requiring the department to adopt rules; limiting the scope of such rules; authorizing utilities and operating entities to consolidate certain reports; providing that specified compliance is evidence in mitigation for assessment of certain penalties; amending s. 403.087, F.S.; requiring the department to issue operation permits for certain domestic wastewater treatment facilities under certain circumstances; amending s. 403.088, F.S.; revising the permit conditions for a water pollution operation permit; requiring permittees to submit annual reports to the department; requiring the department to submit an annual report identifying all domestic wastewater treatment facilities that experienced sanitary sewer overflows to the Governor and the Legislature by a specified date; amending s. 403.0891, F.S.; requiring model stormwater management programs to contain model ordinances for nutrient reduction practices and green infrastructure; amending s. 403.121, F.S.; revising administrative penalties for violations of ch. 403, F.S.; amending ss. 403.1835 and 403.1838, F.S.; requiring the Department of Environmental Protection to give funding priority to certain domestic wastewater utility projects; amending s. 403.412, F.S.; prohibiting local governments from recognizing or granting certain legal rights to the natural environment or granting such rights relating to the natural environment to a person or political subdivision; providing construction; providing a declaration of important state interest; amending ss. 153.54, 153.73,

163.3180, 180.03, 311.105, 327.46, 373.250, 373.414, 373.705, 373.707, 373.709, 373.807, 376.307, 380.0552, 381.006, 381.0061, 381.0064, 381.00651, 381.0101, 403.08601, 403.0871, 403.0872, 403.707, 403.861, 489.551, and 590.02, F.S.; conforming cross-references and provisions to changes made by the act; providing a directive to the Division of Law Revision upon the adoption of certain rules by the Department of Environmental Protection; providing effective dates.

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

Section 1. This act may be cited as the "Clean Waterways Act."

Section 2. (1) By July 1, 2020, the Department of Health must provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the following information regarding the Onsite Sewage Program:

(a) The average number of permits issued each year;

(b) The number of department employees conducting work on or related to the program each year; and

(c) The program's costs and expenditures, including, but not limited to, salaries and benefits, equipment costs, and contracting costs.

(2) By December 31, 2020, the Department of Health and the Department of Environmental Protection shall submit recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the transfer of the Onsite Sewage Program from the Department of Health to the Department of Environmental Protection. The recommendations must address all aspects of the transfer, including the continued role of the county health departments in the permitting, inspection, data management, and tracking of onsite sewage treatment and disposal systems under the direction of the Department of Environmental Protection.

(3) By June 30, 2021, the Department of Health and the Department of Environmental Protection shall enter into an interagency agreement based on the Department of Health report required under subsection (2) and on recommendations from a plan that must address all agency cooperation for a period not less than 5 years after the transfer, including:

(a) The continued role of the county health departments in the permitting, inspection, data management, and tracking of onsite sewage treatment and disposal systems under the direction of the Department of Environmental Protection.

(b) The appropriate proportionate number of administrative, auditing, inspector general, attorney, and operational support positions, and their related funding levels and sources and assigned property, to be transferred

from the Office of General Counsel, the Office of Inspector General, and the Division of Administrative Services or other relevant offices or divisions within the Department of Health to the Department of Environmental Protection.

(c) The development of a recommended plan to address the transfer or shared use of buildings, regional offices, and other facilities used or owned by the Department of Health.

(d) Any operating budget adjustments that are necessary to implement the requirements of this act. Adjustments made to the operating budgets of the agencies in the implementation of this act must be made in consultation with the appropriate substantive and fiscal committees of the Senate and the House of Representatives. The revisions to the approved operating budgets for the 2021-2022 fiscal year which are necessary to reflect the organizational changes made by this act must be implemented pursuant to s. 216.292(4)(d), Florida Statutes, and are subject to s. 216.177, Florida Statutes. Subsequent adjustments between the Department of Health and the Department of Environmental Protection which are determined necessary by the respective agencies and approved by the Executive Office of the Governor are authorized and subject to s. 216.177, Florida Statutes. The appropriate substantive committees of the Senate and the House of Representatives must also be notified of the proposed revisions to ensure their consistency with legislative policy and intent.

(4) Effective July 1, 2021, all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds for the regulation of onsite sewage treatment and disposal systems relating to the Onsite Sewage Program in the Department of Health are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Department of Environmental Protection.

(5) Notwithstanding chapter 60L-34, Florida Administrative Code, or any law to the contrary, employees who are transferred from the Department of Health to the Department of Environmental Protection to fill positions transferred by this act retain and transfer any accrued annual leave, sick leave, and regular and special compensatory leave balances.

Section 3. Paragraphs (a) and (b) of subsection (7) of section 373.036, Florida Statutes, are amended to read:

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(a) By March 1, annually, each water management district shall prepare and submit to the Office of Economic and Demographic Research, the

department, the Governor, the President of the Senate, and the Speaker of the House of Representatives a consolidated water management district annual report on the management of water resources. In addition, copies must be provided by the water management districts to the chairs of all legislative committees having substantive or fiscal jurisdiction over the districts and the governing board of each county in the district having jurisdiction or deriving any funds for operations of the district. Copies of the consolidated annual report must be made available to the public, either in printed or electronic format.

(b) The consolidated annual report shall contain the following elements, as appropriate to that water management district:

1. A district water management plan annual report or the annual work plan report allowed in subparagraph (2)(e)4.

2. The department-approved minimum flows and minimum water levels annual priority list and schedule required by s. 373.042(3).

3. The annual 5-year capital improvements plan required by s. 373.536(6)(a)3.

4. The alternative water supplies annual report required by s. 373.707(8)(n).

5. The final annual 5-year water resource development work program required by s. 373.536(6)(a)4.

6. The Florida Forever Water Management District Work Plan annual report required by s. 373.199(7).

7. The mitigation donation annual report required by s. 373.414(1)(b)2.

8. Information on all projects related to water quality or water quantity as part of a 5-year work program, including:

a. A list of all specific projects identified to implement a basin management action plan, including any projects to connect onsite sewage treatment and disposal systems to central sewerage systems and convert onsite sewage treatment and disposal systems to enhanced nutrient-reducing onsite sewage treatment and disposal systems, or a recovery or prevention strategy;

b. A priority ranking for each listed project for which state funding through the water resources development work program is requested, which must be made available to the public for comment at least 30 days before submission of the consolidated annual report;

c. The estimated cost for each listed project;

d. The estimated completion date for each listed project;

e. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project; and

f. A quantitative estimate of each listed project's benefit to the watershed, water body, or water segment in which it is located.

9. A grade for each watershed, water body, or water segment in which a project listed under subparagraph 8. is located representing the level of impairment and violations of adopted minimum flow or minimum water levels. The grading system must reflect the severity of the impairment of the watershed, water body, or water segment.

Section 4. Bottled water industry study.—The department shall, in coordination with the water management districts, conduct a study on the bottled water industry in this state.

(1) The study must:

(a) Identify all springs statewide that have an associated consumptive use permit for a bottled water facility producing its product with water derived from a spring. Such identification must include:

1. The magnitude of the spring;

2. Whether the spring has been identified as an Outstanding Florida Spring as defined in s. 373.802, Florida Statutes;

3. Any department- or water management district-adopted minimum flow or minimum water levels, the status of any adopted minimum flow or minimum water levels, and any associated recovery or prevention strategy;

4. The permitted and actual use associated with the consumptive use permits;

5. The reduction in flow associated with the permitted and actual use associated with the consumptive use permits;

6. The impact on springs of bottled water facilities as compared to other users; and

7. Types of water conservation measures employed at bottled water facilities permitted to derive water from a spring.

(b) Identify the labeling and marketing regulations associated with the identification of bottled water as spring water, including whether these regulations incentivize the withdrawal of water from springs.

(c) Evaluate the direct and indirect economic benefits to the local communities resulting from bottled water facilities that derive water from springs, including, but not limited to, tax revenue, job creation, and wages.

(d) Evaluate the direct and indirect costs to the local communities located in proximity to springs impacted by withdrawals from bottled water production, including, but not limited to, the decreased recreational value of the springs and the cost to other users for the development of alternative water supply or reductions in permit durations and allocations.

(e) Include a cost-benefit analysis of withdrawing, producing, marketing, selling, and consuming spring water as compared to other sources of bottled water.

(f) Evaluate how much bottled water derived from Florida springs is sold in this state.

(2) By June 30, 2021, the department shall submit a report containing the findings of the study to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Economic and Demographic Research.

(3) As used in this section, the term "bottled water" has the same meaning as in s. 500.03, Florida Statutes, and the term "water derived from a spring" means water derived from an underground formation from which water flows naturally to the surface of the earth in the manner described in 21 C.F.R. s. 165.110(a)(2)(vi).

Section 5. Subsection (5) of section 373.4131, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

373.4131 Statewide environmental resource permitting rules.—

(5) To ensure consistent implementation and interpretation of the rules adopted pursuant to this section, the department shall conduct or oversee regular assessment and training of its staff and the staffs of the water management districts and local governments delegated local pollution control program authority under s. 373.441. The training must include field inspections of publicly and privately owned stormwater structural controls, such as stormwater retention and detention ponds.

(6) By January 1, 2021:

(a) The department and the water management districts shall initiate rulemaking to update the stormwater design and operation regulations, including updates to the Environmental Resource Permit Applicant's Handbook, using the most recent scientific information available. As part of rule development, the department shall consider and address low-impact design best management practices and design criteria that increase the removal of nutrients from stormwater discharges, and measures for consistent application of the net improvement performance standard to ensure significant reductions of any pollutant loadings to a waterbody.

(b) The department shall review and evaluate permits and inspection data by those entities that submit a self-certification under s. 403.814(12) for

compliance with state water quality standards and provide the Legislature with recommendations for improvements to the self-certification process, including, but not limited to, additional staff resources for department review of portions of the process where high-priority water quality issues justify such action.

Section 6. Subsection (7) is added to section 381.0065, Florida Statutes, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(7) USE OF ENHANCED NUTRIENT-REDUCING ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS.—To meet the requirements of a total maximum daily load, the department shall implement a fast-track approval process of no longer than 6 months for the determination of the use of American National Standards Institute 245 systems approved by NSF International before July 1, 2020.

Section 7. Effective July 1, 2021, present paragraphs (d) through (q) of subsection (2) of section 381.0065, Florida Statutes, are redesignated as paragraphs (e) through (r), respectively, subsections (3) and (4) of that section are amended, and a new paragraph (d) is added to subsection (2) of that section, to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the term:

(d) "Department" means the Department of Environmental Protection.

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION ~~HEALTH~~.—The department shall:

(a) Adopt rules to administer ss. 381.0065-381.0067, including definitions that are consistent with the definitions in this section, ~~decreases to setback requirements where no health hazard exists,~~ increases for the lot-flow allowance for performance-based systems, requirements for separation from water table elevation during the wettest season, requirements for the design and construction of any component part of an onsite sewage treatment and disposal system, application and permit requirements for persons who maintain an onsite sewage treatment and disposal system, requirements for maintenance and service agreements for aerobic treatment units and performance-based treatment systems, and recommended standards, including disclosure requirements, for voluntary system inspections to be performed by individuals who are authorized by law to perform such inspections and who shall inform a person having ownership, control, or use of an onsite sewage treatment and disposal system of the inspection standards and of that person's authority to request an inspection based on all or part of the standards.

(b) Perform application reviews and site evaluations, issue permits, and conduct inspections and complaint investigations associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of an onsite sewage treatment and disposal system for a residence or establishment with an estimated domestic sewage flow of 10,000 gallons or less per day, or an estimated commercial sewage flow of 5,000 gallons or less per day, which is not currently regulated under chapter 403.

(c) Develop a comprehensive program to ensure that onsite sewage treatment and disposal systems regulated by the department are sized, designed, constructed, installed, sited, repaired, modified, abandoned, used, operated, and maintained in compliance with this section and rules adopted under this section to prevent groundwater contamination, including impacts from nutrient pollution, and surface water contamination and to preserve the public health. The department is the final administrative interpretive authority regarding rule interpretation. In the event of a conflict regarding rule interpretation, the Secretary of Environmental Protection ~~State Surgeon General~~, or his or her designee, shall timely assign a staff person to resolve the dispute.

(d) Grant variances in hardship cases under the conditions prescribed in this section and rules adopted under this section.

(e) Permit the use of a limited number of innovative systems for a specific period of time, when there is compelling evidence that the system will function properly and reliably to meet the requirements of this section and rules adopted under this section.

(f) Issue annual operating permits under this section.

(g) Establish and collect fees as established under s. 381.0066 for services provided with respect to onsite sewage treatment and disposal systems.

(h) Conduct enforcement activities, including imposing fines, issuing citations, suspensions, revocations, injunctions, and emergency orders for violations of this section, part I of chapter 386, or part III of chapter 489 or for a violation of any rule adopted under this section, part I of chapter 386, or part III of chapter 489.

(i) Provide or conduct education and training of department personnel, service providers, and the public regarding onsite sewage treatment and disposal systems.

(j) Supervise research on, demonstration of, and training on the performance, environmental impact, and public health impact of onsite sewage treatment and disposal systems within this state. Research fees collected under s. 381.0066(2)(k) must be used to develop and fund hands-on training centers designed to provide practical information about onsite

sewage treatment and disposal systems to septic tank contractors, master septic tank contractors, contractors, inspectors, engineers, and the public and must also be used to fund research projects which focus on improvements of onsite sewage treatment and disposal systems, including use of performance-based standards and reduction of environmental impact. Research projects shall be ~~initially approved by the technical review and advisory panel and shall be~~ applicable to and reflect the soil conditions specific to this state ~~Florida~~. Such projects shall be awarded through competitive negotiation, using the procedures provided in s. 287.055, to public or private entities that have experience in onsite sewage treatment and disposal systems in this state ~~Florida~~ and that are principally located in this state ~~Florida~~. ~~Research projects shall not be awarded to firms or entities that employ or are associated with persons who serve on either the technical review and advisory panel or the research review and advisory committee.~~

(k) Approve the installation of individual graywater disposal systems in which blackwater is treated by a central sewerage system.

(l) Regulate and permit the sanitation, handling, treatment, storage, reuse, and disposal of byproducts from any system regulated under this chapter ~~and not regulated by the Department of Environmental Protection~~.

(m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations, and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for temporary use.

(n) Regulate and permit maintenance entities for performance-based treatment systems and aerobic treatment unit systems. To ensure systems are maintained and operated according to manufacturer's specifications and designs, the department shall establish by rule minimum qualifying criteria for maintenance entities. The criteria shall include: training, access to approved spare parts and components, access to manufacturer's maintenance and operation manuals, and service response time. The maintenance entity shall employ a contractor licensed under s. 489.105(3)(m), or part III of chapter 489, or a state-licensed wastewater plant operator, who is responsible for maintenance and repair of all systems under contract.

(4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not construct, repair, modify, abandon, or operate an onsite sewage treatment and disposal system without first obtaining a permit approved by the department. The department may issue permits to carry out this section~~, but shall not make the issuance of such permits contingent upon prior approval by the department of Environmental Protection~~, except that the issuance of a permit for work seaward of the coastal construction control line established under s. 161.053 shall be contingent upon receipt of any

required coastal construction control line permit from the department ~~of Environmental Protection~~. A construction permit is valid for 18 months after ~~from~~ the date of issuance ~~date~~ and may be extended by the department for one 90-day period under rules adopted by the department. A repair permit is valid for 90 days after ~~from~~ the date of issuance. An operating permit must be obtained before ~~prior to~~ the use of any aerobic treatment unit or if the establishment generates commercial waste. Buildings or establishments that use an aerobic treatment unit or generate commercial waste shall be inspected by the department at least annually to assure compliance with the terms of the operating permit. The operating permit for a commercial wastewater system is valid for 1 year after ~~from~~ the date of issuance and must be renewed annually. The operating permit for an aerobic treatment unit is valid for 2 years after ~~from~~ the date of issuance and must be renewed every 2 years. If all information pertaining to the siting, location, and installation conditions or repair of an onsite sewage treatment and disposal system remains the same, a construction or repair permit for the onsite sewage treatment and disposal system may be transferred to another person, if the transferee files, within 60 days after the transfer of ownership, an amended application providing all corrected information and proof of ownership of the property. A ~~There is no~~ fee is not associated with the processing of this supplemental information. A person may not contract to construct, modify, alter, repair, service, abandon, or maintain any portion of an onsite sewage treatment and disposal system without being registered under part III of chapter 489. A property owner who personally performs construction, maintenance, or repairs to a system serving his or her own owner-occupied single-family residence is exempt from registration requirements for performing such construction, maintenance, or repairs on that residence, but is subject to all permitting requirements. A municipality or political subdivision of the state may not issue a building or plumbing permit for any building that requires the use of an onsite sewage treatment and disposal system unless the owner or builder has received a construction permit for such system from the department. A building or structure may not be occupied and a municipality, political subdivision, or any state or federal agency may not authorize occupancy until the department approves the final installation of the onsite sewage treatment and disposal system. A municipality or political subdivision of the state may not approve any change in occupancy or tenancy of a building that uses an onsite sewage treatment and disposal system until the department has reviewed the use of the system with the proposed change, approved the change, and amended the operating permit.

(a) Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory

drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

(b) Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable to the use of onsite sewage treatment and disposal systems are met.

(c) Notwithstanding paragraphs (a) and (b), for subdivisions platted of record on or before October 1, 1991, when a developer or other appropriate entity has previously made or makes provisions, including financial assurances or other commitments, acceptable to the department ~~of Health~~, that a central water system will be installed by a regulated public utility based on a density formula, private potable wells may be used with onsite sewage treatment and disposal systems until the agreed-upon densities are reached. In a subdivision regulated by this paragraph, the average daily sewage flow may not exceed 2,500 gallons per acre per day. This section does not affect the validity of existing prior agreements. After October 1, 1991, the exception provided under this paragraph is not available to a developer or other appropriate entity.

(d) Paragraphs (a) and (b) do not apply to any proposed residential subdivision with more than 50 lots or to any proposed commercial subdivision with more than 5 lots where a publicly owned or investor-owned sewage treatment ~~sewerage~~ system is available. ~~It is the intent of~~ This paragraph does not ~~to~~ allow development of additional proposed subdivisions in order to evade the requirements of this paragraph.

(e) The department shall adopt rules relating to the location of onsite sewage treatment and disposal systems, including establishing setback distances, to prevent groundwater contamination and surface water contamination and to preserve the public health. The rulemaking process for such rules must be completed by July 1, 2022, and the department shall notify the Division of Law Revision of the date such rules take effect. The rules must consider conventional and enhanced nutrient-reducing onsite sewage treatment and disposal system designs, impaired or degraded water bodies, domestic wastewater and drinking water infrastructure, potable water sources, nonpotable wells, stormwater infrastructure, the onsite sewage treatment and disposal system remediation plans developed pursuant to s. 403.067(7)(a)9.b., nutrient pollution, and the recommendations of the onsite sewage treatment and disposal systems technical advisory committee established pursuant to s. 381.00652. The rules must also allow a person to apply for and receive a variance from a rule requirement upon demonstration that the requirement would cause an undue hardship and granting the variance would not cause or contribute to the exceedance of a total maximum daily load.

(f)~~(e)~~ Onsite sewage treatment and disposal systems that are permitted before the rules in paragraph (e) take effect may ~~must~~ not be placed closer than:

1. Seventy-five feet from a private potable well.

2. Two hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of greater than 2,000 gallons per day.

3. One hundred feet from a public potable well serving a residential or nonresidential establishment having a total sewage flow of less than or equal to 2,000 gallons per day.

4. Fifty feet from any nonpotable well.

5. Ten feet from any storm sewer pipe, to the maximum extent possible, but in no instance shall the setback be less than 5 feet.

6. Seventy-five feet from the mean high-water line of a tidally influenced surface water body.

7. Seventy-five feet from the mean annual flood line of a permanent nontidal surface water body.

8. Fifteen feet from the design high-water line of retention areas, detention areas, or swales designed to contain standing or flowing water for less than 72 hours after a rainfall or the design high-water level of normally dry drainage ditches or normally dry individual lot stormwater retention areas.

~~(f) Except as provided under paragraphs (e) and (t), no limitations shall be imposed by rule, relating to the distance between an onsite disposal system and any area that either permanently or temporarily has visible surface water.~~

(g) ~~All provisions of~~ This section and rules adopted under this section relating to soil condition, water table elevation, distance, and other setback requirements must be equally applied to all lots, with the following exceptions:

1. Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made. If rules in effect at the time the permit application is filed cannot be met, residential lots platted and recorded or approved on or after January 1, 1972, shall, to the maximum extent possible, comply with the rules in effect at the time the permit

application is filed. At a minimum, however, those residential lots platted and recorded or approved on or after January 1, 1972, but before January 1, 1983, shall comply with those rules in effect on January 1, 1983, and those residential lots platted and recorded or approved on or after January 1, 1983, shall comply with those rules in effect at the time of such platting and recording or approval. In determining the maximum extent of compliance with current rules that is possible, the department shall allow structures and appurtenances thereto which were authorized at the time such lots were platted and recorded or approved.

2. Lots platted before 1972 are subject to a 50-foot minimum surface water setback and are not subject to lot size requirements. The projected daily flow for onsite sewage treatment and disposal systems for lots platted before 1972 may not exceed:

a. Two thousand five hundred gallons per acre per day for lots served by public water systems as defined in s. 403.852.

b. One thousand five hundred gallons per acre per day for lots served by water systems regulated under s. 381.0062.

(h)1. The department may grant variances in hardship cases which may be less restrictive than the provisions specified in this section. If a variance is granted and the onsite sewage treatment and disposal system construction permit has been issued, the variance may be transferred with the system construction permit, if the transferee files, within 60 days after the transfer of ownership, an amended construction permit application providing all corrected information and proof of ownership of the property and if the same variance would have been required for the new owner of the property as was originally granted to the original applicant for the variance. A ~~There is no~~ fee is not associated with the processing of this supplemental information. A variance may not be granted under this section until the department is satisfied that:

a. The hardship was not caused intentionally by the action of the applicant;

b. A ~~No~~ reasonable alternative, taking into consideration factors such as cost, does not exist ~~exists~~ for the treatment of the sewage; and

c. The discharge from the onsite sewage treatment and disposal system will not adversely affect the health of the applicant or the public or significantly degrade the groundwater or surface waters.

Where soil conditions, water table elevation, and setback provisions are determined by the department to be satisfactory, special consideration must be given to those lots platted before 1972.

2. The department shall appoint and staff a variance review and advisory committee, which shall meet monthly to recommend agency action on variance requests. The committee shall make its recommendations on

variance requests at the meeting in which the application is scheduled for consideration, except for an extraordinary change in circumstances, the receipt of new information that raises new issues, or when the applicant requests an extension. The committee shall consider the criteria in subparagraph 1. in its recommended agency action on variance requests and shall also strive to allow property owners the full use of their land where possible. The committee consists of the following:

a. The Secretary of Environmental Protection ~~State Surgeon General~~ or his or her designee.

b. A representative from the county health departments.

c. A representative from the home building industry recommended by the Florida Home Builders Association.

d. A representative from the septic tank industry recommended by the Florida Onsite Wastewater Association.

e. A representative from the Department of Health ~~Environmental Protection~~.

f. A representative from the real estate industry who is also a developer in this state who develops lots using onsite sewage treatment and disposal systems, recommended by the Florida Association of Realtors.

g. A representative from the engineering profession recommended by the Florida Engineering Society.

Members shall be appointed for a term of 3 years, with such appointments being staggered so that the terms of no more than two members expire in any one year. Members shall serve without remuneration, but if requested, shall be reimbursed for per diem and travel expenses as provided in s. 112.061.

(i) A construction permit may not be issued for an onsite sewage treatment and disposal system in any area zoned or used for industrial or manufacturing purposes, or its equivalent, where a publicly owned or investor-owned sewage treatment system is available, or where a likelihood exists that the system will receive toxic, hazardous, or industrial waste. An existing onsite sewage treatment and disposal system may be repaired if a publicly owned or investor-owned sewage treatment ~~sewerage~~ system is not available within 500 feet of the building sewer stub-out and if system construction and operation standards can be met. This paragraph does not require publicly owned or investor-owned sewage ~~sewerage~~ treatment systems to accept anything other than domestic wastewater.

1. A building located in an area zoned or used for industrial or manufacturing purposes, or its equivalent, when such building is served by an onsite sewage treatment and disposal system, must not be occupied until the owner or tenant has obtained written approval from the department. The department may ~~shall~~ not grant approval when the proposed use

of the system is to dispose of toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals.

2. Each person who owns or operates a business or facility in an area zoned or used for industrial or manufacturing purposes, or its equivalent, or who owns or operates a business that has the potential to generate toxic, hazardous, or industrial wastewater or toxic or hazardous chemicals, and uses an onsite sewage treatment and disposal system that is installed on or after July 5, 1989, must obtain an annual system operating permit from the department. A person who owns or operates a business that uses an onsite sewage treatment and disposal system that was installed and approved before July 5, 1989, does not need to ~~not~~ obtain a system operating permit. However, upon change of ownership or tenancy, the new owner or operator must notify the department of the change, and the new owner or operator must obtain an annual system operating permit, regardless of the date that the system was installed or approved.

3. The department shall periodically review and evaluate the continued use of onsite sewage treatment and disposal systems in areas zoned or used for industrial or manufacturing purposes, or its equivalent, and may require the collection and analyses of samples from within and around such systems. If the department finds that toxic or hazardous chemicals or toxic, hazardous, or industrial wastewater have been or are being disposed of through an onsite sewage treatment and disposal system, the department shall initiate enforcement actions against the owner or tenant to ensure adequate cleanup, treatment, and disposal.

(j) An onsite sewage treatment and disposal system designed by a professional engineer registered in the state and certified by such engineer as complying with performance criteria adopted by the department must be approved by the department subject to the following:

1. The performance criteria applicable to engineer-designed systems must be limited to those necessary to ensure that such systems do not adversely affect the public health or significantly degrade the groundwater or surface water. Such performance criteria shall include consideration of the quality of system effluent, the proposed total sewage flow per acre, wastewater treatment capabilities of the natural or replaced soil, water quality classification of the potential surface-water-receiving body, and the structural and maintenance viability of the system for the treatment of domestic wastewater. However, performance criteria shall address only the performance of a system and not a system's design.

2. A person electing to use ~~utilize~~ an engineer-designed system shall, upon completion of the system design, submit such design, certified by a registered professional engineer, to the county health department. The county health department may use ~~utilize~~ an outside consultant to review the engineer-designed system, with the actual cost of such review to be borne by the applicant. Within 5 working days after receiving an engineer-designed system permit application, the county health department shall

request additional information if the application is not complete. Within 15 working days after receiving a complete application for an engineer-designed system, the county health department ~~either~~ shall issue the permit or, if it determines that the system does not comply with the performance criteria, shall notify the applicant of that determination and refer the application to the department for a determination as to whether the system should be approved, disapproved, or approved with modification. The department engineer's determination shall prevail over the action of the county health department. The applicant shall be notified in writing of the department's determination and of the applicant's rights to pursue a variance or seek review under the provisions of chapter 120.

3. The owner of an engineer-designed performance-based system must maintain a current maintenance service agreement with a maintenance entity permitted by the department. The maintenance entity shall inspect each system at least twice each year and shall report quarterly to the department on the number of systems inspected and serviced. The reports may be submitted electronically.

4. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own performance-based treatment system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system. The maintenance service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

5. The property owner shall obtain a biennial system operating permit from the department for each system. The department shall inspect the system at least annually, or on such periodic basis as the fee collected permits, and may collect system-effluent samples if appropriate to determine compliance with the performance criteria. The fee for the biennial operating permit shall be collected beginning with the second year of system operation.

6. If an engineer-designed system fails to properly function or fails to meet performance standards, the system shall be re-engineered, if necessary, to bring the system into compliance with the provisions of this section.

(k) An innovative system may be approved in conjunction with an engineer-designed site-specific system <u>that</u> ~~which~~ is certified by the engineer to meet the performance-based criteria adopted by the department.

(l) For the Florida Keys, the department shall adopt a special rule for the construction, installation, modification, operation, repair, maintenance, and performance of onsite sewage treatment and disposal systems which considers the unique soil conditions and water table elevations, densities,

and setback requirements. On lots where a setback distance of 75 feet from surface waters, saltmarsh, and buttonwood association habitat areas cannot be met, an injection well, approved and permitted by the department, may be used for disposal of effluent from onsite sewage treatment and disposal systems. The following additional requirements apply to onsite sewage treatment and disposal systems in Monroe County:

1. The county, each municipality, and those special districts established for the purpose of the collection, transmission, treatment, or disposal of sewage shall ensure, in accordance with the specific schedules adopted by the Administration Commission under s. 380.0552, the completion of onsite sewage treatment and disposal system upgrades to meet the requirements of this paragraph.

2. Onsite sewage treatment and disposal systems must cease discharge by December 31, 2015, or must comply with department rules and provide the level of treatment which, on a permitted annual average basis, produces an effluent that contains no more than the following concentrations:

a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

b. Suspended Solids of 10 mg/l.

c. Total Nitrogen, expressed as N, of 10 mg/l or a reduction in nitrogen of at least 70 percent. A system that has been tested and certified to reduce nitrogen concentrations by at least 70 percent shall be deemed to be in compliance with this standard.

d. Total Phosphorus, expressed as P, of 1 mg/l.

In addition, onsite sewage treatment and disposal systems discharging to an injection well must provide basic disinfection as defined by department rule.

3. In areas not scheduled to be served by a central sewerage system ~~sewer~~, onsite sewage treatment and disposal systems must, by December 31, 2015, comply with department rules and provide the level of treatment described in subparagraph 2.

4. In areas scheduled to be served by a central sewerage system ~~sewer~~ by December 31, 2015, if the property owner has paid a connection fee or assessment for connection to the central sewerage ~~sewer~~ system, the property owner may install a holding tank with a high water alarm or an onsite sewage treatment and disposal system that meets the following minimum standards:

a. The existing tanks must be pumped and inspected and certified as being watertight and free of defects in accordance with department rule; and

b. A sand-lined drainfield or injection well in accordance with department rule must be installed.

5. Onsite sewage treatment and disposal systems must be monitored for total nitrogen and total phosphorus concentrations as required by department rule.

6. The department shall enforce proper installation, operation, and maintenance of onsite sewage treatment and disposal systems pursuant to this chapter, including ensuring that the appropriate level of treatment described in subparagraph 2. is met.

7. The authority of a local government, including a special district, to mandate connection of an onsite sewage treatment and disposal system is governed by s. 4, chapter 99-395, Laws of Florida.

8. Notwithstanding any other ~~provision of~~ law, an onsite sewage treatment and disposal system installed after July 1, 2010, in unincorporated Monroe County, excluding special wastewater districts, that complies with the standards in subparagraph 2. is not required to connect to a central sewerage ~~sewer~~ system until December 31, 2020.

(m) A ~~No~~ product sold in the state for use in onsite sewage treatment and disposal systems may not contain any substance in concentrations or amounts that would interfere with or prevent the successful operation of such system, or that would cause discharges from such systems to violate applicable water quality standards. The department shall publish criteria for products known or expected to meet the conditions of this paragraph. If ~~In the event~~ a product does not meet such criteria, such product may be sold if the manufacturer satisfactorily demonstrates to the department that the conditions of this paragraph are met.

(n) Evaluations for determining the seasonal high-water table elevations or the suitability of soils for the use of a new onsite sewage treatment and disposal system shall be performed by department personnel, professional engineers registered in the state, or such other persons with expertise, as defined by rule, in making such evaluations. Evaluations for determining mean annual flood lines shall be performed by those persons identified in paragraph (2)(k) ~~(2)(j)~~. The department shall accept evaluations submitted by professional engineers and such other persons as meet the expertise established by this section or by rule unless the department has a reasonable scientific basis for questioning the accuracy or completeness of the evaluation.

~~(o) The department shall appoint a research review and advisory committee, which shall meet at least semiannually. The committee shall advise the department on directions for new research, review and rank proposals for research contracts, and review draft research reports and make comments. The committee is comprised of:~~

~~1. A representative of the State Surgeon General, or his or her designee.~~

~~2. A representative from the septic tank industry.~~

~~3. A representative from the home building industry.~~

~~4. A representative from an environmental interest group.~~

~~5. A representative from the State University System, from a department knowledgeable about onsite sewage treatment and disposal systems.~~

~~6. A professional engineer registered in this state who has work experience in onsite sewage treatment and disposal systems.~~

~~7. A representative from local government who is knowledgeable about domestic wastewater treatment.~~

~~8. A representative from the real estate profession.~~

~~9. A representative from the restaurant industry.~~

~~10. A consumer.~~

~~Members shall be appointed for a term of 3 years, with the appointments being staggered so that the terms of no more than four members expire in any one year. Members shall serve without remuneration, but are entitled to reimbursement for per diem and travel expenses as provided in s. 112.061.~~

(o)~~(p)~~ An application for an onsite sewage treatment and disposal system permit shall be completed in full, signed by the owner or the owner's authorized representative, or by a contractor licensed under chapter 489, and shall be accompanied by all required exhibits and fees. ~~No~~ Specific documentation of property ownership is not ~~shall be~~ required as a prerequisite to the review of an application or the issuance of a permit. The issuance of a permit does not constitute determination by the department of property ownership.

