



Committee on Infrastructure

**Monday, March 19, 2007
2:00 – 5:00 PM
404 HOB**

Committee Action

REVISED

**Marco Rubio
Speaker**

**Rep. Mike Davis
Chair**

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Mike Davis (Chair)	X		
Susan Bucher	X		
Greg Evers	X		
Richard Glorioso	X		
Ed Hooper	X		
Jimmy Patronis	X		
Scott Randolph	X		
Michael Scionti			X
Nicholas Thompson	X		
Totals:	8	0	1

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 61 : Recovering, Towing, or Storing Vehicles and Vessels

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

Appearances:

Mike Seamon, Executive Director (Lobbyist) - Proponent
Professional Wrecker Operators of Florida
4718 Edgewater Drive
Orlando FL 32804
Phone: (407) 402-1040

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 61

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N) 3/19/07
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Infrastructure

2 Representative Machek offered the following:

3

4 **Amendment**

5 Remove line 223 and insert:

6 for notification of owners, lienholders, insurance companies and
7 any other persons of record by certified mail is not more than
8 the lesser of \$100 or 30 percent of the unpaid

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 239 : Driver License Restrictions

Unfavorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher		X			
Greg Evers		X			
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis		X			
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson		X			
Mike Davis (Chair)	X				
Total Yeas: 4		Total Nays: 4			

Appearances:

Nancy Moreau, Legislative Liaison (Lobbyist) - Proponent
Florida Pediatric Society
1895 Vineland Lane
Tallahassee FL 32317
Phone: (850) 942-7031

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

**House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

Council/Committee: Infrastructure
Meeting Date: 3/19/07
Place: 404 HOB
Time: 2:00 pm

Bill Number: 239
Date Received: _____
Date Reported: _____
Subject: Driver License
Restrictions

Council/Committee Action:

- | | |
|---|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input checked="" type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	Am. 1							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
	✓	Rep. Bucher								
	✓	Rep. Evers								
✓		Rep. Glorioso								
✓		Rep. Hooper								
	✓	Rep. Patronis								
✓		Rep. Randolph								
		Rep. Scionti								
	✓	Rep. Thompson								
✓		Chairman Davis								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
4	4									

ADOPTED
3/19/07

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

- | | |
|-----------------------|---------------------|
| Lobbyist: L | Proponent: P |
| State Employee: SE | Opponent: O |
| General Public: G | Information only: I |
| Requested to Speak: R | |

**House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET**

Council/Committee: Infrastructure
Meeting Date: 3/19/07
Place: 404 HOB
Time: 2:00 pm

Bill Number: 239
Date Received: _____
Date Reported: _____
Subject: Driver License
Restrictions

Council/Committee Action:

- | | |
|---|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input checked="" type="checkbox"/> <u>Reconsidered</u> |
| <input type="checkbox"/> Favorable w/Council/Committee Substitute | <input type="checkbox"/> Temporarily Postponed |
| <input type="checkbox"/> Other Action: _____ | <input checked="" type="checkbox"/> Unfavorable |

Final Vote On Bill		MEMBERS	Am. 1							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
	✓	Rep. Bucher								
	✓	Rep. Evers								
✓		Rep. Glorioso	ADOPTED <u>3/19/07</u>							
✓		Rep. Hooper								
	✓	Rep. Patronis								
✓		Rep. Randolph								
		Rep. Scionti								
	✓	Rep. Thompson								
✓		Chairman Davis								
Yeas	Nays	TOTALS		<u>Yeas</u>	Nays	Yeas	Nays	Yeas	Nays	Yeas
4	4									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

***Speaker Codes**

- | | |
|-----------------------|---------------------|
| Lobbyist: L | Proponent: P |
| State Employee: SE | Opponent: O |
| General Public: G | Information only: I |
| Requested to Speak: R | |

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 239

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N) 3/19/07
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Infrastructure

2 Representative Skidmore offered the following:

3

4 **Amendment**

5 Remove line(s) 17-23 and insert:

6 (4) A person who holds a driver's license who has not
7 attained 18 years of age shall not operate a motor vehicle with
8 more than two passengers in the vehicle who have not attained 18
9 years of age for a period of 12 months after the date of
10 licensure or until attaining the age of 18, unless any
11 additional passenger or passengers who have not attained 18
12 years of age are siblings or children of the driver, whether
13 related by whole or half blood, by affinity, or by adoption.

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COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 259 : Affordable Housing

Favorable With Amendments (2)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher		X			
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 7		Total Nays: 1			

Appearances:

Ruth Melton (Lobbyist) - Proponent
Florida School Boards Association
203 South Monroe Street
Tallahassee FL 32308
Phone: (850) 414-2578

Mobile Home Relocation
C. Scott Dudley (Lobbyist) - Opponent
Florida League of Cities
301 S. Bronough Street
Tallahassee FL 32302
Phone: (850) 222-9684

Mobile Homes
Eric Poole, Government Liaison (Lobbyist) - Opponent
Florida Association Counties
100 Monroe Street
Tallahassee FL 32301
Phone: (850) 922-4300

Mobile Home Fair Compensation/Exit Plan
Susan Starkey (General Public) - Proponent
6591 Orange Drive
Davie FL 33314
Phone: (954) 797-1030

Nancy Stewart (Lobbyist) - Proponent
FMO Federation of Manufactured Home Owners of Florida
1566 Village Square Boulevard
Tallahassee FL 32309
Phone: (850) 385-7805

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

Lori Killinger, Director of Government Relations (Lobbyist) - Proponent
Florida Manufactured Housing Association
Phone: (850) 907-9111

Mobile Park Housing Accountability

Brian Pitts, Co-owner (General Public) - Information Only
Justice-2-Jesus
1119 Newton Avenue South
St. Petersburg FL 33705
Phone: (727) 897-9291

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 259

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N) 3/19/07
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Infrastructure
 2 Representative Attkisson offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line 225 and insert:

6 (6) A pilot program is established to provide homeownership down
 7 payment assistance to eligible teachers. In order to assist in
 8 the recruitment and retention of

9
10
11 ===== T I T L E A M E N D M E N T =====

12 Remove line 18 and insert:

13 amending s. 420.9075, F.S.; creating a pilot program to provide
 14 down payment

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 259

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER _____

3/19/07

1 Council/Committee hearing bill: Infrastructure
2 Representative Attkisson offered the following:

Amendment (with title amendment)

Remove line(s) 502-515 and insert:

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

Remove line 53 and insert:

specified time period; providing

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 331 : Pedestrian Safety

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Karen Williams Seel, Commissioner (General Public) - Proponent
Pinellas County Commission
315 Court Street
Clearwater FL 33755
Phone: (727) 464-3278

Brian Smith, Executive Director (General Public) - Opponent
Pinellas County Metropolitan Planning Organization (MPO)
600 Cleveland Street, Suite 750
Clearwater FL 33755
Phone: (727) 464-8200

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 331

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N)	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure
 2 Representative Kriseman offered the following:

Amendment

5 Remove line(s) 35 - 46 and insert:

6 right turn, but shall stop and remain stopped if a pedestrian is
 7 either in the crosswalk or steps into the crosswalk and yield
 8 the right-of-way to ~~pedestrians and~~ other traffic proceeding as
 9 directed by the signal at the intersection, except that
 10 municipal and county authorities may prohibit any such right
 11 turn against a steady red signal at any intersection, which
 12 prohibition shall be effective when a sign giving notice thereof
 13 is erected in a location visible to traffic approaching the
 14 intersection.

15 b. The driver of a vehicle on a one-way street that
 16 intersects another one-way street on which traffic moves to the
 17 left shall stop in obedience to a steady red signal, but may
 18 then make a left turn into the one-way street, but shall stop
 19 and remain stopped if a pedestrian is either in the crosswalk or
 20 steps into the crosswalk and yield the right-of-way to
 21 ~~pedestrians and~~ other traffic proceeding as

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COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 443 : Child Passenger Safety

Favorable With Amendments (2)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Child Safety Seats

Nancy Moreau, Legislative Liaison (Lobbyist) - Proponent

Florida Pediatric Society
1895 Vineland Lane
Tallahassee FL 32317
Phone: (850) 942-7031

Child Passenger Safety

Sarah Rothell (Lobbyist) - Proponent

Florida Medical Association
123 South Adams Street
Tallahassee FL 32301
Phone: (850) 224-6496

Child Passenger Restraints

Elaine Fusco (General Public) - Proponent

Junior Leagues of Florida
10210 S. Tropical Trail
Merritt Island FL 32952
Phone: (321) 773-1885

Jack Levine (General Public) - Proponent

P.O. Box 1227
Tallahassee FL 32302
Phone: (850) 567-5252

David Cullen (General Public) - Proponent

Advocacy Institute for Children
1674 University Parkway, #296
Sarasota FL
Phone: (941) 351-6595

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 443

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

3/19/07

1 Council/Committee hearing bill: Infrastructure

2 Representative Glorioso offered the following:

3

4 **Amendment**

5 Remove line 114 and insert:

6 must be used; however, for children under 8 years of age who
7 are over 4 feet 9 inches in height, a seat belt consisting of a
8 lap belt and a shoulder belt may be used.

9

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 443

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N) 3/19/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Infrastructure

2 Representative Glorioso offered the following:

3

4 **Amendment**

5 Remove line 134 and insert:

6 the child is over 65 inches in height or the vehicle does not

7 have a rear seat or the rear seat is being

8

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 681 : Driving Under the Influence

Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson			X		
Mike Davis (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Matthew Bower (General Public) - Proponent
Mothers Against Drunk Driving (MADD)
7430 N. Tamiami Trail
Sarasota FL 34243
Phone: (941) 355-7778

Sandra Lambert (State Employee) - Information Only
Department of Highway Safety & Motor Vehicles
2900 Apalachee Parkway
Tallahassee FL
Phone: (850) 617-2600

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. |(for drafter's use only)

Bill No. 681

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y)N 3/19/07
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

1 Council/Committee hearing bill: Infrastructure
2 Representative offered the following:

4 **Amendment**

5 Remove lines 26 - 32 and insert:

6 ~~3. For a second conviction, By mandatory placement for a~~
7 ~~period of at least 1 year, at the convicted person's sole~~
8 ~~expense, of an ignition interlock device approved by the~~
9 ~~department in accordance with s. 316.1938 upon all vehicles that~~
10 ~~are individually or jointly leased or owned and routinely~~
11 ~~operated by the convicted person, when the convicted person~~
12 ~~qualifies for a permanent or restricted license for:.~~ The

13 a. At least 6 months for a first conviction when the
14 convicted person has been referred to a substance abuse
15 treatment provider, as provided in subsection (5).

16 b. At least one year for a second conviction.

17
18

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 681

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	<input checked="" type="radio"/> (Y) (N) 3/19/07
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Infrastructure
 2 Representative offered the following:

Amendment

5 Remove lines 78 - 80 and insert:
 6 and routinely operated by the convicted person for up to one
 7 year ~~6 months~~ for the first offense and for at least 2 years for
 8 a second offense, when the convicted person qualifies for a
 9

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. ³/₂ (for drafter's use only)

Bill No. 681

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	(Y)N	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure

2 Representative Simmons offered the following:

3

4 **Amendment**

5 Remove line(s) 45 and 46 and insert:

6 restricted license. ~~The installation of such device may not~~

7 ~~occur before July 1, 2003.~~

8

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COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 903 : Special License Plates

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher		X			
Greg Evers				X	
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 6		Total Nays: 1			

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 903

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N)	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure

2 Representative Cretul offered the following:

3

4 **Amendment (with title amendment)**

5 Remove lines 19-93 and insert

6 killed while serving in the Armed Forces of the United States.

7 The license plate shall be officially designated as the Gold
8 Star license plate and shall be developed and issued as provided
9 in this section.

10 (1) The Gold Star license plate must bear the colors and
11 design approved by the department in cooperation with supporters
12 of the license plate. The word "Florida" must appear at the top
13 of the plate, and the words "Gold Star Family" must appear at
14 the bottom of the plate. The plate shall bear a unique design
15 that includes the symbol for a fallen servicemember, a gold star
16 with blue fringe on a white background with a red border. The
17 symbol shall be no larger than 3 inches by 3 inches and shall be
18 placed in a conspicuous place to the left of the identifying
19 number of the plate, which identifying number shall consist of
20 no more than six alphanumeric characters.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 (2) This section shall not be implemented until such time
22 as the state has, through a licensing agreement or otherwise,
23 received such license or other permission as may be required to
24 implement this section. The designs of the initial and
25 subsequent editions of the Gold Star license plate, except any
26 part of the designs owned by others and licensed to the state,
27 shall be owned solely by the state for its exclusive use and
28 control, except as authorized by the department. The department
29 may take such steps as may be necessary to give notice of and
30 protect such right, including the copyright or copyrights.
31 However, such steps shall be cumulative of the ownership and
32 exclusive use and control established by this subsection as a
33 matter of law, and no person shall reproduce or otherwise use
34 such designs except as authorized by the department.

35 (3) (a) Each owner or lessee of an automobile or truck for
36 private use, truck weighing not more than 7,999 pounds, or
37 recreational vehicle as specified in s. 320.08(9) (c) or (d),
38 which automobile, truck, or vehicle is not used for hire or
39 commercial use, who is a resident of this state and who meets
40 the qualifications provided in subsection (4) shall, upon
41 application therefor to the department and payment of the
42 license tax and appropriate fees established in this chapter, be
43 issued a Gold Star license plate. Each initial application for a
44 Gold Star license plate must be accompanied by proof that the
45 applicant meets the requirements provided in subsection (4).

46 (b) The surviving spouse and the surviving parents meeting
47 the requirements in subsection (4) shall each, upon application
48 therefore, be issued the Gold Star license plate for one vehicle
49 per household free of charge. Renewal decals for the plate
50 issued under this paragraph shall be issued at no cost.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

51 (4) (a) 1. The Gold Star license plate shall be issued only
52 to family members of a servicemember who resided in Florida at
53 the time of the death of the servicemember.

54 2. To qualify for issuance of a Gold Star license plate,
55 the applicant must be directly related to a fallen servicemember
56 as spouse, legal mother or father, or stepparent who is
57 currently married to the mother or father of the fallen
58 servicemember.

