

Tab 1	SB 76 by Book; (Similar to CS/H 00551) Transportation Disadvantaged						
903016	A	S	RCS	ATD, Book	Delete L.62:	02/13 02:45 PM	

Tab 2	CS/SB 414 by IS, Bean (CO-INTRODUCERS) Harrell; (Similar to CS/H 00387) Fees/Specialty License Plates						
276914	A	S	RCS	ATD, Bean	btw L.35 - 36:	02/13 02:45 PM	
853756	A	S	WD	ATD, Thurston	btw L.35 - 36:	02/13 02:45 PM	

Tab 3	CS/SB 636 by IS, Stargel; (Similar to CS/H 00435) Department of Highway Safety and Motor Vehicles						
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Tab 4	CS/SB 1070 by MS, Wright (CO-INTRODUCERS) Albritton; (Similar to CS/H 00717) Space Florida						
139628	A	S	RCS	ATD, Wright	Delete L.54:	02/13 02:46 PM	

Tab 5	SB 1090 by Diaz (CO-INTRODUCERS) Taddeo; (Similar to H 00829) Express Lanes						
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Tab 6	CS/SB 1166 by CM, Albritton; (Similar to CS/H 00969) Broadband Internet Service						
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Tab 7	SB 1570 by Perry; (Compare to H 01455) Division of Library and Information Services						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT**

Senator Hutson, Chair
Senator Thurston, Vice Chair

MEETING DATE: Thursday, February 13, 2020
TIME: 12:30—2:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Hutson, Chair; Senator Thurston, Vice Chair; Senators Brandes, Lee, Perry, Simpson, Taddeo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 76 Book (Similar CS/H 551)	Transportation Disadvantaged; Requiring community transportation coordinators, in cooperation with the coordinating board, to plan for and use any available and cost-effective regional fare payment systems that enhance cross-county mobility for specified purposes for the transportation disadvantaged; requiring each coordinating board to evaluate multicounty or regional transportation opportunities to include any available regional fare payment systems that enhance cross-county mobility for specified purposes for the transportation disadvantaged, etc. IS 01/27/2020 Favorable ATD 02/13/2020 Fav/CS AP	Fav/CS Yeas 5 Nays 0
2	CS/SB 414 Infrastructure and Security / Bean (Similar CS/H 387, Compare H 385, H 1135, S 862, CS/S 1500, Linked CS/S 412)	Fees/Specialty License Plates; Creating a uniform annual use fee collected for a specialty license plate unless otherwise specified; adding annual use fees for certain specialty license plates, etc. IS 02/03/2020 Fav/CS ATD 02/13/2020 Fav/CS AP	Fav/CS Yeas 8 Nays 0
3	CS/SB 636 Infrastructure and Security / Stargel (Similar CS/H 435, Compare H 1007)	Department of Highway Safety and Motor Vehicles; Authorizing the Department of Highway Safety and Motor Vehicles or its authorized agents to collect electronic mail addresses and use electronic mail for certain purposes; limiting the applications the department may accept by electronic or telephonic means; requiring that all electronic mail addresses be mutually shared between the department and its authorized agents upon request; authorizing the department, instead of the Fish and Wildlife Conservation Commission, to accept certain applications by electronic or telephonic means, etc. IS 01/21/2020 Fav/CS ATD 02/13/2020 Favorable AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
 Thursday, February 13, 2020, 12:30—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1070 Military and Veterans Affairs and Space / Wright (Similar CS/H 717)	Space Florida; Clarifying that Space Florida is subject to a specified provision of law; revising Space Florida's authorization to issue bonds; revising the revenue sources by which revenue bonds may be secured or repaid; revising the term "expanded" to "expended" to clarify the authority of the governing body of Space Florida; reducing the term of years for which Space Florida may issue bonds, etc. MS 01/22/2020 Fav/CS ATD 02/13/2020 Fav/CS AP	Fav/CS Yeas 8 Nays 0
5	SB 1090 Diaz (Similar H 829)	Express Lanes; Prohibiting express lanes and tolls on a specified state road; requiring the Department of Transportation to remove all existing express lanes and the imposition of tolls, etc. IS 01/27/2020 Favorable ATD 02/13/2020 Favorable AP	Favorable Yeas 5 Nays 0
6	CS/SB 1166 Commerce and Tourism / Albritton (Similar CS/H 969, Compare H 1309, S 1776)	Broadband Internet Service; Authorizing certain funds within the State Transportation Trust Fund to be used for certain broadband infrastructure projects within or adjacent to multiuse corridors; designating the Department of Economic Opportunity, and not the Department of Management Services, as the lead state entity to facilitate the expansion of broadband Internet service in this state; creating the Florida Office of Broadband within the Division of Community Development within the Department of Economic Opportunity, etc. CM 01/28/2020 Fav/CS ATD 02/13/2020 Favorable AP	Favorable Yeas 8 Nays 0
7	SB 1570 Perry (Compare H 1455)	Division of Library and Information Services; Removing the date by which the division must submit an annual report regarding the allocation of library funding to the Chief Financial Officer; revising the duties and responsibilities of the division in the administration of the Florida State Archives; revising the duties and responsibilities of the division in the administration of the records and information management program; removing a limitation on the annual grant amount that the administrative unit of a library cooperative may receive from the state for purposes of sharing library resources, etc. GO 02/03/2020 Favorable ATD 02/13/2020 Favorable AP	Favorable Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Thursday, February 13, 2020, 12:30—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/SB 76 (686184)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Senator Book

SUBJECT: Transportation Disadvantaged

DATE: February 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>IS</u>	Favorable
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/SB 76 revises the duties of community transportation coordinators and coordinating boards with respect to services provided to transportation disadvantaged persons. The bill requires community transportation coordinators, in cooperation with their respective coordinating boards, to plan for and use regional fare payment systems, if available and cost effective. The regional fare system must enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

The bill also requires coordinating boards to include regional fare payment systems that enhance cross-county mobility for the transportation disadvantaged in the board's evaluation of multicounty or regional transportation opportunities.

The bill has no impact on state revenues or expenditures. However, there is an indeterminate administrative cost to local coordinators and coordinating boards associated with evaluating, planning and implementing any new regional fare systems.

The bill takes effect July 1, 2020.

II. Present Situation:

The Transportation Disadvantaged Program

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.¹ The TD Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature created the Commission for the Transportation Disadvantaged (commission) as an independent entity within the Florida Department of Transportation.² The purpose of the Commission is to coordinate transportation services provided to the transportation disadvantaged,³ to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators.⁴ The program is “a shared-ride service” which, depending on location, may be provided using the fixed route transit or paratransit (door-to-door) service.

Each metropolitan planning organization (MPO), or the designated official planning agency in an area outside the purview of an MPO, recommends to the commission a single community transportation coordinator.⁵ A “community transportation coordinator” is a transportation entity responsible for ensuring that coordinated transportation services are provided to the transportation-disadvantaged population in a designated service area.⁶ Currently, 21 counties serve as the coordinator.⁷

Coordinators are currently charged with various powers and duties, including, but not limited to, establishing eligibility guidelines and priorities with respect to recipients of non-sponsored transportation disadvantaged services,⁸ developing cost-effective coordination strategies and a service plan for the delivery of services, executing uniform contracts for services, and annually reviewing all transportation operator contracts.⁹

¹ Chapter 79-180, Laws of Fla.

² Chapter 89-376, Laws of Fla.

³ Section 427.011(1), F.S., defines a “transportation disadvantaged person” as a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S.

⁴ Section 427.013, F.S. Section 427.011(5) and (6), F.S., define the terms “community transportation coordinator” and “transportation operator.”

⁵ Section 427.015(2), F.S.

⁶ A “designated service area” is a geographical area recommended to and approved by the commission that defines the community where coordinated transportation services will be provided to the transportation disadvantaged.

Rule 41-2.002(4), F.A.C.

⁷ Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, to the Senate Infrastructure and Security Committee staff, January 22, 2020 (on file in the Senate Infrastructure and Security Committee).

⁸ “Non-sponsored transportation disadvantaged services” means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund. Section 427.011(12), F.S.

⁹ Section 427.0155, F.S.

Each coordinator undergoes an annual performance evaluation by the local coordinating board.¹⁰ A “coordinating board” is an advisory entity in each designated service area, composed of representatives appointed by the MPO or the designated official planning agency, to provide assistance to the community transportation coordinators relative to the coordination of transportation services.¹¹ These boards develop local service needs and provide information, advice, and direction to the coordinators.

Section 427.0157, F.S., currently assigns a number of powers and duties to the coordinating boards, including, but not limited to, assisting the coordinators in establishing guidelines and priorities, approving the service plan and services provided in meeting the plan, reviewing coordination strategies, and evaluating multicounty or regional transportation opportunities.

Inter-County Trips and Seamless Regional Travel

Designated service areas may include just one county or multiple counties. However, issues may arise for transportation disadvantaged persons who must travel across county boundaries.

Coordinators face challenges with respect to providing trips outside of a given county, such as:

- **Urban transit systems:** If the coordinator is a transit authority, federal law requires it to provide Americans with Disabilities Act (ADA) complementary paratransit services for individuals who, due to a disability, cannot access the fixed-route bus system. The Federal Transit Administration requires these services to be provided within $\frac{3}{4}$ of a mile outside the bus route, but the local transit authority may decide whether or not to provide these services beyond the ADA corridor, including across county lines.¹²
- **Local autonomy:** The TD Program provides the coordinators and their local coordinating boards with the flexibility of determining their own service areas, which includes prioritizing the service needs. Some coordinators may choose to limit the number of trips that go out of county or support a certain activity based on a priority determined by the local program.
- **Costs:** Out-of-county trips are more expensive and require additional resources, such as drivers and vehicles. Despite these challenges, several coordinators are coordinating such trips, which may be limited to certain days of the week or month to manage costs. Additionally, some coordinators may have to contract with a taxi or transportation network company to provide cross-county trips for individuals who need an “on-demand” service.¹³

One solution to the challenges of cross-county trips may arise in efforts to address regional multimodal travel through fare collection systems that are interoperable. One such effort in South Florida involves an agreement between Tri-Rail,¹⁴ Broward County Transit, and Palm Tran to allow for the use of a pay card and mobile app on any of their respective transportation modes.¹⁵

¹⁰ Section 427.015(2), F.S., allows a coordinator to provide all or a portion of needed transportation services for the transportation disadvantaged and requires the coordinator to subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering.

¹¹ Sections 427.011(7) and 427.0157, F.S.

¹² 49 C.F.R. Part 37.

¹³ Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, to the House Transportation and Infrastructure Subcommittee staff relating to HB 551 (Cross-County Mobility), Follow-up, January 7, 2020 (on file in the Senate Infrastructure and Security Committee).

¹⁴ Tri-Rail provides commuter rail service in Miami-Dade, Broward, and Palm Beach Counties.

¹⁵ See the Miami-Dade County News Release, *Miami-Dade County moves towards an interoperability agreement with Tri-Rail, Broward County Transit, and Palm Tran for seamless regional travel*, (March 10, 2017) available at:

Such a system, designed to allow a transportation disadvantaged person deemed eligible in his or her county of residence to move freely across county boundaries in the same or another designated service area, could increase mobility for the transportation disadvantaged person.

III. Effect of Proposed Changes:

Section 1 amends s. 427.0155, F.S., to authorize community transportation coordinators, in cooperation with the coordinators' boards, to plan and use regional fare payment systems, when available and cost-effective, to enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county.

Section 2 amends s. 427.0157, F.S., relating to the powers and duties of coordinating boards, to provide additional direction to coordinating boards with respect to the boards' existing duty to evaluate multicounty or regional transportation opportunities during quarterly meetings.¹⁶ This section requires the boards to include evaluations of regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining activities.

Section 3 provides the bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm_source=media&utm_medium=email&utm_campaign=release-distribution&utm_term=transit (Last visited January 30, 2020).

¹⁶ Section 427.0157, F.S., requires coordinating boards to meet "at least" quarterly.

B. Private Sector Impact:

To the extent that regional fare payment systems are implemented, transportation disadvantaged persons may benefit from increased mobility.

C. Government Sector Impact:

Coordinators and coordinating boards may experience administrative expenses associated with planning for regional fare payment systems to the extent that such planning is not already taking place. Coordinating boards may experience administrative expenses associated with including regional fare payment systems in their evaluations of multicounty and regional transportation opportunities if these evaluations are not currently being performed. The fiscal impact of implementing regional fare payment systems, if available and proven cost effective, is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 427.0155 and 427.0157.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by the Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 13, 2020:

The committee substitute clarifies the scope of the multicounty and regional mobility evaluation.

B. Amendments:

None.



903016

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Book) recommended the following:

Senate Amendment (with title amendment)

Delete line 62

and insert:

opportunities, including regional fare payment systems, if

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 11



10 and insert:
11 opportunities, including any available regional fare

By Senator Book

32-00162-20

202076__

1 A bill to be entitled
 2 An act relating to the transportation disadvantaged;
 3 amending s. 427.0155, F.S.; requiring community
 4 transportation coordinators, in cooperation with the
 5 coordinating board, to plan for and use any available
 6 and cost-effective regional fare payment systems that
 7 enhance cross-county mobility for specified purposes
 8 for the transportation disadvantaged; amending s.
 9 427.0157, F.S.; requiring each coordinating board to
 10 evaluate multicounty or regional transportation
 11 opportunities to include any available regional fare
 12 payment systems that enhance cross-county mobility for
 13 specified purposes for the transportation
 14 disadvantaged; providing an effective date.
 15
 16 Be It Enacted by the Legislature of the State of Florida:
 17
 18 Section 1. Subsection (10) is added to section 427.0155,
 19 Florida Statutes, to read:
 20 427.0155 Community transportation coordinators; powers and
 21 duties.—Community transportation coordinators shall have the
 22 following powers and duties:
 23 (10) In cooperation with the coordinating board, plan for
 24 and use regional fare payment systems, if available and cost
 25 effective, which enhance cross-county mobility for the
 26 transportation disadvantaged to access employment, health care,
 27 education, shopping, or other life-sustaining services across
 28 one or more county lines.
 29 Section 2. Section 427.0157, Florida Statutes, is amended

32-00162-20

202076__

30 to read:
 31 427.0157 Coordinating boards; powers and duties.—The
 32 purpose of each coordinating board is to develop local service
 33 needs and to provide information, advice, and direction to the
 34 community transportation coordinators on the coordination of
 35 services to be provided to the transportation disadvantaged. The
 36 commission shall, by rule, establish the membership of
 37 coordinating boards. The members of each board shall be
 38 appointed by the metropolitan planning organization or
 39 designated official planning agency. The appointing authority
 40 shall provide each board with sufficient staff support and
 41 resources to enable the board to fulfill its responsibilities
 42 under this section. Each board shall meet at least quarterly and
 43 shall do each of the following:
 44 (1) Review and approve the coordinated community
 45 transportation disadvantaged service plan, including the
 46 memorandum of agreement, prior to submittal to the commission.~~†~~
 47 (2) Evaluate services provided in meeting the approved
 48 plan.~~†~~
 49 (3) In cooperation with the community transportation
 50 coordinator, review and provide recommendations to the
 51 commission on funding applications affecting the transportation
 52 disadvantaged.~~†~~
 53 (4) Assist the community transportation coordinator in
 54 establishing eligibility guidelines and priorities with regard
 55 to the recipients of nonsponsored transportation disadvantaged
 56 services that are purchased with Transportation Disadvantaged
 57 Trust Fund moneys.
 58 (5) Review the coordination strategies of service provision

32-00162-20

202076__

59 to the transportation disadvantaged in the designated service
60 area, ~~and~~

61 (6) Evaluate multicounty or regional transportation
62 opportunities to include regional fare payment systems, if
63 available, which enhance cross-county mobility for the
64 transportation disadvantaged to access employment, health care,
65 education, shopping, or other life-sustaining services across
66 one or more county lines.