(p)~~(q)~~ The department may not require any form of subdivision analysis of property by an owner, developer, or subdivider before ~~prior to~~ submission of an application for an onsite sewage treatment and disposal system.

(q)~~(r)~~ ~~Nothing in~~ This section does not limit ~~limits~~ the power of a municipality or county to enforce other laws for the protection of the public health and safety.

(r)~~(s)~~ In the siting of onsite sewage treatment and disposal systems, including drainfields, shoulders, and slopes, guttering may ~~shall~~ not be required on single-family residential dwelling units for systems located greater than 5 feet from the roof drip line of the house. If guttering is used on residential dwelling units, the downspouts shall be directed away from the drainfield.

(s)~~(t)~~ Notwithstanding ~~the provisions of~~ subparagraph (g)1., onsite sewage treatment and disposal systems located in floodways of the Suwannee and Aucilla Rivers must adhere to the following requirements:

1. The absorption surface of the drainfield may ~~shall~~ not be subject to flooding based on 10-year flood elevations. Provided, however, for lots or parcels created by the subdivision of land in accordance with applicable local government regulations before ~~prior to~~ January 17, 1990, if an applicant cannot construct a drainfield system with the absorption surface of the drainfield at an elevation equal to or above 10-year flood elevation, the department shall issue a permit for an onsite sewage treatment and disposal system within the 10-year floodplain of rivers, streams, and other bodies of flowing water if all of the following criteria are met:

a. The lot is at least one-half acre in size;

b. The bottom of the drainfield is at least 36 inches above the 2-year flood elevation; and

c. The applicant installs ~~either:~~ a waterless, incinerating, or organic waste composting toilet and a graywater system and drainfield in accordance with department rules; an aerobic treatment unit and drainfield in accordance with department rules; a system ~~approved by the State Health Office~~ that is capable of reducing effluent nitrate by at least 50 percent in accordance with department rules; or a system other than a system using alternative drainfield materials in accordance with department rules ~~approved by the county health department pursuant to department rule other than a system using alternative drainfield materials~~. The United States Department of Agriculture Soil Conservation Service soil maps, State of Florida Water Management District data, and Federal Emergency Management Agency Flood Insurance maps are resources that shall be used to identify flood-prone areas.

2. The use of fill or mounding to elevate a drainfield system out of the 10-year floodplain of rivers, streams, or other bodies of flowing water may ~~shall~~ not be permitted if such a system lies within a regulatory floodway of the Suwannee and Aucilla Rivers. In cases where the 10-year flood elevation does not coincide with the boundaries of the regulatory floodway, the regulatory floodway will be considered for the purposes of this subsection to extend at a minimum to the 10-year flood elevation.

(t)1.~~(u)1.~~ The owner of an aerobic treatment unit system shall maintain a current maintenance service agreement with an aerobic treatment unit maintenance entity permitted by the department. The maintenance entity shall inspect each aerobic treatment unit system at least twice each year and shall report quarterly to the department on the number of aerobic treatment unit systems inspected and serviced. The reports may be submitted electronically.

2. The property owner of an owner-occupied, single-family residence may be approved and permitted by the department as a maintenance entity for his or her own aerobic treatment unit system upon written certification from the system manufacturer's approved representative that the property owner has received training on the proper installation and service of the system.

The maintenance entity service agreement must conspicuously disclose that the property owner has the right to maintain his or her own system and is exempt from contractor registration requirements for performing construction, maintenance, or repairs on the system but is subject to all permitting requirements.

3. A septic tank contractor licensed under part III of chapter 489, if approved by the manufacturer, may not be denied access by the manufacturer to aerobic treatment unit system training or spare parts for maintenance entities. After the original warranty period, component parts for an aerobic treatment unit system may be replaced with parts that meet manufacturer's specifications but are manufactured by others. The maintenance entity shall maintain documentation of the substitute part's equivalency for 2 years and shall provide such documentation to the department upon request.

4. The owner of an aerobic treatment unit system shall obtain a system operating permit from the department and allow the department to inspect during reasonable hours each aerobic treatment unit system at least annually, and such inspection may include collection and analysis of system-effluent samples for performance criteria established by rule of the department.

(u)~~(v)~~ The department may require the submission of detailed system construction plans that are prepared by a professional engineer registered in this state. The department shall establish by rule criteria for determining when such a submission is required.

(v)~~(w)~~ Any permit issued and approved by the department for the installation, modification, or repair of an onsite sewage treatment and disposal system shall transfer with the title to the property in a real estate transaction. A title may not be encumbered at the time of transfer by new permit requirements by a governmental entity for an onsite sewage treatment and disposal system which differ from the permitting requirements in effect at the time the system was permitted, modified, or repaired. An inspection of a system may not be mandated by a governmental entity at the point of sale in a real estate transaction. This paragraph does not affect a septic tank phase-out deferral program implemented by a consolidated government as defined in s. 9, Art. VIII of the State Constitution (1885).

(w)~~(x)~~ A governmental entity, including a municipality, county, or statutorily created commission, may not require an engineer-designed performance-based treatment system, excluding a passive engineer-designed performance-based treatment system, before the completion of the Florida Onsite Sewage Nitrogen Reduction Strategies Project. This paragraph does not apply to a governmental entity, including a municipality, county, or statutorily created commission, which adopted a local law, ordinance, or regulation on or before January 31, 2012. Notwithstanding this paragraph, an engineer-designed performance-based treatment system

may be used to meet the requirements of the variance review and advisory committee recommendations.

(x)1.~~(y)1.~~ An onsite sewage treatment and disposal system is not considered abandoned if the system is disconnected from a structure that was made unusable or destroyed following a disaster and if the system was properly functioning at the time of disconnection and was not adversely affected by the disaster. The onsite sewage treatment and disposal system may be reconnected to a rebuilt structure if:

a. The reconnection of the system is to the same type of structure which contains the same number of bedrooms or fewer, if the square footage of the structure is less than or equal to 110 percent of the original square footage of the structure that existed before the disaster;

b. The system is not a sanitary nuisance; and

c. The system has not been altered without prior authorization.

2. An onsite sewage treatment and disposal system that serves a property that is foreclosed upon is not considered abandoned.

(y)~~(z)~~ If an onsite sewage treatment and disposal system permittee receives, relies upon, and undertakes construction of a system based upon a validly issued construction permit under rules applicable at the time of construction but a change to a rule occurs within 5 years after the approval of the system for construction but before the final approval of the system, the rules applicable and in effect at the time of construction approval apply at the time of final approval if fundamental site conditions have not changed between the time of construction approval and final approval.

(z)~~(aa)~~ An existing-system inspection or evaluation and assessment, or a modification, replacement, or upgrade of an onsite sewage treatment and disposal system is not required for a remodeling addition or modification to a single-family home if a bedroom is not added. However, a remodeling addition or modification to a single-family home may not cover any part of the existing system or encroach upon a required setback or the unobstructed area. To determine if a setback or the unobstructed area is impacted, the local health department shall review and verify a floor plan and site plan of the proposed remodeling addition or modification to the home submitted by a remodeler which shows the location of the system, including the distance of the remodeling addition or modification to the home from the onsite sewage treatment and disposal system. The local health department may visit the site or otherwise determine the best means of verifying the information submitted. A verification of the location of a system is not an inspection or evaluation and assessment of the system. The review and verification must be completed within 7 business days after receipt by the local health department of a floor plan and site plan. If the review and verification is not completed within such time, the remodeling addition or modification to the single-family home, for the purposes of this paragraph, is approved.

Section 8. Section 381.00652, Florida Statutes, is created to read:

381.00652 Onsite sewage treatment and disposal systems technical advisory committee.—

(1) As used in this section, the term "department" means the Department of Environmental Protection.

(2) An onsite sewage treatment and disposal systems technical advisory committee, a committee as defined in s. 20.03(8), is created within the department. The committee shall:

(a) Provide recommendations to increase the availability of enhanced nutrient-reducing onsite sewage treatment and disposal systems in the marketplace, including such systems that are cost-effective, low maintenance, and reliable.

(b) Consider and recommend regulatory options, such as fast-track approval, prequalification, or expedited permitting, to facilitate the introduction and use of enhanced nutrient-reducing onsite sewage treatment and disposal systems that have been reviewed and approved by a national agency or organization, such as the American National Standards Institute 245 systems approved by the NSF International.

(c) Provide recommendations for appropriate setback distances for onsite sewage treatment and disposal systems from surface water, groundwater, and wells.

(3) The department shall use existing and available resources to administer and support the activities of the committee.

(4)(a) By August 1, 2021, the department, in consultation with the Department of Health, shall appoint no more than 10 members to the committee, as follows:

1. A professional engineer.

2. A septic tank contractor.

3. Two representatives from the home building industry.

4. A representative from the real estate industry.

5. A representative from the onsite sewage treatment and disposal system industry.

6. A representative from local government.

7. Two representatives from the environmental community.

8. A representative of the scientific and technical community who has substantial expertise in the areas of the fate and transport of water

pollutants, toxicology, epidemiology, geology, biology, or environmental sciences.

(b) Members shall serve without compensation and are not entitled to reimbursement for per diem or travel expenses.

(5) By January 1, 2022, the committee shall submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(6) This section expires August 15, 2022.

Section 9. Effective July 1, 2021, section 381.0068, Florida Statutes, is repealed.

Section 10. Present subsections (14) through (44) of section 403.061, Florida Statutes, are redesignated as subsections (15) through (45), respectively, subsection (7) is amended, and a new subsection (14) is added to that section, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules adopted and promulgated by it and, for this purpose, to:

(7) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this act. Any rule adopted pursuant to this act must ~~shall~~ be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. A ~~No~~ county, municipality, or political subdivision may not ~~shall~~ adopt or enforce any local ordinance, special law, or local regulation requiring the installation of Stage II vapor recovery systems, as currently defined by department rule, unless such county, municipality, or political subdivision is or has been in the past designated by federal regulation as a moderate, serious, or severe ozone nonattainment area. Rules adopted pursuant to this act may ~~shall~~ not require dischargers of waste into waters of the state to improve natural background conditions. The department shall adopt rules to reasonably limit, reduce, and eliminate domestic wastewater collection and transmission system pipe leakages and inflow and infiltration. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, may ~~shall~~ not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal components of discharges from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving

body of water. The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.

(14) In order to promote resilient utilities, require public utilities or their affiliated companies holding, applying for, or renewing a domestic wastewater discharge permit to file annual reports and other data regarding transactions or allocations of common costs and expenditures on pollution mitigation and prevention among the utility's permitted systems, including, but not limited to, the prevention of sanitary sewer overflows, collection and transmission system pipe leakages, and inflow and infiltration. The department shall adopt rules to implement this subsection.

The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 11. Section 403.0616, Florida Statutes, is created to read:

403.0616 Real-time water quality monitoring program.—

(1) Subject to appropriation, the department shall establish a real-time water quality monitoring program to assist in the restoration, preservation, and enhancement of impaired water bodies and coastal resources.

(2) In order to expedite the creation and implementation of the program, the department is encouraged to form public-private partnerships with established scientific entities that have proven existing real-time water quality monitoring equipment and experience in deploying the equipment.

Section 12. Subsection (17) is added to section 403.064, Florida Statutes, to read:

403.064 Reuse of reclaimed water.—

(17) By December 31, 2020, the department shall initiate rule revisions based on the recommendations of the Potable Reuse Commission's 2020 report "Advancing Potable Reuse in Florida: Framework for the Implementation of Potable Reuse in Florida." Rules for potable reuse projects must address contaminants of emerging concern and meet or exceed federal and state drinking water quality standards and other applicable water quality standards. Reclaimed water is deemed a water source for public water supply systems.

Section 13. Subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(a) *Basin management action plans.*—

1. In developing and implementing the total maximum daily load for a water body, the department, or the department in conjunction with a water management district, may develop a basin management action plan that addresses some or all of the watersheds and basins tributary to the water body. Such plan must integrate the appropriate management strategies available to the state through existing water quality protection programs to achieve the total maximum daily loads and may provide for phased implementation of these management strategies to promote timely, cost-effective actions as provided for in s. 403.151. The plan must establish a schedule implementing the management strategies, establish a basis for evaluating the plan's effectiveness, and identify feasible funding strategies for implementing the plan's management strategies. The management strategies may include regional treatment systems or other public works, when ~~where~~ appropriate, and voluntary trading of water quality credits to achieve the needed pollutant load reductions.

2. A basin management action plan must equitably allocate, pursuant to paragraph (6)(b), pollutant reductions to individual basins, as a whole to all basins, or to each identified point source or category of nonpoint sources, as appropriate. For nonpoint sources for which best management practices have been adopted, the initial requirement specified by the plan must be those practices developed pursuant to paragraph (c). When ~~Where~~ appropriate, the plan may take into account the benefits of pollutant load reduction achieved by point or nonpoint sources that have implemented management strategies to reduce pollutant loads, including best management practices, before the development of the basin management action plan. The plan must also identify the mechanisms that will address potential future increases in pollutant loading.

3. The basin management action planning process is intended to involve the broadest possible range of interested parties, with the objective of encouraging the greatest amount of cooperation and consensus possible. In developing a basin management action plan, the department shall assure that key stakeholders, including, but not limited to, applicable local governments, water management districts, the Department of Agriculture and Consumer Services, other appropriate state agencies, local soil and water conservation districts, environmental groups, regulated interests, and affected pollution sources, are invited to participate in the process. The department shall hold at least one public meeting in the vicinity of the watershed or basin to discuss and receive comments during the planning process and shall otherwise encourage public participation to the greatest practicable extent. Notice of the public meeting must be published in a newspaper of general circulation in each county in which the watershed or basin lies at least ~~not less than~~ 5 days, but not ~~nor~~ more than 15 days, before the public meeting. A basin management action plan does not supplant or

otherwise alter any assessment made under subsection (3) or subsection (4) or any calculation or initial allocation.

4. Each new or revised basin management action plan shall include:

a. The appropriate management strategies available through existing water quality protection programs to achieve total maximum daily loads, which may provide for phased implementation to promote timely, cost-effective actions as provided for in s. 403.151;

b. A description of best management practices adopted by rule;

c. A list of projects in priority ranking with a planning-level cost estimate and estimated date of completion for each listed project;

d. The source and amount of financial assistance to be made available by the department, a water management district, or other entity for each listed project, if applicable; and

e. A planning-level estimate of each listed project's expected load reduction, if applicable.

5. The department shall adopt all or any part of a basin management action plan and any amendment to such plan by secretarial order pursuant to chapter 120 to implement ~~the provisions of~~ this section.

6. The basin management action plan must include milestones for implementation and water quality improvement, and an associated water quality monitoring component sufficient to evaluate whether reasonable progress in pollutant load reductions is being achieved over time. An assessment of progress toward these milestones shall be conducted every 5 years, and revisions to the plan shall be made as appropriate. Revisions to the basin management action plan shall be made by the department in cooperation with basin stakeholders. Revisions to the management strategies required for nonpoint sources must follow the procedures ~~set forth~~ in subparagraph (c)4. Revised basin management action plans must be adopted pursuant to subparagraph 5.

7. In accordance with procedures adopted by rule under paragraph (9)(c), basin management action plans, and other pollution control programs under local, state, or federal authority as provided in subsection (4), may allow point or nonpoint sources that will achieve greater pollutant reductions than required by an adopted total maximum daily load or wasteload allocation to generate, register, and trade water quality credits for the excess reductions to enable other sources to achieve their allocation; however, the generation of water quality credits does not remove the obligation of a source or activity to meet applicable technology requirements or adopted best management practices. Such plans must allow trading between NPDES permittees, and trading that may or may not involve NPDES permittees, where the generation or use of the credits involve an entity or activity not subject to

department water discharge permits whose owner voluntarily elects to obtain department authorization for the generation and sale of credits.

8. ~~The provisions of~~ The department's rule relating to the equitable abatement of pollutants into surface waters do not apply to water bodies or water body segments for which a basin management plan that takes into account future new or expanded activities or discharges has been adopted under this section.

9. In order to promote resilient wastewater utilities, if the department identifies domestic wastewater treatment facilities or onsite sewage treatment and disposal systems as contributors of at least 20 percent of point source or nonpoint source nutrient pollution or if the department determines remediation is necessary to achieve the total maximum daily load, a basin management action plan for a nutrient total maximum daily load must include the following:

a. A wastewater treatment plan developed by each local government, in cooperation with the department, the water management district, and the public and private domestic wastewater treatment facilities within the jurisdiction of the local government, that addresses domestic wastewater. The wastewater treatment plan must:

(I) Provide for construction, expansion, or upgrades necessary to achieve the total maximum daily load requirements applicable to the domestic wastewater treatment facility.

(II) Include the permitted capacity in average annual gallons per day for the domestic wastewater treatment facility; the average nutrient concentration and the estimated average nutrient load of the domestic wastewater; a projected timeline of the dates by which the construction of any facility improvements will begin and be completed and the date by which operations of the improved facility will begin; the estimated cost of the improvements; and the identity of responsible parties.

The wastewater treatment plan must be adopted as part of the basin management action plan no later than July 1, 2025. A local government that does not have a domestic wastewater treatment facility in its jurisdiction is not required to develop a wastewater treatment plan unless there is a demonstrated need to establish a domestic wastewater treatment facility within its jurisdiction to improve water quality necessary to achieve a total maximum daily load. A local government is not responsible for a private domestic wastewater facility's compliance with a basin management action plan unless such facility is operated through a public-private partnership to which the local government is a party.

b. An onsite sewage treatment and disposal system remediation plan developed by each local government in cooperation with the department, the Department of Health, water management districts, and public and private domestic wastewater treatment facilities.

(I) The onsite sewage treatment and disposal system remediation plan must identify cost-effective and financially feasible projects necessary to achieve the nutrient load reductions required for onsite sewage treatment and disposal systems. To identify cost-effective and financially feasible projects for remediation of onsite sewage treatment and disposal systems, the local government shall:

(A) Include an inventory of onsite sewage treatment and disposal systems based on the best information available;

(B) Identify onsite sewage treatment and disposal systems that would be eliminated through connection to existing or future central domestic wastewater infrastructure in the jurisdiction or domestic wastewater service area of the local government, that would be replaced with or upgraded to enhanced nutrient-reducing onsite sewage treatment and disposal systems, or that would remain on conventional onsite sewage treatment and disposal systems;

(C) Estimate the costs of potential onsite sewage treatment and disposal system connections, upgrades, or replacements; and

(D) Identify deadlines and interim milestones for the planning, design, and construction of projects.

(II) The department shall adopt the onsite sewage treatment and disposal system remediation plan as part of the basin management action plan no later than July 1, 2025, or as required for Outstanding Florida Springs under s. 373.807.

10. When identifying wastewater projects in a basin management action plan, the department may not require the higher cost option if it achieves the same nutrient load reduction as a lower cost option. A regulated entity may choose a different cost option if it complies with the pollutant reduction requirements of an adopted total maximum daily load and meets or exceeds the pollution reduction requirement of the original project.

(b) *Total maximum daily load implementation.—*

1. The department shall be the lead agency in coordinating the implementation of the total maximum daily loads through existing water quality protection programs. Application of a total maximum daily load by a water management district must be consistent with this section and does not require the issuance of an order or a separate action pursuant to s. 120.536(1) or s. 120.54 for the adoption of the calculation and allocation previously established by the department. Such programs may include, but are not limited to:

a. Permitting and other existing regulatory programs, including water-quality-based effluent limitations;

b. Nonregulatory and incentive-based programs, including best management practices, cost sharing, waste minimization, pollution prevention, agreements established pursuant to s. 403.061(22) ~~s. 403.061(21)~~, and public education;

c. Other water quality management and restoration activities, for example surface water improvement and management plans approved by water management districts or basin management action plans developed pursuant to this subsection;

d. Trading of water quality credits or other equitable economically based agreements;

e. Public works including capital facilities; or

f. Land acquisition.

2. For a basin management action plan adopted pursuant to paragraph (a), any management strategies and pollutant reduction requirements associated with a pollutant of concern for which a total maximum daily load has been developed, including effluent limits ~~set forth~~ for a discharger subject to NPDES permitting, if any, must be included in a timely manner in subsequent NPDES permits or permit modifications for that discharger. The department may not impose limits or conditions implementing an adopted total maximum daily load in an NPDES permit until the permit expires, the discharge is modified, or the permit is reopened pursuant to an adopted basin management action plan.

a. Absent a detailed allocation, total maximum daily loads must be implemented through NPDES permit conditions that provide for a compliance schedule. In such instances, a facility's NPDES permit must allow time for the issuance of an order adopting the basin management action plan. The time allowed for the issuance of an order adopting the plan may not exceed 5 years. Upon issuance of an order adopting the plan, the permit must be reopened or renewed, as necessary, and permit conditions consistent with the plan must be established. Notwithstanding the other provisions of this subparagraph, upon request by an NPDES permittee, the department as part of a permit issuance, renewal, or modification may establish individual allocations before the adoption of a basin management action plan.

b. For holders of NPDES municipal separate storm sewer system permits and other stormwater sources, implementation of a total maximum daily load or basin management action plan must be achieved, to the maximum extent practicable, through the use of best management practices or other management measures.

c. The basin management action plan does not relieve the discharger from any requirement to obtain, renew, or modify an NPDES permit or to abide by other requirements of the permit.

d. Management strategies ~~set forth~~ in a basin management action plan to be implemented by a discharger subject to permitting by the department must be completed pursuant to the schedule ~~set forth~~ in the basin management action plan. This implementation schedule may extend beyond the 5-year term of an NPDES permit.

e. Management strategies and pollution reduction requirements ~~set forth~~ in a basin management action plan for a specific pollutant of concern are not subject to challenge under chapter 120 at the time they are incorporated, in an identical form, into a subsequent NPDES permit or permit modification.

f. For nonagricultural pollutant sources not subject to NPDES permitting but permitted pursuant to other state, regional, or local water quality programs, the pollutant reduction actions adopted in a basin management action plan must be implemented to the maximum extent practicable as part of those permitting programs.

g. A nonpoint source discharger included in a basin management action plan must demonstrate compliance with the pollutant reductions established under subsection (6) by implementing the appropriate best management practices established pursuant to paragraph (c) or conducting water quality monitoring prescribed by the department or a water management district. A nonpoint source discharger may, in accordance with department rules, supplement the implementation of best management practices with water quality credit trades in order to demonstrate compliance with the pollutant reductions established under subsection (6).

h. A nonpoint source discharger included in a basin management action plan may be subject to enforcement action by the department or a water management district based upon a failure to implement the responsibilities ~~set forth~~ in sub-subparagraph g.

i. A landowner, discharger, or other responsible person who is implementing applicable management strategies specified in an adopted basin management action plan may not be required by permit, enforcement action, or otherwise to implement additional management strategies, including water quality credit trading, to reduce pollutant loads to attain the pollutant reductions established pursuant to subsection (6) and shall be deemed to be in compliance with this section. This subparagraph does not limit the authority of the department to amend a basin management action plan as specified in subparagraph (a)6.

(c) *Best management practices.*—

1. The department, in cooperation with the water management districts and other interested parties, as appropriate, may develop suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for nonagricultural nonpoint pollutant sources in allocations developed

pursuant to subsection (6) and this subsection. These practices and measures may be adopted by rule by the department and the water management districts and, where adopted by rule, shall be implemented by those parties responsible for nonagricultural nonpoint source pollution.

2. The Department of Agriculture and Consumer Services may develop and adopt by rule pursuant to ss. 120.536(1) and 120.54 suitable interim measures, best management practices, or other measures necessary to achieve the level of pollution reduction established by the department for agricultural pollutant sources in allocations developed pursuant to subsection (6) and this subsection or for programs implemented pursuant to paragraph (12)(b). These practices and measures may be implemented by those parties responsible for agricultural pollutant sources and the department, the water management districts, and the Department of Agriculture and Consumer Services shall assist with implementation. In the process of developing and adopting rules for interim measures, best management practices, or other measures, the Department of Agriculture and Consumer Services shall consult with the department, the Department of Health, the water management districts, representatives from affected farming groups, and environmental group representatives. Such rules must also incorporate provisions for a notice of intent to implement the practices and a system to assure the implementation of the practices, including site inspection and recordkeeping requirements.

3. When ~~Where~~ interim measures, best management practices, or other measures are adopted by rule, the effectiveness of such practices in achieving the levels of pollution reduction established in allocations developed by the department pursuant to subsection (6) and this subsection or in programs implemented pursuant to paragraph (12)(b) must be verified at representative sites by the department. The department shall use best professional judgment in making the initial verification that the best management practices are reasonably expected to be effective and, when ~~where~~ applicable, shall ~~must~~ notify the appropriate water management district or the Department of Agriculture and Consumer Services of its initial verification before the adoption of a rule proposed pursuant to this paragraph. Implementation, in accordance with rules adopted under this paragraph, of practices that have been initially verified to be effective, or verified to be effective by monitoring at representative sites, by the department, shall provide a presumption of compliance with state water quality standards and release from ~~the provisions of~~ s. 376.307(5) for those pollutants addressed by the practices, and the department is not authorized to institute proceedings against the owner of the source of pollution to recover costs or damages associated with the contamination of surface water or groundwater caused by those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from ~~the provisions of~~ s. 376.307(5). The presumption of compliance and release is limited to the

research site and only for those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release is limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

4. When ~~Where~~ water quality problems are demonstrated, despite the appropriate implementation, operation, and maintenance of best management practices and other measures required by rules adopted under this paragraph, the department, a water management district, or the Department of Agriculture and Consumer Services, in consultation with the department, shall institute a reevaluation of the best management practice or other measure. If ~~Should~~ the reevaluation determines ~~determine~~ that the best management practice or other measure requires modification, the department, a water management district, or the Department of Agriculture and Consumer Services, as appropriate, shall revise the rule to require implementation of the modified practice within a reasonable time period as specified in the rule.

5. Subject to subparagraph 6., the Department of Agriculture and Consumer Services shall provide to the department information obtained pursuant to subparagraph (d)3.

6.~~5.~~ Agricultural records relating to processes or methods of production, costs of production, profits, or other financial information held by the Department of Agriculture and Consumer Services pursuant to subparagraphs 3., ~~and~~ 4., and 5. or pursuant to any rule adopted pursuant to subparagraph 2. are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon request, records made confidential and exempt pursuant to this subparagraph shall be released to the department or any water management district provided that the confidentiality specified by this subparagraph for such records is maintained.

7.~~6.~~ ~~The provisions of~~ Subparagraphs 1. and 2. do not preclude the department or water management district from requiring compliance with water quality standards or with current best management practice requirements ~~set forth~~ in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules adopted by the department that are necessary to maintain a federally delegated or approved program.

(d) *Enforcement and verification of basin management action plans and management strategies.—*

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph(c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

(e) *Cooperative agricultural regional water quality improvement element.*

1. The department, the Department of Agriculture and Consumer Services, and owners of agricultural operations in the basin shall develop a cooperative agricultural regional water quality improvement element as part of a basin management action plan only if:

a. Agricultural measures have been adopted by the Department of Agriculture and Consumer Services pursuant to subparagraph (c)2. and have been implemented and the waterbody remains impaired;

b. Agricultural nonpoint sources contribute to at least 20 percent of nonpoint source nutrient discharges; and

c. The department determines that additional measures, in combination with state-sponsored regional projects and other management strategies included in the basin management action plan, are necessary to achieve the total maximum daily load.

2. The element will be implemented through the use of cost-sharing projects. The element must include cost-effective and technically and financially practical cooperative regional agricultural nutrient reduction projects that can be implemented on private properties on a site-specific, cooperative basis. Such cooperative regional agricultural nutrient reduction projects may include land acquisition in fee or conservation easements on the lands of willing sellers and site-specific water quality improvement or dispersed water management projects on the lands of project participants.

3. To qualify for participation in the cooperative agricultural regional water quality improvement element, the participant must have already implemented and be in compliance with best management practices or other measures adopted by the Department of Agriculture and Consumer Services pursuant to subparagraph (c)2. The element may be included in the basin management action plan as a part of the next 5-year assessment under subparagraph (a)6.

4. The department may submit a legislative budget request to fund projects developed pursuant to this paragraph. In allocating funds for projects funded pursuant to this paragraph, the department shall provide at least 20 percent of its annual appropriation for projects in subbasins with the highest nutrient concentrations within a basin management action plan.

(f) *Data collection and research.*—

1. The Department of Agriculture and Consumer Services, in cooperation with the University of Florida Institute of Food and Agricultural Sciences and other state universities and Florida College System institutions that have agricultural research programs, shall annually develop research plans and legislative budget requests to:

a. Evaluate and suggest enhancements to the existing adopted agricultural best management practices to reduce nutrient runoff;

b. Develop new best management practices that, if proven effective, the Department of Agriculture and Consumer Services may adopt by rule pursuant to subparagraph (c)2.; and

c. Develop agricultural nutrient runoff reduction projects that willing participants could implement on a site-specific, cooperative basis, in addition to best management practices. The department may consider these projects for inclusion in a basin management action plan. These nutrient runoff reduction projects must reduce the nutrient impacts from agricultural operations on water quality when evaluated with the projects and management strategies currently included in the basin management action plan.

2. To be considered for funding, the University of Florida Institute of Food and Agricultural Sciences and other state universities and Florida College System institutions that have agricultural research programs must submit such plans to the department and the Department of Agriculture and Consumer Services by August 1, 2021, and each May 1 thereafter.

3. The department shall work with the University of Florida Institute of Food and Agricultural Sciences and regulated entities to consider the adoption by rule of best management practices for nutrient impacts from golf courses. Such adopted best management practices are subject to the requirements of paragraph (c).

Section 14. Section 403.0671, Florida Statutes, is created to read:

403.0671 Basin management action plan wastewater reports.—

(1) By July 1, 2021, the department, in coordination with the county health departments, wastewater treatment facilities, and other governmental entities, shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives evaluating the costs of wastewater projects identified in the basin management action plans developed pursuant to ss. 373.807 and 403.067(7) and the onsite sewage treatment and disposal system remediation plans and other restoration plans developed to meet the total maximum daily loads required under s. 403.067. The report must include:

(a) Projects to:

1. Replace onsite sewage treatment and disposal systems with enhanced nutrient-reducing onsite sewage treatment and disposal systems.

2. Install or retrofit onsite sewage treatment and disposal systems with enhanced nutrient-reducing technologies.

3. Construct, upgrade, or expand domestic wastewater treatment facilities to meet the wastewater treatment plan required under s. 403.067(7)(a) 9.

4. Connect onsite sewage treatment and disposal systems to domestic wastewater treatment facilities;

(b) The estimated costs, nutrient load reduction estimates, and other benefits of each project;

(c) The estimated implementation timeline for each project;

(d) A proposed 5-year funding plan for each project and the source and amount of financial assistance the department, a water management district, or other project partner will make available to fund the project; and

(e) The projected costs of installing enhanced nutrient-reducing onsite sewage treatment and disposal systems on buildable lots in priority focus areas to comply with s. 373.811.

(2) By July 1, 2021, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that provides an assessment of the water quality monitoring being conducted for each basin management action plan implementing a nutrient total maximum daily load. In developing the report, the department may coordinate with water management districts and any applicable university. The report must:

(a) Evaluate the water quality monitoring prescribed for each basin management action plan to determine if it is sufficient to detect changes in water quality caused by the implementation of a project.

(b) Identify gaps in water quality monitoring.

(c) Recommend water quality monitoring needs.

(3) Beginning January 1, 2022, and each January 1 thereafter, the department shall submit to the Office of Economic and Demographic Research the cost estimates for projects required in s. 403.067(7)(a)9. The office shall include the project cost estimates in its annual assessment conducted pursuant to s. 403.928.

Section 15. Section 403.0673, Florida Statutes, is created to read:

403.0673 Wastewater grant program.—A wastewater grant program is established within the Department of Environmental Protection.