59 3. A servicemember is deemed to have been killed while in
60 service as listed by the United States Department of Defense and
61 may be verified from documentation directly from the Department
62 of Defense or from its subordinate agencies, such as the Coast
63 Guard, Reserve, or National Guard.

64 (b) The applicant must provide documentation of the fact
65 that the servicemember was killed while serving and proof of
66 relationship to the servicemember to the tax collector or
67 license plate agent before being issued a Gold Star license
68 plate. The tax collector or license plate agent may waive the
69 requirement for such documentation and proof if he or she has
70 actual knowledge of the family relationship and that the
71 servicemember was killed while serving.

72 (5) An eligible family member may request a Gold Star
73 license plate at any time during his or her registration period.
74 If such a license plate is to replace a current valid license
75 plate, the license plate shall be issued with appropriate
76 renewal decals attached.

77 Section 2. This act shall take effect October 1, 2007.

78
79 ===== T I T L E A M E N D M E N T =====

80 Remove line 6 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

81 servicemembers who have been killed while serving in the

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COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 935 : United States Marine Corps License Plate

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Susan Bucher			X		
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)			X		
Total Yeas: 6		Total Nays: 0			

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 959 : South Florida Regional Transportation Authority

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

Appearances:

Dave Ericks (Lobbyist) - Proponent
South Florida Regional Transportation Authority
205 South Adams Street
Tallahassee FL 32301

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 961 : Pub. Rec./Land Acquisition by South Florida Regional Transportation Authority

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

Appearances:

Dave Ericks (Lobbyist) - Proponent
South Florida Regional Transportation Authority
205 South Adams Street
Tallahassee FL 32301

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 973 : Specialty License Plates

Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher		X			
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 7		Total Nays: 1			

Appearances:

James Powell, VP of Aquatic Program (General Public) - Proponent

Wildlife Trust

1601 3rd Street, South

St. Petersburg FL 34240

Phone: (727) 418-9136

Julie Rowland, Legislative Specialist (Lobbyist) (State Employee) - Proponent

Florida Fish and Wildlife Conservation Commission

620 S. Meridian Street

Tallahassee FL 32399

Phone: (850) 487-3795

Recipient of Proposed Fees

Brett Boston, Executive Director (General Public) - Proponent

Wildlife Foundation of Florida

Bryant Building

Tallahassee FL

Phone: (850) 922-1066

Marianne Gengenbach (Lobbyist) - Proponent

The Nature Conservancy

Peggy Mathews (Lobbyist) - Proponent

Citizens for Florida Waterways & American Watercraft Association

1520 Big Sky Way

Tallahassee FL 32317

Phone: (850) 877-3848

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 973

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

3/19/07

1 Council/Committee hearing bill: Infrastructure
2 Representative Boyd offered the following:

Amendment

Remove line(s) 22-62 and insert:

6 license plate as provided in this section. The word "Florida"
7 must appear at the top of the plate, and the words "Protect
8 Florida Springs" must appear at the bottom of the plate.

9 (b) The proceeds of the Protect Florida Springs license
10 plate annual use fee shall be forwarded to the Wildlife
11 Foundation of Florida, Inc., a citizen support organization
12 created pursuant to s. 372.0215, which shall administer the
13 funds. Wildlife Foundation of Florida shall retain all funds to
14 reimburse expenditures incurred to comply with s. 320.08053.
15 Thereafter, the funds shall be used as follows:

16 1. Up to 10 percent of the funds may be used for
17 administrative costs directly associated with springs education
18 programs, conservation, and grant administration.

19 2. Up to 15 percent of the funds may be used for
20 continuing promotion and marketing of the license plate.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

21 3. At least 55 percent of the annual fees shall be used
22 for competitive grants awarded by an advisory granting committee
23 with highest priority given to community-based springs programs
24 and projects specifically related to education, outreach, and
25 springs conservation. The competitive grants shall be
26 administered and approved by the Board of Directors of the
27 Wildlife Foundation of Florida, Inc. The advisory granting
28 committee shall be composed of nine members, including one
29 representative each from the Florida Fish and Wildlife
30 Conservation Commission, the Department of Environmental
31 Protection, the Department of Health, the Department of
32 Community Affairs, and the Department of Agriculture and
33 Consumer Services and two citizen representatives and two
34 representatives from nonprofit stakeholder groups.

35 4. The remaining funds shall be distributed as approved by
36 and accountable to the Board of Directors of the Wildlife
37 Foundation of Florida, Inc., to support activities contributing
38 to springs education, outreach, and conservation.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 973

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y) (N)

ADOPTED AS AMENDED — (Y/N)

ADOPTED W/O OBJECTION — (Y/N)

FAILED TO ADOPT — (Y/N)

WITHDRAWN — (Y/N)

OTHER _____

3/19/07

1 Council/Committee hearing bill: Infrastructure

2 Representative Boyd offered the following:

3

4 **Amendment (with directory and title amendments)**

5 Between line(s) 15 and 16, insert:

6 (x) Florida Sheriffs Youth Ranches license plate, \$25 ~~\$20~~.

7

8

9 ===== D I R E C T O R Y A M E N D M E N T =====

10 Remove line(s) 11 and 12 and insert:

11 Section 1. Paragraph (x) of subsection (4) of section

12 320.08056, Florida Statutes, is amended, and paragraph (iii) is

13 added to that subsection, to read:

14

15

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

17 Remove lines 2-6 and insert:

18 An act relating to specialty license plates; amending s.

19 320.08056, F.S.; revising the Florida Sheriffs Youth Ranches

20 license plate annual use fee; establishing an annual use fee for

21 the Protect Florida Springs license plate; amending s.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

22 | 320.08058, F.S.; creating a Protect Florida Springs license
23 | plate; providing for the distribution of use fees received from
24 | the sale of the plates; providing an

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 973

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

3/19/07

1 Council/Committee hearing bill: Infrastructure

2 Representative Boyd offered the following:

3

4 **Amendment**

5 Remove line 63 and insert:

6 Section 3. This act shall take effect October 1, 2007.

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 975 : Specialty License Plates

Temporarily Deferred

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 985 : Transportation

Favorable With Amendments (8)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

C. Scott Dudley (Lobbyist) - Proponent

Florida League of Cities
301 S. Bronough Street
Tallahassee FL 32302
Phone: (850) 222-9684

Howard Glassman (Lobbyist) - Proponent

Metropolitan Planning Organization Advisory Council
605 Suwannee Street
Tallahassee FL 32399
Phone: (850) 414-4062

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N)	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure
 2 Representative Glorioso offered the following:

Amendment (with and title amendment)

Between lines 488 and 489 insert:

Section 8. Subsection (2), paragraph (e), section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.--

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

(e) School districts, counties, and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the State Board of Administration pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. ~~In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year.~~ Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

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

Remove line 28 and insert:

retirement benefits; amending s. 212.055, F.S., deleting a
prohibition against local governments issuing certain bonds
secured by revenues from local infrastructure taxes more than
once a year; amending s. 215.615, F.S.; revising

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N) 3/19/07
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Infrastructure
 2 Representative Evers offered the following:

3

4 **Amendment (with title amendment)**

5 Between lines 574 and 575 insert:

6 Section 9. Section 316.2123, Florida Statutes, is amended
 7 to read:

8 (1) The operation of an ATV, as defined in s. 317.0003,
 9 upon the public roads or streets of this state is prohibited,
 10 except that an ATV may be operated during the daytime on an
 11 unpaved roadway where the posted speed limit is less than 35
 12 miles per hour ~~by a licensed driver or by a minor under the~~
 13 ~~supervision of a licensed driver. The operator must provide~~
 14 ~~proof of ownership pursuant to chapter 317 upon request by a law~~
 15 ~~enforcement officer.~~

16 (2) A county is exempt from this section if the governing
 17 body of the county, by majority vote, following a noticed public
 18 hearing, votes to exempt the county from this section.
 19 Alternatively, a county may, by majority vote after such a
 20 hearing, designate certain unpaved roadways where an ATV may be
 21 operated during the daytime so long as each such designated

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

22 roadway has a posted speed limit of less than 35 miles per hour
23 and is appropriately marked to indicate permissible ATV use.

24 (3) Any ATV operation that is permitted under subsection
25 (1) or subsection (2) may be undertaken only by a licensed
26 driver or a minor who is under the direct supervision of a
27 licensed driver. The operator must provide proof of ownership
28 under chapter 317 upon request by a law enforcement officer.

29
30 ===== T I T L E A M E N D M E N T =====

31 Remove line 34 and insert:
32 amending s. 316.2123, providing for authorized daytime ATV use
33 on designated roads; amending s. 316.605, F.S.; providing height
34 and placement

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N)	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure
 2 Representative Glorioso offered the following:

Amendment

Remove lines 577-739 and insert:

316.605 Licensing of vehicles.--

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors and s. 320.086(5) which exempts display of license plates on described former military vehicles, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle not higher than 60 inches and not lower than 12 inches from the ground and, no more than 24 inches to the left or right of the centerline of the vehicle, and in such manner as to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

22 prevent the plates from swinging, and all letters, numerals,
23 printing, writing, and other identification marks upon the
24 plates regarding the word "Florida," the registration decal, and
25 the alphanumeric designation shall be clear and distinct and
26 free from defacement, mutilation, grease, and other obscuring
27 matter, so that they will be plainly visible and legible at all
28 times 100 feet from the rear or front. Vehicle license plates
29 shall be affixed and displayed in such a manner that the letters
30 and numerals shall be read from left to right parallel to the
31 ground. No vehicle license plate may be displayed in an inverted
32 or reversed position or in such a manner that the letters and
33 numbers and their proper sequence are not readily identifiable.
34 Nothing shall be placed upon the face of a Florida plate except
35 as permitted by law or by rule or regulation of a governmental
36 agency. No license plates other than those furnished by the
37 state shall be used. However, if the vehicle is not required to
38 be licensed in this state, the license plates on such vehicle
39 issued by another state, by a territory, possession, or district
40 of the United States, or by a foreign country, substantially
41 complying with the provisions hereof, shall be considered as
42 complying with this chapter. A violation of this subsection is a
43 noncriminal traffic infraction, punishable as a nonmoving
44 violation as provided in chapter 318.

45 Section 10. Paragraph (b) of subsection (3) of section
46 316.650, Florida Statutes, is amended to read:

47 316.650 Traffic citations.--

48 (3)

49 (b) If a traffic citation is issued pursuant to s.
50 316.1001, a traffic enforcement officer may deposit the original
51 and one copy of such traffic citation or, in the case of a

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

52 traffic enforcement agency that has an automated citation
53 system, may provide an electronic facsimile with a court having
54 jurisdiction over the alleged offense or with its traffic
55 violations bureau within 45 days after the date of issuance of
56 the citation to the violator. If the person cited for the
57 violation of s. 316.1001 makes the election provided by s.
58 318.14(12) and pays the \$25 fine or such other amount as imposed
59 by the governmental entity owning the applicable toll facility,
60 plus the amount of the unpaid toll that is shown on the traffic
61 citation directly to the governmental entity that issued the
62 citation, or on whose behalf the citation was issued, in
63 accordance with s. 318.14(12), the traffic citation will not be
64 submitted to the court, the disposition will be reported to the
65 department by the governmental entity that issued the citation,
66 or on whose behalf the citation was issued, and no points will
67 be assessed against the person's driver's license.

68 Section 11. Subsection (12) of section 318.14, Florida
69 Statutes, is amended to read:

70 318.14 Noncriminal traffic infractions; exception;
71 procedures.--

72 (12) Any person cited for a violation of s. 316.1001 may,
73 in lieu of making an election as set forth in subsection (4) or
74 s. 318.18(7), elect to pay a his or her fine of \$25, or such
75 other amount as imposed by the governmental entity owning the
76 applicable toll facility, plus the amount of the unpaid toll
77 that is shown on the traffic citation directly to the
78 governmental entity that issued the citation or on whose behalf
79 the citation was issued, within 30 days after the date of
80 issuance of the citation. Any person cited for a violation of s.
81 316.1001 who does not elect to pay the fine imposed by the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

82 governmental entity owning the applicable toll facility, plus
83 the amount of the unpaid toll that is shown on the traffic
84 citation directly to the governmental entity that issued the
85 citation, or on whose behalf the citation was issued, as
86 described in this subsection ~~section~~ shall have an additional 45
87 days after the date of the issuance of the citation in which to
88 request a court hearing or to pay the civil penalty and
89 delinquent fee, if applicable, as provided in s. 318.18(7),
90 either by mail or in person, in accordance with subsection (4).

91 Section 12. Subsection (7) of section 318.18, Florida
92 Statutes, is amended to read:

93 318.18 Amount of civil penalties.--The penalties required
94 for a noncriminal disposition pursuant to s. 318.14 are as
95 follows:

96 (7) Mandatory \$100 fine ~~one hundred dollars~~ for each a
97 violation of s. 316.1001 plus the amount of the unpaid toll
98 shown on the traffic citation for each citation issued. The
99 clerk of the court shall forward \$25 of the \$100 fine received,
100 plus the amount of the unpaid toll that is shown on the
101 citation, to the governmental entity that issued the citation,
102 or on whose behalf the citation was issued,. If a plea
103 arrangement is reached prior to the date set for a scheduled
104 evidentiary hearing and adjudication is withheld, there shall be
105 a mandatory fine assessed per citation of not less than \$50 and
106 not more than \$100, plus the amount of the unpaid toll for each
107 citation issued. The clerk of the court shall forward \$25 of the
108 fine imposed, plus the amount of the unpaid toll that is shown
109 on the citation, to the governmental entity that issued the
110 citation, or on whose behalf the citation was issued. The court
111 shall have specific authority to consolidate issued citations

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

112 for the same defendant for the purpose of sentencing and
113 aggregate jurisdiction. In addition, the department shall
114 suspend for 60 days the driver's license of a person who is
115 convicted of 10 violations of s. 316.1001 within a 36-month
116 period. However, a person may elect to pay \$30 to the clerk of
117 the court, in which case adjudication is withheld, and no points
118 are assessed under s. 322.27. Upon receipt of the fine, the
119 clerk of the court must retain \$5 for administrative purposes
120 and must forward the \$25 to the governmental entity that issued
121 the citation. Any funds received by a governmental entity for
122 this violation may be used for any lawful purpose related to the
123 operation or maintenance of a toll facility.

