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LEGISLATIVE REPORT

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The Manufacturers Association of Florida (MAF) lobbied and monitored a wide variety of proposed bills this year, as well as appropriations issues. We worked closely with our member organizations and companies as well as allied associations and others to accomplish mutual goals.

This report was compiled from personal knowledge, actual bill language, the *2010 Session Summary of Legislation Passed* by the Florida Senate, and LobbyTools, Inc. Where the Governor has taken action on a bill, that information is reflected in the report. To check whether or not these bills have become law, visit www.leg.state.fl.us.

The laws and appropriations chosen for this report were:

- a) issues MAF monitored or lobbied;
- b) thought to be of interest to MAF members' overall business operations; or
- c) for general knowledge of new laws that could have an impact on manufacturers' businesses.

The membership of MAF was taken into consideration when reporting on bills. However, this report is not intended to be a complete report of all the changes in law affecting the business of manufacturers.

Regular Session of the Florida Legislature

The Regular Session of the Florida Legislature convened on Tuesday, March 2, 2010 and adjourned on Friday, April 30, 2010. During the Regular Session there were 2,113 general bills filed for the Session and 253 general bills passed by both Chambers and sent to the Governor. MAF monitored 193 of the bills filed. The Florida Legislature also passed a \$70.4 billion state budget for 2010-2011 to the Governor for his approval. The budget reflected income from the Seminole Indian tribe (\$400 million), a sweep of trust funds (\$600 million, including \$160 million from the state road building fund), federal stimulus money, and budget cuts.

MAF's Role

MAF has been defending manufacturing sales tax exemptions and laying the ground work for stimulating the manufacturing economy since its origin five years ago. With the economy lagging, legislators were looking for ways to stimulate the preservation and creation of jobs. That is where MAF stepped in. As you will recall, MAF spent countless hours in defense of sales tax exemptions in 2009, testified over and over again in public committee meetings, and commissioned a TaxWatch study, with donations from members, about the value of manufacturing to Florida's economy. This year MAF briefed legislators on the status of manufacturing worldwide, reminded them of the return on investment with our industry, and helped them craft an economic stimulus proposal, the "jobs" bill, that was affordable, meaningful, and would provide the results they and we needed – stimulate capital investment spending, create and retain jobs, and reduce business costs. Together we crafted the largest stimulus package for Florida manufacturers in recent history.

On the environmental front, contaminated site notification, water quality and water quantity, recycling, permitting, and numeric nutrient criteria were our focus. We supported reducing regulatory burdens, supporting the state's Total Maximum Daily Load water quality program, opposing the EPA Numeric Nutrient

Criteria rule proposal, minimizing the impacts of new contaminated site notification measures, and sparing private businesses from mandatory reporting of materials recycled.

MAF supported the Florida Chamber and key legislators on education issues that provided more rigor in the classroom. We supported all of the space and port proposals, reduction of duplicative regulation for medical manufacturers, lobbied for dedicated funding for the international program at Enterprise Florida and for working waterfront legislation, and supported Enterprise Florida programs. Finally, we lobbied for Quick Response Training funding. Other issues were monitored to make sure that nothing was proposed that would be detrimental to our industry.

Manufacturers came to Tallahassee twice this year to visit legislators. Manufacturing Days at the Capitol was held on February 1-2, 2010 and manufacturers were briefed on the issues of the Session and visited legislators. On March 24-25, 2010 the First Coast Manufacturers Association brought their legislative committee to town to talk with legislators again.

MAF participated in International Days at the Capital, the environmental business lobbyists' coalition, the water quality coalition, and the economic development coalition. We supported the Chamber in their press conference on SB 6 Education which was ultimately vetoed by the Governor and worked closely with allied groups.

Bills of Primary Interest That Passed

BUSINESS

HB 689/Chapter 2010-8, L.O.F. – Negligence/Slip on Foreign Substance

This law repeals the current statute providing the burden of proof in “slip and fall” negligence claims and delineates the new burden of proof in these cases. The new standard reinstates the requirement that the plaintiff prove that the business had actual or constructive knowledge of the dangerous condition causing the injury, but specifies that the business owner or operator retains any common law duties owed to invitees.