(1) Subject to the appropriation of funds by the Legislature, the department may provide grants for the following projects within a basin management action plan, an alternative restoration plan adopted by final order, or a rural area of opportunity under s. 288.0656 which will individually or collectively reduce excess nutrient pollution:

(a) Projects to retrofit onsite sewage treatment and disposal systems to upgrade such systems to enhanced nutrient-reducing onsite sewage treatment and disposal systems.

(b) Projects to construct, upgrade, or expand facilities to provide advanced waste treatment, as defined in s. 403.086(4).

(c) Projects to connect onsite sewage treatment and disposal systems to central sewer facilities.

(2) In allocating such funds, priority must be given to projects that subsidize the connection of onsite sewage treatment and disposal systems to wastewater treatment facilities. First priority must be given to subsidize the connection of onsite sewage treatment and disposal systems to existing infrastructure. Second priority must be given to any expansion of a collection or transmission system that promotes efficiency by planning the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way. Third priority must be given to all other connections of onsite sewage treatment and disposal systems to wastewater treatment facilities. The department shall consider the estimated reduction in nutrient load per project; project readiness; the cost-effectiveness of the project; the overall environmental benefit of a project; the location of a project; the availability of local matching funds; and projected water savings or quantity improvements associated with a project.

(3) Each grant for a project described in subsection (1) must require a minimum of a 50 percent local match of funds. However, the department may, at its discretion, waive, in whole or in part, this consideration of the local contribution for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

(4) The department shall coordinate with each water management district, as necessary, to identify grant recipients in each district.

(5) Beginning January 1, 2021, and each January 1 thereafter, the department shall submit a report regarding the projects funded pursuant to this section to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 16. Section 403.0855, Florida Statutes, is created to read:

403.0855 Biosolids management.—

(1) The Legislature finds that it is in the best interest of this state to regulate biosolids management in order to minimize the migration of nutrients that impair water bodies. The Legislature further finds that permitting according to site-specific application conditions, an increased inspection rate, groundwater and surface water monitoring protocols, and nutrient management research will improve biosolids management and assist in protecting this state's water resources and water quality.

(2) The department shall adopt rules for biosolids management. Rules adopted by the department pursuant to this section may not take effect until ratified by the Legislature.

(3) For a new land application site permit or a permit renewal issued after July 1, 2020, the permittee of a biosolids land application site shall:

(a) Ensure a minimum unsaturated soil depth of 2 feet between the depth of biosolids placement and the water table level at the time the Class A or Class B biosolids are applied to the soil. Biosolids may not be applied on soils that have a seasonal high-water table less than 6 inches from the soil surface or within 6 inches of the intended depth of biosolids placement, unless a department-approved nutrient management plan and water quality monitoring plan provide reasonable assurances that the land application of biosolids at the site will not cause or contribute to a violation of the state's surface water quality standards or groundwater standards. As used in this subsection, the term "seasonal high water" means the elevation to which the ground and surface water may be expected to rise due to a normal wet season.

(b) Be enrolled in the Department of Agriculture and Consumer Service's best management practices program or be within an agricultural operation enrolled in the program for the applicable commodity type.

(4) All permits shall comply with the requirements of subsection (3) by July 1, 2022.

(5) New or renewed biosolids land application site or facility permits issued after July 1, 2020, must comply with this section and include a permit condition that requires the permit to be reopened to insert a compliance date of no later than 1 year after the effective date of the rules adopted pursuant to subsection (2). All permits must meet the requirements of the rules adopted pursuant to subsection (2) no later than 2 years after the effective date of such rules.

(6) A municipality or county may enforce or extend a local ordinance, regulation, resolution, rule, moratorium, or policy, any of which was adopted before November 1, 2019, relating to the land application of Class A or Class B biosolids until the ordinance, regulation, resolution, rule, moratorium, or policy is repealed by the municipality or county.

Section 17. Present subsections (7) through (10) of section 403.086, Florida Statutes, are redesignated as subsections (8) through (11), respectively, subsections (1) and (2) are amended, and a new subsection (7) is added to that section, to read:

403.086 Sewage disposal facilities; advanced and secondary waste treatment.—

(1)(a) ~~Neither~~ The Department of Health or ~~nor~~ any other state agency, county, special district, or municipality may not ~~shall~~ approve construction of any sewage disposal facilities ~~for sanitary sewage disposal~~ which do not provide for secondary waste treatment and~~, in addition thereto,~~ advanced waste treatment as deemed necessary and ordered by the department.

(b) Sewage disposal ~~No~~ facilities ~~for sanitary sewage disposal~~ constructed after June 14, 1978, may not ~~shall~~ dispose of any wastes by deep well injection without providing for secondary waste treatment and~~, in addition thereto,~~ advanced waste treatment deemed necessary by the department to protect adequately the beneficial use of the receiving waters.

(c) Notwithstanding ~~any other provisions of~~ this chapter or chapter 373, sewage disposal facilities ~~for sanitary sewage disposal~~ may not dispose of any wastes into Old Tampa Bay, Tampa Bay, Hillsborough Bay, Boca Ciega Bay, St. Joseph Sound, Clearwater Bay, Sarasota Bay, Little Sarasota Bay, Roberts Bay, Lemon Bay, ~~or~~ Charlotte Harbor Bay, or, beginning July 1, 2025, Indian River Lagoon, or into any river, stream, channel, canal, bay, bayou, sound, or other water tributary thereto, without providing advanced waste treatment, as defined in subsection (4), approved by the department. This paragraph does ~~shall~~ not apply to facilities which were permitted by February 1, 1987, and which discharge secondary treated effluent, followed by water hyacinth treatment, to tributaries of tributaries of the named waters; or to facilities permitted to discharge to the nontidally influenced portions of the Peace River.

(d) By December 31, 2020, the department, in consultation with the water management districts and sewage disposal facilities, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a progress report on the status of upgrades made by each facility to meet the advanced waste treatment requirements under paragraph (c). The report must include a list of sewage disposal facilities required to upgrade to advanced waste treatment, the preliminary cost estimates for the upgrades, and a projected timeline of the dates by which the upgrades will begin and be completed and the date by which operations of the upgraded facility will begin.

(2) All sewage disposal ~~Any~~ facilities ~~for sanitary sewage disposal~~ shall provide for secondary waste treatment, a power outage contingency plan that mitigates the impacts of power outages on the utility's collection system and pump stations, and~~, in addition thereto,~~ advanced waste treatment as deemed necessary and ordered by the Department of Environmental Protection. Failure to conform is ~~shall be~~ punishable by a civil penalty of $500 for each 24-hour day or fraction thereof that such failure is allowed to continue thereafter.

(7) All sewage disposal facilities under subsection (2) which control a collection or transmission system of pipes and pumps to collect and transmit wastewater from domestic or industrial sources to the facility shall take steps to prevent sanitary sewer overflows or underground pipe leaks and ensure that collected wastewater reaches the facility for appropriate treatment. Facilities must use inflow and infiltration studies and leakage surveys to develop pipe assessment, repair, and replacement action plans with a 5-year planning horizon that comply with department rule to limit, reduce, and eliminate leaks, seepages, or inputs into wastewater treatment systems' underground pipes. The pipe assessment, repair, and replacement

action plans must be reported to the department. The facility action plans must include information regarding the annual expenditures dedicated to the inflow and infiltration studies and the required replacement action plans; expenditures that are dedicated to pipe assessment, repair, and replacement; and expenditures designed to limit the presence of fats, roots, oils, and grease in the facility's collection system. The department shall adopt rules regarding the implementation of inflow and infiltration studies and leakage surveys; however, such rules may not fix or revise utility rates or budgets. A utility or an operating entity subject to this subsection and s. 403.061(14) may submit one report to comply with both requirements. Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141.

Section 18. Present subsections (4) through (10) of section 403.087, Florida Statutes, are redesignated as subsections (5) through (11), respectively, and a new subsection (4) is added to that section, to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.—

(4) The department shall issue an operation permit for a domestic wastewater treatment facility other than a facility regulated under the National Pollutant Discharge Elimination System Program under s. 403.0885 for a term of up to 10 years if the facility is meeting the stated goals in its action plan adopted pursuant to s. 403.086(7).

Section 19. Present subsections (3) and (4) of section 403.088, Florida Statutes, are redesignated as subsections (4) and (5), respectively, paragraph (c) of subsection (2) is amended, and a new subsection (3) is added to that section, to read:

403.088 Water pollution operation permits; conditions.—

(2)

(c) A permit shall:

1. Specify the manner, nature, volume, and frequency of the discharge permitted;

2. Require proper operation and maintenance of any pollution abatement facility by qualified personnel in accordance with standards established by the department;

3. Require a deliberate, proactive approach to investigating or surveying a significant percentage of the domestic wastewater collection system throughout the duration of the permit to determine pipe integrity, which must be accomplished in an economically feasible manner. The permittee shall submit an annual report to the department which details facility revenues and expenditures in a manner prescribed by department rule. The report must detail any deviation of annual expenditures from identified

system needs related to inflow and infiltration studies; model plans for pipe assessment, repair, and replacement; and pipe assessment, repair, and replacement required under s. 403.086(7). Substantial compliance with this subsection is evidence in mitigation for the purposes of assessing penalties pursuant to ss. 403.121 and 403.141;

4.~~3.~~ Contain such additional conditions, requirements, and restrictions as the department deems necessary to preserve and protect the quality of the receiving waters;

5.~~4.~~ Be valid for the period of time specified therein; and

6.~~5.~~ Constitute the state National Pollutant Discharge Elimination System permit when issued pursuant to the authority in s. 403.0885.

(3) No later than March 1 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which identifies all domestic wastewater treatment facilities that experienced a sanitary sewer overflow in the preceding calendar year. The report must identify the name of the utility or responsible operating entity, permitted capacity in annual average gallons per day, number of overflows, type of water discharged, total volume of sewage released, and, to the extent known and available, volume of sewage recovered, volume of sewage discharged to surface waters, and cause of the sanitary sewer overflow, including whether the overflow was caused by a third party. The department shall include with this report the annual report specified under subparagraph (2)(c)3. for each utility that experienced an overflow.

Section 20. Subsection (6) of section 403.0891, Florida Statutes, is amended to read:

403.0891 State, regional, and local stormwater management plans and programs.—The department, the water management districts, and local governments shall have the responsibility for the development of mutually compatible stormwater management programs.

(6) The department and the Department of Economic Opportunity, in cooperation with local governments in the coastal zone, shall develop a model stormwater management program that could be adopted by local governments. The model program must contain model ordinances that target nutrient reduction practices and use green infrastructure. The model program shall contain dedicated funding options, including a stormwater utility fee system based upon an equitable unit cost approach. Funding options shall be designed to generate capital to retrofit existing stormwater management systems, build new treatment systems, operate facilities, and maintain and service debt.

Section 21. Paragraphs (b) and (g) of subsection (2), paragraph (b) of subsection (3), and subsections (8) and (9) of section 403.121, Florida Statutes, are amended to read:

403.121 Enforcement; procedure; remedies.—The department shall have the following judicial and administrative remedies available to it for violations of this chapter, as specified in s. 403.161(1).

(2) Administrative remedies:

(b) If the department has reason to believe a violation has occurred, it may institute an administrative proceeding to order the prevention, abatement, or control of the conditions creating the violation or other appropriate corrective action. Except for violations involving hazardous wastes, asbestos, or underground injection, the department shall proceed administratively in all cases in which the department seeks administrative penalties that do not exceed $50,000 ~~$10,000~~ per assessment as calculated in accordance with subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C. s. 300g-2, the administrative penalty assessed pursuant to subsection (3), subsection (4), or subsection (5) against a public water system serving a population of more than 10,000 may not ~~shall~~ be ~~not~~ less than $1,000 per day per violation. The department may ~~shall~~ not impose administrative penalties in excess of $50,000 ~~$10,000~~ in a notice of violation. The department may ~~shall~~ not have more than one notice of violation seeking administrative penalties pending against the same party at the same time unless the violations occurred at a different site or the violations were discovered by the department subsequent to the filing of a previous notice of violation.

(g) This subsection does not prevent ~~Nothing herein shall be construed as preventing~~ any other legal or administrative action in accordance with law and does not. ~~Nothing in this subsection shall~~ limit the department's authority provided in s. ~~ss.~~ 403.131, s. 403.141, and this section to judicially pursue injunctive relief. When the department exercises its authority to judicially pursue injunctive relief, penalties in any amount up to the statutory maximum sought by the department must be pursued as part of the state court action and not by initiating a separate administrative proceeding. The department retains the authority to judicially pursue penalties in excess of $50,000 ~~$10,000~~ for violations not specifically included in the administrative penalty schedule, or for multiple or multiday violations alleged to exceed a total of $50,000 ~~$10,000~~. The department also retains the authority provided in ss. 403.131, 403.141, and this section to judicially pursue injunctive relief and damages, if a notice of violation seeking the imposition of administrative penalties has not been issued. The department has the authority to enter into a settlement, ~~either~~ before or after initiating a notice of violation, and the settlement may include a penalty amount different from the administrative penalty schedule. Any case filed in state court because it is alleged to exceed a total of $50,000 ~~$10,000~~ in penalties may be settled in the court action for less than $50,000 ~~$10,000~~.

(3) Except for violations involving hazardous wastes, asbestos, or underground injection, administrative penalties must be calculated according to the following schedule:

(b) For failure to obtain a required wastewater permit, other than a permit required for surface water discharge, the department shall assess a penalty of $2,000 ~~$1,000~~. For a domestic or industrial wastewater violation not involving a surface water or groundwater quality violation, the department shall assess a penalty of $4,000 ~~$2,000~~ for an unpermitted or unauthorized discharge or effluent-limitation exceedance or for failure to comply with s. 403.061(14) or s. 403.086(7) or rules adopted thereunder. For an unpermitted or unauthorized discharge or effluent-limitation exceedance that resulted in a surface water or groundwater quality violation, the department shall assess a penalty of $10,000 ~~$5,000~~.

(8) The direct economic benefit gained by the violator from the violation, where consideration of economic benefit is provided by Florida law or required by federal law as part of a federally delegated or approved program, must ~~shall~~ be added to the scheduled administrative penalty. The total administrative penalty, including any economic benefit added to the scheduled administrative penalty, may ~~shall~~ not exceed $10,000.

(9) The administrative penalties assessed for any particular violation may ~~shall~~ not exceed $10,000 ~~$5,000~~ against any one violator, unless the violator has a history of noncompliance, the economic benefit of the violation as described in subsection (8) exceeds $10,000 ~~$5,000~~, or there are multiday violations. The total administrative penalties may ~~shall~~ not exceed $50,000 ~~$10,000~~ per assessment for all violations attributable to a specific person in the notice of violation.

Section 22. Subsection (7) of section 403.1835, Florida Statutes, is amended to read:

403.1835 Water pollution control financial assistance.—

(7) Eligible projects must be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. The relative costs of achieving environmental and public health benefits must be taken into consideration during the department's assignment of project priorities. The department shall adopt a priority system by rule. In developing the priority system, the department shall give priority to projects that:

(a) Eliminate public health hazards;

(b) Enable compliance with laws requiring the elimination of discharges to specific water bodies, including the requirements of s. 403.086(10) ~~s. 403.086(9)~~ regarding domestic wastewater ocean outfalls;

(c) Assist in the implementation of total maximum daily loads adopted under s. 403.067;

(d) Enable compliance with other pollution control requirements, including, but not limited to, toxics control, wastewater residuals management, and reduction of nutrients and bacteria;

(e) Assist in the implementation of surface water improvement and management plans and pollutant load reduction goals developed under state water policy;

(f) Promote reclaimed water reuse;

(g) Eliminate failing onsite sewage treatment and disposal systems or those that are causing environmental damage; ~~or~~

(h) Reduce pollutants to and otherwise promote the restoration of Florida's surface and ground waters;~~.~~

(i) Implement the requirements of s. 403.086(7) or s. 403.088(2)(c); or

(j) Promote efficiency by planning for the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way.

Section 23. Paragraph (b) of subsection (3) of section 403.1838, Florida Statutes, is amended to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(3)

(b) The rules of the Environmental Regulation Commission must:

1. Require that projects to plan, design, construct, upgrade, or replace wastewater collection, transmission, treatment, disposal, and reuse facilities be cost-effective, environmentally sound, permittable, and implementable.

2. Require appropriate user charges, connection fees, and other charges sufficient to ensure the long-term operation, maintenance, and replacement of the facilities constructed under each grant.

3. Require grant applications to be submitted on appropriate forms with appropriate supporting documentation, and require records to be maintained.

4. Establish a system to determine eligibility of grant applications.

5. Establish a system to determine the relative priority of grant applications. The system must consider public health protection and water pollution prevention or abatement and must prioritize projects that plan for the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way.

6. Establish requirements for competitive procurement of engineering and construction services, materials, and equipment.

7. Provide for termination of grants when program requirements are not met.

Section 24. Subsection (9) is added to section 403.412, Florida Statutes, to read:

403.412 Environmental Protection Act.—

(9)(a) A local government regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law may not recognize or grant any legal rights to a plant, an animal, a body of water, or any other part of the natural environment that is not a person or political subdivision as defined in s. 1.01(8) or grant such person or political subdivision any specific rights relating to the natural environment not otherwise authorized in general law or specifically granted in the State Constitution.

(b) This subsection does not limit the power of an adversely affected party to challenge the consistency of a development order with a comprehensive plan as provided in s. 163.3215 or to file an action for injunctive relief to enforce the terms of a development agreement or challenge compliance of the agreement as provided in s. 163.3243.

(c) This subsection does not limit the standing of the Department of Legal Affairs, a political subdivision or municipality of the state, or a citizen of the state to maintain an action for injunctive relief as provided in this section.

Section 25. The Legislature determines and declares that this act fulfills an important state interest.

Section 26. Effective July 1, 2021, subsection (5) of section 153.54, Florida Statutes, is amended to read:

153.54 Preliminary report by county commissioners with respect to creation of proposed district.—Upon receipt of a petition duly signed by not less than 25 qualified electors who are also freeholders residing within an area proposed to be incorporated into a water and sewer district pursuant to this law and describing in general terms the proposed boundaries of such proposed district, the board of county commissioners if it shall deem it necessary and advisable to create and establish such proposed district for the purpose of constructing, establishing or acquiring a water system or a sewer system or both in and for such district (herein called "improvements"), shall first cause a preliminary report to be made which such report together with any other relevant or pertinent matters, shall include at least the following:

(5) For the construction of a new proposed central sewerage system or the extension of an existing sewerage system that was not previously

approved, the report shall include a study that includes the available information from the Department of Environmental Protection ~~Health~~ on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection ~~Health~~ and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority.

Such report shall be filed in the office of the clerk of the circuit court and shall be open for the inspection of any taxpayer, property owner, qualified elector or any other interested or affected person.

Section 27. Effective July 1, 2021, paragraph (c) of subsection (2) of section 153.73, Florida Statutes, is amended to read:

153.73 Assessable improvements; levy and payment of special assessments.—Any district may provide for the construction or reconstruction of assessable improvements as defined in s. 153.52, and for the levying of special assessments upon benefited property for the payment thereof, under ~~the provisions of~~ this section.

(2)

(c) For the construction of a new proposed central sewerage system or the extension of an existing sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection ~~Health~~ on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection ~~Health~~ and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority.

Section 28. Effective July 1, 2021, subsection (2) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Environmental Protection ~~Health~~ to serve new development.

Section 29. Effective July 1, 2021, subsection (3) of section 180.03, Florida Statutes, is amended to read:

180.03 Resolution or ordinance proposing construction or extension of utility; objections to same.—

(3) For the construction of a new proposed central sewerage system or the extension of an existing central sewerage system that was not previously approved, the report shall include a study that includes the available information from the Department of Environmental Protection ~~Health~~ on the history of onsite sewage treatment and disposal systems currently in use in the area and a comparison of the projected costs to the owner of a typical lot or parcel of connecting to and using the proposed central sewerage system versus installing, operating, and properly maintaining an onsite sewage treatment and disposal system that is approved by the Department of Environmental Protection ~~Health~~ and that provides for the comparable level of environmental and health protection as the proposed central sewerage system; consideration of the local authority's obligations or reasonably anticipated obligations for water body cleanup and protection under state or federal programs, including requirements for water bodies listed under s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.; and other factors deemed relevant by the local authority. The results of such a study shall be included in the resolution or ordinance required under subsection (1).

Section 30. Subsections (2), (3), and (6) of section 311.105, Florida Statutes, are amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(2) Each application for a permit authorized pursuant to s. 403.061(38) ~~s. 403.061(37)~~ must include:

(a) A description of maintenance dredging activities to be conducted and proposed methods of dredged-material management.

(b) A characterization of the materials to be dredged and the materials within dredged-material management sites.

(c) A description of dredged-material management sites and plans.

(d) A description of measures to be undertaken, including environmental compliance monitoring, to minimize adverse environmental effects of maintenance dredging and dredged-material management.

(e) Such scheduling information as is required to facilitate state supplementary funding of federal maintenance dredging and dredged-material management programs consistent with beach restoration criteria of the Department of Environmental Protection.

(3) Each application for a permit authorized pursuant to s. 403.061(39) ~~s. 403.061(38)~~ must include ~~the provisions of~~ paragraphs (2)(b)-(e) and the following:

(a) A description of dredging and dredged-material management and other related activities associated with port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(b) A discussion of environmental mitigation as is proposed for dredging and dredged-material management for port development, including the expansion of navigation channels, dredged-material management sites, port harbors, turning basins, harbor berths, and associated facilities.

(6) Dredged-material management activities authorized pursuant to s. 403.061(38) ~~s. 403.061(37)~~ or s. 403.061(39) ~~(38)~~ shall be incorporated into port master plans developed pursuant to s. 163.3178(2)(k).

Section 31. Paragraph (d) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

(d) Owners of private submerged lands that are adjacent to Outstanding Florida Waters, as defined in s. 403.061(28) ~~s. 403.061(27)~~, or an aquatic preserve established under ss. 258.39-258.399 may request that the commission establish boating-restricted areas solely to protect any seagrass

and contiguous seagrass habitat within their private property boundaries from seagrass scarring due to propeller dredging. Owners making a request pursuant to this paragraph must demonstrate to the commission clear ownership of the submerged lands. The commission shall adopt rules to implement this paragraph, including, but not limited to, establishing an application process and criteria for meeting the requirements of this paragraph. Each approved boating-restricted area shall be established by commission rule. For marking boating-restricted zones established pursuant to this paragraph, owners of privately submerged lands shall apply to the commission for a uniform waterway marker permit in accordance with ss. 327.40 and 327.41, and shall be responsible for marking the boating-restricted zone in accordance with the terms of the permit.

Section 32. Paragraph (d) of subsection (3) of section 373.250, Florida Statutes, is amended to read:

373.250 Reuse of reclaimed water.—

(3)

(d) The South Florida Water Management District shall require the use of reclaimed water made available by the elimination of wastewater ocean outfall discharges as provided for in s. 403.086(10) ~~s. 403.086(9)~~ in lieu of surface water or groundwater when the use of reclaimed water is available; is environmentally, economically, and technically feasible; and is of such quality and reliability as is necessary to the user. Such reclaimed water may also be required in lieu of other alternative sources. In determining whether to require such reclaimed water in lieu of other alternative sources, the water management district shall consider existing infrastructure investments in place or obligated to be constructed by an executed contract or similar binding agreement as of July 1, 2011, for the development of other alternative sources.

Section 33. Subsection (9) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.

(9) The department and the governing boards, on or before July 1, 1994, shall adopt rules to incorporate ~~the provisions of~~ this section, relying primarily on the existing rules of the department and the water management districts, into the rules governing the management and storage of surface waters. Such rules shall seek to achieve a statewide, coordinated and consistent permitting approach to activities regulated under this part. Variations in permitting criteria in the rules of individual water management districts or the department shall only be provided to address differing physical or natural characteristics. Such rules adopted pursuant to this subsection shall include the special criteria adopted pursuant to s. 403.061(30) ~~s. 403.061(29)~~ and may include the special criteria adopted pursuant to s. 403.061(35) ~~s. 403.061(34)~~. Such rules shall include a

provision requiring that a notice of intent to deny or a permit denial based upon this section shall contain an explanation of the reasons for such denial and an explanation, in general terms, of what changes, if any, are necessary to address such reasons for denial. Such rules may establish exemptions and general permits, if such exemptions and general permits do not allow significant adverse impacts to occur individually or cumulatively. Such rules may require submission of proof of financial responsibility which may include the posting of a bond or other form of surety prior to the commencement of construction to provide reasonable assurance that any activity permitted pursuant to this section, including any mitigation for such permitted activity, will be completed in accordance with the terms and conditions of the permit once the construction is commenced. Until rules adopted pursuant to this subsection become effective, existing rules adopted under this part and rules adopted pursuant to the authority of ss. 403.91-403.929 shall be deemed authorized under this part and shall remain in full force and effect. Neither the department nor the governing boards are limited or prohibited from amending any such rules.

Section 34. Paragraph (b) of subsection (4) of section 373.705, Florida Statutes, is amended to read:

373.705 Water resource development; water supply development.—

(4)

(b) Water supply development projects that meet the criteria in paragraph (a) and that meet one or more of the following additional criteria shall be given first consideration for state or water management district funding assistance:

1. The project brings about replacement of existing sources in order to help implement a minimum flow or minimum water level;

2. The project implements reuse that assists in the elimination of domestic wastewater ocean outfalls as provided in s. 403.086(10) ~~s. 403.086(9)~~; or

3. The project reduces or eliminates the adverse effects of competition between legal users and the natural system.

Section 35. Paragraph (f) of subsection (8) of section 373.707, Florida Statutes, is amended to read:

373.707 Alternative water supply development.—

(8)

(f) The governing boards shall determine those projects that will be selected for financial assistance. The governing boards may establish factors to determine project funding; however, significant weight shall be given to the following factors:

1. Whether the project provides substantial environmental benefits by preventing or limiting adverse water resource impacts.

2. Whether the project reduces competition for water supplies.

3. Whether the project brings about replacement of traditional sources in order to help implement a minimum flow or level or a reservation.

4. Whether the project will be implemented by a consumptive use permittee that has achieved the targets contained in a goal-based water conservation program approved pursuant to s. 373.227.

5. The quantity of water supplied by the project as compared to its cost.

6. Projects in which the construction and delivery to end users of reuse water is a major component.

7. Whether the project will be implemented by a multijurisdictional water supply entity or regional water supply authority.

8. Whether the project implements reuse that assists in the elimination of domestic wastewater ocean outfalls as provided in s. 403.086(10) ~~s. 403.086(9)~~.

9. Whether the county or municipality, or the multiple counties or municipalities, in which the project is located has implemented a high-water recharge protection tax assessment program as provided in s. 193.625.

Section 36. Subsection (4) of section 373.709, Florida Statutes, is amended to read:

373.709 Regional water supply planning.—

(4) The South Florida Water Management District shall include in its regional water supply plan water resource and water supply development projects that promote the elimination of wastewater ocean outfalls as provided in s. 403.086(10) ~~s. 403.086(9)~~.

Section 37. Effective July 1, 2021, subsection (3) of section 373.807, Florida Statutes, is amended to read:

373.807 Protection of water quality in Outstanding Florida Springs.—By July 1, 2016, the department shall initiate assessment, pursuant to s. 403.067(3), of Outstanding Florida Springs or spring systems for which an impairment determination has not been made under the numeric nutrient standards in effect for spring vents. Assessments must be completed by July 1, 2018.

(3) As part of a basin management action plan that includes an Outstanding Florida Spring, the department, ~~the Department of Health,~~ relevant local governments, and relevant local public and private wastewater utilities shall develop an onsite sewage treatment and disposal system

remediation plan for a spring if the department determines onsite sewage treatment and disposal systems within a priority focus area contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve the total maximum daily load. The plan shall identify cost-effective and financially feasible projects necessary to reduce the nutrient impacts from onsite sewage treatment and disposal systems and shall be completed and adopted as part of the basin management action plan no later than the first 5-year milestone required by subparagraph (1)(b)8. The department is the lead agency in coordinating the preparation of and the adoption of the plan. The department shall:

(a) Collect and evaluate credible scientific information on the effect of nutrients, particularly forms of nitrogen, on springs and springs systems; and

(b) Develop a public education plan to provide area residents with reliable, understandable information about onsite sewage treatment and disposal systems and springs.

In addition to the requirements in s. 403.067, the plan shall include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for an onsite sewage treatment and disposal system or group of systems within a priority focus area that contribute at least 20 percent of nonpoint source nitrogen pollution or if the department determines remediation is necessary to achieve a total maximum daily load. For these systems, the department shall include in the plan a priority ranking for each system or group of systems that requires remediation and shall award funds to implement the remediation projects contingent on an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, initial connection to a central sewerage system, or other action. In awarding funds, the department may consider expected nutrient reduction benefit per unit cost, size and scope of project, relative local financial contribution to the project, and the financial impact on property owners and the community. The department may waive matching funding requirements for proposed projects within an area designated as a rural area of opportunity under s. 288.0656.

Section 38. Paragraph (k) of subsection (1) of section 376.307, Florida Statutes, is amended to read:

376.307 Water Quality Assurance Trust Fund.—

(1) The Water Quality Assurance Trust Fund is intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare. Moneys in this fund may be used:

(k) For funding activities described in s. 403.086(10) ~~s. 403.086(9)~~ which are authorized for implementation under the Leah Schad Memorial Ocean Outfall Program.

Section 39. Paragraph (i) of subsection (2), paragraph (b) of subsection (4), paragraph (j) of subsection (7), and paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, are amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

(i) Protect and improve the nearshore water quality of the Florida Keys through federal, state, and local funding of water quality improvement projects, including the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11) ~~403.086(10)~~, as applicable.

(4) REMOVAL OF DESIGNATION.—

(b) Beginning November 30, 2010, the state land planning agency shall annually submit a written report to the Administration Commission describing the progress of the Florida Keys Area toward completing the work program tasks specified in commission rules. The land planning agency shall recommend removing the Florida Keys Area from being designated as an area of critical state concern to the commission if it determines that:

1. All of the work program tasks have been completed, including construction of, operation of, and connection to central wastewater management facilities pursuant to s. 403.086(11) ~~s. 403.086(10)~~ and upgrade of onsite sewage treatment and disposal systems pursuant to s. 381.0065(4)(l);

2. All local comprehensive plans and land development regulations and the administration of such plans and regulations are adequate to protect the Florida Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent with and further the principles guiding development; and

3. A local government has adopted a resolution at a public hearing recommending the removal of the designation.

(7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which is adopted and incorporated herein by reference. For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole

and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(11) ~~403.086(10)~~, as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) ~~s. 403.086(10)~~ for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency.

Section 40. Effective July 1, 2021, subsections (7) and (18) of section 381.006, Florida Statutes, are amended to read:

381.006 Environmental health.—The department shall conduct an environmental health program as part of fulfilling the state's public health mission. The purpose of this program is to detect and prevent disease caused by natural and manmade factors in the environment. The environmental health program shall include, but not be limited to:

~~(7) An onsite sewage treatment and disposal function.~~

(17)~~(18)~~ A food service inspection function for domestic violence centers that are certified by the Department of Children and Families and monitored by the Florida Coalition Against Domestic Violence under part XII of chapter 39 and group care homes as described in subsection (15) ~~(16)~~, which shall be conducted annually and be limited to the requirements in department rule applicable to community-based residential facilities with five or fewer residents.

The department may adopt rules to carry out the provisions of this section.

Section 41. Effective July 1, 2021, subsection (1) of section 381.0061, Florida Statutes, is amended to read:

381.0061 Administrative fines.—

(1) In addition to any administrative action authorized by chapter 120 or by other law, the department may impose a fine, which may ~~shall~~ not exceed $500 for each violation, for a violation of s. 381.006(15) ~~s. 381.006(16)~~, s. 381.0065, s. 381.0066, s. 381.0072, or part III of chapter 489, for a violation of any rule adopted under this chapter, or for a violation of ~~any of the provisions of~~ chapter 386. Notice of intent to impose such fine shall be given by the department to the alleged violator. Each day that a violation continues may constitute a separate violation.

Section 42. Effective July 1, 2021, subsection (1) of section 381.0064, Florida Statutes, is amended to read:

381.0064 Continuing education courses for persons installing or servicing septic tanks.—

(1) The Department of Environmental Protection ~~Health~~ shall establish a program for continuing education which meets the purposes of ss. 381.0101 and 489.554 regarding the public health and environmental effects of onsite sewage treatment and disposal systems and any other matters the department determines desirable for the safe installation and use of onsite sewage treatment and disposal systems. The department may charge a fee to cover the cost of such program.