124 Section 13. Section 320.061, Florida Statutes, is amended
125 to read:

126 320.061 Unlawful to alter motor vehicle registration
127 certificates, license plates, mobile home stickers, or
128 validation stickers or to obscure license plates; penalty.--
129 No person shall alter the original appearance of any
130 registration license plate, mobile home sticker, validation
131 sticker, or vehicle registration certificate issued for and
132 assigned to any motor vehicle or mobile home, whether by
133 mutilation, alteration, defacement, or change of color or in any
134 other manner. No person shall apply or attach any substance,
135 reflective matter, illuminated device, spray, coating, covering,
136 or other material onto or around any license plate that
137 interferes with the legibility, angular visibility, or
138 detectability of any feature or detail on the license plate or
139 interferes with the ability to photograph or otherwise record
140 any feature or detail on the license plate. Any person who
141 violates the provisions of this subsection commits section is

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

142 | ~~guilty of~~ a misdemeanor of the second degree, punishable as
143 | provided in s. 775.082 or s. 775.083.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N) 3/19/07
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Infrastructure
 2 Representative Glorioso offered the following:

4 **Amendment (with title amendment)**

5 Between line 774 and 775 insert:

6 Section 15. Subsection (4) of section 332.14, Florida
 7 Statutes, is amended to read:

8 332.14 Secure Airports for Florida's Economy Council.--

9 (4) The council shall adopt bylaws governing the manner in
 10 which the business of the council will be conducted. The bylaws
 11 shall specify the procedure by which the chair of the council is
 12 elected. The council shall meet at the call of its chair, at the
 13 request of a majority of its membership, or at such times as may
 14 be prescribed in its bylaws. However, the council must meet at
 15 least twice a year. Except for subsection (3), paragraphs
 16 (d), (e), and (f), all members of the council are voting members.
 17 A majority of voting members of the council constitutes a quorum
 18 for the purpose of transacting the business of the council. A
 19 vote of the majority of the members present is sufficient for
 20 any action of the council, except that a member representing the
 21 Department of Transportation, the Department of Community

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

22 Affairs, the Department of Law Enforcement, or the Office of
23 Tourism, Trade, and Economic Development may ~~vote to overrule~~
24 any action of the council approving a project pursuant to
25 paragraph (7)(a). The bylaws of the council may require a
26 greater vote for a particular action.

27

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

29 Remove line 81 and insert:
30 of September 11, 2001; amending s. 332.14, F.S., making certain
31 members of the Secure Airports for Florida's Economy Council
32 non-voting members; amending s. 336.025, F.S.; deleting

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N)	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure
 2 Representative Glorioso offered the following:

3

4 **Amendment (with Title amendments)**

5 Remove lines 897-928 and insert:

6 Section 19. Subsection (3) is added to section 338.161,
 7 Florida Statutes, to read:

8 338.161 Authority of department to advertise and promote
 9 electronic toll collection.--

10 (3) The department is authorized to incur expenses and
 11 advertise or promote electronic toll collection through
 12 agreements with private or public entities that provide for
 13 additional uses of the department's electronic toll collection
 14 products and services in service plazas on the turnpike system,
 15 where the department has determined it can increase non-toll
 16 revenues or add convenience or other value for its customers.

17 Section 20. Subsection (1) of section 338.2275, Florida
 18 Statutes, is amended to read:

19 338.2275 Approved turnpike projects.--

20 (1) Legislative approval of the department's tentative
 21 work program that contains the turnpike project constitutes

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

22 approval to issue bonds as required by s. 11(f), Art. VII of the
23 State Constitution. No more than \$9 billion of bonds may be
24 outstanding to fund approved turnpike projects. Turnpike
25 ~~projects approved to be included in future tentative work~~
26 ~~programs include, but are not limited to, projects contained in~~
27 ~~the 2003-2004 tentative work program. A maximum of \$4.5 billion~~
28 ~~of bonds may be issued to fund approved turnpike projects.~~

29 Section 22. Section 338.2275, Florida Statutes, is amended
30 to read:

31 338.2275 Approved turnpike projects.--

32 ~~(3) Subject to verification of economic feasibility by the~~
33 ~~department in accordance with s. 338.221(8), the department~~
34 ~~shall acquire the assets and assume the liabilities of the~~
35 ~~Sawgrass Expressway as a candidate project from the Broward~~
36 ~~County Expressway Authority. The agreement to acquire the~~
37 ~~Sawgrass Expressway shall be subject to the terms and covenants~~
38 ~~of the Broward County Expressway Authority Bond Series 1984 and~~
39 ~~1986A lease purchase agreements and shall not act to the~~
40 ~~detriment of the bondholders nor decrease the quality of the~~
41 ~~bonds. The department shall provide for the cost of operations~~
42 ~~and maintenance expenses and for the replacement of future~~
43 ~~Broward County gasoline tax funds pledged for the payment of~~
44 ~~principal and interest on such bonds. The department shall~~
45 ~~repay, to the extent possible, Broward County gasoline tax funds~~
46 ~~used since July 6, 1988, for debt service on such bonds. For the~~
47 ~~purpose of calculating the economic feasibility of this project,~~
48 ~~the department is authorized to exclude operations and~~
49 ~~maintenance expenses accumulated between July 6, 1988, and the~~
50 ~~date of the agreement. Upon performance of all terms of the~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

51 ~~agreement between the parties, the Sawgrass Expressway will~~
52 ~~become a part of the turnpike system.~~

53 (3) ~~(4)~~ Bonds may not be issued to fund a turnpike project
54 until the department has made a final determination that the
55 project is economically feasible in accordance with s. 338.221,
56 based on the most current information available.

57 Section 21. Subsection (3) of section 338.231, Florida
58 Statutes, is amended to read:

59 338.231 Turnpike tolls, fixing; pledge of tolls and other
60 revenues.--The department shall at all times fix, adjust,
61 charge, and collect such tolls for the use of the turnpike
62 system as are required in order to provide a fund sufficient
63 with other revenues of the turnpike system to pay the cost of
64 maintaining, improving, repairing, and operating such turnpike
65 system; to pay the principal of and interest on all bonds issued
66 to finance or refinance any portion of the turnpike system as
67 the same become due and payable; and to create reserves for all
68 such purposes.

69 (3) (a) The department shall publish a proposed change in
70 the toll rate for the use of an existing toll facility, in the
71 manner provided for in s. 120.54, which will provide for public
72 notice and the opportunity for a public hearing before the
73 adoption of the proposed rate change. When the department is
74 evaluating a proposed turnpike toll project under s. 338.223 and
75 has determined that there is a high probability that the project
76 will pass the test of economic feasibility predicated on
77 proposed toll rates, the toll rate that is proposed to be
78 charged after the project is constructed must be adopted during
79 the planning and project development phase of the project, in
80 the manner provided for in s. 120.54, including public notice

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 (for drafter's use only)

81 and the opportunity for a public hearing. For such a new
82 project, the toll rate becomes effective upon the opening of the
83 project to traffic.

84 (b) The department may also fix, adjust, charge, and
85 collect transaction fees, and collection fees related to tolls
86 not paid at the time the toll is incurred. The department shall
87 publish its proposed fees in the manner provided for in s.
88 120.54, which will provide for public notice and the opportunity
89 for a public hearing before the adoption of the proposed fees.
90 Any fee so established will be added to the unpaid toll amount
91 due and payable to the department.

92
93 ===== T I T L E A M E N D M E N T =====

94 Remove line 107 insert:
95 338.231, F.S. providing the Department of Transportation rule
96 making authority to set fees related to unpaid tolls; amending
97 s. 339.175, F.S.; revising intent; providing the method of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5A(for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

3/19/07

1 Council/Committee hearing bill: Infrastructure
 2 Representative Glorioso offered the following:

3

4 **Amendment to Amendment No. 5**

5 Remove lines 6-16 and insert:

6 Section 19. Subsection (3) is added to section 338.161,
 7 Florida Statutes, to read:

8 338.161 Authority of department or toll agencies to
 9 advertise and promote electronic toll collection; expanded uses
 10 of electronic toll collection system; studies authorized.--

11 (3) (a) The department or any toll agency created by
 12 statute may incur expenses to advertise or promote its
 13 electronic toll collection system to consumers on or off the
 14 turnpike or toll system.

15 (b) If the department or any toll agency created by
 16 statute finds that it can increase nontoll revenues or add
 17 convenience or other value for its customers, the department or
 18 toll agency may enter into agreements with any private or public
 19 entity allowing the use of its electronic toll collection system
 20 to pay parking fees for vehicles equipped with a transponder or
 21 similar device. The department or toll agency may initiate

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5A (for drafter's use only)

22 feasibility studies of additional future uses of its electronic
23 toll collection system and make recommendations to the
24 Legislature to authorize such uses.
25

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N)	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure
 2 Representative Glorioso offered the following:

3
 4 **Amendment** Remove lines 750-757 and insert:

5 (c) When federal funds are not available, the department
 6 may fund up to 80 percent of master planning and eligible
 7 aviation development projects at publicly owned, publicly
 8 operated airports. If federal funds are available, the
 9 department may fund up to 80 percent of the nonfederal share of
 10 such projects. Such funding is limited to airports that have no
 11 scheduled commercial service.
 12

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7a (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)	3/19/07
ADOPTED AS AMENDED	—	(Y/N)	
ADOPTED W/O OBJECTION	—	(Y/N)	(w/1 objection)
FAILED TO ADOPT	—	(Y/N)	
WITHDRAWN	—	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure
 2 Representative Glorioso offered the following:

3
 4 **Substitute Amendment for Amendment No. 7** with title
 5 amendment

6
 7 Between lines 896 and 897 insert:

8 Section 19. section 338.155, Florida Statutes, is amended
 9 to read:

10 338.155 Payment of toll on toll facilities required;
 11 exemptions.—

12 (1) No persons are permitted to use any toll facility without
 13 payment of tolls, except employees of the agency operating the
 14 toll project when using the toll facility on official state
 15 business, state military personnel while on official military
 16 business, handicapped persons as provided in this section,
 17 persons exempt from toll payment by the authorizing resolution
 18 for bonds issued to finance the facility, and persons exempt on
 19 a temporary basis where use of such toll facility is required as
 20 a detour route. Any law enforcement officer operating a marked
 21 official vehicle is exempt from toll payment when on official

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7a (for drafter's use only)

22 law enforcement business. Any law enforcement officer operating
23 an unmarked official vehicle may be exempt from toll payment
24 when on official law enforcement business at the discretion of
25 the toll authority. Any person operating a fire vehicle when on
26 official business or a rescue vehicle when on official business
27 is exempt from toll payment. Any person participating in the
28 funeral procession of a law enforcement officer or firefighter
29 killed in the line of duty is exempt from toll payment. The
30 secretary, or the secretary's designee, may suspend the payment
31 of tolls on a toll facility when necessary to assist in
32 emergency evacuation. The failure to pay a prescribed toll
33 constitutes a noncriminal traffic infraction, punishable as a
34 moving violation pursuant to s. 318.18. The department is
35 authorized to adopt rules relating to guaranteed toll accounts.

36
37 ===== T I T L E A M E N D M E N T =====

38 Remove line 98 and insert:
39 the surety bond; amending s. 338.155, F.S.; providing for any
40 law enforcement officer operating an official vehicle to be
41 exempt from toll payments when on official law enforcement
42 business; amending s. 338.161, F.S.; providing for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y) (N) 3/19/07
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Council/Committee hearing bill: Infrastructure

2 Representative Patronis offered the following:

3

4 **Amendment** with title amendment

5

6 Between lines 1679 and 1680 insert:

7 Section 23. section 339.282, Florida Statutes, is created
8 to read:

9 339.282 Transportation concurrency incentives. -The
 10 Legislature finds that allowing private-sector entities to
 11 finance, construct, and improve public transportation facilities
 12 can provide significant benefits to the citizens of this state
 13 by facilitating transportation of the general public without the
 14 need for additional public tax revenues. In order to encourage
 15 the more efficient and proactive provision of transportation
 16 improvements by the private sector, if a developer or property
 17 owner voluntarily contributes right-of-way and physically
 18 constructs or expands a state transportation facility or segment
 19 and such construction or expansion improves traffic flow,
 20 capacity, of safety, the voluntary contribution may be applied
 21 as a credit for that property owner or developer against any

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 (for drafter's use only)

22 future transportation concurrency requirement pursuant to
23 chapter 163, provided such contributions and credits are set
24 forth in a legally binding agreement executed by the property
25 owner or developer, the local government within whose
26 jurisdiction the facility is located, and the department. If
27 the developer or property owner voluntarily contributes right-
28 of-way and physically constructs or expands a local government
29 facility or segment and such construction or expansion meets the
30 requirements in this section and in a legally binding agreement
31 between the property owner or developer and the applicable local
32 government, the contribution to the local government collector
33 and the arterial system may be applied as credit against any
34 future transportation concurrency requirements pursuant to
35 chapter 163.

