

Tab 1 SB 196 by Rodriguez; (Similar to CS/H 00137) Florida Housing Finance Corporation						
179244	A	S	RCS	ATD, Rodriguez	Before L.20:	02/02 04:20 PM
112298	A	S	RCS	ATD, Rodriguez	Before L.20:	02/02 04:20 PM

Tab 2 CS/SB 398 by TR, Hooper; (Similar to CS/H 00157) Transportation Projects						
354102	D	S	RCS	ATD, Hooper	Delete everything after	02/02 04:29 PM

Tab 3 SB 788 by Hooper (CO-INTRODUCERS) Rodrigues; Florida Hometown Hero Housing Program						
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Tab 4 SB 914 by Harrell; (Identical to H 00871) Department of Highway Safety and Motor Vehicles						
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Tab 5 SB 1582 by Harrell; (Identical to CS/H 00915) Commercial Motor Vehicle Registration						
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

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

Senator Gainer, Chair
Senator Hooper, Vice Chair

MEETING DATE: Wednesday, February 2, 2022
TIME: 2:00—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Gainer, Chair; Senator Hooper, Vice Chair; Senators Ausley, Boyd, Cruz, Garcia, Gibson, Hutson, Mayfield, Perry, Taddeo, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 196 Rodriguez (Similar CS/H 137)	Florida Housing Finance Corporation; Designating the corporation, rather than the State Board of Administration, as the state fiscal agency to make determinations in connection with specified bonds; authorizing the corporation's board of directors, rather than the State Board of Administration, to delegate to its executive director the authority and power to perform that function; requiring the executive director to annually report specified information to the board of directors, rather than the State Board of Administration, etc. CA 11/03/2021 Favorable ATD 02/02/2022 Fav/CS AP	Fav/CS Yeas 6 Nays 4
2	CS/SB 398 Transportation / Hooper (Similar CS/H 157)	Transportation Projects; Revising the requirement for the annual commitment of State Transportation Trust Fund revenues for public transportation projects by the Department of Transportation; providing that the department's program for innovative transportation projects may include progressive design-build contracts; revising the department's authority relating to design-build contracts; revising procedures relating to certificates of qualification issued by the department to construction contractors seeking certification to bid on certain contracts, etc. TR 12/01/2021 Fav/CS ATD 02/02/2022 Fav/CS AP	Fav/CS Yeas 10 Nays 0
3	SB 788 Hooper	Florida Hometown Hero Housing Program; Creating the Florida Hometown Hero Housing Program; providing the purpose of the program; specifying requirements for loans under the program; authorizing the Florida Housing Finance Corporation to underwrite and make such loans to specified borrowers; specifying ineligible employees, etc. CA 01/12/2022 Favorable ATD 02/02/2022 Favorable AP	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Wednesday, February 2, 2022, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 914 Harrell (Identical H 871)	Department of Highway Safety and Motor Vehicles; Requiring law enforcement agencies to annually report race and ethnicity data of certain violators to the department; deleting a precondition to a requirement that the operator of a motor vehicle display proof of maintenance of security to a law enforcement officer or certain other persons; extending the date by which the department must implement a rebuilt motor vehicle inspection program; requiring that certain commercial motor vehicles meet certain federal financial responsibility requirements, etc. TR 01/12/2022 Favorable ATD 02/02/2022 Favorable AP	Favorable Yeas 8 Nays 1
5	SB 1582 Harrell	Commercial Motor Vehicle Registration; Providing for future expiration of a provision relating to vehicles with apportioned registrations; providing, beginning on a specified date, license plate and cab card requirements for vehicles registered in accordance with the International Registration Plan; specifying the fee for an original or renewal cab card and the trust fund where the fee is deposited; providing for the replacement at no charge of damaged or worn license plates, etc. TR 01/18/2022 Favorable ATD 02/02/2022 Favorable AP	Favorable Yeas 9 Nays 0
6	Review and Discussion of Fiscal Year 2022-2023 Budget Issues Relating to: Department of Economic Opportunity Department of Transportation Department of State Department of Military Affairs Division of Emergency Management Department of Highway Safety and Motor Vehicles		Discussed

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 196 (518736)

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

SUBJECT: Florida Housing Finance Corporation

DATE: February 4, 2022 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

I. Summary:

PCS/SB 196 designates the Florida Housing Finance Corporation (Florida Housing) as the state fiscal agency authorized to make constitutional determinations of fiscal sufficiency in connection with their issuance of bonds. Currently, such determinations must be made by the State Board of Administration (SBA). To complement this change, the bill also removes a reference to SBA rules in the statute governing Florida Housing's Guarantee Program.

The bill amends definitions and regulations related to the qualified contract process by which Florida Housing seeks a purchaser for an affordable housing development. Additionally, the bill proscribes what happens to the affordable housing development's extended use period if a qualified contract does not close. If the reason is generally due to actions by the owner, then the extended use period continues. If contract does not close for other reasons, and Florida Housing is unable to find another purchaser within a 1-year period, then the extended use period ends.

The bill also repeals provisions that limit Elderly Housing Community Loan program loans to \$750,000 per housing community and the requirements for such loans.

The bill takes effect July 1, 2022.

II. Present Situation:

The Florida Housing Finance Corporation (Florida Housing) is a public corporation created by the Legislature to assist in providing a range of affordable housing opportunities for Florida residents. Florida Housing administers federal and state resources to make loans, guarantees of

loans, and to issue bonds to finance the development and preservation of affordable homeowner and rental housing and assist homebuyers with financing and down payment assistance.¹

Florida Housing Bond Issuance

Florida Housing facilitates the issuance of bonds by serving in a conduit capacity. Each bond indenture is for a single purpose entity and the bonds are secured solely by the revenues, assets, and guarantees associated with each bond.² The bonds are not an obligation of the state as they are not secured by the full faith and credit of the state.³

Section 420.509, F.S., designates the State Board of Administration (SBA) as the state fiscal agency to make the determination required by s. 16, Art. VII of the State Constitution, in connection with the issuance of Florida Housing bonds. The required fiscal determination is that in no state fiscal year will the debt service requirements of the bonds proposed to be issued, and all other bonds secured by the same pledged revenues, exceed the pledged revenues available for such debt service requirements. This section also authorizes Florida Housing to bear interest on the bonds that are issued. However, the rate or rates may not exceed the interest rate limitation set forth in s. 215.84(3), F.S.,⁴ unless authorized by the SBA.⁵

Before a bond is issued, Florida Housing's Board of Directors approves the requirements for a bond financed development at a public meeting. Upon the Board's approval, a fiscal sufficiency report is prepared by a third party and submitted to the SBA for approval. The Governor and the Florida Cabinet, functioning as the SBA Board of Trustees, must place the report on the agenda for the next scheduled SBA Board of Trustees meeting, and only upon approval by the SBA Board of Trustees can the bond transaction proceed to closing.⁶ Florida Housing has stated that this mechanism can produce significant delays in bond issuance due to timing differences between the various board meetings.

Florida Affordable Housing Guarantee Program

The Florida Affordable Housing Guarantee Program was created in 1992 to work in concert with federal, state, and local government financing sources to effectively lower the overall cost of borrowing capital for the construction and rehabilitation of affordable multifamily rental housing.⁷ These cost savings were achieved by the Guarantee Program guaranteeing the payment

¹ See Florida Housing Finance Corporation, *Overview of Florida Housing Finance Corporation*, (July 2017) available at <https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/august2017/tab8.pdf>, (last visited January 20, 2022). See also part V, ch. 420, F.S.

² Affordable Housing Work Group, *Overview of the State's Implementation of Rental Programs*, (August 2017) available at <https://www.floridahousing.org/docs/default-source/aboutflorida/august2017/august2017/tab7.pdf> (last visited January 20, 2022). Chapter 2017-71, Laws of Fla., established the Workgroup to develop recommendations to address the state's affordable housing needs.

³ Sections 420.509 and 420.51, F.S., and s. 16, Art. VII, State Constitution.

⁴ This section prescribes a statewide maximum bond interest rate, which is flexible with the bond market. The rate is computed by adding 300 basis points to The Bond Buyer "20 Bond Index" published immediately preceding the first day of the calendar month in which the bonds are sold.

⁵ Section 420.509(4), F.S.

⁶ Florida Housing Finance Corporation, *SB 196 Talking Points*, (November 11, 2021) on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

⁷ Section 420.5092, F.S.

of mortgages that secure multifamily mortgage revenue bonds, thus raising the loan's rating and reducing the overall cost of borrowing. In 2009, Florida Housing's board of directors officially suspended the Guarantee Program due to continually low interest rates, which prompted developers to refinance properties outside of the Guarantee Program. Currently, just one multifamily rental property holds an outstanding guarantee from this program.⁸

State Apartment Incentive Loan (SAIL) Program

The SAIL Program is administered by Florida Housing and provides low-interest loans on a competitive basis to multifamily affordable housing developers.⁹ These funds often serve to bridge the gap between the development's primary financing and the total cost of the development. SAIL dollars are available for developers proposing to construct or substantially rehabilitate multifamily rental housing.¹⁰

Elderly Housing Community Loan (EHCL) Program

During the first six months of funding availability each year, program funds are made available for developers who provide set-asides for certain tenant groups. Included among these are elderly persons. The EHCL program offers up to \$750,000 in loans to make substantial life, safety, or security related improvements to existing affordable rental housing for the elderly. Unused funds designated for EHCL return to the SAIL program.¹¹

Loans made through this program must meet several statutory requirements. Recipients must commit to matching at least 5% of the loan amount and have the primary mortgagee review and approve the developer's application for this loan. The Florida Housing establishes the interest rate, which may not exceed 3 percent, and the loan term, which may not exceed 15 years¹² and is based on a credit analysis of the applicant. The corporation may forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely-low-income elderly by nonprofit organizations where the project has provided affordable housing to the elderly for 15 years or more. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.

Qualified Contract Process

Of the affordable housing financing options provided by the federal government, Low Income Housing Tax Credits (LIHTC)¹³ are among the most commonly used. When a property is

⁸ Florida Housing Finance Corporation, 2020 Annual Report, p. 19, available at <https://www.floridahousing.org/data-docs-reports/annual-reports> (last visited January 20, 2022).

⁹ Section 420.5087, F.S.

¹⁰ See Florida Housing Finance Corporation, *State Apartment Incentive Loan*, available at <https://floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan> (last visited February 3, 2022).

¹¹ Section 420.5087(3)(e), F.S.

¹² Unless the Florida Housing's lien under the loan would be subordinate to another mortgage lien, in which case the term may be the same as the longest term of the superior lien.

¹³ Low Income Housing Tax Credits are provided by the federal government to rental housing developers in exchange for a commitment to provide affordable rents and are usually sold to investors to raise project equity. The LIHTC program is governed by the U.S. Department of Treasury and Florida's allocation is administered by the Florida Housing. Under the LIHTC program, successful applicants are provided with a dollar-for-dollar reduction in federal tax liability in exchange for

financed using LIHTC the federal government typically requires the property be utilized for affordable housing for at least 30 years.¹⁴ This time period is divided into the first 15 years, the “initial compliance period,” and the rest, an “extended use period.”

After 14 years the owner of an affordable housing development may request that the Florida Housing seek a purchaser who will continue to operate the affordable portions of the development as affordable housing – this is referred to as the “qualified contract process.” Many developments, particularly those that receive the most lucrative LIHTC, waive the right to enter this process when contracting with the Florida Housing for the credits and must remain affordable housing for the duration of the agreed upon time. After a developer requests a qualified contract, if the Florida Housing is unable to present a buyer during the subsequent 1-year period, the extended use period of the property as affordable housing will end and the property can be utilized for market-rate housing.¹⁵

This “qualified contract process” relies on the Florida Housing marketing the property and returning to the owner with a “bona fide contract,” showing that the Florida Housing has found a buyer in order to maintain the affordable housing requirement. The “bona fide contract” is an offer to purchase an affordable housing development for a price equal to or exceeding the qualified contract amount (or purchase price) that is made by a purchaser with the intent that the offer will result in the execution of a valid and binding contract.¹⁶ The price for the affordable housing portion of the sale is set according to a formula designed to give the owner an inflation-adjusted return on its original equity contribution.¹⁷ This calculation may result in a price that exceeds the market price of the development as affordable housing.

The bona fide contract, as provided by Florida administrative rule is, a contract for sale that:¹⁸

- Is signed by the purchaser;
- Provides that the acceptance of the contract is contingent upon approval by the Florida Housing;
- Requires an initial earnest money deposit from the purchaser of \$50,000 to be made with an escrow agent; and
- Obligates the purchaser to make a second earnest money deposit equal to 3 percent of the qualified contract price to be deposited within 15 business days of the end of the due diligence period.

The initial and second earnest money deposits are not refundable unless the seller fails to deliver insurable title or defaults. A contract that meets these terms is deemed a qualified contract and the Florida Housing is deemed to have met its responsibility to present the owner with a qualified contract.¹⁹

the development or rehabilitation of units to be occupied by very low- and low-income households. See Florida Housing Finance Corporation, *Housing Credits*, available at <https://www.floridahousing.org/programs/developers-multifamily-programs/low-income-housing-tax-credits> (last visited February 3, 2022).

¹⁴ Internal Revenue Code Section 42(h)(6)(A).

¹⁵ 26 U.S.C. 42(h)(6)(E)(i)(II).

¹⁶ Fla. Admin. Code R. 67-48.031(3).

¹⁷ 26 U.S.C. 42(h)(6)(F).

¹⁸ Fla. Admin. Code R. 67-48.031(3).

¹⁹ Fla. Admin. Code R. 67-48.031.

If the Florida Housing is able to procure a purchaser and present the owner with such a bona fide contract within the 1-year period, regardless of whether the owner accepts, rejects, or fails to act upon the contract, the property will continue to be subject to its extended use agreement as affordable housing. If the owner accepts the offer, the property will be sold to the purchaser. If the owner rejects the offer or fails to act upon the offer, the owner will continue to be subject to the extended use agreement and cannot submit another qualified contract request for the development.²⁰

III. Effect of Proposed Changes:

Qualified Contract Process

The bill changes the process for qualified contracts for affordable housing projects.

Section 1 amends s. 420.503, F.S., to define the terms “bona fide contract” and “qualified contract”. These definitions exist currently only in administrative rule.

Generally under current law, the “bona fide contract” is an agreement to negotiate the purchase of a development. The bill changes this administrative definition to mean “a complete and negotiated commercial reasonable contract for sale.” Final acceptance of the contract is contingent upon:

- Being signed by the purchaser *and the seller*;
- Requiring an initial, *nonrefundable* earnest money deposit from the purchaser of \$50,000 to be made with an escrow agent, *unless waived by the seller*; and
- Obligating the purchaser to make a second, *nonrefundable* earnest money deposit equal to 3 percent of the qualified contract price to be deposited within 15 business days of the end of the due diligence period, *unless waived by the seller and subject to rights reserved by the purchaser in the event of seller failure to deliver insurable title or default*.

Under the bill, similar to the administrative rule, the initial and second earnest money deposits are nonrefundable. However, under the bill the bona fide contract can include a provision that allows the initial and second earnest money deposits to be refundable:

- If the seller fails to deliver insurable title at closing;
- If the seller terminates a fully executed contract due to a reason other than default of the purchaser (it is unclear if the “fully executed contract” refers to the bona fide contract or another contract, like the qualified contract discussed below);
- As provided in the contract; or
- If the owner defaults.

Currently an owner/seller must accept a bona fide contract that meets certain requirements; under the bill, an owner would not be obligated to accept a bona fide contract presented by the Florida Housing. The changes from current administrative definitions also allow the waiver of the requirements to place the initial and second earnest money deposits in escrow and allow such deposits to be refunded for additional reasons.

²⁰ Fla. Admin. Code R. 67-48.031(11).

The bill defines “qualified contract” as having “the same meaning as in 26 U.S.C. s. 42(h)(6)(F) in effect on the date of the preliminary determination certificate for the low-income housing tax credits for the development that is the subject of the qualified contract request.” The definition requires the Florida Housing to deem a bona fide contract to be a qualified contract at the time the second earnest money deposit is deposited in escrow in accordance with the terms of the bona fide contract and, in such event, the Florida Housing is deemed to have fulfilled its responsibility to present the owner with a qualified contract.

Section 4 amends s. 420.5099, F.S., related to allocation of low-income housing tax credits, to determine what happens to the extended use agreement, that is the affordability period, in the event that a qualified contract does not close.

Under the bill, if a qualified contract fails to close due to (1) a default of the owner, (2) the termination by the owner due to a reason other than the purchaser’s default, or (3) as otherwise provided for in the bona fide contract, then the development must remain subject to the extended use agreement and the owner is considered to have waived all rights to a qualified contract request. If a qualified contract fails to close for any other reason, the qualified contract process continues and the Florida Housing must continue to seek valid offers through the 1-year period. If no other qualified contract is presented to the owner during the 1-year period, the project must be treated as if no qualified contract had been presented, and the extended use period is terminated. In effect, this would end the affordability of the housing and allow the units to be provided at market rate.

Section 6 amends s. 420.628, F.S., to correct a cross reference.

Elderly Housing Community Loan Program

Section 2 amends s. 420.5078(5)(e), F.S., to repeal the requirements for these loans. The bill preserves the requirement that a certain amount of money be set aside for loans related to building preservation, health, life safety, and sanitation repairs and improvements, but removes statutory guidelines for the terms and requirements related to those loans.

Bond Issuance

Section 3 amends s. 420.509, F.S., to designate Florida Housing as the state fiscal agency to make the determination required by s. 16, Art. VII of the State Constitution, in connection with the issuance of Florida Housing bonds and removes the authority of the SBA to authorize an interest rate in excess of the maximum.

The section also allows, where applicable, Florida Housing to use the interest rate limitation on bond issuance set forth in ss. 159.825 or 215.84, F.S., as applicable. This change allows Florida Housing to bear higher interest on taxable bonds without seeking SBA approval.

Section 5 amends s. 420.5092, F.S., to remove the requirement for the Florida Housing Guarantee Program, now suspended, that the program’s fund’s financial rating remain consistent

with rules adopted by the SBA. This is a technical change to conform to the bill's removal of the SBA from oversight responsibility.

Effective Date

Section 7 provides that the bill takes effect July 1, 2022.

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:

The bill defines “qualified contract” to mean the same as in federal law “in effect on the date of the preliminary determination certificate...” Generally, the legislature may not delegate its power to another branch of government, including the federal government.²¹ “Where a statute generally incorporates a federal law or regulation, to avoid holding the subject statute unconstitutional, Florida courts interpret the statute as incorporating only the federal law in effect on the date of adoption of the Florida Statute.”²² It is unknown what changes, if any, that Congress may make to the federal law cited in the bill.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²¹ See s. 3, Art. II, Florida Constitution.

²² *Abbott Lab'ys v. Mylan Pharms., Inc.*, 15 So. 3d 642, 655 (Fla. Dist. Ct. App. 2009). “...the Legislature may adopt provisions of federal statutes and administrative rules made by a federal administrative body, ‘that are in existence and in effect at the time the legislature acts, but it would be an unconstitutional delegation of legislative power for the legislature to adopt in advance any federal act or the ruling of any federal administrative body that Congress or such administrative body might see fit to adopt in the future.’” *Freimuth v. State*, 272 So. 2d 473, 476 (Fla. 1972)

B. Private Sector Impact:

The effect of repealing the requirements for the EHCL program is unclear because it is unknown what administrative rules the Florida Housing will adopt, if it changes existing rules based on the current law. By repealing the limit on the amount of the loan, it is possible that larger loans could be made leading to more repairs for this type of housing; however the size of the loans may in turn limit the number of developments that can be repaired in any given year. The effect on the repair and improvement of current developments with set-asides for the elderly is unknown.

The change of the definitions and application of the bona fide contract and the qualified contract may benefit owners of affordable housing developments that are at their 14-year periods of affordability. The provisions may make it easier for the owner to divest itself of an affordable housing development. This may limit the amount of affordable housing units available in the future.

C. Government Sector Impact:

According to the Florida Housing, the current multi-layer review process can cause unpredictable delays and subject transactions to market volatility. This bill would ameliorate that concern and positively impact Florida Housing's ability to reliably issue bonds.²³

The changes in the bill to the bona fide contract and qualified contract process may result in more owners entering the process, requiring Florida Housing to incur additional administrative costs in order to find purchasers and eligible offers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The definition of "qualified contract" requires Florida Housing to deem a bona fide contract to be a qualified contract at the time the second earnest money deposit is deposited in escrow in accordance with the terms of the bona fide contract. However, the bill appears to create a conflict with the definition of "bona fide contract" which allows the waiver of the earnest money deposits. If the deposit is waived, then it is unclear when the Florida Housing must deem a bona fide contract to be a qualified contract.

VIII. Statutes Affected:

This bill substantially amends sections 420.509 and 420.5092 of the Florida Statutes.

²³ Florida Housing Finance Corporation, *SB 196 Talking Points*, (November 11, 2021) on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

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 Appropriations Subcommittee on Transportation, Tourism and Economic Development on February 2, 2022:

The committee substitute repeals provisions that limit Elderly Housing Community Loan Program loans to \$750,000 per housing community and the provisions related to how such loans can be made. .

The committee substitute also amends definitions and regulations related to the qualified contract process, by which the Florida Housing seeks a purchaser for an affordable housing development. The changes affect when such a contract is entered and the operation of deposits related to the purchase.

B. Amendments:

None.



179244

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Before line 20

insert:

Section 1. Present subsections (4) through (34) and (35) through (43) of section 420.503, Florida Statutes, are redesignated as subsections (5) through (35) and (37) through (45), respectively, new subsections (4) and (36) are added to that section, and present subsection (15) of that section is amended, to read:



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11 420.503 Definitions.—As used in this part, the term:

12 (4) "Bona fide contract" means a complete and negotiated
13 commercially reasonable contract for sale signed by the owner
14 and the purchaser which states that final acceptance of the
15 contract is contingent upon approval by the corporation and
16 which includes:

17 (a) A requirement for the purchaser to make an initial
18 nonrefundable earnest money deposit of at least \$50,000, to be
19 placed in escrow, unless waived in writing by the owner; and

20 (b) A requirement for the purchaser to make a second
21 nonrefundable earnest money deposit equal to 3 percent of the
22 qualified contract price within 15 business days after the end
23 of the due diligence period, unless waived in writing by the
24 owner and subject to any rights reserved by the purchaser in the
25 event of the owner's failure to deliver insurable title or in
26 the event of the owner's default.