67 (7) Work cooperatively with local workforce development
68 boards established in chapter 445 to provide assistance in the
69 development of innovative transportation services for
70 participants in the welfare transition program.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on Health and Human
Services
Health Policy
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR LAUREN BOOK

32nd District

January 28, 2020

Chair Travis Hutson
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Hutson:

I respectfully request that **SB 76 – Transportation Disadvantaged** be placed on the agenda for the next Appropriations Subcommittee on Transportation, Tourism, and Economic Development meeting.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book
Senate District 32

Cc: Jennifer Hrdlicka, Staff Director
Rael Candelaria, Administrative Assistant

REPLY TO:

- 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- 202 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

BILL: PCS/CS/SB 414 (627258)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;
Infrastructure and Security Committee; and Senators Bean and Harrell

SUBJECT: Fees/Specialty License Plates

DATE: February 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Knight</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend:Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 414 establishes a standard annual use fee for specialty license plates of \$25, unless the amount is otherwise specified. The bill also establishes an annual use fee of \$50 for University of Alabama, University of Georgia, and Auburn University specialty license plates.

SB 412 (2020), to which this bill is linked, authorizes the creation of numerous specialty license plates, including the Alabama and Georgia collegiate plates; and provides for the design of the plates and the use of the annual fees associated with the specialty license plates.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date on the same date that SB 412 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.³

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁴ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁵

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁶

University of Georgia

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America's largest bulldog club.⁷ In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker counties based on academic and economic need.⁸

University of Alabama

The Pensacola Bama Club is a chapter of the University of Alabama National Alumni Association. The club is a 501(c)(3) non-profit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, open to alumni, friends, and fans of the university. The organization's primary mission is to provide scholarships to deserving local high school students as well as play host to an annual kick-off event and game watching parties.⁹

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited February 6, 2020).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

⁴ Section 320.08056(10)(a), F.S.

⁵ Section 320.08062, F.S.

⁶ Section 320.08056(7), F.S.

⁷ Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited February 6, 2020)

⁸ Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited February 6, 2020).

⁹ Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited February 6, 2020).

III. Effect of Proposed Changes:

The bill amends s. 320.08056, F.S., to provide that, unless the amount of an annual use fee is otherwise specified for a particular specialty license plate, the annual use fee is \$25 for any specialty license plate that is required to be developed under s. 320.08058, F.S.

The bill also establishes an annual use fee of \$50 for University of Alabama, University of Georgia, and Auburn University specialty license plates.

The bill has an effective date on the same date that SB 412 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s.19 of the Florida Constitution requires “a supermajority vote” of two-thirds of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.¹⁰ A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”¹¹ A state tax or fee imposed or authorized must be contained in a separate bill that contains no other subject.¹²

The \$25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and the \$50 annual use fee for University of Alabama, University of Georgia, and Auburn University specialty license plates may be new state fees subject to the constitutional requirements.

E. Other Constitutional Issues:

None.

¹⁰ FLA. CONST. art. VII, s. 19(a).

¹¹ FLA. CONST. art. VII, s. 19(d)(1).

¹² FLA. CONST. art. VII, s. 19(e).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

Individuals who choose to purchase a specialty license plate created in SB 412 will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of \$50 in addition to required vehicle license taxes and fees.

B. Private Sector Impact:

Revenue from the sale of the specialty license plates created in SB 412 will benefit numerous organizations listed in that bill.

Revenue from the sale of the University of Alabama specialty license plate created in SB 412 will benefit the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama.

Revenue from the sale of the University of Georgia specialty license plate created in SB 412 will benefit the Georgia Bulldog Club of Jacksonville, which must distribute the moneys received for the purpose of awarding scholarships to Florida residents attending the University of Georgia.

C. Government Sector Impact:

The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.¹³

VI. Technical Deficiencies:

This bill creates an annual use fee for a new specialty license plate for Auburn University, however the linked bill, SB 412, does not create a specialty license plate for Auburn University at this time.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08056 of the Florida Statutes.

¹³ Section 320.08056(7), F.S.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 13, 2020:

The committee substitute adds a \$50 annual use fee for specialty license plates for Auburn University.

CS by Infrastructure and Security on February 3, 2020:

- Incorporates the linked bill number of SB 412.

- B. **Amendments:**

None.



276914

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
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	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Bean) recommended the following:

Senate Amendment (with directory amendment)

Between lines 35 and 36

insert:

(bb) Auburn University license plate, \$50.

=====
D I R E C T O R Y C L A U S E A M E N D M E N T
=====

And the directory clause is amended as follows:

Delete lines 11 - 12

and insert:



11 320.08056, Florida Statutes, is amended, and paragraphs (z),
12 (aa), and (bb) are added to subsection (4) of that section, as
13 amended by



853756

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/13/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Thurston) recommended the following:

Senate Amendment (with directory amendment)

Between lines 35 and 36

insert:

(bb) Morehouse College license plate, \$50.

=====
D I R E C T O R Y C L A U S E A M E N D M E N T
=====

And the directory clause is amended as follows:

Delete lines 11 - 12

and insert:



11 320.08056, Florida Statutes, is amended, and paragraphs (z),
12 (aa), and (bb) are added to subsection (4) of that section, as
13 amended by

By the Committee on Infrastructure and Security; and Senators
Bean and Harrell

596-03034-20

2020414c1

1 A bill to be entitled
2 An act relating to fees; amending s. 320.08056, F.S.;
3 creating a uniform annual use fee collected for a
4 specialty license plate unless otherwise specified;
5 adding annual use fees for certain specialty license
6 plates; providing a contingent effective date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Paragraph (d) of subsection (3) of section
11 320.08056, Florida Statutes, is amended, and paragraphs (z) and
12 (aa) are added to subsection (4) of that section, as amended by
13 SB 412, 2020 Regular Session, to read:
14 320.08056 Specialty license plates.—
15 (3) Each request must be made annually to the department or
16 an authorized agent serving on behalf of the department,
17 accompanied by the following tax and fees:
18 (d) Unless the amount of an annual use fee is otherwise
19 specified ~~A license plate annual use fee as required~~ in
20 subsection (4) for a particular specialty license plate, an
21 annual use fee of \$25 for any specialty license plate that is
22 required to be developed under s. 320.08058.
23
24 A request may be made any time during a registration period. If
25 a request is made for a specialty license plate to replace a
26 current valid license plate, the specialty license plate must be
27 issued with appropriate decals attached at no tax for the plate,
28 but all fees and service charges must be paid. If a request is
29 made for a specialty license plate at the beginning of the

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-03034-20

2020414c1

30 registration period, the tax, together with all applicable fees
31 and service charges, must be paid.
32 (4) The following license plate annual use fees shall be
33 collected for the appropriate specialty license plates:
34 (z) University of Alabama license plate, \$50.
35 (aa) University of Georgia license plate, \$50.
36 Section 2. This act shall take effect on the same date that
37 SB 412 or similar legislation takes effect, if such legislation
38 is adopted in the same legislative session or an extension
39 thereof and becomes a law.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Health and Human Services, *Chair*
Appropriations
Appropriations Subcommittee on Agriculture, Environment, and General Government
Children, Families, and Elder Affairs
Governmental Oversight and Accountability
Health Policy
Infrastructure and Security

SENATOR AARON BEAN
4th District

February 13, 2020

Re: SB 414

Dear Chair Hutson:

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bill 414, related to Fees/Specialty License Plates, which is on agenda for the February 13, 2020 meeting of the Appropriations Subcommittee on Transportation, Tourism and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5004.

Thank you,



Aaron Bean
State Senator | 4th District

TH

REPLY TO:

- Duval Station, 13453 North Main Street, Suite 301, Jacksonville, Florida 32218 (904) 757-5039 FAX: (888) 263-1578
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore



The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: February 3, 2020

I respectfully request that **Senate Bill # 414**, relating to Fees/Specialty License Plates, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Health and Human Services, *Chair*
Appropriations
Appropriations Subcommittee on Agriculture, Environment, and General Government
Children, Families, and Elder Affairs
Governmental Oversight and Accountability
Health Policy
Infrastructure and Security

SENATOR AARON BEAN
4th District

February 13, 2020

Re: SB 414

Dear Chair Hutson:

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bill 414, related to Fees/Specialty License Plates, which is on agenda for the February 13, 2020 meeting of the Appropriations Subcommittee on Transportation, Tourism and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5004.

Thank you,



Aaron Bean
State Senator | 4th District

TH

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- Duval Station, 13453 North Main Street, Suite 301, Jacksonville, Florida 32218 (904) 757-5039 FAX: (888) 263-1578
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 636

INTRODUCER: Infrastructure and Security Committee and Senator Stargel

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: February 12, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 636 provides authority for the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents (tax collectors) to collect and use electronic mail addresses and cellular telephone numbers to contact customers to provide information.

The bill corrects a reference to the Florida Fish and Wildlife Commission (FWC) as the entity eligible to accept applications by electronic or telephonic means for vessel registration and titling. The DHSMV is the entity responsible for such activity.

The bill provides that all records made or kept by the DHSMV for vessel registration are subject to inspection and copying as provided in ch. 119, F.S.

The bill has an effective date of July 1, 2020.

II. Present Situation:

Collection and Use of Cellular Telephone Numbers

The DHSMV lacks statutory authority to collect and use cellular telephone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allow for the collection of email addresses and the use of email, in lieu of the United State Postal Service (USPS), to provide renewal notices, including driver license renewal notices, registration renewal notices, and vessel registration renewal notices. However, current law does not allow the

e-mail to be used for other business purposes.¹ The DHSMV is not specifically authorized to collect or use a customer's cellular telephone number.²

Electronic or Telephonic Vessel Applications

The DHSMV is solely responsible for titling and registering vessels under ch. 328, F.S. The DHSMV is authorized to accept applications by electronic or telephonic means under s. 328.30, F.S., for titling and registering vessels; however, s. 328.80, F.S., also authorizes the FWC to do the same. This inconsistency was the result of the passing of two laws in 1999 that amended the same statute.³

Public Record Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business. This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.⁴

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.⁵ Chapter 119, F.S., constitutes the main body of public records laws and is known as the Public Records Act.⁶ The Public Records Act states that:

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁷

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁸ The Florida Supreme

¹ See ss. 319.40, 320.95, 322.08(10), 328.30, and 328.80, F.S.

² Department of Highway Safety and Motor Vehicles, *2020 Agency Legislative Bill Analysis SB 636* (January 13, 2020) (on file with the Senate Committee on Infrastructure and Security).

³ In 1999, the Legislature transferred responsibility for the registration of vessels from the Department of Environmental Protection (DEP) to the DHMSV (ch. 99-289, L.O.F.). During the same 1999 Regular Session, the Legislature transferred various other duties of the DEP to the Fish and Wildlife Conservation Commission (FWC) (ch. 99-245, L.O.F.). Although the DHSMV is responsible for the titling and registration of vessels, s. 328.80, F.S., authorizes the FWC to accept applications by electronic or telephonic means under ch. 328, F.S., despite the FWC having no statutory authority to provide titling and registration services for vessels under ch. 328, F.S.

⁴ FLA. CONST., art. I, s. 24(a).

⁵ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public records pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁶ Public records laws are found throughout the Florida Statutes.

⁷ Section 119.01(1), F.S.

⁸ Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."

Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁹ A violation of the Public Records Act may result in civil or criminal liability.¹⁰

III. Effect of Proposed Changes:

The bill amends s. 319.40, F.S., (Section 1) to allow authorized agents of the DHSMV to collect and use email addresses for title certificates, including using email in lieu of the USPS as a method of notification. It further requires all email addresses to be mutually shared between the DHSMV and its authorized agents upon request. However, any notice regarding the potential forfeiture or foreclosure of an interest in property must still be sent via the USPS.

The bill amends ss. 320.95, 322.08, 328.30, and 328.80, F.S., (Sections 2, 3, 4, and 6) to allow the DHSMV or its authorized agents to collect email addresses or cellular telephone numbers. They may use email or text message to provide information to customers with a vessel title, vessel registration, motor vehicle license, driver license, or identification card. Information that may be provided via email or text message in lieu of the USP includes, but is not limited to, renewal notices, appointment scheduling information, tax collector office locations, hours of operation, contact information, driving skills testing locations, and website information. The bill further requires all email addresses to be mutually shared between the DHSMV and its authorized agents upon request.

The bill further amends s. 328.80, F.S., (Section 6) to correct reference to the DHSMV from the FWC as the entity eligible to accept applications by electronic or telephonic means for vessel registration and titling.

The bill amends s. 328.40, F.S., (Section 5) to provide that all records made or kept by the DHSMV for vessel registration are subject to inspection and copying as provided in ch. 119, F.S.

The bill has an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁹ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

¹⁰ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Local governments may incur indeterminate expenditures relating to information technology programming costs should authorized agents of the DHSMV pursue collection of cellular telephone numbers.¹¹

The DHSMV may incur minimum programming costs related to modifying existing systems to enable the capture of a cellular telephone number should the DHSMV pursue that activity.¹²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.40, 320.95, 322.08, 328.30, 328.40, and 328.80.

¹¹ Department of Highway Safety and Motor Vehicles, *2020 Agency Legislative Bill Analysis SB 636* (January 13, 2020) (on file with the Senate Committee on Infrastructure and Security).

¹² *Id.*

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Infrastructure and Security on January 21, 2020:

- Changes the term “verified texting numbers” to “cellular telephone numbers”; and
- Replaces “all electronic mail addresses shall be made available to the department or its authorized agents upon request” with “all electronic mail addresses shall be mutually shared between the department and its authorized agents upon request.”