36
37

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

39 Remove line 134 and insert:
40 Incentive Program; creating s. 339.282, F.S.; providing
41 transportation concurrency incentives; amending s. 339.55, F.S.;
42 providing for

43

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8a (for drafter's use only)

Bill No. 985

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N) 3/19/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Infrastructure
2 Representative Glorioso offered the following:

3
4 **Amendment** to Amendment No. 8

5
6 Remove line 34 and insert:

7
8 future transportation concurrency requirements within the
9 jurisdiction pursuant to

10

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COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 1143 : Century Commission for a Sustainable Florida

Temporarily Deferred

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 1225 : Motor Vehicle Manufacturers, Importers, Distributors, and Dealers

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Appearances:

Kelly Mallette (Lobbyist) - Proponent
Auto Nation
106 E. College Avenue, Suite 1450
Tallahassee FL 32301
Phone: (850) 224-3427

Warranty Parts Pricing
Wade Hoppig (Lobbyist) - Opponent
Alliance of Automobile Manufacturers
710 N. Ride Road
Tallahassee FL 32303
Phone: (850) 222-7500

Motor Vehicle Dealers
David Ramba (Lobbyist) - Proponent
Florida Automobile Dealers Association
Tallahassee FL
Phone: (850) 222-5702

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 1375 : Affordable Housing

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers				X	
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
Total Yeas: 7		Total Nays: 0			

Appearances:

Richard Pinsky (Lobbyist) - Proponent
Public Housing Authorities
811 Forest Hill Boulevard
W. Palm Beach FL

Affordable Housing Accountability
Brian Pitts, Co-owner (General Public) - Information Only
Justice-2-Jesus
1119 Newton Avenue South
St. Petersburg FL 33705
Phone: (727) 897-9291

Gabe Sheheane (Lobbyist) - Proponent
Florida Chamber of Commerce
Tallahassee FL
Phone: (850) 284-8335

Jeffrey Sharkey, President, Capitol Alliance Group (Lobbyist) - Proponent
Florida Workforce Housing Alliance
106 East College Avenue, Suite 640
Tallahassee FL 32301
Phone: (850) 224-1660

Wellington Meffert, General Counsel (Lobbyist) - Proponent
Florida Housing Finance Corp.
227 North Bronough St., Suite 5000
Tallahassee FL 32301
Phone: (850) 488-4197

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1375

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	<input checked="" type="radio"/> (Y/N)	3/19/07
ADOPTED W/O OBJECTION	___	(Y/N)	
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

Council/Committee hearing bill: Infrastructure

Representative(s) M. Davis offered the following:

Amendment (with directory and title amendments)

Remove everything after the enacting clause and insert:

Section 1. Paragraphs (a), (b), (f), and (j) of subsection (6) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(6) In addition to the requirements of subsections (1)-(5) and (12), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public buildings and grounds, other public facilities, and other categories of the public and private uses of land. Counties are encouraged to designate rural land stewardship areas, pursuant to the provisions of paragraph (11)(d), as overlays on the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 future land use map. Each future land use category must be
23 defined in terms of uses included, and must include standards to
24 be followed in the control and distribution of population
25 densities and building and structure intensities. The proposed
26 distribution, location, and extent of the various categories of
27 land use shall be shown on a land use map or map series which
28 shall be supplemented by goals, policies, and measurable
29 objectives. The future land use plan shall be based upon
30 surveys, studies, and data regarding the area, including the
31 amount of land required to accommodate anticipated growth; the
32 projected population of the area; the character of undeveloped
33 land; the availability of water supplies, public facilities, and
34 services; the need for redevelopment, including the renewal of
35 blighted areas and the elimination of nonconforming uses which
36 are inconsistent with the character of the community; the
37 compatibility of uses on lands adjacent to or closely proximate
38 to military installations; the need for affordable housing
39 adjacent to or closely proximate to employment centers; and, in
40 rural communities, the need for job creation, capital
41 investment, and economic development that will strengthen and
42 diversify the community's economy. The future land use plan may
43 designate areas for future planned development use involving
44 combinations of types of uses for which special regulations may
45 be necessary to ensure development in accord with the principles
46 and standards of the comprehensive plan and this act. The future
47 land use plan element shall include criteria to be used to
48 achieve the compatibility of adjacent or closely proximate lands
49 with military installations. If the local government elects to
50 provide transportation concurrency exceptions for trips
51 associated with affordable housing, the future land use plan

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 element shall include criteria used to determine how the local
53 government will determine what qualifies as affordable housing
54 adjacent to or closely proximate to employment centers. In
55 addition, for rural communities, the amount of land designated
56 for future planned industrial use shall be based upon surveys
57 and studies that reflect the need for job creation, capital
58 investment, and the necessity to strengthen and diversify the
59 local economies, and shall not be limited solely by the
60 projected population of the rural community. The future land use
61 plan of a county may also designate areas for possible future
62 municipal incorporation. The land use maps or map series shall
63 generally identify and depict historic district boundaries and
64 shall designate historically significant properties meriting
65 protection. For coastal counties, the future land use element
66 must include, without limitation, regulatory incentives and
67 criteria that encourage the preservation of recreational and
68 commercial working waterfronts as defined in s. 342.07. The
69 future land use element must clearly identify the land use
70 categories in which public schools are an allowable use. When
71 delineating the land use categories in which public schools are
72 an allowable use, a local government shall include in the
73 categories sufficient land proximate to residential development
74 to meet the projected needs for schools in coordination with
75 public school boards and may establish differing criteria for
76 schools of different type or size. Each local government shall
77 include lands contiguous to existing school sites, to the
78 maximum extent possible, within the land use categories in which
79 public schools are an allowable use. The failure by a local
80 government to comply with these school siting requirements will
81 result in the prohibition of the local government's ability to

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 amend the local comprehensive plan, except for plan amendments
83 described in s. 163.3187(1)(b), until the school siting
84 requirements are met. Amendments proposed by a local government
85 for purposes of identifying the land use categories in which
86 public schools are an allowable use are exempt from the
87 limitation on the frequency of plan amendments contained in s.
88 163.3187. The future land use element shall include criteria
89 that encourage the location of schools proximate to urban
90 residential areas to the extent possible and shall require that
91 the local government seek to collocate public facilities, such
92 as parks, libraries, and community centers, with schools to the
93 extent possible and to encourage the use of elementary schools
94 as focal points for neighborhoods. For schools serving
95 predominantly rural counties, defined as a county with a
96 population of 100,000 or fewer, an agricultural land use
97 category shall be eligible for the location of public school
98 facilities if the local comprehensive plan contains school
99 siting criteria and the location is consistent with such
100 criteria. Local governments required to update or amend their
101 comprehensive plan to include criteria and address compatibility
102 of adjacent or closely proximate lands with existing military
103 installations in their future land use plan element shall
104 transmit the update or amendment to the department by June 30,
105 2006.

106 (b)1. A traffic circulation element consisting of the
107 types, locations, and extent of existing and proposed major
108 thoroughfares and transportation routes, including bicycle and
109 pedestrian ways. The traffic circulation element shall reflect
110 how the pattern of development of the future land use element
111 and map impact the transportation system. This may include, but

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

112 is not limited to, consideration of appropriate land use mixes
113 that will affect trip lengths, such as impact of housing
114 locations to employment centers.

115 2. Transportation corridors, as defined in s. 334.03, may
116 be designated in the traffic circulation element pursuant to s.
117 337.273. If the transportation corridors are designated, the
118 local government may adopt a transportation corridor management
119 ordinance.

120 (f)1. A housing element consisting of standards, plans,
121 and principles to be followed in:

122 a. The provision of housing for all current and
123 anticipated future residents of the jurisdiction.

124 b. The elimination of substandard dwelling conditions.

125 c. The structural and aesthetic improvement of existing
126 housing.

127 d. The provision of adequate sites for future housing,
128 including housing for low-income, very low-income, and moderate-
129 income families, mobile homes, and group home facilities and
130 foster care facilities, with supporting infrastructure and
131 public facilities.

132 e. The provision of ~~for~~ relocation housing and
133 identification of historically significant and other housing for
134 purposes of conservation, rehabilitation, or replacement.

135 f. The formulation of housing implementation programs.

136 g. The creation or preservation of affordable housing to
137 minimize the need for additional local services and avoid the
138 concentration of affordable housing units only in specific areas
139 of the jurisdiction.

140 h. The provision of housing adjacent to or closely
141 proximate to employment centers that reduce trip lengths and is

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

142 affordable to the employees and persons served by the employment
143 center.

144
145 The goals, objectives, and policies of the housing element must
146 be based on the data and analysis prepared on housing needs,
147 including the affordable housing needs assessment. State and
148 federal housing plans prepared on behalf of the local government
149 must be consistent with the goals, objectives, and policies of
150 the housing element. Local governments are encouraged to utilize
151 job training, job creation, and economic solutions to address a
152 portion of their affordable housing concerns.

153 2. To assist local governments in housing data collection
154 and analysis and assure uniform and consistent information
155 regarding the state's housing needs, the state land planning
156 agency shall conduct an affordable housing needs assessment for
157 all local jurisdictions on a schedule that coordinates the
158 implementation of the needs assessment with the evaluation and
159 appraisal reports required by s. 163.3191. Each local government
160 shall utilize the data and analysis from the needs assessment as
161 one basis for the housing element of its local comprehensive
162 plan. The agency shall allow a local government the option to
163 perform its own needs assessment, if it uses the methodology
164 established by the agency by rule.

165 3. The housing element shall contain goals and policies to
166 guide the local government in facilitating private and public
167 provision of affordable housing to serve the residents and
168 workforce with consideration given to recommendations by the
169 affordable housing advisory committee pursuant to s. 420.9076,
170 if applicable.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

- 171 (j) For each unit of local government within an urbanized
172 area designated for purposes of s. 339.175, a transportation
173 element, which shall be prepared and adopted in lieu of the
174 requirements of paragraph (b) and paragraphs (7)(a), (b), (c),
175 and (d) and which shall address the following issues:
- 176 1. Traffic circulation, including major thoroughfares and
177 other routes, including bicycle and pedestrian ways.
 - 178 2. All alternative modes of travel, such as public
179 transportation, pedestrian, and bicycle travel.
 - 180 3. Parking facilities.
 - 181 4. Aviation, rail, seaport facilities, access to those
182 facilities, and intermodal terminals.
 - 183 5. The availability of facilities and services to serve
184 existing land uses and the compatibility between future land use
185 and transportation elements.
 - 186 6. The capability to evacuate the coastal population prior
187 to an impending natural disaster.
 - 188 7. Airports, projected airport and aviation development,
189 and land use compatibility around airports.
 - 190 8. An identification of land use densities, building
191 intensities, and transportation management programs to promote
192 public transportation systems in designated public
193 transportation corridors so as to encourage population densities
194 sufficient to support such systems.
 - 195 9. An identification of how the pattern of development of
196 the future land use element and map impact the transportation
197 system. This may include, but not be limited to, consideration
198 of appropriate land use mixes that will affect trip lengths,
199 such as impact of housing locations to employment centers.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

200 ~~10.9-~~ May include transportation corridors, as defined in
201 s. 334.03, intended for future transportation facilities
202 designated pursuant to s. 337.273. If transportation corridors
203 are designated, the local government may adopt a transportation
204 corridor management ordinance.

205 Section 2. Subsection (5) of section 163.31771, Florida
206 Statutes, is amended to read:

207 163.31771 Accessory dwelling units.--

208 (5) Each accessory dwelling unit allowed by an ordinance
209 adopted under this section shall apply toward satisfying the
210 affordable housing component of the housing element in the local
211 government's comprehensive plan under s. 163.3177(6)(f). The
212 local government may elect to not apply transportation
213 concurrency and impact fee requirements on accessory units that
214 are subject to a recorded land use restriction agreement
215 restricting the unit's use to affordable housing.

216 Section 3. Subsection (5) of section 163.3180, Florida
217 Statutes, is amended to read:

218 163.3180 Concurrency.--

219 (5)(a) The Legislature finds that under limited
220 circumstances dealing with transportation facilities,
221 countervailing planning and public policy goals may come into
222 conflict with the requirement that adequate public facilities
223 and services be available concurrent with the impacts of such
224 development. The Legislature further finds that often the
225 unintended result of the concurrency requirement for
226 transportation facilities is the discouragement of urban infill
227 development and redevelopment. Such unintended results directly
228 conflict with the goals and policies of the state comprehensive
229 plan and the intent of this part. Therefore, exceptions from the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

230 concurrency requirement for transportation facilities may be
231 granted as provided by this subsection.

232 (b) A local government may grant an exception from the
233 concurrency requirement for transportation facilities if the
234 proposed development is otherwise consistent with the adopted
235 local government comprehensive plan and is a project that
236 promotes public transportation, provides affordable housing in
237 close proximity to employment centers, or is located within an
238 area designated in the comprehensive plan for:

- 239 1. Urban infill development,
- 240 2. Urban redevelopment,
- 241 3. Downtown revitalization, or
- 242 4. Urban infill and redevelopment under s. 163.2517.

243 (c) The Legislature also finds that developments located
244 within urban infill, urban redevelopment, existing urban
245 service, or downtown revitalization areas or areas designated as
246 urban infill and redevelopment areas under s. 163.2517 which
247 pose only special part-time demands on the transportation system
248 should be excepted from the concurrency requirement for
249 transportation facilities. A special part-time demand is one
250 that does not have more than 200 scheduled events during any
251 calendar year and does not affect the 100 highest traffic volume
252 hours.

253 (d) The Legislature finds that where residential units are
254 placed in close proximity to places of employment to reduce the
255 burden on transportation facilities, and where the units are
256 developed in a manner to be affordable to the workforce of that
257 employment center, local governments should consider the
258 systemwide benefits to the transportation system and may exempt
259 trips associated with the residential units from concurrency if

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

260 locating additional residential units in specific areas will
261 reduce long trip length burdens on the larger transportation
262 system.

263 (e)-(d) A local government shall establish guidelines in
264 the comprehensive plan for granting the exceptions authorized in
265 paragraphs (b), and (c), and (d) and subsections (7) and (15)
266 which must be consistent with and support a comprehensive
267 strategy adopted in the plan to promote the purpose of the
268 exceptions.

269 (f)-(e) The local government shall adopt into the plan and
270 implement strategies to support and fund mobility within the
271 designated exception area, including alternative modes of
272 transportation. The plan amendment shall also demonstrate how
273 strategies will support the purpose of the exception and how
274 mobility within the designated exception area will be provided.
275 In addition, the strategies must address urban design;
276 appropriate land use mixes, including intensity and density; and
277 network connectivity plans needed to promote urban infill,
278 redevelopment, or downtown revitalization. The comprehensive
279 plan amendment designating the concurrency exception area shall
280 be accompanied by data and analysis justifying the size of the
281 area.