27
28 A bona fide contract may require that the initial earnest money
29 deposit and the second earnest money deposit be refundable in
30 the event of the owner's failure to deliver insurable title at
31 closing; the owner's termination of a fully executed contract
32 due to a reason other than the default of the purchaser, or as
33 may be provided for in the contract; or the owner's default.

34 (16) ~~(15)~~ "Elderly" means persons 62 years of age or older;
35 however, this definition does not prohibit housing from being
36 deemed housing for the elderly as defined in subsection (21)
37 ~~(20)~~ if such housing otherwise meets the requirements of
38 subsection (21) ~~(20)~~.

39 (36) "Qualified contract" has the same meaning as in 26



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40 U.S.C. s. 42(h)(6)(F) in effect on the date of the preliminary
41 determination certificate for the low-income housing tax credits
42 for the development that is the subject of the qualified
43 contract request. The corporation shall deem a bona fide
44 contract to be a qualified contract at the time the second
45 earnest money deposit is deposited in escrow in accordance with
46 the terms of the bona fide contract and, in such event, the
47 corporation is deemed to have fulfilled its responsibility to
48 present the owner with a qualified contract.

49 Section 2. Present subsection (7) of section 420.5099,
50 Florida Statutes, is redesignated as subsection (8), and a new
51 subsection (7) is added to that section, to read:

52 420.5099 Allocation of the low-income housing tax credit.-

53 (7) For the further purpose of implementing this program in
54 this state, if a qualified contract does not close due to a
55 default of the owner, the termination by the owner due to a
56 reason other than the purchaser's default, or as otherwise
57 provided for in the bona fide contract, the development must
58 remain subject to the extended use agreement, and the owner is
59 deemed to have waived any right or option to submit another
60 qualified contract request for the development. If a qualified
61 contract does not close for any other reason, the corporation
62 must continue to seek offers at the qualified contract price
63 through the end of the 1-year period, and the owner's obligation
64 to cooperate in the marketing of the project must continue. If
65 no other qualified contract is presented to the owner during the
66 1-year period, the project must be treated as if no qualified
67 contract had been presented, and the extended use period is
68 terminated.



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69 Section 3. Subsection (2) of section 420.628, Florida
70 Statutes, is amended to read:

71 420.628 Affordable housing for children and young adults
72 leaving foster care; legislative findings and intent.—

73 (2) Young adults who leave the child welfare system meet
74 the definition of eligible persons under ss. 420.503(18) and
75 420.9071(11) ~~ss. 420.503(17) and 420.9071(11)~~ for affordable
76 housing, and are encouraged to participate in federal, state,
77 and local affordable housing programs. Students deemed to be
78 eligible occupants under 26 U.S.C. s. 42(i)(3)(D) shall be
79 considered eligible persons for purposes of all projects funded
80 under this chapter.

81
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 3

85 and insert:

86 Corporation; amending s. 420.503, F.S.; defining the
87 terms "bona fide contract" and "qualified contract"
88 for purposes of the Florida Housing Finance
89 Corporation Act; amending s. 420.5099, F.S.; providing
90 construction relating to low-income tax credit
91 developments if a qualified contract does not close
92 for specified reasons; providing requirements for the
93 corporation and an owner if a qualified contract does
94 not close for any other reason; providing construction
95 if no other qualified contract is presented to the
96 owner within a certain period; amending s. 420.628,
97 F.S.; conforming a cross-reference; amending s.



179244

98

420.509, F.S.; designating



112298

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Before line 20

insert:

Section 1. Subsection (3) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-



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11 profit, nonprofit, and public entities, to provide housing
12 affordable to very-low-income persons.

13 (3) During the first 6 months of loan or loan guarantee
14 availability, program funds shall be made available for use by
15 sponsors who provide the housing set-aside required in
16 subsection (2) for the tenant groups designated in this
17 subsection. The funds made available to each of these groups
18 shall be determined using the most recent statewide very-low-
19 income rental housing market study available at the time of
20 publication of each notice of fund availability required by
21 paragraph (6)(b). The funds made available within each notice of
22 fund availability to the tenant groups in paragraphs (b)-(e) may
23 not be less than 10 percent of the funds available at that time.
24 Any increase in funding required to reach the required minimum
25 must be taken from the tenant group that would receive the
26 largest percentage of available funds in accordance with the
27 study. The funds made available within each notice of fund
28 availability to the tenant group in paragraph (a) may not be
29 less than 5 percent of the funds available at that time. The
30 tenant groups are:

- 31 (a) Commercial fishing workers and farmworkers;
- 32 (b) Families;
- 33 (c) Persons who are homeless;
- 34 (d) Persons with special needs; and
- 35 (e) Elderly persons. Ten percent of the amount made
36 available for the elderly shall provide loans to sponsors of
37 housing for the elderly for the purpose of making building
38 preservation, health, or sanitation repairs or improvements
39 which are required by federal, state, or local regulation or



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40 code, or lifesafety or security-related repairs or improvements
41 to such housing. ~~Such a loan may not exceed \$750,000 per housing~~
42 ~~community for the elderly. In order to receive the loan, the~~
43 ~~sponsor of the housing community must make a commitment to match~~
44 ~~at least 5 percent of the loan amount to pay the cost of such~~
45 ~~repair or improvement. The corporation shall establish the rate~~
46 ~~of interest on the loan, which may not exceed 3 percent, and the~~
47 ~~term of the loan, which may not exceed 15 years; however, if the~~
48 ~~lien of the corporation's encumbrance is subordinate to the lien~~
49 ~~of another mortgagee, then the term may be made coterminous with~~
50 ~~the longest term of the superior lien. The term of the loan~~
51 ~~shall be based on a credit analysis of the applicant. The~~
52 ~~corporation may forgive indebtedness for a share of the loan~~
53 ~~attributable to the units in a project reserved for extremely-~~
54 ~~low-income elderly by nonprofit organizations, as defined in s.~~
55 ~~420.0004(5), where the project has provided affordable housing~~
56 ~~to the elderly for 15 years or more. The corporation shall~~
57 ~~establish, by rule, the procedure and criteria for receiving,~~
58 ~~evaluating, and competitively ranking all applications for loans~~
59 ~~under this paragraph. A loan application must include evidence~~
60 ~~of the first mortgagee's having reviewed and approved the~~
61 ~~sponsor's intent to apply for a loan. A nonprofit organization~~
62 ~~or sponsor may not use the proceeds of the loan to pay for~~
63 ~~administrative costs, routine maintenance, or new construction.~~

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line 3

68 and insert:



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69 Corporation; amending s. 420.5087, F.S.; deleting
70 certain limitations and restrictions on, and
71 requirements for, loans made by the corporation to
72 sponsors of housing for the elderly under the State
73 Apartment Incentive Loan Program; deleting the
74 authority of the corporation to forgive certain
75 indebtedness; deleting provisions relating to loan
76 applications; amending s. 420.509, F.S.; designating

By Senator Rodriguez

39-00404B-22

2022196__

1 A bill to be entitled
 2 An act relating to the Florida Housing Finance
 3 Corporation; amending s. 420.509, F.S.; designating
 4 the corporation, rather than the State Board of
 5 Administration, as the state fiscal agency to make
 6 determinations in connection with specified bonds;
 7 authorizing the corporation's board of directors,
 8 rather than the State Board of Administration, to
 9 delegate to its executive director the authority and
 10 power to perform that function; requiring the
 11 executive director to annually report specified
 12 information to the board of directors, rather than the
 13 State Board of Administration; revising applicable
 14 interest rate limitations on bonds of the corporation;
 15 amending s. 420.5092, F.S.; conforming a provision to
 16 changes made by the act; providing an effective date.
 17
 18 Be It Enacted by the Legislature of the State of Florida:
 19
 20 Section 1. Subsections (2) and (4) of section 420.509,
 21 Florida Statutes, are amended to read:
 22 420.509 Revenue bonds.—
 23 (2) The corporation ~~State Board of Administration~~ is
 24 designated as the state fiscal agency to make the determinations
 25 required by s. 16, Art. VII of the State Constitution in
 26 connection with the issuance of such bonds that in no state
 27 fiscal year will the debt service requirements of the bonds
 28 proposed to be issued and all other bonds secured by the same
 29 pledged revenues exceed the pledged revenues available for such

Page 1 of 3

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

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30 debt service requirements. The corporation's board of directors
 31 ~~State Board of Administration~~ may delegate to its executive
 32 director the authority and power to perform that function
 33 ~~without further review of the agency~~. The determinations
 34 pursuant to this ~~subsection~~ paragraph are limited to a review of
 35 the matters essential to making the determinations required by
 36 s. 16, Art. VII of the State Constitution. The executive
 37 director shall report annually to the board ~~State Board of~~
 38 ~~Administration~~ and the Legislature regarding the number of bond
 39 issues considered and the determination with respect thereto.
 40 (4) Bonds of the corporation may:
 41 (a) Bear interest at a rate or rates not exceeding the
 42 interest rate limitation set forth in s. 159.825 or s. 215.84,
 43 as applicable ~~s. 215.84(3), unless the State Board of~~
 44 ~~Administration authorizes an interest rate in excess of such~~
 45 ~~maximum;~~
 46 (b) Have such provisions for payment at maturity and
 47 redemption before maturity at such time or times and at such
 48 price or prices; and
 49 (c) Be payable at such place or places within or without
 50 the state as the board determines by resolution.
 51 Section 2. Paragraph (b) of subsection (6) of section
 52 420.5092, Florida Statutes, is amended to read:
 53 420.5092 Florida Affordable Housing Guarantee Program.—
 54 (6)
 55 (b) If the claims payment obligations under affordable
 56 housing guarantees from amounts on deposit in the guarantee fund
 57 would cause the claims paying rating assigned to the guarantee
 58 fund to be less than the third-highest rating classification of

Page 2 of 3

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

39-00404B-22

2022196__

59 any nationally recognized rating service, which classifications
60 being consistent with s. 215.84(3) ~~and rules adopted thereto by~~
61 ~~the State Board of Administration~~, the corporation shall certify
62 to the Chief Financial Officer the amount of such claims payment
63 obligations. Upon receipt of such certification, the Chief
64 Financial Officer shall transfer to the guarantee fund, from the
65 first available taxes distributed to the State Housing Trust
66 Fund pursuant to s. 201.15(4)(c) and (d) during the ensuing
67 state fiscal year, the amount certified as necessary to meet
68 such obligations, such transfer to be subordinate to any
69 transfer referenced in paragraph (a) and not to exceed 50
70 percent of the amounts distributed to the State Housing Trust
71 Fund pursuant to s. 201.15(4)(c) and (d) during the preceding
72 state fiscal year.

73 Section 3. This act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: November 3, 2021

I respectfully request that **Senate Bill #196**, relating to Florida Housing Finance Corporation, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 39

Current Practice

- Section 420.509, F.S. states that the State Board of Administration (“SBA”) is designated as the state fiscal agency to make the determinations required by s. 16, Art. VII of the State Constitution in connection with the issuance of Florida Housing Finance Corporation (“Florida Housing”) bonds. The required fiscal determination is that in no state fiscal year will the debt service requirements of the bonds proposed to be issued, and all other bonds secured by the same pledged revenues, exceed the pledged revenues available for such debt service requirements.
- Bonds issued by Florida Housing are strictly conduit debt; the bonds are secured solely by the revenues, assets and guarantees associated with each bond. Florida Housing’s bonds are not an obligation of the state as they are not secured by the full faith and credit of the State of Florida.
- The way the law is currently implemented, after Florida Housing’s Board of Directors approves the statutory and regulatory credit underwriting requirements for bond financed developments, a third party bond structuring agent prepares a fiscal sufficiency report analyzing and demonstrating the constitutional debt service coverage requirements referenced above. Florida Housing submits the fiscal sufficiency report to the SBA. With the Florida Cabinet functioning as the Board for the SBA, the SBA approval of the fiscal sufficiency report is placed on the next scheduled Cabinet meeting agenda. After the report is approved by the SBA at the Cabinet meeting, the transaction can then proceed to closing. **Depending on the difference in meeting schedules between Florida Housing’s Board of Directors and the Florida Cabinet, there can be a significant delay between the approval of the credit underwriting report and the SBA fiscal sufficiency approval.**

Problem

- As set forth above, Florida Housing currently reviews a comprehensive credit underwriting analysis of developments prior to issuing bond financing. The review includes the real estate and economics of the development, the ability of the applicant and the development team to proceed, and the evidence of need for affordable housing in order to determine that the proposed development meets all state and federal program requirements. The approval by Florida Housing’s Board of Directors is conducted at a public Board meeting referenced above.
- Requiring an additional layer of fiscal sufficiency approval through the SBA has the impact of delaying the issuance of Florida Housing bonds because the SBA has a separate process and Cabinet meeting schedule.
- This multi-layer transactional review by separate entities with separate public meeting schedules has the effect of creating risk in the financing structure of affordable housing transactions. Unpredictable delays unnecessarily subject transactions to market volatility, thereby negatively impacting the efficient and flexible delivery of affordable housing.

Ron DeSantis, Governor

Board of Directors: Ron Lieberman, Chair • LaTasha Green-Cobb, Vice Chair
Ryan Benson • Dane Eagle • Sandra Einhorn • Mario Facella • Bill Gulliford • Dev Motwani • Holly Raschein

Harold “Trey” Price, Executive Director

How New Law Solves It

- As referenced above, Florida Housing currently reviews and approves the overall feasibility of bond financed developments. Florida Housing is a state fiscal agency with the requisite capacity to approve the fiscal sufficiency determination required in s. 16, Art. VII of the State Constitution that is prepared by the third-party bond structuring agent.
- Designating Florida Housing as the state fiscal agency to approve the necessary fiscal determination of the debt service coverage requirements mitigates the risk associated with delays that are inherent in a separate multi-layer approval process and resembles the process used by other Florida local governmental entities for bond financed affordable housing transactions.
- The new law would create a more streamlined, predictable and effective delivery of affordable housing in bond-financed transactions. It also levels the playing field between the local housing finance agencies and Florida Housing. They receive an allocation of bonds and are **not** required to go before the State Board of Administration for the fiscal sufficiency determination for bonds used in their affordable housing developments.

Ron DeSantis, Governor

Board of Directors: Ron Lieberman, Chair • LaTasha Green-Cobb, Vice Chair
Ryan Benson • Dane Eagle • Sandra Einhorn • Mario Facella • Bill Gulliford • Dev Motwani • Holly Raschein

Harold "Trey" Price, Executive Director

2/2/2022

Meeting Date

Transportation, Tourism, & Economic Development

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 196

Bill Number or Topic

112298

Amendment Barcode (if applicable)

Name **Trey Price**

Phone **(850) 488-4197**

Address **227 N Bronough Street**

Email **katie.norman@floridahousing.org**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Housing Finance Corporation

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

The Florida Senate

APPEARANCE RECORD

SB 196

2/2/2022

Meeting Date

Transportation, Tourism, & Economic Development

Committee

Deliver both copies of this form to
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Bill Number or Topic

179244

Amendment Barcode (if applicable)

Name **Trey Price**

Phone **(850) 488-4197**

Address **227 N Bronough Street**

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

S-001 (08/10/2021)

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: PSC/CS/SB 398 (353234)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism and Economic Development; Transportation Committee; and Senator Hooper

SUBJECT: Transportation Projects

DATE: February 4, 2022 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.	McAuliffe/Price	Hrdlicka	ATD	Recommend: Fav/CS
3.			AP	

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

I. Summary:

PCS/CS/SB 398 revises the current requirement for an annual minimum commitment by the Florida Department of Transportation (FDOT) of at least 15 percent of revenues deposited into State Transportation Trust Fund (STTF) for specified public transportation projects, by imposing a maximum commitment of no more than 25 percent of such revenues, excluding state revenues used for matching federal grants, unless otherwise specified in the General Appropriations Act.

The bill also clarifies the FDOT’s authority to engage in “progressive” design-build contracting as an innovative technique of highway and bridge design and construction, exempts certain progressive design-build contracts from an existing cap on innovative contracts, and removes a limitation on design-build contracting to certain types of projects.

The bill clarifies that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT’s legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement.

Additionally, the bill revises authorization for an applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of \$2 million (rather than \$1 million) to submit reviewed (rather than audited, certified) annual or reviewed interim financial statements prepared by a certified public accountant. The bill also authorizes an

applicant for an FDOT contractor certificate of qualification to submit with a timely submitted application a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date.

Further, the bill repeals a current provision of law providing temporary confidential and exempt status from public records requirements for a document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the FDOT.

The fiscal impact of the bill is indeterminate. Please see the “Fiscal Impact Statement” for details.

The bill takes effect July 1, 2022.

II. Present Situation:

For ease of organization and readability, the present situation is discussed below in conjunction with the effect of the proposed changes.

III. Effect of Proposed Changes:

Public Transportation Funding from the State Transportation Trust Fund (Section 1)

Present Situation

Section 206.46(1), F.S., creates the STTF, and all moneys in the trust fund must be used for transportation purposes, as provided by law, under the direction of the FDOT. The FDOT is required to annually commit from the STTF a minimum of 15 percent of all state revenues deposited into the trust fund for public transportation projects in accordance with ch 311, F.S. (relating to seaport programs and facilities), ss. 332.003-332.007, F.S. (relating to airports), ch. 341, F.S. (relating to public transit), and ch. 343, F.S. (relating to regional transportation).

Projects eligible for funding under ch. 311, F.S., include, for example, transportation facilities (*e.g.*, roads) within the jurisdiction of a port, under the Florida Seaport Transportation and Economic Development Program.¹ Sections 332.003-332.007, F.S., make up the Florida Airport Development and Assistance Act, which provides funding for projects at public airports such as airport master planning,² airport development,³ and airport discretionary capacity improvements.⁴

¹ While bus service to and from a port could qualify as an eligible project, a variety of other projects are also eligible, such as dredging or deepening of channels, turning basins, or harbors; acquisition of land to be used for port purposes; and construction of wharves, docks, and cruise terminals. *See* s. 311.07(3)(b), F.S., for a full list of projects eligible for grant funding under the Florida Seaport Transportation and Economic Development Program.

² Defined to mean “the development, for planning purposes, of information and guidance to determine the extent, type, and nature of development needed at a specific airport.” Section 332.004(3), F.S.

³ Meaning “any activity associated with the design, construction, purchase, improvements, or repair of a public-use airport or portion thereof...” Section 332.004(4), F.S.

⁴ Defined as “capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located and which enhance intercontinental capacity at [specified] airports...” Section 332.004(5), F.S.

Chapter 341, F.S., relating to “public transit” (the transporting of people by conveyances, or a system of conveyances, traveling on land or water, local or regional in nature, and available for use by the public, including paratransit)⁵ could include projects such as a public transit capital project,⁶ a commuter assistance project,⁷ a transit corridor project,⁸ or an intercity bus service project.⁹

Chapter 343, F.S., relating to regional transportation, establishes the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, and the Tampa Bay Regional Transit Authority. As an example of currently authorized uses of public transportation funding in the context of regional transportation, s. 343.58(4), F.S., requires specified amounts to be transferred from the STTF to the South Florida Regional Transportation Authority, which operates Tri-Rail, a passenger rail service in Broward, Palm Beach, and Miami-Dade Counties. As another example, s. 341.303, F.S., authorizes specified funding from the STTF for SunRail, a passenger rail system currently operating in Volusia, Seminole, Orange, and Osceola counties.

Various projects under these programs may be eligible for use of state revenues in the STTF to match available federal funds.

The 15-percent public transportation requirement does not apply to certain STTF revenues. Current law contains a number of provisions exempting certain revenue from the 15-percent public transportation requirement, such as those from rental car surcharges under s. 212.0606, F.S.; from initial registration fees under s. 320.072, F.S.; and from local option fuel taxes under s. 215.211, F.S. The FDOT advises that while state revenues in Fiscal Year 2022-2023 are projected at over \$4.7 billion, more than \$1.4 billion (30 percent) of that revenue is exempt.¹⁰

In addition, while some revenue streams are exempt from the 15-percent requirement, a requirement for use of a given revenue stream for public transportation may still be present. For example, s. 201.15, F.S., requires 10 percent of documentary tax proceeds deposited into the STTF to be used for the New Starts Program and s. 339.0801, F.S., requires \$10 million annually from tag and title fees to be used for the Seaport Investment Program.

⁵ Section 341.031(6), F.S.

⁶ Defined to mean “a project undertaken by a public agency to provide public transit to its constituency, and is limited to acquisition, design, construction, reconstruction, or improvement of a governmentally owned or operated transit system.” Section 341.031(7), F.S.

⁷ Meaning “financial and technical assistance by the department to promote alternatives to the use of automobiles by a single commuter.” The term includes ridesharing, transportation demand management, and transportation management association projects. *See* s. 341.031(9), F.S.

⁸ Defined to mean “a project that is undertaken by a public agency and designed to relieve congestion and improve capacity within an identified transportation corridor by increasing people-carrying capacity of the system through the use and facilitated movement of high-occupancy conveyances.” *See* s. 341.031(10), F.S., for additional definitional requirements.

⁹ Defined as “regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity...” *See* s. 341.031(11), F.S., for additional definitional requirements.

¹⁰ *See* FDOT, 2022 Agency Legislative Bill Analysis: SB 398, p. 3 (on file in the Senate Transportation Committee).

