

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CITY OF WESTON, FLORIDA, et al.,

Plaintiffs,

v.

Case No. 09-CA-2639

THE HONORABLE CHARLIE CRIST,
Governor of the State of Florida;
HONORABLE KURT S. BROWNING,
Secretary of State, State of Florida; THE
HONORABLE JEFF ATWATER,
President of the Senate, State of Florida;
and THE HONORABLE LARRY
CRETUL, Speaker of the House, State of
Florida,

Defendants.

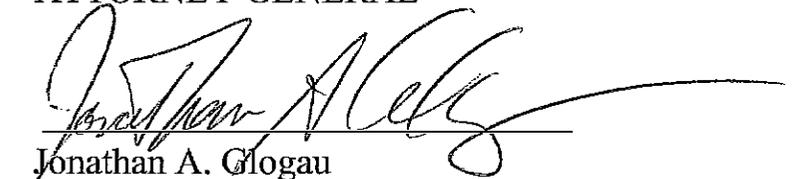
DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully submit as supplemental authority Chapter 2010-147, Laws of Florida. If this court determines that SB 360 violates art. VII § 18, Fla. Const., then the court should be aware that §14 of that bill relating to two year automatic permit extensions has been reenacted as § 46 of ch. 2010-147. In addition, § 47 of that law specifically reauthorizes any permit extensions granted under the authority of § 14 of SB 360. These permits and the section of the law providing for them are immune from attack under Art. VII § 18(a), Fla. Const., because § 51 of Ch. 2010-147 provides: "The Legislature finds that this act fulfills

an important state interest” and the law was passed by greater than two-thirds of both houses of the legislature. See: http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=session/2010/Senate/bills/votes/html/hSB17520430101088.html (House) and http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=session/2010/Senate/bills/votes/html/SSB17520429100071.html (Senate)..

Respectfully submitted this 11th Day of June, 2010.

BILL McCOLLUM
ATTORNEY GENERAL



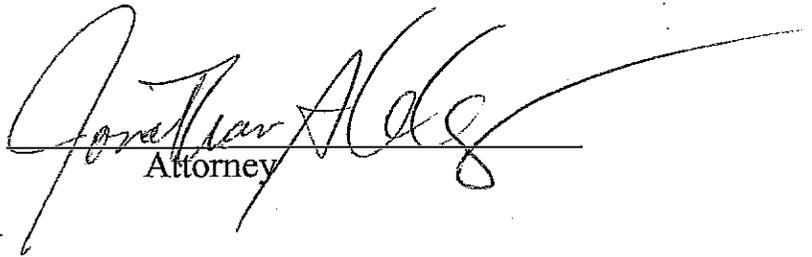
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing document was served by U.S. mail and e-mail this 11th Day of June, 2010, on:

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CHAPTER 2010-147

Committee Substitute for Senate Bill No. 1752

An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 196.1995, F.S.; authorizing counties and municipalities to extend economic development ad valorem tax exemptions under certain circumstances; amending s. 212.02, F.S.; defining the term "fractional aircraft ownership program"; amending s. 212.031, F.S.; providing a partial exemption from the tax on renting, leasing, letting, or granting a license for the use of real property for property rented, leased, subleased, or licensed to a person providing certain services at convention halls, civic centers, or public lodging establishments; providing for application only to certain portions of payments; providing for retroactive application; amending s. 212.04, F.S.; extending certain exemptions from the admissions tax; expanding an exemption for admissions to certain professional sporting events; amending s. 212.05, F.S.; deleting a requirement that a certain penalty is mandatory and not waivable by the Department of Revenue; deleting authorization to return certain aircraft to the state for repairs without liability for taxes and penalty under certain circumstances; imposing a maximum limitation on the amount of tax collected on sales of boats in this state; creating s. 212.0597, F.S.; providing a maximum tax on the sale or use of fractional aircraft ownership interests; amending s. 212.08, F.S.; redefining the terms "real property" and "rehabilitation of real property" for purposes of the sales tax exemption on certain building materials used in the rehabilitation of real property used in an enterprise zone; specifying procedures to claim a sales tax credit under the entertainment industry financial incentive program; providing an exemption from the use tax for an aircraft that temporarily enters the state or is temporarily in the state for certain purposes; requiring documentation that identifies the aircraft in order to qualify for the exemption; providing that the exemption is in addition to certain other exemptions; providing tax exemptions on the sale or use of aircraft primarily used in a fractional aircraft ownership program and for the parts and labor used in the maintenance, repair, and overhaul of such aircraft; authorizing the department to adopt rules; amending s. 213.053, F.S.;

has changed over the years since it was created; whether the program is effectively and efficiently addressing the issues that precipitated its creation; the direct and indirect costs of the program to the state and local governments that participate; whether the program's tax incentives are effectively designed to benefit economically distressed or high-poverty areas and their residents and business owners; and whether the application, review, and approval processes are transparent, effective, and efficient.