282 (g)-(f) Prior to the designation of a concurrency exception
283 area, the Department of Transportation shall be consulted by the
284 local government to assess the impact that the proposed
285 exception area is expected to have on the adopted level-of-
286 service standards established for Strategic Intermodal System
287 facilities, as defined in s. 339.64, and roadway facilities
288 funded in accordance with s. 339.2819. Further, the local
289 government shall, in cooperation with the Department of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

290 Transportation, develop a plan to mitigate any impacts to the
291 Strategic Intermodal System, including, if appropriate, the
292 development of a long-term concurrency management system
293 pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions
294 may be available only within the specific geographic area of the
295 jurisdiction designated in the plan. Pursuant to s. 163.3184,
296 any affected person may challenge a plan amendment establishing
297 these guidelines and the areas within which an exception could
298 be granted.

299 ~~(h)(g)~~ Transportation concurrency exception areas existing
300 prior to July 1, 2005, shall meet, at a minimum, the provisions
301 of this section by July 1, 2006, or at the time of the
302 comprehensive plan update pursuant to the evaluation and
303 appraisal report, whichever occurs last.

304 Section 4. Paragraph (p) is added to subsection (1) of
305 section 163.3187, Florida Statutes, to read:

306 163.3187 Amendment of adopted comprehensive plan.--

307 (1) Amendments to comprehensive plans adopted pursuant to
308 this part may be made not more than two times during any
309 calendar year, except:

310 (p) Notwithstanding the provisions of s. 163.3184(3)-(6),
311 any local government may identify in its comprehensive plan the
312 types of housing development and conditions under which it will
313 expedite consideration of amendments consistent with the local
314 housing incentive strategies identified in s. 420.9076 and
315 authorized by the local government. At least 30 days prior to
316 adopting a plan amendment pursuant to this subsection, the local
317 government shall notify the state land planning agency of its
318 intent to adopt such an amendment, and the notice shall include
319 the local government's evaluation related to site suitability

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320 and availability of facilities and services. The public notice
321 of the hearing required by s. 163.3184(15)(e) shall include a
322 statement that the local government intends to utilize the
323 expedited adoption process authorized by this subsection. Such
324 amendments shall require only a single public hearing before the
325 governing board, which shall be an adoption hearing as described
326 in s. 163.3184(7), and the state land planning agency shall
327 issue its notice of intent pursuant to s. 163.3184(8) within 30
328 days after determining that the amendment package is complete.
329 Any further proceedings shall be governed by ss. 163.3184(9)-
330 (16).

331 Section 5. Section 193.018, Florida Statutes, is created
332 to read:

333 193.018 Affordable Housing Property Tax Relief
334 Initiative.--

335 (1) For the purpose of assessing just valuation of
336 affordable housing properties that have a land use restriction
337 recorded with the local clerk of the court that requires
338 affordability, as provided in this subsection, for a period of
339 at least 20 years the actual rental income from rent-restricted
340 units in each property shall be recognized by the property
341 appraiser for assessment purposes, and a rental income approach
342 pursuant to s. 193.011(7) shall be used for assessment of the
343 following affordable housing properties:

344 (a) Properties that are funded and rent restricted by the
345 United States Department of Housing and Urban Development under
346 s. 8 of the United States Housing Act of 1937 that is used to
347 provide affordable housing serving eligible persons as defined
348 by s. 159.603(7) and elderly persons, extremely-low-income
349 persons, and very-low-income persons as defined by s.

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350 420.0004(7), (8), and (15) and that has undergone financial
351 restructuring as provided in s. 501, Title V, Subtitle A of the
352 Multifamily Assisted Housing Reform and Affordability Act of
353 1997;

354 (b) Multifamily, farmworker, or elderly rental properties
355 that are funded and rent restricted by the Florida Housing
356 Finance Corporation under ss. 420.5087 and 420.5089 and
357 420.5095, and the State Housing Initiatives Partnership Program
358 under ss. 420.9072 and 420.9075, s. 42 of the Internal Revenue
359 Code, 26 U.S.C. s. 42; the HOME Investment Partnership Program
360 under the Cranston-Gonzalez National Affordable Housing Act, 42
361 U.S.C. ss. 12741 et seq.; or the Federal Home Loan Banks'
362 Affordable Housing Program established pursuant to the Financial
363 Institutions Reform, Recovery and Enforcement Act of 1989, Pub.
364 L. No. 101-73; or

365 (c) Multifamily residential rental properties of 10 or
366 more units that are certified as being deed restricted by the
367 local public housing agency as having 100 percent of its units
368 providing affordable housing to extremely-low-income persons,
369 low-income persons, moderate-income persons, and very-low-income
370 persons, as defined by s. 420.0004(8), (10), (11), and (15).

371 (2) Properties used for affordable housing which have
372 received a low-income housing tax credit from the Florida
373 Housing Finance Corporation, as authorized by s. 420.5099, shall
374 be assessed with the rental income approach under s. 193.011(7)
375 and, consistent with s. 420.5099(5) and (6), pursuant to this
376 section, the following assumptions shall apply:

377 (a) The tax credits granted and the financing generated by
378 the tax credits may not be considered as income to the property.

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379 (b) The actual rental income from rent-restricted units in
380 each property shall be recognized by the property appraiser as
381 the real rents for assessing just value.

382 (c) Any costs paid for by tax credits and costs paid for
383 by additional financing proceeds received under chapter 420 may
384 not be included in the valuation of the property.

385 (3) If an extended low-income housing agreement is filed
386 in the official public records of the county in which an
387 affordable housing property serving extremely-low-income
388 persons, low-income persons, moderate-income persons, and very-
389 low-income persons, as defined in s. 420.0004(8), (10), (11),
390 and (15), is located, the agreement and any recorded amendment
391 or supplement thereto shall be considered a land use regulation
392 and a limitation on the highest and best use of the property
393 during the term of the agreement, amendment, or supplement.

394 Section 6. Section 193.0185, Florida Statutes, is created
395 to read:

396 193.0185 Assessment of improvements on lands used by a
397 community land trust to provide affordable housing.--As used in
398 this section, the term "community land trust" means a nonprofit
399 entity that is qualified as charitable under s. 501(c)(3) of the
400 Internal Revenue Code and has as one of its purposes the
401 acquisition of land to be held in perpetuity for the primary
402 purpose of providing affordable homeownership through the
403 conveyance of structural improvements located on such land,
404 subject to a ground lease having a term of 99 years, while
405 retaining a preemptive option to purchase any structural
406 improvements on the land at a price determined by a formula that
407 is designed to ensure that the improvements remain affordable to
408 persons who meet the income limits in s. 420.0004(8), (10),

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409 (11), or (15). In assessing property for ad valorem taxation
410 under s. 193.011, an improvement used for affordable housing on
411 land owned by a community land trust and subject to such a
412 ground lease shall be assessed under the following criteria:

413 (1) The amount a willing purchaser would pay a willing
414 seller shall be limited to the amount determined by the formula
415 in the ground lease.

416 (2) If the ground lease and all amendments and supplements
417 thereto, or a memorandum documenting how such lease and
418 amendments or supplements restrict the price at which the
419 improvements may be sold, is recorded and filed in the official
420 public records of the county in which the leased land is
421 located, the lease and any amendments or supplements shall be
422 deemed a land use regulation during the term of the lease as
423 amended or supplemented.

424 Section 7. Section 196.1978, Florida Statutes, is amended
425 to read:

426 196.1978 Affordable housing property exemption.--Property
427 used to provide affordable housing serving eligible persons as
428 defined by s. 159.603(7) and persons meeting income limits
429 specified in s. 420.0004(8), (10), (11), and (15), which
430 property is owned entirely by a nonprofit entity that is a
431 corporation not for profit pursuant to chapter 617 or a Florida
432 limited partnership formed, the sole general partner of which is
433 a corporation not for profit pursuant to chapter 617, that which
434 is qualified as charitable under s. 501(c)(3) of the Internal
435 Revenue Code and which complies with Rev. Proc. 96-32, 1996-1
436 C.B. 717, shall be considered property owned by an exempt entity
437 and used for a charitable purpose, and those portions of the
438 affordable housing property which provide housing to individuals

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439 with incomes as defined in s. 420.0004(10) and (15) shall be
440 exempt from ad valorem taxation to the extent authorized in s.
441 196.196. All property identified in this section shall comply
442 with the criteria for determination of exempt status to be
443 applied by property appraisers on an annual basis as defined in
444 s. 196.195. The Legislature intends that any property owned by a
445 limited liability company or limited partnership which is
446 disregarded as an entity for federal income tax purposes
447 pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) shall be
448 treated as owned by its sole member.

449 Section 8. Subsection (2) of section 420.504, Florida
450 Statutes, is amended to read:

451 420.504 Public corporation; creation, membership, terms,
452 expenses.--

453 (2) The corporation is constituted as a public
454 instrumentality, and the exercise by the corporation of the
455 power conferred by this act is considered to be the performance
456 of an essential public function. The corporation shall
457 constitute an agency for the purposes of s. 120.52. The
458 corporation is a state agency for purposes of s. 159.807(4)(a).
459 The corporation is subject to chapter 119, subject to exceptions
460 applicable to the corporation, and to the provisions of chapter
461 286; however, the corporation shall be entitled to provide
462 notice of internal review committee meetings for competitive
463 proposals or procurement to applicants by mail, ~~or facsimile,~~ or
464 publication on an Internet website, rather than by means of
465 publication. The corporation is not governed by chapter 607 or
466 chapter 617, but by the provisions of this part. If for any
467 reason the establishment of the corporation is deemed in

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468 violation of law, such provision is severable and the remainder
469 of this act remains in full force and effect.

470 Section 9. Section 420.506, Florida Statutes, is amended
471 to read:

472 420.506 Executive director; agents and employees.-- The
473 appointment and removal of an executive director shall be by the
474 Secretary of Community Affairs, with the advice and consent of
475 the corporation's board of directors. The executive director
476 shall employ legal and technical experts and such other agents
477 and employees, permanent and temporary, as the corporation may
478 require, and shall communicate with and provide information to
479 the Legislature with respect to the corporation's activities.
480 The board is authorized, notwithstanding the provisions of s.
481 216.262, to develop and implement rules regarding the employment
482 of employees of the corporation and service providers, including
483 legal counsel. ~~The corporation is authorized to enter into a~~
484 ~~lease agreement with the Department of Management Services or~~
485 ~~the Department of Community Affairs for the lease of state~~
486 ~~employees from such entities, wherein an employee shall retain~~
487 ~~his or her status as a state employee but shall work under the~~
488 ~~direct supervision of the corporation, and shall retain the~~
489 ~~right to participate in the Florida Retirement System.~~ The board
490 of directors of the corporation is entitled to establish travel
491 procedures and guidelines for employees of the corporation. The
492 executive director's office and the corporation's files and
493 records must be located in Leon County.

494 Section 10. Section 420.5061, Florida Statutes, is amended
495 to read:

496 420.5061 Transfer of agency assets and
497 liabilities.--~~Effective January 1, 1998, all assets and~~

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498 ~~liabilities and rights and obligations, including any~~
499 ~~outstanding contractual obligations, of the agency shall be~~
500 ~~transferred to~~ The corporation is the as legal successor in all
501 respects to the agency, and the corporation is shall thereupon
502 become obligated to the same extent as the agency under any
503 existing agreements existing on December 31, 1997, and is be
504 entitled to any rights and remedies previously afforded the
505 agency by law or contract, including specifically the rights of
506 the agency under chapter 201 and part VI of chapter 159. The
507 ~~corporation is a state agency for purposes of s. 159.807(4)(a).~~
508 Effective January 1, 1998, all references under Florida law to
509 the agency are deemed to mean the corporation. The ~~corporation~~
510 ~~shall transfer to the General Revenue Fund an amount which~~
511 ~~otherwise would have been deducted as a service charge pursuant~~
512 ~~to s. 215.20(1) if the Florida Housing Finance Corporation Fund~~
513 ~~established by s. 420.508(5), the State Apartment Incentive Loan~~
514 ~~Fund established by s. 420.5087(7), the Florida Homeownership~~
515 ~~Assistance Fund established by s. 420.5088(4), the HOME~~
516 ~~Investment Partnership Fund established by s. 420.5089(1), and~~
517 ~~the Housing Predevelopment Loan Fund established by s.~~
518 ~~420.525(1) were each trust funds.~~ For purposes of s. 112.313,
519 the corporation is deemed to be a continuation of the agency,
520 and the provisions thereof are deemed to apply as if the same
521 entity remained in place. Any employees of the agency and agency
522 board members covered by s. 112.313(9)(a)6. shall continue to be
523 entitled to the exemption in that subparagraph, notwithstanding
524 being hired by the corporation or appointed as board members of
525 the corporation. ~~Effective January 1, 1998, all state property~~
526 ~~in use by the agency shall be transferred to and become the~~
527 ~~property of the corporation.~~

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528 Section 11. Subsection (30 of section 420.507 is hereby
529 amended, and subsection (46) is added to section 420.507,
530 Florida Statutes, to read:

531 420.507 Powers of the corporation.--The corporation shall
532 have all the powers necessary or convenient to carry out and
533 effectuate the purposes and provisions of this part, including
534 the following powers which are in addition to all other powers
535 granted by other provisions of this part:

536 (30) To prepare and submit ~~to the secretary of the~~
537 ~~department~~ a budget request for purposes of the corporation,
538 which request shall, notwithstanding the provisions of chapter
539 216 and in accordance with s. 216.351, contain a request for
540 operational expenditures and ~~separate requests for other~~
541 authorized corporation programs. The request shall not be
542 required to contain information on the number of employees,
543 salaries, or any classification thereof, and the approved
544 operating budget therefor need not comply with s. 216.181(8)-
545 (10). ~~The secretary is authorized to include within the~~
546 ~~department's budget request the corporation's budget request in~~
547 ~~the form as authorized by this section.~~

548 (46) To require, as a condition of financing a multifamily
549 rental project, that an agreement be recorded in the official
550 records of the county where the real property is located, which
551 requires that the project be used for housing defined as
552 affordable in s. 420.0004(3) by persons defined in 420.0004(8),
553 (10), (11), and (15). Such an agreement is a state land use
554 regulation that limits the highest and best use of the property
555 within the meaning of s. 193.011(2).

556 Section 12. Subsection (9) of section 420.5087, Florida
557 Statutes is created to read:

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558 420.5087 State Apartment Incentive Loan Program.--There is
559 hereby created the State Apartment Incentive Loan Program for
560 the purpose of providing first, second, or other subordinated
561 mortgage loans or loan guarantees to sponsors, including for-
562 profit, nonprofit, and public entities, to provide housing
563 affordable to very-low-income persons.