The law specifies that if a person slips and falls on a foreign transitory substance in a business, the injured person must prove that the business establishment had actual or constructive knowledge of the dangerous condition and should have taken action to remedy it. The bill also provides that constructive knowledge may be proven by circumstantial evidence demonstrating that the dangerous condition existed for such a length of time that, in the exercise of ordinary care, the business establishment should have known of the condition or the condition occurred with regularity and was therefore foreseeable.

In effect the burden of proof rests with the slip and fall plaintiff who must present affirmative evidence of the business' actual knowledge of, or circumstantial evidence of the business' constructive knowledge of, the transitory substance or object on the floor and that the business should have removed the hazard prior to the accident. The bill specifies that the new burden of proof does not affect any common law duty of care owed by a person or entity in possession or control of a business premise. The bill was approved by the Governor and takes effect July 1, 2010.

HB 731 Enrolled - Uniform Commercial Code

This bill modernizes the Florida Uniform Commercial Code pertaining to documents of title, including warehouse receipts, bills of lading, transport documents, dock warrants, dock receipts and orders for the delivery of goods. The law now recognizes electronic documents of title. The bill is effective July 1, 2010.

HB 821 Enrolled - International Commercial Arbitration

The bill adopts the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration as amended in 2006. The bill applies to any international commercial arbitration subject to an agreement between the United States of America and any other country. The bill also limits a court's authority to intervene in arbitration and specifies when a court should intervene. The bill is effective July 1, 2010.

HB 1401 Enrolled - Export of Goods, Commodities and Things of Value to Foreign Countries

The bill prohibits any official of state government from issuing a certificate of free sale, export certification report, certificate of good manufacturing practices, permit, registration, license, or certification of any kind for any good, commodity, or thing of value to be exported to a foreign country that has been designated by the U.S. Secretary of State as a state sponsor of terrorism. The bill is effective upon becoming a law.

SB 2126 Enrolled – Florida Tax Credit Scholarship Program

The Florida Tax Credit Scholarship Program provides a credit against corporate income and insurance premium taxes to taxpayers who make eligible contributions to nonprofit scholarship funding organizations. The organizations award scholarships to students from families that meet specified income limitations and the students use the scholarship to attend private school or to pay for transportation to public schools located outside of the students' districts of residence. The maximum tax credits that may be approved in a fiscal year are capped at \$118 million and the maximum scholarship award per student is capped at \$3,950 per year. The bill revises the tax credit cap, tax credits, scholarship amount, eligibility for certain students, private school accountability, and more. The effective date is July 1, 2010.

HB 7033/Chapter 2010-1, Laws of Florida - Unemployment Compensation

This law has been approved by the Governor. It:

- Reduces the taxable wage base from \$8,500 to \$7,000 for 2 years and turns it back to \$8,500 in 2012. The wage base sunsets back to \$7,000 in 2015 unless federal advances are still due for repayment to the federal government. Until all federal advances are repaid, the wage base remains at \$8,500.
- Suspends the positive adjustment factor for the next 2 years. Regardless of the balance in the Unemployment Compensation Trust Fund, no rate increase will be triggered since the positive adjustment factor will not be applied. The positive adjustment factor is effective again beginning January 1, 2012, with a 3-year recoupment period and then returns to a 4-year recoupment period under current law provisions on January 1, 2015.
- Allows employers, for an administrative fee of up to \$5, to spread payments for quarterly UC taxes due in 2010 and 2011 across the remaining quarters in the respective year without interest or penalties as long as the employer makes the quarterly filing and payment according to the new schedule of installments.
- Provides for payment of interest on federal advances through an additional employer assessment.

There are a variety of effective dates for this law.