Section 45. The Office of Program Policy Analysis and Government Accountability shall review and evaluate the effectiveness and viability of the Florida Research Commercialization Matching Grant Program in s. 288.9552, Florida Statutes. The office shall specifically evaluate the use of federal grants and private investment and the creation of new businesses and jobs. The office shall also recommend outcome measures for further evaluation of the program. The office shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1, 2011.

Section 46. (1) Except as provided in subsection (4), a development order issued by a local government, a building permit, and any permit issued by the Department of Environmental Protection or by a water management district pursuant to part IV of chapter 373, Florida Statutes, 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. This 2-year extension also applies to buildout dates, including any extension of a buildout date that was previously granted under s. 380.06(19)(c), Florida Statutes. This section 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 section 14 of chapter 2009-96, Laws of Florida.

(2) The commencement and completion dates for any required mitigation associated with a phased construction project are extended so that mitigation takes place in the same timeframe relative to the phase as originally permitted.

(3) The holder of a valid permit or other authorization that is eligible for the 2-year extension must notify the authorizing agency in writing by December 31, 2010, identifying the specific authorization for which the holder intends to use the extension and the anticipated timeframe for acting on the authorization.

(4) The extension provided for in subsection (1) does not apply to:

(a) A permit or other authorization under any programmatic or regional general permit issued by the Army Corps of Engineers.

(b) A permit or other authorization held by an owner or operator determined to be in significant noncompliance with the conditions of the permit or authorization as established through the issuance of a warning

letter or notice of violation, the initiation of formal enforcement, or other equivalent action by the authorizing agency.

(c) A permit or other authorization, if granted an extension that would delay or prevent compliance with a court order.

(5) Permits extended under this section shall continue to be governed by the rules in effect at the time the permit was issued, except if it is demonstrated that the rules in effect at the time the permit was issued would create an immediate threat to public safety or health. This provision applies to any modification of the plans, terms, and conditions of the permit which lessens the environmental impact, except that any such modification does not extend the time limit beyond 2 additional years.

(6) This section does not impair the authority of a county or municipality to require the owner of a property that has notified the county or municipality of the owner's intent to receive the extension of time granted pursuant to this section to maintain and secure the property in a safe and sanitary condition in compliance with applicable laws and ordinances.

Section 47. (1) The Legislature hereby reauthorizes:

(a) Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located within an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(b) Any 2-year extension authorized and timely applied for pursuant to section 14 of chapter 2009-96, Laws of Florida.

(c) Any amendment to a local comprehensive plan adopted pursuant to s. 163.3184, Florida Statutes, as amended by chapter 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189, Florida Statutes, which authorizes and implements a transportation concurrency exception area pursuant to s. 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws of Florida.

(2) Subsection (1) is intended to be remedial in nature and to reenact provisions of existing law. This section shall apply retroactively to all actions specified in subsection (1) and therefore to any such actions lawfully undertaken in accordance with chapter 2009-96, Laws of Florida.

Section 48. The unexpended funds appropriated in Specific Appropriation 2649 of chapter 2008-152, Laws of Florida, for improvements to Launch Complex 36 on the 45th Space Wing property shall revert immediately and are reappropriated for state fiscal year 2010-2011 from the Economic Development Transportation Trust Fund for improvements to other launch complexes and space transportation facilities in order to attract new space vehicle testing and launch business to the state; to address intermodal

requirements and impacts of the launch ranges, spaceports, and other space transportation facilities; to advance aerospace technology to meet the current and future needs of the United States commercial space transportation industry; and to assist 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.

Section 49. The installation of fuel tank upgrades to secondary containment systems shall be completed by the deadlines specified in rule 62-761.510, Florida Administrative Code, Table UST. For fuel service station facilities that have orders issued by the Department of Environmental Protection before July 1, 2010, granting an extension to the deadline, the deadline shall be extended to September 30, 2011. Such facilities must be in compliance with all other state and federal regulations pertaining to petroleum storage systems.

Section 50. Preference to state residents.—

(1) Each contract for construction that is funded by state funds must contain a provision requiring the contractor to give preference to the employment of state residents in the performance of the work on the project if state residents have substantially equal qualifications to those of nonresidents. A contract for construction funded by local funds may contain such a provision.

(a) As used in this section, the term “substantially equal qualifications” means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are better suited for the position than the qualifications held by the other person or persons.

(b) A contractor required to employ state residents must contact the Agency for Workforce Innovation to post the contractor’s employment needs in the state’s job bank system.

(2) No contract shall be let to any person refusing to execute an agreement containing the provisions required by this section. However, in work involving the expenditure of federal aid funds, this section may not be enforced in such a manner as to conflict with or be contrary to federal law prescribing a labor preference to honorably discharged soldiers, sailors, or marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States.

Section 51. The Legislature finds that this act fulfills an important state interest.

Section 52. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the