564 (9) The corporation is authorized to use program funds for
565 the purposes of s. 420.5094. If the board of directors of the
566 corporation funds community development financial institution
567 pursuant to 420.5094, it shall provide an annual report to the
568 Legislature on the impacts of the program.

569 Section 13. Section 420.5094, Florida Statutes is created
570 to read:

571 420.5094 The Florida Housing Preservation Bridge Loan
572 Program--.

573 (1) The Legislature finds and declares that preserving
574 affordable multifamily rental and mobile home park housing for
575 low income families is essential to Florida's economy and the
576 well being of all of its citizens; that the State of Florida
577 lacks sufficient resources to preserve substantial numbers of
578 multifamily rental properties and mobile home parks that
579 currently provide affordable housing to thousands of Floridians;
580 and that there are state and national community development
581 financial institutions with established experience in securing
582 and deploying public, private, and philanthropic capital to
583 preserve affordable housing; therefore, the Legislature finds a
584 need to use state funds to leverage public, private, and
585 philanthropic capital to preserve affordable rental housing and
586 mobile home parks.

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587 (2) There is created the Florida Housing Preservation
588 Bridge Loan Program for the purpose of establishing a revolving
589 bridge loan program to preserve mobile home parks and affordable
590 multifamily rental housing for low-income persons and families.

591 (3) For purposes of this section, the following definitions
592 apply:

593 (a) "Bridge loan" means short term financing of up to 3
594 years for acquisition, rehabilitation, or predevelopment costs
595 necessary to stabilize or position a property for permanent
596 financing.

597 (b) "Eligible project" means an expiring use property,
598 mobile home park, or other nonregulated affordable multifamily
599 property.

600 (c) "Expiring use property" means a property that has
601 income restrictions on its use to benefit low-income persons and
602 families, which restrictions will terminate within two years of
603 the application for funding.

604 (4) To be eligible to receive funds under this program, an
605 entity shall:

606 (a) Be certified by the U.S. Department of the Treasury as
607 a community development financial institution;

608 (b) Be a qualified 501(c)3 organization under the Internal
609 Revenue Code;

610 (c) Possess a demonstrated record and ability to
611 effectively deploy financing for community development purposes;

612 (d) Demonstrate knowledge and experience in lending to
613 acquire, develop, and rehabilitate affordable housing;

614 (e) Demonstrate knowledge and experience in raising
615 matching capital from private, public and philanthropic sources;

616 (f) Have statewide lending operations;

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617 (g) Demonstrate experience and capacity to provide
618 directly or through contracts with other entities, technical
619 assistance to developers;

620 (h) Document established and proven underwriting policies,
621 risk management ratings, portfolio management and servicing
622 systems;

623 (i) Have an independent financial audit for prior years;
624 and

625 (j) Meet requirements established by rule.

626 (5) A community development financial institution that
627 receives state funds under this program shall create a revolving
628 affordable housing preservation bridge loan fund to make loans
629 to eligible projects. Multifamily rental properties which are
630 affordable to low-income persons and families without rental
631 restrictions but which will institute rental restrictions as a
632 condition of this funding, may be funded after expiring use
633 properties and mobile home park projects are funded.

634 (6) The corporation shall establish a funding process and
635 selection criteria by rule or by issuing a request for proposals
636 to select entities for funding.

637 (a) The corporation may reject any and all applicants;

638 (b) The corporation may establish a review committee by
639 rule and shall make recommendations to the board regarding
640 program participation selection. The board shall determine the
641 final ranking for participation based on the scores received in
642 the ranking, further review of the applications, and the
643 recommendations of the review committee. The board shall approve
644 or reject applicants and shall determine the tentative funding
645 amount available to each applicant. The final funding amount
646 shall be determined by rule.

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647 (7) Prior to providing any assistance, the corporation and
648 the participant shall execute an agreement that requires the
649 participant to comply with all other terms and conditions of
650 assistance.

651 (8) In the event of fraud, mismanagement, or noncompliance
652 with the applicable statutes, rules, or terms and conditions of
653 the agreement on the part of the participant, the corporation
654 may:

655 (a) Require changes in the agreement;

656 (b) Reduce or terminate funding;

657 (c) Require repayment of any funding that has been
658 distributed;

659 (d) Revoke the participation in the program; or

660 (e) Take such other actions as the corporation deems
661 appropriate.

662 (9) A participant shall submit such financial and activity
663 reports and data at such times, in such forms, as required by
664 the corporation to ensure compliance and to evaluate the
665 participant's performance in this program.

666 (10) The corporation may adopt rules pursuant to ss.
667 120.536(1) and 120.54 to implement the provisions of this
668 section.

669 (11) The corporation may use a maximum of two percent of
670 the annual program appropriation for administration and
671 compliance monitoring.

672 Section 14. Section 420.5095, Florida Statutes, is amended
673 to read:

674 420.5095 Community Workforce Housing Innovation Pilot
675 Program.--

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676 (1) The Legislature finds and declares that recent rapid
677 increases in the median purchase price of a home and the cost of
678 rental housing have far outstripped the increases in median
679 income in the state, preventing essential services personnel
680 from living in the communities where they serve and thereby
681 creating the need for innovative solutions for the provision of
682 housing opportunities for essential services personnel.

683 (2) The Community Workforce Housing Innovation Pilot
684 Program is created to provide affordable rental and home
685 ownership community workforce housing for essential services
686 personnel affected by the high cost of housing, using regulatory
687 incentives and state and local funds to promote local public-
688 private partnerships and leverage government and private
689 resources.

690 (3) For purposes of this section, the following
691 definitions apply:

692 (a) "Workforce housing" means housing affordable to
693 natural persons or families whose total annual household income
694 does not exceed 140 percent of the area median income, adjusted
695 for household size, or 150 percent of area median income,
696 adjusted for household size, in areas of critical state concern
697 designated under s. 380.05, for which the Legislature has
698 declared its intent to provide affordable housing, and areas
699 that were designated as areas of critical state concern for at
700 least 20 consecutive years prior to removal of the designation.

701 (b) "Essential services personnel" means persons in need
702 of affordable housing who are employed in occupations or
703 professions in which they are considered essential services
704 personnel, as defined by each county and eligible municipality

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705 within its respective local housing assistance plan pursuant to
706 s. 420.9075(3)(a).

707 (c) "Public-private partnership" means any form of
708 business entity that includes substantial involvement of at
709 least one county, one municipality, or one public sector entity,
710 such as a school district or other unit of local government in
711 which the project is to be located, and at least one private
712 sector for-profit or not-for-profit business or charitable
713 entity, and may be any form of business entity, including a
714 joint venture or contractual agreement.

715 (4) The Florida Housing Finance Corporation is authorized
716 to provide Community Workforce Housing Innovation Pilot Program
717 loans to an applicant for new construction or rehabilitation of
718 workforce housing in eligible areas. The corporation shall
719 establish a funding process and selection criteria by rule or
720 request for proposals. This funding is intended to be used with
721 other public and private sector resources.

722 (5)(a) The corporation shall provide by rule for the
723 establishment of a review committee composed of corporation
724 staff and, in addition, may include three private citizens
725 representing the areas of housing or real estate development,
726 banking, community planning, or other areas related to the
727 development or financing of workforce affordable housing. The
728 review and selection process shall include a process for curing
729 minor errors in the applications. The corporation shall
730 establish by rule a scoring system for evaluation and
731 competitive ranking of applications submitted in this program,
732 including, but not limited to, the following criteria:

733 1. Private and public sector entities' involvement as
734 partners in the project.

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- 735 2. The sponsor's agreement to reserve at least:
- 736 a. Eighty percent of the units in the project for persons
737 or families who have incomes that do not exceed 140 percent of
738 the area median income adjusted for household size. In areas of
739 critical state concern designated under s. 380.05, for which the
740 Legislature has declared its intent to provide affordable
741 housing, and in areas that were designated as areas of critical
742 state concern for at least 20 consecutive years prior to removal
743 of the designation, the area median income served may not exceed
744 150 percent of area median income, adjusted for household size;
745 or
- 746 b. Fifty percent of the units in the project for essential
747 services personnel.
- 748 3. Projects requiring the most effective use of the
749 community workforce housing loan.
- 750 4. Contributions to the project.
- 751 5. Local government comprehensive planning, zoning,
752 permitting, and other regulatory and financial incentives that
753 promote workforce housing or commitment to be innovative with
754 existing regulatory incentive structures to promote workforce
755 housing.
- 756 6. Proximity to employment centers and transportation
757 facilities.
- 758 7. Project feasibility.
- 759 8. Economic viability of the project.
- 760 9. Commitment of first mortgage financing.
- 761 10. The sponsor's prior affordable housing development and
762 management experience.
- 763 11. The sponsor's ability to proceed with construction.
- 764 (b) The corporation may reject any and all applications.

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765 (c) The corporation may approve and reject applications
766 for the purpose of achieving geographic and demographic
767 targeting.

768 (d) The review committee established pursuant to this
769 subsection shall make recommendations to the board of directors
770 of the corporation regarding program participation under the
771 Community Workforce Housing Innovation Pilot Program.

772 (e) The corporation board shall make the final ranking and
773 the decisions regarding which applicants shall become program
774 participants based on the scores received in the competitive
775 ranking, further review of applications, and the recommendations
776 of the review committee. The corporation board shall approve or
777 reject applications for loans and shall determine the tentative
778 loan amount available to each applicant selected for
779 participation in the program. The maximum loan amount shall be
780 determined pursuant to rule adopted by the corporation.

781 (6)~~(5)~~ The corporation shall provide incentives for local
782 governments in eligible areas to use local affordable housing
783 funds, such as those from the State Housing Initiatives
784 Partnership Program, to assist in meeting the affordable housing
785 needs of persons eligible under this program. Local governments
786 are authorized to utilize State Housing Initiatives Partnership
787 Program funds for residents with incomes up to 140 percent of
788 the area median income in workforce housing projects funded
789 under this program and 150 percent in areas of critical state
790 concern designated under s. 380.05, for which the Legislature
791 has declared its intent to provide affordable housing, and in
792 areas that were designated as areas of critical state concern
793 for at least 20 consecutive years prior to removal of the
794 designation.

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795 ~~(7)(6)~~ Funding shall be targeted to innovative projects in
796 areas where:

797 (a) The disparity between the area median income and the
798 median sales price for a single-family home is greatest; ~~and~~
799 ~~for projects in areas where~~

800 (b) The population growth as a percentage rate of increase
801 is greatest; and

802 (c) There is a demonstrated need for workforce housing for
803 essential services personnel and . ~~The corporation may also fund~~
804 ~~projects in areas where~~ innovative regulatory and financial
805 incentives are made available.

806
807 The corporation shall fund at least one eligible project in as
808 many counties as possible and make every effort to fund projects
809 in every region of the state.

810 ~~(8)(7)~~ Projects shall receive priority consideration for
811 funding where:

812 (a) The local jurisdiction has adopted, or is committed to
813 adopting, ~~adopts~~ appropriate regulatory incentives, local
814 contributions or financial strategies, or other funding sources
815 to promote the development and ongoing financial viability of
816 such projects. Local incentives include such actions as
817 expediting review of development orders and permits, supporting
818 development near transportation hubs and major employment
819 centers, and adopting land development regulations designed to
820 allow flexibility in densities, use of accessory units, mixed-
821 use developments, and flexible lot configurations. Financial
822 strategies include such actions as promoting employer-assisted
823 housing programs, providing tax increment financing, and
824 providing land.

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825 (b) Projects are innovative and include new construction
826 or rehabilitation, mixed-income housing, or commercial and
827 housing mixed-use elements and those that promote homeownership.
828 The program funding shall not exceed the costs attributable to
829 the portion of the project that is set aside to provide housing
830 for the targeted population.

831 (c) Projects that set aside at least 80 percent of units
832 for workforce housing and at least 50 percent for essential
833 services personnel and for projects that require the least
834 amount of program funding compared to the overall housing costs
835 for the project.

836 ~~(9)-(8)~~ Notwithstanding the provisions of s. 163.3184(3)-
837 (6), any local government comprehensive plan amendment to
838 implement a Community Workforce Housing Innovation Pilot Program
839 project found consistent with the provisions of this section
840 shall be expedited as provided in this subsection. At least 30
841 days prior to adopting a plan amendment pursuant to this
842 subsection, the local government shall notify the state land
843 planning agency of its intent to adopt such an amendment, and
844 the notice shall include its evaluation related to site
845 suitability and availability of facilities and services. The
846 public notice of the hearing required by s. 163.3184(15)(e)
847 shall include a statement that the local government intends to
848 utilize the expedited adoption process authorized by this
849 subsection. Such amendments shall require only a single public
850 hearing before the governing board, which shall be an adoption
851 hearing as described in s. 163.3184(7), and the state land
852 planning agency shall issue its notice of intent pursuant to s.
853 163.3184(8) within 30 days after determining that the amendment
854 package is complete. Any further proceedings shall be governed

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

855 by ss. 163.3184(9)-(16). Amendments proposed under this section
856 are not subject to the restriction of s. 163.3187(1) limiting
857 the adoption of a comprehensive plan amendment to no more than
858 two times during any calendar year.

859 (10) The processing of approvals of development orders or
860 development permits, as defined in s. 163.3164(7) and (8), for
861 affordable housing projects shall be expedited.

862 ~~(11)~~(9) The corporation shall award loans with interest
863 rates set at 1 to 3 percent, which may be made forgivable when
864 long-term affordability is provided and when at least 80 percent
865 of the units are set aside for workforce housing and at least 50
866 percent of the units are set aside for essential services
867 personnel.

868 ~~(12)~~(10) All eligible applications shall:

869 (a) For home ownership, limit the sales price of a
870 detached unit, townhome, or condominium unit to not more than 90
871 ~~80~~ percent of the median sales price for that type of unit in
872 that county, or the statewide median sales price for that type
873 of unit, whichever is higher, and require that all eligible
874 purchasers of home ownership units occupy the homes as their
875 primary residence.