Section 43. Effective July 1, 2021, paragraph (d) of subsection (7), subsection (8), and paragraphs (b), (c), and (d) of subsection (9) of section 381.00651, Florida Statutes, are amended to read:

381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.—

(7) The following procedures shall be used for conducting evaluations:

(d) *Assessment procedure.*—All evaluation procedures used by a qualified contractor shall be documented in the environmental health database of the Department of Environmental Protection ~~Health~~. The qualified contractor shall provide a copy of a written, signed evaluation report to the

property owner upon completion of the evaluation and to the county health department within 30 days after the evaluation. The report must ~~shall~~ contain the name and license number of the company providing the report. A copy of the evaluation report shall be retained by the local county health department for a minimum of 5 years and until a subsequent inspection report is filed. The front cover of the report must identify any system failure and include a clear and conspicuous notice to the owner that the owner has a right to have any remediation of the failure performed by a qualified contractor other than the contractor performing the evaluation. The report must further identify any crack, leak, improper fit, or other defect in the tank, manhole, or lid, and any other damaged or missing component; any sewage or effluent visible on the ground or discharging to a ditch or other surface water body; any downspout, stormwater, or other source of water directed onto or toward the system; and any other maintenance need or condition of the system at the time of the evaluation which, in the opinion of the qualified contractor, would possibly interfere with or restrict any future repair or modification to the existing system. The report shall conclude with an overall assessment of the fundamental operational condition of the system.

(8) The county health department, in coordination with the department, shall administer any evaluation program on behalf of a county, or a municipality within the county, that has adopted an evaluation program pursuant to this section. In order to administer the evaluation program, the county or municipality, in consultation with the county health department, may develop a reasonable fee schedule to be used solely to pay for the costs of administering the evaluation program. Such a fee schedule shall be identified in the ordinance that adopts the evaluation program. When arriving at a reasonable fee schedule, the estimated annual revenues to be derived from fees may not exceed reasonable estimated annual costs of the program. Fees shall be assessed to the system owner during an inspection and separately identified on the invoice of the qualified contractor. Fees shall be remitted by the qualified contractor to the county health department. The county health department's administrative responsibilities include the following:

(a) Providing a notice to the system owner at least 60 days before the system is due for an evaluation. The notice may include information on the proper maintenance of onsite sewage treatment and disposal systems.

(b) In consultation with the department ~~of Health~~, providing uniform disciplinary procedures and penalties for qualified contractors who do not comply with the requirements of the adopted ordinance, including, but not limited to, failure to provide the evaluation report as required in this subsection to the system owner and the county health department. Only the county health department may assess penalties against system owners for failure to comply with the adopted ordinance, consistent with existing requirements of law.

(9)

(b) Upon receipt of the notice under paragraph (a), the department ~~of Environmental Protection~~ shall, within existing resources, notify the county or municipality of the potential use of, and access to, program funds under the Clean Water State Revolving Fund or s. 319 of the Clean Water Act, provide guidance in the application process to receive such moneys, and provide advice and technical assistance to the county or municipality on how to establish a low-interest revolving loan program or how to model a revolving loan program after the low-interest loan program of the Clean Water State Revolving Fund. This paragraph does not obligate the department ~~of Environmental Protection~~ to provide any county or municipality with money to fund such programs.

(c) The department ~~of Health~~ may not adopt any rule that alters ~~the provisions of~~ this section.

(d) The department ~~of Health~~ must allow county health departments and qualified contractors access to the environmental health database to track relevant information and assimilate data from assessment and evaluation reports of the overall condition of onsite sewage treatment and disposal systems. The environmental health database must be used by contractors to report each service and evaluation event and by a county health department to notify owners of onsite sewage treatment and disposal systems when evaluations are due. Data and information must be recorded and updated as service and evaluations are conducted and reported.

Section 44. Effective July 1, 2021, paragraph (g) of subsection (1) of section 381.0101, Florida Statutes, is amended to read:

381.0101 Environmental health professionals.—

(1) DEFINITIONS.—As used in this section:

(g) "Primary environmental health program" means those programs determined by the department to be essential for providing basic environmental and sanitary protection to the public. At a minimum, these programs shall include food protection program work ~~and onsite sewage treatment and disposal system evaluations~~.

Section 45. Section 403.08601, Florida Statutes, is amended to read:

403.08601 Leah Schad Memorial Ocean Outfall Program.—The Legislature declares that as funds become available the state may assist the local governments and agencies responsible for implementing the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.086(10) ~~s. 403.086(9)~~. Funds received from other sources provided for in law, the General Appropriations Act, from gifts designated for implementation of the plan from individuals, corporations, or other entities, or federal funds appropriated by Congress for implementation of the plan, may be deposited into an account of the Water Quality Assurance Trust Fund.

Section 46. Section 403.0871, Florida Statutes, is amended to read:

403.0871 Florida Permit Fee Trust Fund.—There is established within the department a nonlapsing trust fund to be known as the "Florida Permit Fee Trust Fund." All funds received from applicants for permits pursuant to ss. 161.041, 161.053, 161.0535, 403.087(7) ~~403.087(6)~~, and 403.861(7)(a) shall be deposited in the Florida Permit Fee Trust Fund and shall be used by the department with the advice and consent of the Legislature to supplement appropriations and other funds received by the department for the administration of its responsibilities under this chapter and chapter 161. In no case shall funds from the Florida Permit Fee Trust Fund be used for salary increases without the approval of the Legislature.

Section 47. Paragraph (a) of subsection (11) of section 403.0872, Florida Statutes, is amended to read:

403.0872 Operation permits for major sources of air pollution; annual operation license fee.—Provided that program approval pursuant to 42 U.S.C. s. 7661a has been received from the United States Environmental Protection Agency, beginning January 2, 1995, each major source of air pollution, including electrical power plants certified under s. 403.511, must obtain from the department an operation permit for a major source of air pollution under this section. This operation permit is the only department operation permit for a major source of air pollution required for such source; provided, at the applicant's request, the department shall issue a separate acid rain permit for a major source of air pollution that is an affected source within the meaning of 42 U.S.C. s. 7651a(1). Operation permits for major sources of air pollution, except general permits issued pursuant to s. 403.814, must be issued in accordance with the procedures contained in this section and in accordance with chapter 120; however, to the extent that chapter 120 is inconsistent with ~~the provisions of~~ this section, the procedures contained in this section prevail.

(11) Each major source of air pollution permitted to operate in this state must pay between January 15 and April 1 of each year, upon written notice from the department, an annual operation license fee in an amount determined by department rule. The annual operation license fee shall be terminated immediately in the event the United States Environmental Protection Agency imposes annual fees solely to implement and administer the major source air-operation permit program in Florida under 40 C.F.R. s. 70.10(d).

(a) The annual fee must be assessed based upon the source's previous year's emissions and must be calculated by multiplying the applicable annual operation license fee factor times the tons of each regulated air pollutant actually emitted, as calculated in accordance with the department's emissions computation and reporting rules. The annual fee shall only apply to those regulated pollutants, except carbon monoxide and greenhouse gases, for which an allowable numeric emission limiting standard is specified in the source's most recent construction or operation permit; provided, however, that:

1. The license fee factor is $25 or another amount determined by department rule which ensures that the revenue provided by each year's operation license fees is sufficient to cover all reasonable direct and indirect costs of the major stationary source air-operation permit program established by this section. The license fee factor may be increased beyond $25 only if the secretary of the department affirmatively finds that a shortage of revenue for support of the major stationary source air-operation permit program will occur in the absence of a fee factor adjustment. The annual license fee factor may never exceed $35.

2. The amount of each regulated air pollutant in excess of 4,000 tons per year emitted by any source, or group of sources belonging to the same Major Group as described in the Standard Industrial Classification Manual, 1987, may not be included in the calculation of the fee. Any source, or group of sources, which does not emit any regulated air pollutant in excess of 4,000 tons per year, is allowed a one-time credit not to exceed 25 percent of the first annual licensing fee for the prorated portion of existing air-operation permit application fees remaining upon commencement of the annual licensing fees.

3. If the department has not received the fee by March 1 of the calendar year, the permittee must be sent a written warning of the consequences for failing to pay the fee by April 1. If the fee is not postmarked by April 1 of the calendar year, the department shall impose, in addition to the fee, a penalty of 50 percent of the amount of the fee, plus interest on such amount computed in accordance with s. 220.807. The department may not impose such penalty or interest on any amount underpaid, provided that the permittee has timely remitted payment of at least 90 percent of the amount determined to be due and remits full payment within 60 days after receipt of notice of the amount underpaid. The department may waive the collection of underpayment and may ~~shall~~ not be required to refund overpayment of the fee, if the amount due is less than 1 percent of the fee, up to $50. The department may revoke any major air pollution source operation permit if it finds that the permitholder has failed to timely pay any required annual operation license fee, penalty, or interest.

4. Notwithstanding the computational provisions of this subsection, the annual operation license fee for any source subject to this section may ~~shall~~ not be less than $250, except that the annual operation license fee for sources permitted solely through general permits issued under s. 403.814 may ~~shall~~ not exceed $50 per year.

5. Notwithstanding s. 403.087(7)(a)5.a., which authorizes ~~the provisions of s. 403.087(6)(a)5.a., authorizing~~ air pollution construction permit fees, the department may not require such fees for changes or additions to a major source of air pollution permitted pursuant to this section, unless the activity triggers permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a. Costs to issue and administer such permits shall be considered direct and indirect costs of the major stationary source air-operation permit program under s. 403.0873. The department shall, however, require fees pursuant to s. 403.087(7)(a)5.a.

~~the provisions of s. 403.087(6)(a)5.a.~~ for the construction of a new major source of air pollution that will be subject to the permitting requirements of this section once constructed and for activities triggering permitting requirements under Title I, Part C or Part D, of the federal Clean Air Act, 42 U.S.C. ss. 7470-7514a.

Section 48. Paragraph (d) of subsection (3) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(3)

(d) The department may adopt rules to administer this subsection. However, the department is not required to submit such rules to the Environmental Regulation Commission for approval. Notwithstanding the limitations of s. 403.087(7)(a) ~~s. 403.087(6)(a)~~, permit fee caps for solid waste management facilities shall be prorated to reflect the extended permit term authorized by this subsection.

Section 49. Subsections (8) and (21) of section 403.861, Florida Statutes, are amended to read:

403.861 Department; powers and duties.—The department shall have the power and the duty to carry out the provisions and purposes of this act and, for this purpose, to:

(8) Initiate rulemaking to increase each drinking water permit application fee authorized under s. 403.087(7) ~~s. 403.087(6)~~ and this part and adopted by rule to ensure that such fees are increased to reflect, at a minimum, any upward adjustment in the Consumer Price Index compiled by the United States Department of Labor, or similar inflation indicator, since the original fee was established or most recently revised.

(a) The department shall establish by rule the inflation index to be used for this purpose. The department shall review the drinking water permit application fees authorized under s. 403.087(7) ~~s. 403.087(6)~~ and this part at least once every 5 years and shall adjust the fees upward, as necessary, within the established fee caps to reflect changes in the Consumer Price Index or similar inflation indicator. In the event of deflation, the department shall consult with the Executive Office of the Governor and the Legislature to determine whether downward fee adjustments are appropriate based on the current budget and appropriation considerations. The department shall also review the drinking water operation license fees established pursuant to paragraph (7)(b) at least once every 5 years to adopt, as necessary, the same inflationary adjustments provided for in this subsection.

(b) The minimum fee amount shall be the minimum fee prescribed in this section, and such fee amount shall remain in effect until the effective date of fees adopted by rule by the department.

(21)(a) Upon issuance of a construction permit to construct a new public water system drinking water treatment facility to provide potable water supply using a surface water that, at the time of the permit application, is not being used as a potable water supply, and the classification of which does not include potable water supply as a designated use, the department shall add treated potable water supply as a designated use of the surface water segment in accordance with s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

(b) For existing public water system drinking water treatment facilities that use a surface water as a treated potable water supply, which surface water classification does not include potable water supply as a designated use, the department shall add treated potable water supply as a designated use of the surface water segment in accordance with s. 403.061(30)(b) ~~s. 403.061(29)(b)~~.

Section 50. Effective July 1, 2021, subsection (1) of section 489.551, Florida Statutes, is amended to read:

489.551 Definitions.—As used in this part:

(1) "Department" means the Department of Environmental Protection ~~Health~~.

Section 51. Paragraph (b) of subsection (10) of section 590.02, Florida Statutes, is amended to read:

590.02 Florida Forest Service; powers, authority, and duties; liability; building structures; Withlacoochee Training Center.—

(10)

(b) The Florida Forest Service may delegate to a county, municipality, or special district its authority:

1. As delegated by the Department of Environmental Protection pursuant to ss. 403.061(29) ~~ss. 403.061(28)~~ and 403.081, to manage and enforce regulations pertaining to the burning of yard trash in accordance with s. 590.125(6).

2. To manage the open burning of land clearing debris in accordance with s. 590.125.

Section 52. The Division of Law Revision is directed to replace the phrase "before the rules identified in paragraph (e) take effect" as it is used in the amendment made by this act to s. 381.0065(4)(f), Florida Statutes, with the date such rules are adopted, as provided by the Department of Environmental Protection pursuant to s. 381.0065(4)(e), Florida Statutes, as amended by this act.

Section 53. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

Approved by the Governor June 30, 2020.

Filed in Office Secretary of State June 30, 2020.

CHAPTER 2020-58

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 1066

An act relating to impact fees; amending s. 163.31801, F.S.; prohibiting new or increased impact fees from applying to certain applications; providing that impact fee credits are assignable and transferable under certain conditions; providing an effective date.

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

Section 1. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) At a minimum, an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must satisfy all of the following conditions:

(a) The calculation of the impact fee must be based on the most recent and localized data.

(b) The local government must provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) Administrative charges for the collection of impact fees must be limited to actual costs.

(d) The local government must provide notice not less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate an impact fee. Unless the result is to reduce the total mitigation costs or impact fees imposed on an applicant, new

or increased impact fees may not apply to current or pending permit applications submitted before the effective date of an ordinance or resolution imposing a new or increased impact fee.

(e) Collection of the impact fee may not be required to occur earlier than the date of issuance of the building permit for the property that is subject to the fee.

(f) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) The impact fee must be proportional and reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.

(h) The local government must specifically earmark funds collected under the impact fee for use in acquiring, constructing, or improving capital facilities to benefit new users.

(i) Revenues generated by the impact fee may not be used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.

(4) Notwithstanding any charter provision, comprehensive plan policy, ordinance, or resolution, the local government must credit against the collection of the impact fee any contribution, whether identified in a proportionate share agreement or other form of exaction, related to public education facilities, including land dedication, site planning and design, or construction. Any contribution must be applied to reduce any education-based impact fees on a dollar-for-dollar basis at fair market value.

(5) If a local government increases its impact fee rates, the holder of any impact fee credits, whether such credits are granted under s. 163.3180, s. 380.06, or otherwise, which were in existence before the increase, is entitled to the full benefit of the intensity or density prepaid by the credit balance as of the date it was first established. This subsection shall operate prospectively and not retrospectively.

(6) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(7) In any action challenging an impact fee or the government's failure to provide required dollar-for-dollar credits for the payment of impact fees as

provided in s. 163.3180(6)(h)2.b., the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee or credit meets the requirements of state legal precedent and this section. The court may not use a deferential standard for the benefit of the government.

(8) Impact fee credits are assignable and transferable at any time after establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and receives benefits from the improvement or contribution that generated the credits.

(9)~~(8)~~ A county, municipality, or special district may provide an exception or waiver for an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071. If a county, municipality, or special district provides such an exception or waiver, it is not required to use any revenues to offset the impact.

(10)~~(9)~~ This section does not apply to water and sewer connection fees.

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

Approved by the Governor June 20, 2020.

Filed in Office Secretary of State June 20, 2020.

CHAPTER 2020-119

Committee Substitute for
Committee Substitute for Senate Bill No. 178

An act relating to public financing of construction projects; creating s. 161.551, F.S.; defining terms; prohibiting state-financed constructors from commencing construction of certain structures in coastal areas after a specified date without first taking certain steps regarding a sea level impact projection study; requiring the Department of Environmental Protection to develop by rule a standard for such studies; providing that such rule operates prospectively on projects that have not yet commenced as of the finalization of the rule; requiring the department to publish such studies on its website, subject to certain conditions; requiring the department to adopt rules; providing for enforcement; providing effective dates.

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

Section 1. Effective July 1, 2021, section 161.551, Florida Statutes, is created to read:

161.551 Public financing of construction projects within the coastal building zone.—

(1) As used in this section, the term:

(a) "Coastal structure" means a major structure or nonhabitable major structure within the coastal building zone.

(b) "Public entity" means the state or any of its political subdivisions, or any municipality, county, agency, special district, authority, or other public body corporate of the state which is demonstrated to perform a public function or to serve a governmental purpose that could properly be performed or served by an appropriate governmental unit.

(c) "SLIP study" means a sea level impact projection study as established by the department pursuant to subsection (3).

(d) "State-financed constructor" means a public entity that commissions or manages a construction project using funds appropriated from the state.

(e) "Substantial flood damage" means flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.

(2) Beginning 1 year after the date the rule developed by the department pursuant to subsection (3) is finalized and is otherwise in effect, a state-

financed constructor may not commence construction of a coastal structure without:

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

(b) Submitting the study to the department; and

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

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

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

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

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

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

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

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

5. The assessment must analyze potential public safety and environmental impacts resulting from damage to the coastal structure, including,

but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.

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

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

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

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

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

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

(6) The department:

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

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

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

Section 2. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

Approved by the Governor June 29, 2020.

Filed in Office Secretary of State June 29, 2020.

CHAPTER 2020-151

Committee Substitute for Senate Bill No. 1276

An act relating to the Department of Citrus; creating s. 601.041, F.S.; establishing the Friends of Florida Citrus Program within the Department of Citrus; providing a purpose of the program; providing duties of the department; authorizing the program to receive certain funds; requiring funds to be deposited into the Florida Citrus Advertising Trust Fund; creating the Friends of Florida Citrus Advisory Council adjunct to the department; providing for the membership and duties of the advisory council; amending s. 601.10, F.S.; authorizing the Department of Citrus to loan department employees to or share department employees with specified state and federal entities; authorizing the department to enter into agreements with such entities; providing that agreements are subject to prior approval by the department; requiring the loans and agreements to comply with certain provisions governing the intergovernmental interchange of public employees; deleting provisions setting out the required work schedule for the department; providing an effective date.

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

Section 1. Section 601.041, Florida Statutes, is created to read:

601.041 The Friends of Florida Citrus Program; advisory council.—

(1) The Friends of Florida Citrus Program is established within the department to provide support and assistance for existing and future programs within the department.

(a) Through the program, the department shall:

1. Conduct programs and activities related to the protection and enhancement of the quality and reputation of Florida citrus fruit and the canned and concentrated products thereof in domestic and foreign markets.

2. Identify and pursue methods to provide resources and materials for the programs.

3. Research methods to integrate the resources and materials identified pursuant to subparagraph 2.

(b) The department may receive donations from private corporations to support the program. The department shall deposit donations to the program into the Florida Citrus Advertising Trust Fund, as established in s. 601.15(7), and such donations shall be exempt from s. 601.15(7)(a).

(2) The Friends of Florida Citrus Advisory Council, an advisory council as defined in s. 20.03(7), is established adjunct to the department. The advisory council shall advise and provide recommendations to the

commission regarding the use of any funds received for the Friends of Florida Citrus Program. The advisory council shall operate in a manner consistent with s. 20.052 and members shall be appointed by the commission. Initially, the commission shall appoint two members to a term of 4 years, one member to a term of 3 years, one member to a term of 2 years, and one member to a term of 1 year. Thereafter, members shall be appointed for 4-year terms. The council shall consist of the following members:

(a) One member of the commission.

(b) One member recommended by the Florida Citrus Processors Association.

(c) One member recommended by the statewide voluntary Florida citrus growers association with the highest membership.

(d) Two at-large members, at the discretion of the commission.

Section 2. Subsection (3) of section 601.10, Florida Statutes, is amended to read:

601.10 Powers of the Department of Citrus.—The department shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but are not limited to, the following:

(3)~~(a)~~ To pay, or participate in the payment of, premiums for health, accident, and life insurance for its full-time employees, pursuant to such rules as the department may adopt, in addition to the regular salaries of such full-time employees.

(a) The payment of such or similar benefits to its employees in foreign countries, including, but not limited to, social security, retirement, and other similar fringe benefit costs, may be in accordance with laws in effect in the country of employment, except that no benefits will be payable to employees not authorized for other state employees, as provided in the Career Service System.

(b) The department may loan department employees to or share department employees with other state and federal agencies, state universities, or the Department of Agriculture and Consumer Services for marketing and promotion orders authorized under the authority of the Department of Agriculture and Consumer Services or its direct support organizations or for orders adopted under the authority of the United States Secretary of Agriculture. The department may enter into agreements with such entity or entities under such terms and conditions as will benefit the State of Florida, if the agency or entity with which the employee is loaned or shared reimburses the State of Florida for all pay and benefits of the employee, not including a service fee for administration. If the entity directly pays the loaned or shared employee his or her salary and benefits, as applicable, an agreement with the department is not necessary and the

employee may work part time with the department under terms and conditions mutually agreed to by the department and the employee. All arrangements made pursuant to this paragraph are subject to prior approval by the department. Except as otherwise provided, loans and agreements must comply with s. 112.24 ~~Subject to all applicable rules adopted by the Department of Management Services, the department shall be staffed 5 days per week, 40 hours per week, as necessary to accommodate industry inquiries. However, the executive director, with the commission's approval, may establish alternative schedules for individual department employees to ensure maximum efficiencies.~~

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

Approved by the Governor June 30, 2020.

Filed in Office Secretary of State June 30, 2020.

An act relating to a review under the Open Government Sunset Review Act; amending s. 197.3225, F.S., relating to an exemption from public records requirements for taxpayer e-mail addresses held by a tax collector for certain purposes; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 197.3225, Florida Statutes, is amended to read:

197.3225 Public records exemption; taxpayer e-mail addresses.—

~~(1)~~ A taxpayer's e-mail address held by a tax collector for any of the following purposes is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(1) ~~(a)~~ Sending a quarterly tax notice for prepayment of estimated taxes to the taxpayer pursuant to s. 197.222(3).

(2) ~~(b)~~ Obtaining the taxpayer's consent to send the tax notice described in s. 197.322(3).

(3) ~~(c)~~ Sending an additional tax notice or delinquent tax notice to the taxpayer pursuant to s. 197.343.

(4) ~~(d)~~ Sending a tax notice to a designated third party, mortgagee, or vendee pursuant to s. 197.344(1).

~~(2) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal~~

~~through reenactment by the Legislature.~~

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

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

CHAPTER 2020-114

House Bill No. 5003

An act implementing the 2020-2021 General Appropriations Act; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program; providing that funds for instructional materials must be released and expended as required in specified proviso language; amending s. 1011.62, F.S.; suspending an allocation related to determining full-time equivalent students for 1 fiscal year; authoring the Legislature to provide a funding compression and hold harmless allocation; specifying purpose and distribution of allocations; amending s. 1013.62, F.S.; specifying the source of charter school capital outlay funding; providing for the expiration and reversion of specified statutory text; reenacting s. 1001.26(1), F.S., relating to the public broadcasting program system; extending for 1 fiscal year authorization for the Department of Education to provide certain appropriated funds to certain education television stations and public colleges and universities for public broadcasting; providing for the expiration and reversion of specified statutory text; creating s. 1004.6499, F.S.; establishing the Florida Institute of Politics at the Florida State University; providing the purpose and goals of the institute; incorporating by reference certain calculations for the Medicaid Hospital Funding programs; authorizing the Agency for Health Care Administration to contract with a private, not-for-profit hospital in Miami-Dade County to provide specified services t frail and elderly persons in designated locations if certain conditions are met; exempting such hospital from certain statutory requirements; requiring the approval of up to 100 initial enrollees into such program; authorizing the Agency for Health Care Administration to contract with a private organization that meets specified criteria to provide specified services to frail and elderly persons in designated counties if certain conditions are met; exempting such hospital from certain statutory requirements; requiring the approval of up to 500 initial enrollees into such program; authorizing the Agency for Health Care Administration, in consultation with the Department of Health, to submit a budget amendment to realign funding for a component of the Children's Medical Services program to reflect actual enrollment changes; specifying requirements for such realignment; authorizing the agency to request nonoperating budget authority for transferring certain federal funds to the Department of Health; reenacting s. 409.908(23), F.S., relating to the reimbursement of Medicaid providers; extending for 1 fiscal year provisions regarding reimbursement rates; providing for the expiration and reversion of specified statutory text; reenacting and amending s. 409.908(26), F.S., relating to the reimbursement of Medicaid providers; extending for 1 fiscal year a provision regarding the receipt of funds to be used for Low Income Pool Program payments; providing criteria that must be met for essential providers to be eligible for specified supplemental payments; providing requirements that must be met before the Agency for Health Care

Administration may release or withhold supplemental payments; providing for the expiration and reversion of specified statutory text; amending s. 409.904, F.S.; extending for 1 fiscal year a provision requiring the Agency for Health Care Administration to make payments to Medicaid-covered services; requiring the Agency for Health Care Administration to submit to the Governor and the Legislature by a specified date an evaluation regarding the impact of certain Medicaid waivers; specifying items to be included; specifying requirements for the report; reenacting s. 624.91(5)(b), F.S., relating to the Florida Healthy Kids Corporation; extending for 1 fiscal year a provision requiring the corporation to validate the medical loss ratio and calculate a refund amount for insurers and providers of health care services who meet certain criteria; providing for the expiration and reversion of specified statutory text; amending s. 381.915, F.S.; revising limitations regarding a cancer center's participation under Tier 3 of the Florida Consortium of National Cancer Institute Centers Program and authorization for centers to pursue certain designations by the institute; providing for the expiration and reversion of specified statutory text; amending s. 893.055, F.S.; extending for 1 fiscal year a provision prohibiting the Attorney General and the Department of Health from using certain settlement agreement funds to administer the prescription drug monitoring program; amending s. 409.911, F.S.; updating the average of audited disproportionate share data for purposes of calculating disproportionate share payments; updating the average of audited disproportionate share data for purposes of calculating disproportionate share payments; extending for 1 fiscal year the requirement that the Agency for Health Care Administration distribute moneys to hospitals that provide a disproportionate share of Medicaid or charity care services, as provided in the General Appropriations Act; amending s. 409.9113, F.S.; extending for 1 fiscal year the requirement that the Agency for Health Care Administration make disproportionate share payments to teaching hospitals as provided in the General Appropriations Act; amending s. 409.9119, F.S.; extending for 1 fiscal year the requirement that the Agency for Health Care Administration make disproportionate share payments to certain specialty hospitals for children; authorizing the Agency for Health Care Administration to submit a budget amendment to realign Medicaid funding for specified purposes, subject to certain limitations; requiring the Agency for Health Care Administration to contract with an organization for the provision of elder care services in specified counties if certain conditions are met; authorizing the Agency for Health Care Administration and the Department of Health to each submit a budget amendment to realign funding within the Florida Kidcare program appropriation categories or increase budget authority for certain purposes; specifying the time period within each such budget amendment must be submitted; amending ss. 381.986 and 381.988, F.S.; extending for 1 year the exemption of certain rules pertaining to the medical use of marijuana from certain rulemaking requirements; removing a provision that authorized medical marijuana treatment centers to use uncertified laboratories under certain circumstances; amending s. 14(1), chapter 2017-232, Laws of Florida; exempting certain rules pertaining to medical

marijuana adopted to replace emergency rules from specified rulemaking requirements; providing for the expiration and reversion of specified law; authorizing the Department of Children and Families to submit a budget amendment to realign funding for implementation of the Guardianship Assistance Program; requiring the Department of Children and Families to establish a formula for the distribution of funds to implement the Guardianship Assistance Program; authorizing the Department of Children and Families to submit a budget amendment to realign funding within the department based on the implementation of the Guardianship Assistance Program; amending s. 296.37, F.S.; extending for 1 fiscal year a provision specifying the monthly contribution to residents of a state veterans' nursing home; authorizing the Department of Health to submit a budget amendment to increase budget authority for the HIV/AIDS Prevention and Treatment Program if certain conditions are met; authorizing the Department of Children and Families to submit a budget amendment to increase budget authority for the Supplemental Nutrition Assistance Program if certain conditions are met; authorizing the Department of Children and Families to submit a budget amendment to realign funding within the Family Safety Program for specified purposes; amending s. 409.968, F.S.; requiring the Agency for Health Care Administration to withhold and set aside portions of the managed care rates from the rate cells for a certain purpose; directing the agency to require Medicaid managed care plans to submit proposals in a specified manner; specifying items the plans must implement; providing a timeframe to allow the agency to disburse specified portions of rate; requiring the agency to replace the Florida Medicaid Management Information System (FMMIS) and fiscal agent operations with a specified new system; specifying items that may not be included in the new system; providing directives to the agency related to the new system, the Florida Health Care Connection (FX) system; requiring the agency to meet certain requirements in replacing FMMIS and the current Medicaid fiscal agent; requiring the agency to implement a project governance structure that includes an executive steering committee; providing procedures for use by the executive steering committee; providing responsibilities of the executive steering committee; authorizing the Department of Children and Families to submit a budget amendment for specified purposes related to the state's domestic violence program to realign use of certain unexpended funds from an appropriation from the 2019-2020 General Appropriations Act for use in the Family Safety Program; authorizing the Department of Children and Families to submit a budget amendment for specified purposes related to the state's domestic violence program to realign use of certain funds from an appropriation from the 2020-2021 General Appropriations Act for use in the Family Safety Program; amending s. 409.984, F.S.; specifying the type of long-term care managed care program in which certain dually eligible recipients of care shall become enrolled in under certain circumstances; providing for the expiration and reversion of specified statutory text; amending s. 409.908, F.S.; requiring the Agency for Health Care Administration to establish a specified unit cost increase for each nursing home; specifying a methodology for reimbursing certain

providers during a specified period; providing for the expiration and reversion of specified statutory text; authorizing the Department of Health to submit a budget amending to increase certain budget authority for public health emergencies if certain conditions are met; amending s. 400.179, F.S.; specifying that if net cumulative collections exceed a specified amount, that certain leasehold license provisions do not apply; amending s. 216.262, F.S.; extending for 1 fiscal year the authority of the Department of Corrections to submit a budget amendment for additional positions and appropriations under certain circumstances; requiring review and approval by the Legislative Budget Commission; amending s. 1011.80, F.S.; specifying the manner by which state funds for postsecondary workforce programs may be used for inmate education; providing for the expiration and reversion of specified statutory text; amending s. 215.18, F.S.; extending for 1 fiscal year the authority and related repayment requirements for temporary trust fund loans to the state court system which are sufficient to meet the system's appropriation; requiring the Department of Juvenile Justice to review county juvenile detention payments to determine whether a county has met specified financial responsibilities; requiring amounts owed by the county for such financial responsibilities to be deducted from certain county funds; requiring the Department of Revenue to transfer withheld funds to a specified trust fund; requiring the Department of Revenue to ensure that such reductions in amounts distributed do not reduce distributions below amounts necessary for certain payments due on bonds and to comply with bond covenants; requiring the Department of Revenue to notify the Department of Juvenile Justice if bond payment requirements mandate a reduction in deductions for amounts owed by a county; reenacting s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), F.S., relating to court-appointed counsel; extending for 1 fiscal year provisions governing the appointment of court-appointed counsel; reenacting and amending s. 27.5304, F.S., relating to private court-appointed counsel; extending for 1 fiscal year limitations on compensation for representation in criminal proceedings; providing for the expiration and reversion of specified statutory text; specifying that clerks of the circuit court are responsible for certain costs related to juries which exceed a certain funding level; reenacting s. 318.18(19)(c), F.S., relating to penalty amounts for traffic infractions; extending for 1 fiscal year the redirection of revenues from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund; reenacting s. 817.568(12)(b), F.S., relating to the criminal use of personal identification information; extending for 1 fiscal year the redirection of revenues from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund; providing for the expiration and reversion of specified statutory text; amending s. 20.316, F.S.; creating the Accountability and Program Support program within the Department of Juvenile Justice; providing for the expiration and reversion of specified statutory text; requiring the Department of Management Services to use tenant broker services to renegotiate or reprocure certain private lease agreements for office or storage space; requiring the Department of Management Services to provide a report to the Governor