According to FDOT, “[i]t is important to note that some of the state funds allocated for public transportation are allocated to comply with the 15% requirement specified in s. 206.46(3), F.S., while other state funds are allocated to comply with statutory use requirements for documentary stamp taxes, tag and title fees, and initial registration fees.”¹¹

The FDOT reports public transportation programming as of July 1, 2021 (in millions) as follows:¹²

State Funds Programmed for Public Transportation

FY	Total Public Transportation	Part of the 15-Percent Requirement	Percent Programmed Subject to the 15-Percent Requirement
2016-2017	\$648.0	\$487.6	16.8
2017-2018	\$783.6	\$530.3	17.7
2018-2019	\$878.9	\$598.8	20.0
2019-2020	\$844.0	\$568.8	19.4
2020-2021	\$852.0	\$545.0	18.4
2021-2022	\$1,060.2	\$568.0	18.0
2022-2023	\$893.7	\$619.6	18.9
2023-2024	\$862.9	\$568.9	16.8
2024-2025	\$770.8	\$551.9	15.9
2025-2026	\$877.1	\$587.3	16.6

Effect of Proposed Changes

Section 1 of the bill amends s. 206.46(3), F.S., to provide a cap on the amount of state revenues deposited into the STTF that can be used for public transportation projects of 25 percent. Unless otherwise specified in the General Appropriations Act, the FDOT must commit at least 15 percent, but no more than 25 percent, of state revenues for such projects. The calculation for purposes of determining the allowable funding range for the specified projects would not include the amount of state revenues used for federal grant matching.

Design-Build, Progressive Design-Build, and Innovative Contracting (Sections 2 and 3)

Present Situation

The FDOT is generally authorized to enter into construction and maintenance contracts and must ensure that all project descriptions, including design plans, “are complete, accurate, and up to date prior to the advertisement for bids on such projects.”¹³

¹¹ FDOT, 2022 Agency Legislative Bill Analysis: SB 398, p. 3

¹² *Id.*

¹³ Section 337.11(1) and (2), F.S.

Current law also authorizes the FDOT, if it determines that doing so is in the public interest, to combine the design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project into a single contract, referred to as a “design-build” contract.¹⁴

The FDOT is also authorized to establish a program for transportation projects that demonstrate innovative techniques of highway and bridge design, construction, maintenance, and finance. The innovations must intend to measure resiliency and structural integrity and control time and cost increases on construction projects. These techniques may include state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; accelerated construction procedures; and techniques that have the potential to reduce project life cycle costs.¹⁵

To the maximum extent practical, the FDOT must use existing processes to award and administer construction and maintenance contracts. If the FDOT intends to use specific innovative techniques, it must document the need for any exceptions to current law that would otherwise prohibit use of the techniques.

The FDOT is limited to \$120 million annually for the purposes of contracting for innovative transportation projects. However, the annual cap currently does not apply to:

- Turnpike Enterprise projects, and
- Low-bid design-build milling and resurfacing contracts.¹⁶

According to the Design-Build Institute of America (DBIA), design-build projects enable the project owner to manage only one contract, with the designer and contractor working together from the beginning and providing consensus project recommendations to fit the owner’s schedule and budget. The entire team addresses any necessary changes, which leads “to collaborative problem-solving and innovation....” This method of project delivery, the DBIA asserts, creates an inherent “culture of collaboration.”¹⁷ As described by the DBIA, the “progressive” type of design-build contract “uses a qualifications-based or best value selection, followed by a process whereby the owner then ‘progresses’ towards a design and contract price with the team (thus the term ‘Progressive’).”¹⁸

The Florida Transportation Builders’ Association (FTBA) advises that traditional design-build contracting has produced nearly two decades of successful projects and that progressive design-build contracting represents an evolution from traditional design-build, allowing better allocation and management of unforeseen conditions and risks¹⁹ encountered during the design of the project. Once the design-build firm is selected based on qualifications, including past performance, the firm then works collaboratively with the FDOT to “progress or advance” the

¹⁴ Section 337.11(7)(a), F.S.

¹⁵ Section 337.025(1), F.S.

¹⁶ Section 337.025(2), F.S.

¹⁷ See DBIA, *What is Design-Build*, available at <https://dbia.org/what-is-design-build/> (last visited December 15, 2021).

¹⁸ See DBIA, *Progressive Design-Build, Design-Build Procured with a Progressive Design and Price*, at p. 3, available at <https://dbia.org/wp-content/uploads/2018/05/Primer-Progressive-Design-Build.pdf> (last visited December 15, 2021).

¹⁹ E.g., variable and unsuitable soils beneath a roadway or bridge foundations, utility relocation issues, and other unforeseen conditions.

design until the design contains sufficient detail to competitively bid the work.²⁰ As opposed to the FDOT's general contracting authority, under which design plans must be complete, accurate, and up to date prior to advertising for bids, pricing in a progressive design-build contract is delayed until design is closer to completion.

The FTBA further advises that progressive design-build contracting is already being used by the Greater Orlando Aviation Authority and the Tampa International Airport Authority.²¹ According to the DBIA, at least two other states are currently authorized to engage in some form of progressive design-build contracting.²²

Based on a review of the FDOT's Work Program Instructions for development of the Tentative Work Program for Fiscal Years 2022-2023 – 2026-2027, the FDOT, if not already in use under its existing design-build authority, appears to be contemplating the use of "progressive" design-build contracts under its authorization to undertake transportation projects that demonstrate innovative techniques of highway and bridge design, construction, maintenance, and finance.²³ Such contracting under current law would be subject to the \$120 million statutory cap.

Effect of Proposed Changes

Section 2 of the bill amends s. 337.025, F.S., relating to the FDOT's authority to undertake innovative transportation projects, to expressly authorize the FDOT to use progressive design-build contracts for such projects.

The bill authorizes the FDOT, if it determines that doing so is in the best interests of the public, to combine the design and construction phases of a project into a single contract and select the design-build firm in the early stages of a project to ensure that the firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. The bill refers to such a contract as a progressive design-build contract.

The bill requires the selection and award processes for a progressive design-build contract to involve a two-phase process. In the first phase, the FDOT must competitively award the contract to a design-build firm based upon the firm's qualifications. In phase two, the selected firm must competitively bid construction trade subcontractor packages and, based upon these bids, negotiate with the FDOT for a fixed price or a guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.

In addition, the bill exempts progressive design-build contracts for complex, high-risk projects with a minimum contract value of \$400 million from the annual \$120 million cap on innovative contracting.

²⁰ See FTBA email to Transportation Committee staff, November 30, 2021 (on file in the Senate Transportation Committee).

²¹ *Id.*

²² See DBIA, *2021 State Statute Report*, available at <https://dbia.org/wp-content/uploads/2021/01/2021-DBIA-State-Statute-Report.pdf> (last visited December 15, 2021).

²³ See FDOT, *Work Program Instructions, FY 22/23-26/27*, September 10, 2021, available at <https://fdotwp1.dot.state.fl.us/fmsupportapps/Documents/development/WorkProgramInstructions.pdf> (last visited December 15, 2021).

Section 3 of the bill amends s. 337.11(7), F.S., relating to the FDOT's authority to engage in design-build contracting, to allow the FDOT to combine the design and construction phases of any project into a single contract, not just for a building, a major bridge, a limited access facility, or a rail corridor project.

Though the bill repeals the exemption for low-bid design-build milling and resurfacing contracts from the \$120 million cap on innovative transportation project, by removing the limitation on design-build contracting to the design and construction phases of a building, a major bridge, a limited access facility, or a rail corridor project, "traditional" low-bid design-build milling and resurfacing contracts would not be subject to the cap. The FDOT would be authorized to use "traditional" design-build contracting for any type of project. These "traditional" (or non-innovative) contracts would not be included in the \$120 million annual cap on innovative contracting, as is the case under current law for certain projects as discussed above.

Under the bill, the FDOT would be authorized to use progressive design-build contracting as an innovative contracting technique, subject to the \$120 million annual cap. The annual cap on innovative contracting would continue to be inapplicable to Turnpike Enterprise projects and would be inapplicable to progressive design-build contracts for complex, high-risk projects with a minimum contract value of \$400 million.

FDOT Contracting and Procurement Authority/Settlements and Stipends (Section 4)

Present Situation

When the FDOT determines that doing so is in the best interest of the public and intends, *through a settlement*, to pay a non-selected responsive bidder a total sum of \$1 million or more, including any amount paid pursuant to s. 334.049, F.S. (patents, copyrights, trademarks, and trade secrets), s. 337.11(8), F.S. (stipends to non-selected, responsive design-build firms), or any other law, current law requires the FDOT to:²⁴

- Document in a written memorandum by the FDOT secretary the specific reasons that such settlement and payment to a non-selected responsive bidder is in the best interest of the state. The written memorandum must be included and maintained in the permanent procurement files of the FDOT and must include:
 - A description of the property rights, patent rights, copyrights, trademarks, or the engineering design or other design work that the department will acquire or retain as a result of such settlement; and
 - The specific appropriation in the existing General Appropriations Act which the department intends to use to provide such payment.
- Provide prior written notification to the President of the Senate, the Speaker of the House of Representatives, the Senate and House of Representatives minority leaders, the chair and vice chair of the Legislative Budget Commission, and the Attorney General at least 5 business days, or as soon thereafter as practicable, before the FDOT makes the settlement agreement final. Such written notification must include the written memorandum described above.
- Provide written notification of such discussions to the same individuals at the time settlement discussions regarding any such payment have begun in earnest.

²⁴ Section 337.1101(1), F.S.

The FDOT is separately authorized, when the FDOT determines that doing so is in the best interest of the public, to pay a stipend to non-selected design-build firms that have submitted responsive proposals to the FDOT for construction contracts.²⁵ These projects are included in the FDOT's legislatively approved work program. The decision and amount of a stipend must be based on the FDOT's analysis of the estimated proposal development costs and the anticipated degree of engineering design during the procurement process. The FDOT retains the right to use the designs in the proposals from responsive non-selected design-build firms that accept a stipend.

A review of the FDOT's work program instructions suggests that the amount of a stipend to be paid is noted in the request for proposals for a design-build project. The FDOT enters into a stipend agreement with each firm after the proposals are "shortlisted,"²⁶ and each agreement states that the firm that receives the project contract award will not get the stipend. The non-selected firms then submit an invoice within two weeks after the project contract is executed and are paid the stipend amount noted in the request for proposals.²⁷

While the FDOT might settle a bid protest through payment of a stipend, in contrast to any amounts paid by the FDOT that would trigger the documentation and notice requirements *for a settlement*, stipends paid by the FDOT pursuant to its separate authority are authorized payments arrived at by contract *during the procurement process*.

Effect of Proposed Changes

Section 4 of the bill amends s. 337.1101(1), F.S., to clarify that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement. If the FDOT pays a stipend to *settle* a bid protest in an amount that triggers the requirements, the FDOT must continue to comply with the documentation and notification requirements.

Contractor Certificates of Qualification (Section 5)

Present Situation

Current law requires any contractor desiring to bid on any FDOT construction contract in excess of \$250,000 to first be certified by the FDOT as qualified pursuant to s. 337.14, F.S., and the FDOT's rules.²⁸ When applying to the FDOT, each application for certification must be accompanied by the contractor's latest annual financial statement, which must have been completed within the last 12 months. If the application or the annual financial statement shows the contractor's financial condition more than four months prior to the date on which the FDOT receives the application, the contractor must also submit an interim financial statement and an

²⁵ Section 337.11(8), F.S.

²⁶ A "shortlist" is a list of selected candidates from which a final choice is to be made.

²⁷ See FDOT, *Work Program Instructions FY 22/23 – 26/27*, p. 370 of 847.

²⁸ Rule Chapter 14-22, F.A.C.

updated application.²⁹ Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant (CPA). However, an applying contractor who desires to bid exclusively for the performance of construction contracts with proposed budget estimates of less than \$1 million may submit reviewed annual or reviewed interim financial statements prepared by a CPA.³⁰

The FDOT's rules include requirements with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applying contractor which are necessary to perform the specific class of work for which the contractor seeks certification. In so doing, the FDOT verifies and evaluates whether an applicant is competent and responsible and possesses the necessary financial resources to perform the requested work.³¹

Part of the latter inquiry involves whether an applicant has the financial resources sufficient to establish a maximum capacity rating (MCR), which is defined as the total aggregate dollar amount of *uncompleted* work an applicant may have under contract at any one time as a prime contractor and/or subcontractor, regardless of the work location and with whom the applicant contracted.³² According to the FDOT's rules, the MCR is established by a formula, one element of which is the "ability factor." The FDOT's rules require an applicant's maximum capacity rating to be reduced by the total value of their current uncompleted work, producing the applicant's "current capacity," or bidding capacity. Under the rule, the current capacity must be amended immediately upon issuance of a new certificate of qualification, regardless of whether the existing certificate has expired.³³

Currently, if an applicant for a certificate of qualification is found to possess the prescribed qualifications, the FDOT must issue the applicant a certificate, which, unless revoked by the FDOT for good cause, is valid for a period of 18 months after the date of the applicant's financial statement, or such shorter period as the FDOT prescribes. Submission of an application does not affect expiration of the certificate and, as of July 1, 2021, does not affect the ability factor of the applicant or the maximum capacity rating of the applicant.³⁴

The FTBA advises the FDOT has requested revision of the current language to address overlapping certificates of qualification and any changes in the amount of new work that a firm can bid, due to a revised maximum capacity rating. As an example, the FTBA describes a potential situation in which a firm is allowed to bid on a \$1 million contract under its existing certificate of qualification and then is later found nonresponsive when a new certificate is issued

²⁹ The interim statements must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than four months prior to the date the FDOT receives the interim statement but, upon request of the applicant, an application and accompanying annual or interim financial statement received by the FDOT within 15 days after either four-month period is considered timely.

³⁰ A reviewed annual or reviewed interim financial statement is less expensive than an audited, certified annual or interim financial statement.

³¹ Rule 14-22.003(1), F.A.C.

³² Rule 14.22-003(1)(d) and (2), F.A.C.

³³ Rule 14-22.006(1), F.A.C.

³⁴ Section 337.14(4), F.S. *See* s. 10, ch. 2021-188, Laws of Fla., which added the ability factor and MCR as things not being affected by the submission of an application.

to the firm during the time leading up to the submission of a bid, due to a revised (lower) capacity rating.³⁵

Effect of Proposed Changes

Section 5 of the bill amends s. 337.14, F.S., to increase from \$1 million to \$2 million the proposed budget estimate amount for triggering authorization of an applying contractor to submit reviewed annual or reviewed interim financial statements prepared by a CPA, instead of audited, certified statements. An applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of \$2 million or less may submit reviewed annual or reviewed interim financial statements prepared by a CPA.

The bill also repeals the current provisions providing that submission of an application does not affect the ability factor or the maximum capacity rating of an applicant for an FDOT certificate of qualification. Instead, the bill authorizes an applicant to submit a written request to the FDOT with a timely submitted application to keep an existing certificate in place until its expiration date. If the FDOT approves the request, the applicant's current maximum capacity rating must remain in place until expiration of the current certification. In the absence of the FDOT's approval and in accordance with the FDOT's existing rules, the current capacity must be amended immediately upon issuance of a new certificate of qualification, regardless of whether the existing certificate has expired. The bill also makes a conforming change to the statute.

Public Records Exemption/Confidentiality of Identities of Bidders (Section 6)

Present Situation

Section 336.168(1) and (3), F.S., establish confidential and exempt status from public records requirements of s. 119.07(1), F.S., for:

- A document or electronic file revealing the FDOT's official cost estimate of a project until the contract for the project has been executed or until the project is no longer under active consideration; and
- The FDOT's bid analysis and monitoring system, including all system documentation, input, computer processes and programs, electronic data files, and output. This does not apply to the actual source documents, unless otherwise exempted under other provisions of law.

Section 337.168(2), F.S., currently provides that a document³⁶ revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to be let by the department is confidential and exempt from the provisions of s. 119.07(1), F.S., for the period which begins two working days before the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. A document that reveals the identity before the two working days before the deadline for obtaining bid packages, plans, or specifications remains a public record.

³⁵ See FTBA email to Transportation Committee staff, November 30, 2021 (on file in the Senate Transportation Committee).

³⁶ The FDOT advises that many documents submitted by contractors contain both exempt and non-exempt information. Telephone conversation between FDOT staff and Senate Transportation Committee staff, November 24, 2021. In accordance with s. 119.07(1)(d), F.S., the FDOT would be required to redact any information contained in a document that reveals the identity of persons who have requested or obtained bid packages if the information is exempt under any other provision of law.

The FDOT maintains a website that lists the identity of those who have requested or obtained bid packages for a given project.³⁷ The lists contain for each person a vendor identification number, an indication of the name of the entity that ordered the documents, and a shipping address and phone number for each. The lists do not appear to contain any information which would be exempt other any other provisions of law. The FDOT advises the lists are published daily, except for during the two-day confidential period defined in current law, and a comprehensive list is then published after the letting occurs.³⁸

The issue appears to relate to small contractors, who use the identities of potential bidders for the purpose of submitting sub-contract bids to general contractors for their use in preparing bids for FDOT projects.³⁹

Effect of Proposed Changes

Section 6 of the bill amends s. 337.168(2), F.S., to repeal the temporary public records exemption for a document revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to be let by the FDOT. According to the FTBA, this revision provides full transparency as to the identity of potential bidders during the entire procurement process.⁴⁰

Effective Date (Section 7)

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None. The bill does not expand public records exemptions.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³⁷ See e.g., FDOT, *Contractors ordering Plans and Specs by Letting Report*, available at <https://fdotwp2.dot.state.fl.us/ContractProposalProcessing/CPA> and *Contractors ordering Proposals by Letting Report*, available at <https://fdotwp2.dot.state.fl.us/ContractProposalProcessing/CPA> (last visited November 24, 2021). Enter “guest” for the user name and select “Sign in.”

³⁸ See FDOT email to Transportation Committee staff, November 24, 2021 (on file in the Senate Transportation Committee).

³⁹ Telephone conversation between FDOT staff and Senate Transportation Committee staff, November 24, 2021.

⁴⁰ See FTBA email to Transportation Committee staff, November 30, 2021 (on file in the Senate Transportation Committee).

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The fiscal impact of the revisions relating to FDOT contractor certificates of qualification is indeterminate.

Increasing the budget estimate amount for construction contracts from \$1 million to \$2 million for certain contractors exclusively bidding, allowing these additional contractors to submit reviewed financial statements should reduce the costs on these contractors to submit bids. A reviewed annual or reviewed interim financial statement is less expensive than an audited, certified annual or interim financial statement.

C. Government Sector Impact:

The impact on current funding levels, if any, of imposing a maximum commitment of no more than 25 percent of state revenues in the STTF for the identified public transportation projects, excluding those used for matching federal grants, as well as any effect on other projects in the work program, is dependent on funding levels selected by the FDOT within the authorized range. To the extent that funding for public transportation projects is increased above currently programmed levels within the cap, other projects in the work program may be impacted.

The fiscal impact of the revisions relating to design-build, progressive design-build, and innovative contracting is indeterminate, as the number and details of any such contracts to be undertaken by the FDOT is unknown.

The fiscal impact of the revisions relating to FDOT contractor certificates of qualification, if any, is indeterminate. The FDOT may incur expenses associated with revising Rule Chapter 14-22 of the Florida Administrative Code relating to contractor qualification. These expenses, if rule revision is necessary, are expected to be absorbed within existing resources.

The FDOT may experience an indeterminate, but likely insignificant negative fiscal impact associated with responding to requests for documents that reveal the identity of a potential bidder on a transportation project, including, if necessary, redacting any information contained in a document which is made exempt under any other provisions of law, for a two-day period during which such a record would have been exempt under current law.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The FDOT has raised concerns regarding the 25-percent public transportation funding cap imposed by the bill, relating to decreased long-term flexibility in preparing the work program.⁴¹

Current law requires the FDOT to adopt by rule procedures for administering design-build contracts and specifies what must be minimally included in the procedures.⁴² As drafted, the bill is unclear as to whether the procedures adopted to administer design-build contracts also apply to progressive-design build contracts. Failure to adopt by rule any procedures applicable to progressive design-build contracts could result in a challenge under the Administrative Procedures Act.⁴³ An amendment to existing s. 377.11(7)(b), F.S., to expressly include progressive design-build contracts in the rulemaking requirement may be in order.

The FDOT has also expressed concerns regarding the repeal of the temporary public records exemption for the identity of persons who have requested bid packages, relating to a potential negative impact on the procurement process.⁴⁴

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 206.46, 337.025, 337.11, 337.1101, 337.14, and 337.168.

IX. Additional Information:

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

Recommend CS by Appropriations Subcommittee on Transportation, Tourism and Economic Development on February 2, 2022:

The committee substitute:

- Increases the minimum contract value of certain progressive design-build contracts that are exempt from the annual cap on innovative transportation projects, from \$250 million contract value to a \$400 contract value.
- Moves the amendatory provisions allowing the FDOT to enter into progressive design-build contracts from s. 377.11, F.S., to being amended into s. 337.025, F.S.
- Clarifies that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively-approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement.

⁴¹ FDOT, *2022 Agency Legislative Bill Analysis: SB 398*, pp. 8-9.

⁴² Section 337.11(7)(b), F.S.

⁴³ See s. 120.56(4), F.S.

⁴⁴ FDOT, *2022 Agency Legislative Bill Analysis: SB 398*, p. 6.

- Increases from \$1 million to \$2 million the proposed budget estimate amount for triggering authorization of an applying contractor to submit reviewed annual or reviewed interim financial statements prepared by a CPA, instead of audited, certified statements.