876 (b) For rental units, restrict rents for all workforce
877 housing serving those with incomes at or below 120 percent of
878 area median income at the appropriate income level using the
879 restricted rents for the federal low-income housing tax credit
880 program and, for workforce housing units serving those with
881 incomes above 120 percent of area median income, restrict rents
882 to those established by the corporation, not to exceed 30
883 percent of the maximum household income adjusted to unit size.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

884 (c) Demonstrate that the applicant is a public-private
885 partnership in an agreement, contract, partnership agreement,
886 memorandum of understanding, or other written instrument signed
887 by all the project partners.

888 (d) Have grants, donations of land, or contributions from
889 the public-private partnership or other sources collectively
890 totaling at least 10 15 percent of the total development cost or
891 \$2 million, whichever is less. Such grants, donations of land,
892 or contributions must be evidenced by a letter of commitment, an
893 agreement, contract, deed, memorandum of understanding, or other
894 written instrument only at the time of application. Grants,
895 donations of land, or contributions in excess of 10 15 percent
896 of the development cost shall increase the application score.

897 (e) Demonstrate how the applicant will use the regulatory
898 incentives and financial strategies outlined in paragraph (7)(a)
899 and subsection (13) from the local jurisdiction in which the
900 proposed project is to be located. The corporation may consult
901 with the Department of Community Affairs in evaluating the use
902 of regulatory incentives by applicants.

903 (f) Demonstrate that the applicant possesses title to or
904 site control of land and evidences availability of required
905 infrastructure.

906 ~~(g) Demonstrate the applicant's affordable housing~~
907 ~~development and management experience.~~

908 ~~(h) Provide any research or facts available supporting the~~
909 ~~demand and need for rental or home ownership workforce housing~~
910 ~~for eligible persons in the market in which the project is~~
911 ~~proposed.~~

912 (13) Local governments are authorized to make available to
913 approved Community Workforce Housing Innovation Pilot Program

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

914 projects workforce housing incentives to promote the financial
915 viability, successful development, and ongoing maintenance of
916 these housing developments, including, but not limited to:

917 (a) Impact fees may be reduced by 50 percent, may be
918 waived entirely, or may be deferred by the local government, or
919 an applicant may be provided with an alternative method of fee
920 payment.

921 (b) Increased density levels or higher density per acre
922 may be allowed.

923 (c) The infrastructure capacity in the local comprehensive
924 plan for affordable housing may be reserved for these
925 communities.

926 (d) Additional affordable residential units in residential
927 zoning districts may be allowed.

928 (e) Open space and setback requirements for affordable
929 housing may be reduced by 50 percent.

930 (f) Zero-lot-line configurations may be allowed.

931 (g) Trips associated with affordable housing in close
932 proximity of employment centers may be exempt from
933 transportation concurrency pursuant to s. 163.3180(5)(d).

934 (h) Local transportation infrastructure funding may be
935 prioritized by local metropolitan planning organizations.

936 (i) Local State Housing Initiatives Partnership program
937 funds may be used to support construction of workforce housing
938 projects and down payment assistance for residents with incomes
939 that do not exceed 120 percent of the area median income
940 residing in such projects.

941 (j) Tax increment financing may be made available to
942 workforce housing projects to assist in maintaining long term
943 affordability of the units.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

944 ~~(14)-(11)~~ Projects may include manufactured housing
945 constructed after June 1994 and installed in accordance with
946 mobile home installation standards of the Department of Highway
947 Safety and Motor Vehicles.

948 ~~(15)-(12)~~ The corporation may adopt rules pursuant to ss.
949 120.536(1) and 120.54 to implement the provisions of this
950 section.

951 ~~(16)-(13)~~ The corporation may use a maximum of 2 percent of
952 the annual program appropriation for administration and
953 compliance monitoring.

954 (14) The corporation shall review the success of the
955 Community Workforce Housing Innovation Pilot Program to
956 ascertain whether the projects financed by the program are
957 useful in meeting the housing needs of eligible areas. The
958 corporation shall submit its report and any recommendations
959 regarding the program to the Governor, the Speaker of the House
960 of Representatives, and the President of the Senate not later
961 than 2 months after the end of the corporation's fiscal year.

962 Section 15. Subsection (1) of section 420.513, Florida
963 Statutes, is amended to read:

964 420.513 Exemption from taxes and eligibility as
965 investment.--

966 (1) The property of the corporation, the transactions and
967 operations thereof, the income therefrom, and the bonds of the
968 corporation issued under this act, together with all notes,
969 mortgages, security agreements, letters of credit, or other
970 instruments that arise out of or are given to secure the
971 repayment of bonds issued in connection with the financing of
972 any housing ~~development~~ under this part, and all notes,
973 mortgages, security agreements, letters of credit, or other

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

974 instruments that arise out of or are given to secure the
975 repayment of loans issued in connection with the financing of
976 any housing under this part, as well as the interest thereon and
977 income therefrom, regardless of the status of any party thereto
978 as a private party, shall be exempt from taxation by the state
979 and its political subdivisions. The exemption granted by this
980 subsection shall not apply to any tax imposed by chapter 220 on
981 interest, income, or profits on debt obligations owned by
982 corporations.

983 Section 16. Subsections (1) and (2) of section 420.606,
984 Florida Statutes, are amended to read:

985 420.606 Training and technical assistance program.--

986 (1) LEGISLATIVE FINDINGS.--In addition to the legislative
987 findings set forth in s. 420.6015, the Legislature finds and
988 declares that:

989 (a) Housing in economically declining or distressed areas
990 is frequently substandard and is often unaffordable to very-low-
991 income persons and low-income persons.†

992 (b) Recent rapid increases in the median purchase price of
993 homes and the cost of rental housing have far outstripped the
994 increases in median income in the state, preventing essential
995 services personnel from living in the communities where they
996 serve and thereby creating the need for innovative solutions for
997 the provision of housing opportunities for essential services
998 personnel.

999 (c) ~~(b)~~ Community-based organizations often have limited
1000 experience in development of quality housing for very-low-income
1001 persons and low-income persons in economically declining or
1002 distressed areas.† and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1003 (d) The private market should be encouraged to provide
1004 affordable rental and home ownership housing for essential
1005 services personnel affected by the high cost of housing.
1006 Technical assistance should address development costs through
1007 promoting local public-private partnerships that leverage
1008 government and private resources.

1009 (e)-(e) The staffs and board members of community-based
1010 organizations need additional training in housing development as
1011 well as technical support to assist them in gaining the
1012 experience they need to better serve their communities.

1013 (f)-(d) The staffs of state and regional agencies and local
1014 governments, whether directly involved in the production of
1015 affordable housing or acting in a supportive role, can better
1016 serve the goals of state and local governments if their
1017 expertise in housing development is expanded.

1018 (2) PURPOSE.--The purpose of this section is to provide
1019 community-based organizations and staff of state and local
1020 governments with the necessary training and technical assistance
1021 to meet the needs of very-low-income persons, low-income
1022 persons, and moderate-income persons for standard, affordable
1023 housing and for workforce housing in those areas where housing
1024 costs have severely limited housing affordability.

1025 Section 17. Subsections (2), (4), and (5) of section
1026 420.9076, Florida Statutes, are amended, and subsection (8) is
1027 added to that section, to read:

1028 420.9076 Adoption of affordable housing incentive
1029 strategies; committees.--

1030 (2) The governing board of a county or municipality shall
1031 appoint the members of the affordable housing advisory committee
1032 by resolution. Pursuant to the terms of any interlocal

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1033 agreement, a county and municipality may create and jointly
1034 appoint an advisory committee to prepare a joint plan. The
1035 ordinance adopted pursuant to s. 420.9072 which creates the
1036 advisory committee or the resolution appointing the advisory
1037 committee members must provide for eleven ~~nine~~ committee members
1038 and their terms. The committee must include:

1039 (a) One citizen who is actively engaged in the residential
1040 home building industry in connection with affordable housing.

1041 (b) One citizen who is actively engaged in the banking or
1042 mortgage banking industry in connection with affordable housing.

1043 (c) One citizen who is a representative of those areas of
1044 labor actively engaged in home building in connection with
1045 affordable housing.

1046 (d) One citizen who is actively engaged as an advocate for
1047 low-income persons in connection with affordable housing.

1048 (e) One citizen who is actively engaged as a for-profit
1049 provider of affordable housing.

1050 (f) One citizen who is actively engaged as a not-for-
1051 profit provider of affordable housing.

1052 (g) One citizen who is actively engaged as a real estate
1053 professional in connection with affordable housing.

1054 (h) One citizen who actively serves on the local planning
1055 agency pursuant to s. 163.3174.

1056 (i) One citizen who resides within the jurisdiction of the
1057 local governing body making the appointments.

1058 (j) One citizen who represents employers within the
1059 jurisdiction.

1060 (k) One citizen who represents essential services
1061 personnel, as defined in the local housing assistance plan.
1062

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1063 If a county or eligible municipality whether due to its small
1064 size, the presence of a conflict of interest by prospective
1065 appointees, or other reasonable factor, is unable to appoint a
1066 citizen actively engaged in these activities in connection with
1067 affordable housing, a citizen engaged in the activity without
1068 regard to affordable housing may be appointed. Local governments
1069 that receive the minimum allocation under the State Housing
1070 Initiatives Partnership Program may elect to appoint an
1071 affordable housing advisory committee with fewer than eleven
1072 representatives if they are unable to find representatives that
1073 meet the criteria of paragraphs (a)-(k).

1074 (4) Biennially, the advisory committee shall review the
1075 established policies and procedures, ordinances, land
1076 development regulations, and adopted local government
1077 comprehensive plan of the appointing local government and shall
1078 recommend specific actions or initiatives to encourage or
1079 facilitate affordable housing while protecting the ability of
1080 the property to appreciate in value. Such recommendations may
1081 include the modification or repeal of existing policies,
1082 procedures, ordinances, regulations, or plan provisions; the
1083 creation of exceptions applicable to affordable housing; or the
1084 adoption of new policies, procedures, regulations, ordinances,
1085 or plan provisions. At a minimum, each advisory committee shall
1086 submit a report to the local governing body that includes ~~make~~
1087 recommendations on, and every two years thereafter evaluates the
1088 implementation of, affordable housing incentives in the
1089 following areas:

1090 (a) The processing of approvals of development orders or
1091 permits, as defined in s. 163.3164(7) and (8), for affordable

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1092 housing projects is expedited to a greater degree than other
1093 projects.

1094 (b) The modification of impact-fee requirements, including
1095 reduction or waiver of fees and alternative methods of fee
1096 payment for affordable housing.

1097 (c) The allowance of flexibility in densities ~~increased~~
1098 ~~density levels~~ for affordable housing.

1099 (d) The reservation of infrastructure capacity for housing
1100 for very-low-income persons, and low-income persons and moderate
1101 income.

1102 (e) The allowance of affordable accessory residential
1103 units in residential zoning districts.

1104 (f) The reduction of parking and setback requirements for
1105 affordable housing.

1106 (g) The allowance of flexible lot configurations,
1107 including zero-lot-line configurations for affordable housing.

1108 (h) The modification of street requirements for affordable
1109 housing.

1110 (i) The establishment of a process by which a local
1111 government considers, before adoption, policies, procedures,
1112 ordinances, regulations, or plan provisions that increase the
1113 cost of housing.

1114 (j) The preparation of a printed inventory of locally
1115 owned public lands suitable for affordable housing.

1116 (k) The support of development near transportation hubs
1117 and major employment centers and mixed-use developments.

1118
1119 The advisory committee recommendations may ~~must~~ also include
1120 other affordable housing incentives identified by the advisory
1121 committee. Local governments that receive the minimum allocation

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1122 under the State Housing Initiatives Partnership Program shall
1123 perform the initial review, but may elect to not perform the
1124 biennial review.

1125 (5) The approval by the advisory committee of its local
1126 housing incentive strategies recommendations and its review of
1127 local government implementation of previously recommended
1128 strategies must be made by affirmative vote of a majority of the
1129 membership of the advisory committee taken at a public hearing.
1130 Notice of the time, date, and place of the public hearing of the
1131 advisory committee to adopt final local housing incentive
1132 strategies recommendations must be published in a newspaper of
1133 general paid circulation in the county. Such notice must contain
1134 a short and concise summary of the local housing incentives
1135 strategies recommendations to be considered by the advisory
1136 committee. The notice must state the public place where a copy
1137 of the tentative advisory committee recommendations can be
1138 obtained by interested persons.

1139 (6) Within 90 days after the date of receipt of the local
1140 housing incentive strategies recommendations from the advisory
1141 committee, the governing body of the appointing local government
1142 shall adopt an amendment to its local housing assistance plan to
1143 incorporate the local housing incentive strategies it will
1144 implement within its jurisdiction. The amendment must include,
1145 at a minimum, the local housing incentive strategies required in
1146 s. 420.9071(16). The local government must consider the
1147 strategies specified in paragraphs (4)(a)-~~(j)~~ (k) as recommended
1148 by the advisory committee.

1149 (8) The advisory committee may perform other
1150 responsibilities at the request of the local government,
1151 including:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1152 (a) The provision of mentoring services to affordable
1153 housing partners, including developers, banking institutions,
1154 employers, and others to identify available incentives, assist
1155 with applications for funding requests, and develop partnerships
1156 between various parties.

1157 (b) The creation of best practices for development of
1158 affordable housing in the community.

1159 Section 18. Section 624.46226, Florida Statutes, is
1160 created to read:

1161 624.46226 Public housing authorities self-insurance funds;
1162 exemption for taxation and assessments.--

1163 (1) Any two or more public housing authorities in this
1164 state as defined in chapter 421 may also create a self-insurance
1165 fund pursuant to s. 624.4622 for the purpose of self-insuring
1166 real or personal property of every kind and every interest in
1167 such property against loss or damage from any hazard or cause
1168 and against any loss consequential to such loss or damage,
1169 provided all the provisions of s. 624.4622 are met.

1170 (2) Any public housing authority as defined in chapter 421
1171 in the state that is a member of a self-insurance fund pursuant
1172 to this section shall be exempt from the taxes and assessments
1173 imposed under ss. 624.509 and 627.351.