and the Legislature by a specified date; specifying the amount of the transaction fee to be collected for use of the online procurement system; prohibiting an agency from transferring funds from a data processing category to another category that is not a data processing category; authorizing the Executive Office of the Governor to transfer funds appropriated for data processing assessment between departments for a specified purpose; authorizing the Executive Office of the Governor to transfer funds between departments for purposes of aligning amounts paid for risk management insurance and for human resources services purchased per statewide contract; requiring the Department of Financial Services to replace specified components of the Florida Accounting Information Resource Subsystem (FLAIR) and the Cash Management Subsystem (CMS); specifying certain actions to be taken by the Department of Financial Services regarding FLAIR and CMS replacement; providing for the composition of an executive steering committee to oversee FLAIR and CMS replacement; prescribing duties and responsibilities of the executive steering committee; amending s. 29 of chapter 2019-118, Laws of Florida; extending the expiration of the Florida Cybersecurity Task Force and its duties; extending the date by which the Florida Cybersecurity Task Force must submit a final report to specified entities; amending s. 216.181, F.S.; extending for 1 fiscal year the authority for the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection for certain fixed capital outlay projects from specified sources; amending s. 215.18, F.S.; extending for 1 fiscal year the authority of the Governor, if there is a specified temporary deficiency in a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission, to transfer funds from other trust funds in the State Treasury as a temporary loan to such trust fund; providing a deadline for the repayment of a temporary loan; requiring the Department of Environmental Protection to transfer designated proportions of the revenues deposited in the Land Acquisition Trust Fund within the department to land acquisition trust funds in the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission according to specified parameters and calculations; defining the term "department"; requiring the Department of Environmental Protection to make transfers to land acquisition trust funds monthly; specifying the method of determining transfer amounts; authorizing the Department of Environmental Protection to advance funds from its land acquisition trust fund to the Fish and Wildlife Conservation Commission's land acquisition trust fund for specified purposes; amending s. 375.041, F.S.; specifying that certain funds for projects dedicated to restoring Lake Apopka shall be appropriated as provided in the General Appropriations Act; amending s. 570.441, F.S.; extending for 1 year a provision authorizing the Department of Agriculture and Consumer Services to use certain funds for purposes related to the Division of Agricultural Environmental Services; reenacting

s. 570.93(1)(a), F.S., relating to the agricultural water conservation program of the Department of Agriculture and Consumer Services; extending for 1 fiscal year provisions governing a cost-share program; providing for the expiration and reversion of specified statutory text; amending s. 525.07, F.S.; authorizing the Department of Agriculture and Consumer Services to affix an inspection sticker meeting specified requirements to any petroleum measuring device; requiring the removal of stickers that do not meet specified requirements; amending s. 259.105, F.S.; providing for the distribution of proceeds from the Florida Forever Trust Fund for the 2020-2021 fiscal year; amending s. 376.3071, F.S.; exempting specified costs incurred by certain petroleum storage system owners or operators during a specified period from the prohibition against making payments in excess of amounts approved by the Department of Environmental Protection; replacing certain water quality monitoring rules with other water quality monitoring requirements under law for specified purposes; amending s. 321.04, F.S.; extending for 1 fiscal year the requirement that the Department of Highway Safety and Motor Vehicles assign one or more patrol officers to the office of Lieutenant Governor for security purposes, upon request of the Governor; extending for 1 fiscal year the requirement that the Department of Highway Safety and Motor Vehicles assign a patrol officer to a Cabinet member under certain circumstances; amending s. 420.9079, F.S.; authorizing funds in the Local Government Housing Trust Fund to be used as provided in the General Appropriations Act; amending s. 420.0005, F.S.; extending for 1 fiscal year the authorization for certain funds related to state housing to be used as provided in the General Appropriations Act; amending s. 288.0655, F.S.; extending for 1 fiscal year the specification of how funds appropriated for the grant program under the Rural Infrastructure Fund for Florida Panhandle counties are to be distributed; amending s. 338.2278, F.S.; authorizing certain uncommitted funding for the Transportation Disadvantaged Trust Fund to be used as provided in the General Appropriations Act; amending s. 288.80125, F.S.; requiring funds in the Triumph Gulf Coast Trust Fund to be used for the Rebuild Florida Revolving Loan Fund program for specified purposes; providing an expiration date; amending s. 339.135, F.S.; extending for 1 year the authorization for the chair and vice chair of the Legislative Budget Commission to approve the Department of Transportation's budget amendment under specified circumstances; authorizing the chair and vice chair of the Legislative Budget Commission for 1 year to approve budget amendments that exceed a specified monetary threshold; amending s. 339.63, F.S.; requiring the Department of Transportation to fully fund projects on facilities that meet specified criteria; specifying that funding for such projects takes precedence over other specified projects; specifying items that are included in the funding; amending s. 112.061, F.S.; extending for 1 year the authorization for the Lieutenant Governor to designate an alternative official headquarters under certain conditions; specifying restrictions, limitations, eligibility for the subsistence allowance, reimbursement of transportation expenses, and payment thereof; amending s. 216.292, F.S.; extending for 1 fiscal year a provision prescribing requirements for the

review of certain transfers of appropriations; requiring the Department of Management Services to maintain and offer the same health insurance options for participants of the State Group Health Insurance Program for the 2020-2021 fiscal year as applied in certain previous fiscal year; prohibiting a state agency from initiating a competitive solicitation for a product or service under certain circumstances; providing an exception; amending s. 112.24, F.S.; extending for 1 fiscal year the authorization, subject to specified requirements, for the assignment of an employee of a state agency under an employee interchange agreement; providing that the annual salaries of the members of the Legislature be maintained at a specified level; limiting the use of travel funds to activities that are critical to an agency's mission; providing exceptions; reenacting s. 215.32(2)(b), F.S., relating to the source and use of certain trust funds; providing for the future expiration and reversion of statutory text; specifying the types of travel which may be used with state employee travel funds; providing exceptions; providing a monetary cap on lodging costs for state employees travel to certain meetings organized or sponsored by a state agency or the judicial branch; authorizing employees to expend their own funds for lodging expenses in excess of the monetary caps; prohibiting a state agency from entering into a contract containing certain nondisclosure agreement; creating s. 216.1366, F.S.; requiring each public agency contract for services after a certain date to authorize public agencies to inspect specified information related to such contract; specifying time-frame for providing such information after a request is made; creating s. 14.35, F.S.; authorizing the Governor to present the Governor's Medal of Freedom to certain persons; providing for the medal to be presented to a designated representative in the event of the death of a chosen recipient; establishing and appointing members of the Local Government Efficiency Task Force; specifying duties and meeting schedules; requiring a report by a specified date; providing conditions under which the veto of certain appropriations or proviso language in the General Appropriations Act voids language that implements such appropriation; providing for the continued operation of certain provisions notwithstanding a future repeal or expiration provided by the act; providing severability; providing effective dates.

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for the 2020-2021 fiscal year.

Section 2. In order to implement Specific Appropriations 8, 9, 10, 92, and 93 of the 2020-2021 General Appropriations Act, the calculations of the Florida Education Finance Program for the 2020-2021 fiscal year included in the document titled "Public School Funding: The Florida Education Finance Program," dated March 15, 2020, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of

state law, in making appropriations for the Florida Education Finance Program. This section expires July 1, 2021.

Section 3. In order to implement Specific Appropriations 8 and 92 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 1002.20, 1003.02, 1006.28-1006.42, 1011.62(6)(b)3., and 1011.67, Florida Statutes, relating to the expenditure of funds provided for instructional materials, for the 2020-2021 fiscal year, funds provided for instructional materials shall be released and expended as required in the proviso language for Specific Appropriation 92 of the 2020-2021 General Appropriations Act. This section expires July 1, 2021.

Section 4. In order to implement Specific Appropriations 8 and 92 of the 2020-2021 General Appropriations Act, subsections (8) and (17) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—

(a) In those districts where there is a decline between prior year and current year unweighted FTE students, a percentage of the decline in the unweighted FTE students as determined by the Legislature shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, including a charter technical career center, the decline is to be multiplied by a factor of 0.15. However, if the funds provided for the Florida Education Finance Program in the General Appropriations Act for any fiscal year are reduced by a subsequent appropriation for that fiscal year, the percent of the decline in the unweighted FTE students to be funded shall be determined by the Legislature and designated in the subsequent appropriation.

(b) The allocation authorized in this paragraph (a) is suspended for the 2020-2021 fiscal year and does not apply during such fiscal year. This paragraph expires July 1, 2021.

(17)(a) FUNDING COMPRESSION AND HOLD HARMLESS ALLOCATION.—The Legislature may provide an annual funding compression and hold harmless allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts if the school district's ~~and developmental research schools whose~~ total funds per FTE in the prior year were less than the statewide average or if the school

district's district cost differential in the current year is less than the prior year. The total allocation shall be distributed to eligible school districts as follows:

(b) Using the most recent prior year FEFP calculation for each eligible school district, subtract the total school district funds per FTE ~~shall be subtracted~~ from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE ~~to provide the allocation~~.

(c) Multiply the absolute value of the difference between the eligible school district's current year district cost differential and the prior year district cost differential by a hold harmless factor as designated in the General Appropriations Act. The result is the district cost differential hold harmless index. Multiply the index by the eligible school district's weighted FTE and by the base student allocation as designated in the General Appropriations Act.

(d) Add the amounts calculated in paragraphs (b) and (c) and if the amount is ~~calculated funds are~~ greater than the amount included in the General Appropriations Act, the allocation shall ~~they must~~ be prorated to the appropriation amount based on each participating school district's share. This subsection expires July 1, 2021 ~~2020~~.

Section 5. In order to implement Specific Appropriation 21 of the 2020-2021 General Appropriations Act, subsection (1) of section 1013.62, Florida Statutes, is amended to read:

1013.62 Charter schools capital outlay funding.—

(1) For the 2020-2021 ~~2018-2019~~ fiscal year, charter school capital outlay funding shall consist of state funds appropriated in the 2020-2021 ~~2018-2019~~ General Appropriations Act. Beginning in fiscal year 2021-2022 ~~2019-2020~~, charter school capital outlay funding shall consist of state funds when such funds are appropriated in the General Appropriations Act and revenue resulting from the discretionary millage authorized in s. 1011.71(2) if the amount of state funds appropriated for charter school capital outlay in any fiscal year is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index issued by the United States Department of Labor from the previous fiscal year. Nothing in this subsection prohibits a school district from distributing to charter schools funds resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; or

e. Serve students in facilities that are provided by a business partner for a charter school-in-the-workplace pursuant to s. 1002.33(15)(b).

2. Have an annual audit that does not reveal any of the financial emergency conditions provided in s. 218.503(1) for the most recent fiscal year for which such audit results are available.

3. Have satisfactory student achievement based on state accountability standards applicable to the charter school.

4. Have received final approval from its sponsor pursuant to s. 1002.33 for operation during that fiscal year.

5. Serve students in facilities that are not provided by the charter school's sponsor.

(b) A charter school is not eligible to receive capital outlay funds if it was created by the conversion of a public school and operates in facilities provided by the charter school's sponsor for a nominal fee, or at no charge, or if it is directly or indirectly operated by the school district.

Section 6. The amendments to s. 1013.62(1), Florida Statutes, by this act expire July 1, 2021, and the text of that subsection shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 7. In order to implement Specific Appropriation 123 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 8 of chapter 2019-116, Laws of Florida, subsection (1) of section 1001.26, Florida Statutes, is reenacted to read:

1001.26 Public broadcasting program system.—

(1) There is created a public broadcasting program system for the state. The department shall provide funds, as specifically appropriated in the General Appropriations Act, to educational television stations qualified by the Corporation for Public Broadcasting or public colleges and universities

that are part of the public broadcasting program system. The program system must include:

(a) Support for existing Corporation for Public Broadcasting qualified program system educational television stations.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing educational television stations.

(e) Provision of both statewide programming funds and station programming support for educational television to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

Section 8. The text of s. 1001.26(1), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act expires July 1, 2021, and the text of that subsection shall revert to that in existence on June 30, 2018, except that any amendment enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 9. In order to implement Specific Appropriation 150 of the 2020-2021 General Appropriations Act, section 1004.6499, Florida Statutes, is created to read:

1004.6499 Florida Institute of Politics.—

(1) The Florida Institute of Politics is established at the Florida State University within the College of Social Sciences and Public Policy. The purpose of the institute is to provide the southeastern region of the United States with a world class, bipartisan, nationally renowned institute of politics.

(2) The goals of the institute are to:

(a) Motivate students across the Florida State University to become aware of the significance of government and civic engagement at all levels and politics in general.

(b) Provide students with an opportunity to be politically active and civically engaged.

(c) Nurture a state of consciousness and passion for public service and politics.

(d) Plan and host forums to allow students and guests to hear from and interact with experts from government, politics, policy, and journalism on a frequent basis.

(e) Become a national and state resource on polling information and survey methodology.

(f) Provide fellowships and internship opportunities to students in government, non-profit organizations, and community organizations.

(g) Provide training sessions for newly elected state and local public officials.

(h) Organize and sponsor conferences, symposia, and workshops throughout Florida to educate and inform citizens, elected officials, and appointed policymakers regarding effective policymaking techniques and processes.

(i) Create and promote research and awareness regarding politics, citizen involvement, and public service.

(j) Collaborate with related policy institutes and research activities at Florida State University and other institutions of higher education to motivate, increase, and sustain citizen involvement in public affairs.

(3) This section expires July 1, 2021.

Section 10. In order to implement Specific Appropriations 207, 208, 211, and 215 of the 2020-2021 General Appropriations Act, the calculations for the Medicaid Hospital Funding programs for the 2020-2021 fiscal year contained in the document titled "Medicaid Hospital Funding Programs, Fiscal Year 2020-2021," dated March 15, 2020, and filed with the Clerk of the House of Representatives, are incorporated by reference for the purpose of displaying the calculations used by the Legislature, consistent with the requirements of state law, in making appropriations for the Medicaid Hospital Funding programs. This section expires July 1, 2021.

Section 11. In order to implement Specific Appropriations 201 through 228 and 526 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration, in consultation with the Department of Health, may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within and between agencies based on implementation of the Managed Medical Assistance component of the Statewide Medicaid Managed Care program

for the Children's Medical Services program of the Department of Health. The funding realignment shall reflect the actual enrollment changes due to the transfer of beneficiaries from fee-for-service to the capitated Children's Medical Services Network. The Agency for Health Care Administration may submit a request for nonoperating budget authority to transfer the federal funds to the Department of Health pursuant to s. 216.181(12), Florida Statutes. This section expires July 1, 2021.

Section 12. In order to implement Specific Appropriations 225 and 226 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 19 of chapter 2019-116, Laws of Florida, subsection (23) of section 409.908, Florida Statutes, is reenacted to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(23)(a) The agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for county health departments effective July 1, 2011. Reimbursement rates shall be as provided in the General Appropriations Act.

(b)1. Base rate reimbursement for inpatient services under a diagnosis-related group payment methodology shall be provided in the General Appropriations Act.

2. Base rate reimbursement for outpatient services under an enhanced ambulatory payment group methodology shall be provided in the General Appropriations Act.

3. Prospective payment system reimbursement for nursing home services shall be as provided in subsection (2) and in the General Appropriations Act.

Section 13. The text of s. 409.908(23), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act expires July 1, 2021, and the text of that subsection shall revert to that in existence on October 1, 2018, not including any amendments made by chapter 2019-116, Laws of Florida, except that any amendments to such text enacted other than by this act and chapters 2019-116 and 2018-10, Laws of Florida, shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 14. In order to implement Specific Appropriation 209 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 21 of chapter 2019-116, Laws of Florida, subsection (26) of section 409.908, Florida Statutes, is reenacted and amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(26) The agency may receive funds from state entities, including, but not limited to, the Department of Health, local governments, and other local political subdivisions, for the purpose of making special exception payments and Low Income Pool Program payments, including federal matching funds. Funds received for this purpose shall be separately accounted for and may not be commingled with other state or local funds in any manner. The agency may certify all local governmental funds used as state match under Title XIX

of the Social Security Act to the extent and in the manner authorized under the General Appropriations Act and pursuant to an agreement between the agency and the local governmental entity. In order for the agency to certify such local governmental funds, a local governmental entity must submit a final, executed letter of agreement to the agency, which must be received by October 1 of each fiscal year and provide the total amount of local governmental funds authorized by the entity for that fiscal year under the General Appropriations Act. The local governmental entity shall use a certification form prescribed by the agency. At a minimum, the certification form must identify the amount being certified and describe the relationship between the certifying local governmental entity and the local health care provider. Local governmental funds outlined in the letters of agreement must be received by the agency no later than October 31 of each fiscal year in which such funds are pledged, unless an alternative plan is specifically approved by the agency. To be eligible for low-income pool funding or other forms of supplemental payments funded by intergovernmental transfers, and in addition to any other applicable requirements, essential providers under s. 409.975(1)(a)2. must offer to contract with each managed care plan in their region and essential providers under s. 409.975(1)(b)1. and 3. must offer to contract with each managed care plan in the state. Before releasing such supplemental payments, in the event the parties have not executed network contracts, the agency shall evaluate the parties' efforts to complete negotiations. If such efforts continue to fail, the agency shall withhold such supplemental payments beginning in the third quarter of the fiscal year if it determines that, based upon the totality of the circumstances, the essential provider has negotiated with the managed care plan in bad faith. If the agency determines that an essential provider has negotiated in bad faith, it must notify the essential provider at least 90 days in advance of the start of the third quarter of the fiscal year, and afford the essential provider hearing rights in accordance with chapter 120.

Section 15. The amendments to s. 409.908(26), Florida Statutes, made by this act and carried forward from chapter 2019-116, Laws of Florida, by this act expire July 1, 2021, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 16. In order to implement Specific Appropriations 207, 211, 212, 214, 216, and 225 of the 2020-2021 General Appropriations Act, subsection (12) of section 409.904, Florida Statutes, is amended to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(12) Effective July 1, 2020 ~~2019~~, the agency shall make payments to Medicaid-covered services:

(a) For eligible children and pregnant women, retroactive for a period of no more than 90 days before the month in which an application for Medicaid is submitted.

(b) For eligible nonpregnant adults, retroactive to the first day of the month in which an application for Medicaid is submitted.

This subsection expires July 1, 2021 ~~2020~~.

Section 17. In order to implement Specific Appropriations 207, 211, 212, 214, 216, and 225 of the 2020-2021 General Appropriations Act, by March 1, 2021, the Agency for Health Care Administration shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Medicaid Managed Care waiver independent evaluation regarding the impact of the waiver of Medicaid retroactive eligibility on beneficiaries and providers. The evaluation shall include, but is not limited to:

(1) Analysis of how the waiver of Medicaid retroactive eligibility impacted enrollment continuity.

(2) Information on how hospitals and nursing facilities have changed their enrollment procedures following the waiver of Medicaid retroactive eligibility.

(3) The impact of the waiver of retroactive eligibility on enrollee financial burden.

(4) The impact of the waiver of retroactive eligibility on provider uncompensated care.

(5) The impact of the waiver of retroactive eligibility on provider financial performance.

(6) Additional recommendations to improve outreach to nonpregnant adults who would be eligible for Medicaid if they applied before an event that requires hospital or nursing facility care.

This section expires July 1, 2021.

Section 18. In order to implement Specific Appropriations 181 through 184 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 31 of chapter 2019-116, Laws of Florida, paragraph (b) of subsection (5) of section 624.91, Florida Statutes, is reenacted to read:

624.91 The Florida Healthy Kids Corporation Act.—

(5) CORPORATION AUTHORIZATION, DUTIES, POWERS.—

(b) The Florida Healthy Kids Corporation shall:

1. Arrange for the collection of any family, local contributions, or employer payment or premium, in an amount to be determined by the board of directors, to provide for payment of premiums for comprehensive insurance coverage and for the actual or estimated administrative expenses.

2. Arrange for the collection of any voluntary contributions to provide for payment of Florida Kidcare program premiums for children who are not eligible for medical assistance under Title XIX or Title XXI of the Social Security Act.

3. Subject to the provisions of s. 409.8134, accept voluntary supplemental local match contributions that comply with the requirements of Title XXI of the Social Security Act for the purpose of providing additional Florida Kidcare coverage in contributing counties under Title XXI.

4. Establish the administrative and accounting procedures for the operation of the corporation.

5. Establish, with consultation from appropriate professional organizations, standards for preventive health services and providers and comprehensive insurance benefits appropriate to children, provided that such standards for rural areas shall not limit primary care providers to board-certified pediatricians.

6. Determine eligibility for children seeking to participate in the Title XXI-funded components of the Florida Kidcare program consistent with the requirements specified in s. 409.814, as well as the non-Title-XXI-eligible children as provided in subsection (3).

7. Establish procedures under which providers of local match to, applicants to and participants in the program may have grievances reviewed by an impartial body and reported to the board of directors of the corporation.

8. Establish participation criteria and, if appropriate, contract with an authorized insurer, health maintenance organization, or third-party administrator to provide administrative services to the corporation.

9. Establish enrollment criteria that include penalties or waiting periods of 30 days for reinstatement of coverage upon voluntary cancellation for nonpayment of family premiums.

10. Contract with authorized insurers or any provider of health care services, meeting standards established by the corporation, for the provision of comprehensive insurance coverage to participants. Such standards shall include criteria under which the corporation may contract with more than one provider of health care services in program sites. Health plans shall be selected through a competitive bid process. The Florida Healthy Kids Corporation shall purchase goods and services in the most cost-effective

manner consistent with the delivery of quality medical care. The maximum administrative cost for a Florida Healthy Kids Corporation contract shall be 15 percent. For health care contracts, the minimum medical loss ratio for a Florida Healthy Kids Corporation contract shall be 85 percent. For dental contracts, the remaining compensation to be paid to the authorized insurer or provider under a Florida Healthy Kids Corporation contract shall be no less than an amount which is 85 percent of premium; to the extent any contract provision does not provide for this minimum compensation, this section shall prevail. For an insurer or any provider of health care services which achieves an annual medical loss ratio below 85 percent, the Florida Healthy Kids Corporation shall validate the medical loss ratio and calculate an amount to be refunded by the insurer or any provider of health care services to the state which shall be deposited into the General Revenue Fund unallocated. The health plan selection criteria and scoring system, and the scoring results, shall be available upon request for inspection after the bids have been awarded.

11. Establish disenrollment criteria in the event local matching funds are insufficient to cover enrollments.

12. Develop and implement a plan to publicize the Florida Kidcare program, the eligibility requirements of the program, and the procedures for enrollment in the program and to maintain public awareness of the corporation and the program.

13. Secure staff necessary to properly administer the corporation. Staff costs shall be funded from state and local matching funds and such other private or public funds as become available. The board of directors shall determine the number of staff members necessary to administer the corporation.

14. In consultation with the partner agencies, provide a report on the Florida Kidcare program annually to the Governor, the Chief Financial Officer, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, and the Minority Leaders of the Senate and the House of Representatives.

15. Provide information on a quarterly basis to the Legislature and the Governor which compares the costs and utilization of the full-pay enrolled population and the Title XXI-subsidized enrolled population in the Florida Kidcare program. The information, at a minimum, must include:

a. The monthly enrollment and expenditure for full-pay enrollees in the Medikids and Florida Healthy Kids programs compared to the Title XXI-subsidized enrolled population; and

b. The costs and utilization by service of the full-pay enrollees in the Medikids and Florida Healthy Kids programs and the Title XXI-subsidized enrolled population.

16. Establish benefit packages that conform to the provisions of the Florida Kidcare program, as created in ss. 409.810-409.821.

Section 19. The text of s. 624.91(5)(b), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act expires July 1, 2021, and the text of that paragraph shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 20. In order to implement Specific Appropriation 458 of the 2020-2021 General Appropriations Act, subsection (4) of section 381.915, Florida Statutes, is amended to read:

381.915 Florida Consortium of National Cancer Institute Centers Program.—

(4) Tier designations and corresponding weights within the Florida Consortium of National Cancer Institute Centers Program are as follows:

(a) Tier 1: Florida-based NCI-designated comprehensive cancer centers, which shall be weighted at 1.5.

(b) Tier 2: Florida-based NCI-designated cancer centers, which shall be weighted at 1.25.

(c) Tier 3: Florida-based cancer centers seeking designation as either a NCI-designated cancer center or NCI-designated comprehensive cancer center, which shall be weighted at 1.0.

1. A cancer center shall meet the following minimum criteria to be considered eligible for Tier 3 designation in any given fiscal year:

a. Conducting cancer-related basic scientific research and cancer-related population scientific research;

b. Offering and providing the full range of diagnostic and treatment services on site, as determined by the Commission on Cancer of the American College of Surgeons;

c. Hosting or conducting cancer-related interventional clinical trials that are registered with the NCI's Clinical Trials Reporting Program;

d. Offering degree-granting programs or affiliating with universities through degree-granting programs accredited or approved by a nationally recognized agency and offered through the center or through the center in conjunction with another institution accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

e. Providing training to clinical trainees, medical trainees accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, and postdoctoral fellows recently awarded a doctorate degree; and

f. Having more than $5 million in annual direct costs associated with their total NCI peer-reviewed grant funding.

2. The General Appropriations Act or accompanying legislation may limit the number of cancer centers which shall receive Tier 3 designations or provide additional criteria for such designation.

3. A cancer center's participation in Tier 3 may not extend beyond July 1, 2021 ~~shall be limited to 6 years~~.

4. A cancer center that qualifies as a designated Tier 3 center under the criteria provided in subparagraph 1. by July 1, 2014, is authorized to pursue NCI designation as a cancer center or a comprehensive cancer center until July 1, 2021 ~~for 6 years after qualification~~.

Section 21. The amendments to s. 381.915(4), Florida Statutes, by this act expire July 1, 2021, and the text of that subsection shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 22. In order to implement Specific Appropriations 536, 537, 542, and 545 of the 2020-2021 General Appropriations Act, subsection (17) of section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

(17) For the 2020-2021 ~~2019-2020~~ fiscal year only, neither the Attorney General nor the department may use funds received as part of a settlement agreement to administer the prescription drug monitoring program. This subsection expires July 1, 2021 ~~2020~~.

Section 23. In order to implement Specific Appropriation 208 of the 2020-2021 General Appropriations Act, subsections (2) and (10) of section 409.911, Florida Statutes, are amended to read:

409.911 Disproportionate share program.—Subject to specific allocations established within the General Appropriations Act and any limitations established pursuant to chapter 216, the agency shall distribute, pursuant to this section, moneys to hospitals providing a disproportionate share of Medicaid or charity care services by making quarterly Medicaid payments as required. Notwithstanding the provisions of s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients.

(2) The Agency for Health Care Administration shall use the following actual audited data to determine the Medicaid days and charity care to be used in calculating the disproportionate share payment:

(a) The average of the 2012, 2013, and 2014 ~~2011, 2012, and 2013~~ audited disproportionate share data to determine each hospital's Medicaid days and charity care for the 2020-2021 ~~2019-2020~~ state fiscal year.

(b) If the Agency for Health Care Administration does not have the prescribed 3 years of audited disproportionate share data as noted in paragraph (a) for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in paragraph (a) which is available.

(c) In accordance with s. 1923(b) of the Social Security Act, a hospital with a Medicaid inpatient utilization rate greater than one standard deviation above the statewide mean or a hospital with a low-income utilization rate of 25 percent or greater shall qualify for reimbursement.

(10) Notwithstanding any provision of this section to the contrary, for the 2020-2021 ~~2019-2020~~ state fiscal year, the agency shall distribute moneys to hospitals providing a disproportionate share of Medicaid or charity care services as provided in the 2020-2021 ~~2019-2020~~ General Appropriations Act. This subsection expires July 1, 2021 ~~2020~~.

Section 24. In order to implement Specific Appropriation 208 of the 2020-2021 General Appropriations Act, subsection (3) of section 409.9113, Florida Statutes, is amended to read:

409.9113 Disproportionate share program for teaching hospitals.—In addition to the payments made under s. 409.911, the agency shall make disproportionate share payments to teaching hospitals, as defined in s. 408.07, for their increased costs associated with medical education programs and for tertiary health care services provided to the indigent. This system of payments must conform to federal requirements and distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low-income patients. The agency shall distribute the moneys provided in the General Appropriations Act to statutorily defined teaching hospitals and family practice teaching hospitals, as defined in s. 395.805, pursuant to this section. The funds provided for statutorily defined teaching hospitals shall be distributed as provided in the General Appropriations Act. The funds provided for family practice teaching hospitals shall be distributed equally among family practice teaching hospitals.

(3) Notwithstanding any provision of this section to the contrary, for the 2020-2021 ~~2019-2020~~ state fiscal year, the agency shall make disproportionate share payments to teaching hospitals, as defined in s. 408.07, as

provided in the 2020-2021 ~~2019-2020~~ General Appropriations Act. This subsection expires July 1, 2021 ~~2020~~.

Section 25. In order to implement Specific Appropriation 208 of the 2020-2021 General Appropriations Act, subsection (4) of section 409.9119, Florida Statutes, is amended to read:

409.9119 Disproportionate share program for specialty hospitals for children.—In addition to the payments made under s. 409.911, the Agency for Health Care Administration shall develop and implement a system under which disproportionate share payments are made to those hospitals that are separately licensed by the state as specialty hospitals for children, have a federal Centers for Medicare and Medicaid Services certification number in the 3300-3399 range, have Medicaid days that exceed 55 percent of their total days and Medicare days that are less than 5 percent of their total days, and were licensed on January 1, 2013, as specialty hospitals for children. This system of payments must conform to federal requirements and must distribute funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding s. 409.915, counties are exempt from contributing toward the cost of this special reimbursement for hospitals that serve a disproportionate share of low-income patients. The agency may make disproportionate share payments to specialty hospitals for children as provided for in the General Appropriations Act.

(4) Notwithstanding any provision of this section to the contrary, for the 2020-2021 ~~2019-2020~~ state fiscal year, for hospitals achieving full compliance under subsection (3), the agency shall make disproportionate share payments to specialty hospitals for children as provided in the 2020-2021 ~~2019-2020~~ General Appropriations Act. This subsection expires July 1, 2021 ~~2020~~.

Section 26. In order to implement Specific Appropriations 201 through 228 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds. A single budget amendment shall be submitted in the last quarter of the 2020-2021 fiscal year only. This section expires July 1, 2021.

Section 27. In order to implement Specific Appropriation 406 of the 2020-2021 General Appropriations Act, and subject to federal approval of the application to be a site for the Program of All-Inclusive Care for the Elderly, the Agency for Health Care Administration shall contract with one private health care organization, the sole member of which is a private, not-for-profit corporation that owns and manages health care organizations that provide comprehensive long-term care services, including nursing home, assisted

living, independent housing, home care, adult day care, and care management. This organization shall provide these services to frail and elderly persons who reside in Escambia, Okaloosa, and Santa Rosa Counties. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to an appropriation, shall approve up to 200 initial enrollees in the Program of All-Inclusive Care for the Elderly established by this organization to serve elderly persons who reside in Escambia, Okaloosa, and Santa Rosa Counties. This section expires July 1, 2021.

Section 28. In order to implement Specific Appropriation 406 of the 2020-2021 General Appropriations Act, subject to federal approval of the application to be a site for the Program of All-inclusive Care for the Elderly (PACE), the Agency for Health Care Administration shall contract with one private, not-for-profit hospital located in Miami-Dade County to provide comprehensive services to frail and elderly persons residing in Northwest Miami-Dade County, as defined by the agency. The hospital is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to appropriation, shall approve up to 100 initial enrollees in the Program of All-inclusive Care for the Elderly established by this hospital to serve persons in Northwest Miami-Dade County. This section is repealed July 1, 2021.

Section 29. In order to implement Specific Appropriation 406 of the 2020-2021 General Appropriations Act, subject to federal approval of an application to be a provider of the Program of All-inclusive Care for the Elderly (PACE), the Agency for Health Care Administration shall contract with a private organization that has demonstrated the ability to operate PACE centers in more than one state and that serves more than 500 eligible PACE participants, to provide PACE services to frail and elderly persons who reside in Hillsborough, Hernando or Pasco Counties. The organization is exempt from the requirements of chapter 641, Florida Statutes. The agency, in consultation with the Department of Elderly Affairs and subject to the appropriation of funds by the Legislature, shall approve up to 500 initial enrollees in the PACE program established by the organization to serve frail and elderly persons who reside in Hillsborough, Hernando, or Pasco Counties. This section expires July 1, 2021.

Section 30. In order to implement Specific Appropriations 181 through 186 and 526 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Agency for Health Care Administration and the Department of Health may each submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Florida Kidcare program appropriation categories, or to increase budget authority in the Children's Medical Services Network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment must be submitted by each agency in the last quarter of the 2020-2021 fiscal year only. This section expires July 1, 2021.