CS by Transportation on December 1, 2021:

The committee substitute:

- Modifies the minimum 15-percent and maximum 25-percent commitment of state revenues in the STTF for the specified public transportation projects if otherwise provided in the General Appropriations Act.
- Includes progressive design-build contracting as an authorized innovative technique of highway and bridge design and construction projects, excludes certain progressive design-build contracts from an annual \$120 million cap on innovative transportation projects, and removes inapplicability of the cap to low-bid design-build milling and resurfacing contracts.
- Removes a limitation on the FDOT's authority to combine the design and construction phases (a "design-build" project) to a building, a major bridge, a limited access facility, or a rail corridor project, authorizing the FDOT to combine the design and construction phases of any type of project into a single design-build contract.
- Authorizes the FDOT, if it determines that doing so is in the best interests of the public, to use progressive design-build contracting, using a specified two-phase process, the first involving the design-build firm's qualifications and, the second involving negotiations on price.
- Removes the maximum capacity rating of an applicant for a contractor certificate of qualification as factors that do not affect the expiration of a certificate, authorizes an applicant to submit a request to keep an existing certificate of qualification in place until the expiration date and, if approved by the FDOT, keep the current maximum capacity rating of the applicant in place until expiration of the current certificate of qualification.
- Removes the entire subsection of current law containing the temporary public records exemption for a document revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to be let by the FDOT, instead of leaving unnecessary language deeming such a document to be a public record.
- Removes from the bill authorization of the FDOT to use moneys in the STTF to pay for work zone speed enforcement by entering into an agreement with the FHP.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (3) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(3) Unless otherwise specified in the General Appropriations Act, each fiscal year, at least a minimum of 15 percent but not more than 25 percent of all state revenues



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11 deposited into the State Transportation Trust Fund, excluding
12 state revenues used for matching federal grants, shall be
13 committed annually by the department for public transportation
14 projects in accordance with chapter 311, ss. 332.003-332.007,
15 chapter 341, and chapter 343.

16 Section 2. Section 337.025, Florida Statutes, is amended to
17 read:

18 337.025 Innovative transportation projects; department to
19 establish program.—

20 (1) The department may establish a program for
21 transportation projects demonstrating innovative techniques of
22 highway and bridge design, construction, maintenance, and
23 finance which have the intended effect of measuring resiliency
24 and structural integrity and controlling time and cost increases
25 on construction projects. Such techniques may include, but are
26 not limited to, state-of-the-art technology for pavement,
27 safety, and other aspects of highway and bridge design,
28 construction, and maintenance; innovative bidding and financing
29 techniques; progressive design-build contracts as specified in
30 subsection (2); accelerated construction procedures; and those
31 techniques that have the potential to reduce project life cycle
32 costs. To the maximum extent practical, the department must use
33 the existing process to award and administer construction and
34 maintenance contracts. When specific innovative techniques are
35 to be used, the department is not required to adhere to those
36 provisions of law that would prevent, preclude, or in any way
37 prohibit the department from using the innovative technique.
38 However, before using an innovative technique that is
39 inconsistent with another provision of law, the department must



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40 document in writing the need for the exception and identify what
41 benefits the traveling public and the affected community are
42 anticipated to receive. The department may enter into no more
43 than \$120 million in contracts awarded annually for the purposes
44 authorized by this section.

45 (2) If the department determines that it is in the best
46 interests of the public, the department may combine the design
47 and construction phases of a project into a single contract and
48 select the design-build firm in the early stages of a project to
49 ensure that the design-build firm is part of the collaboration
50 and development of the design as part of a step-by-step
51 progression through construction. Such contract is referred to
52 as a progressive design-build contract. For progressive design-
53 build contracts, the selection and award processes must include
54 a two-phase process. For phase one, the department shall
55 competitively award the contract to a design-build firm based
56 upon qualifications. For phase two, the design-build firm shall
57 competitively bid construction trade subcontractor packages and,
58 based upon these bids, negotiate with the department a fixed
59 firm price or guaranteed maximum price that meets the project
60 budget and scope as advertised in the request for
61 qualifications.

62 (3) The annual cap on contracts provided in subsection (1)
63 does not apply to:

64 (a) Turnpike enterprise projects.

65 (b) Progressive design-build contracts for complex, high-
66 risk projects with a minimum contract value of \$400 million ~~Low-~~
67 ~~bid design-build milling and resurfacing contracts.~~

68 Section 3. Paragraph (a) of subsection (7) of section



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69 337.11, Florida Statutes, is amended to read:

70 337.11 Contracting authority of department; bids; emergency
71 repairs, supplemental agreements, and change orders; combined
72 design and construction contracts; progress payments; records;
73 requirements of vehicle registration.-

74 (7) (a) If the department determines that it is in the best
75 interests of the public, the department may combine the design
76 and construction phases of a ~~building, a major bridge, a limited~~
77 ~~access facility, or a rail corridor~~ project into a single
78 contract. Such contract is referred to as a design-build
79 contract. Design-build contracts may be advertised and awarded
80 notwithstanding the requirements of paragraph (3) (c). However,
81 construction activities may not begin on any portion of such
82 projects for which the department has not yet obtained title to
83 the necessary rights-of-way and easements for the construction
84 of that portion of the project has vested in the state or a
85 local governmental entity and all railroad crossing and utility
86 agreements have been executed. Title to rights-of-way shall be
87 deemed to have vested in the state when the title has been
88 dedicated to the public or acquired by prescription.

89 Section 4. Subsection (1) of section 337.1101, Florida
90 Statutes, is amended to read:

91 337.1101 Contracting and procurement authority of the
92 department; settlements; notification required.-

93 (1) When the department, or any entity or enterprise within
94 the department, determines that it is in the best interest of
95 the public to resolve a protest filed in accordance with s.
96 120.57(3) of the award of a contract being procured pursuant to
97 s. 337.11 or related to the purchase of personal property or



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98 contractual services being procured pursuant to s. 287.057,
99 through a settlement that requires the department to pay a
100 nonselected responsive bidder a total sum of \$1 million or more,
101 including any amount paid pursuant to s. 334.049, any amount
102 paid pursuant to s. 337.11(8) which is not included in the
103 department's work program approved by the Legislature as part of
104 the General Appropriations Act, or any amount paid pursuant to
105 any other law, the department must:

106 (a) Document in a written memorandum by the secretary the
107 specific reasons that such settlement and payment to a
108 nonselected responsive bidder is in the best interest of the
109 state. The written memorandum must be included and maintained in
110 the department's permanent files concerning the procurement and
111 must include:

112 1. A description of the property rights, patent rights,
113 copyrights, trademarks, or the engineering design or other
114 design work that the department will acquire or retain as a
115 result of such settlement; and

116 2. The specific appropriation in the existing General
117 Appropriations Act which the department intends to use to
118 provide such payment.

119 (b) Provide prior written notification to the President of
120 the Senate, the Speaker of the House of Representatives, the
121 Senate and House of Representatives minority leaders, the chair
122 and vice chair of the Legislative Budget Commission, and the
123 Attorney General at least 5 business days, or as soon thereafter
124 as practicable, before the department makes the settlement
125 agreement final. Such written notification must include the
126 written memorandum required pursuant to paragraph (a).



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127 (c) Provide, at the time settlement discussions regarding
128 any such payment have begun in earnest, written notification of
129 such discussions to the President of the Senate, the Speaker of
130 the House of Representatives, the Senate and House of
131 Representatives minority leaders, the chair and vice chair of
132 the Legislative Budget Commission, and the Attorney General.

133 Section 5. Subsections (1), (4), and (7) of section 337.14,
134 Florida Statutes, are amended to read:

135 337.14 Application for qualification; certificate of
136 qualification; restrictions; request for hearing.—

137 (1) Any contractor desiring to bid for the performance of
138 any construction contract in excess of \$250,000 which the
139 department proposes to let must first be certified by the
140 department as qualified pursuant to this section and rules of
141 the department. The rules of the department must address the
142 qualification of contractors to bid on construction contracts in
143 excess of \$250,000 and must include requirements with respect to
144 the equipment, past record, experience, financial resources, and
145 organizational personnel of the applying contractor which are
146 necessary to perform the specific class of work for which the
147 contractor seeks certification. Any contractor who desires to
148 bid on contracts in excess of \$50 million and who is not
149 qualified and in good standing with the department as of January
150 1, 2019, must first be certified by the department as qualified
151 and must have satisfactorily completed two projects, each in
152 excess of \$15 million, for the department or for any other state
153 department of transportation. The department may limit the
154 dollar amount of any contract upon which a contractor is
155 qualified to bid or the aggregate total dollar volume of



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156 contracts such contractor is allowed to have under contract at
157 any one time. Each applying contractor seeking qualification to
158 bid on construction contracts in excess of \$250,000 shall
159 furnish the department a statement under oath, on such forms as
160 the department may prescribe, setting forth detailed information
161 as required on the application. Each application for
162 certification must be accompanied by audited, certified
163 financial statements prepared in accordance with generally
164 accepted accounting principles and auditing standards by a
165 certified public accountant licensed in this state or another
166 state. The audited, certified financial statements must be for
167 the applying contractor and must have been prepared within the
168 immediately preceding 12 months. The department may not consider
169 any financial information of the parent entity of the applying
170 contractor, if any. The department may not certify as qualified
171 any applying contractor who fails to submit the audited,
172 certified financial statements required by this subsection. If
173 the application or the annual financial statement shows the
174 financial condition of the applying contractor more than 4
175 months before the date on which the application is received by
176 the department, the applicant must also submit interim audited,
177 certified financial statements prepared in accordance with
178 generally accepted accounting principles and auditing standards
179 by a certified public accountant licensed in this state or
180 another state. The interim financial statements must cover the
181 period from the end date of the annual statement and must show
182 the financial condition of the applying contractor no more than
183 4 months before the date that the interim financial statements
184 are received by the department. However, upon the request of the



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185 applying contractor, an application and accompanying annual or
186 interim financial statement received by the department within 15
187 days after either 4-month period under this subsection shall be
188 considered timely. An applying contractor desiring to bid
189 exclusively for the performance of construction contracts with
190 proposed budget estimates of less than \$2 ~~\$1~~ million may submit
191 reviewed annual or reviewed interim financial statements
192 prepared by a certified public accountant. The information
193 required by this subsection is confidential and exempt from s.
194 119.07(1). The department shall act upon the application for
195 qualification within 30 days after the department determines
196 that the application is complete. The department may waive the
197 requirements of this subsection for projects having a contract
198 price of \$500,000 or less if the department determines that the
199 project is of a noncritical nature and the waiver will not
200 endanger public health, safety, or property.

201 (4) If the applicant is found to possess the prescribed
202 qualifications, the department shall issue to him or her a
203 certificate of qualification that, unless thereafter revoked by
204 the department for good cause, will be valid for a period of 18
205 months after the date of the applicant's financial statement or
206 such shorter period as the department prescribes. Submission of
207 an application does ~~and subsequent approval do~~ not affect
208 expiration of the certificate of qualification, ~~the ability~~
209 ~~factor of the applicant, or the maximum capacity rating of the~~
210 ~~applicant.~~ An applicant may submit a written request with a
211 timely submitted application to keep an existing certificate of
212 qualification in place until the expiration date. If the request
213 is approved by the department, the current maximum capacity



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214 rating of the applicant must remain in place until expiration of
215 the current certificate of qualification. If the department
216 finds that an application is incomplete or contains inadequate
217 information or information that cannot be verified, the
218 department may request in writing that the applicant provide the
219 necessary information to complete the application or provide the
220 source from which any information in the application may be
221 verified. If the applicant fails to comply with the initial
222 written request within a reasonable period of time as specified
223 therein, the department shall request the information a second
224 time. If the applicant fails to comply with the second request
225 within a reasonable period of time as specified therein, the
226 application shall be denied.

227 (7) A "contractor" as defined in s. 337.165(1)(d) or his or
228 her "affiliate" as defined in s. 337.165(1)(a) qualified with
229 the department under this section may not also qualify under s.
230 287.055 or s. 337.105 to provide testing services, construction,
231 engineering, and inspection services to the department. This
232 limitation does not apply to any design-build, including
233 progressive design-build, prequalification under s. 337.11(7)
234 and does not apply when the department otherwise determines by
235 written order entered at least 30 days before advertisement that
236 the limitation is not in the best interests of the public with
237 respect to a particular contract for testing services,
238 construction, engineering, and inspection services. This
239 subsection does not authorize a contractor to provide testing
240 services, or provide construction, engineering, and inspection
241 services, to the department in connection with a construction
242 contract under which the contractor is performing any work.



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243 Notwithstanding any other provision of law to the contrary, for
244 a project that is wholly or partially funded by the department
245 and administered by a local governmental entity, except for a
246 seaport listed in s. 311.09 or an airport as defined in s.
247 332.004, the entity performing design and construction
248 engineering and inspection services may not be the same entity.

249 Section 6. Section 337.168, Florida Statutes, is amended to
250 read:

251 337.168 Confidentiality of official estimates, ~~identities~~
252 ~~of potential bidders,~~ and bid analysis and monitoring system.—

253 (1) A document or electronic file revealing the official
254 cost estimate of the department of a project is confidential and
255 exempt from the provisions of s. 119.07(1) until the contract
256 for the project has been executed or until the project is no
257 longer under active consideration.

258 ~~(2) A document that reveals the identity of a person who~~
259 ~~has requested or obtained a bid package, plan, or specifications~~
260 ~~pertaining to any project to be let by the department is~~
261 ~~confidential and exempt from the provisions of s. 119.07(1) for~~
262 ~~the period that begins 2 working days before the deadline for~~
263 ~~obtaining bid packages, plans, or specifications and ends with~~
264 ~~the letting of the bid. A document that reveals the identity of~~
265 ~~a person who has requested or obtained a bid package, plan, or~~
266 ~~specifications pertaining to any project to be let by the~~
267 ~~department before the 2 working days before the deadline for~~
268 ~~obtaining bid packages, plans, or specifications remains a~~
269 ~~public record subject to s. 119.07(1).~~

270 ~~(3)~~ The bid analysis and monitoring system of the
271 department is confidential and exempt from the provisions of s.



354102

272 119.07(1). This exemption applies to all system documentation,
273 input, computer processes and programs, electronic data files,
274 and output, but does not apply to the actual source documents,
275 unless otherwise exempted under other provisions of law.

276 Section 7. This act shall take effect July 1, 2022.

277

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

279 And the title is amended as follows:

280 Delete everything before the enacting clause
281 and insert:

282 A bill to be entitled

283 An act relating to transportation projects; amending
284 s. 206.46, F.S.; revising the requirement for the
285 annual commitment of State Transportation Trust Fund
286 revenues for public transportation projects by the
287 Department of Transportation; amending s. 337.025,
288 F.S.; providing that the department's program for
289 innovative transportation projects may include
290 progressive design-build contracts; authorizing the
291 department to enter into a progressive design-build
292 contract if it makes a certain determination;
293 providing procedures and requirements for progressive
294 design-build contracts; revising contracts exempt from
295 a specified annual monetary cap on contracts; amending
296 s. 337.11, F.S.; revising the department's authority
297 relating to design-build contracts; amending s.
298 337.1101, F.S.; revising the calculation of a certain
299 settlement paid to a nonselected responsive bidder
300 which requires the department to maintain certain



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301 records and provide certain notices to the Legislature
302 and Attorney General; amending s. 337.14, F.S.;
303 revising a dollar limit of proposed budget estimates
304 of construction contracts for which an applying
305 contractor may submit certain financial statements;
306 revising procedures relating to certificates of
307 qualification issued by the department to construction
308 contractors seeking certification to bid on certain
309 contracts; exempting progressive design-build
310 prequalifications from a certain restriction on
311 contractors and their affiliates; amending s. 337.168,
312 F.S.; deleting a public records exemption for certain
313 documents revealing the identity of a potential
314 bidder; providing an effective date.

By the Committee on Transportation; and Senator Hooper

596-01437-22

2022398c1

1 A bill to be entitled
 2 An act relating to transportation projects; amending
 3 s. 206.46, F.S.; revising the requirement for the
 4 annual commitment of State Transportation Trust Fund
 5 revenues for public transportation projects by the
 6 Department of Transportation; amending s. 337.025,
 7 F.S.; providing that the department's program for
 8 innovative transportation projects may include
 9 progressive design-build contracts; revising contracts
 10 exempt from a specified annual monetary cap on
 11 contracts; amending s. 337.11, F.S.; revising the
 12 department's authority relating to design-build
 13 contracts; authorizing the department to enter into a
 14 progressive design-build contract if it makes a
 15 certain determination; providing procedures and
 16 requirements for progressive design-build contracts;
 17 exempting progressive design-build contracts from
 18 certain requirements; requiring the department to
 19 adopt rules; amending s. 337.14, F.S.; revising
 20 procedures relating to certificates of qualification
 21 issued by the department to construction contractors
 22 seeking certification to bid on certain contracts;
 23 amending s. 337.168, F.S.; deleting a public records
 24 exemption for certain documents revealing the identity
 25 of a potential bidder; providing an effective date.

26
 27 Be It Enacted by the Legislature of the State of Florida:

28
 29 Section 1. Subsection (3) of section 206.46, Florida

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

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30 Statutes, is amended to read:

31 206.46 State Transportation Trust Fund.—

32 (3) Unless otherwise specified in the General
 33 Appropriations Act, each fiscal year, at least a minimum of 15
 34 percent but not more than 25 percent of all state revenues
 35 deposited into the State Transportation Trust Fund, excluding
 36 state revenues used for matching federal grants, shall be
 37 committed annually by the department for public transportation
 38 projects in accordance with chapter 311, ss. 332.003-332.007,
 39 chapter 341, and chapter 343.

40 Section 2. Section 337.025, Florida Statutes, is amended to
 41 read:

42 337.025 Innovative transportation projects; department to
 43 establish program.—

44 (1) The department may establish a program for
 45 transportation projects demonstrating innovative techniques of
 46 highway and bridge design, construction, maintenance, and
 47 finance which have the intended effect of measuring resiliency
 48 and structural integrity and controlling time and cost increases
 49 on construction projects. Such techniques may include, but are
 50 not limited to, state-of-the-art technology for pavement,
 51 safety, and other aspects of highway and bridge design,
 52 construction, and maintenance; innovative bidding and financing
 53 techniques; progressive design-build contracts; accelerated
 54 construction procedures; and those techniques that have the
 55 potential to reduce project life cycle costs. To the maximum
 56 extent practical, the department must use the existing process
 57 to award and administer construction and maintenance contracts.
 58 When specific innovative techniques are to be used, the

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

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59 department is not required to adhere to those provisions of law
60 that would prevent, preclude, or in any way prohibit the
61 department from using the innovative technique. However, before
62 using an innovative technique that is inconsistent with another
63 provision of law, the department must document in writing the
64 need for the exception and identify what benefits the traveling
65 public and the affected community are anticipated to receive.
66 The department may enter into no more than \$120 million in
67 contracts awarded annually for the purposes authorized by this
68 section.

69 (2) The annual cap on contracts provided in subsection (1)
70 does not apply to:

71 (a) Turnpike enterprise projects.

72 (b) Progressive design-build contracts for complex, high-
73 risk projects with a minimum contract value of \$250 million ~~Low-~~
74 ~~bid design-build milling and resurfacing contracts.~~

75 Section 3. Subsection (7) of section 337.11, Florida
76 Statutes, is amended to read:

77 337.11 Contracting authority of department; bids; emergency
78 repairs, supplemental agreements, and change orders; combined
79 design and construction contracts; progress payments; records;
80 requirements of vehicle registration.-

81 (7) (a) If the department determines that it is in the best
82 interests of the public, the department may combine the design
83 and construction phases of a ~~building, a major bridge, a limited~~
84 ~~access facility, or a rail corridor~~ project into a single
85 contract. Such contract is referred to as a design-build
86 contract.

87 (b) If the department determines that it is in the best

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88 interests of the public, the department may combine the design
89 and construction phases of a project into a single contract and
90 select the design-build firm in the early stages of a project to
91 ensure that the design-build firm is part of the collaboration
92 and development of the design as part of a step-by-step
93 progression through construction. Such contract is referred to
94 as a progressive design-build contract. For progressive design-
95 build contracts, the selection and award processes must include
96 a two-phase process. For phase one, the department shall
97 competitively award the contract to a design-build firm based
98 upon qualifications. For phase two, the design-build firm shall
99 competitively bid construction trade subcontractor packages and,
100 based upon these bids, negotiate with the department a fixed
101 firm price or guaranteed maximum price that meets the project
102 budget and scope as advertised in the request for
103 qualifications.

104 (c) Design-build contracts and progressive design-build
105 contracts may be advertised and awarded notwithstanding the
106 requirements of paragraph (3) (c). However, construction
107 activities may not begin on any portion of such projects for
108 which the department has not yet obtained title to the necessary
109 rights-of-way and easements for the construction of that portion
110 of the project has vested in the state or a local governmental
111 entity and all railroad crossing and utility agreements have
112 been executed. Title to rights-of-way shall be deemed to have
113 vested in the state when the title has been dedicated to the
114 public or acquired by prescription.

115 (d) ~~(b)~~ The department shall adopt by rule procedures for
116 administering design-build contracts and progressive design-

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117 build contracts. Such procedures shall include, but not be
118 limited to:

- 119 1. Prequalification requirements.
- 120 2. Public announcement procedures.
- 121 3. Scope of service requirements.
- 122 4. Letters of interest requirements.
- 123 5. Short-listing criteria and procedures.
- 124 6. Bid proposal requirements.
- 125 7. Technical review committee.
- 126 8. Selection and award processes.
- 127 9. Stipend requirements.

128 (e)~~(c)~~ The department must receive at least three letters
129 of interest in order to proceed with a request for proposals.
130 The department shall request proposals from no fewer than three
131 of the design-build firms submitting letters of interest. If a
132 design-build firm withdraws from consideration after the
133 department requests proposals, the department may continue if at
134 least two proposals are received.