HB 7157 Enrolled - Department of Revenue

This is the annual housekeeping bill for the Department of Revenue. Of interest, it:

- Excludes the cleaning of interiors of transportation equipment from the tax imposed on cleaning services;
- Specifies that nonresidential building pest control services are taxed;
- Provides criteria to determine whether the tax on sales, use and other transactions applies to a package containing exempt food products and taxable nonfood products;
- Revises the application requirements for tax exemption for building materials used in the rehabilitation of real property in an enterprise zone;

- Clarifies when sales of tangible personal property used in construction of public works projects are tax exempt sales to a governmental entity;
- Permits the Department of Revenue to communicate with taxpayers electronically;
- Authorizes the Department of Revenue to provide certain confidential taxpayer information to other entities and to publish a list of taxpayers against whom the department has filed a warrant or judgment lien certificate;
- Authorizes the Department of Revenue to share information with financial institutions to recover delinquent tax liabilities and take action to collect such outstanding tax liabilities;
- Authorizes the Department of Revenue to reduce a tax refund or credit owing to a taxpayer to the extent of liability for unemployment compensation taxes; and
- Increases penalties for erroneous, incomplete, or insufficient reports by employers to the Department for unemployment compensation tax purposes.

The effective dates of the various provisions differ.

HB 7219 Enrolled – Corporate Income Tax

Florida's Corporate Income Tax Code follows the federal Internal Revenue Code by using federal rules and starting with federal taxable income as the tax base for the Florida income tax. The bill updates the Florida Income Tax Code to reflect changes in the U.S. Internal Revenue Code enacted by Congress and in effect on January 1, 2010. This allows Florida law to follow the federal Internal Revenue Code. The bill takes effect upon becoming a law and operates retroactively to January 1, 2010.

ECONOMIC DEVELOPMENT

SB 451 Enrolled - Space Florida

This bill changes the make up of the Space Florida Board, terminating the existing Board 90 days after the law takes effect. All new voting members must be residents of Florida or have a business enterprise in Florida. The new Board will be composed of the Governor or Lieutenant Governor, the Secretary of FDOT, the President of Workforce Florida, the President of Enterprise Florida and nine private sector members. This bill is effective upon becoming a law.

HB 969 Enrolled - Space and Aerospace Infrastructure

This bill authorizes funds appropriated for use with Launch Complex 36 in the 45th Space Wing property to also be used for improvements to other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state, address intermodal requirements and impacts of the launch ranges, spaceports, and other space transportation facilities; to advance aerospace technology in the commercial space transportation industry; and support high-altitude and suborbital flights and range technology development. The bill is effective upon becoming a law.

HB 1389 Enrolled - Space and Aerospace Infrastructure

The bill modifies the Quick Action Closing Fund (QAC) statute to emphasize the importance of the transition from the end of the space shuttle program and caps at 20% of the amount of QAC funds appropriated by the Legislature that may be awarded to projects that retain or create high technology jobs directly associated with development of a diverse aerospace economy in Florida. The bill also allows for the waiver of QAC eligibility criteria, such as the wage requirement or the required minimum \$5 to \$1 return on investment, for projects that help mitigate the adverse economic impacts associated with the 2010 retirement of the Space Shuttle Program.

The bill provides flexibility for Space Florida to spend the remainder of a 2008 appropriation for improvements at Space Launch Complex 36 at the Kennedy Space Center for the following additional purposes:

- Improving other launch complexes and space transportation facilities to attract new space vehicle testing and launch businesses to Florida;

- Addressing intermodal requirements and impacts of the launch ranges, spaceports, and other space transportation facilities to meet current and future needs of the U.S. commercial space transportation industry;
- Advancing aerospace technology to meet the current and future needs of the U.S. commercial space transportation industry; and
- Assisting in the development of joint-use facilities and technology that support aviation and aerospace operations, including high-altitude and suborbital flights and range technology development.

The effective date is July 1, 2010.

SB 1752 Enrolled - Economic Development

This bill was called the “jobs” bill and contains numerous business incentives. Below the primary points of interest for manufacturers are enumerated.