Section 31. In order to implement Specific Appropriations 468 through 470, 475, and 482 of the 2020-2021 General Appropriations Act, subsection (17) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(17) Rules adopted pursuant to this section before July 1, 2021 ~~2020~~, are not subject to ss. 120.54(3)(b) and 120.541. ~~Notwithstanding paragraph (8)(e), a medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification pursuant to s. 381.988, but in no event later than July 1, 2020.~~ This subsection expires July 1, 2021 ~~2020~~.

Section 32. In order to implement Specific Appropriations 468 through 470, 475, and 482 of the 2020-2021 General Appropriations Act, subsection (11) of section 381.988, Florida Statutes, is amended to read:

381.988 Medical marijuana testing laboratories; marijuana tests conducted by a certified laboratory.—

(11) Rules adopted under subsection (9) before July 1, 2021 ~~2020~~, are not subject to ss. 120.54(3)(b) and 120.541. This subsection expires July 1, 2021 ~~2020~~.

Section 33. Effective July 1, 2020, upon the expiration and reversion of the amendments made to subsection (1) of section 14 of chapter 2017-232, Laws of Florida, pursuant to section 42 of chapter 2019-116, Laws of Florida, and in order to implement Specific Appropriations 468 through 470, 475, and 482 of the 2020-2021 General Appropriations Act, subsection (1) of section 14 of chapter 2017-232, Laws of Florida, is amended to read:

Section 14. Department of Health; authority to adopt rules; cause of action.—

(1) EMERGENCY RULEMAKING.—

(a) The Department of Health and the applicable boards shall adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, and this section necessary to implement ss. 381.986 and 381.988, Florida Statutes. If an emergency rule adopted under this section is held to be unconstitutional or an invalid exercise of delegated legislative authority, and becomes void, the department or the applicable boards may adopt an emergency rule pursuant to this section to replace the rule that has become void. If the emergency rule adopted to replace the void emergency rule is also held to be unconstitutional or an invalid exercise of delegated legislative authority and becomes void, the department and the applicable boards must follow the nonemergency rulemaking procedures of the Administrative Procedures Act to replace the rule that has become void.

(b) For emergency rules adopted under this section, the department and the applicable boards need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. The department and the applicable boards shall meet the procedural requirements in s. 120.54(4)(a) ~~s. 120.54(a)~~, Florida Statutes, if the department or the applicable boards have, before July 1, 2019 ~~the effective date of this act~~, held any public workshops or hearings on the subject matter of the emergency rules adopted under this subsection. Challenges to emergency rules adopted under this subsection are subject to the time schedules provided in s. 120.56(5), Florida Statutes.

(c) Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act. Rules adopted under the nonemergency rulemaking procedures of the Administrative Procedures Act to replace emergency rules adopted under this section are exempt from ss. 120.54(3)(b) and 120.541, Florida Statutes. By July 1, 2021 ~~January 1, 2018~~, the department and the applicable boards shall initiate nonemergency rulemaking pursuant to the Administrative Procedures Act to replace all emergency rules adopted under this section by publishing a notice of rule development in the Florida Administrative Register. Except as provided in paragraph (a), after July 1, 2021 ~~January 1, 2018~~, the department and applicable boards may not adopt rules pursuant to the emergency rulemaking procedures provided in this section.

Section 34. The amendment to s. 14(1) of chapter 2017-232, Laws of Florida, by this act expires July 1, 2021, and the text of that subsection shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 35. In order to implement Specific Appropriations 330 and 332 of the 2020-2021 General Appropriations Act, the Department of Children and Families shall establish a formula to distribute the recurring sums of $19,627,812 from the General Revenue Fund and $15,668,869 from the Federal Grants Trust Fund for actual and direct costs to implement the Guardianship Assistance Program, including Level 1 foster care board payments, licensing staff for community-based care lead agencies, and guardianship assistance payments. This section expires July 1, 2021.

Section 36. In order to implement Specific Appropriations 330, 332, 361, and 362 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the department based on the implementation of the Guardianship Assistance Program, between and among the specific appropriations for

guardianship assistance payments, foster care Level 1 room and board payments, relative caregiver payments, and nonrelative caregiver payments. This section expires July 1, 2021.

Section 37. In order to implement Specific Appropriations 554 through 560 and 562 of the 2020-2021 General Appropriations Act, subsection (3) of section 296.37, Florida Statutes, is amended to read:

296.37 Residents; contribution to support.—

(3) Notwithstanding subsection (1), each resident of the home who receives a pension, compensation, or gratuity from the United States Government, or income from any other source, of more than $130 per month shall contribute to his or her maintenance and support while a resident of the home in accordance with a payment schedule determined by the administrator and approved by the director. The total amount of such contributions shall be to the fullest extent possible, but, in no case, shall exceed the actual cost of operating and maintaining the home. This subsection expires July 1, 2021 ~~2020~~.

Section 38. In order to implement Specific Appropriations 471 and 510 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Health may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for the HIV/AIDS Prevention and Treatment Program if additional federal revenues specific to HIV/AIDS prevention and treatment become available in the 2020-2021 fiscal year. This section expires July 1, 2021.

Section 39. In order to implement Specific Appropriations 348, 353, and 354 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for the Supplemental Nutrition Assistance Program if additional federal revenue specific to the program becomes available for the program in the 2020-2021 fiscal year. This section expires July 1, 2021.

Section 40. In order to implement Specific Appropriations 312 through 315, 319, 320, 323, 328 through 330, and 332 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign funding within the Family Safety Program to maximize the use of Title IV-E and other federal funds. This section expires July 1, 2021.

Section 41. In order to implement Specific Appropriations 215 and 226 of the 2020-2021 General Appropriations Act, subsection (6) is added to section 409.968, Florida Statutes, to read:

409.968 Managed care plan payments.—

(6) The agency shall withhold and set aside a portion of the managed care rates from the rate cells for special needs and home health services in the managed medical assistance and managed long-term care programs to implement a home health performance incentive program. The agency shall direct Medicaid managed care plans to submit to the agency proposals to ensure all covered and authorized home health services are provided to recipients, methods for measuring provider compliance, and mechanisms for documenting compliance to the agency. The plans must implement a method for families and caregivers to report provider failures to provide services in real time. The agency may disburse the withheld portion of rate in the last quarter of the fiscal year only if the agency documents in writing that the plans ensured all covered and authorized home health services were provided. This subsection expires July 1, 2021.

Section 42. In order to implement Specific Appropriation 195 of the 2020-2021 General Appropriations Act:

(1) The Agency for Health Care Administration shall replace the current Florida Medicaid Management Information System (FMMIS) and fiscal agent operations with a system that is modular, interoperable, and scalable for the Florida Medicaid program that complies with all applicable federal and state laws and requirements. The agency may not include in the project to replace the current FMMIS and fiscal agent contract:

(a) Functionality that duplicates any of the information systems of the other health and human services state agencies; or

(b) Procurement for agency requirements external to Medicaid programs with the intent to leverage the Medicaid technology infrastructure for other purposes without legislative appropriation or legislative authorization to procure these requirements.

The new system, the Florida Health Care Connection (FX) system, must provide better integration with subsystems supporting Florida's Medicaid program; uniformity, consistency, and improved access to data; and compatibility with the Centers for Medicare and Medicaid Services' Medicaid Information Technology Architecture (MITA) as the system matures and expands its functionality.

(2) For purposes of replacing FMMIS and the current Medicaid fiscal agent, the Agency for Health Care Administration shall:

(a) Prioritize procurements for the replacement of the current functions of FMMIS and the responsibilities of the current Medicaid fiscal agent, to minimize the need to extend all or portions of the current fiscal agent contract.

(b) Comply with and not exceed the Centers for Medicare and Medicaid Services funding authorizations for the FX system.

(c) Ensure compliance and uniformity with published MITA framework and guidelines.

(d) Ensure that all business requirements and technical specifications have been provided to all affected state agencies for their review and input and approved by the executive steering committee established in paragraph (g).

(e) Consult with the Executive Office of the Governor's working group for interagency information technology integration for the development of competitive solicitations that provide for data interoperability and shared information technology services across the state's health and human services agencies.

(f) Implement a data governance structure for the project to coordinate data sharing and interoperability across state healthcare entities.

(g) Implement a project governance structure that includes an executive steering committee composed of:

1. The Secretary of Health Care Administration, or the executive sponsor of the project.

2. The Assistant Secretary for Child Welfare of the Department of Children and Families, or his or her designee.

3. The Assistant Secretary for Economic Self-Sufficiency of the Department of Children and Families, or his or her designee.

4. Two employees from the Division of Medicaid of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.

5. A representative of the Division of Health Quality Assurance of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.

6. A representative of the Florida Center for Health Information and Transparency of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.

7. A representative of the Division of Operations of the Agency for Health Care Administration, appointed by the Secretary of Health Care Administration.

8. The Chief Information Officer of the Agency for Health Care Administration, or his or her designee.

9. The state chief information officer or designee.

10. The Deputy Secretary for Children's Medical Services of the Department of Health, or his or her designee.

11. A representative of the Agency for Persons with Disabilities who has experience with the preparation and submission of waivers to the Centers for Medicare and Medicaid Services, appointed by the director of the Agency for Persons with Disabilities.

12. A representative from the Florida Healthy Kids Corporation.

13. A representative from the Department of Elderly Affairs who has experience with the Medicaid Program within that department, appointed by the Secretary of Elderly Affairs.

14. A representative of the Department of Financial Services who has experience with the state's financial processes including development of the PALM system, appointed by the Chief Financial Officer.

(3) The Secretary of Health Care Administration or the executive sponsor of the project shall serve as chair of the executive steering committee, and the committee shall take action by a vote of at least 10 affirmative votes with the chair voting on the prevailing side. A quorum of the executive steering committee consists of at least 11 members.

(4) The executive steering committee has the overall responsibility for ensuring that the project to replace FMMIS and the Medicaid fiscal agent meets its primary business objectives and shall:

(a) Identify and recommend to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives any statutory changes needed to implement the modular replacement to standardize, to the fullest extent possible, the state's healthcare data and business processes.

(b) Review and approve any changes to the project's scope, schedule, and budget which do not conflict with the requirements of subsections (1) and (2).

(c) Ensure that adequate resources are provided throughout all phases of the project.

(d) Approve all major project deliverables.

(e) Approve all solicitation-related documents associated with the replacement of the current FMMIS and Medicaid fiscal agent.

(5) This section expires July 1, 2021.

Section 43. Effective upon this act becoming a law, in order to implement Specific Appropriation 316 of section 3 of chapter 2019-115, Laws of Florida, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign use of the funds appropriated in Specific Appropriation 316 to implement programs and to manage and deliver services for the

state's domestic violence program, including implementing statutory directives contained in chapter 39, Florida Statutes, as amended by chapter 2020-6, Laws of Florida, implementing special projects, coordinating a strong families and domestic violence campaign, implementing the child welfare and domestic violence co-location projects, and conducting training and providing technical assistance to certified domestic violence centers and allied professionals and which remain unobligated and unexpended as of April 29, 2020, within, among, and between budget categories in the Family Safety Program. This section expires July 1, 2020.

Section 44. In order to implement Specific Appropriation 321 of the 2020-2021 General Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Children and Families may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to realign use of the funds appropriated in Specific Appropriation 321 to implement programs and manage and deliver services for the state's domestic violence program, including implementing statutory directives contained in chapter 39, Florida Statutes, as amended by chapter 2020-6, Laws of Florida, implementing special projects, coordinating a strong families and domestic violence campaign, implementing the child welfare and domestic violence co-location projects, and conducting training and providing technical assistance to certified domestic violence centers and allied professionals, within, among, and between budget categories in the Family Safety Program. This section expires July 1, 2021.

Section 45. In order to implement Specific Appropriation 226 of the 2020-2021 General Appropriations Act, subsection (1) of section 409.984, Florida Statutes, is amended to read:

409.984 Enrollment in a long-term care managed care plan.—

(1) The agency shall automatically enroll into a long-term care managed care plan those Medicaid recipients who do not voluntarily choose a plan pursuant to s. 409.969. The agency shall automatically enroll recipients in plans that meet or exceed the performance or quality standards established pursuant to s. 409.967 and may not automatically enroll recipients in a plan that is deficient in those performance or quality standards. If a recipient is deemed dually eligible for Medicaid and Medicare services and is currently receiving Medicare services from an entity qualified under 42 C.F.R. part 422 as a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, or Medicare Advantage Special Needs Plan, the agency shall automatically enroll the recipient in such plan for Medicaid services if the plan is currently participating in the long-term care managed care program. For a dually eligible recipient receiving Medicare services from an entity qualified under 42 C.F.R. part 422 who is not participating in the long-term care managed care program, the agency shall automatically enroll the dually eligible recipient in a long-term care plan that has established a collaboration and coordination agreement with that nonparticipating entity, if the agency determines the agreement is

sufficient to ensure provision of all required services in a manner consistent with state and federal requirements. Except as otherwise provided in this part, the agency may not engage in practices that are designed to favor one managed care plan over another.

Section 46. The amendments to s. 409.984(1), Florida Statutes, by this act expire July 1, 2021, and the text of that subsection shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portion of text which expires pursuant to this section.

Section 47. In order to implement Specific Appropriations 225 and 226 of the 2020-2021 General Appropriations Act, paragraph (b) of subsection (2) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a lower reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(2)

(b) Subject to any limitations or directions in the General Appropriations Act, the agency shall establish and implement a state Title XIX Long-Term Care Reimbursement Plan for nursing home care in order to provide care and services in conformance with the applicable state and federal laws, rules, regulations, and quality and safety standards and to ensure that individuals eligible for medical assistance have reasonable geographic access to such care.

1. The agency shall amend the long-term care reimbursement plan and cost reporting system to create direct care and indirect care subcomponents of the patient care component of the per diem rate. These two subcomponents together shall equal the patient care component of the per diem rate. Separate prices shall be calculated for each patient care subcomponent, initially based on the September 2016 rate setting cost reports and subsequently based on the most recently audited cost report used during a rebasing year. The direct care subcomponent of the per diem rate for any providers still being reimbursed on a cost basis shall be limited by the cost-based class ceiling, and the indirect care subcomponent may be limited by the lower of the cost-based class ceiling, the target rate class ceiling, or the individual provider target. The ceilings and targets apply only to providers being reimbursed on a cost-based system. Effective October 1, 2018, a prospective payment methodology shall be implemented for rate setting purposes with the following parameters:

a. Peer Groups, including:

(I) North-SMMC Regions 1-9, less Palm Beach and Okeechobee Counties; and

(II) South-SMMC Regions 10-11, plus Palm Beach and Okeechobee Counties.

b. Percentage of Median Costs based on the cost reports used for September 2016 rate setting:

(I) Direct Care Costs..... 100 percent.

(II) Indirect Care Costs..... 92 percent.

(III) Operating Costs..... 86 percent.

c. Floors:

(I) Direct Care Component..... 95 percent.

(II) Indirect Care Component..... 92.5 percent.

(III) Operating Component..... None.

d. Pass-through Payments..... Real Estate and Personal Property Taxes and Property Insurance.

e. Quality Incentive Program Payment Pool..... 6.5 percent of September 2016 non-property related payments of included facilities.

f. Quality Score Threshold to Quality for Quality Incentive Payment.....20th percentile of included facilities.

g. Fair Rental Value System Payment Parameters:

(I) Building Value per Square Foot based on 2018 RS Means.

(II) Land Valuation..... 10 percent of Gross Building value.

(III) Facility Square Footage..... Actual Square Footage.

(IV) Moveable Equipment Allowance..... $8,000 per bed.

(V) Obsolescence Factor..... 1.5 percent.

(VI) Fair Rental Rate of Return..... 8 percent.

(VII) Minimum Occupancy..... 90 percent.

(VIII) Maximum Facility Age..... 40 years.

(IX) Minimum Square Footage per Bed..... 350.

(X) Maximum Square Footage for Bed.....500.

(XI) Minimum Cost of a renovation/replacements.....$500 per bed.

h. Ventilator Supplemental payment of $200 per Medicaid day of 40,000 ventilator Medicaid days per fiscal year.

2. The direct care subcomponent shall include salaries and benefits of direct care staff providing nursing services including registered nurses, licensed practical nurses, and certified nursing assistants who deliver care directly to residents in the nursing home facility, allowable therapy costs, and dietary costs. This excludes nursing administration, staff development, the staffing coordinator, and the administrative portion of the minimum data set and care plan coordinators. The direct care subcomponent also includes medically necessary dental care, vision care, hearing care, and podiatric care.

3. All other patient care costs shall be included in the indirect care cost subcomponent of the patient care per diem rate, including complex medical equipment, medical supplies, and other allowable ancillary costs. Costs may not be allocated directly or indirectly to the direct care subcomponent from a home office or management company.

4. On July 1 of each year, the agency shall report to the Legislature direct and indirect care costs, including average direct and indirect care costs per resident per facility and direct care and indirect care salaries and benefits per category of staff member per facility.

5. Every fourth year, the agency shall rebase nursing home prospective payment rates to reflect changes in cost based on the most recently audited cost report for each participating provider.

6. A direct care supplemental payment may be made to providers whose direct care hours per patient day are above the 80th percentile and who provide Medicaid services to a larger percentage of Medicaid patients than the state average.

7. For the period beginning July 1, 2020, the agency shall establish a unit cost increase as an equal percentage for each nursing home.

8.~~7.~~ For the period beginning on October 1, 2018, and ending on September 30, 2021, the agency shall reimburse providers the greater of their September 2016 cost-based rate plus the July 1, 2020, unit cost increase or their prospective payment rate plus the July 1, 2020, unit cost increase. Effective October 1, 2021, the agency shall reimburse providers the greater of 95 percent of their cost-based rate plus the July 1, 2020, unit cost increase or their rebased prospective payment rate plus the July 1, 2020, unit cost increase, using the most recently audited cost report for each facility. This subparagraph shall expire September 30, 2023.

9.~~8.~~ Pediatric, Florida Department of Veterans Affairs, and government-owned facilities are exempt from the pricing model established in this subsection and shall remain on a cost-based prospective payment system. Effective October 1, 2018, the agency shall set rates for all facilities remaining on a cost-based prospective payment system using each facility's most recently audited cost report, eliminating retroactive settlements.

It is the intent of the Legislature that the reimbursement plan achieve the goal of providing access to health care for nursing home residents who require large amounts of care while encouraging diversion services as an alternative to nursing home care for residents who can be served within the community. The agency shall base the establishment of any maximum rate of payment, whether overall or component, on the available moneys as provided for in the General Appropriations Act. The agency may base the maximum rate of payment on the results of scientifically valid analysis and conclusions derived from objective statistical data pertinent to the particular maximum rate of payment.

Section 48. The amendments to s. 409.908(2)(b), Florida Statutes, by this act expire July 1, 2021, and the text of that paragraph shall revert to that in existence on July 1, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 49. Effective upon becoming law, in order to implement Specific Appropriations 426 through 545 of the 2019-2020 General Appropriations Act and Specific Appropriations 426 through 545 of the 2020-2021 General

Appropriations Act, and notwithstanding ss. 216.181 and 216.292, Florida Statutes, the Department of Health may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, Florida Statutes, to increase budget authority for public health emergencies declared pursuant to s. 381.00315, Florida Statutes, if additional federal revenues specific to response to a declared public health emergency become available in the 2019-2020 or 2020-2021 fiscal year. This section expires July 1, 2021.

Section 50. In order to implement Specific Appropriations 225 and 226 of the 2020-2021 General Appropriations Act, upon the expiration and reversion of the amendment made to section 400.179, Florida Statutes, pursuant to section 29 of chapter 2019-116, Laws of Florida, paragraph (d) of subsection (2) of section 400.179, Florida Statutes, is amended to read:

400.179 Liability for Medicaid underpayments and overpayments.—

(2) Because any transfer of a nursing facility may expose the fact that Medicaid may have underpaid or overpaid the transferor, and because in most instances, any such underpayment or overpayment can only be determined following a formal field audit, the liabilities for any such underpayments or overpayments shall be as follows:

(d) Where the transfer involves a facility that has been leased by the transferor:

1. The transferee shall, as a condition to being issued a license by the agency, acquire, maintain, and provide proof to the agency of a bond with a term of 30 months, renewable annually, in an amount not less than the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility.

2. A leasehold licensee may meet the requirements of subparagraph 1. by payment of a nonrefundable fee, paid at initial licensure, paid at the time of any subsequent change of ownership, and paid annually thereafter, in the amount of 1 percent of the total of 3 months' Medicaid payments to the facility computed on the basis of the preceding 12-month average Medicaid payments to the facility. If a preceding 12-month average is not available, projected Medicaid payments may be used. The fee shall be deposited into the Grants and Donations Trust Fund and shall be accounted for separately as a Medicaid nursing home overpayment account. These fees shall be used at the sole discretion of the agency to repay nursing home Medicaid overpayments or for enhanced payments to nursing facilities as specified in the General Appropriations Act or other law. Payment of this fee shall not release the licensee from any liability for any Medicaid overpayments, nor shall payment bar the agency from seeking to recoup overpayments from the licensee and any other liable party. As a condition of exercising this lease bond alternative, licensees paying this fee must maintain an existing lease bond through the end of the 30-month term period of that bond. The agency is herein granted specific authority to promulgate all rules pertaining to the

administration and management of this account, including withdrawals from the account, subject to federal review and approval. This provision shall take effect upon becoming law and shall apply to any leasehold license application. The financial viability of the Medicaid nursing home overpayment account shall be determined by the agency through annual review of the account balance and the amount of total outstanding, unpaid Medicaid overpayments owing from leasehold licensees to the agency as determined by final agency audits. By March 31 of each year, the agency shall assess the cumulative fees collected under this subparagraph, minus any amounts used to repay nursing home Medicaid overpayments and amounts transferred to contribute to the General Revenue Fund pursuant to s. 215.20. If the net cumulative collections, minus amounts utilized to repay nursing home Medicaid overpayments, exceed $10 ~~$25~~ million, the provisions of this subparagraph shall not apply for the subsequent fiscal year.

3. The leasehold licensee may meet the bond requirement through other arrangements acceptable to the agency. The agency is herein granted specific authority to promulgate rules pertaining to lease bond arrangements.

4. All existing nursing facility licensees, operating the facility as a leasehold, shall acquire, maintain, and provide proof to the agency of the 30-month bond required in subparagraph 1., above, on and after July 1, 1993, for each license renewal.

5. It shall be the responsibility of all nursing facility operators, operating the facility as a leasehold, to renew the 30-month bond and to provide proof of such renewal to the agency annually.

6. Any failure of the nursing facility operator to acquire, maintain, renew annually, or provide proof to the agency shall be grounds for the agency to deny, revoke, and suspend the facility license to operate such facility and to take any further action, including, but not limited to, enjoining the facility, asserting a moratorium pursuant to part II of chapter 408, or applying for a receiver, deemed necessary to ensure compliance with this section and to safeguard and protect the health, safety, and welfare of the facility's residents. A lease agreement required as a condition of bond financing or refinancing under s. 154.213 by a health facilities authority or required under s. 159.30 by a county or municipality is not a leasehold for purposes of this paragraph and is not subject to the bond requirement of this paragraph.

Section 51. The amendment to s. 400.179(2)(d), Florida Statutes, by this act expires July 1, 2021, and the text of that paragraph shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 52. In order to implement Specific Appropriations 582 through 673 and 685 through 720 of the 2020-2021 General Appropriations Act, subsection (4) of section 216.262, Florida Statutes, is amended to read:

216.262 Authorized positions.—

(4) Notwithstanding the provisions of this chapter relating to increasing the number of authorized positions, and for the 2020-2021 ~~2019-2020~~ fiscal year only, if the actual inmate population of the Department of Corrections exceeds the inmate population projections of the December 17 ~~February 22~~, 2019, Criminal Justice Estimating Conference by 1 percent for 2 consecutive months or 2 percent for any month, the Executive Office of the Governor, with the approval of the Legislative Budget Commission, shall immediately notify the Criminal Justice Estimating Conference, which shall convene as soon as possible to revise the estimates. The Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to this subsection are subject to review and approval by the Legislative Budget Commission. This subsection expires July 1, 2021 ~~2020~~.

Section 53. In order to implement Specific Appropriation 707 of the 2020-2021 General Appropriations Act, and upon the expiration and reversion of the amendments made by section 52 of chapter 2019-116, Laws of Florida, paragraph (b) of subsection (8) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(8)

(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates, except to the extent that such funds are specifically appropriated for such purpose in the 2020-2021 General Appropriations Act ~~with more than 24 months of time remaining to serve on their sentences or federal inmates.~~

Section 54. The amendment made to s. 1011.80(8)(b), Florida Statutes, by this act expires July 1, 2021, and the text of that paragraph shall revert to that in existence on July 1, 2019, but not including any amendments made by this act or chapters 2019-116 and 2018-10, Laws of Florida, and any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 55. In order to implement Specific Appropriations 3187 through 3253 of the 2020-2021 General Appropriations Act, subsection (2) of section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(2) The Chief Justice of the Supreme Court may receive one or more trust fund loans to ensure that the state court system has funds sufficient to meet its appropriations in the 2020-2021 ~~2019-2020~~ General Appropriations Act. If the Chief Justice accesses the loan, he or she must notify the Governor and the chairs of the legislative appropriations committees in writing. The loan must come from other funds in the State Treasury which are for the time being or otherwise in excess of the amounts necessary to meet the just requirements of such last-mentioned funds. The Governor shall order the transfer of funds within 5 days after the written notification from the Chief Justice. If the Governor does not order the transfer, the Chief Financial Officer shall transfer the requested funds. The loan of funds from which any money is temporarily transferred must be repaid by the end of the 2020-2021 ~~2019-2020~~ fiscal year. This subsection expires July 1, 2021 ~~2020~~.

Section 56. (1) In order to implement Specific Appropriations 1120 through 1131 of the 2020-2021 General Appropriations Act, the Department of Juvenile Justice is required to review county juvenile detention payments to ensure that counties fulfill their financial responsibilities required in s. 985.6865, Florida Statutes. If the Department of Juvenile Justice determines that a county has not met its obligations, the department shall direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from the funds provided to the county under s. 218.23, Florida Statutes. The Department of Revenue shall transfer the funds withheld to the Shared County/State Juvenile Detention Trust Fund.

(2) As an assurance to holders of bonds issued by counties before July 1, 2020, for which distributions made pursuant to s. 218.23, Florida Statutes, are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to subsection (1) does not reduce the amount of distribution to a county below the amount necessary for the timely payment of principal and interest when due on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds. If a reduction to a county's monthly distribution must be decreased in order to comply with this section, the Department of Revenue must notify the Department of Juvenile Justice of the amount of the decrease, and the Department of Juvenile Justice must send a bill for payment of such amount to the affected county.

(3) This section expires July 1, 2021.

Section 57. In order to implement Specific Appropriations 731 through 752, 916 through 1062, and 1083 through 1119 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 57 of chapter 2019-116, Laws of Florida, subsection (1), paragraph (a) of subsection (2), paragraph (a) of subsection (3), and subsections (5), (6), and (7) of that section are reenacted, to read:

27.40 Court-appointed counsel; circuit registries; minimum requirements; appointment by court.—

(1) Counsel shall be appointed to represent any individual in a criminal or civil proceeding entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law. The court shall appoint a public defender to represent indigent persons as authorized in s. 27.51. The office of criminal conflict and civil regional counsel shall be appointed to represent persons in those cases in which provision is made for court-appointed counsel, but only after the public defender has certified to the court in writing that the public defender is unable to provide representation due to a conflict of interest or is not authorized to provide representation. The public defender shall report, in the aggregate, the specific basis of all conflicts of interest certified to the court. On a quarterly basis, the public defender shall submit this information to the Justice Administrative Commission.

(2)(a) Private counsel shall be appointed to represent persons in those cases in which provision is made for court-appointed counsel but only after the office of criminal conflict and civil regional counsel has been appointed and has certified to the court in writing that the criminal conflict and civil regional counsel is unable to provide representation due to a conflict of interest. The criminal conflict and civil regional counsel shall report, in the aggregate, the specific basis of all conflicts of interest certified to the court. On a quarterly basis, the criminal conflict and civil regional counsel shall submit this information to the Justice Administrative Commission.

(3) In using a registry:

(a) The chief judge of the circuit shall compile a list of attorneys in private practice, by county and by category of cases, and provide the list to the clerk of court in each county. The chief judge of the circuit may restrict the number of attorneys on the general registry list. To be included on a registry, an attorney must certify that he or she:

1. Meets any minimum requirements established by the chief judge and by general law for court appointment;

2. Is available to represent indigent defendants in cases requiring court appointment of private counsel; and

3. Is willing to abide by the terms of the contract for services, s. 27.5304, and this section.

To be included on a registry, an attorney must enter into a contract for services with the Justice Administrative Commission. Failure to comply with the terms of the contract for services may result in termination of the contract and removal from the registry. Each attorney on the registry is responsible for notifying the clerk of the court and the Justice Administrative Commission of any change in his or her status. Failure to comply with this requirement is cause for termination of the contract for services and removal from the registry until the requirement is fulfilled.

(5) The Justice Administrative Commission shall approve uniform contract forms for use in procuring the services of private court-appointed counsel and uniform procedures and forms for use by a court-appointed attorney in support of billing for attorney's fees, costs, and related expenses to demonstrate the attorney's completion of specified duties. Such uniform contracts and forms for use in billing must be consistent with s. 27.5304, s. 216.311, and the General Appropriations Act and must contain the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."

(6) After court appointment, the attorney must immediately file a notice of appearance with the court indicating acceptance of the appointment to represent the defendant and of the terms of the uniform contract as specified in subsection (5).

(7)(a) A private attorney appointed by the court from the registry to represent a client is entitled to payment as provided in s. 27.5304 so long as the requirements of subsection (1) and paragraph (2)(a) are met. An attorney appointed by the court who is not on the registry list may be compensated under s. 27.5304 only if the court finds in the order of appointment that there were no registry attorneys available for representation for that case and only if the requirements of subsection (1) and paragraph (2)(a) are met.

(b)1. The flat fee established in s. 27.5304 and the General Appropriations Act shall be presumed by the court to be sufficient compensation. The attorney shall maintain appropriate documentation, including contemporaneous and detailed hourly accounting of time spent representing the client. If the attorney fails to maintain such contemporaneous and detailed hourly records, the attorney waives the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act. These records and documents are subject to review by the Justice Administrative Commission and audit by the Auditor General, subject to the attorney-client privilege and work-product privilege. The attorney shall maintain the records and documents in a manner that enables the attorney to redact any information subject to a privilege in order to facilitate the commission's review of the records and documents and not to impede such review. The attorney may redact information from the records and documents only to the extent necessary to comply with the privilege. The Justice Administrative Commission shall review such records and shall contemporaneously document such review before authorizing payment to an attorney. Objections by

or on behalf of the Justice Administrative Commission to records or documents or to claims for payment by the attorney shall be presumed correct by the court unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption.

2. If an attorney fails, refuses, or declines to permit the commission or the Auditor General to review documentation for a case as provided in this paragraph, the attorney waives the right to seek, and the commission may not pay, compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act for that case.

3. A finding by the commission that an attorney has waived the right to seek compensation in excess of the flat fee established in s. 27.5304 and the General Appropriations Act, as provided in this paragraph, shall be presumed to be correct, unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption.

Section 58. In order to implement Specific Appropriations 731 through 752, 916 through 1062, and 1083 through 1119 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 59 of chapter 2019-116, Laws of Florida, subsection (13) of section 27.5304, Florida Statutes, is amended, and subsections (1), (3), (7), and (11), and paragraphs (a) through (e) of subsection (12), are reenacted, to read:

27.5304 Private court-appointed counsel; compensation; notice.—

(1) Private court-appointed counsel appointed in the manner prescribed in s. 27.40(1) and (2)(a) shall be compensated by the Justice Administrative Commission only as provided in this section and the General Appropriations Act. The flat fees prescribed in this section are limitations on compensation. The specific flat fee amounts for compensation shall be established annually in the General Appropriations Act. The attorney also shall be reimbursed for reasonable and necessary expenses in accordance with s. 29.007. If the attorney is representing a defendant charged with more than one offense in the same case, the attorney shall be compensated at the rate provided for the most serious offense for which he or she represented the defendant. This section does not allow stacking of the fee limits established by this section.

(3) The court retains primary authority and responsibility for determining the reasonableness of all billings for attorney fees, costs, and related expenses, subject to statutory limitations and the requirements of s. 27.40(7). Private court-appointed counsel is entitled to compensation upon final disposition of a case.

(7) Counsel eligible to receive compensation from the state for representation pursuant to court appointment made in accordance with the requirements of s. 27.40(1) and (2)(a) in a proceeding under chapter 384, chapter 390, chapter 392, chapter 393, chapter 394, chapter 397, chapter 415, chapter 743, chapter 744, or chapter 984 shall receive compensation not

to exceed the limits prescribed in the General Appropriations Act. Any such compensation must be determined as provided in s. 27.40(7).