135 Section 4. Subsection (4) of section 337.14, Florida
136 Statutes, is amended to read:

137 337.14 Application for qualification; certificate of
138 qualification; restrictions; request for hearing.—

139 (4) If the applicant is found to possess the prescribed
140 qualifications, the department shall issue to him or her a
141 certificate of qualification that, unless thereafter revoked by
142 the department for good cause, will be valid for a period of 18
143 months after the date of the applicant's financial statement or
144 such shorter period as the department prescribes. Submission of
145 an application does and ~~subsequent approval do~~ not affect

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146 expiration of the certificate of qualification, ~~the ability~~
147 ~~factor of the applicant, or the maximum capacity rating of the~~
148 ~~applicant.~~ An applicant may submit a written request with a
149 timely submitted application to keep an existing certificate of
150 qualification in place until the expiration date. If the request
151 is approved by the department, the current maximum capacity
152 rating of the applicant must remain in place until expiration of
153 the current certificate of qualification. If the department
154 finds that an application is incomplete or contains inadequate
155 information or information that cannot be verified, the
156 department may request in writing that the applicant provide the
157 necessary information to complete the application or provide the
158 source from which any information in the application may be
159 verified. If the applicant fails to comply with the initial
160 written request within a reasonable period of time as specified
161 therein, the department shall request the information a second
162 time. If the applicant fails to comply with the second request
163 within a reasonable period of time as specified therein, the
164 application shall be denied.

165 Section 5. Section 337.168, Florida Statutes, is amended to
166 read:

167 337.168 Confidentiality of official estimates, ~~identities~~
168 ~~of potential bidders,~~ and bid analysis and monitoring system.—

169 (1) A document or electronic file revealing the official
170 cost estimate of the department of a project is confidential and
171 exempt from the provisions of s. 119.07(1) until the contract
172 for the project has been executed or until the project is no
173 longer under active consideration.

174 (2) ~~A document that reveals the identity of a person who~~

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175 ~~has requested or obtained a bid package, plan, or specifications~~
176 ~~pertaining to any project to be let by the department is~~
177 ~~confidential and exempt from the provisions of s. 119.07(1) for~~
178 ~~the period that begins 2 working days before the deadline for~~
179 ~~obtaining bid packages, plans, or specifications and ends with~~
180 ~~the letting of the bid. A document that reveals the identity of~~
181 ~~a person who has requested or obtained a bid package, plan, or~~
182 ~~specifications pertaining to any project to be let by the~~
183 ~~department before the 2 working days before the deadline for~~
184 ~~obtaining bid packages, plans, or specifications remains a~~
185 ~~public record subject to s. 119.07(1).~~

186 ~~(3)~~ The bid analysis and monitoring system of the
187 department is confidential and exempt from the provisions of s.
188 119.07(1). This exemption applies to all system documentation,
189 input, computer processes and programs, electronic data files,
190 and output, but does not apply to the actual source documents,
191 unless otherwise exempted under other provisions of law.

192 Section 6. This act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: December 1, 2021

I respectfully request that **398**, relating to Transportation Projects, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 16

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 788

INTRODUCER: Senators Hooper and Rodrigues

SUBJECT: Florida Hometown Hero Housing Program

DATE: February 1, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Favorable
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 788 creates the “Florida Hometown Hero Housing Program,” a new downpayment assistance program within the Florida Housing Finance Corporation (FHFC). Under the program, eligible homebuyers will have access to loans which reduce down payments and closing costs. Loans must be repaid when the property is sold, refinanced, rented, or transferred, unless otherwise approved by the FHFC.

Eligible homebuyers are those seeking first mortgages, of limited family income, and employed as any of the following:

- A sworn law enforcement officer;
- A correctional officer or correctional probation officer;
- A 911 public safety telecommunicator;
- A firefighter;
- An educator;
- A paramedic or emergency medical technician;
- A licensed health care practitioner;
- A physician assistant or medical assistant; or
- A home health aide.

This program will supplement and function alongside existing down payment assistance programs currently administered by the FHFC. The bill does not appropriate funds for the program, however the Board of Directors of the FHFC may decide to use funds from other sources to administer the program.

The bill takes effect upon becoming a law.

II. Present Situation:

Affordable Housing

One major goal at all levels of government is to ensure that citizens have access to affordable housing. Housing is considered affordable when it costs less than 30 percent of a family's gross income. A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "extremely cost burdened." Severely cost burdened households are more likely to sacrifice other necessities like healthy food and healthcare to pay for housing and to experience unstable housing situations like evictions.

Affordable housing is defined in terms of household income. Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels, published annually by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area. The following are standard household income level definitions and their relationship to the 2021 Florida state median income of \$70,000 for a family of four (as family size increases or decreases, the income range also increases or decreases):¹

- Extremely low income – earning up to 30 percent AMI (at or below \$21,000);²
- Very low income – earning from 30.01 to 50 percent AMI (\$21,001 to \$35,000);³
- Low income – earning from 50.01 to 80 percent AMI (\$35,001 to \$56,000);⁴ and
- Moderate income – earning from 80.01 to 120 percent of AMI (\$56,001 to \$84,000).⁵

Housing costs reflect what people are willing to pay to live in an area, which in some instances, due to low supply and high demand, makes it difficult for people in the workforce (middle-income workers), elders, and people with disabilities to find affordable homes and apartments. The government helps make housing affordable through decreased monthly rent or mortgage payments, so that income eligible families are able to pay less for the housing than it would otherwise cost at "market rate." Lower monthly payments or down payment assistance is a result of affordable housing financing.

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (FHFC) is a public-private entity created to assist in providing a range of affordable housing opportunities for Floridians. The FHFC is a corporation held by the state and housed within the Department of Economic Opportunity (DEO). The FHFC is a separate budget entity and its operations, including those relating to personnel, purchasing, transactions involving real or personal property, and budgetary matters, are not subject to control, supervision, or direction by the DEO.⁶

¹ U.S. Department of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas – Click Here for FY 2021 IL Documentation*, available at <https://www.huduser.gov/portal/datasets/il.html#2021> (last visited Jan. 28, 2022).

² Section 420.0004(9), F.S.

³ Section 420.0004(17), F.S.

⁴ Section 420.0004(11), F.S.

⁵ Section 420.0004(12), F.S.

⁶ Section 420.504(1), F.S.

The goal of the FHFC is to increase the supply of safe, affordable housing for individuals and families with very low to moderate incomes by stimulating investment of private capital and encouraging public and private sector housing partnerships.⁷ The FHFC administers federal and state resources to finance the development and preservation of affordable homeowner and rental housing and assist homebuyers with financing and down payment assistance.⁸

FHFC Homeownership Programs

The FHFC's primary function is administering a variety of programs to assist in the development and rehabilitation of affordable housing stock, provide low interest loans for first-time homebuyers, provide down payment assistance and reduce closing costs, and assist in the housing side of disaster recovery. The following programs focus primarily on aiding first-time homebuyers into stable homeownership by reducing mortgage payments and onerous one-time costs associated with purchasing a home.

Homebuyer Loan Programs

FHFC's Homebuyer Loan Programs offer 30-year fixed-rate first mortgage loans originated by a network of participating lenders throughout Florida. The programs are offered to eligible first time homebuyers⁹ who meet income, purchase price, and other program criteria; can qualify for a loan; and successfully complete a homebuyer education course.¹⁰ Borrowers who qualify for a first mortgage program may access one of FHFC's down payment assistance programs.¹¹

Down Payment Assistance

The FHFC administers multiple down payment assistance (DPA) programs available to first-time homebuyers utilizing a FHFC first mortgage loan product. DPA is typically offered as a low- or zero-rate loan, in the form of a second mortgage,¹² to secure funding for down payments, closing costs, mortgage insurance premiums, or principal reduction to the first mortgage.¹³ FHFC DPA programs are funded from a mix of sources including legislative appropriations and FHFC program income, which is primarily returned loan money. FHFC's individual DPA programs are further described in the paragraphs below.

⁷ Office of Program Policy Analysis and Government Accountability, *Florida Housing Finance Corporation Overview*, Report No. 09-S15 (January 2009), available at <https://oppaga.fl.gov/Documents/Reports/09-15S.pdf> (last visited Jan. 28, 2022).

⁸ Florida Housing Finance Corporation, *Program One-Pagers*, available at <https://floridahousing.org/docs/default-source/aboutflorida/program-one-pagers> (last visited Jan. 28, 2022).

⁹ The IRS definition of "first-time homebuyer," generally accepted by Florida agencies and corporations, is a person who has not owned and occupied his or her primary residence for the past three years. See Florida Housing Finance Corporation, *Homebuyer Overview*, available at <https://www.floridahousing.org/programs/homebuyer-overview-page> (last visited Jan. 28, 2022).

¹⁰ The FHFC funds homebuyer loans through various transaction types, including (a) the specified pool market, (2) tax-exempt bonds, and (3) forward delivery/To Be Announced (TBA) market.

¹¹ See Florida Housing Finance Corporation, *2020 Annual Report*, p. 13, available at <https://www.floridahousing.org/data-docs-reports/annual-reports> (last visited November 30, 2021).

¹² A second mortgage is a subordinate mortgage made while the original is still in effect.

¹³ Only one FHFC DPA program can be used by a borrower.

Florida Homeownership Assistance Program - Florida Assist

The Florida Homeownership Assistance Program – Florida Assist (HAP) is a statutorily prescribed program, providing up to \$7,500 in DPA for first-time homebuyers.¹⁴ These loans are zero percent interest, non-amortizing second mortgage loans, which means the homebuyer does not make monthly payments on them. Instead, the loan is repaid when the homebuyer sells the home, transfers ownership, satisfies or refinances the first mortgage, or ceases to occupy the home. These loans are for applicants whose incomes are at or below 120 percent of AMI.¹⁵

Homeownership Loan Program (HLP) Second Mortgage

The HLP Second Mortgage provides up to \$10,000 in DPA for first-time homebuyers. These loans are 3 percent interest, fully amortizing second mortgage loans. The loan is amortized over 15 years, making monthly payments more affordable to borrowers. The loan becomes due in full when the homebuyer sells the home, transfers ownership, satisfies or refinances the first mortgage, or ceases to occupy the home. These loans are available to applicants with income at or below 140 percent of AMI.¹⁶

Housing Finance Agency (HFA) Preferred Plus Program

The HFA Preferred Plus Program allows first-time homebuyers to receive 3 percent, 4 percent, or 5 percent of the total first mortgage loan amount as DPA in the form of a forgivable second mortgage. The loan is forgiven at 20 percent a year over its 5-year term and is available to applicants whose incomes are at or below 140 percent of AMI.¹⁷

Salute Our Soldiers Program

The Salute Our Soldiers Program is a targeted program operated by FHFC which offers first mortgages and DPA to active duty military and veterans. The DPA program offers forgivable second mortgages of up to 5 percent of the total loan amount.¹⁸ To fund the DPA program, FHFC committed \$8,000,000 of internal program funds recovered from previous repaid loans.¹⁹

Hurricane Michael Recovery Loan Program

When Hurricane Michael hit the panhandle region of Florida in late 2018, the FHFC dedicated funds in 2019 to assist homebuyers, creating the Hurricane Michael Recovery Loan Program.²⁰ Borrowers utilizing certain first mortgage programs qualified for the second mortgage program. This second mortgage was a loan of up to \$15,000 at 0 percent interest rate, five-year term, and forgiven at the rate of 20 percent per year. These loans were available to applicants whose

¹⁴ Section 420.5088, F.S.

¹⁵ Florida Housing Finance Corporation, *2020 Annual Report*, p. 13.

¹⁶ *Id.*

¹⁷ *Id.* See Florida Housing Finance Corporation, *Homebuyer Overview*, available at <https://www.floridahousing.org/programs/homebuyer-overview-page> (last visited Jan 28, 2022).

¹⁸ Florida Housing Finance Corporation, *Lender Guide*, March 2, 2020, available at <https://www.ehousingplus.com/wp-content/uploads/FHFC-SOS-06-22-20.pdf> (last visited Jan. 28, 2022).

¹⁹ Email from Stephanie Sutton, External Affairs Director, FHFC, August 3, 2021, on file with Senate Committee on Community Affairs.

²⁰ Florida Housing Finance Corporation, *Disaster Relief Resources and Information – Hurricane Michael*, available at <https://www.floridahousing.org/programs/special-programs/ship---state-housing-initiatives-partnership-program/disaster-relief> (last visited Jan. 28, 2022).

incomes were at or below 140 percent of AMI and were purchasing a home that cost no more than \$360,067. Additionally, borrowers were not required to qualify as a first-time homebuyer to be eligible to participate in the program.²¹ In total, the FHFC allocated \$15 million to the DPA program, including \$5 million in 2019 and \$10 million appropriated in 2020.²²

III. Effect of Proposed Changes:

The bill creates s. 420.5096, F.S., to establish the “Florida Hometown Hero Housing Program,” a new homebuyer assistance program within the FHFC. Under the program, eligible purchasers will have access to 0 percent interest rate loans to reduce the amount of down payment and closing costs to a maximum of 5 percent or \$25,000, whichever is less. Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by the FHFC.

Such loans are available to those seeking first mortgages whose family incomes do not exceed 150 percent of the state or local median income, whichever is greater, and are employed as any of the following:

- A sworn law enforcement officer;
- A correctional officer or correctional probation officer;
- A 911 public safety telecommunicator;
- A firefighter;
- An educator;
- A paramedic or emergency medical technician;
- A licensed health care practitioner;
- A physician assistant or medical assistant; or
- A home health aide.

Other-personnel-services and temporary employees are not eligible. The program applies to qualifying home purchases on or after July 1, 2022.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²¹ *Id. See also* Florida Housing Finance Corporation, *2020 Annual Report*, p. 24.

²² The FHFC allocated \$5 million from its 2020 SHIP appropriation, which is an amount set aside for response to declared disasters. Section 410.9073(5), F.S. In the 2020 General Appropriations Act, funds were specifically appropriated for the FHFC to provide down payment and closing cost assistance to homebuyers purchasing primary residences in counties impacted by Hurricane Michael. Specific Appropriation 2202A, ch. 2020-111, Laws of Fla.

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:

This bill does not affect state or local revenue.

B. Private Sector Impact:

When the program is funded, eligible homebuyers with an approved occupation will benefit from an additional DPA option, making homeownership more affordable.

C. Government Sector Impact:

The bill itself does not include an appropriation. However, the Board of Directors of the FHFC could approve use of other funds available to the FHFC, such as eligible federal funds received by the FHFC or revenues from repayments of previous loans made, to fund this new program. Creating a new DPA program will increase FHFC responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

420.5096

This bill creates section 420.5096 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 Hooper

16-00850A-22

2022788__

1 A bill to be entitled
 2 An act relating to the Florida Hometown Hero Housing
 3 Program; creating s. 420.5096, F.S.; creating the
 4 Florida Hometown Hero Housing Program; providing the
 5 purpose of the program; specifying requirements for
 6 loans under the program; authorizing the Florida
 7 Housing Finance Corporation to underwrite and make
 8 such loans to specified borrowers; specifying
 9 ineligible employees; providing applicability;
 10 providing an effective date.

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

14 Section 1. Section 420.5096, Florida Statutes, is created
 15 to read:

16 420.5096 Florida Hometown Hero Housing Program.—

17 (1) There is created the Florida Hometown Hero Housing
 18 Program for the purpose of assisting frontline emergency
 19 workers, certain medical and health care personnel, and
 20 educators in purchasing a home as their primary residence. Under
 21 the program, the purchaser may reduce the amount of the down
 22 payment and closing costs he or she pays by a maximum of 5
 23 percent of the first mortgage loan or \$25,000, whichever is
 24 less. Loans must be made available at a 0 percent interest rate.
 25 The balance of any loan is due at closing if the property is
 26 sold, refinanced, rented, or transferred unless otherwise
 27 approved by the corporation.

28 (2) For loans made available pursuant to s.
 29 420.507(23)(a)1. or 2.:

Page 1 of 3

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

16-00850A-22

2022788__

30 (a) The corporation may underwrite and make those mortgage
 31 loans through the program to persons or families who have
 32 incomes that do not exceed 150 percent of the state median
 33 income or local median income, whichever is greater, and at the
 34 time of receiving the loan are employed full time as any of the
 35 following:
 36 1. A sworn law enforcement officer as defined in s.
 37 112.531.
 38 2. A certified correctional officer as defined in s.
 39 112.531 or correctional probation officer as defined in s.
 40 943.10(3).
 41 3. A 911 public safety telecommunicator certified under s.
 42 401.465.
 43 4. A firefighter certified under part IV of chapter 633.
 44 5. An educator certified under s. 1012.56.
 45 6. A certified paramedic or emergency medical technician as
 46 those terms are defined in s. 112.1911.
 47 7. A licensed health care practitioner as defined in s.
 48 456.001.
 49 8. A physician assistant as defined in s. 458.347(2) or a
 50 medical assistant as defined in s. 458.3485(1).
 51 9. A home health aide as defined in s. 400.462.
 52 (b) Employees classified as other-personnel-services
 53 employees or temporary employees are not eligible for the
 54 program.
 55 (c) Loans must be made available for the term of the first
 56 mortgage.
 57 (3) This section applies to qualifying home purchases on or
 58 after July 1, 2022.

Page 2 of 3

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

16-00850A-22

2022788__

59

Section 2. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: January 12, 2022

I respectfully request that **Senate Bill # 788**, relating to Florida Hometown Hero Housing Program, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper
Florida Senate, District 16

The Florida Senate

APPEARANCE RECORD

2/2/22

Meeting Date

788

Bill Number or Topic

Approp. on Transp. Tourism
Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Austin Stowers

Phone 850 413 5939

Address 200 E Gaines St.
Street

Email austin.stowers@myfloridaleg.com

Tallahassee
City

FL
State

32399
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

CFU & State Fire Marshal Jimmy Patrakis

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) ([flsenate.gov](#))

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

S-001 (08/10/2021)

2-2-22

The Florida Senate
APPEARANCE RECORD

SB 788

Meeting Date

Approps Sub for Transportation

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Bill Number or Topic

Tourism & Econ. Development
Committee

Amendment Barcode (if applicable)

Name Wayne "Bernie" Berhoska

Phone (850) 224-7333

Address 343 W. Madison St.

Email Bernie@fpfp.org

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Professional Firefighters

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf](#) (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

FEB 2, 2022

Meeting Date

SB 788

Bill Number or Topic

Appropriations - Transportation

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Phone 407-468-6622

Address 221 Pinewood Dr.

Email ray@efca.org

Street

Tallahassee FL

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA Fire Chiefs' Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf | flsenate.gov

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S-001 (08/10/2021)

2/2/2022

The Florida Senate
APPEARANCE RECORD

SB 788

Meeting Date

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Bill Number or Topic

Appropriations Subcommittee on Agriculture, Environment, and General Government

Committee

Name

Danielle Scoggins, *vice President of public policy* Amendment Barcode (if applicable)

Phone

Address

200 S. Monroe Street *Florida Realtors*

Email

danielles@floridarealtors.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida REALTORS®

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

SB 788

2/2/22

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

TED APPROPRIATIONS

Committee

Amendment Barcode (if applicable)

Name

JEFF SHARKEY

Phone

850 224 1660

Address

100 E Lobby Ave # 1110

Email

JEFFREY SHARKEY@gmail.com

Street

TLH

E

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules of the Florida Senate](https://www.flsenate.gov/legislation/joint-rules)

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

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 914

INTRODUCER: Senator Harrell

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: February 1, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 914 makes the following revisions relating to the Department of Highway Safety and Motor Vehicles (DHSMV):

- Revises certain dates associated with the texting and driving annual report of the DHSMV;
- Requires an *operator* of a motor vehicle to provide proof of insurance upon the request of a law enforcement officer;
- Expands the existing Private Rebuilt Vehicle Inspection Program to Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia counties;
- Provides a fee exemption for a surviving spouse transferring a motor vehicle title solely into their name when only the deceased spouse is named on the title;
- Provides that charter buses are apportionable vehicles subject to the requirements of the International Registration Plan;
- Prohibits individuals who have registration stops associated with toll violations from either renewing their registrations or replacing their license plates until satisfying the toll violation;
- Requires mobile home and recreational vehicle dealers, manufacturers, distributors, and importers to deliver to the DHSMV copies of renewed, continued, changed, or new insurance policies, surety or cash bonds, or irrevocable letters of credit within a specified time period; and
- Revises certain minimum insurance requirements for commercial vehicles that carry passengers to comply with federal requirements.

The bill may have an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2022.

II. Present Situation:

Texting and Driving Annual Report

When a law enforcement officer issues a citation for operating a motor vehicle while using a wireless communications device, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the DHSMV in a form and manner determined by the DHSMV. Beginning February 1, 2020, the DHSMV is required to annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.¹

Proof of Insurance to Law Enforcement

Florida law states that a law enforcement officer may only ask for proof of insurance if the operator of the vehicle is also the owner or registrant of the vehicle.² The DHSMV has stated this limitation impacts the Florida Highway Patrol's ability to enforce the requirement to have insurance.³

Privatized Rebuilt Vehicle Inspection Program

The 2013 Florida Legislature created s. 319.141, F.S., for the implementation of a Pilot Rebuilt Motor Vehicle Inspection Program. The DHSMV was required to set standards and certify private sector inspection facilities in Miami-Dade and Hillsborough counties by October 1, 2013. The surety bond amount for the Pilot Rebuilt Motor Vehicle Inspection Program facility operators was set at \$50,000. The program was to evaluate alternatives for rebuilt inspection services to be offered by the private sector, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the DHSMV. The DHSMV was required to submit a report to the President of the Senate and the Speaker of the House of Representatives providing the results of the pilot program by February 1, 2015.⁴

The 2015 Florida Legislature revised s. 319.141, F.S., defining the term "rebuilt inspection services" and providing that by July 1, 2015, the DHSMV must oversee a pilot program in Miami-Dade County. The surety bond amount for the Pilot Rebuilt Motor Vehicle Inspection Program facility operators was increased from \$50,000 to \$100,000, and the facility operator was required to secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided at the facility were rebuilt inspection services. The operator of the facility was further required to annually attest that they were not employed by or had an ownership interest or other financial arrangement with the

¹ Section 316.305(5), F.S.

² Section 316.646(2), F.S.

³ Department of Highway Safety and Motor Vehicles, *2022 Agency Legislative Bill Analysis for SB 914*, (December 29, 2021), p. 6 (on file in the Senate Committee on Transportation).