- Creates the Manufacturing and Spaceport Investment Program. Refunds of sales taxes up to \$50,000 are available to manufacturers who purchase machinery and equipment to make tangible personal property for sale. The manufacturer must spend more on such machinery and equipment in 2010-11 or 2011-12 than he did in 2008 to be eligible. Manufacturers must apply for a refund allocation, beginning July 1, 2010, make their purchases, then apply for a refund of the sales tax paid up to \$50,000. First come first served. Those who have applied but do not receive a refund in the first year are first in line for the second year. There is \$19 million available for refunds beginning July 1, 2010 and \$24 million available for refunds beginning July 1, 2011. (If each manufacturer applied for \$50,000 then 380 manufacturers would be served in 2010-11 and 480 would be served in 2011-2012. If applications are for less, more will be served.)
- Modifies the definition of “productive output” to qualify for the manufacturing machinery and equipment sales tax exemption so that a showing of 10% productivity may be based on a factory’s individual product “lines” rather than its total product output for the factory. It also allows a manufacturer to choose the 12 months within a 24-month period for showing 10% productivity.
- Creates the Jobs for the Unemployed Tax Credit. In fiscal years 2010-2011 and 2011-2012 a \$1,000 per employee corporate income tax credit is available for businesses representing the state’s target industry sectors that hire persons who have been unemployed at least 30 days prior to being hired by the eligible businesses and that meet other criteria.
- Creates the Local Government Distressed Area Matching Grant Program to provide a matching grant to a local government’s contribution or \$50,000 whichever is less, to a business that will create at least 15 jobs and meet other criteria. The business must locate in a community that is suffering from pervasive poverty, unemployment and general distress. The program also received \$3 million in state appropriations for use as grants.
- Creates three new bonus categories for businesses that are certified as qualified target industry businesses and eligible businesses may obtain additional refunds of eight taxes paid in the following categories:
 1. A \$2,000 per employee bonus for businesses that increase either the tonnage or value of exports of 10% a year.
 2. A \$2,000 per employee bonus if the business is in one of the “high-impact industry sectors” of clean energy, corporate headquarters, financial services, biomedical technology, information technology, or transportation equipment manufacturing.
 3. A \$1,000 per employee bonus for a business locating in a county which is matching the state’s incentive on a dollar for dollar basis.
- Creates the Florida Research Commercialization Matching Grant Program providing state funding in the amount of \$3 million for Phase I and Phase II grants for small, entrepreneurial companies trying to commercialize their discoveries.
- Appropriates \$2 million to the state university system for its State University Research Commercialization Assistance Grant program, which provides small grants to young companies trying to commercialize their institutional research into marketable products.

- Appropriate \$19.8 million to Space Florida for infrastructure improvements, aerospace-business recruitment and retraining of aerospace workers, as a way to keep Florida’s space industry viable through the transition from the Space Shuttle to the next NASA spaceflight program.
- Recreates the Qualified Target Industry Tax Refund Program until June 30, 2020.
- Makes revisions to Florida’s New Markets Development Tax Credit program to make the state law more compatible with federal law, and by so doing attract more private investors to Florida economic development projects in low-income communities.
- Appropriates \$15 million for the state’s Quick Action Closing Fund, the fund used to “close the deal” with relocating businesses considering Florida for their new location. Funding is contingent on receipt of federal funds.
- Appropriates \$2.9 million to the Florida Export Finance Corporation to capitalize a collateralized, self-sustaining loan fund to help small exporters get loans. The new fund must complement the corporation’s current programs. An additional \$2 million is appropriated contingent on federal funding.
- Appropriates \$1 million in fiscal year 2010-2011 for the Economic Gardening Technical Assistance program housed at the University of Central Florida’s business incubator. An additional \$1 million is appropriated contingent on receiving federal funding.
- Appropriates \$2 million to the Defense Infrastructure Grant Program to assist communities located near military installations with economic development opportunities. An additional \$2 million is appropriated contingent on federal funding.
- Modifies the state’s High Impact Business Incentive Program to create a new category of eligible projects, businesses that create 50 jobs and make a capital investment of \$50 million, and makes them eligible for a \$500,000 to \$1 million grant.
- Requires all contracts for construction funded by the state to contain a provision requiring the contractor to give preference to the employment of Florida residents in the performance of the work on the project if the residents have substantially equal qualifications to those of non residents.
- Redefines “jobs” in the state’s economic development incentive programs to include leased employees, which reflects the changing employment market and is consistent with the federal definition.
- Allows the Office of Tourism, Trade and Economic Development to renegotiate Quick Action Closing contracts for fiscal year 2010-2011 for projects that materially met the conditions of their agreement but fell short in some requirements because of adverse economic conditions.
- Accelerates the Quick Action Closing approval process by allowing the projects awards of less than \$2 million to be approved by the Legislature’s Presiding Officers.
- Expands the use of online self-certification for appropriate exemptions and general permits issued by the Florida Department of Environmental Protection or the water management districts if such expansion is economically feasible. A local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit under chapters 161, 253, 373, or 403, F.S.
- Appropriates \$10 million for Space Florida to address financing, business development, and infrastructure needs of the aerospace industry and management of facilities for space businesses.
- Appropriates \$3.2 million for Space Florida to retrain workers as a result of the retirement of the Space Shuttle Program.
- Appropriates \$3 million for providing targeted business development support services and business recruitment through Space Florida. Emphasis will be on assisting small and medium sized businesses statewide.
- Appropriates \$3.6 million for Space Florida to address infrastructure projects to develop the aerospace industry and manage facilities for space businesses that will create high wage earning jobs.
- A development order issued by a local government, a building permit, and any permit issued by the Florida Department of Environmental Protection or a water management district pursuant to part IV of Chapter 373, F.S., which has an expiration date from September 1, 2008 through January 1, 2012, is