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

By the Committee on Infrastructure and Security; and Senator Stargel

596-02445-20

2020636c1

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 319.40, F.S.;
 4 authorizing the Department of Highway Safety and Motor
 5 Vehicles or its authorized agents to collect
 6 electronic mail addresses and use electronic mail for
 7 certain purposes; requiring that all electronic mail
 8 addresses be mutually shared between the department
 9 and its authorized agents upon request; amending ss.
 10 320.95 and 322.08, F.S.; authorizing the department or
 11 its authorized agents to collect electronic mail
 12 addresses or cellular telephone numbers and use
 13 electronic mail or text messages in lieu of the United
 14 States Postal Service for certain purposes; requiring
 15 that all electronic mail addresses be mutually shared
 16 between the department and its authorized agents upon
 17 request; amending s. 328.30, F.S.; limiting the
 18 applications the department may accept by electronic
 19 or telephonic means; authorizing the department or its
 20 authorized agents to collect electronic mail addresses
 21 or cellular telephone numbers and use electronic mail
 22 or text messages in lieu of the United States Postal
 23 Service for certain purposes; requiring that all
 24 electronic mail addresses be mutually shared between
 25 the department and its authorized agents upon request;
 26 amending s. 328.40, F.S.; requiring that certain
 27 records made or kept by the department be subject to
 28 inspection and copying; amending s. 328.80, F.S.;
 29 authorizing the department, instead of the Fish and

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02445-20

2020636c1

30 Wildlife Conservation Commission, to accept certain
 31 applications by electronic or telephonic means;
 32 authorizing the department or its authorized agents to
 33 collect electronic mail addresses or cellular
 34 telephone numbers and use electronic mail or text
 35 messages in lieu of the United States Postal Service
 36 for certain purposes; requiring that all electronic
 37 mail addresses be mutually shared between the
 38 department and its authorized agents upon request;
 39 providing an effective date.
 40

41 Be It Enacted by the Legislature of the State of Florida:
 42

43 Section 1. Subsection (3) of section 319.40, Florida
 44 Statutes, is amended to read:

45 319.40 Transactions by electronic or telephonic means.—
 46 (3) The department or its authorized agents may collect
 47 electronic mail addresses and use electronic mail for purposes
 48 of this chapter, including, but not limited to, use of
 49 electronic mail in lieu of the United States Postal Service as a
 50 method of notification. All electronic mail addresses shall be
 51 mutually shared between the department and its authorized agents
 52 upon request. However, any notice regarding the potential
 53 forfeiture or foreclosure of an interest in property must be
 54 sent via the United States Postal Service.

55 Section 2. Subsection (2) of section 320.95, Florida
 56 Statutes, is amended to read:

57 320.95 Transactions by electronic or telephonic means.—
 58 (2) The department or its authorized agents may collect

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02445-20 2020636c1

59 electronic mail addresses or cellular telephone numbers and use
 60 electronic mail or text messages in lieu of the United States
 61 Postal Service for the purpose of providing information,
 62 including, but not limited to, renewal notices, appointment
 63 scheduling information, tax collector office locations, hours of
 64 operation, contact information, driving skills testing
 65 locations, and website information. All electronic mail
 66 addresses shall be mutually shared between the department and
 67 its authorized agents upon request ~~renewal notices.~~

68 Section 3. Subsection (10) of section 322.08, Florida
 69 Statutes, is amended to read:

70 322.08 Application for license; requirements for license
 71 and identification card forms.-

72 (10) The department or its authorized agents may collect
 73 electronic mail addresses or cellular telephone numbers and use
 74 electronic mail or text messages in lieu of the United States
 75 Postal Service for the purpose of providing information,
 76 including, but not limited to, renewal notices, appointment
 77 scheduling information, tax collector office locations, hours of
 78 operation, contact information, driving skills testing
 79 locations, and website information. All electronic mail
 80 addresses shall be mutually shared between the department and
 81 its authorized agents upon request ~~renewal notices.~~

82 Section 4. Section 328.30, Florida Statutes, is amended to
 83 read:

84 328.30 Transactions by electronic or telephonic means.-

85 (1) The Department of Highway Safety and Motor Vehicles may
 86 accept any application provided for under this part ~~chapter~~ by
 87 electronic or telephonic means.

596-02445-20 2020636c1

88 (2) The department may issue an electronic certificate of
 89 title in lieu of printing a paper title.

90 (3) The department or its authorized agents may collect
 91 electronic mail addresses or cellular telephone numbers and use
 92 electronic mail or text messages in lieu of the United States
 93 Postal Service for the purpose of providing information,
 94 including, but not limited to, renewal notices, appointment
 95 scheduling information, tax collector office locations, hours of
 96 operation, contact information, and website information. All
 97 electronic mail addresses shall be mutually shared between the
 98 department and its authorized agents upon request ~~renewal~~
 99 notices.

100 Section 5. Subsection (3) of section 328.40, Florida
 101 Statutes, is amended to read:

102 328.40 Administration of vessel registration and titling
 103 laws; records.-

104 (3) All records made or kept by the Department of Highway
 105 Safety and Motor Vehicles under this part are subject to
 106 inspection and copying as provided in chapter 119 ~~law are public~~
 107 ~~records except for confidential reports.~~

108 Section 6. Section 328.80, Florida Statutes, is amended to
 109 read:

110 328.80 Transactions by electronic or telephonic means.-

111 (1) The Department of Highway Safety and Motor Vehicles
 112 ~~commission~~ is authorized to accept any application provided for
 113 under this part ~~chapter~~ by electronic or telephonic means.

114 (2) The department or its authorized agents may collect
 115 electronic mail addresses or cellular telephone numbers and use
 116 electronic mail or text messages in lieu of the United States

596-02445-20

2020636c1

117 Postal Service for the purpose of providing information under
118 this part, including, but not limited to, renewal notices,
119 appointment scheduling information, tax collector office
120 locations, hours of operation, and contact information. All
121 electronic mail addresses shall be mutually shared between the
122 department and its authorized agents upon request.

123 Section 7. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/13/2020

Meeting Date

636

Bill Number (if applicable)

Topic DUSMV Emails

Amendment Barcode (if applicable)

Name Tim Qualls

Job Title General Counsel

Address 216 S. Monroe
Street

Phone 850 222 7206

Tallahassee FL 32301
City State Zip

Email tqualls@qualls-law.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Tax Collector Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20

Meeting Date

636

Bill Number (if applicable)

Topic DHS MV

Amendment Barcode (if applicable)

Name Edward Briggs

Job Title _____

Address 235 W. Braden Blvd. Ste. 640

Phone 850-953-5994

Street

Braden

City

FL

State

33511

Zip

Email edward@rsc.com.lyll.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Tax Collectors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Education, *Chair*
Appropriations
Education
Ethics and Elections
Finance and Tax
Judiciary
Rules

JOINT COMMITTEE:
Joint Select Committee on Collective Bargaining

SENATOR KELLI STARGEL

22nd District

January 23, 2020

The Honorable Travis Huston
Senate Committee on Infrastructure and Security, Chair
314 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Huston:

I respectfully request that SB 636, related to *Department of Highway Safety and Motor Vehicles*, be placed on the Appropriations Subcommittee on Transportation, Tourism, and Economic Development meeting agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel
State Senator, District 22

Cc: Jennifer Hrdlicka/Staff Director
Rael Candelaria/AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
- 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/CS/SB 1070 (803742)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Military and Veterans Affairs and Space Committee; and Senators Wright and Albritton

SUBJECT: Space Florida

DATE: February 17, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Caldwell</u>	<u>Caldwell</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1070 clarifies the authority of Space Florida to issue bonds. Under the bill, Space Florida is authorized to issue revenue bonds or any other type of debt, including bank loans. The bill repeals both the requirement that Space Florida notify the presiding officers and appropriations chairs of both houses of the Legislature before presenting a bond proposal to the Governor and Cabinet and the requirement for the Governor and Cabinet to approve the bond's issuance.

The bill clarifies that Space Florida is subject to the minimum credit-worthiness requirements in s. 189.051, F.S., and authorizes the entity to validate its bonds pursuant to ch. 75, F.S., which provides generally for government-issued bond validation. The term for which Space Florida may issue a bond is shortened to 30 years from 40 years.

Conforming changes to bond references are made to relevant sections of ch. 331, F.S., and statutes that address pledging the full faith and credit of Space Florida, the issuance of bond anticipation notes, and short-term borrowing are repealed.

The bill takes effect July 1, 2020.

II. Present Situation:

Space Florida was created as an independent special district,¹ a body politic and corporate, and a subdivision of the state, to foster the growth and development of a sustainable and world-leading aerospace industry in this state.² Space Florida is governed by a 13-member independent board of directors that consists of the same members of the board of directors of Enterprise Florida, Inc., that are appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Governor serves ex officio, or may appoint a designee to serve as the chair and a voting member of the board.³

The purpose of Space Florida is to promote aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs. To accomplish its purpose, Space Florida advises, coordinates, cooperates, and, when necessary, enters into memoranda of agreement with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.⁴ Space Florida may purchase or construct facilities; set rates, fees, and charges for the use of facilities; undertake joint financing with municipalities or private sector entities for any project; and issue revenue, assessment, or other bonds.⁵

Bonding Authority of Space Florida

Space Florida is authorized by law to issue bonds, which means revenue bonds, assessment bonds, or other bonds or obligations issued by Space Florida for the purpose of raising financing for projects. The board of directors, by resolution at a noticed and public meeting, authorizes the issuance of bonds, fixes the aggregate amount of bonds to be issued, and sets the terms, covenants, and conditions of the bonds, including the purpose, the interest rate, issuance and maturity dates, terms of execution, and redemption terms. However, the law specifies that a bond's term cannot exceed 40 years from the date of issuance.⁶

According to Space Florida, it and its predecessor organizations have entered into debt financing transactions with banks totaling nearly \$1 billion.⁷ "Proceeds from these financings have been used to make infrastructure improvements, construct facilities, and acquire machinery, equipment and tooling necessary by Florida's aerospace and defense industrial base and government partners like NASA and the USAF."⁸ Space Florida's bonds can be used to pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, or maintenance of any project or combination of projects to provide for any

¹ Chapter 189, F.S.

² Section 331.302, F.S. Space Florida is not an agency as defined in ss. 216.011 and 287.012, F.S. Space Florida is subject to applicable provisions of the Uniform Special District Accountability Act.

³ Section 331.3081, F.S. For a list of the current board of directors, see the Space Florida website, *Board of Directors*, available at <https://www.spaceflorida.gov/about/board-of-directors/> (last visited Feb. 7, 2020).

⁴ Section 331.302, F.S.

⁵ Section 331.305, F.S.

⁶ Section 331.340, F.S.

⁷ Keevin Williams, Vice-President of Special Projects-Space Florida, *Space Florida Bonding Rewrite Request Justification*, (Dec. 27, 2019) (On file with the Senate Committee on Military and Veteran Affairs and Space.)

⁸ *Id.*

facility, service, or other activity of Space Florida. This includes payloads and space flight hardware and equipment for research, development, and educational activities.⁹

Pledging Revenues For Bonds

The issuance of revenue bonds by Space Florida may be secured by or payable from:

- The gross or net pledge of the revenues that are derived from any project or combination of projects.
- The rates, fees, rentals, tolls, fares, or other charges to be collected from the users of any project or projects.
- Any revenue-producing undertaking or activity of Space Florida.
- Any source of pledged security.¹⁰

Section 331.334, F.S., also contains similar language allowing the board of directors to pledge the revenues of any Space Florida project for a bond.¹¹ It also allows the board to pledge or mortgage any of the properties, rights, interest, or other assets of Space Florida.

Further, s. 331.334, F.S., allows Space Florida, pursuant to its powers as a special district, to hold an election to pledge its full faith and credit for any of its bonds. Pursuant to s. 331.331, F.S., unless bonds are secured by the full faith and credit of Space Florida, they do not constitute an indebtedness of Space Florida. Bonds issued by Space Florida are not secured by the full faith and credit of the State of Florida and do not constitute an obligation, either general or special, thereof.¹²

Pursuant to s. 331.335, F.S., all pledges of revenues and assessments made by Space Florida are valid and binding from the time the pledges are made and are immediately subject to the lien of the pledges upon collection. The lien attaches without further action and is considered valid and binding against all parties with any claims against Space Florida, irrespective of whether such parties have any notice of the pledge/lien.

Approval of Bonds

Space Florida is currently required to provide 14 days' notice to the presiding officers and appropriations committee chairs of both houses of the Legislature before presenting a bond proposal to the Governor and Cabinet. If either presiding officer or appropriations chair objects to the bonding proposal within the 14-day-notice period, the bond issuance may be approved only by a vote of three-fourths of the members of the Governor and Cabinet.¹³

Space Florida's predecessor agency was created in 1989 and this requirement for notice and approval was part of the enacting legislation.¹⁴ The legislation limited the amount of bonds that Space Florida could issue and specifically required approval by the Governor and Cabinet.

⁹ Section 331.305(20), F.S.

¹⁰ Section 331.331, F.S.

¹¹ This includes revenues from any project of Space Florida, utility service, assessments, and any other sources of revenue or funds, or any combination of the foregoing.

¹² Sections 331.331 and 331.334, F.S.

¹³ Section 331.305(20), F.S.

¹⁴ Chapter 89-300, L.O.F.

In 1991, the legislature allowed conduit bonds to be exempt from the notice and approval requirements.¹⁵ In 1999, the specific provision related to the amount of bonds that Space Florida could issue and approval of bonds by the Governor and Cabinet was repealed as obsolete.¹⁶

The 1999 repeal created an ambiguity in the statute. Space Florida states that the exact role of the Governor and Cabinet is unclear. Because the bonds that Space Florida issues do not pledge the full faith and credit of Space Florida (and do not pledge the full faith and credit of the state) and are typically revenue bonds for conduit financing, the “result of past requests for formal action by the Governor and Cabinet has been a resolution recognizing a valid exercise of statutorily-granted powers by the Board of Directors.”¹⁷

Validation of Bonds

Section 331.346, F.S., provides for the validity of bonds and the procedures by which bonds issued by Space Florida are validated. Chapter 75, F.S., also specifies the procedures for bond validation issued by entities of the state. While the provisions are similar, ch. 75, F.S., provides greater specificity as to jurisdiction over claims, notice, appeal, review, as well as commencement of actions after validation.

Borrowing Authority of Space Florida

Borrowing Against Anticipated Bond Proceeds

Section 331.336, F.S., authorizes Space Florida to issue bond anticipation notes. At any time after the issuance of bonds has been authorized by the Space Florida board of directors, Space Florida can borrow money to be used for the same purposes for which the bonds are to be issued and issue notes in anticipation of the receipt of the proceeds of the sale of the bonds.¹⁸ The principal amount of the bond anticipation notes which are issued cannot exceed the authorized maximum amount of the bonds to be issued. The notes must be repaid from the proceeds of the bonds when issued. However, the board can elect to repay the notes using current revenues or other assessments levied for the payment of the bonds, but, in such event, a like amount of the bonds authorized may not be issued.¹⁹

Short-Term Borrowing

Section 331.337, F.S., specifically allows Space Florida to obtain loans to pay its expenses or costs incurred in connection with a project. Loans may be issued as negotiable notes, warrants, or other evidences of debt signed on behalf of Space Florida by any board member. The board of

¹⁵ Chapter 91-265, L.O.F. The term “conduit bond” was defined to mean “any bond of the authority which is a nonrecourse obligation of the authority payable from the proceeds of such bonds and related financing agreements.”