⁴ Chapter 2013-160, s. 21, Laws of Fla.

owner, operator, manager, or employee of a motor vehicle repair shop, motor vehicle dealer, towing company, vehicle storage, vehicle auction, insurance company, salvage yard, metal retailer or metal rebuilder to prohibit the facility operator from receiving kickbacks from the entities for referring customers for rebuilt title inspection services. Participants in the program were required to maintain records of each rebuilt vehicle examination processed at the facility for at least five years, and the DHSMV was required to immediately terminate any operator from the pilot program who did not meet the minimum requirements. Prior to a change in ownership of a rebuilt inspection facility, the current operator was required to give the DHSMV a 45-day written notice of the intended sale. The prospective owner was required to meet the eligibility requirements and execute a new memorandum of understanding with the DHSMV prior to operating the facility. The revised section of law was repealed on July 1, 2018.⁵

The 2019 Florida Legislature reenacted s. 319.141, F.S., implementing the Private Rebuilt Vehicle Inspection Program (PRVIP) in Miami-Dade County for rebuilt inspection services offered by the private sector.⁶ There are 14 PRVIP facilities currently operating in Miami-Dade County.⁷

There has been a steady increase of the number of rebuilt inspections conducted at the PRVIP locations. Since the implementation of the PRVIP, a large number of rebuilt inspections previously conducted at the DHSMV Opa-locka Regional Office have shifted to the PRVIPs.⁸

Although the PRVIP is limited under s. 319.141, F.S., to provide privatized rebuilt inspections services in Miami-Dade County only, these facilities have provided services to meet customer demand statewide; however, customers must travel from various counties to Miami-Dade County where the PRVIP facilities are authorized and operating.

During Fiscal Year 2020-2021, the PRVIP facilities in Miami-Dade County conducted 69,261 rebuilt inspections which represents 81 percent of the 85,751 inspections conducted statewide.⁹

Surviving Spouse Title Transfer

Section 319.32, F.S., sets forth the fees, service charges, and disposition of funds for certificates of title. Generally the fee for each original and duplicate certificate of title is \$70, with an extra \$2 to note a lien on the certificate, \$1 to cover the cost of materials, and \$2.50 for shipping and handling.¹⁰ Additionally, there is a \$4.25 service charge for each certificate of title application.

The \$70 fee is distributed between the State Transportation Trust Fund and the General Revenue Fund, excluding \$1 that is deposited into the Highway Safety Operating Trust Fund to fund the

⁵ Chapter 2015-163, s. 6, Laws of Fla.

⁶ Chapter 2019-169, s. 5, Laws of Fla.

⁷ Department of Highway Safety and Motor Vehicles, *2022 Agency Legislative Bill Analysis for SB 914*, p. 2.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Vehicles for hire (those registered under s. 320.08(6), F.S.) pay a \$49 fee for title certificates; salvage certificates are \$2; and lienholder assignments are \$3. Vehicles previously registered outside the stat pay an additional \$10 fee.

DHSMV's efforts to prevent and detect odometer fraud.¹¹ The DHSMV or the tax collector who processes the application retains the \$4.25 service charge.¹²

Additionally, expedited service for title transfers, issuances, duplicates, and recordation of liens is an option available for a \$10 fee. If requested, expedited service ensures the title is issued within five working days after receipt of the application.¹³

The 2017 Florida Legislature revised s. 319.32(7), F.S., prohibiting the DHSMV and tax collectors from charging a fee, except for the expedited title fee, if applicable, for removing a deceased spouse from a motor vehicle title when the co-owner is the surviving spouse.¹⁴ Current law does not allow the exemption to be applied when only the deceased spouse is named on the title and the surviving spouse is applying to change the title. In order for a surviving spouse to receive title to a motor vehicle that was only titled in the deceased spouse, he or she must present an application and an original or certified copy of a death certificate and a copy of the marriage certificate unless the name of the surviving spouse is shown on the death certificate.¹⁵

Registration of Charter Buses

The International Registration Plan (IRP) is a reciprocity agreement among states of the U.S., the District of Columbia, and provinces of Canada which recognizes the registration of commercial motor vehicles registered by other jurisdictions. It provides for payment of apportioned licensing fees based on the total distance operated in all member jurisdictions.¹⁶

The current definition of an apportionable vehicle excludes buses used in transportation of chartered parties (charter buses).¹⁷ A ballot was passed by the IRP membership, effective January 1, 2016, which removes the charter bus exemption from the IRP definition of apportionable vehicle.¹⁸ Therefore, the current Florida statutory definition of an apportionable vehicle is inconsistent with the IRP definition.

Vehicle Registration/Toll Stop

Any governmental entity, including, without limitation, a clerk of court, has statutory authority to submit to the DHSMV a registration stop (also known as a toll stop) for individuals who have

¹¹ Sections 319.32(5) and 319.324, F.S.; Section 319.32(5), F.S., provides that \$47 of each fee collected for an original or duplicate certificate of title is deposited into the State Transportation Trust Fund, which may receive up to \$200 million in any fiscal year. The remainder of the fee and any fees in excess of the \$200 million are deposited into the General Revenue Fund.

¹² Section 319.32(2)(b), F.S.

¹³ Section 319.323, F.S.

¹⁴ Chapter 2017-89, Laws of Fla.

¹⁵ Department of Highway Safety and Motor Vehicles, *Application for Surviving Spouse Transfer of Florida Certificate of Title for a Motor Vehicle* (July 2017), <https://www.flhsmv.gov/pdf/forms/82152.pdf> (last visited January 13, 2022).

¹⁶ International Registration Plan, Inc., *Motor Carrier FAQs*, <http://www.irponline.org/> (last visited January 13, 2022).

¹⁷ Section 320.01(24), F.S.

¹⁸ International Registration Plan, Inc., *Charter Buses to be Covered by IRP Jan. 1, 2016* (April 17, 2015), https://cdn.ymaws.com/www.irponline.org/resource/resmgr/education_training/charter_comm_4.17.15.pdf (last visited January 13, 2022); Department of Highway Safety and Motor Vehicles, *2022 Agency Legislative Bill Analysis for SB 914*, p. 3.

failed to pay a toll or have not complied with toll fines.¹⁹ Current law prohibits those individuals from renewing or otherwise extending the registration period of a motor vehicle registration (license plate). However, it allows for them to process a license plate replacement where the individual receives a new plate with a different configuration that is not tied to the toll stop, thereby allowing them to circumvent the process.²⁰

The current count of motor vehicle toll stops in the DHSMV's database is 1,236,137. Of those 698,692 are from the Central Florida Expressway Authority, 463,831 are from the Miami-Dade Expressway Authority, 69,890 are from the Tampa Hillsborough Expressway Authority, 2,143 are from the Department of Transportation, and 1,397 are from the Orlando-Orange County Expressway Authority (predecessor to the Central Florida Expressway Authority). Some plates had multiple toll violation stops – 3,877 in all.²¹

According to the DHSMV over the last two years 3,713 registrations had their plates replaced via a “replace registration” transaction while an open toll stop existed (10/28/2019 to 10/28/2021), thus circumventing the toll stop process.²²

Garage Liability Insurance

Specifically motor vehicle dealerships and recreational vehicle dealers are required to have garage liability insurance or general liability insurance coupled with a business automobile policy. This ensures that they have coverage for the day-to-day operations of businesses in the automotive industry that are not covered under most commercial or business liability insurances, including providing coverage for all dealer-owned vehicles driven by prospective purchasers.²³

Florida law requires a motor vehicles dealers to provide proof of coverage and a recreational vehicle dealer to provide a statement that it has coverage for the duration of the licensure period when it makes its licensure application and then again at the beginning of each renewal period. Motor vehicle dealers are specifically required to notify the DHSMV of any renewal or continuation of or change in the policy within 10 calendar days.

However, for recreational vehicle dealers the statute does not require any notification to the DHSMV of any material change in policy coverage and thus does not address the issue of a gap in coverage during the licensure period. Gaps in coverage can, and do, occur as a result of various actions – an applicant may cancel a policy in the middle of the term or the insurer itself may cancel the policy in the middle of the term for nonpayment of the premium or other reasons.

This technicality may allow these dealers to meet the requirement of proof of coverage at the beginning of the licensure period, allow the coverage to lapse during the licensure period, and then reinstate coverage at the beginning of the next licensure period. The cancellation and later reinstatement of a policy creates a gap wherein the applicant has no insurance coverage. A gap in insurance coverage at any time during the licensure period has the potential to result in direct

¹⁹ Section 320.03(8), F.S.

²⁰ Department of Highway Safety and Motor Vehicles, *2022 Agency Legislative Bill Analysis for SB 914*, p. 3.

²¹ Information on file with the Senate Transportation Committee.

²² *Id.* and Department of Highway Safety and Motor Vehicles, *2022 Agency Legislative Bill Analysis for SB 914*, p. 3.

²³ See ss. 320.27(3) and 320.771(3)(j), F.S.

consumer harm, as any vehicles taken for test drives or driven as program models, any consumer-owned vehicles damaged while on the applicant's lot, or any other property or personal injury situations that would otherwise be covered under a garage liability policy are not otherwise covered. Failure to have the proper insurance submitted or remain continuous is a violation of Florida law and may cause an entity to be uninsured, thereby exposing consumers and stakeholders to financial loss.²⁴

Surety Bond Requirements

Before any license is issued or renewed to a mobile home or a recreational vehicle dealer, manufacturer, distributor, or importer the applicant or licensee must deliver to the DHSMV a good and sufficient surety bond, cash bond, or irrevocable letter of credit, executed by the applicant or licensee as principal and in a form approved by the DHSMV.²⁵

Before a license can be issued or renewed, the applicant or licensee must submit a surety bond, cash bond, or letter of credit from a financial institution, or a proper continuation certificate sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, failure to provide warranty service, or violation of any provisions of the applicable statute in ch. 320, F.S. The surety bond, cash bond, or letter of credit must be to the DHSMV, in favor of any retail customer who suffers a loss arising out of such failures. The DHSMV may disapprove any bond or letter of credit that does not provide appropriate assurances. Licensees must notify the DHSMV if the bond or irrevocable letter of credit is cancelled.²⁶

Currently, there is no required timeframe for to a mobile home or a recreational vehicle dealer, manufacturer, distributor, or importer to submit its surety or cash bond or irrevocable letter of credit to the DHSMV. The lack of having a required timeframe consistently may result in these entities failing to submit proof of their liability insurance or surety bonds and results in the DHSMV having to contact these entities, sometimes repeatedly, to obtain this information. Failure to have a bond or irrevocable letter of credit submitted or remain continuous is a violation of Florida law and may expose consumers and stakeholders to financial loss.²⁷

Commercial Motor Vehicle Insurance

All commercial motor vehicles subject to regulations of the U.S. Department of Transportation must be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in 49 C.F.R. Part 387.²⁸ The federal law sets forth minimum limits for coverage for for-hire motor carriers of passengers and household goods, fleet vehicles, transit service providers, and

²⁴ Department of Highway Safety and Motor Vehicles, 2022 Agency Legislative Bill Analysis for SB 914, p. 4.

²⁵ Sections 320.77(16), 320.771(16), and 320.8225(5), F.S.

²⁶ *Id.*

²⁷ Department of Highway Safety and Motor Vehicles, 2022 Agency Legislative Bill Analysis for SB 914, p. 4.

²⁸ Section 627.7415(4), F.S.

commodity transporters among others. For example the minimum levels currently provided motor carriers of passengers operating in interstate or foreign commerce are:²⁹

Vehicle Seating Capacity	Minimum Limits
(1) Any vehicle with a seating capacity of 16 passengers or more, including the driver	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less, including the driver	\$1,500,000

Florida law does not currently incorporate 49 C.F.R. Part 387, Subpart B, and therefore is not in compliance.

III. Effect of Proposed Changes:

Texting and Driving Annual Report (Section 1)

The bill amends s. 316.305, F.S., to provide that law enforcement agencies must submit the required information to the DHSMV annually by April 1 and the DHSMV must annually report statewide totals by July 1. The first annual report is due July 1, 2023. According to the DHSMV, this revised schedule will allow for a more complete collection from law enforcement agencies of all texting and driving data required to be included in the annual report. The DHSMV will still report the texting and driving data on an annual basis once all data from law enforcement agencies is received.³⁰

Proof of Insurance to Law Enforcement (Section 2)

The bill amends s. 316.646, F.S., to require any operator of a motor vehicle, as opposed to only the owner, to provide proof of insurance when requested by a law enforcement officer.

Privatized Rebuilt Vehicle Inspection Program (Section 3)

The bill amends s. 319.141, F.S., to expand the PRVIP to additional counties. Beginning October 1, 2022, private rebuilt inspection services will be allowed in the following counties: Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia. The expanded program would still be implemented under the established statutory requirements, policies, and procedures. The bill repeals an obsolete report by the DHSMV.

Surviving Spouse Title Transfer (Section 4)

The bill amends s. 319.32, F.S., to expand the exemption for title fees to a surviving spouse transferring a title solely into his or her own name when only the deceased spouse is named on the title, except for the expedited title fee, if applicable.

²⁹ See 49 C.F.R. 387.33, 387.33T, 387.303, and 387.303T.

³⁰ Department of Highway Safety and Motor Vehicles, 2022 Agency Legislative Bill Analysis for SB 914, p. 5.

Registration of Charter Buses (Section 5)

The bill amends s. 320.01, F.S., to remove a charter bus as a vehicle exempt from the definition of an apportionable vehicle to comply with the revised requirements of the International Registration Plan.

Vehicle Registration/Toll Stop (Section 6)

The bill amends s. 320.03, F.S., to stop the practice of individuals who have toll stops on their registrations of replacing their vehicle registrations and license plates. Such persons may not renew or *replace* their vehicle registrations and license plates until satisfying the toll stop. This is intended to deter individuals from circumventing the current requirements and avoiding the payment of toll fees.

Garage Liability Insurance (Section 8)

The bill amends s. 320.771, F.S., to require a recreational vehicle dealer to submit *evidence*, instead of a statement, of insurance under a garage liability insurance policy. The policy must be for the license period. The bill also requires the dealer to deliver to the DHSMV copies of renewed, continued, changed, or new insurance policies within 10 days after the renewal, continuation, or material change, ensuring continuous insurance coverage.

Surety Bond Requirements (Sections 7, 8, and 9)

The bill amends ss. 320.77, 320.771, and 320.8225, F.S., to require a mobile home or a recreational vehicle dealer, manufacturer, distributor, or importer to deliver to the DHSMV a copy of renewed, continued, changed, or new surety or cash bond or irrevocable letter of credit, as applicable, within 10 days after the renewal, continuation, or material change, ensuring continuous coverage.

Commercial Motor Vehicle Insurance (Section 10)

The bill amends s. 627.7415, F.S., to include a reference to 49 C.F.R. Part 387, Subpart B, which prescribes minimum insurance requirements for commercial vehicles, including those that carry passengers. This provision would allow enforcement of federal insurance requirements for buses and other commercial vehicles that carry passengers.

Effective Date (Section 11)

The bill takes effect July 1, 2022.

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

This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or

municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

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:

Expanding the PRVIP to Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia counties may have a positive indeterminate impact on business opportunities for residents in those counties, and simultaneously it may have a negative indeterminate impact on PRVIP operators in Miami-Dade County as vehicles may be inspected at locations in counties closer the registered owners' locations.

Surviving spouses transferring a vehicle title into their name when only the deceased spouse is named on the title, except for the expedited title fee, will be exempt from the \$70 transfer fee.

Prohibiting individuals who have toll stops from replacing their vehicle registrations and license plates until satisfying the toll stop will require payment of toll fees and fines that are otherwise avoided by a registered owner of a vehicle.

Mobile home and recreational vehicle dealers, manufacturers, distributors, and importers may incur insignificant expenses associated with delivering to the DHSMV copies of renewed, continued, changed, or new insurance policies or surety bonds.

C. Government Sector Impact:

Removing a charter bus as a vehicle exempt from the definition of an apportionable vehicle to comply with the requirements of the International Registration Plan may have

an indeterminate, though likely insignificant, negative fiscal impact to the DHSMV, as registration fees will be apportioned between the states the charter bus operates within.

Prohibiting individuals who have toll stops from replacing their vehicle registrations and license plates until satisfying the toll stop may result in an increase payment of toll fees and fines that are otherwise avoided by the registered owner of a vehicle. This may result in an indeterminate positive fiscal impact to the state and impacted toll authorities.

Allowing a surviving spouse to transfer a vehicle title into their name when only the deceased spouse is named on the title without the payment of a title transfer fee may have an indeterminate negative fiscal impact on tax collectors, the Highway Safety Operating Trust Fund, the State Transportation Trust Fund, and the General Revenue Fund.

The DHSMV has stated that this bill would have a moderate impact on resources, including programming to include the title fee exemption for surviving spouses and the prohibition of those with toll stops from replacing registrations and plates, which can be done within existing resources dedicated to their current IT modernization projects.³¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.305, 316.646, 319.141, 319.32, 320.01, 320.03, 320.77, 320.771, 320.8225, and 627.7415.

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.

³¹ Department of Highway Safety and Motor Vehicles, *2022 Agency Legislative Bill Analysis for SB 914*, p. 8.

By Senator Harrell

25-00917D-22

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1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 316.305, F.S.;
 4 requiring law enforcement agencies to annually report
 5 race and ethnicity data of certain violators to the
 6 department; revising the date by which the department
 7 must begin annually reporting such data to the
 8 Governor and the Legislature; amending s. 316.646,
 9 F.S.; deleting a precondition to a requirement that
 10 the operator of a motor vehicle display proof of
 11 maintenance of security to a law enforcement officer
 12 or certain other persons; amending s. 319.141, F.S.;
 13 extending the date by which the department must
 14 implement a rebuilt motor vehicle inspection program;
 15 adding counties where the program must be implemented;
 16 deleting an obsolete provision; amending s. 319.32,
 17 F.S.; prohibiting the department and a tax collector
 18 from charging fees or service charges, except a
 19 certain fee, under certain circumstances; amending s.
 20 320.01, F.S.; revising the definition of the term
 21 "apportionable vehicle"; amending s. 320.03, F.S.;
 22 revising applicability; amending s. 320.77, F.S.;
 23 requiring licensed mobile home dealers to deliver
 24 certain documents to the department within a certain
 25 timeframe; amending s. 320.771, F.S.; specifying the
 26 required term of a certain garage liability insurance
 27 policy; requiring licensed recreational vehicle
 28 dealers to deliver certain documents to the department
 29 within a certain timeframe; amending s. 320.8225,

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30 F.S.; requiring licensed mobile home manufacturers and
 31 recreational vehicle manufacturers, distributors, and
 32 importers to submit certain documents to the
 33 department within a certain timeframe; amending s.
 34 627.7415, F.S.; requiring that certain commercial
 35 motor vehicles meet certain federal financial
 36 responsibility requirements; providing an effective
 37 date.
 38
 39 Be It Enacted by the Legislature of the State of Florida:
 40
 41 Section 1. Subsection (5) of section 316.305, Florida
 42 Statutes, is amended to read:
 43 316.305 Wireless communications devices; prohibition.-
 44 (5) When a law enforcement officer issues a citation for a
 45 violation of this section, the law enforcement officer must
 46 record the race and ethnicity of the violator. All law
 47 enforcement agencies must maintain such information and report
 48 the information to the department by April 1 annually in a form
 49 and manner determined by the department. Beginning July 1, 2023
 50 ~~February 1, 2020~~, the department shall annually report the data
 51 collected under this subsection to the Governor, the President
 52 of the Senate, and the Speaker of the House of Representatives.
 53 The data collected must be reported at least by statewide totals
 54 for local law enforcement agencies, state law enforcement
 55 agencies, and state university law enforcement agencies. The
 56 statewide total for local law enforcement agencies shall combine
 57 the data for the county sheriffs and the municipal law
 58 enforcement agencies.

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59 Section 2. Subsection (2) of section 316.646, Florida
60 Statutes, is amended to read:

61 316.646 Security required; proof of security and display
62 thereof.-

63 ~~(2) If, upon a comparison of the vehicle registration~~
64 ~~certificate or other evidence of registration or ownership with~~
65 ~~the operator's driver license or other evidence of personal~~
66 ~~identity, it appears to a law enforcement officer or other~~
67 ~~person authorized to issue traffic citations that the operator~~
68 ~~is also the owner or registrant of the vehicle, Upon the demand~~
69 ~~of a the law enforcement officer or other person authorized to~~
70 ~~issue traffic citations, the operator shall display proper proof~~
71 ~~of maintenance of security as specified by subsection (1).~~

72 Section 3. Subsections (2) and (10) of section 319.141,
73 Florida Statutes, are amended to read:

74 319.141 Rebuilt motor vehicle inspection program.-

75 (2) By October 1, 2022 ~~2019~~, the department shall implement
76 a program in Bay, Broward, Duval, Escambia, Hillsborough, Leon,
77 Manatee, Marion, Miami-Dade, Orange, Palm Beach, and Volusia
78 Counties ~~County~~ for rebuilt inspection services offered by
79 private sector participants.

80 ~~(10) On or before July 1, 2021, the department shall submit~~
81 ~~a written report to the President of the Senate and the Speaker~~
82 ~~of the House of Representatives evaluating the effectiveness of~~
83 ~~the program and whether to expand the program to other counties.~~

84 Section 4. Subsection (7) of section 319.32, Florida
85 Statutes, is amended to read:

86 319.32 Fees; service charges; disposition.-

87 (7) Notwithstanding any other provision of this section,

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88 the department and tax collector may not charge any fee or
89 service charge, except for the expedited title fee, if
90 applicable;r

91 (a) For a certificate of title issued for a motor vehicle
92 solely to remove a deceased co-owner from a title registered in
93 the names of two persons if the other co-owner is the surviving
94 spouse; or

95 (b) To issue a certificate of title solely to change the
96 ownership of a motor vehicle from a deceased spouse's name to
97 the surviving spouse's name.