extended and renewed for a period of 2 years after its previously scheduled date of expiration. The 2-year extension applies to build-out dates and does not prohibit conversion from the construction phase to the operation phase upon completion of construction. This extension is in addition to the 2-year permit extension provided under law passed in 2009. The commencement and completion dates for any required mitigation associated with construction are also extended. The holder of a valid permit must notify the authorizing agency by December 31, 2010 if he wants an extension under this law. Not eligible for the 2-year extension are permits authorized by the U.S. Army Corps of Engineers or permits held by owners who are in significant non-compliance with their permit, or if an extension would interfere with a court order.

- Reauthorizes exemptions granted for projects when an application for development approval has been approved or filed, any 2-year extension authorized, and any amendment to a local comprehensive plan authorizing transportation concurrency exception areas.

The bill becomes effective upon becoming a law.

HB 7109 Enrolled - Qualified Target Industry Tax Refund Program

This bill reenacts the Qualified Target Industry Tax Refund Program within Enterprise Florida. It modifies the program in the following ways:

- Extends the program to June 30, 2020;
- Requires post-award evaluations of QTI recipients;
- Requires review and revision of the targeted industry list every 3 years;
- Defines return on investment;
- Requires evaluation of Enterprise Florida's computer model used to calculate a project's return on investment.
- Makes renewable energy economic development projects eligible for the QTI incentive;
- Allows lowering of the minimum wage threshold from 115% to 100% of the local or statewide average wage for manufacturing companies; and
- Allows leased employees to be included in the calculation of jobs created.

The bill is effective July 1, 2010.

EDUCATION

SJR 2 Enrolled – Class Size Requirements for Public Schools

This Senate Joint Resolution proposes amending the State Constitution to revise the maximum class size requirements. Beginning with the 2010-2011 school year maximum class size would be the school level average number of students who can be assigned to each teacher in the following grade categories:

18 students in PreK-Grade 3;
22 students in Grades 4-8;
25 students in Grades 9-12.

The maximum number of students who may be assigned to a teacher while not exceeding the school average is:

21 students in PreK-Grade 3
27 students in Grades 4-8;
30 students in Grades 9-12.

The joint resolution also retains the application of the class size amendment to core-curricula classes; repeals the requirement for a reduction of an average of two students in each classroom per year; and provides that the constitutional class size requirements do not apply to virtual classes. The bill will take effect upon approval by the electors in November 2010 and operate retroactively to the beginning of the 2010-2011 school year.