Section 331.303(6), F.S. (1992).

¹⁶ See s. 73, ch. 99-385, L.O.F.

¹⁷ Keevin Williams, Vice-President of Special Projects-Space Florida, *Space Florida Bonding Rewrite Request Justification*, (Dec. 27, 2019) (On file with the Senate Committee on Military and Veteran Affairs and Space.)

¹⁸ The notes must be in such denomination or denominations, bear interest at such rate or rates, mature at such time or times, be renewable for such additional term or terms, and be in such form and executed in such manner as the board prescribes. The notes may be sold at public sale, or if such notes are renewable notes, may be exchanged for notes then outstanding on such terms as the board determines. Notes are to be paid from the proceeds of such bonds when issued.

¹⁹ Section 331.336, F.S.

directors may pledge any funds, revenues, or assessments of Space Florida to pay the loans and interest.

III. Effect of Proposed Changes:

Section 1 amends s. 331.302, F.S., to clarify that as a special district, Space Florida is subject to s. 189.051, F.S., which provides minimum credit-worthiness requirements for bond issuance if a referendum is not required. Under s. 189.051, F.S., a special district must ensure that, at time of closing, the bonds meet at least one of the following requirements:

- The bonds were rated in one of the highest four ratings by a nationally recognized rating service;
- The bonds were privately placed with or otherwise sold to accredited investors;
- The bonds were backed by a letter of credit from a bank, savings and loan association, or other creditworthy guarantor, or by bond insurance, guaranteeing payment of principal and interest on the bonds; or
- The bonds were accompanied by an independent financial advisory opinion stating that estimates of debt service coverage and probability of debt repayment are reasonable. The opinion must be provided by an independent financial advisory, consulting, or accounting firm registered where professional registration is required by law and which is in good standing with the state and in conformance with all applicable professional standards for such opinions.

Space Florida states that it has been subject to this requirement and has fully complied with it in every instance of borrowing.²⁰

Section 2 amends s. 331.303(3), F.S., to revise the meaning of the term “bonds” to mean revenues bonds or any other type of debt, including bank loans, issued for financing Space Florida projects. The inclusion of “or any other type of debt, including bank loans,” allows Space Florida to continue to do short-term borrowing and conduit financing. **Section 10** repeals s. 331.337, F.S., which specifically allows Space Florida to obtain loans.

The bill deletes reference to assessment bonds or other types of bonds in the definition of the term “bonds.” To conform to this change, **Sections 3, 4, and 5** amend ss. 331.305, 331.331, and 331.335, F.S.

Section 3 amends s. 331.305(2), F.S., to specify that environmental mitigation is a cost that can be paid for as part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, or maintenance of any project or combination of projects for which bonds are issued to provide for any facility, service, or other activity of Space Florida

Section 3 also amends s. 331.305(20), F.S., to repeal the provisions related to notice and objection requirements by the presiding officers and appropriations chairs of both houses of the Legislature and the approval of bonds by the Governor and Cabinet. These steps will no longer be required for Space Florida to issue bonds, similar to other independent special districts.

²⁰ Space Florida, *Space Florida Bonding Authority*, information sheet for SB 1070 (On file with the Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee).

Section 4 also amends s. 331.331(2), F.S., to specify that state appropriations may not be used as a pledged revenue source and that revenue bonds may not be secured by the full faith and credit of Space Florida. **Section 8** repeals s. 331.334, F.S., which allows Space Florida to pledge its full faith and credit for any of its bonds.

Section 6 amends s. 331.340, F.S., to reduce the maximum term for which a bond may be issued to 30 years from 40 years.

Section 7 amends s. 331.346, F.S., to authorize Space Florida, as an alternative, to validate its bonds pursuant to ch. 75, F.S., which is a process used by other Florida governmental entities and is more familiar to the bonding community.

Section 9 repeals s. 331.336, F.S., which allows Space Florida to issue bond anticipation notes.

The changes made to Space Florida's bonding authority allow Space Florida to issue bonds on its own behalf, as well as on a conduit basis, but Space Florida will not have the authority to issue general obligation bonds.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Businesses and individuals from the private sector working with Space Florida could benefit to the extent that these changes improve Space Florida's ability to issue bonds for projects. Space Florida states that as the aerospace industry expands across the state and transitions more to the private sector than government programs, bonding will be a more useful tool in developing the critical common-use infrastructure (commodities, road and bridge improvements, etc.) given the expected lower cost of capital bonds attributable to long-term fixed interest rates and longer amortization periods when compared to bank loans.²¹

C. Government Sector Impact:

The bill is not expected to create increased costs or generate additional revenues for Space Florida. The bill may reduce the time it takes Space Florida to issue bonds, which could result in some cost savings associated with the bond issuance. According to Space Florida:

[Space Florida] expects that issuing bonds would become a more viable and effective business development tool, allowing SF to solicit competitive financing proposals from bank and non-bank lenders (currently, the issuance of bonds has not been a widely utilized tool because the lack of clarity of roles and responsibilities could subject SF-issued bonds to invalidation). A competitive financing marketplace leads to lower cost of capital and better financing terms for SF and the industry it is supporting.²²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill repeals provisions under which either legislative presiding officer or appropriations chair could object to a bond issuance, triggering a higher vote requirement for the Governor and Cabinet approval. While this may seem to be a loss of oversight authority for both the legislative and executive branches, this may not be so. With the other changes in the bill, Space Florida is authorized only issue conduit bonds and bonds on its own behalf, which have no effect on legislative budgetary authority and do not undermine any governmental oversight. Additionally,

²¹ Keevin Williams, Vice-President of Special Projects-Space Florida, *Space Florida Bonding Rewrite Request Justification*, (Dec. 27, 2019) (On file with the Senate Committee on Military and Veteran Affairs and Space.)

²² *Id.*

the current practice is for the Governor and Cabinet simply to issue a resolution acknowledging Space Florida's authority to issue conduit bonds in accordance with and in furtherance of Space Florida's statutory purpose.²³ The bill may reduce the time it takes Space Florida to issue bonds by removing the notice and approval steps from the process. Space Florida expects that the resolution of the ambiguity will allow it to participate in more competitive financing, which will lead to a lower cost of capital and better financing terms for Space Florida and the industry it supports.²⁴

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 331.302, 331.303, 331.305, 331.331, 331.335, 331.340, and 331.346.

The bill repeals the following sections of the Florida Statutes: 331.334, 331.336, and 331.337.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 13, 2020:

The committee substitute adds environmental mitigation as an included cost that can be paid for as part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, or maintenance of any project or combination of projects for which bonds are issued.

CS by Military and Veterans Affairs and Space on January 21, 2020:

The committee substitute provides for a litany of terms and conditions that the board may require for the bonds and includes: “the purpose or purposes for which the moneys derived therefrom shall be expanded.” As the term “expanded” does not make sense, the more appropriate term “expended” is substituted and the board may designate how the proceeds of the bonds must be spent.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²³ See *Resolution* by the Governor and Cabinet dated September 20, 2016, and *Resolution of the Space Florida Board of Directors, Space Florida Taxable Lease Revenue Bonds, Series 2016 A & B, (Project Sabal)*. (On file with the Senate Committee on Military and Veterans Affairs and Space.)

²⁴ Keevin Williams, Vice-President of Special Projects-Space Florida, *Space Florida Bonding Rewrite Request Justification*, (Dec. 27, 2019) (On file with the Senate Committee on Military and Veteran Affairs and Space.)



139628

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/13/2020	.	
	.	
	.	
	.	

Appropriations Subcommittee on Transportation, Tourism, and
Economic Development (Wright) recommended the following:

Senate Amendment

Delete line 54
and insert:
of any project or combination of projects, including
environmental mitigation, payloads

By the Committee on Military and Veterans Affairs and Space; and
Senator Wright

583-02450-20

20201070c1

1 A bill to be entitled
2 An act relating to Space Florida; amending s. 331.302,
3 F.S.; clarifying that Space Florida is subject to a
4 specified provision of law; amending s. 331.303, F.S.;
5 revising the definition of the term "bonds"; amending
6 s. 331.305, F.S.; revising Space Florida's
7 authorization to issue bonds; deleting a requirement
8 for Space Florida to notify the presiding officers of
9 the Legislature before presenting a bond proposal to
10 the Governor and Cabinet; amending s. 331.331, F.S.;
11 revising the revenue sources by which revenue bonds
12 may be secured or repaid; clarifying that such bonds
13 may not be secured by the full faith and credit of
14 Space Florida; amending s. 331.335, F.S.; deleting
15 assessments as an asset that may be pledged by Space
16 Florida; amending s. 331.340, F.S.; revising the term
17 "expanded" to "expended" to clarify the authority of
18 the governing body of Space Florida; reducing the term
19 of years for which Space Florida may issue bonds;
20 amending s. 331.346, F.S.; authorizing Space Florida
21 to validate certain bonds; repealing s. 331.334, F.S.,
22 relating to pledging assessments and other revenues
23 and properties as additional security on bonds;
24 repealing s. 331.336, F.S., relating to the issuance
25 of bond anticipation notes; repealing s. 331.337,
26 F.S., relating to short-term borrowing; providing an
27 effective date.
28
29 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

583-02450-20

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30
31 Section 1. Subsection (5) of section 331.302, Florida
32 Statutes, is amended to read:
33 331.302 Space Florida; creation; purpose.—
34 (5) Space Florida is subject to applicable provisions of
35 chapter 189, including, but not limited to, s. 189.051. To the
36 extent that any provisions of chapter 189 conflict with this
37 act, this act shall prevail.
38 Section 2. Subsection (3) of section 331.303, Florida
39 Statutes, is amended to read:
40 331.303 Definitions.—
41 (3) "Bonds" means revenue bonds, ~~assessment bonds, or other~~
42 ~~bonds~~ or any other type of debt, including bank loans,
43 ~~obligations~~ issued by Space Florida for the purpose of raising
44 financing for its projects.
45 Section 3. Subsection (20) of section 331.305, Florida
46 Statutes, is amended to read:
47 331.305 Powers of Space Florida.—Space Florida may:
48 (20) Issue revenue bonds or any other type of debt,
49 including bank loans, ~~assessment bonds, or any other bonds or~~
50 ~~obligations~~ authorized by ~~the provisions of~~ this act or any
51 other law, ~~or any combination of the foregoing,~~ and pay all or
52 part of the cost of the acquisition, construction,
53 reconstruction, extension, repair, improvement, or maintenance
54 of any project or combination of projects, including payloads
55 and space flight hardware, and equipment for research,
56 development, and educational activities, to provide for any
57 facility, service, or other activity of Space Florida, and
58 provide for the retirement or refunding of any bonds or

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583-02450-20

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59 obligations of Space Florida, or for any combination of the
 60 foregoing purposes. ~~Space Florida must provide 14 days' notice~~
 61 ~~to the presiding officers and appropriations chairs of both~~
 62 ~~houses of the Legislature prior to presenting a bond proposal to~~
 63 ~~the Governor and Cabinet. If either presiding officer or~~
 64 ~~appropriations chair objects to the bonding proposal within the~~
 65 ~~14-day notice period, the bond issuance may be approved only by~~
 66 ~~a vote of three-fourths of the members of the Governor and~~
 67 ~~Cabinet.~~

68 Section 4. Subsection (2) of section 331.331, Florida
 69 Statutes, is amended to read:

70 331.331 Revenue bonds.—

71 (2) The issuance of revenue bonds may be secured by or
 72 payable from the gross or net pledge of the revenues to be
 73 derived from any project or combination of projects, from the
 74 rates, fees, rentals, tolls, fares, assessments, or other
 75 charges to be collected from the users of any project or
 76 projects; from any revenue-producing undertaking or activity of
 77 Space Florida; or from any source of pledged security other than
 78 state appropriations. Such bonds may not be ~~shall not constitute~~
 79 ~~an indebtedness of Space Florida unless such bonds are~~
 80 ~~additionally~~ secured by the full faith and credit of Space
 81 Florida. Bonds issued by Space Florida are not secured by the
 82 full faith and credit of the State of Florida and do not
 83 constitute an obligation, either general or special, thereof.

84 Section 5. Section 331.335, Florida Statutes, is amended to
 85 read:

86 331.335 Lien of pledges.—All pledges of revenues ~~and~~
 87 ~~assessments~~ made pursuant to ~~the provisions of~~ this act shall be

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88 valid and binding from the time when such pledges are made. All
 89 such revenues ~~and assessments~~ so pledged and thereafter
 90 collected shall immediately be subject to the lien of such
 91 pledges without any physical delivery thereof or further action,
 92 and the lien of such pledges shall be valid and binding as
 93 against all parties having claims of any kind in tort, contract,
 94 or otherwise against Space Florida, irrespective of whether such
 95 parties have notice thereof.

96 Section 6. Section 331.340, Florida Statutes, is amended to
 97 read:

98 331.340 Authorization and form of bonds.—Bonds may be
 99 authorized by resolution or resolutions of the board which shall
 100 be adopted by a majority of all of the members thereof then in
 101 office and present at the meeting at which the resolution or
 102 resolutions are adopted and shall be approved as provided in s.
 103 331.305. The resolution or resolutions of the board may be
 104 adopted at the same meeting at which they are introduced, and
 105 shall be published and noticed. The board may by resolution
 106 authorize the issuance of bonds, fix the aggregate amount of
 107 bonds to be issued, the purpose or purposes for which the moneys
 108 derived therefrom shall be expended ~~expanded~~, the rate or rates
 109 of interest, the denomination of the bonds, whether or not the
 110 bonds are to be issued in one or more series, the date or dates
 111 thereof, the date or dates of maturity, which shall not exceed
 112 30 ~~40~~ years from their respective dates of issuance, the medium
 113 of payment, the place or places within or without the state
 114 where payment shall be made, registration privileges, redemption
 115 terms and privileges (whether with or without premium), the
 116 manner of execution, the form of the bonds including any

583-02450-20

20201070c1

117 interest coupons to be attached thereto, the manner of execution
 118 of bonds and coupons, and any and all other terms, covenants,
 119 and conditions thereof, and the establishment of reserve or
 120 other funds. Such authorizing resolution may further provide
 121 that such bonds may be executed manually or by engraved,
 122 lithographed, or facsimile signature, provided that where
 123 signatures are engraved, lithographed, or facsimile no bond
 124 shall be valid unless countersigned by a registrar or other
 125 officer designated by appropriate resolution of the board. The
 126 seal of Space Florida may be affixed, lithographed, engraved, or
 127 otherwise reproduced in facsimile on such bonds. In case any
 128 officer whose signature or a facsimile of whose signature shall
 129 appear on any bonds or coupons shall cease to be such officer
 130 before the delivery of such bonds, such signature or facsimile
 131 shall nevertheless be valid and sufficient for all purposes the
 132 same as if the officer had remained in office until such
 133 delivery.