98 Section 5. Subsection (24) of section 320.01, Florida
99 Statutes, is amended to read:

100 320.01 Definitions, general.-As used in the Florida
101 Statutes, except as otherwise provided, the term:

102 (24) "Apportionable vehicle" means any vehicle, except
103 recreational vehicles, vehicles displaying restricted plates,
104 city pickup and delivery vehicles, ~~buses used in transportation~~
105 ~~of chartered parties,~~ and government-owned vehicles, which is
106 used or intended for use in two or more member jurisdictions
107 that allocate or proportionally register vehicles and which is
108 used for the transportation of persons for hire or is designed,
109 used, or maintained primarily for the transportation of property
110 and:

111 (a) Is a power unit having a gross vehicle weight in excess
112 of 26,000 pounds;

113 (b) Is a power unit having three or more axles, regardless
114 of weight; or

115 (c) Is used in combination, when the weight of such
116 combination exceeds 26,000 pounds gross vehicle weight.

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117
118 Vehicles, or combinations thereof, having a gross vehicle weight
119 of 26,000 pounds or less and two-axle vehicles may be
120 proportionally registered.

121 Section 6. Subsection (8) of section 320.03, Florida
122 Statutes, is amended to read:

123 320.03 Registration; duties of tax collectors;
124 International Registration Plan.—

125 (8) If the applicant's name appears on the list referred to
126 in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.
127 713.78(13), a license plate or revalidation sticker may not be
128 issued until that person's name no longer appears on the list or
129 until the person presents a receipt from the governmental entity
130 or the clerk of court that provided the data showing that the
131 fines outstanding have been paid. This subsection does not apply
132 to the owner of a leased vehicle if the vehicle is registered in
133 the name of the lessee of the vehicle. The tax collector and the
134 clerk of the court are each entitled to receive monthly, as
135 costs for implementing and administering this subsection, 10
136 percent of the civil penalties and fines recovered from such
137 persons. As used in this subsection, the term "civil penalties
138 and fines" does not include a wrecker operator's lien as
139 described in s. 713.78(13). If the tax collector has private tag
140 agents, such tag agents are entitled to receive a pro rata share
141 of the amount paid to the tax collector, based upon the
142 percentage of license plates and revalidation stickers issued by
143 the tag agent compared to the total issued within the county.
144 The authority of any private agent to issue license plates shall
145 be revoked, after notice and a hearing as provided in chapter

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146 120, if he or she issues any license plate or revalidation
147 sticker contrary to the provisions of this subsection. This
148 section applies both only to the annual renewal ~~in the owner's~~
149 ~~birth month~~ of a motor vehicle registration and the replacement
150 of the motor vehicle registration or license plate, but does not
151 apply to the transfer of a registration of a motor vehicle sold
152 by a motor vehicle dealer licensed under this chapter, except
153 for the transfer of registrations which includes the annual
154 renewals. This section does not affect the issuance of the title
155 to a motor vehicle, notwithstanding s. 319.23(8)(b).

156 Section 7. Paragraph (a) of subsection (16) of section
157 320.77, Florida Statutes, is amended to read:

158 320.77 License required of mobile home dealers.—

159 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
160 CREDIT REQUIRED.—

161 (a) Before any license shall be issued or renewed, the
162 applicant or licensee shall deliver to the department a good and
163 sufficient surety bond, cash bond, or irrevocable letter of
164 credit, executed by the applicant or licensee as principal.
165 Within 10 calendar days after any renewal or continuation of or
166 material change in such surety bond, cash bond, or irrevocable
167 letter of credit or issuance of a new surety bond, a licensee
168 shall deliver to the department, in a manner prescribed by the
169 department, a copy of the renewed, continued, changed, or new
170 surety bond, cash bond, or irrevocable letter of credit. The
171 bond or irrevocable letter of credit shall be in a form to be
172 approved by the department and shall be conditioned upon the
173 dealer's complying with the conditions of any written contract
174 made by the dealer in connection with the sale, exchange, or

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175 improvement of any mobile home and his or her not violating any
 176 of the provisions of chapter 319 or this chapter in the conduct
 177 of the business for which the dealer is licensed. The bond or
 178 irrevocable letter of credit shall be to the department and in
 179 favor of any retail customer who shall suffer any loss as a
 180 result of any violation of the conditions contained in this
 181 section. The bond or irrevocable letter of credit shall be for
 182 the license period, and a new bond or irrevocable letter of
 183 credit or a proper continuation certificate shall be delivered
 184 to the department at the beginning of each license period.
 185 However, the aggregate liability of the surety in any one
 186 license year shall in no event exceed the sum of such bond, or,
 187 in the case of a letter of credit, the aggregate liability of
 188 the issuing bank shall not exceed the sum of the credit. The
 189 amount of the bond required shall be as follows:

190 1. A single dealer who buys, sells, or deals in mobile
 191 homes and who has four or fewer supplemental licenses shall
 192 provide a surety bond, cash bond, or irrevocable letter of
 193 credit executed by the dealer applicant or licensee in the
 194 amount of \$25,000.

195 2. A single dealer who buys, sells, or deals in mobile
 196 homes and who has more than four supplemental licenses shall
 197 provide a surety bond, cash bond, or irrevocable letter of
 198 credit executed by the dealer applicant or licensee in the
 199 amount of \$50,000.

200
 201 For the purposes of this paragraph, any person who buys, sells,
 202 or deals in both mobile homes and recreational vehicles shall
 203 provide the same surety bond required of dealers who buy, sell,

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204 or deal in mobile homes only.

205 Section 8. Paragraph (j) of subsection (3) and paragraph
 206 (a) of subsection (16) of section 320.771, Florida Statutes, are
 207 amended to read:

208 320.771 License required of recreational vehicle dealers.—

209 (3) APPLICATION.—The application for such license shall be
 210 in the form prescribed by the department and subject to such
 211 rules as may be prescribed by it. The application shall be
 212 verified by oath or affirmation and shall contain:

213 (j) Evidence A ~~statement~~ that the applicant is insured
 214 under a garage liability insurance policy, which shall include,
 215 at a minimum, \$25,000 combined single-limit liability coverage,
 216 including bodily injury and property damage protection, and
 217 \$10,000 personal injury protection, if the applicant is to be
 218 licensed as a dealer in, or intends to sell, recreational
 219 vehicles. Such policy must be for the license period. Within 10
 220 calendar days after any renewal or continuation of or material
 221 change in such policy or issuance of a new policy, the licensee
 222 shall deliver to the department, in a manner prescribed by the
 223 department, a copy of such renewed, continued, changed, or new
 224 policy. However, a garage liability policy is not required for
 225 the licensure of a mobile home dealer who sells only park
 226 trailers.

227
 228 The department shall, if it deems necessary, cause an
 229 investigation to be made to ascertain if the facts set forth in
 230 the application are true and shall not issue a license to the
 231 applicant until it is satisfied that the facts set forth in the
 232 application are true.

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233 (16) BOND.—

234 (a) Before any license shall be issued or renewed, the
 235 applicant shall deliver to the department a good and sufficient
 236 surety bond, executed by the applicant as principal and by a
 237 surety company qualified to do business in the state as surety.
 238 Within 10 calendar days after any renewal or continuation of or
 239 material change in such surety bond or issuance of a new surety
 240 bond, a licensee shall deliver to the department, in a manner
 241 prescribed by the department, a copy of such renewed, continued,
 242 changed, or new surety bond. The bond shall be in a form to be
 243 approved by the department and shall be conditioned upon the
 244 dealer's complying with the conditions of any written contract
 245 made by that dealer in connection with the sale, exchange, or
 246 improvement of any recreational vehicle and his or her not
 247 violating any of the provisions of chapter 319 or this chapter
 248 in the conduct of the business for which he or she is licensed.
 249 The bond shall be to the department and in favor of any retail
 250 customer who shall suffer any loss as a result of any violation
 251 of the conditions hereinabove contained. The bond shall be for
 252 the license period, and a new bond or a proper continuation
 253 certificate shall be delivered to the department at the
 254 beginning of each license period. However, the aggregate
 255 liability of the surety in any one license year shall in no
 256 event exceed the sum of such bond. The amount of the bond
 257 required shall be as follows:

- 258 1. A single dealer who buys, sells, or deals in
 259 recreational vehicles and has four or fewer supplemental
 260 licenses shall provide a surety bond in the amount of \$10,000.
 261 2. A single dealer who buys, sells, or deals in

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262 recreational vehicles and who has more than four supplemental
 263 licenses shall provide a surety bond in the amount of \$20,000.

264
 265 For the purposes of this paragraph, any person who buys, sells,
 266 or deals in both mobile homes and recreational vehicles shall
 267 provide the same surety bond required of dealers who buy, sell,
 268 or deal in mobile homes only.

269 Section 9. Paragraphs (a) and (b) of subsection (5) of
 270 section 320.8225, Florida Statutes, are amended to read:

271 320.8225 Mobile home and recreational vehicle manufacturer,
 272 distributor, and importer license.—

273 (5) REQUIREMENT OF ASSURANCE.—

274 (a) Annually, prior to the receipt of a license to
 275 manufacture mobile homes, the applicant or licensee shall submit
 276 a surety bond, cash bond, or letter of credit from a financial
 277 institution, or a proper continuation certificate, sufficient to
 278 assure satisfaction of claims against the licensee for failure
 279 to comply with appropriate code standards, failure to provide
 280 warranty service, or violation of any provisions of this
 281 section. The amount of the surety bond, cash bond, or letter of
 282 credit must be \$50,000. Only one surety bond, cash bond, or
 283 letter of credit shall be required for each manufacturer,
 284 regardless of the number of factory locations. The surety bond,
 285 cash bond, or letter of credit must be to the department, in
 286 favor of any retail customer who suffers a loss arising out of
 287 noncompliance with code standards or failure to honor or provide
 288 warranty service. The department may disapprove any bond or
 289 letter of credit that does not provide assurance as provided in
 290 this section. Within 10 calendar days after any renewal or

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 291 continuation of or material change in such surety bond, cash
 292 bond, or letter of credit or issuance of a new surety bond, cash
 293 bond, or letter of credit, a licensee shall deliver to the
 294 department, in a manner prescribed by the department, a copy of
 295 such renewed, continued, changed, or new surety bond, cash bond,
 296 or letter of credit.

297 (b) Annually, prior to the receipt of a license to
 298 manufacture, distribute, or import recreational vehicles, the
 299 applicant or licensee shall submit a surety bond, or a proper
 300 continuation certificate, sufficient to assure satisfaction of
 301 claims against the licensee for failure to comply with
 302 appropriate code standards, failure to provide warranty service,
 303 or violation of any provisions of this section. The amount of
 304 the surety bond must be \$10,000 per year. The surety bond must
 305 be to the department, in favor of any retail customer who
 306 suffers loss arising out of noncompliance with code standards or
 307 failure to honor or provide warranty service. The department may
 308 disapprove any bond that does not provide assurance as provided
 309 in this section. Within 10 calendar days after any renewal or
 310 continuation of or material change in such surety bond or
 311 issuance of a new surety bond, a licensee shall deliver to the
 312 department, in a manner prescribed by the department, a copy of
 313 such renewed, continued, changed, or new surety bond.

314 Section 10. Subsection (4) of section 627.7415, Florida
 315 Statutes, is amended to read:

316 627.7415 Commercial motor vehicles; additional liability
 317 insurance coverage.—Commercial motor vehicles, as defined in s.
 318 207.002 or s. 320.01, operated upon the roads and highways of
 319 this state shall be insured with the following minimum levels of

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 320 combined bodily liability insurance and property damage
 321 liability insurance in addition to any other insurance
 322 requirements:

323 (4) All commercial motor vehicles subject to regulations of
 324 the United States Department of Transportation, 49 C.F.R. part
 325 387, ~~subparts~~ subpart A and B, and as may be hereinafter
 326 amended, shall be insured in an amount equivalent to the minimum
 327 levels of financial responsibility as set forth in such
 328 regulations.

329
 330 A violation of this section is a noncriminal traffic infraction,
 331 punishable as a nonmoving violation as provided in chapter 318.

332 Section 11. This act shall take effect July 1, 2022.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Transportation, *Chair*
Military and Veterans Affairs, Space,
and Domestic Security, *Vice Chair*
Appropriations Subcommittee on Health and
Human Services
Children, Families, and Elder Affairs
Finance and Tax

SELECT COMMITTEE:
Select Committee on Pandemic
Preparedness and Response

SENATOR GAYLE HARRELL

25th District

January 12, 2022

Senator George Gainer
408 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Chair Gainer,

I respectfully request that **SB 914 – Department of Highway Safety and Motor Vehicles** be placed on the next available agenda for the Appropriations Subcommittee on Transportation, Tourism and Economic Development Committee Meeting.

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

Thank you,

A handwritten signature in blue ink that reads "Gayle".

Senator Gayle Harrell
Senate District 25

Cc: Jennifer Hrdlicka, Staff Director
Brooke Conlan, Committee Administrative Assistant

REPLY TO:

- 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019 FAX: (888) 263-7895
- 310 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/2/22

Meeting Date

914

Bill Number or Topic

App. Sub on TRANS, TECH

Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST
Street

Email INSTRUC777@AOL.COM

TALLAHASSEE
City

FL
State

32301
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf](#) [flsenate.gov](#)

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

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 1582

INTRODUCER: Senator Harrell

SUBJECT: Commercial Motor Vehicle Registration

DATE: February 1, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.	Wells	Hrdlicka	ATD	Favorable
3.			AP	

I. Summary:

SB 1582 addresses the issuance of license plates and cab cards for commercial motor vehicles registered in accordance with the International Registration Plan (apportioned vehicles).

Currently apportioned vehicles are issued an annual license plate and a cab card denoting the declared vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. Beginning January 1, 2024, the bill requires apportioned vehicles to be issued a license plate for a 3-year period, at which time the plate must be replaced upon renewal.

Under the bill, the cab card still must be renewed annually. The existing \$28 fee still applies, but payment of the fee is triggered solely by annual issuance of the cab card, rather than by annual issuance of both the license plate and the cab card.

The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to replace a damaged or worn license plate at no cost to an applicant surrendering the current license plate.

The bill presents no apparent fiscal impact.

The bill takes effect July 1, 2022.

II. Present Situation:

Generally, current law requires the DHSMV, upon receipt of an application and payment of the appropriate fees, to issue to a vehicle owner or lessee a certificate of registration and a license

plate.¹ Registration license plates are issued for a 10-year period and must be replaced upon renewal at the end of the 10-year period. The fee for plate replacement is \$28, and such fees must be deposited into the Highway Safety Operating Trust Fund. A validation sticker must also be issued, reflecting the owner's birth month, license plate number, and the year of expiration, or the appropriate renewal period if the owner is not a natural person.²

However, a commercial motor vehicle³ registered in accordance with the International Registration Plan,⁴ also known as "apportioned vehicles," must be issued an *annual* license plate, as well as a cab card denoting the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.⁵ The \$28 plate renewal fee is paid upon initial registration and then annually upon subsequent renewal.

Industry representatives have described difficulties associated with annual replacement of apportioned vehicle license plates:

[The] IRP plates must be physically changed each year on the truck. This process is onerous on carriers who have several hundred registered vehicles across the country. [The] proposal would still require the annual registration (and maintain all existing fees paid annually)...⁶

A license plate that is damaged or defaced may be required to be replaced. The registrant applies to the DHSMV for a replacement plate and pays a \$28 fee, which is deposited into the Highway Safety Operating Trust Fund.⁷

III. Effect of Proposed Changes:

The bill amends s. 320.06(1)(b), F.S., to allow apportioned vehicles to be issued a license plate for a 3-year period, instead of the current annual issuance, beginning January 1, 2024. The plate must be replaced upon renewal at the end of the 3-year period and, as under current law, each plate must include a validation sticker reflecting the month of expiration of the plate. The current

¹ Section 320.06(1)(a), F.S. See s. 320.0706, F.S., for license plate display requirements for commercial trucks with a gross vehicle weight of 26,001 pounds or more and for dump trucks and truck tractors.

² Section 320.06(1)(b)1., F.S. Renewed based on registration periods and renewal periods established in current law. See s. 320.055, F.S.

³ Defined in s. 320.01(25), F.S., for purposes of vehicle registration as any vehicle not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight.

⁴ Section 320.0715(1), F.S., requires all apportionable vehicles domiciled in this state to be registered in accordance with the International Registration Plan and to display license plates. The International Registration Plan (IRP) is "a reciprocal agreement, meaning that when the vehicle is registered in the jurisdiction where the motor carrier is based, the registration is valid in all the other IRP member jurisdictions. Additionally, the IRP registration is 'apportioned' because the fees paid to the base jurisdiction are divided among all the member jurisdictions in which the vehicle(s) operated. IRP member jurisdictions are the lower 48 states, the District of Columbia, and the 10 Canadian provinces." DHSMV, Commercial Motor Vehicle Drivers, *International Registration Plan*, available at <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-registration-plan/> (last visited January 28, 2022).

⁵ Section 320.06(1)(b)1., F.S.

⁶ See email to Senate Transportation Committee staff, October 25, 2021 (on file in the Senate Transportation Committee).

⁷ Section 320.0607, F.S.

requirement for the issuance of annual license plates to apportioned vehicles expires on December 31, 2023.

Under the bill, the cab card still must be renewed annually. The existing \$28 fee still applies, but payment of the fee is triggered solely by annual issuance of the cab card, rather than by annual issuance of both the license plate and the cab card. The fee also continues to be deposited into the Highway Safety Operating Trust Fund.

Lastly, the bill provides that if the license plate is damaged or worn, the plate may be replaced at no charge by applying to the DHSMV and surrendering the current plate.

The bill takes effect July 1, 2022.

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 prohibits the imposition or authorization of a new state tax or fee except through legislation approved by two-thirds of the membership of each house of the legislature and approval by the Governor. If the bill imposes a new fee, a two-thirds vote of the membership of each house may be required.

As noted, payment of the \$28 fee under the bill is triggered solely by annual issuance of the cab card, rather than by annual issuance of both the license plate and the cab card. The applicant pays the same fee under current law as under the bill; thus, the bill does not appear to impose a new fee.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. The provisions of the bill changing how long an apportioned vehicle's license plate is valid do not apply until January 1, 2024. The \$28 renewal fee continues to be required with the issuance of the renewed cab card. There may be some minimal cost savings related to manufacture and mailing of plates as apportioned vehicles transition to the 3-year plate renewal period and there may be minimal costs related to replacement of damaged plates at no cost to the registrant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.06 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 Harrell

25-01249C-22

20221582__

A bill to be entitled

An act relating to commercial motor vehicle registration; amending s. 320.06, F.S.; providing for future expiration of a provision relating to vehicles with apportioned registrations; providing, beginning on a specified date, license plate and cab card requirements for vehicles registered in accordance with the International Registration Plan; specifying the fee for an original or renewal cab card and the trust fund where the fee is deposited; providing for the replacement at no charge of damaged or worn license plates; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating

Page 1 of 3

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

25-01249C-22

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Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8) (a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. Rental vehicles taxed pursuant to s. 320.08(6) (a) may elect a permanent registration period, provided payment of the appropriate license taxes and fees occurs annually.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires December 31, 2023.

3. Beginning January 1, 2024, a vehicle registered in accordance with the International Registration Plan must be issued a license plate for a 3-year period. At the end of the 3-year period, upon renewal, the license plate must be replaced. Each license plate must include a validation sticker showing the month of expiration. A cab card denoting the declared gross

Page 2 of 3

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

25-01249C-22

20221582__

59 vehicle weight for each apportioned jurisdiction must be issued
60 annually. The fee for an original or a renewal cab card is \$28,
61 which must be deposited into the Highway Safety Operating Trust
62 Fund. If the license plate is damaged or worn, it may be
63 replaced at no charge by applying to the department and
64 surrendering the current license plate.

65 ~~4.2-~~ In order to retain the efficient administration of the
66 taxes and fees imposed by this chapter, the 80-cent fee increase
67 in the replacement fee imposed by chapter 2009-71, Laws of
68 Florida, is negated as provided in s. 320.0804.