(11) It is the intent of the Legislature that the flat fees prescribed under this section and the General Appropriations Act comprise the full and complete compensation for private court-appointed counsel. It is further the intent of the Legislature that the fees in this section are prescribed for the purpose of providing counsel with notice of the limit on the amount of compensation for representation in particular proceedings and the sole procedure and requirements for obtaining payment for the same.

(a) If court-appointed counsel moves to withdraw prior to the full performance of his or her duties through the completion of the case, the court shall presume that the attorney is not entitled to the payment of the full flat fee established under this section and the General Appropriations Act.

(b) If court-appointed counsel is allowed to withdraw from representation prior to the full performance of his or her duties through the completion of the case and the court appoints a subsequent attorney, the total compensation for the initial and any and all subsequent attorneys may not exceed the flat fee established under this section and the General Appropriations Act, except as provided in subsection (12).

This subsection constitutes notice to any subsequently appointed attorney that he or she will not be compensated the full flat fee.

(12) The Legislature recognizes that on rare occasions an attorney may receive a case that requires extraordinary and unusual effort.

(a) If counsel seeks compensation that exceeds the limits prescribed by law, he or she must file a motion with the chief judge for an order approving payment of attorney fees in excess of these limits.

1. Before filing the motion, the counsel shall deliver a copy of the intended billing, together with supporting affidavits and all other necessary documentation, to the Justice Administrative Commission.

2. The Justice Administrative Commission shall review the billings, affidavit, and documentation for completeness and compliance with contractual and statutory requirements and shall contemporaneously document such review before authorizing payment to an attorney. If the Justice Administrative Commission objects to any portion of the proposed billing, the objection and supporting reasons must be communicated in writing to the private court-appointed counsel. The counsel may thereafter file his or her motion, which must specify whether the commission objects to any portion of the billing or the sufficiency of documentation, and shall attach the commission's letter stating its objection.

(b) Following receipt of the motion to exceed the fee limits, the chief judge or a single designee shall hold an evidentiary hearing. The chief judge

may select only one judge per circuit to hear and determine motions pursuant to this subsection, except multicounty circuits and the eleventh circuit may have up to two designees.

1. At the hearing, the attorney seeking compensation must prove by competent and substantial evidence that the case required extraordinary and unusual efforts. The chief judge or single designee shall consider criteria such as the number of witnesses, the complexity of the factual and legal issues, and the length of trial. The fact that a trial was conducted in a case does not, by itself, constitute competent substantial evidence of an extraordinary and unusual effort. In a criminal case, relief under this section may not be granted if the number of work hours does not exceed 75 or the number of the state's witnesses deposed does not exceed 20.

2. Objections by or on behalf of the Justice Administrative Commission to records or documents or to claims for payment by the attorney shall be presumed correct by the court unless the court determines, in writing, that competent and substantial evidence exists to justify overcoming the presumption. The chief judge or single designee shall enter a written order detailing his or her findings and identifying the extraordinary nature of the time and efforts of the attorney in the case which warrant exceeding the flat fee established by this section and the General Appropriations Act.

(c) A copy of the motion and attachments shall be served on the Justice Administrative Commission at least 20 business days before the date of a hearing. The Justice Administrative Commission has standing to appear before the court, and may appear in person or telephonically, including at the hearing under paragraph (b), to contest any motion for an order approving payment of attorney fees, costs, or related expenses and may participate in a hearing on the motion by use of telephonic or other communication equipment. The Justice Administrative Commission may contract with other public or private entities or individuals to appear before the court for the purpose of contesting any motion for an order approving payment of attorney fees, costs, or related expenses. The fact that the Justice Administrative Commission has not objected to any portion of the billing or to the sufficiency of the documentation is not binding on the court.

(d) If the chief judge or a single designee finds that counsel has proved by competent and substantial evidence that the case required extraordinary and unusual efforts, the chief judge or single designee shall order the compensation to be paid to the attorney at a percentage above the flat fee rate, depending on the extent of the unusual and extraordinary effort required. The percentage must be only the rate necessary to ensure that the fees paid are not confiscatory under common law. The percentage may not exceed 200 percent of the established flat fee, absent a specific finding that 200 percent of the flat fee in the case would be confiscatory. If the chief judge or single designee determines that 200 percent of the flat fee would be confiscatory, he or she shall order the amount of compensation using an hourly rate not to exceed $75 per hour for a noncapital case and $100 per hour for a capital case. However, the compensation calculated by using the

hourly rate shall be only that amount necessary to ensure that the total fees paid are not confiscatory, subject to the requirements of s. 27.40(7).

(e) Any order granting relief under this subsection must be attached to the final request for a payment submitted to the Justice Administrative Commission and must satisfy the requirements of subparagraph (b)2.

(13) Notwithstanding the limitation set forth in subsection (5) and for the 2020-2021 ~~2019-2020~~ fiscal year only, the compensation for representation in a criminal proceeding may not exceed the following:

(a) For misdemeanors and juveniles represented at the trial level: $1,000.

(b) For noncapital, nonlife felonies represented at the trial level: $15,000.

(c) For life felonies represented at the trial level: $15,000.

(d) For capital cases represented at the trial level: $25,000. For purposes of this paragraph, a "capital case" is any offense for which the potential sentence is death and the state has not waived seeking the death penalty.

(e) For representation on appeal: $9,000.

(f) This subsection expires July 1, 2021 ~~2019~~.

Section 59. The amendments to s. 27.40(1), (2)(a), (3)(a), (5), (6), and (7), Florida Statutes, and s. 27.5304(1), (3), (7), (11), and (12)(a)-(e), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act expire July 1, 2021, and the text of those subsections and paragraphs, as applicable, shall revert to that in existence on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 60. In order to implement Specific Appropriation 736 of the 2020-2021 General Appropriations Act, and notwithstanding s. 28.35, Florida Statutes, the clerks of the circuit court are responsible for any costs of compensation to jurors, for meals or lodging provided to jurors, and for jury-related personnel costs that exceed the funding provided in the General Appropriations Act for these purposes. This section expires July 1, 2021.

Section 61. In order to implement Specific Appropriations 916 through 1062 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 63 of chapter 2019-116, Laws of Florida, paragraph (c) of subsection (19) of section 318.18, Florida Statutes, is reenacted to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(19) In addition to any penalties imposed, an Article V assessment of $10 must be paid for all noncriminal moving and nonmoving violations under chapters 316, 320, and 322. The assessment is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35. Of the funds collected under this subsection:

(c) The sum of $1.67 shall be deposited in the Indigent Criminal Defense Trust Fund for use by the public defenders.

Section 62. In order to implement Specific Appropriations 916 through 1062 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 63 of chapter 2019-116, Laws of Florida, paragraph (b) of subsection (12) of section 817.568, Florida Statutes, is reenacted to read:

817.568 Criminal use of personal identification information.—

(12) In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of this section, the court shall impose a surcharge of $1,001.

(b) The sum of $250 of the surcharge shall be deposited into the State Attorneys Revenue Trust Fund for the purpose of funding prosecutions of offenses relating to the criminal use of personal identification information. The sum of $250 of the surcharge shall be deposited into the Indigent Criminal Defense Trust Fund for the purposes of indigent criminal defense related to the criminal use of personal identification information.

Section 63. The text of ss. 318.18(19)(c) and 817.568(12)(b), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act expires July 1, 2021, and the text of those paragraphs shall revert to that in existence on June 30, 2018, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 64. In order to implement Specific Appropriation 1120 through 1203B of the 2020-2021 General Appropriations Act, subsections (2) and (3) of section 20.316, Florida Statutes, are amended to read:

20.316 Department of Juvenile Justice.—There is created a Department of Juvenile Justice.

(2) DEPARTMENT PROGRAMS.—The following programs are established within the Department of Juvenile Justice:

(a) Accountability and Program Support.

(d)~~(a)~~ Prevention ~~and Victim Services~~.

(c)~~(b)~~ Intake and Detention.

(f)~~(c)~~ Residential and Correctional Facilities.

(e)~~(d)~~ Probation and Community Corrections.

(b)~~(e)~~ Administration.

The secretary may establish assistant secretary positions and a chief of staff position as necessary to administer the requirements of this section.

(3) JUVENILE JUSTICE OPERATING CIRCUITS.—The department shall plan and administer its programs through a substate structure that conforms to the boundaries of the judicial circuits prescribed in s. 26.021. A county may seek placement in a juvenile justice operating circuit other than as prescribed in s. 26.021 for participation in the Prevention ~~and Victim Services~~ Program and the Probation and Community Corrections Program by making a request of the chief circuit judge in each judicial circuit affected by such request. Upon a showing that geographic proximity, community identity, or other legitimate concern for efficiency of operations merits alternative placement, each affected chief circuit judge may authorize the execution of an interagency agreement specifying the alternative juvenile justice operating circuit in which the county is to be placed and the basis for the alternative placement. Upon the execution of said interagency agreement by each affected chief circuit judge, the secretary may administratively place a county in an alternative juvenile justice operating circuit pursuant to the agreement.

Section 65. The amendments to s. 20.316(2) and (3), Florida Statutes, by this act expire July 1, 2021, and the text of those subsections shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 66. In order to implement appropriations used to pay existing lease contracts for private lease space in excess of 2,000 square feet in the 2020-2021 General Appropriations Act, the Department of Management Services, with the cooperation of the agencies having the existing lease contracts for office or storage space, shall use tenant broker services to renegotiate or reprocure all private lease agreements for office or storage space expiring between July 1, 2021, and June 30, 2023, in order to reduce costs in future years. The department shall incorporate this initiative into its 2020 master leasing report required under s. 255.249(7), Florida Statutes, and may use tenant broker services to explore the possibilities of collocating office or storage space, to review the space needs of each agency, and to review the length and terms of potential renewals or renegotiations. The department shall provide a report to the Executive Office of the Governor,

the President of the Senate, and the Speaker of the House of Representatives by November 1, 2020, which lists each lease contract for private office or storage space, the status of renegotiations, and the savings achieved. This section expires July 1, 2021.

Section 67. In order to implement Specific Appropriations 2820 through 2832 of the 2020-2021 General Appropriations Act, and notwithstanding rule 60A-1.031, Florida Administrative Code, the transaction fee collected for use of the online procurement system, authorized in ss. 287.042(1)(h)1. and 287.057(22)(c), Florida Statutes, is seven-tenths of 1 percent for the 2020-2021 fiscal year only. This section expires July 1, 2021.

Section 68. In order to implement appropriations authorized in the 2020-2021 General Appropriations Act for data center services, and notwithstanding s. 216.292(2)(a), Florida Statutes, an agency may not transfer funds from a data processing category to a category other than another data processing category. This section expires July 1, 2021.

Section 69. In order to implement the appropriation of funds in the appropriation category "Data Processing Assessment-Department of Management Services" in the 2020-2021 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted based on the estimated billing cycle and methodology used by the Department of Management Services for data processing services provided. This section expires July 1, 2021.

Section 70. In order to implement the appropriation of funds in the appropriation category "Special Categories-Risk Management Insurance" in the 2020-2021 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. This section expires July 1, 2021.

Section 71. In order to implement the appropriation of funds in the appropriation category "Special Categories-Transfer to Department of Management Services-Human Resources Services Purchased per Statewide Contract" in the 2020-2021 General Appropriations Act, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in that category between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. This section expires July 1, 2021.

Section 72. In order to implement Specific Appropriations 2388 through 2391 of the 2020-2021 General Appropriations Act:

(1) The Department of Financial Services shall replace the four main components of the Florida Accounting Information Resource Subsystem (FLAIR), which include central FLAIR, departmental FLAIR, payroll, and information warehouse, and shall replace the cash management and accounting management components of the Cash Management Subsystem (CMS) with an integrated enterprise system that allows the state to organize, define, and standardize its financial management business processes and that complies with ss. 215.90-215.96, Florida Statutes. The department may not include in the replacement of FLAIR and CMS:

(a) Functionality that duplicates any of the other information subsystems of the Florida Financial Management Information System; or

(b) Agency business processes related to any of the functions included in the Personnel Information System, the Purchasing Subsystem, or the Legislative Appropriations System/Planning and Budgeting Subsystem.

(2) For purposes of replacing FLAIR and CMS, the Department of Financial Services shall:

(a) Take into consideration the cost and implementation data identified for Option 3 as recommended in the March 31, 2014, Florida Department of Financial Services FLAIR Study, version 031.

(b) Ensure that all business requirements and technical specifications have been provided to all state agencies for their review and input and approved by the executive steering committee established in paragraph (c).

(c) Implement a project governance structure that includes an executive steering committee composed of:

1. The Chief Financial Officer or the executive sponsor of the project.

2. A representative of the Division of Treasury of the Department of Financial Services, appointed by the Chief Financial Officer.

3. A representative of the Division of Information Systems of the Department of Financial Services, appointed by the Chief Financial Officer.

4. Four employees from the Division of Accounting and Auditing of the Department of Financial Services, appointed by the Chief Financial Officer. Each employee must have experience relating to at least one of the four main components that compose FLAIR.

5. Two employees from the Executive Office of the Governor, appointed by the Governor. One employee must have experience relating to the Legislative Appropriations System/Planning and Budgeting Subsystem.

6. One employee from the Department of Revenue, appointed by the executive director, who has experience relating to the department's SUNTAX system.

7. Two employees from the Department of Management Services, appointed by the Secretary of Management Services. One employee must have experience relating to the department's personnel information subsystem and one employee must have experience relating to the department's purchasing subsystem.

8. Three state agency administrative services directors, appointed by the Governor. One director must represent a regulatory and licensing state agency and one director must represent a health care-related state agency.

(3) The Chief Financial Officer or the executive sponsor of the project shall serve as chair of the executive steering committee, and the committee shall take action by a vote of at least eight affirmative votes with the Chief Financial Officer or the executive sponsor of the project voting on the prevailing side. A quorum of the executive steering committee consists of at least 10 members.

(4) The executive steering committee has the overall responsibility for ensuring that the project to replace FLAIR and CMS meets its primary business objectives and shall:

(a) Identify and recommend to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives any statutory changes needed to implement the replacement subsystem that will standardize, to the fullest extent possible, the state's financial management business processes.

(b) Review and approve any changes to the project's scope, schedule, and budget which do not conflict with the requirements of subsection (1).

(c) Ensure that adequate resources are provided throughout all phases of the project.

(d) Approve all major project deliverables.

(e) Approve all solicitation-related documents associated with the replacement of FLAIR and CMS.

(5) This section expires July 1, 2021.

Section 73. In order to implement Specific Appropriations 2900 through 2946 of the 2020-2021 General Appropriations Act, section 29 of chapter 2019-118, Laws of Florida, is amended to read:

Section 29. Florida Cybersecurity Task Force.—

(1) The Florida Cybersecurity Task Force, a task force as defined in s. 20.03(8), Florida Statutes, is created adjunct to the Department of Management Services to review and conduct an assessment of the state's cybersecurity infrastructure, governance, and operations. Except as

otherwise provided in this section, the task force shall operate in a manner consistent with s. 20.052, Florida Statutes.

(2) The task force consists of the following members:

(a) The Lieutenant Governor, or his or her designee, who shall serve as chair of the task force.

(b) A representative of the computer crime center of the Department of Law Enforcement, appointed by the executive director of the department.

(c) A representative of the fusion center of the Department of Law Enforcement, appointed by the executive director of the department.

(d) The state chief information officer.

(e) The state chief information security officer.

(f) A representative of the Division of Emergency Management within the Executive Office of the Governor, appointed by the director of the division.

(g) A representative of the Office of the Chief Inspector General in the Executive Office of the Governor, appointed by the Chief Inspector General.

(h) An individual appointed by the President of the Senate.

(i) An individual appointed by the Speaker of the House of Representatives.

(j) Members of the private sector appointed by the Governor.

(3) The task force shall convene by October 1, 2019, and shall meet as necessary, but at least quarterly, at the call of the chair. The Division of State Technology within the Department of Management Services shall provide staffing and administrative support to the task force.

(4) The task force shall:

(a) Recommend methods to secure the state's network systems and data, including standardized plans and procedures to identify developing threats and to prevent unauthorized access and destruction of data.

(b) Identify and recommend remediation, if necessary, of high-risk cybersecurity issues facing state government.

(c) Recommend a process to regularly assess cybersecurity infrastructure and activities of executive branch agencies.

(d) Identify gaps in the state's overall cybersecurity infrastructure, governance, and current operations. Based on any findings of gaps or deficiencies, the task force shall make recommendations for improvement.

(e) Recommend cybersecurity improvements for the state's emergency management and disaster response systems.

(f) Recommend cybersecurity improvements of the state data center.

(g) Review and recommend improvements relating to the state's current operational plans for the response, coordination, and recovery from a cybersecurity attack.

(5) All executive branch departments and agencies shall cooperate fully with requests for information made by the task force.

(6) On or before February 1, 2021 ~~November 1, 2020~~, the task force shall submit a final report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(7) This section expires May ~~January~~ 1, 2021.

Section 74. In order to implement Specific Appropriation 1633 of the 2020-2021 General Appropriations Act, paragraph (d) of subsection (11) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(11)

(d) Notwithstanding paragraph (b) and paragraph (2)(b), and for the 2020-2021 ~~2019-2020~~ fiscal year only, the Legislative Budget Commission may increase the amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection for fixed capital outlay projects, including additional fixed capital outlay projects, using funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation; funds provided to the state from the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act); or funds provided by the British Petroleum Corporation (BP) for natural resource damage assessment restoration projects. Concurrent with submission of an amendment to the Legislative Budget Commission pursuant to this paragraph, any project that carries a continuing commitment for future appropriations by the Legislature must be specifically identified, together with the projected amount of the future commitment associated with the project and the fiscal years in which the commitment is expected to commence. This paragraph expires July 1, 2021 ~~2020~~.

The provisions of this subsection are subject to the notice and objection procedures set forth in s. 216.177.

Section 75. In order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer

Services, the Department of Environmental Protection, the Department of State, and the Fish and Wildlife Conservation Commission, which are contained in the 2020-2021 General Appropriations Act, subsection (3) of section 215.18, Florida Statutes, is amended to read:

215.18 Transfers between funds; limitation.—

(3) Notwithstanding subsection (1) and only with respect to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission, whenever there is a deficiency in a land acquisition trust fund which would render that trust fund temporarily insufficient to meet its just requirements, including the timely payment of appropriations from that trust fund, and other trust funds in the State Treasury have moneys that are for the time being or otherwise in excess of the amounts necessary to meet the just requirements, including appropriated obligations, of those other trust funds, the Governor may order a temporary transfer of moneys from one or more of the other trust funds to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission. Any action proposed pursuant to this subsection is subject to the notice, review, and objection procedures of s. 216.177, and the Governor shall provide notice of such action at least 7 days before the effective date of the transfer of trust funds, except that during July 2020 ~~2019~~, notice of such action shall be provided at least 3 days before the effective date of a transfer unless such 3-day notice is waived by the chair and vice-chair of the Legislative Budget Commission. Any transfer of trust funds to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission must be repaid to the trust funds from which the moneys were loaned by the end of the 2020-2021 ~~2019-2020~~ fiscal year. The Legislature has determined that the repayment of the other trust fund moneys temporarily loaned to a land acquisition trust fund in the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, or the Fish and Wildlife Conservation Commission pursuant to this subsection is an allowable use of the moneys in a land acquisition trust fund because the moneys from other trust funds temporarily loaned to a land acquisition trust fund shall be expended solely and exclusively in accordance with s. 28, Art. X of the State Constitution. This subsection expires July 1, 2021 ~~2020~~.

Section 76. (1) In order to implement specific appropriations from the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of Environmental Protection, the Department of State, and the Fish and Wildlife Conservation Commission, which are contained in the 2020-2021 General Appropriations Act, the Department of Environmental Protection shall transfer revenues from the Land Acquisition Trust Fund within the department to the land acquisition trust funds within the Department of Agriculture and Consumer Services,

the Department of State, and the Fish and Wildlife Conservation Commission, as provided in this section. As used in this section, the term "department" means the Department of Environmental Protection.

(2) After subtracting any required debt service payments, the proportionate share of revenues to be transferred to each land acquisition trust fund shall be calculated by dividing the appropriations from each of the land acquisition trust funds for the fiscal year by the total appropriations from the Land Acquisition Trust Fund within the department and the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission for the fiscal year. The department shall transfer the proportionate share of the revenues in the Land Acquisition Trust Fund within the department on a monthly basis to the appropriate land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission and shall retain its proportionate share of the revenues in the Land Acquisition Trust Fund within the department. Total distributions to a land acquisition trust fund within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission may not exceed the total appropriations from such trust fund for the fiscal year.

(3) In addition, the department shall transfer from the Land Acquisition Trust Fund to land acquisition trust funds within the Department of Agriculture and Consumer Services, the Department of State, and the Fish and Wildlife Conservation Commission amounts equal to the difference between the amounts appropriated in chapter 2019-115, Laws of Florida, to the department's Land Acquisition Trust Fund and the other land acquisition trust funds, and the amounts actually transferred between those trust funds during the 2019-2020 fiscal year.

(4) The department may advance funds from the beginning unobligated fund balance in the Land Acquisition Trust Fund to the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission needed for cash flow purposes based on a detailed expenditure plan. The department shall prorate amounts transferred quarterly to the Fish and Wildlife Conservation Commission to recoup the amount of funds advanced by June 30, 2021.

(5) This section expires July 1, 2021.

Section 77. In order to implement appropriations from the Land Acquisition Trust Fund within the Department of Environmental Protection in the 2020-2021 General Appropriations Act, paragraph (b) of subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

(b) Of the funds remaining after the payments required under paragraph (a), but before funds may be appropriated, pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or $200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, $32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the $32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or $100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

2. A minimum of the lesser of 7.6 percent or $50 million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

3. The sum of $5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management

District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth in this subparagraph.

4. The sum of $64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019 fiscal year, and each fiscal year thereafter, for the EAA reservoir project pursuant to s. 373.4598. Any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year are in addition to the amount appropriated under subparagraph 1. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

5. Notwithstanding subparagraph 3., for the 2020-2021 ~~2019-2020~~ fiscal year, funds shall be appropriated as provided in the General Appropriations Act. This subparagraph expires July 1, 2021 ~~2020~~.

Section 78. In order to implement Specific Appropriations 1443 through 1452 of the 2020-2021 General Appropriations Act, subsection (4) of section 570.441, Florida Statutes, is amended to read:

570.441 Pest Control Trust Fund.—

(4) In addition to the uses authorized under subsection (2), moneys collected or received by the department under chapter 482 may be used to carry out the provisions of s. 570.44. This subsection expires July 1, 2021 ~~June 30, 2020~~.

Section 79. In order to implement Specific Appropriation 1380 of the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 91 of chapter 2019-116, Laws of Florida, paragraph (a) of subsection (1) of section 570.93, Florida Statutes, is reenacted to read:

570.93 Department of Agriculture and Consumer Services; agricultural water conservation and agricultural water supply planning.—

(1) The department shall establish an agricultural water conservation program that includes the following:

(a) A cost-share program, coordinated with the United States Department of Agriculture and other federal, state, regional, and local agencies when appropriate, for irrigation system retrofit and application of mobile irrigation laboratory evaluations, and for water conservation and water quality improvement pursuant to s. 403.067(7)(c).

Section 80. The amendment to s. 570.93(1)(a), Florida Statutes, as carried forward from chapter 2019-116, Laws of Florida, by this act expires July 1, 2021, and the text of that paragraph shall revert to that in existence

on June 30, 2019, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 81. In order to implement Specific Appropriations 1453 through 1459 of the 2020-2021 General Appropriations Act, upon the expiration and reversion of the amendment made to section 525.07, Florida Statutes, pursuant to section 93 of chapter 2019-116, Laws of Florida, subsection (1) of section 525.07, Florida Statutes, is amended to read:

525.07 Powers and duties of department; inspections; unlawful acts.—

(1)(a) The department shall inspect all measuring devices used in selling or distributing petroleum fuel at wholesale and retail.

(b) The department may affix a sticker to each petroleum measuring device. Using only a combination of lettering, numbering, words, or the department logo, the sticker must signify that the device has been inspected by the department and that the device owner is responsible for its proper use and maintenance. Any sticker which has been affixed to a petroleum measuring device by the department which does not meet the specifications of this paragraph must be removed by September 15, 2020. This paragraph expires July 1, 2021.

Section 82. In order to implement Specific Appropriation 1728 of the 2020-2021 General Appropriations Act, paragraph (m) of subsection (3) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(3) Less the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds, the proceeds of cash payments or bonds issued pursuant to this section shall be deposited into the Florida Forever Trust Fund created by s. 259.1051. The proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(m) Notwithstanding paragraphs (a)-(j) and for the 2020-2021 ~~2019-2020~~ fiscal year, the amount of $6 ~~$33~~ million to only ~~the Division of State Lands within~~ the Department of Environmental Protection for grants pursuant to s. 375.075 ~~the Board of Trustees Florida Forever Priority List land acquisition projects~~. This paragraph expires July 1, 2021 ~~2020.~~

Section 83. In order to implement Specific Appropriation 1701 of the 2020-2021 General Appropriations Act, paragraph (g) of subsection (15) of section 376.3071, Florida Statutes, as created by CS/SB 702 during the 2020 Regular Session, is amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(15) ETHANOL OR BIODIESEL DAMAGE; PREVENTIVE MEASURES.—The department shall pay, pursuant to this subsection, up to $10 million each fiscal year from the fund for the costs of labor and equipment to repair or replace petroleum storage systems that may have been damaged due to the storage of fuels blended with ethanol or biodiesel, or for preventive measures to reduce the potential for such damage.

(g) Payments may not be made for the following:

1. Proposal costs or costs related to preparation of the application and required documentation;

2. Certified public accountant costs;

3. Except as provided in paragraph (j) ~~subsection (k)~~, any costs in excess of the amount approved by the department under paragraph (b) or which are not in substantial compliance with the purchase order;

4. Costs associated with storage tanks, piping, or ancillary equipment that has previously been repaired or replaced for which costs have been paid under this section;

5. Facilities that are not in compliance with department storage tank rules, until the noncompliance issues have been resolved; or

6. Costs associated with damage to petroleum storage systems caused in whole or in part by causes other than the storage of fuels blended with ethanol or biodiesel.

Section 84. The amendment to s. 376.3071(15)(g), Florida Statutes, by this act expires July 1, 2021, and the text of that paragraph shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portion of text which expire pursuant to this section.

Section 85. In order to implement Specific Appropriation 1620 of the 2020-2021 General Appropriations Act and to provide a unified procedure to verify implementation of water quality monitoring pursuant to s. 403.067(7)(d)2.a., Florida Statutes, the rulemaking required by s. 373.4595(3)(b)21., (4)(b)8., and (4)(d)8., Florida Statutes, are limited to procedures to implement water quality monitoring required in lieu of implementation of best management practices or other measures and replace existing rule 40E-61, Florida Administrative Code. This section expires July 1, 2021.

Section 86. In order to implement Specific Appropriation 2659 of the 2020-2021 General Appropriations Act, paragraph (b) of subsection (3) and subsection (5) of section 321.04, Florida Statutes, are amended to read:

321.04 Personnel of the highway patrol; rank classifications; probationary status of new patrol officers; subsistence; special assignments.—

(3)(b) For the 2020-2021 ~~2019-2020~~ fiscal year only, upon the request of the Governor, the Department of Highway Safety and Motor Vehicles shall assign one or more patrol officers to the office of the Lieutenant Governor for security services. This paragraph expires July 1, 2021 ~~2020~~.

(5) For the 2020-2021 ~~2019-2020~~ fiscal year only, the assignment of a patrol officer by the department shall include a Cabinet member specified in s. 4, Art. IV of the State Constitution if deemed appropriate by the department or in response to a threat and upon written request of such Cabinet member. This subsection expires July 1, 2021 ~~2020~~.

Section 87. In order to implement Specific Appropriation 2282A of the 2020-2021 General Appropriations Act, subsection (3) of section 420.9079, Florida Statutes, is amended to read:

420.9079 Local Government Housing Trust Fund.—

(3) For the 2020-2021 ~~2019-2020~~ fiscal year, funds may be used as provided in the General Appropriations Act. This subsection expires July 1, 2021 ~~2020~~.

Section 88. In order to implement Specific Appropriation 2281 of the 2020-2021 General Appropriations Act, subsection (2) of section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—

(2) For the 2020-2021 ~~2019-2020~~ fiscal year, funds may be used as provided in the General Appropriations Act. This subsection expires July 1, 2021 ~~2020~~.

Section 89. In order to implement Specific Appropriation 2280 of the 2020-2021 General Appropriations Act, subsection (7) is added to section 288.0655, Florida Statutes, to read:

288.0655 Rural Infrastructure Fund.—

(7) For the 2020-2021 fiscal year, the funds appropriated for the grant program for Florida Panhandle counties shall be distributed pursuant to and for the purposes described in the proviso language associated with Specific Appropriation 2280 of the 2020-2021 General Appropriations Act. This subsection expires July 1, 2021.

Section 90. In order to implement Specific Appropriation 1915 through 1929, 1929F through 1929J, 1943 through 1951, 1953 through 1962, and 1999A through 2011 of the 2020-2021 General Appropriations Act, paragraph (c) of subsection (3) and paragraph (g) of subsection (8) of section 338.2278, Florida Statutes, are amended to read:

338.2278 Multi-use Corridors of Regional Economic Significance Program.—

(3)

(c)1. During the project development phase, the department shall utilize an inclusive, consensus-building mechanism for each proposed multiuse corridor identified in subsection (2). For each multiuse corridor identified in subsection (2), the department shall convene a corridor task force composed of appropriate representatives of:

a. The Department of Environmental Protection;

b. The Department of Economic Opportunity;

c. The Department of Education;

d. The Department of Health;

e. The Fish and Wildlife Conservation Commission;

f. The Department of Agriculture and Consumer Services;

g. The local water management district or districts;

h. A local government official from each local government within a proposed corridor;

i. Metropolitan planning organizations;

j. Regional planning councils;

k. The community, who may be an individual or a member of a nonprofit community organization, as determined by the department; and

l. Appropriate environmental groups, such as 1000 Friends of Florida, Audubon Florida, the Everglades Foundation, The Nature Conservancy, the Florida Sierra Club, and the Florida Wildlife Corridor, as determined by the department.

2. The secretary of the department shall appoint the members of the respective corridor task forces by August 1, 2019.

3. Each corridor task force shall coordinate with the department on pertinent aspects of corridor analysis, including accommodation or colocation of multiple types of infrastructure, addressing issues such as those identified in subsection (1), within or adjacent to the corridor.

4. Each corridor task force shall evaluate the need for, and the economic and environmental impacts of, hurricane evacuation impacts of, and land use impacts of, the related corridor as identified in subsection (2).

5. Each corridor task force shall hold a public meeting in accordance with chapter 286 in each local government jurisdiction in which a project within an identified corridor is being considered.

6. To the maximum extent feasible, the department shall adhere to the recommendations of the task force created for each corridor in the design of the multiple modes of transportation and multiple types of infrastructure associated with the corridor. The task force for each corridor may consider and recommend innovative concepts to combine right-of-way acquisition with the acquisition of lands or easements to facilitate environmental mitigation or ecosystem, wildlife habitat, or water quality protection or restoration. The department, in consultation with the Department of Environmental Protection, may incorporate those features into each corridor during the project development phase.

7. The Southwest-Central Florida Connector corridor task force shall:

a. Address the impacts of the construction of a project within the corridor on panther and other critical wildlife habitat and evaluate in its final report the need for acquisition of lands for state conservation or as mitigation for project construction; and

b. Evaluate wildlife crossing design features to protect panther and other critical wildlife habitat corridor connections.

8. The Suncoast Connector corridor task force and the Northern Turnpike Connector corridor task force shall evaluate design features and the need for acquisition of state conservation lands that mitigate the impact of project construction within the respective corridors on:

a. The water quality and quantity of springs, rivers, and aquifer recharge areas;

b. Agricultural land uses; and

c. Wildlife habitat.

9. Each corridor task force shall issue its evaluations in a final report that must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 15, 2020 ~~October 1, 2020~~.

10. The department shall provide affected local governments with a copy of the applicable task force report and project alignments. Not later than December 31, 2023, a local government that has an interchange within its jurisdiction shall review the applicable task force report and its local comprehensive plan as adopted under chapter 163. The local government review must include consideration of whether the area in and around the interchange contains appropriate land uses and natural resource protections and whether the comprehensive plan should be amended to provide such appropriate uses and protections.