134 Section 7. Section 331.346, Florida Statutes, is amended to
 135 read:

136 331.346 Validity of bonds; validation proceedings.—Any
 137 bonds issued by Space Florida shall be incontestable in the
 138 hands of bona fide purchasers or holders for value and shall not
 139 be invalid because of any irregularity or defect in the
 140 proceedings for the issue and sale thereof. ~~Before~~ Prior to the
 141 issuance of any bonds, Space Florida shall publish a notice at
 142 least once in a newspaper or newspapers published or of general
 143 circulation in the appropriate counties in the state, stating
 144 the date of adoption of the resolution authorizing such
 145 obligations, the amount, maximum rate of interest, and maturity

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583-02450-20

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146 of such obligations, and the purpose in general terms for which
 147 such obligations are to be issued, and further stating that no
 148 action or proceeding questioning the validity of such
 149 obligations or of the proceedings authorizing the issuance
 150 thereof, or of any covenants made therein, must be instituted
 151 within 20 days after the first publication of such notice, or
 152 the validity of such obligations, proceedings, and covenants
 153 shall not be thereafter questioned in any court whatsoever. If
 154 no such action or proceeding is so instituted within such 20-day
 155 period, then the validity of such obligations, proceedings, and
 156 covenants shall be conclusive, and all persons or parties
 157 whatsoever shall be forever barred from questioning the validity
 158 of such obligations, proceedings, or covenants in any court
 159 whatsoever. Alternatively, Space Florida may validate its bonds
 160 pursuant to chapter 75.

161 Section 8. Section 331.334, Florida Statutes, is repealed.
 162 Section 9. Section 331.336, Florida Statutes, is repealed.
 163 Section 10. Section 331.337, Florida Statutes, is repealed.
 164 Section 11. This act shall take effect July 1, 2020.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/2020
Meeting Date

1070
Bill Number (if applicable)

Topic SB 1070

Amendment Barcode (if applicable)

Name Keevin Williams

Job Title Vice President

Address 505 Oddysey Way
Street
Exploration Park, Florida
City State Zip

Phone 850-264-1404

Email Kwilliams@spaceflorida.gov

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Space Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs and Space, *Chair*
Children, Families, and Elder Affairs
Commerce and Tourism
Environment and Natural Resources

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR TOM A. WRIGHT

14th District

January 25, 2019

The Honorable Travis Hutson
314, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Re: Senate Bill 1070 – Space Florida

Dear Chair Hutson:

Senate Bill 1070, relating to Space Florida has been referred to the Appropriations Subcommittee on Transportation, Tourism, and Economic Development. I am requesting your consideration on placing SB 1070 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Tom A. Wright".

Tom A. Wright, District 14

cc: Jennifer Hrdlicka, Staff Director of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Rael Candelaria, Administrative Assistant of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

REPLY TO:

- 4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
- 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 1090

INTRODUCER: Senators Diaz and Taddeo

SUBJECT: Express Lanes

DATE: February 12, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Favorable
2.	McAuliffe	Hrdlicka	ATD	Recommend: Favorable
3.			AP	

I. Summary:

SB 1090 prohibits the Florida Department of Transportation (FDOT), effective July 1, 2020, from operating any express lanes or imposing any tolls on State Road 826. Additionally, as of the same date, the bill requires the FDOT to remove all express lanes on State Road 826, convert those lanes to general purpose lanes, and remove the imposition of any tolls.

The bill is expected to result in a significant but indeterminate negative fiscal impact to the FDOT.

The bill takes effect July 1, 2020.

II. Present Situation:

Express Lanes

Section 338.166, F.S., authorizes the FDOT to operate tolled lanes and to request the Division of Bond Finance to issue bonds secured by toll revenues collected on tolled high-occupancy-vehicle lanes (HOT lanes) or express lanes established on FDOT-owned facilities. The FDOT is authorized to continue to collect the tolls on HOT lanes or express lanes after any bond debt is discharged. Such tolls must first be used to pay the annual cost of operation, maintenance, and improvement of the HOT lanes or express lanes project or associated transportation system.

The FDOT must use any remaining toll revenue from HOT lanes or express lanes for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

State Road 826/Palmetto Expressway

State Road 826 is an FDOT-owned facility having two express lanes approximately 10 miles in length in either direction between approximately West Flagler Street and Northwest 154th Street in Miami-Dade County, for which tolls are currently being collected.¹ The amount of the toll varies depending on traffic volume and congestion levels. The FDOT states that the existing express lanes on State Road 826 are scheduled to be extended south to U.S. Highway 1 and north and east to the Golden Glades interchange, following completion of an in-progress Project Development and Environment (PD&E) Study.² According to the FDOT,

Express lanes on State Road 826 are intended and expected to provide enhanced mobility and improved service on the facility. Speed, travel-time and traffic volume data show that the express lanes on State Road 826 provide a distinct benefit to the express lane users, some benefit to the general purpose lane users, and show an increase in overall traffic flow.³

Operation and Maintenance

As noted, after discharge of any debt, tolls collected from the express lanes on State Road 826 must first be used to pay for operations and maintenance, the costs for which are approximately \$7 million a year and escalating. Renewal and replacement costs are approximately \$4 million each seven to nine years. The FDOT advises that the facility currently owes the State Transportation Trust Fund (STTF) approximately \$7 million for costs of operation and maintenance above the tolls collected and projected excess revenues over costs for Fiscal Year 2020-2021 are expected to reduce the amount owed by approximately \$4 million. The remaining \$3 million is expected to be paid off in Fiscal Year 2021-2022.⁴

III. Effect of Proposed Changes:

The bill creates s. 338.167, F.S., entitled *Prohibition of express lanes and tolls on specified facilities*. Notwithstanding any other provision of law and effective July 1, 2020, the bill prohibits the FDOT from operating any express lanes or imposing any tolls on State Road 826. As of the same date, the FDOT is required to remove all express lanes on State Road 826, convert those express lanes to general purpose (toll-free) lanes, and remove the imposition of tolls.

The bill would eliminate toll revenues effective July 1, 2020. Use of toll revenues to repay the operations and maintenance costs, including renewal and replacement costs, will be eliminated, meaning that these costs would have to be paid from the STTF going forward. The bill also has the effect of eliminating the current source of repayment of the approximate \$3 million owed to the STTF for past operation and maintenance costs of the State Road 826 express lanes.

¹ See the FDOT website, *SR 826/Palmetto Express Lanes*, available at <http://www.fdotmiamidade.com/current-projects/expressways/sr-826palmetto-express-lanes.html>, and *Palmetto Express*, available at <http://palmettoexpresslanes.com/> (last visited Feb. 1, 2020).

² See the FDOT's 2020 Agency Legislative Bill Analysis for SB 1090, Dec. 2, 2019 (on file in the Senate Infrastructure and Security Committee).

³ *Id.*

⁴ *Id.*

The FDOT's work program could be impacted, as costs previously supported by toll revenues would have to be replaced by STTF dollars, resulting in the potential delay of other projects.

See "Related Issues" below for additional information.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Payment of a toll would no longer be required for users of the express lanes converted to general purpose lanes. However, removal of the express lanes may increase congestion on State Road 826. According to the FDOT, this would result in a reduction in travel speeds in all lanes and a travel time higher than 18 minutes for all vehicles in the peak period.⁵ Other projects that may reduce congestion may be delayed because STTF revenues would have to replace payment of costs relating to State Road 826 currently paid by toll revenues.

⁵ *Id.*

C. Government Sector Impact:

The bill would eliminate State Road 826 toll revenues effective July 1, 2020. These toll revenues will not be available to repay the operations and maintenance costs, including renewal and replacement costs, for the express lanes. These future costs would have to be paid from other STTF resources. The bill also eliminates the current source of repayment of the approximate \$3 million owed to the STTF for past operation and maintenance costs of the express lanes.

Other fiscal impacts of the bill are indeterminate. The FDOT notes expenses associated with:

- Evaluating costs associated with prior installation of tolling equipment and removal of such equipment.
- Revising signage on State Road 826.
- Upgrading tolling software, including analysis, business rule changes, coding, unit, system and integration testing, and implementation.⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT notes the following additional concerns relating to the impact of the bill's requirements:

- Beyond project delays, the FDOT notes "there likely would be further impacts concerning the Department's ability to issue bonds for projects in that region which are backed by toll revenues."⁷
- Use of excess revenues to pay the costs of operation, maintenance, or improvement of other facilities within Miami-Dade County will no longer be available.
- Potential use of express bus service in the express lanes on State Road 826 would be eliminated.
- Future capital improvements to other toll facilities in the region would have generated additional eligible expenditures and helped the FDOT meet the federally-required maintenance of effort test with respect to earning toll credits. Toll credits may be used toward the non-federal matching share (the required state match) for eligible federal-aid highway projects. The FDOT advises of its need to be able to project the amount of toll revenue available and the associated matching funds that will be earned through future capital expenditures. The bill's implications in this regard are not fully identified, according to the FDOT.⁸

⁶ *Id.*

⁷ *Id.*

⁸ See the FHWA, *Federal-aid Matching Strategies*, for additional information on toll credits, available at https://www.fhwa.dot.gov/ipd/finance/tools_programs/federal_aid/matching_strategies/toll_credits.aspx (last visited Feb. 1, 2020).

VIII. Statutes Affected:

This bill creates section 338.167 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Diaz

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A bill to be entitled

An act relating to express lanes; creating s. 338.167, F.S.; prohibiting express lanes and tolls on a specified state road; requiring the Department of Transportation to remove all existing express lanes and the imposition of tolls; providing an effective date.

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

Section 1. Section 338.167, Florida Statutes, is created to read:

338.167 Prohibition of express lanes and tolls on specified facilities.—Notwithstanding any other provision of law to the contrary, effective July 1, 2020, the department may not operate any express lanes or impose any tolls on State Road 826. As of July 1, 2020, the department shall remove all express lanes on State Road 826 and convert those lanes to general purpose lanes and remove the imposition of all tolls.

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

THE FLORIDA SENATE
APPEARANCE RECORD

2-13-20

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1090

Meeting Date

Bill Number (if applicable)

Topic EXPRESS LANES/S.R. 826

Amendment Barcode (if applicable)

Name JESS MCCARTY

Job Title ASSISTANT COUNTY ATTORNEY

Address 111 NW 1ST STREET, SUITE 2810

Phone 305-979-7110

Street

MIAMI

FL

33128

Email JMM2@MIAMIDADE.GOV

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: February 3, 2019

I respectfully request that **Senate Bill # 1090**, relating to Express Lanes, be placed on the:

- Committee agenda at your earliest possible convenience.
- Next committee agenda.

A handwritten signature in black ink, appearing to read "M. Diaz, Jr.", written over a horizontal line.

Senator Manny Diaz, Jr.
Florida Senate, District 36

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1166

INTRODUCER: Commerce and Tourism Committee and Senator Albritton

SUBJECT: Broadband Internet Service

DATE: February 12, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1166 transfers the locus of broadband policy implementation from the Department of Management Services to the Department of Economic Opportunity. Specifically, the bill:

- Designates the Department of Economic Opportunity to replace the Department of Management Services as the agency responsible for broadband policy in Florida; and
- Creates the Florida Office of Broadband within the Department of Economic Opportunity's Division of Community Development, to which the bill transfers specific duties regarding the development, marketing, and promotion of broadband.

The bill also authorizes the Department of Transportation, beginning in Fiscal Year 2022-2023, to use up to \$5 million annually from the State Transportation Trust Fund allocation to the Multi-use Corridors of Regional Economic Significance program for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor.

The Department of Economic Opportunity can implement the bill within existing resources.

The bill is effective July 1, 2020.

II. Present Situation:

Florida Agency Broadband Initiatives

Fixed and mobile broadband services provide Americans, especially those in rural and remote areas of the country, access to numerous employment, education, entertainment, and health care opportunities.¹ Additionally, communities that lack broadband access can have difficulty attracting new capital investment because broadband access is critical to today's businesses. "Corporate site selectors expect broadband. It is not a perk or special benefit."² Florida's urban areas are served at a fixed broadband coverage rate of 98 percent, but only 75.2 percent of its rural areas have coverage.³ This disparity between urban and rural broadband access exists because of high construction costs to build the broadband infrastructure across the large swaths of rural geographic areas and lower customer base across the low-density areas.⁴ A 2016 study determined that 16 Florida counties are underserved by fixed broadband services.⁵

Department of Management Services

In 2009, the Legislature authorized the Department of Management Services (DMS) to apply for grants and lead broadband planning and deployment throughout Florida, especially in rural, unserved, and underserved areas.⁶ Pursuant to s. 364.0135, F.S., the DMS was directed to collaborate with Enterprise Florida, Inc., other state agencies, local governments, private businesses, and community organizations to:

- Monitor broadband adoption across Florida;
- Create a strategic plan to increase the use of broadband Internet service in Florida;
- Map Florida's broadband transmission speeds and availability;
- Build and facilitate local technology planning teams, especially with community members from the areas of education, healthcare, business, tourism, agriculture, economic development, and local government; and
- Encourage public use of Internet service through broadband grant programs.

¹ U.S. Federal Communications Commission, *2018 Broadband Deployment Report* at 1, Feb. 2, 2018, <https://www.fcc.gov/reports-research/reports/broadband-progress-reports/2018-broadband-deployment-report> (last visited Feb. 1, 2020).

² M. McQuade, *The Importance of Broadband to Economic Development* (Sept. 2011), Site Selection Magazine, <https://siteselection.com/issues/2011/sep/sas-optical-infrastructure.cfm> (last visited Feb. 1, 2020).

³ U.S. Federal Communications Commission, *supra* note 1, at 58-59. For purposes of this data, 'fixed broadband services' are measured at 25 megabits per second downstream and 3 megabits per second upstream.

⁴ American Broadband Initiative, *Milestones Report*, 11 (Feb. 13, 2019), https://broadbandusa.ntia.doc.gov/sites/default/files/resource-files/american_broadband_initiative_milestones_report_feb_2019_0.pdf (last visited Feb. 1, 2020).

⁵ Dr. Ed H. Moore, *Expanding Local Access to the Internet Infrastructure & Customized Distance Learning to Advance Educational Attainment, Economic Development & County Growth*, Independent Colleges & Universities of Florida, https://www.floridahighereducation.org/doc_meetings/20171030/Moore-10_30_17-Access-to-Internet-Distance-Learning-for-Educational-Attainment-Economic-Development-County-Growth.pdf (last visited Feb. 1, 2020).