SB 4 Enrolled – High School Graduation Requirements

The bill increases high school graduation requirements beginning with students entering grade 9 in the following years to include:

Geometry for the 2010-2011 school year;
Biology I for the 2011-2012 school year;
Algebra II for the 2012-2013 school year;
Chemistry or physics for the 2013-2014 school year; and
An additional equally rigorous science course for the 2013-2014 school year.

The bill provides for end of course assessments in algebra, biology, geometry and other courses and the discontinuation of the FCAT for math and science.

The Credit Acceleration Program is created to allow middle school or high school students to earn credit in a high school course provided that the student has satisfactory performance on a statewide standardized end of course assessment. Students who have mastered the course material without taking the course may also take the end of course assessment. By 2011-2012 each public high school must offer an International Baccalaureate Program, an Advanced International Certificate of Education Program, or a combination of at least four courses in dual enrollment or Advanced Placement, including one each in English, mathematics, science and social studies. Schools may use virtual courses to meet the requirements in certain cases. High school students no longer are required to earn four of eight elective credits in a student-selected area of interest. The bill is effective July 1, 2010.

Appropriations

The Quick Response Training Program “QRT” was funded at \$3.3 million. This program provides training funds for qualified businesses.

ENVIRONMENT

SB 550 Enrolled - Environmental Protection

This was the comprehensive water bill of the year. Below are selected provisions of interest:

- Limestone mining operations may be issued life-of-the-mine permits;
- Modifies mitigation fee provisions for Lake Belt mining operations in order to allow them to meet the requirements of new federal permitting conditions;
- Establishes a statewide septic tank evaluation program, with annual inspection fees, and requirements for repairing such systems that are not operating properly;
- Requires the lining of all new and expanded landfills that will begin accepting construction and demolition debris after July 1, 2010, unless the owners can prove that their unlined landfills will not violate water quality standards;
- Provides that water management districts cannot require compliance reports from consumptive use water permit holders any more often than every 10 years, except for Suwannee River Water Management District, which may require such report every 5 years through July 1, 2015 and every 10 years thereafter;
- Acknowledges that the total maximum daily load program is the best mechanism for establishing numeric nutrient standards for nutrient-impaired water bodies and restoring nutrient-impaired water bodies, and that any numeric nutrient criteria established pursuant to the Clean Water Act should work in concert with the total maximum daily load program, the state storm water treatment rule and other water quality programs. Further, the establishment of sound science-based numeric nutrient criteria to complement the narrative criterion would enhance the ability of the state to achieve a balance of adequate nutrients to sustain aquatic life while not allowing excess nutrients that will alter the aquatic ecosystem. The Legislature stated that the EPA’s proposed water quality standards for

the state fail to take into consideration the unique characteristics of the state's many thousands of rivers, streams, and canals; fail to incorporate and may undermine the state's science based total maximum daily loads program, and the finalization and implementation of the EPA proposed standard will have severe economic consequences on the state's agriculture, local governments, wastewater utilities, economically vital industries, small businesses, and residents living below the poverty level or on fixed incomes.

- Expands eligibility and corrects reporting dates for the brownfield cleanup program;
- Transfers certain expedited permitting responsibilities for economic development from the Office of Tourism, Trade and Economic Development to the Department of Environmental Protection;
- Expands expedited permitting to the production of renewable energy production and biofuels production.

The bill takes effect July 1, 2010.

HB 963 Enrolled – Seaports

The bill creates a port conceptual permit system that will allow the Florida Department of Environmental Protection to issue an umbrella permit that ties together a series of individual environmental permits and authorizations needed for port construction projects or dredging operations. It specifies that seaport projects to rehabilitate wharves, docks, berths, bulkheads, and similar structures only require a 25% match, rather than a 50% match, for state funding available under the existing Florida Seaport Transportation and Economic Development funding program. The bill is effective July 1, 2010.