(8) The amounts identified in subsection (7) by fiscal year shall be allocated as follows:

(g)1. Except as provided in subparagraph 2., in each fiscal year in which funding provided under this subsection for the Small County Road Assistance Program, the Small County Outreach Program, the Transportation Disadvantaged Trust Fund, or the workforce development program is not committed by the end of each fiscal year, such uncommitted funds shall be used by the department to fund Multi-use Corridors of Regional Economic Significance Program projects. As provided in s. 339.135(7), the adopted work program may be amended to transfer funds between appropriations categories or to increase an appropriation category to implement this paragraph.

2. For the 2020-2021 fiscal year, funding provided under this subsection for the Transportation Disadvantaged Trust Fund under paragraph (a) which is uncommitted at the end of the 2019-2020 fiscal year may be used as provided in the General Appropriations Act.

Section 91. The amendments to s. 338.2278(3)(c) and (8)(g), Florida Statutes, by this act expire July 1, 2021, and the texts of those paragraphs shall revert to that in existence on June 30, 2020, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 92. In order to implement Specific Appropriation 2267 of the 2020-2021 General Appropriations Act, subsection (4) is added to section 288.80125, Florida Statutes, to read:

288.80125 Triumph Gulf Coast Trust Fund.—

(4) For the 2020-2021 fiscal year, funds shall be used for the Rebuild Florida Revolving Loan Fund program to provide assistance to businesses impacted by Hurricane Michael as provided in the General Appropriations Act. This subsection expires July 1, 2021.

Section 93. In order to implement Specific Appropriations 1916 through 1929, 1929F through 1929J, 1943 through 1951, 1953 through 1962, and 1999A through 2011 of the 2020-2021 General Appropriations Act, paragraphs (g) and (h) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g)1. Any work program amendment which also requires the transfer of fixed capital outlay appropriations between categories within the

department or the increase of an appropriation category is subject to the approval of the Legislative Budget Commission.

2. If a meeting of the Legislative Budget Commission cannot be held within 30 days after the department submits an amendment to the Legislative Budget Commission, the chair and vice chair of the Legislative Budget Commission may authorize such amendment to be approved pursuant to s. 216.177. This subparagraph expires July 1, 2021 ~~2020~~.

(h)1. Any work program amendment that also adds a new project, or phase thereof, to the adopted work program in excess of $3 million is subject to approval by the Legislative Budget Commission. Any work program amendment submitted under this paragraph must include, as supplemental information, a list of projects, or phases thereof, in the current 5-year adopted work program which are eligible for the funds within the appropriation category being used for the proposed amendment. The department shall provide a narrative with the rationale for not advancing an existing project, or phase thereof, in lieu of the proposed amendment.

2. If a meeting of the Legislative Budget Commission cannot be held within 30 days after the department submits an amendment to the commission, the chair and vice chair of the commission may authorize the amendment to be approved pursuant to s. 216.177. This subparagraph expires July 1, 2021.

Section 94. In order to implement Specific Appropriations 1916 through 1929, 1929F through 1929J, 1943 through 1951, 1953 through 1962, and 1999A through 2011 of the 2020-2021 General Appropriations Act, subsection (6) is added to section 339.63, Florida Statutes, to read:

339.63 System facilities designated; additions and deletions.—

(6) Notwithstanding any provision of law to the contrary, the department is directed to fully fund projects on facilities that were designated as part of the Strategic Intermodal System before the most recent designation change, which were approved by the Secretary of Transportation in May 2019, and for which the construction has commenced but is not completed. The funding of such projects shall take precedence over all nonhighway Strategic Intermodal System capacity improvement projects funded pursuant to s. 339.61(1). Such funding includes, but is not limited to, any amendments or supplemental agreements that were being contemplated by the department to make the projects safe and functional and for which funding was appropriated as part of the department's adopted work program for Fiscal Years 2018-2019, 2019-2020, and the ensuing 5-year period. This subsection expires July 1, 2021.

Section 95. In order to implement Specific Appropriations 2599 of the 2020-2021 General Appropriations Act, paragraph (d) of subsection (4) of section 112.061, Florida Statutes, is amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

(4) OFFICIAL HEADQUARTERS.—The official headquarters of an officer or employee assigned to an office shall be the city or town in which the office is located except that:

(d) A Lieutenant Governor who permanently resides outside of Leon County, may, if he or she so requests, have an appropriate facility in his or her county designated as his or her official headquarters for purposes of this section. This official headquarters may only serve as the Lieutenant Governor's personal office. The Lieutenant Governor may not use state funds to lease space in any facility for his or her official headquarters.

1. A Lieutenant Governor for whom an official headquarters is established in his or her county of residence pursuant to this paragraph is eligible for subsistence at a rate to be established by the Governor for each day or partial day that the Lieutenant Governor is at the State Capitol to conduct official state business. In addition to the subsistence allowance, a Lieutenant Governor is eligible for reimbursement for transportation expenses as provided in subsection (7) for travel between the Lieutenant Governor's official headquarters and the State Capitol to conduct state business.

2. Payment of subsistence and reimbursement for transportation between a Lieutenant Governor's official headquarters and the State Capitol shall be made to the extent appropriated funds are available, as determined by the Governor.

3. This paragraph expires July 1, 2021 ~~2020~~.

Section 96. In order to implement the salaries and benefits, expenses, other personal services, contracted services, special categories, and operating capital outlay categories of the 2020-2021 General Appropriations Act, paragraph (a) of subsection (2) of section 216.292, Florida Statutes, is amended to read:

216.292 Appropriations nontransferable; exceptions.—

(2) The following transfers are authorized to be made by the head of each department or the Chief Justice of the Supreme Court whenever it is deemed necessary by reason of changed conditions:

(a) The transfer of appropriations funded from identical funding sources, except appropriations for fixed capital outlay, and the transfer of amounts included within the total original approved budget and plans of releases of appropriations as furnished pursuant to ss. 216.181 and 216.192, as follows:

1. Between categories of appropriations within a budget entity, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

2. Between budget entities within identical categories of appropriations, if no category of appropriation is increased or decreased by more than 5 percent of the original approved budget or $250,000, whichever is greater, by all action taken under this subsection.

3. Any agency exceeding salary rate established pursuant to s. 216.181(8) on June 30th of any fiscal year shall not be authorized to make transfers pursuant to subparagraphs 1. and 2. in the subsequent fiscal year.

4. Notice of proposed transfers under subparagraphs 1. and 2. shall be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 3 days prior to agency implementation in order to provide an opportunity for review. The review shall be limited to ensuring that the transfer is in compliance with the requirements of this paragraph.

5. For the 2020-2021 ~~2019-2020~~ fiscal year, the review shall ensure that transfers proposed pursuant to this paragraph comply with this chapter, maximize the use of available and appropriate trust funds, and are not contrary to legislative policy and intent. This subparagraph expires July 1, 2021 ~~2020~~.

Section 97. In order to implement section 8 of the 2020-2021 General Appropriations Act, notwithstanding s. 110.123(3)(f) and (j), Florida Statutes, the Department of Management Services shall maintain and offer the same PPO and HMO health plan alternatives to the participants of the State Group Health Insurance Program during the 2020-2021 fiscal year which were in effect for the 2019-2020 fiscal year. This section expires July 1, 2021.

Section 98. In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2020-2021 General Appropriations Act, a state agency may not initiate a competitive solicitation for a product or service if the completion of such competitive solicitation would:

(1) Require a change in law; or

(2) Require a change to the agency's budget other than a transfer authorized in s. 216.292(2) or (3), Florida Statutes, unless the initiation of such competitive solicitation is specifically authorized in law, in the General Appropriations Act, or by the Legislative Budget Commission.

This section does not apply to a competitive solicitation for which the agency head certifies that a valid emergency exists. This section expires July 1, 2021.

Section 99. In order to implement appropriations for salaries and benefits of the 2020-2021 General Appropriations Act, subsection (6) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with other state agencies, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with a state agency, the Federal Government, another state, a municipality, or a political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(6) For the 2020-2021 ~~2019-2020~~ fiscal year only, the assignment of an employee of a state agency as provided in this section may be made if recommended by the Governor or Chief Justice, as appropriate, and approved by the chairs of the legislative appropriations committees. Such actions shall be deemed approved if neither chair provides written notice of objection within 14 days after receiving notice of the action pursuant to s. 216.177. This subsection expires July 1, 2021 ~~2020~~.

Section 100. In order to implement Specific Appropriations 2727 and 2728 of the 2020-2021 General Appropriations Act, and notwithstanding s. 11.13(1), Florida Statutes, the authorized salaries for members of the Legislature for the 2020-2021 fiscal year shall be set at the same level in effect on July 1, 2010. This section expires July 1, 2021.

Section 101. In order to implement the transfer of funds from the General Revenue Fund from trust funds for the 2020-2021 General Appropriations Act, and notwithstanding the expiration date in section 110 of chapter 2019-116, Laws of Florida, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized

by law. The state agency or branch of state government receiving or collecting such moneys is responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Chief Financial Officer may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established, the Chief Financial Officer may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In addition to other trust funds created by law, to the extent possible, each agency shall use the following trust funds as described in this subparagraph for day-to-day operations:

a. Operations or operating trust fund, for use as a depository for funds to be used for program operations funded by program revenues, with the exception of administrative activities when the operations or operating trust fund is a proprietary fund.

b. Operations and maintenance trust fund, for use as a depository for client services funded by third-party payors.

c. Administrative trust fund, for use as a depository for funds to be used for management activities that are departmental in nature and funded by indirect cost earnings and assessments against trust funds. Proprietary funds are excluded from the requirement of using an administrative trust fund.

d. Grants and donations trust fund, for use as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

e. Agency working capital trust fund, for use as a depository for funds to be used pursuant to s. 216.272.

f. Clearing funds trust fund, for use as a depository for funds to account for collections pending distribution to lawful recipients.

g. Federal grant trust fund, for use as a depository for funds to be used for allowable grant activities funded by restricted program revenues from federal sources.

To the extent possible, each agency must adjust its internal accounting to use existing trust funds consistent with the requirements of this subparagraph. If an agency does not have trust funds listed in this subparagraph and cannot make such adjustment, the agency must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds pursuant to s. 215.3206.

3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject

always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the State Board of Education or the Board of Governors of the State University System, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Chief Financial Officer or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 102. The text of s. 215.32(2)(b), Florida Statutes, as carried forward from chapter 2011-47, Laws of Florida, by this act expires July 1, 2021, and the text of that paragraph shall revert to that in existence on June 30, 2011, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of text which expire pursuant to this section.

Section 103. In order to implement appropriations in the 2020-2021 General Appropriations Act for state employee travel, the funds appropriated to each state agency which may be used for travel by state employees are limited during the 2020-2021 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used for travel by state employees to foreign countries, other states, conferences, staff training activities, or other administrative functions unless the agency head has approved, in writing, that such activities are critical to the agency's mission. The agency head shall consider using teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel. This section does not apply to travel for law enforcement purposes, military purposes, emergency management activities, or public health activities. This section expires July 1, 2021.

Section 104. In order to implement appropriations in the 2020-2021 General Appropriations Act for state employee travel and notwithstanding s. 112.061, Florida Statutes, costs for lodging associated with a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed $175 per day. An employee may expend his or her own funds for any lodging expenses in excess of $175 per day. For purposes of this section, a meeting does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response. This section expires July 1, 2021.

Section 105. In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2020-2021 General Appropriations Act, a state agency may not enter into a contract containing a nondisclosure clause that prohibits the contractor from disclosing information relevant to the performance of the contract to members or staff of the Senate or the House of Representatives. This section expires July 1, 2021.

Section 106. In order to implement the appropriation of funds in the special categories, contracted services, and expenses categories of the 2020-2021 General Appropriations Act, section 216.1366, Florida Statutes, is created to read:

216.1366 Contract terms.—

(1) In order to preserve the interest of the state in the prudent expenditure of state funds, each public agency contract for services entered into or amended on or after July 1, 2020, shall authorize the public agency to inspect the:

(a) Financial records, papers, and documents of the contractor that are directly related to the performance of the contract or the expenditure of state funds.

(b) Programmatic records, papers, and documents of the contractor which the public agency determines are necessary to monitor the performance of the contract or to ensure that the terms of the contract are being met.

(2) The contract shall require the contractor to provide such records, papers, and documents requested by the public agency within 10 business days after the request is made.

(3) This section expires July 1, 2021.

Section 107. In order to implement Specific Appropriation 2598 and 2599 of the 2020-2021 General Appropriations Act, section 14.35, Florida Statutes, is created to read:

14.35 Governor's Medal of Freedom.—

(1) The Governor may present, in the name of the State of Florida, a medal to be known as the "Governor's Medal of Freedom," which shall bear a suitable inscription and ribbon of appropriate design, to any person who has made an especially meritorious contribution to the interests and citizens of the state, its culture, or other significant public or private endeavor.

(2)(a) In the event of the death of an individual who has been chosen to receive the Governor's Medal of Freedom, the medal may be presented to a designated representative of the chosen recipient.

(b) The Governor's Medal of Freedom may only be presented to an individual once.

(3) This section expires July 1, 2021.

Section 108. In order to implement Specific Appropriations 2729 and 2730 of the 2020-2021 General Appropriations Act:

(1) The Local Government Efficiency Task Force, a task force as defined in s. 20.03, Florida Statutes, is established within the Legislature. The task force shall be supported by research services of the Office of Program Policy Analysis and Governmental Accountability.

(2)(a) The task force shall consist of six members with the Governor, the President of the Senate, and the Speaker of the House of Representatives each appointing two members. Members must be appointed no later than September 1, 2020.

(b) A vacancy on the task force shall be filled in the same manner as the original appointment for the unexpired term.

(c) The task force shall elect a chair from among its members.

(3) Members of the task force shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes. The task force shall convene its first meeting by November 15, 2020, and shall meet as often as necessary to fulfill its responsibilities under this section. Meetings may be conducted in person or by teleconference or other electronic means.

(4) The task force shall review the governance structure and function of local governments and whether any changes are necessary to make such governments more efficient.

(5) The task force shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by June 1, 2021.

(6) This section expires June 30, 2021.

Section 109. Any section of this act which implements a specific appropriation or specifically identified proviso language in the 2020-2021 General Appropriations Act is void if the specific appropriation or specifically identified proviso language is vetoed. Any section of this act which implements more than one specific appropriation or more than one portion of specifically identified proviso language in the 2020-2021 General Appropriations Act is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.

Section 110. If any other act passed during the 2020 Regular Session of the Legislature contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act takes precedence and continues to operate, notwithstanding the future repeal provided by this act.

Section 111. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 112. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020, or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2020.

Approved by the Governor June 29, 2020.

Filed in Office Secretary of State June 29, 2020.

CHAPTER 2020-21

Committee Substitute for Senate Bill No. 7018

An act relating to essential state infrastructure; amending s. 337.401, F.S.; specifying permit application timeframes required for the installation, location, or relocation of utilities within rights-of-way; creating s. 338.236, F.S.; authorizing the Department of Transportation to plan, design, and construct staging areas as part of the turnpike system for the intended purpose of staging supplies for prompt provision of assistance to the public in a declared state of emergency; requiring the department, in consultation with the Division of Emergency Management, to select sites for such areas; providing factors to be considered by the department and division in selecting sites; requiring the department to give priority consideration to placement of such staging areas in specified counties; authorizing the department to acquire property necessary for such staging areas; authorizing the department to authorize certain other uses of staging areas; requiring staging area projects to be included in the department's work program; creating s. 339.287, F.S.; providing legislative findings; requiring the department to coordinate, develop, and recommend a master plan for the development of electric vehicle charging station infrastructure along the State Highway System; requiring the department to submit the plan to the Governor and the Legislature by a specified date; providing responsibilities for the department and the Public Service Commission, in consultation with specified entities, in developing the plan; providing the goals and objectives of the plan; requiring the commission, in consultation with specified entities, to review certain emerging technologies; authorizing the department, commission, and the Office of Energy within the Department of Agriculture and Consumer Services to explore other issues as necessary and appropriate; requiring the department to file a status report with the Governor and the Legislature by a specified date containing any preliminary recommendations, including recommendations for legislation; amending s. 704.06, F.S.; providing construction relating to the rights of an owner of land that has been traditionally used for agriculture and is subject to a conservation easement; providing an effective date.

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

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

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

(2) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may

adopt. A ~~No~~ utility may not ~~shall~~ be installed, located, or relocated unless authorized by a written permit issued by the authority. However, for public roads or publicly owned rail corridors under the jurisdiction of the department, a utility relocation schedule and relocation agreement may be executed in lieu of a written permit. The permit must ~~shall~~ require the permitholder to be responsible for any damage resulting from the issuance of such permit. The authority may initiate injunctive proceedings as provided in s. 120.69 to enforce provisions of this subsection or any rule or order issued or entered into pursuant thereto. A permit application required under this subsection by a county or municipality having jurisdiction and control of the right-of-way of any public road must be processed and acted upon in accordance with the timeframes provided in subparagraphs (7)(d)7., 8., and 9.

Section 2. Section 338.236, Florida Statutes, is created to read:

338.236 Staging areas for emergencies.—The Department of Transportation may plan, design, and construct staging areas to be activated during a declared state of emergency at key geographic locations on the turnpike system. Such staging areas must be used for the staging of emergency supplies, such as water, fuel, generators, vehicles, equipment, and other related materials, to facilitate the prompt provision of emergency assistance to the public, and to otherwise facilitate emergency response and assistance, including evacuations, deployment of emergency-related supplies and personnel, and restoration of essential services.

(1) In selecting a proposed site for a designated staging area under this section, the department, in consultation with the Division of Emergency Management, must consider the extent to which such site:

(a) Is located in a geographic area that best facilitates the wide dissemination of emergency-related supplies and equipment;

(b) Provides ease of access to major highways and other transportation facilities;

(c) Is sufficiently large to accommodate the staging of a significant amount of emergency-related supplies and equipment;

(d) Provides space in support of emergency preparedness and evacuation activities, such as fuel reserve capacity;

(e) Could be used during nonemergency periods for commercial motor vehicle parking and for other uses; and

(f) Is consistent with other state and local emergency management considerations.

The department must give priority consideration to placement of such staging areas in counties with a population of 200,000 or fewer, as determined by the most recent official estimate pursuant to s. 186.901, in

which a multiuse corridor of regional economic significance, as provided in s. 338.2278, is located.

(2) The department may acquire property and property rights necessary for such staging areas as provided in s. 338.04.

(3) The department may authorize other uses of a staging area as provided in the Florida Transportation Code, including, but not limited to, for commercial motor vehicle parking to comply with federal hours-of-service off-duty requirements or sleeper berth requirements and for other vehicular parking to provide rest for drivers.

(4) Staging area projects must be included in the work program developed by the department pursuant to s. 339.135.

Section 3. Section 339.287, Florida Statutes, is created to read:

339.287 Electric vehicle charging stations; infrastructure plan development.—

(1) The Legislature finds that:

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

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

(c) Electric vehicles can help reduce these emissions, thereby helping to reduce the impact of climate change on this state;

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

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

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

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

(2)(a) The department shall coordinate, develop, and recommend a master plan for current and future plans for the development of electric vehicle charging station infrastructure along the State Highway System, as defined in s. 334.03(24). The department shall develop the recommended master plan and submit it to the Governor, the President of the Senate, and

the Speaker of the House of Representatives by July 1, 2021. The plan must include recommendations for legislation and may include other recommendations as determined by the department.

(b) The department, in consultation with the Public Service Commission and the Office of Energy within the Department of Agriculture and Consumer Services, and any other public or private entities as necessary or appropriate, shall be primarily responsible for the following goals and objectives in developing the plan:

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

a. Accomplish the goals and objectives of this section;

b. Support both short-range and long-range electric vehicle travel;

c. Encourage the expansion of electric vehicle use in this state; and

d. Adequately serve evacuation routes in this state.

2. Identifying any barriers to the use of electric vehicles and electric vehicle charging station infrastructure both for short-range and long-range electric vehicle travel along the State Highway System.

3. Identifying an implementation strategy for expanding electric vehicle and charging station infrastructure use in this state.

4. Quantifying the loss of revenue to the State Transportation Trust Fund due to the current and projected future use of electric vehicles in this state and summarizing efforts of other states to address such revenue loss.

(c) The Public Service Commission, in consultation with the department and the Office of Energy within the Department of Agriculture and Consumer Services, and any other public or private entities as necessary or appropriate, shall be primarily responsible for the following goals and objectives in developing the plan:

1. Projecting the increase in the use of electric vehicles in this state over the next 20 years and determining how to ensure an adequate supply of reliable electric vehicle charging stations to support and encourage this growth in a manner supporting a competitive market with ample consumer choice.

2. Evaluating and comparing the types of electric vehicle charging stations available at present and which may become available in the future, including the technology and infrastructure incorporated in such stations, along with the circumstances within which each type of station and infrastructure is typically used, including fleet charging, for the purpose

of identifying any advantages to developing particular types or uses of these stations.

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

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

(d) The Public Service Commission, in consultation with the Office of Energy within the Department of Agriculture and Consumer Services, shall review emerging technologies in the electric and alternative vehicle market, including alternative fuel sources.

(e) The department, the Public Service Commission, and the Office of Energy within the Department of Agriculture and Consumer Services may agree to explore other issues deemed necessary or appropriate for purposes of the report required in paragraph (a).

(f) By December 1, 2020, the department shall file a status report with the Governor, the President of the Senate, and the Speaker of the House of Representatives containing any preliminary recommendations, including recommendations for legislation.

Section 4. Subsection (11) of section 704.06, Florida Statutes, is amended to read:

704.06 Conservation easements; creation; acquisition; enforcement.—

(11)(a) ~~Nothing in~~ This section or other provisions of law may not ~~shall~~ be construed to prohibit or limit the owner of land, or the owner of a conservation easement over land, to voluntarily negotiate the sale or use ~~utilization~~ of such lands or easement for the construction and operation of linear facilities, including electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances, nor does ~~shall~~ this section prohibit the use of eminent domain for said purposes as established by law. In any legal proceeding to condemn land for the purpose of construction and operation of a linear facility as described above, the court shall consider the public benefit provided by the conservation easement and linear facilities in determining which lands may be taken and the compensation paid.

(b) For any land that has traditionally been used for agriculture, as that term is defined in s. 570.02, and is subject to a conservation easement entered into at any time pursuant to s. 570.71, this section or s. 570.71 may not be construed to limit the owner of the land to voluntarily negotiating the

use of the land for any public or private linear facility, right of access, and related appurtenances, and reasonable compensation based on diminution in value of its interest in the conservation easement shall be the only remedy to the owner of the conservation easement for the construction and operation of any public or private linear facilities and related access and appurtenances.

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

Section 5. This act shall take effect July 1, 2020.

Approved by the Governor June 9, 2020.

Filed in Office Secretary of State June 9, 2020.

An act relating to towing and immobilizing vehicles and vessels; amending ss. 125.0103 and 166.043, F.S.; authorizing local governments to enact rates to tow or immobilize vessels on private property and to remove and store vessels under specified circumstances; creating ss. 125.01047 and 166.04465, F.S.; prohibiting counties or municipalities from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; defining the term "towing business"; providing exceptions; amending s. 323.002, F.S.; prohibiting counties or municipalities from adopting or maintaining in effect certain ordinances or rules that impose charges, costs, expenses, fines, fees, or penalties on registered owners, other legally authorized persons in control or the lienholder of a vehicle or vessel under certain conditions; providing providing applicability; amending s. 713.78, F.S.; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; revising the timeframe within which the notice of sale must be sent to certain entities; amending s.715.07, F.S.; revising a requirement regarding notices and signs concerning the towing or removal of vehicles or

vessels; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (1) of section 125.0103, Florida Statutes, are amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) ~~The provisions of~~ This section does ~~shall~~ not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels

from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates ~~fees~~ for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance shall not apply within such municipality.

Section 2. Section 125.01047, Florida Statutes, is created to read:

125.01047 Rules and ordinances relating to towing services.—

(1) A county may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

(2) The prohibition set forth in subsection (1) does not affect a county's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.033, or s. 205.0535.

(b) Impose and collect a reasonable administrative fee or

charge on the registered owner or other legally authorized person in control of a vehicle or vessel, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county when the vehicle or vessel is towed from public property. An authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the county and shall remit such fee or charge to the county only after it is collected.

(3)(a) This section does not apply to a towing or immobilization licensing, regulatory, or enforcement program of a charter county in which at least 90 percent of the population resides in incorporated municipalities, or to a charter county with at least 38 incorporated municipalities within its territorial boundaries as of January 1, 2020. This section does not affect a charter county's authority to:

1. Impose and collect towing operating license fees, license renewal fees, license extension fees, expedite fees, storage site inspection or reinspection fees, criminal background check fees, and tow truck decal fees, including decal renewal fees, expedite fees, and decal replacement fees.

2. Impose and collect immobilization operating license fees, license extension fees, license renewal fees, expedite fees, and criminal background check fees.

3. Set maximum rates for the towing or immobilization of

vehicles or vessels on private property, including rates based on different classes of towing vehicles, research fees, administrative fees, storage fees, and labor fees; rates for towing services performed or directed by governmental entities; road service rates; winch recovery rates; voluntary expediting fees for vehicle or vessel ownership verification; and to establish conditions in connection with the applicability or payment of maximum rates set for towing or immobilization of vehicles or vessels.

4. Impose and collect such other taxes, fees, or charges otherwise authorized by general law, special law, or county ordinance, resolution, or regulation.

(b) A charter county may impose and collect an administrative fee or charge as provided in paragraph (2)(b) but may not impose such fee or charge on a towing business or an authorized wrecker operator. If the charter county imposes such administrative fee or charge, the charter county may authorize a towing business or authorized wrecker operator to impose and collect such fee or charge on behalf of the county, and the towing business or authorized wrecker operator shall remit such fee or charge to the charter county only after it is collected.

(4)(a) Subsection (1) does not apply to a charter county that had a towing licensing, regulatory, or enforcement program in effect on January 1, 2020. However, such charter county may not impose any new business tax, fee, or charge that was not in

effect as of January 1, 2020, on a towing business or an authorized wrecker operator.

(b) A charter county may impose and collect an administrative fee or charge as provided in paragraph (2)(b); however, it may not impose that fee or charge upon a towing business or an authorized wrecker operator. If such charter county imposes such administrative fee or charge, such fee or charge must be imposed on the registered owner or other legally authorized person in control of a vehicle or vessel. The fee or charge may not exceed 25 percent of the maximum towing rate to cover the cost of enforcement, including parking enforcement, by the charter county when the vehicle or vessel is towed from public property. The charter county may authorize an authorized wrecker operator or towing business to impose and collect the administrative fee or charge on behalf of the charter county, and the authorized wrecker operator or towing business shall remit such fee or charge to the charter county only after it is collected.

(c) For purposes of this subsection, the term "charter county" means a county as defined in s. 125.011(1).

Section 3. Paragraphs (b) and (c) of subsection (1) of section 166.043, Florida Statutes, are amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) ~~The provisions of~~ This section does ~~shall~~ not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates ~~fees~~ for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 shall

not apply within such municipality.

Section 4. Section 166.04465, Florida Statutes, is created to read:

166.04465 Rules and ordinances relating to towing services.—

(1) A municipality may not enact an ordinance or rule that would impose a fee or charge on an authorized wrecker operator, as defined in s. 323.002(1), or on a towing business for towing, impounding, or storing a vehicle or vessel. As used in this section, the term "towing business" means a business that provides towing services for monetary gain.

(2) The prohibition set forth in subsection (1) does not affect a municipality's authority to:

(a) Levy a reasonable business tax under s. 205.0315, s. 205.043, or s. 205.0535.

(b) Impose and collect a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the municipality when the vehicle or vessel is towed from public property. An authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the municipality and shall remit such fee or charge to the municipality only after it is collected.

Section 5. Subsection (4) of section 323.002, Florida Statutes, is renumbered as subsection (6), and new subsections (4) and (5) are added to that section to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

(4)(a) Except as provided in paragraph (b), a county or municipality may not adopt or maintain in effect an ordinance or rule that imposes a charge, cost, expense, fine, fee, or penalty on an authorized wrecker operator, the registered owner or other legally authorized person in control of a vehicle or vessel, or the lienholder of a vehicle or vessel when the vehicle or vessel is towed by an authorized wrecker operator under this chapter.

(b) A county or municipality may adopt or maintain an ordinance or rule that imposes a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel that is towed by an authorized wrecker operator, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county or municipality when the vehicle or vessel is towed from public property. An authorized wrecker operator or towing business may impose and collect the administrative fee or charge on behalf of the county or municipality and shall remit such fee or charge to the county or municipality only after it is collected.

(5) Subsection (4) does not apply to the towing or

immobilization licensing, regulatory, or enforcement program of a charter county described in s. 125.01047(3) or (4). Such charter county may impose a charge, cost, expense, fine, fee, or penalty on an authorized wrecker operator in connection with a violation of the towing or immobilization program requirements as set forth by ordinance, resolution, or regulation.

Section 6. Subsections (2) and (6) of section 713.78, Florida Statues, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(2) Whenever a person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier recovers, removes, or stores a vehicle or vessel upon instructions from:

(a) The owner thereof;

(b) The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07;

(c) The landlord or a person authorized by the landlord, when such motor vehicle or vessel remained on the premises after the tenancy terminated and the removal is done in compliance with s. 83.806 or s. 715.104; or

(d) Any law enforcement agency,

she or he shall have a lien on the vehicle or vessel for a reasonable towing fee, for a reasonable administrative fee or charge imposed by a county or municipality, and for a reasonable storage fee; except that a ~~no~~ storage fee may not ~~shall~~ be charged if the vehicle or vessel is stored for fewer ~~less~~ than 6 hours.

(6) A vehicle or vessel that is stored pursuant to subsection (2) and remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is more than 3 years of age or 50 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is 3 years of age or less. The sale shall be at public sale for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale shall be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of any corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled. Notice of the sale must be sent by

certified mail. The notice must have clearly identified and printed, if the claim of lien is for a motor vehicle, the last 8 digits of the vehicle identification number of the motor vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, in the delivery address box and on the outside of the envelope sent to the registered owner and all other persons claiming an interest therein or lien thereon. The notice must be sent to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency at least 30 ~~15~~ days before the sale of the vehicle or vessel. The notice must state the name, physical address, and telephone number of the lienor, and the vehicle identification number if the claim of lien is for a vehicle or the hull identification number if the claim of lien is for a vessel, all of which must also appear in the return address section on the outside of the envelope containing the notice of sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale shall be made by publishing a notice thereof one time, at least 10 days before the date of the sale, in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the

sale, after payment of reasonable towing and storage charges, and costs of the sale, in that order of priority, shall be deposited with the clerk of the circuit court for the county if the owner or lienholder is absent, and the clerk shall hold such proceeds subject to the claim of the owner or lienholder legally entitled thereto. The clerk shall be entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this law shall be discharged of all liens unless otherwise provided by court order. The owner or lienholder may file a complaint after the vehicle or vessel has been sold in the county court of the county in which it is stored. Upon determining the respective rights of the parties, the court may award damages, attorney fees, and costs in favor of the prevailing party.

Section 7. Subsection (2) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property; towing.—

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal,

transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to substantial ~~strict~~ compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of fewer ~~less~~ than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in sub-subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-

mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of fewer ~~less~~ than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, before ~~prior to~~ towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property~~,~~ within 10 ~~5~~ feet from the road, as defined in s. 334.03(22) ~~public right-of-way line~~. If there are no curbs or access barriers, the signs must be posted not fewer ~~less~~ than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not fewer ~~less~~ than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the

owner's expense. The words "tow-away zone" must be included on the sign in not fewer ~~less~~ than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not fewer ~~less~~ than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not fewer ~~less~~ than 24 hours before ~~prior to~~ the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs before ~~prior to~~ any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not fewer ~~less~~ than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage before ~~prior to~~ redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control or custody of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or

removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or person in control or custody ~~custodian~~ within 1 ~~one~~ hour after requested. Any vehicle or vessel owner or person in control or custody has ~~agent shall have~~ the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or person in control or custody ~~other legally authorized person~~ at the time of the redemption may be required from any vehicle or vessel owner or person in control or custody ~~, custodian, or agent~~ as a condition of release of the vehicle or vessel to its owner or person in control or custody. A detailed~~, signed~~

receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

(b) These requirements are minimum standards and do not preclude enactment of additional regulations by any municipality or county including the right to regulate rates when vehicles or vessels are towed from private property.

Section 8. This act shall take effect October 1, 2020.