⁶ Chapter 2009-226, s. 2, Laws of Fla. (creating s. 364.0135, F.S., effective July 1, 2009).

The DMS could also accept federal and private funds to further these goals.⁷ These activities were funded by an \$8,887,028 grant from the U.S. Department of Commerce National Telecommunications Information Administration's (NTIA) State Broadband Initiative.⁸

Department of Economic Opportunity

The Department of Economic Opportunity's (DEO) Rural Infrastructure Fund (RIF) facilitates the planning, preparation, and financing of infrastructure projects, including broadband facilities, in rural communities that will encourage job creation, capital investment, and other economic benefits.⁹ The RIF program attracts local and federal government and private funding, in part, by matching up to 40 percent of a project's cost with state grant funds.¹⁰

Department of Transportation—Multi-use Corridors of Regional Economic Significance

The Florida Department of Transportation's (FDOT) Multi-use Corridors of Regional Economic Significance (M-CORES) program is designed to advance construction of regional corridors that will accommodate multiple modes of transportation and multiple types of infrastructure. The purpose of the program is to revitalize rural communities, encourage job creation, and provide regional connectivity, creating benefits that include addressing broadband connectivity in these rural areas.¹¹ Beginning in Fiscal Year 2022-2023, the M-CORES program has designated funding of \$35 million annually.¹² These funds must be used for the program with preference to feeder roads, interchanges, and appurtenances that create or facilitate multiuse corridor access and connectivity.

Senate Bill 1242 (2012)

In the 2012 Regular Session, the Legislature passed a bill that would have transferred the state broadband programs from the DMS to the DEO. Although the enrolled bill was signed into law by the Governor on April 20, 2012, it never took effect and the transfer did not occur.¹³ The bill made the agency transfer contingent on the approval by the U.S. Department of Commerce of the transfer of the federal broadband grant to the DEO; the transfer of funds was never approved.¹⁴

⁷ Section 364.0135(3), F.S.

⁸ U.S. Department of Commerce, National Telecommunications and Information Administration, *State Broadband Initiative*, <https://www2.ntia.doc.gov/SBDD> (last visited Feb. 1, 2020).

⁹ Section 288.0655(2)(b), F.S.

¹⁰ See s. 288.0655, F.S. See also, Florida Department of Economic Opportunity, *Rural Infrastructure Fund*, <http://floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund> (last visited Feb. 1, 2020); Florida Department of Economic Opportunity, *2019 Incentives Report* at 17-18, http://www.floridajobs.org/docs/default-source/reports-and-legislation/2018-2019-annual-incentives-report---final.pdf?sfvrsn=c2a340b0_2 (last visited Feb. 1, 2020).

¹¹ Section 338.2278(1), F.S. See also Florida Department of Transportation, *M-CORES*, <https://floridamcores.com/> (last visited Feb. 1, 2020).

¹² Section 339.0801(2)(b), F.S.

¹³ Chapter 2012-131, Laws of Fla.

¹⁴ See footnote 1 of s. 364.0135, F.S.

Federal Broadband Initiatives

Federal funding for broadband comes from a variety of sources, for example:¹⁵

- The Federal Communication Commission’s (FCC) Universal Service Fund subsidizes telephone service (including broadband Internet access) to low-income households, high-cost areas, rural healthcare providers, and eligible schools and libraries;
- The U.S. Department of Housing and Urban Development¹⁶ and Department of Education¹⁷ offer block grants to support broadband infrastructure; and
- The U.S. Department of Agriculture (USDA) offers loans and grants to facilitate broadband deployment in rural areas that don’t have sufficient access¹⁸ to broadband through the ReConnect Program.¹⁹

The ReConnect Program is currently the most significant federal grant program that supports broadband infrastructure, with up to \$600 million in Congressional budget authority for each round of grants. Applicants for a grant or loan/grant combination under the ReConnect Program are required to submit a scoring sheet by which the USDA may analyze nine separate evaluation criteria to score the applicant. One of the criteria is whether the proposed project is in a state with a broadband plan that has been updated within the previous 5 years.²⁰ The USDA has been reviewing applications from its first round of funding from 2019 and has awarded nearly \$500 million to projects in 27 states; however, no project in Florida has been approved at this time. The USDA’s second round of funding closes March 16, 2020.²¹

Since 2000, the FCC has collected data regarding the deployment of advanced telecommunications capability to Americans by requiring telecommunications services, especially broadband Internet, providers to report the availability of their services at a census block level.²² The FCC uses this data to annually report on broadband availability, update service policies and monitor whether the goal of nationwide service is achieved, and maintain coverage

¹⁵ American Broadband Initiative, *supra* note 4, at 25-26.

¹⁶ U.S. Department of Housing and Urban Development, *State CDBG Program Broadband Infrastructure FAQs* (Jan. 7, 2016), <https://files.hudexchange.info/resources/documents/State-CDBG-Program-Broadband-Infrastructure-FAQs.pdf> (last visited Feb. 1, 2020).

¹⁷ U.S. Department of Education, Rural and Low-Income School Program, <https://www2.ed.gov/programs/reaprlisp/index.html> (last visited Feb. 1, 2020). See also, Broadband USA, *Funding Guide - Department of Education - Rural and Low-Income School Program*, <https://broadbandusa.ntia.doc.gov/funding-program-details-funding-guide/department-education-rural-low-income-school-program-0> (last visited Feb. 1, 2020).

¹⁸ Sufficient access is defined as 10 megabits per second downstream and 1 megabit per second upstream. Pub. Law No. 115-334, 115th Cong. (Dec. 20, 2018) Agriculture Improvement Act of 2018. See also, Congressional Research Service, *The ReConnect Broadband Pilot Program* (Jul. 3, 2019), <https://www.usda.gov/reconnect/awardees> (last visited Feb. 1, 2020).

¹⁹ U.S. Department of Agriculture, *ReConnect Loan and Grant Program: About*, <https://www.usda.gov/reconnect/program-overview> (last visited Feb. 1, 2020).

²⁰ U.S. Department of Agriculture, *ReConnect Program Evaluation Criteria*, <https://www.usda.gov/reconnect/evaluation-criteria> (last visited Feb. 1, 2020).

²¹ U.S. Department of Agriculture, *ReConnect Program Awardees*, <https://www.usda.gov/reconnect/awardees> (last visited Feb. 1, 2020). See also note 19 *supra*.

²² See 47 U.S.C. s. 1302(b) (Section 706 of the Telecommunications Act of 1996 requires the FCC to determine and report annually on “whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion.”). Federal Communications Commission, *Report and Order and Second Further Notice of Proposed Rulemaking*, WC Docket Nos. 19-195, 11-10, at 3-4 (filed Aug. 6, 2019), <https://www.fcc.gov/document/fcc-improves-broadband-mapping-0> (last visited Feb. 1, 2020).

maps²³ to inform the industry and the public of the availability of broadband Internet in their areas.²⁴ In 2019, the FCC amended its reporting requirements to collect geospatial broadband coverage information to allow the agency to better identify gaps in broadband coverage.²⁵

III. Effect of Proposed Changes:

Section 1 amends s. 339.0801(2)(b), F.S., to authorize the FDOT to use up to \$5 million per year of the annual allocation from the State Transportation Trust Fund for the M-CORES program to develop broadband infrastructure within or adjacent to a multiuse corridor. Priority consideration must be given to broadband infrastructure projects that are located in a rural area of opportunity (RAO)²⁶ that is adjacent to a multiuse corridor. The currently designated RAOs are:²⁷

- The Northwest RAO, comprised of Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the part of Walton County north of the Intracoastal Waterway, including the cities of DeFuniak Springs, Freeport, and Paxton;
- The South Central RAO, comprised of DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, the cities of Pahokee, Belle Glade, and South Bay in Palm Beach County, and the city of Immokalee in Collier County; and
- The North Central RAO, comprised of Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union Counties.

Section 2 amends s. 364.0135, F.S., and transfers state broadband policy from the DMS to the DEO. The bill creates the Florida Office of Broadband (office) within the DEO's Division of Community Development. The office must develop, market, and promote broadband Internet services to Florida especially in Florida's rural, unserved, or underserved communities, and is directed to:

- Create a strategic plan to increase the use of broadband Internet service in Florida;
- Map Florida's broadband transmission speeds and availability;
- Build and facilitate local technology planning teams, especially with community members from the areas of education, healthcare, business, tourism, agriculture, economic development, and local government;
- Encourage public use of Internet service through broadband grant programs; and
- Monitor, participate in, and provide input on FCC proceedings that are related to the geographic availability and deployment of broadband Internet in Florida.

²³ See FCC, *Fixed Broadband Deployment*, <https://broadbandmap.fcc.gov/#/> (last visited Feb. 1, 2020).

²⁴ Federal Communications Commission, *Report and Order and Second Further Notice of Proposed Rulemaking*, WC Docket Nos. 19-195, 11-10, at 3-4 (filed Aug. 6, 2019), <https://www.fcc.gov/document/fcc-improves-broadband-mapping-0> (last visited Feb. 1, 2020).

²⁵ FCC, *FCC Establishes New Digital Opportunity Data Collection* (Aug 1, 2019), <https://www.fcc.gov/document/fcc-improves-broadband-mapping> (last visited Feb. 1, 2020).

²⁶ Section 288.0656, F.S., defines a rural area of opportunity (RAO) as a rural community or region composed of rural communities that have been adversely affected by extraordinary economic events or natural disasters. RAO's are eligible for assistance and other support through the Rural Economic Development Initiative, administered by the DEO.

²⁷ Florida Department of Economic Opportunity, *Rural Areas of Opportunity*, <http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited Feb. 1, 2020).

The bill defines “underserved” as a geographic area of Florida in which there is no broadband Internet service with a capacity for transmission at a consistent speed of at least 10 megabits per second downstream and at least 1 megabit per second upstream. This definition is the same as the federal definition for “sufficient access” as used for the USDA ReConnect Program.

This section also transfers the authority to apply for and accept federal funds, to enter into contracts, and to establish committees or workgroups for the purposes of broadband expansion and implementation to the DEO. Unlike the current authority of the DMS, this bill does not permit the DEO to accept private funds to coordinate and implement broadband in Florida.

Section 3 repeals ch. 2012-131, Laws of Florida, which attempted to transfer state oversight of broadband Internet policy from the DMS to the DEM and never took effect as a result of the terms of the conditional effective date that were never met.

Section 4 provides this bill is effective July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The use of funds through the M-CORES program to build broadband infrastructure in rural areas may drive a greater level of broadband development to those areas. This may result in a positive impact to both individuals and businesses in impacted areas.

The American Broadband Initiative cites coordination between state and federal broadband programs as a challenge to further broadband development and states that “[f]ederal program officers would benefit from local insights provided by State leaders.”²⁸ The re-institution of a Florida Broadband Office may facilitate better coordination and create additional opportunities for eligible applicants to receive federal funding for broadband development.

C. Government Sector Impact:

The DEO stated that it will reassign existing staff and resources to implement to provisions of the bill.²⁹

The DMS indicated that the bill will have no impact on the department.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 339.0801 and 364.0135

This bill repeals chapter 2012-131, Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on January 27, 2020:

- Defines the term “underserved” to mean a geographic area in which there is no broadband Internet service at a consistent speed of at least 10 megabits per second downstream and at least 1 megabits per second upstream; and
- Extends the office’s duties to include monitoring, participating in, and providing input on FCC proceedings regarding geographic availability and deployment of broadband Internet service.

²⁸ American Broadband Initiative, *supra* note 4 at 27-28.

²⁹ See the DEO’s 2020 Agency Legislative Bill Analysis for SB 1166 (Dec. 12, 2019) (on file in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

³⁰ See the DMS’s 2020 Agency Legislative Bill Analysis for SB 1166 (Jan. 21, 2020) (on file in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Commerce and Tourism; and Senator Albritton

577-02734-20

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A bill to be entitled

An act relating to broadband Internet service; amending s. 339.0801, F.S.; authorizing certain funds within the State Transportation Trust Fund to be used for certain broadband infrastructure projects within or adjacent to multiuse corridors; requiring the Department of Transportation to give priority to certain projects; amending s. 364.0135, F.S.; defining terms; designating the Department of Economic Opportunity, and not the Department of Management Services, as the lead state entity to facilitate the expansion of broadband Internet service in this state; requiring the department to work collaboratively with certain entities; creating the Florida Office of Broadband within the Division of Community Development within the Department of Economic Opportunity; providing the purpose and duties of the office; making technical changes; repealing chapter 2012-131, Laws of Florida, relating to broadband Internet service; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5) (a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5) (a) made by this act

Page 1 of 6

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must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(5), notwithstanding any other provision of law:

(2)

(b) Beginning with the 2022-2023 fiscal year and annually thereafter, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with s. 338.2278, with preference to feeder roads, interchanges, and appurtenances that create or facilitate multiuse corridor access and connectivity. Of those funds, and to the maximum extent feasible, up to \$5 million annually may be used for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor. The department shall give priority consideration to broadband infrastructure projects located in an area designated as a rural area of opportunity under s. 288.0656 and adjacent to a multiuse corridor.

Section 2. Section 364.0135, Florida Statutes, is amended to read:

364.0135 Promotion of broadband adoption; Florida Office of Broadband.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that the sustainable adoption of broadband Internet service is critical to the economic and business development of ~~this~~ the state and is beneficial for libraries, schools, colleges and universities, health care providers, and community organizations.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Economic Opportunity.

(b) "Office" means the Florida Office of Broadband.

Page 2 of 6

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59 (c) "Sustainable adoption" means the ability for
60 communications service providers to offer broadband services in
61 all areas of ~~this the~~ state by encouraging adoption and use
62 utilization levels that allow for these services to be offered
63 in the free market absent the need for governmental subsidy.

64 (d) "Underserved" means a geographic area of this state in
65 which there is no provider of broadband Internet service that
66 offers a connection to the Internet with a capacity for
67 transmission at a consistent speed of at least 10 megabits per
68 second downstream and at least 1 megabit per second upstream.

69 (3)(2) STATE ENTITY.—The department is designated as the
70 lead state entity to facilitate the expansion of broadband
71 Internet service in this state. The department shall ~~of~~
72 ~~Management Services is authorized to~~ work collaboratively with
73 private businesses, and ~~to~~ receive staffing support and other
74 resources from, Enterprise Florida, Inc., state agencies, local
75 governments, ~~private businesses,~~ and community organizations.