69 Section 2. This act shall take effect July 1, 2022.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/2/22 Meeting Date

1582 Bill Number or Topic

Approps Spomite ITE Committee

Amendment Barcode (if applicable)

Name ALIX MILLER

Phone 850-222-9900

Address 350 E College Ave Street

Email alix@floridatrucking.org

Tallahassee FL 32301 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA TRUCKING ASSOCIATION

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf flsenate.gov

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

The Florida Senate
APPEARANCE RECORD

1582

Meeting Date

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Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

ANANTHI PRASAD

Phone

850 942-1405

Address

1007 E DESOTO PARK DRIVE

Email

aprasad@ftba.com

Street

THE ASSET

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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FTBA

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

S-001 (08/10/2021)



Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development

FY 2022-2023 Subcommittee Budget Proposal

Budget Spreadsheet

Senator Gainer, Chair
Senator Hooper, Vice Chair

February 2, 2022

Transportation and Tourism Appropriations

Row#	AGENCY / DEPARTMENT		ATD Subcommittee Recommendations							Row#	
	ISSUE CODE	ISSUE TITLE	FTE	RATE	GR TOTAL	REC GR	NR GR	SEED TF	ALL TRUST		ALL FUNDS
1		ECONOMIC OPPORTUNITY									1
2	1100001	Startup (OPERATING)	1,509.00	70,111,443	112,509	112,509		38,957,345	687,073,561	687,186,070	2
3	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			-	-		5,000,000	5,000,000	5,000,000	3
4	17C08C0	Data Processing Services Category - Deduct			-	-		(24,446)	(2,891,804)	(2,891,804)	4
5	17C09C0	Data Processing Services Category - Add			-	-		24,446	2,891,804	2,891,804	5
6	2000350	Realign Budget for Federal Reemployment Tax Services Contract - Deduct			-	-			(19,000,000)	(19,000,000)	6
7	2000450	Realign Budget for Federal Reemployment Tax Services Contract - Add			-	-			19,000,000	19,000,000	7
8	2000550	Realign Budget to Support Bureau of Economic Self-Sufficiency Workload Increase - Deduct			-	-			(239,417)	(239,417)	8
9	2000650	Realign Budget to Support Bureau of Economic Self-Sufficiency Workload Increase - Add			-	-			239,417	239,417	9
10	2000750	Realign Budget to Support Finance and Administration Workload Increase - Deduct			-	-			(502,169)	(502,169)	10
11	2000850	Realign Budget to Support Finance and Administration Workload Increase - Add			-	-			502,169	502,169	11
12	2503080	Direct Billing for Administrative Hearings			-	-			(20,721)	(20,721)	12
13	3003050	Provide Additional Staffing and Contracted Services for the Office of Broadband	1.00	60,000	-	-			320,168	320,168	13
14	3200100	Reduce Budget Authority to Reflect Loss of Temporary Assistance to Needy Families (TANF) Block Grant Funding			-	-			(346,977)	(346,977)	14
15	33V0020	Reduce Targeted Program Expenses			-	-		(2,400,000)	(2,400,000)	(2,400,000)	15
16	4100600	Florida Sports Foundation - Additional Funding			-	-			500,000	500,000	16
17	4300210	Visit Florida - Recurring Funding			-	-		26,000,000	50,000,000	50,000,000	17
18	4610000	Business Initiative Projects			1,550,000	-	1,550,000		-	1,550,000	18
19	4700070	Economic Development Tools			24,850,000	-	24,850,000	6,400,000	11,400,000	36,250,000	19
20	6400100	Housing and Community Development Projects			2,522,000	-	2,522,000		-	2,522,000	20
21	6507400	Affordable Housing Programs			-	-			128,250,000	128,250,000	21
22	6507600	State Housing Initiatives Partnership (SHIP) Program			-	-			209,475,000	209,475,000	22
23	8000090	Non-Custodial Parent Employment Program			500,000	-	500,000		-	500,000	23
24	8000100	Workforce Projects			2,550,000	-	2,550,000		-	2,550,000	24
25	8100310	Jobs for Veterans Program - State Grant Staff Recruitment and Retention		574,520	-	-			-	-	25
26	8100910	Federal Reemployment Tax Services Contract			3,410,094	3,410,094			-	3,410,094	26
27	8100920	Federal Funding for Reemployment Assistance Program			15,000,000	-	15,000,000		-	15,000,000	27
28	990G000	Grants and Aids - Fixed Capital Outlay			-	-			-	-	28
29	140220	Housing and Comm Dev - Fco			50,667,600	-	50,667,600		-	50,667,600	29
30	143150	Space, Defense, Rural Infr			-	-		1,600,000	1,600,000	1,600,000	30
31	990M000	Maintenance and Repair			-	-			-	-	31
32	080903	Reed Act Project-Statewide			-	-			1,467,000	1,467,000	32
33	Total	ECONOMIC OPPORTUNITY	1,510.00	70,745,963	101,162,203	3,522,603	97,639,600	75,557,345	1,092,318,031	1,193,480,234	33
34											34
35		HIGHWAY SAFETY									35
36	1100001	Startup (OPERATING)	4,334.00	215,856,713	-	-			487,362,122	487,362,122	36
37	17C08C0	Data Processing Services Category - Deduct			-	-			(3,527,100)	(3,527,100)	37
38	17C09C0	Data Processing Services Category - Add			-	-			3,527,100	3,527,100	38
39	1800A20	Realign Administrative and Support Positions - Deduct	(13.00)	(837,039)	-	-			(1,214,980)	(1,214,980)	39
40	1800A30	Realign Administrative and Support Positions - Add	13.00	837,039	-	-			1,214,980	1,214,980	40
41	2302110	Provide Funding for Increased Fuel Cost and Vehicle Repairs			-	-			1,900,000	1,900,000	41
42	2401030	Provide Funding for the Florida Highway Patrol Conducted Electrical Weapon (TASER) Replacement			-	-			1,540,000	1,540,000	42

Transportation and Tourism Appropriations

Row#	AGENCY / DEPARTMENT		ATD Subcommittee Recommendations							Row#	
ISSUE CODE	ISSUE TITLE	FTE	RATE	GR TOTAL	REC GR	NR GR	SEED TF	ALL TRUST	ALL FUNDS	Row#	
43	2401530	Replacement of Non-Pursuit Vehicles Per Department of Management Services Criteria			-	-		265,915	265,915	43	
44	2503080	Direct Billing for Administrative Hearings			-	-		47,421	47,421	44	
45	2601020	Annualize Funding Increase for Outsourcing of Mailroom Services			-	-		800,000	800,000	45	
46	3000450	Price Increase for Leases			-	-		325,000	325,000	46	
47	3000460	Price Increase for Motorist Services Leases			-	-		292,500	292,500	47	
48	3008200	Provide Increased Funding for Additional License Plate Purchases			-	-		550,000	550,000	48	
49	3008500	Increase Trust Fund Authority to Cover Hireback Cost Increases			-	-		5,800,200	5,800,200	49	
50	36125C0	Motorist Modernization Phase II			-	-		9,993,740	9,993,740	50	
51	36136C0	Application Cloud Environment			-	-		4,862,407	4,862,407	51	
52	36146C0	Software Operational Support			-	-		384,000	384,000	52	
53	36190C0	Network Security - Multi Factor Authentication Solution			-	-		321,780	321,780	53	
54	4A00A10	Commercial Driver License (CDL) Third Party Testing	6.00	238,185	-	-		570,119	570,119	54	
55	4B00010	State to State (S2S) Verification Services			-	-		1,592,030	1,592,030	55	
56	990M000	Maintenance and Repair			-	-		-	-	56	
57	083643	Main/Rep/Const-Statewide			-	-		1,016,511	1,016,511	57	
58	083644	Fhp Academy Driving Range			10,000,000	-	10,000,000	-	10,000,000	58	
59	990Z000	Deferred Building Maintenance			-	-		-	-	59	
60	080016	Special Proj/Impr-Adm Svcs			-	-		1,393,521	1,393,521	60	
61	083643	Main/Rep/Const-Statewide			-	-		132,555	132,555	61	
62	Total	HIGHWAY SAFETY	4,340.00	216,094,898	10,000,000	-	10,000,000	-	519,149,821	529,149,821	62
63										63	
64		MILITARY AFFAIRS								64	
65	1100001	Startup (OPERATING)	453.00	18,426,302	19,607,111	19,607,111		39,801,108	59,408,219	65	
66	17C08C0	Data Processing Services Category - Deduct			(27,947)	(27,947)		-	(27,947)	66	
67	17C09C0	Data Processing Services Category - Add			27,947	27,947		-	27,947	67	
68	2401000	Replacement Equipment			-	-		393,000	393,000	68	
69	2401500	Replacement of Motor Vehicles			-	-		144,000	144,000	69	
70	2402110	Additional Equipment - Cooperative Agreement Program Support			-	-		170,000	170,000	70	
71	3000A60	Salaries Adjustment for Camp Blanding Trust Fund			-	-		155,000	155,000	71	
72	4100061	Increase National Guard Tuition Assistance			2,000,000	-	2,000,000	-	2,000,000	72	
73	4500000	Worker Compensation for State Active Duty			209,976	-	209,976	-	209,976	73	
74	4700010	Camp Blanding Reforestation			-	-		40,000	40,000	74	
75	990M000	Maintenance and Repair			-	-		-	-	75	
76	080956	Facilities Repair & Maint			-	-		590,000	590,000	76	
77	990S000	Special Purpose			-	-		-	-	77	
78	087080	Counterdrug Hqs Bldg			-	-		2,165,000	2,165,000	78	
79	Total	MILITARY AFFAIRS	453.00	18,426,302	21,817,087	19,607,111	2,209,976	-	43,458,108	65,275,195	79
80										80	
81		DEPT OF STATE								81	
82	1100001	Startup (OPERATING)	414.00	19,131,748	52,168,906	52,168,906		22,371,922	74,540,828	82	
83	17C08C0	Data Processing Services Category - Deduct			(254,771)	(254,771)		(224)	(254,995)	83	
84	17C09C0	Data Processing Services Category - Add			254,771	254,771		224	254,995	84	
85	2004000	Realign Budget Authority Between Operating Categories of Expenditures - Deduct			(2,169,285)	(2,169,285)		-	(2,169,285)	85	
86	2005000	Realign Budget Authority Between Operating Categories of Expenditures - Add			2,169,285	2,169,285		-	2,169,285	86	
87	2401500	Replacement of Motor Vehicles			168,177	-	168,177	-	168,177	87	
88	24020C0	Feasibility Study - Florida Voter Registration System Modernization			450,000	-	450,000	-	450,000	88	
89	2402500	Replacement Equipment - Boats, Motors, and Trailers			-	-		164,213	164,213	89	
90	2503080	Direct Billing for Administrative Hearings			2,675	2,675		-	2,675	90	

Transportation and Tourism Appropriations

Row#	AGENCY / DEPARTMENT		ATD Subcommittee Recommendations							Row#	
	ISSUE CODE	ISSUE TITLE	FTE	RATE	GR TOTAL	REC GR	NR GR	SEED TF	ALL TRUST		ALL FUNDS
91	3003180	Voter Registration Activities	15.00	596,965	1,092,681	1,025,301	67,380		-	1,092,681	91
92	33V0310	Reduction In Trust Fund Authority - Records Management Trust Fund			-	-			(491,000)	(491,000)	92
93	36317C0	Campaign Finance System			450,000	-	450,000		-	450,000	93
94	36318C0	Florida Rules Modernization			250,000	-	250,000		-	250,000	94
95	4900100	Cultural and Museum Grants			386,436	-	386,436		-	386,436	95
96	4900200	Culture Builds Florida			6,216,722	-	6,216,722		-	6,216,722	96
97	4900600	Florida African-American Heritage Preservation Network			720,000	-	720,000		-	720,000	97
98	4900800	Holocaust Documentation and Education Center			500,000	-	500,000		-	500,000	98
99	7400000	Historic Preservation Grants			250,000	-	250,000		-	250,000	99
100	7501200	Division of Corporations Electronic Imaging Conversion Project			500,000	-	500,000		-	500,000	100
101	7900050	Florida Holocaust Museum - St. Petersburg			750,000	-	750,000		-	750,000	101
102	8500A20	Office of Election Crimes and Security	15.00	623,239	1,159,921	1,092,541	67,380		-	1,159,921	102
103	8500200	Electronic Registration Information System Center (ERIC)			575,000	-	575,000		-	575,000	103
104	8500800	Help America Vote Act (HAVA) - 2020 Election Security Grant Funding			-	-			8,000,000	8,000,000	104
105	9400100	Reimbursements to Counties for Special Elections			1,500,000	-	1,500,000		-	1,500,000	105
106	9700100	Advertising Proposed Constitutional Amendments			2,000,000	-	2,000,000		-	2,000,000	106
107	990G000	Grants and Aids - Fixed Capital Outlay			-	-			-	-	107
108	140015	G/A-Spec Cat-Cul Fac Prog			8,596,379	-	8,596,379		-	8,596,379	108
109	140020	G/A-Spec Cat-Acq, Rest/His			23,751,857	-	23,751,857		-	23,751,857	109
110	990P000	Increased Capacity			-	-			-	-	110
111	087571	Facilities Construct/Renov			17,200,000	-	17,200,000		-	17,200,000	111
112	Total	DEPT OF STATE	444.00	20,351,952	118,688,754	54,289,423	64,399,331	-	30,045,135	148,733,889	112
113											113
114		DEPT OF TRANSPORTATION									114
115	1100001	Startup (OPERATING)	6,175.00	350,739,812	-	-			810,605,232	810,605,232	115
116	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			-	-			303,718,282	303,718,282	116
117	17C08C0	Data Processing Services Category - Deduct			-	-			(6,590,969)	(6,590,969)	117
118	17C09C0	Data Processing Services Category - Add			-	-			6,590,969	6,590,969	118
119	1805030	Realign Existing Positions Between Budget Entities - Deduct Side	(14.00)	(711,096)	-	-			(1,104,392)	(1,104,392)	119
120	1805040	Realign Existing Positions Between Budget Entities - Add Side	14.00	711,096	-	-			1,104,392	1,104,392	120
121	1805050	Realign Existing Positions Between Program Components Within Same Budget Entity - Deduct	(17.00)	(907,298)	-	-			(1,336,728)	(1,336,728)	121
122	1805060	Realign Existing Positions Between Program Components Within Same Budget Entity - Add	17.00	907,298	-	-			1,336,728	1,336,728	122
123	2001100	Realign Base Within Entity - Deduct			-	-			(223,600)	(223,600)	123
124	2001200	Realign Base Within Entity - Add			-	-			223,600	223,600	124
125	2001300	Realign Base Between Budget Entities - Deduct			(141,366)	-	-		(684,060)	(684,060)	125
126	2001400	Realign Base Between Budget Entities - Add			141,366	-	-		684,060	684,060	126
127	2401000	Replacement Equipment			-	-			5,654,043	5,654,043	127
128	2503080	Direct Billing for Administrative Hearings			-	-			(54,476)	(54,476)	128
129	33V0850	Reduce Excess Budget Authority			-	-			(10,000,000)	(10,000,000)	129
130	36213C0	Network Communications Recovery and Security			-	-			742,807	742,807	130
131	36220C0	Storage Area Network Replacement			-	-			3,582,400	3,582,400	131
132	36221C0	Data Infrastructure Modernization			-	-			1,735,743	1,735,743	132
133	36342C0	Geospatial Roadway Data Strategic Framework			-	-			458,640	458,640	133
134	4001000	Increased Operating Costs			-	-			3,841,142	3,841,142	134
135	5507700	Tolling Operational Costs			-	-			7,200,000	7,200,000	135
136	5509000	Commercial Driver 's License (CDL) Training, Testing and Licensing			-	-			500,000	500,000	136

Transportation and Tourism Appropriations

Row#	AGENCY / DEPARTMENT		ATD Subcommittee Recommendations							Row#	
	ISSUE CODE	ISSUE TITLE	FTE	RATE	GR TOTAL	REC GR	NR GR	SEED TF	ALL TRUST		ALL FUNDS
137	6001160	Transfer to Dept of Highway Safety and Motor Vehicles - Reimburse for Troop K Services on the FI Turnpike			-	-			2,500,000	2,500,000	137
138	6002400	Support for Transportation Disadvantaged			-	-			6,000,000	6,000,000	138
139	990C000	Code Corrections			-	-			-	-	139
140	080002	Minor Repairs/Improv-State			-	-			9,415,442	9,415,442	140
141	990E000	Environmental Projects			-	-			-	-	141
142	088763	Environ Site Restoration			-	-			475,000	475,000	142
143	990F000	Support Facilities			-	-			-	-	143
144	080002	Minor Repairs/Improv-State			-	-			3,068,349	3,068,349	144
145	990T000	Transportation Work Program			-	-			10,739,982,431	10,742,952,959	145
146	088862	Local Transportation Proj			279,457,395	-	279,457,395		67,029,472	346,486,867	146
147	Total	DEPT OF TRANSPORTATION	6,175.00	350,739,812	279,457,395	-	279,457,395	-	11,956,454,507	12,238,882,430	147
148											148
149		EMERGENCY MANAGEMENT									149
150	1100001	Startup (OPERATING)	175.00	9,309,297	2,231,928	2,231,928			73,278,835	75,510,763	150
151	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)			-	-			3,000,000	3,000,000	151
152	3006A00	Conversion of Ops Positions to Fte Positions	35.00	2,430,106	1,418,809	1,242,654	176,155		888,865	2,307,674	152
153	330F000	Eliminate Unfunded Budget			-	-			(3,500,000)	(3,500,000)	153
154	36213C0	Technology Sustainment Needs			450,000	-	450,000		-	450,000	154
155	4000020	American Sign Language Interpreting Services			300,000	-	300,000		-	300,000	155
156	570E080	Statewide Emergency Alert and Notification System			3,500,000	-	3,500,000		-	3,500,000	156
157	570E200	Hurricane Loss Mitigation Program			7,000,000	-	7,000,000		-	7,000,000	157
158	5701000	Open Federally Declared Disasters - Funding to Communities			-	-			1,381,422,775	1,381,422,775	158
159	5701500	Open Federally Declared Disasters - State Operations			-	-			109,013,846	109,013,846	159
160	5703730	Urban Search and Rescue Sustainment Initiative			10,000,000	-	10,000,000		-	10,000,000	160
161	990G000	Grants and Aids - Fixed Capital Outlay			-	-			-	-	161
162	140527	Em Mgmt Crit Fac Nds			3,150,000	-	3,150,000		-	3,150,000	162
163	Total	EMERGENCY MANAGEMENT	210.00	11,739,403	28,050,737	3,474,582	24,576,155	-	1,564,104,321	1,592,155,058	163
164	Grand Total		13,132.00	688,098,330	559,176,176	80,893,719	478,282,457	75,557,345	15,205,529,923	15,767,676,627	164

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

02/02/2022

Meeting Date

Chair's Budget

Bill Number or Topic

ATD

Committee

Amendment Barcode (if applicable)

Name John Kotyk

Phone 850 414 4147

Address 605 Swannee St.

Email John.kotyk@dot.state.fl.us

Street

Tallahassee

FL

32399

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FDOT

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf flsenate.gov](#)

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

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

Started: 2/2/2022 2:05:35 PM

Ends: 2/2/2022 3:08:03 PM Length: 01:02:29

2:05:38 PM Sen. Hooper (Chair)
2:06:36 PM S 914
2:06:51 PM Sen. Harrell
2:09:28 PM Sen. Cruz
2:09:55 PM Sen. Harrell
2:10:19 PM Sen. Cruz
2:10:32 PM Sen. Harrell
2:10:45 PM Sen. Cruz
2:11:05 PM Sen. Harrell
2:11:26 PM Sen. Cruz
2:11:38 PM Sen. Harrell
2:12:33 PM William B. Smith, Vice President of Legislative Affairs and Charity, FL Police Benevolent Association
2:13:28 PM Sen. Cruz
2:13:57 PM W. Smith
2:14:29 PM Sen. Cruz
2:14:44 PM W. Smith
2:15:23 PM Sen. Cruz
2:15:30 PM W. Smith
2:15:52 PM Sen. Harrell
2:16:30 PM Sen. Gibson
2:16:34 PM Sen. Harrell
2:17:01 PM Sen. Gibson
2:17:27 PM Sen. Harrell
2:17:42 PM W. Smith
2:18:41 PM Sen. Gibson
2:19:23 PM Sen. Harrell
2:20:15 PM Sen. Gibson
2:22:44 PM Sen. Wright
2:22:58 PM Sen. Harrell
2:24:20 PM S 1582
2:24:25 PM Sen. Harrell
2:26:00 PM Sen. Cruz
2:26:20 PM Sen. Harrell
2:26:58 PM Anath Prasad, President, Florida Transportation Builders' Association (waives in support)
2:27:02 PM Alix Miller, President/CEO, Florida Trucking Association (waives in support)
2:27:15 PM Sen. Boyd
2:27:53 PM Sen. Harrell
2:28:55 PM Sen. Mayfield (Chair)
2:28:58 PM S 788
2:29:09 PM Sen. Hooper
2:30:27 PM Austin Stowers, Director, Office of CFO and State Fire Marshall Jimmy Patronis (waives in support)
2:30:38 PM Wayne "Bernie" Bernoska, President, Florida Professional Firefighters (waives in support)
2:30:49 PM Chief Ray Colburn, Executive Director, Florida Fire Chiefs' Association (waives in support)
2:30:55 PM Danielle Scoggins, Vice President of Public Policy, Florida Realtors (waives in support)
2:31:02 PM Jeff Sharkey (waives in support)
2:31:17 PM Sen. Hooper
2:32:13 PM Sen. Hooper (Chair)
2:32:24 PM S 196
2:32:33 PM Sen. Rodriguez
2:33:11 PM Am. 112298
2:33:47 PM Sen. Gibson
2:34:15 PM S 196 (con't)

2:34:18 PM Sen. Rodriguez
2:35:04 PM Am 112298 (con't)
2:35:10 PM Sen. Rodriguez
2:35:44 PM Trey Price, Executive Director, Florida Housing Finance Corporation (waives in support)
2:36:07 PM Am. 179244
2:36:17 PM Sen. Rodriguez
2:36:35 PM Sen. Taddeo
2:36:48 PM Sen. Rodriguez
2:37:23 PM Sen. Taddeo
2:37:32 PM Sen. Rodriguez
2:37:42 PM Sen. Taddeo
2:38:17 PM Sen. Rodriguez
2:38:48 PM Sen. Taddeo
2:39:20 PM Sen. Rodriguez
2:39:50 PM Sen. Gibson
2:40:20 PM Sen. Rodriguez
2:40:27 PM Sen. Gibson
2:40:48 PM Sen. Rodriguez
2:41:40 PM Trey Price, Executive Director, Florida Housing Finance Corporation
2:41:56 PM Sen. Gibson
2:42:38 PM T. Price
2:44:32 PM Sen. Gibson
2:44:39 PM T. Price
2:46:14 PM Sen. Taddeo
2:46:19 PM T. Price
2:46:56 PM Sen. Taddeo
2:47:21 PM T. Price
2:48:20 PM Sen. Taddeo
2:49:08 PM Sen. Gibson
2:50:20 PM S 196 (con't)
2:50:42 PM T. Price
2:51:30 PM Sen. Taddeo
2:53:02 PM Sen. Rodriguez
2:54:19 PM Sen. Hutson (Chair)
2:54:20 PM S 398
2:54:28 PM Sen. Hooper
2:56:13 PM Am. 354102
2:56:17 PM Sen. Hooper
2:57:23 PM S 398 (con't)
2:58:21 PM Sen. Hooper (Chair)
2:58:48 PM TAB 6 - Review and Discussion of FY 2022-2023 Budget Issues
2:58:57 PM Jennifer Hrdlicka, Staff Director, Senate Appropriations Subcommittee on Transportation, Tourism, and
Economic Development
3:02:07 PM Sen. Ausley
3:02:47 PM Sen. Hooper
3:03:20 PM Sen. Ausley
3:04:10 PM John Kotyk, Deputy Legislative Affairs Director, FL Dept. of Transportation
3:04:43 PM Sen. Gibson
3:05:18 PM J. Hrdlicka
3:05:42 PM Sen. Gibson
3:06:30 PM J. Hrdlicka