CS HB 1385 Enrolled – Petroleum Contamination Site Cleanup

This bill makes numerous changes to the state petroleum contaminated site clean up program. Among them are the following:

- Allows DEP to establish a long term natural attenuation monitoring category for sites in the cleanup program. When cost effective, DEP is directed to reprioritize sites previously eligible for restoration funding assistance to long-term natural attenuation status if the sites meet certain criteria.
- Prohibits local governments from denying building permits based solely on the presence of petroleum contamination for any construction, repairs, or renovations performed in conjunction with tank upgrade activities to an existing retail facility in certain circumstances.
- Requires DEP to evaluate whether higher natural attenuation default concentrations for natural attenuation monitoring or long-term natural attenuation monitoring are cost effective and will adequately protect public health and the environment. DEP must evaluate site specific characteristics that will allow for higher natural attenuation or long term natural attenuation concentration levels.
- Precludes local governments from denying development orders or permits on the grounds that petroleum contamination exists onsite.

The bill is effective July 1, 2010.

HB 7243 Enrolled - Environmental Protection

This "recycling" bill has many provisions. Those of interest to manufacturers include the following:

- Encourages private businesses that recycle paper, metals, glass, plastics textiles, rubber material, and mulch to report the amount of materials they recycle to the county annually beginning January 1, 2011, using the Department of Environmental Protection's (FDEP) designated reporting format. Then, using the information provided, FDEP must recognize those private businesses that demonstrate outstanding recycling efforts. Private businesses are not required to report recycling rates.
- FDEP must create the Recycling Business Assistance Center by December 1, 2010 to help state agencies and the private sector develop new markets for recycled materials, provide below-market financing for companies that manufacture products from recycled materials or convert recyclable materials into raw materials for use in manufacturing, and using the Florida Recycling Loan Program administered by the Florida First Capital Finance Corporation, maintain a database on recycled materials, and disseminate information on recycling.

- Each county shall have a goal of recycling recyclable solid waste of 40% by December 31, 2012, 50% by December 31, 2014, 60% by December 31, 2016, 70% by December 31, 2018, and 75% by December 31, 2020. Each county must implement a program for recycling construction and demolition debris. Each county is encouraged to consider a plan for composting or mulching organic materials that would otherwise be disposed of in a landfill. The composting or mulching plans are encouraged to address partnerships with the private sector.

The effective date of the bill is July 1, 2010.

MISCELLANEOUS

SB 850 Enrolled - Florida Industrial and Phosphate Research Institute

This bill allows the Florida Institute for Phosphate Research to conduct research outside the scope of the phosphate industry. The Institute is transferred to the University of South Florida and the name is changed to the Florida Institute for Industrial and Phosphate Research. The board make up is revised. In addition to its current duties the Institute must provide the public with access to the results of its research activities and must maintain a public library to include its research. The bill takes effect upon becoming a law.

SB 1178 Enrolled - Cost Benefit/Return on Investment/Dynamic Scoring

This bill will enable economic development proposals to be evaluated on long term benefits, rather than short term costs to the state. It specifically allows the Speaker of the House or the President of the Senate to request that special impact sessions of consensus estimating conferences evaluate proposed legislation using dynamic scoring, return on investment or cost-benefit techniques, as appropriate. The Office of Economic and Demographic Research is tasked with recommending protocols and procedures which, upon approval by the Speaker and President, will govern the application of the specified techniques for review. The bill is effective upon becoming a law.

HB 7179 Enrolled – Qualifying Improvements to Real Property

Among other things, this bill revises the term “renewable energy” to include energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration. The bill is effective upon becoming a law.

REGULATORY

HB 1565 Enrolled – Rulemaking

The bill requires a state agency to prepare a Statement of Estimated Regulatory Costs (SERC) prior to the adoption, amendment, or repeal of any rule that has an adverse impact on small business or is likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate. When a lower regulatory cost alternative to a proposed rule is submitted to an agency, the agency is required to revise its earlier SERC and either adopt the alternative or state the reasons for rejection. The bill also expands the requirements for the economic analysis when the rule is likely to have an adverse impact in excess of \$1 million in the aggregate within 5 years after rule implementation on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, innovation, or competition. The bill is effective upon becoming a law.

What Bills Failed To Pass?

- Contaminated Site Notification
- Research and Development Tax Credits

- Ports Investments
- Working Waterfronts
- SB 6 Education (Vetoed by Governor after passage by Legislature)
- Renewable Energy
- Career and Education Planning

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