76 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
77 Broadband is created within the Division of Community
78 Development within the department for the purpose of developing,
79 marketing, and promoting broadband Internet services to this
80 state. The office, in the performance of its duties, shall do
81 all of the following ~~to~~:

82 (a) ~~Monitor the adoption of broadband Internet service in~~
83 ~~collaboration with communications service providers, including,~~
84 ~~but not limited to, wireless and wireline Internet service~~
85 ~~providers, to develop geographical information system maps at~~
86 ~~the census tract level that will:~~

87 ~~1. Identify geographic gaps in broadband services,~~

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88 ~~including areas unserved by any broadband provider and areas~~
89 ~~served by a single broadband provider;~~

90 ~~2. Identify the download and upload transmission speeds~~
91 ~~made available to businesses and individuals in the state, at~~
92 ~~the census tract level of detail, using data rate benchmarks for~~
93 ~~broadband service used by the Federal Communications Commission~~
94 ~~to reflect different speed tiers; and~~

95 ~~3. Provide a baseline assessment of statewide broadband~~
96 ~~deployment in terms of percentage of households with broadband~~
97 ~~availability.~~

98 ~~(b)~~ Create a strategic plan that has goals and strategies
99 for increasing the use of broadband Internet service in this the
100 state.

101 (b)(e) Build and facilitate local technology planning teams
102 or partnerships with members representing cross-sections of the
103 community, which may include, but are not limited to,
104 representatives from the following organizations and industries:
105 libraries, K-12 education, colleges and universities, local
106 health care providers, private businesses, community
107 organizations, economic development organizations, local
108 governments, tourism, parks and recreation, and agriculture.

109 (c)(d) Encourage the use of broadband Internet service,
110 especially in the rural, unserved, ~~or and~~ underserved
111 communities of this the state through grant programs having
112 effective strategies to facilitate the statewide deployment of
113 broadband Internet service. For any grants to be awarded,
114 priority must be given to projects that:

115 1. Provide access to broadband education, awareness,
116 training, access, equipment, and support to libraries, schools,

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117 colleges and universities, health care providers, and community
118 support organizations.

119 2. Encourage the sustainable adoption of broadband in
120 primarily unserved and underserved areas by removing barriers to
121 entry.

122 3. Work toward encouraging investments in establishing
123 affordable and sustainable broadband Internet service in
124 unserved and underserved areas of this the state.

125 4. Facilitate the development of applications, programs,
126 and services, including, but not limited to, telework,
127 telemedicine, and e-learning to increase the usage of, and
128 demand for, broadband Internet service in this the state.

129 (d) Monitor, participate in, and provide input on
130 proceedings of the Federal Communications Commission and other
131 federal agencies which are related to the geographic
132 availability and deployment of broadband Internet service in
133 this state as necessary to ensure that the information is
134 accurately presented and that rural, unserved, and underserved
135 areas of this state are best positioned to benefit from federal
136 and state broadband deployment programs.

137 (5)(3) ADMINISTRATION.—The department may:

138 (a) Apply for and accept federal funds for purposes of this
139 section, as well as gifts and donations from individuals,
140 foundations, and private organizations.

141 (b)(4) The department may Enter into contracts necessary or
142 useful to carry out the purposes of this section.

143 (c)(5) The department may Establish any committee or
144 workgroup to administer and carry out the purposes of this
145 section.

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146 Section 3. Chapter 2012-131, Laws of Florida, is repealed.

147 Section 4. This act shall take effect July 1, 2020.

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THE FLORIDA SENATE
APPEARANCE RECORD

2-13-2020

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1166

Bill Number (if applicable)

Topic Broadband Internet service

Amendment Barcode (if applicable)

Name KARIS LOCKHART

Job Title Deputy Director of Leg. Affairs

Address 107 E Madison St.

Phone 850-245-7145

Street

Tallahassee FL 32399

City

State

Zip

Email KARIS.LOCKHART@deo-myflorida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Economic Opportunity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: January 29, 2020

I respectfully request that **1166**, relating to Broadband Internet Service, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

Senator Ben Albritton
Florida Senate, District 26

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 1570

INTRODUCER: Senator Perry

SUBJECT: Division of Library and Information Services

DATE: February 12, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ponder</u>	<u>McVaney</u>	<u>GO</u>	<u>Favorable</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1570 consolidates and clarifies the responsibilities and duties of the Division of Library and Information Services (division) within the Department of State, in part to better reflect current practices.

The bill requires the certification of funds provided to libraries to be given to the Chief Financial Officer *annually* – as opposed to by December 1 of each year, as provided under current law. The bill repeals responsibilities and duties that the division does not currently undertake, including efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government and the preservation of duplicate records. The bill also repeals s. 257.34, F.S., relating to the creation, duties and responsibilities of the Florida International Archive and Repository. The division has adequate authority pursuant to s. 257.35, F.S., relating to the Florida State Archives, to continue to perform this function.

The bill specifies that the division is responsible for setting standards and guidelines for the retention, storage, security, and disposal of records and clarifies the division’s specific responsibilities when records are stored by other agencies in a record center it operates. The bill also specifies the role and responsibility of an agency’s records management liaison officer.

Related to library cooperative grants, the bill removes the cap of \$400,000 on an annual grant from the state available to the administrative unit of a library cooperative for the purpose of sharing library resources. With the removal of the statutory cap of \$400,000, the bill will have an indeterminate impact for multitype library cooperatives who seek funds under the library cooperative grant program.

The bill will take effect on July 1, 2020.

II. Present Situation:

The Division of Library and Information Services – Allocation of State Funds

State funds allocated to libraries must be expended only for library purposes in the manner prescribed by the division. Such funds may not be expended for the purchase or construction of a library building or library quarters except such funds specifically appropriated for construction purposes.¹

The division must establish operating standards under which libraries and library cooperatives will be eligible to receive state funds² The division is required to certify to the Chief Financial Officer the amount of funds paid to each county, municipality, special district, or special tax district on or before December 1 of each year.³

The Florida International Archive and Repository and the Florida State Archives

Section 257.34, F.S., establishes the Florida International Archive and Repository within the division for the preservation of public records,⁴ including manuscripts, international judgements involving disputes between domestic and foreign business, and all other public matters that the Department of State or the Florida Council of International Relations deems relevant to international issues. The division is charged with:

- Organizing and administering the Florida International Archive and Repository;
- Preserving and administering records that are transferred to its custody;⁵
- Permitting records to be inspected and copied at reasonable times and under the supervision of the division;⁶
- Assisting the records and information management program in the determination of retention values for records;
- Cooperating with and assisting state institutions, departments, agencies, counties, municipalities, and individuals engaged in internationally related activities;
- Providing a public research room where, under rules established by the division, the materials in the international archive and repository may be studied;
- Conducting, promoting, and encouraging research in international trade, government, and culture and maintaining a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research;
- Cooperating with and assisting agencies, libraries, institutions, and individuals in projects concerned with internationally related issues;
- Preserving original materials relating to internationally related issues; and

¹ Section 257.24, F.S.

² Sections 257.15 and 257.41(2), F.S. Section 257.41(2), F.S., further providing that the division must issue a certificate to each library cooperative that meets the standards and rules established.

³ Section 257.22, F.S.

⁴ Public records as defined in s. 119.011, F.S.

⁵ This includes accepting, arranging, and preserving the records according to approved archival and repository practices.

⁶ All public records transferred to the custody of the division are subject to the provisions of s. 119.07(1), F.S.

- Assisting and cooperating with the records and information management program in the training and information program described in s. 257.36(1)(g), F.S.⁷

Section 257.35, F.S., creates the Florida State Archives within the division for the preservation of public records,⁸ manuscripts, and other archival material that have been determined by the division to have sufficient historical or other value to warrant continued preservation and have been accepted by the division for deposit in its custody. The division performs similar duties for the Florida State Archives as it does for the Florida International Archive, including:

- Organizing and administering the Florida State Archives;
- Preserving and administering such records transferred to its custody;⁹
- Permitting records to be inspected and copied at reasonable times and under the supervision of the division;
- Assisting the records and information management program in the determination of retention values for records;
- Cooperating with and assisting state institutions, departments, agencies, counties, municipalities, and individuals engaged in activities in the field of state archives, manuscripts, and history;
- Accepting from any person any paper, book, record, or similar material which in the judgment of the division warrants preservation in the state archives;
- Providing a public research room where, under rules established by the division, the materials in the state archives may be studied;
- Conducting, promoting, and encouraging research in Florida history, government, and culture and maintaining a program of information, assistance, coordination, and guidance for public officials, educational institutions, libraries, the scholarly community, and the general public engaged in such research;
- Cooperating with and assisting agencies, libraries, institutions, and individuals in projects designed to preserve original source materials relating to Florida history, government, and culture;
- Preparing and publishing handbooks, guides, indexes, and other literature directed toward encouraging the preservation and use of the state's documentary resources;
- Encouraging and initiating efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government; and
- Assisting and cooperating with the records and information management program in the training and information program described in s. 257.36(1)(g), F.S.¹⁰

Records and Information Management

Section 257.36(1), F.S., creates a records management program within the division. The program's purpose is directed to the application of efficient and economical management methods relating to the creation, utilization, maintenance, retention, preservation, and disposal of records.¹¹ The division must establish and operate a records center or centers primarily for the

⁷ Section 257.34(1), F.S.

⁸ Public records as defined in s. 119.011, F.S.

⁹ This includes accepting, arranging, and preserving the records according to approved archival practices.

¹⁰ Section 257.35(1), F.S.

¹¹ Section 257.36(1)(a), F.S.

storage, processing, servicing, and security of public records that must be retained for varying periods of time but that are not required to be retained in an agency's office equipment or space.¹²

The division must create retention schedules which govern when public records may be destroyed or otherwise disposed of.¹³

Section 257.36(1)(g), F.S., requires the division to institute and maintain a training program in (i) all phases of records and information management to bring approved practices to the attention of all agencies and (ii) the requirements relating to access to public records under ch. 119, F.S.

Each agency¹⁴ has the duty to cooperate with the division in complying with the provisions of ch. 257, F.S., and must designate a records management liaison officer. Further, each agency must establish and maintain an active and continuing program for the economical and efficient management of records.¹⁵

Library Cooperatives and Library Cooperative Grants

The Legislature intended that library cooperative programs be established to augment the local library resources with regional and statewide services.¹⁶ A multitype library cooperative (MLC) is a not-for-profit corporation, qualified or registered pursuant to ch. 617, F.S., and in good standing, consisting of two or more libraries under separate governance and of more than one type, including any combination of academic, school, special, state institution, and public libraries as required by s. 257.41(1), F.S.¹⁷

The administrative unit of a library cooperative is eligible to receive an annual grant (library cooperative grant) from the state of not more than \$400,000 for the purpose of sharing library resources. Grant funds may not be used to supplant local funds or other funds. Additionally, a library cooperative must provide from local sources matching cash funds equal to 10 percent of the grant award.¹⁸ Florida's priority for use of the library cooperative grants and matching funds is for the purpose of sharing library resources between members of the Florida Library Information Network.¹⁹ Library cooperative grants and local matching funds must be expended on resource sharing activities and related training, provided services to all Florida Information Network member libraries.

¹² Section 257.36(b), F.S.

¹³ Section 257.36(6), F.S.

¹⁴ Section 257.36(5), F.S., defines "agency", for purposes of this section, to mean any state, county, district, or municipal officer, department, division, bureau, board, commission, or other separate unit of government created or established by law.

¹⁵ See s. 257.36(5), F.S.

¹⁶ Section 257.40, F.S.

¹⁷ Department of State, *Library Cooperative Grant Guidelines*, 2020-2021, at p. 5, <https://dos.myflorida.com/media/702617/cooperativegrantguidelines2020-2021.pdf> (last visited February 5, 2020).

¹⁸ Section 257.42, F.S.

¹⁹ See *supra* note 18 at p. 1.

Florida's five MLCs and their service areas for purpose of the Library Cooperative Grant Program are as follows:

- NEFLIN - Northeast Florida Library Information Network service area includes: Alachua, Baker, Bradford, Brevard, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, Seminole, St. Johns, Sumter, Suwannee, Taylor, Union, and Volusia counties.
- PLAN - Panhandle Library Access Network service area includes: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties.
- SEFLIN - Southeast Florida Library Information Network service area includes: Broward, Martin, Miami-Dade, and Palm Beach counties.
- SWFLN - Southwest Florida Library Network service area includes: Charlotte, Collier, Hendry, Lee, and Monroe counties.
- TBLC - Tampa Bay Library Consortium service area includes: Citrus, DeSoto, Glades, Hardee, Hernando, Highlands, Hillsborough, Indian River, Lake, Manatee, Okeechobee, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, and St. Lucie counties.²⁰

III. Effect of Proposed Changes:

Section 1 amends s. 257.22, F.S., to provide that the certification of funds by the division to the Chief Financial Officer be made *annually* – as opposed to by December 1 of each year.²¹ The Department of State indicates the division currently must provide two certifications to the Chief Financial Officer. The first is submitted by the statutory deadline of December 1 and contains estimated grant amounts. The second certification is submitted later and reflects the actual final grant amounts. Thus, the bill will allow the division to make one certification of funds.

Section 2 repeals s. 257.34, F.S., relating to the creation, duties, and responsibilities of the Florida International Archive and Repository. The division has adequate authority pursuant to s. 257.35, F.S., relating to the Florida State Archives, to continue to perform this function.

Section 3 amends s. 257.35, F.S., relating to the Florida State Archives, to eliminate the requirement that the division encourage and initiate efforts to preserve, collect, process, transcribe, index, and research the oral history of Florida government. According to the Department of State, these activities have not been undertaken by the department in the past.²²

Section 4 amends s. 257.36, F.S., relating to the records and information management program. The bill specifies that the requirement related to analyzing, developing, establishing, and coordinating standard, procedures, and techniques of record-making and recordkeeping, includes, but is not limited to, standards and guidelines for retention, storage, security, and disposal of records.

²⁰ *Id.* at p. 2.

²¹ See Department of State, *Senate Bill 1570 Agency Legislative Analysis* (January 22, 2020) (on file with the Senate Committee on Governmental Oversight and Accountability).

²² *Id.*

This section requires an agency's records management liaison officer to serve as the primary point of contact between the agency and the division for records management purposes and to conduct any records management functions assigned by the agency.

This section also clarifies, in certain instances, the division's specific responsibilities when records are stored by other agencies in a storage center operated by the division. This section repeals provisions related to preservation duplicates; the division will no longer be responsible for making and storing preservation duplicates of records. The Department of State indicates that the preservation of duplicates is no longer a function of the division.²³

Finally, this section amends provisions related to the destruction of records. Under current law, the division must notify, by certified mail, the agency that transferred the record to the division when the record is eligible for destruction. The agency has 90 days to respond to request continued retention of the record or authorize its destruction or disposal. Nonresponse passes the title of the record to the division. The bill repeals the requirement that the notice be sent by certified mail and the time period by which the agency must respond.

Section 5 amends s. 257.42, F.S., to remove the cap of \$400,000 on an annual library cooperative grant. Thus, the Legislature will have more discretion in making appropriations for library cooperative grants.

Section 6 amends s. 120.54, F.S., to correct a cross-reference.

Section 7 provides that the bill takes effect on July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²³ *Id.* See also s. 92.29, F.S., which provides that photographic reproductions or reproductions through electronic recordkeeping systems made by an agency in the regular course of business shall be admitted and received as evidence similar to the original record.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The library cooperative grant program receives an annual recurring appropriation from the General Revenue Fund of \$2 million. The bill does not alter existing, recurring appropriations for library cooperative grants. However, the bill changes how those appropriations may be used. A library cooperative may receive a grant in excess of \$400,000 annually if the bill is enacted.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 257.22, 257.35, 257.36, 257.42 and 120.54.

This bill repeals section 257.34 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Perry

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1 A bill to be entitled
 2 An act relating to the Division of Library and
 3 Information Services; amending s. 257.22, F.S.;
 4 removing the date by which the division must submit an
 5 annual report regarding the allocation of library
 6 funding to the Chief Financial Officer; repealing s.
 7 257.34, F.S., relating to the Florida International
 8 Archive and Repository; amending s. 257.35, F.S.;
 9 revising the duties and responsibilities of the
 10 division in the administration of the Florida State
 11 Archives; conforming a cross-reference to changes made
 12 by the act; amending s. 257.36, F.S.; revising the
 13 duties and responsibilities of the division in the
 14 administration of the records and information
 15 management program; clarifying provisions governing
 16 the storage of records transferred to the division for
 17 storage; removing the requirement that the division
 18 notify an agency by certified mail of a record's
 19 eligibility for destruction; deleting a provision that
 20 provides for title of a record to pass to the division
 21 under specified circumstances; deleting a provision
 22 specifying the effect of a preservation duplicate of a
 23 record; specifying the role and duties of records
 24 management liaison officers; amending s. 257.42, F.S.;
 25 removing a limitation on the annual grant amount that
 26 the administrative unit of a library cooperative may
 27 receive from the state for purposes of sharing library
 28 resources; amending s. 120.54, F.S.; conforming a
 29 cross-reference to changes made by the act; providing

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30 an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Section 257.22, Florida Statutes, is amended to
 35 read:
 36 257.22 Division of Library and Information Services;
 37 allocation of funds.—Any moneys that may be appropriated for use
 38 by a county, a municipality, a special district, or a special
 39 tax district for the maintenance of a library or library service
 40 shall be administered and allocated by the division ~~of Library~~
 41 ~~and Information Services~~ in the manner prescribed by law. ~~On or~~
 42 ~~before December 1 of each year,~~ The division shall annually
 43 certify to the Chief Financial Officer the amount to be paid to
 44 each county, municipality, special district, or special tax
 45 district.
 46 Section 2. Section 257.34, Florida Statutes, is repealed.
 47 Section 3. Paragraphs (h) and (i) of subsection (1) of
 48 section 257.35, Florida Statutes, are amended to read:
 49 257.35 Florida State Archives.—
 50 (1) There is created within the Division of Library and
 51 Information Services of the Department of State the Florida
 52 State Archives for the preservation of those public records, as
 53 defined in s. 119.011(12), manuscripts, and other archival
 54 material that have been determined by the division to have
 55 sufficient historical or other value to warrant their continued
 56 preservation and have been accepted by the division for deposit
 57 in its custody. It is the duty and responsibility of the
 58 division to:

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59 (h) ~~Encourage and initiate efforts to preserve, collect,~~
 60 ~~process, transcribe, index, and research the oral history of~~
 61 ~~Florida government.~~

62 ~~(i)~~ Assist and cooperate with the records and information
 63 management program in the training and information program
 64 described in s. 257.36(1)(d) ~~s. 257.36(1)(g)~~.

65 Section 4. Section 257.36, Florida Statutes, is amended to
 66 read:

67 257.36 Records and information management.—

68 (1) There is created within the Division of Library and
 69 Information Services of the Department of State a records and
 70 information management program. It is the duty and
 71 responsibility of the division to:

72 (a) Establish and administer a records management program
 73 directed to the application of efficient and economical
 74 management methods relating to the creation, utilization,
 75 maintenance, retention, preservation, and disposal of records.

76 (b) Analyze, develop, establish, and coordinate standards,
 77 procedures, and techniques of recordmaking and recordkeeping,
 78 including, but not limited to, standards and guidelines for
 79 retention, storage, security, and disposal of records.

80 (c) Establish and operate a records center or centers
 81 primarily for the storage, processing, servicing, and security
 82 of public records that must be retained for varying periods of
 83 time but need not be retained in an agency's office equipment or
 84 space. To this end, the records center shall:

85 ~~(c)~~ ~~Analyze, develop, establish, and coordinate standards,~~
 86 ~~procedures, and techniques of recordmaking and recordkeeping.~~

87 1. (d) Ensure the maintenance and security of stored records

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88 ~~which are deemed appropriate for preservation.~~

89 2. (e) Establish safeguards against unauthorized or unlawful
 90 removal or loss of stored records.

91 3. (f) Initiate appropriate action to recover stored records
 92 removed unlawfully or without authorization.

93 (d) (g) Institute and maintain a training and information
 94 program in:

95 1. All phases of records and information management to
 96 bring approved and current practices, methods, procedures, and
 97 devices for the efficient and economical management of records
 98 to the attention of all agencies.

99 2. The requirements relating to access to public records
 100 under chapter 119.

101 (e) (h) Make continuous surveys of recordkeeping operations.

102 (f) (i) Recommend improvements in current records management
 103 practices, including the use of space, equipment, supplies, and
 104 personnel in creating, maintaining, and servicing records.

105 (g) (j) Establish and maintain a program in cooperation with
 106 each agency for the selection and preservation of records
 107 considered essential to the operation of government and to the
 108 protection of the rights and privileges of citizens.

109 ~~(k)~~ ~~Make, or have made, preservation duplicates, or~~
 110 ~~designate existing copies as preservation duplicates, to be~~
 111 ~~preserved in the place and manner of safekeeping as prescribed~~
 112 ~~by the division.~~

113 (2) (a) All records transferred to the division for storage
 114 may be held ~~by it~~ in its a records center or centers, to be
 115 designated by the division ~~it~~, for such time as in its judgment
 116 retention therein is deemed necessary. At such time as it is

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117 established by the division, such records as are determined by
 118 it as having historical or other value warranting continued
 119 preservation shall be transferred to the Florida State Archives.

120 (b) Title to any record ~~stored~~ detained in any records
 121 center ~~operated by the division remains~~ shall remain in the
 122 agency transferring such record to the division. When the
 123 Legislature transfers any duty or responsibility of an agency to
 124 another agency, the receiving agency shall be the custodian of
 125 public records with regard to the public records associated with
 126 that transferred duty or responsibility, and shall be
 127 responsible for the records storage service charges of the
 128 division. If an agency is dissolved and the legislation
 129 dissolving that agency does not assign an existing agency as the
 130 custodian of public records for the dissolved agency's records,
 131 then the Cabinet is the custodian of public records for the
 132 dissolved agency, unless the Cabinet otherwise designates a
 133 custodian. The Cabinet or the agency designated by the Cabinet
 134 shall be responsible for the records storage service charges of
 135 the division.

136 (c) When a record held in a records center is eligible for
 137 destruction, the division shall notify, in writing, ~~by certified~~
 138 ~~mail~~, the agency ~~that~~ which transferred the record. The agency
 139 shall ~~have 90 days from receipt of that notice to respond by~~
 140 either requesting continued retention of the record or
 141 authorizing destruction or disposal of the record. ~~If the agency~~
 142 ~~does not respond within that time, title to the record shall~~
 143 ~~pass to the division.~~

144 (3) The division may charge fees for supplies and services,
 145 including, but not limited to, shipping containers, pickup,

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146 delivery, reference, and storage. Fees shall be based upon the
 147 actual cost of the supplies and services and shall be deposited
 148 in the Records Management Trust Fund.

149 (4) ~~(a) Any preservation duplicate of any record made~~
 150 ~~pursuant to this chapter shall have the same force and effect~~
 151 ~~for all purposes as the original record. A transcript,~~
 152 ~~exemplification, or certified copy of such preservation~~
 153 ~~duplicate shall be deemed, for all purposes, to be a transcript,~~
 154 ~~exemplification, or certified copy of the original record.~~

155 ~~(5)~~ For the purposes of this section, the term "agency"
 156 means ~~shall mean~~ any state, county, district, or municipal
 157 officer, department, division, bureau, board, commission, or
 158 other separate unit of government created or established by law.

159 (b) It is the duty of each agency to:

160 1. ~~(a)~~ Cooperate with the division in complying with ~~the~~
 161 ~~provisions of this chapter.~~

162 2. and Designate a records management liaison officer to
 163 serve as the primary point of contact between the agency and the
 164 division for records management purposes and to conduct any
 165 records management functions assigned by the agency.

166 3. ~~(b)~~ Establish and maintain an active and continuing
 167 program for the economical and efficient management of records.

168 (5) ~~(6)~~ A public record may be destroyed or otherwise
 169 disposed of only in accordance with retention schedules
 170 established by the division. The division shall adopt reasonable
 171 rules not inconsistent with this chapter which shall be binding
 172 on all agencies relating to the destruction and disposition of
 173 records. Such rules must ~~shall~~ provide, but are not ~~be~~ limited
 174 to:

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175 (a) Procedures for complying and submitting to the division
176 records-retention schedules.

177 (b) Procedures for the physical destruction or other
178 disposal of records.

179 (c) Standards for the reproduction of records for security
180 or with a view to the disposal of the original record.

181 Section 5. Section 257.42, Florida Statutes, is amended to
182 read:

183 257.42 Library cooperative grants.—The administrative unit
184 of a library cooperative is eligible to receive an annual grant
185 from the state ~~of not more than \$400,000~~ for the purpose of
186 sharing library resources based upon an annual plan of service
187 and expenditure and an annually updated 5-year, long-range plan
188 of cooperative library resource sharing. Those plans, which must
189 include a component describing how the cooperative will share
190 technology and the use of technology, must be submitted to the
191 division ~~of Library and Information Services of the Department~~
192 ~~of State~~ for evaluation and possible recommendation for funding
193 in the division's legislative budget request. Grant funds may
194 not be used to supplant local funds or other funds. A library
195 cooperative must provide from local sources matching cash funds
196 equal to 10 percent of the grant award.

197 Section 6. Subsection (8) of section 120.54, Florida
198 Statutes, is amended to read:

199 120.54 Rulemaking.—

200 (8) RULEMAKING RECORD.—In all rulemaking proceedings the
201 agency shall compile a rulemaking record. The record shall
202 include, if applicable, copies of:

203 (a) All notices given for the proposed rule.

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204 (b) Any statement of estimated regulatory costs for the
205 rule.

206 (c) A written summary of hearings on the proposed rule.

207 (d) The written comments and responses to written comments
208 as required by this section and s. 120.541.

209 (e) All notices and findings made under subsection (4).

210 (f) All materials filed by the agency with the committee
211 under subsection (3).

212 (g) All materials filed with the Department of State under
213 subsection (3).

214 (h) All written inquiries from standing committees of the
215 Legislature concerning the rule.

216

217 Each state agency shall retain the record of rulemaking as long
218 as the rule is in effect. When a rule is no longer in effect,
219 the record may be destroyed pursuant to the records-retention
220 schedule developed under s. 257.36(5) ~~s. 257.36(6)~~.

221 Section 7. This act shall take effect July 1, 2020.

Page 8 of 8

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/13/20
Meeting Date

1570
Bill Number (if applicable)

Topic SB 1570 - Division of Library + Info Services Amendment Barcode (if applicable)

Name Christie Fitz-Patrick

Job Title Deputy Chief of staff

Address 500 S. Bronough St.
Street

Phone 850.245.6500

Tallahassee FL 32399
City State Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Dept. of State

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: February 5, 2020

I respectfully request that **Senate Bill #1570**, relating to Division of Library and Information Services, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry".

Senator Keith Perry
Florida Senate, District 8

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge:

Started: 2/13/2020 12:33:03 PM

Ends: 2/13/2020 12:57:59 PM

Length: 00:24:57

12:33:03 PM Sen. Hutson (Chair)
12:34:00 PM S 1090
12:34:08 PM Sen. Diaz
12:34:49 PM Jess McCarty, Assistant County Attorney, Miami-Dade County (waives in support)
12:34:57 PM Sen. Taddeo
12:35:31 PM S 76
12:35:42 PM Sen. Book
12:36:24 PM Am. 903016
12:36:27 PM Sen. Book
12:36:58 PM S 76 (cont.)
12:37:07 PM Sen. Book
12:37:53 PM S 1166
12:37:59 PM Sen. Albritton
12:39:05 PM Sen. Thurston
12:39:23 PM Sen. Albritton
12:40:06 PM Sen. Thurston
12:40:25 PM Sen. Albritton
12:40:56 PM Sen. Thurston
12:41:14 PM Sen. Albritton
12:42:21 PM Sen. Thurston
12:42:31 PM Sen. Albritton
12:42:56 PM Sen. Torres
12:43:48 PM Sen. Albritton
12:44:39 PM Sen. Torres
12:45:12 PM Sen. Albritton
12:46:10 PM Karis Lockhart, Deputy Director of Legislative Affairs, Dept. of Economic Opportunity
12:46:32 PM Sen. Thurston
12:46:50 PM K. Lockhart
12:47:15 PM Sen. Thurston
12:47:33 PM K. Lockhart
12:47:44 PM Sen. Simpson
12:47:51 PM K. Lockhart
12:48:38 PM S 1070
12:48:44 PM Sen. Albritton
12:49:34 PM Am. 139628
12:49:37 PM Sen. Albritton
12:50:13 PM S 1070 (cont.)
12:50:22 PM Keevin Williams , Vice President, Space Florida (waives in support)
12:50:57 PM S 636
12:51:03 PM Sen. Stargel
12:51:26 PM Tim Qualls, General Counsel, Florida Tax Collector Association (waives in support)
12:51:30 PM Edward Briggs, Lobbyist, Florida Tax Collector Association (waives in support)
12:52:15 PM S 1570
12:52:19 PM Sen. Perry
12:52:49 PM Christy Fitz-Patrick, Deputy Chief of Staff, Florida Dept. of State (waives in support)
12:53:31 PM S 414
12:53:42 PM Sen. Perry
12:54:10 PM Am. 276914
12:54:16 PM Sen. Perry
12:54:52 PM Am. 853756
12:55:00 PM Sen. Thurston
12:56:01 PM Sen. Perry

12:56:27 PM Sen. Thurston
12:57:17 PM S 414 (cont.)
12:57:45 PM Sen. Hutson
12:57:46 PM