1174 Section 19. This act shall take effect July 1, 2007.

1175
1176 ===== D I R E C T O R Y A M E N D M E N T =====

1177 Remove line(s) and insert:

1178

1179

1180 ===== T I T L E A M E N D M E N T =====

1181 Remove line(s) 3-83 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1182 163.3177, F.S.; revising elements of local government
1183 comprehensive plans relating to future land use,
1184 transportation, and housing; amending s. 163.31771, F.S.;
1185 providing options for accessory dwelling units; amending
1186 s. 163.3180, F.S.; authorizing local governments to grant
1187 an exception from the concurrency requirement for
1188 transportation facilities; authorizing local governments
1189 to exempt certain trips from the concurrency requirement;
1190 amending s. 163.3187, F.S.; authorizing local governments
1191 to identify the types of housing development and
1192 conditions under which it will expedite consideration of
1193 amendments to comprehensive plans; providing amendment
1194 notice requirements; requiring a public hearing; creating
1195 s. 193.018, F.S.; creating the Affordable Housing Property
1196 Tax Relief Initiative; providing criteria to be used in
1197 assessing just valuation of certain affordable housing
1198 properties serving extremely-low-income persons, low-
1199 income persons, moderate-income persons, and very-low-
1200 income persons; providing assessment guidelines;
1201 authorizing certain agreements to be considered a land use
1202 regulation and a limitation on the highest and best use of
1203 the property; creating s. 193.0185, F.S.; providing
1204 assessment criteria for improvements used for permanently
1205 affordable housing subject to a 99-year ground lease;
1206 amending s. 196.1978, F.S.; revising an affordable housing
1207 property exemption to require that the owner be a
1208 corporation not for profit or a limited partnership the
1209 sole general partner of which is such a corporation;
1210 expanding scope of exemption; amending s. 420.504, F.S.;
1211 providing that the corporation is a state agency for

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1212 purposes of the state allocation pool; authorizing the
1213 corporation to provide notice of internal review committee
1214 meetings by publication on an Internet website; providing
1215 that the corporation is not governed by certain provisions
1216 relating to corporations not for profit; amending s.
1217 420.506, F.S.; deleting a provision relating to lease of
1218 certain state employees; amending s. 420.5061, F.S.;
1219 deleting obsolete provisions; removing a provision
1220 requiring all assets and liabilities and rights and
1221 obligations of the Florida Housing Finance Agency to be
1222 transferred to the corporation; providing that the
1223 corporation is the legal successor to the agency; removing
1224 a provision requiring the corporation to make transfers to
1225 certain trust funds; removing a provision requiring all
1226 state property in use by the agency to be transferred to
1227 and become the property of the corporation; amending s.
1228 420.507, F.S.; deleting submittal of the corporation
1229 budget to the secretary; providing the corporation the
1230 power to require that an agreement be recorded in the
1231 official records of the county where the real property is
1232 located; amending s. 420.5087, F.S.; authorizing use of
1233 program funds; creating s. 420.5094, F.S.; creating the
1234 Florida Housing preservation Bridge Loan Program;
1235 establishing legislative findings; providing definitions;
1236 providing eligibility criteria; providing for agreements;
1237 requiring reports; authorizing rule making; authorizing
1238 use of funds for administration and monitoring; amending
1239 s. 420.5095, F.S.; removing pilot status of the Community
1240 Workforce Housing Innovation Program; requiring the
1241 corporation to establish a review committee for the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

1242 program; providing for membership; requiring the
1243 corporation to establish a scoring system for evaluation
1244 and competitive ranking of applications; providing powers
1245 and duties of the committee; requiring the corporation
1246 board to make the final ranking and program participant
1247 decision; revising which projects may receive priority
1248 consideration for funding; requiring the processing of
1249 certain approvals of development orders or development
1250 permits to be expedited; providing applicant requirements;
1251 authorizing certain incentives to be offered by local
1252 governments for program participants; amending s.

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COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y) (N) 3/19/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Infrastructure
2 Representative M. Davis offered the following:

3
4 **Amendment to Amendment (1) by Representative M. Davis (with**
5 **title amendment)**

6 Remove line(s) 556 - 568 and insert:

7
8

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

10 Remove line(s) 1232 - 1233 and insert:
11 located; creating s. 420.5094, F.S.; creating the

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 1457 : Recreational Vehicle Dealers and Manufacturers

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher			X		
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph	X				
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)			X		
Total Yeas: 6		Total Nays: 0			

Appearances:

Marc Dunbar (Lobbyist) - Proponent
Florida RV Trade Association
215 S. Monroe Street
Tallahassee FL 32301
Phone: (850) 222-3533

Sherry P. Perkins (General Public) - Proponent
Tri-Am RV Center, Inc.
5459 NE Jacksonville Road
Ocala FL 34479
Phone: (352) 209-2706

Dell M. Sanders (General Public) - Proponent
J.D. Sanders RV Center
12380 NW Highway 441
Alachua FL 32615
Phone: (386) 462-3039

Larry Schaffer, Owner (General Public) - Proponent
Rivers Bus & RV
10626 General Avenue
Jacksonville FL 32220
Phone: (904) 783-0313

Frank T. Crum, VP, Southern Region (General Public) - Proponent
Freedom Roads Dealerships
2477 Winterset Road
Winterhaven FL 33884
Phone: (863) 860-8805

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

Elwin J. Duplantis, General Manager (General Public) - Proponent

Leisure Tyme RV

6428 Pensacola Boulevard

Pensacola FL 32505

Phone: (850) 476-6848

Lance Wilson, Executive Director (General Public) - Proponent

Florida RV Trade Association

10510 Gibsonton Drive

Riverview FL

Phone: (813) 741-0488

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1457

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)	
ADOPTED AS AMENDED	___	(Y/N)	
ADOPTED W/O OBJECTION	___	<input checked="" type="radio"/> (Y/N)	3/19/07
FAILED TO ADOPT	___	(Y/N)	
WITHDRAWN	___	(Y/N)	
OTHER	_____		

1 Council/Committee hearing bill: Infrastructure
 2 Representative Gardiner offered the following:

4 **Amendment (with directory and title amendments)**

5 Delete everything after the enacting clause and insert:

7 Section 1. Section 320.3201, Florida Statutes, is created to
 8 read:

9 320.3201 Legislative intent.--

10 (1) It is the intent of the Legislature to protect the
 11 public health, safety, and welfare of the citizens of the state
 12 by regulating the relationship between recreational vehicle
 13 dealers and manufacturers, maintaining competition, and
 14 providing consumer protection and fair trade.

15 (2) It is the intent of the Legislature that this act is
 16 to be applied to manufacturer/dealer agreements entered into
 17 after the effective date.

18 Section 2. Section 320.3202, Florida Statutes, is created
 19 to read:

20 320.3202 Definitions.--As used in ss. 320.3201-320.3211,
 21 the term:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 (1) "Area of sales responsibility" means the geographical
23 area agreed to by the dealer and the manufacturer in the
24 manufacturer/dealer agreement in which the dealer has the
25 exclusive right to display or sell the manufacturer's new
26 recreational vehicles of a particular line-make.

27 (2) "Dealer" means any person, firm, corporation, or
28 business entity licensed or required to be licensed pursuant to
29 s. 320.771.

30 (3) "Distributor" means any person, firm, corporation, or
31 business entity that purchases new recreational vehicles for
32 resale to dealers.

33 (4) "Factory campaign" means an effort on the part of a
34 warrantor to contact recreational vehicle owners or dealers in
35 order to address a part or equipment issue.

36 (5) "Family member" means a spouse or a child, grandchild,
37 parent, sibling, niece, or nephew or the spouse thereof.

38 (6) "Line-make" means a specific series of recreational
39 vehicle products that:

40 (a) Are identified by a common series trade name or
41 trademark;

42 (b) Are targeted to a particular market segment, as
43 determined by their decor, features, equipment, size, weight,
44 and price range;

45 (c) Have lengths and interior floor plans that distinguish
46 the recreational vehicles from recreational vehicles with
47 substantially the same decor, equipment, features, price, and
48 weight; and

49 (d) Belong to a single, distinct classification of
50 recreational vehicle product type having a substantial degree of
51 commonality in the construction of the chassis, frame, and body.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 (7) "Manufacturer" means any person, firm, corporation, or
53 business entity that engages in the manufacturing of
54 recreational vehicles.

55 (8) "Manufacturer/dealer agreement" means a written
56 agreement or contract entered into between a manufacturer and a
57 dealer which fixes the rights and responsibilities of the
58 parties and pursuant to which the dealer sells new recreational
59 vehicles.

60 (9) "Proprietary part" means any part manufactured by or
61 for and sold exclusively by the manufacturer.

62 (10) "Recreational vehicle" means the types of motor
63 vehicle or motor vehicles defined by s. 320.01(1)(b).

64 (11) "Transient customer" means a customer who is
65 temporarily traveling through a dealer's area of sales
66 responsibility.

67 (12) "Warrantor" means any person, firm, corporation, or
68 business entity that gives a warranty in connection with a new
69 recreational vehicle or parts, accessories, or components
70 thereof. Such term does not include service contracts,
71 mechanical or other insurance, or extended warranties sold for
72 separate consideration by a dealer or other person not
73 controlled by a manufacturer.

74 (13) "Department" means the Department of Highway Safety
75 and Motor Vehicles.

76 Section 3. Section 320.3203, Florida Statutes, is created
77 to read:

78 320.3203 Requirement for a written manufacturer/dealer
79 agreement; area of sales responsibility.--

80 (1) A manufacturer or distributor may not sell a
81 recreational vehicle in the state to or through a dealer without

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82 having entered into a manufacturer/dealer agreement which is
83 signed by both parties.

84 (2) The manufacturer shall designate in the
85 manufacturer/dealer agreement the area of sales responsibility
86 exclusively assigned to a dealer and shall not change such area
87 or establish another dealer for the same line-make in such area
88 during the duration of the agreement.

89 (3) The area of sales responsibility may not be subject to
90 review or change before 1 year after the execution of the
91 manufacturer/dealer agreement.

92 (4) A motor vehicle dealer may not sell a new recreational
93 vehicle in this state without having entered into a
94 manufacturer/dealer agreement and may not sell outside of its
95 designated area of sales responsibility.

96 (5) (a) Notwithstanding subsection (4), a dealer may sell
97 outside of its designated area of responsibility if the dealer
98 obtains a supplemental license pursuant to s. 320.771(7) and
99 meets one of the following conditions:

100 1. For sales within another dealer's designated area of
101 sales responsibility, the dealer must obtain in advance of the
102 off-premise sale a written agreement signed by the dealer, the
103 manufacturer of the recreational vehicles to be sold at the off-
104 premise sale, and the dealer in whose designated area of sales
105 responsibility the off-premise sale will occur. The written
106 agreement must:

107 a. Designate the recreational vehicles to be sold;
108 b. Set forth the time period for the off-premise sale; and
109 c. Affirmatively authorize the sale of the recreational
110 vehicles.

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111 2. The off-premise sale is not located within any dealer's
112 designated area of sales responsibility and is in conjunction
113 with a public vehicle show.

114 3. The off-premise sale is in conjunction with a public
115 vehicle show in which more than 35 dealers are participating and
116 is predominantly funded by manufacturers.

117 (b) For the purposes of this subsection, "public vehicle
118 show" means an event sponsored by an organization approved under
119 section 501(c)(6) of the Internal Revenue Code which has the
120 purpose of promoting the welfare of the recreational vehicle
121 industry and is located at a site:

122 1. That will be used to display and sell recreational
123 vehicles;

124 2. That is not used for off-premise sales for more than 10
125 days in a calendar year; and

126 3. That is not the location set forth on any dealer's
127 license as its place of business.

128 Section 4. Section 320.3204, Florida Statutes, is created
129 to read:

130 320.3204 Sales of recreational vehicles by manufacturer or
131 distributor.--Sales of recreational vehicles by manufacturers or
132 distributors shall be in accordance with published prices,
133 charges, and terms of sale in effect at any given time. The
134 manufacturer must sell products on the same basis, with respect
135 to all rebates, discounts, and programs, to all competing
136 dealers similarly situated.

137 Section 5. Section 320.3205, Florida Statutes, is created
138 to read:

139 320.3205 Termination, cancellation, and nonrenewal of a
140 manufacturer/dealer agreement.--

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141 (1) (a) A manufacturer, directly or through any officer,
142 agent, or employee, may not terminate, cancel, or fail to renew
143 a manufacturer/dealer agreement without good cause, and, upon
144 renewal, may not require additional inventory stocking
145 requirements or increased retail sales targets in excess of the
146 market growth in the dealer's area of responsibility.

147 (b) The manufacturer has the burden of showing good cause.
148 For purposes of determining whether there is good cause for a
149 proposed action by a manufacturer, all of the following factors
150 must be considered:

151 1. The extent of the affected dealer's penetration in the
152 relevant market area.

153 2. The nature and extent of the dealer's investment in its
154 business.

155 3. The adequacy of the dealer's service facilities,
156 equipment, parts, supplies, and personnel.

157 4. The effect of the proposed action on the community.

158 5. The extent and quality of the dealer's service under
159 recreational vehicle warranties.

160 6. The failure to follow agreed-upon procedures or
161 standards related to the overall operation of the dealership.

162 7. The dealer's performance under the terms of its
163 manufacturer/dealer agreement.

164 (c) Except as provided in this section, a manufacturer
165 shall provide a dealer at least 120 days' prior written notice
166 of termination, cancellation, or nonrenewal of the
167 manufacturer/dealer agreement.

168 1. The notice shall state all reasons for termination,
169 cancellation, or nonrenewal and shall further state that if,
170 within 30 days following receipt of the manufacturer's notice,

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171 the dealer provides to the manufacturer a written notice of
172 intent to cure all claimed deficiencies, the dealer will then
173 have 120 days after the date of the manufacturer's notice to
174 rectify the deficiencies. If the deficiencies are rectified
175 within 120 days, the manufacturer's notice shall be void. If the
176 dealer fails to provide the notice of intent to cure
177 deficiencies in the prescribed time period, the termination,
178 cancellation, or nonrenewal shall take effect 30 days after the
179 dealer's receipt of the manufacturer's notice unless the dealer
180 has new and untitled inventory on hand which may be disposed of
181 pursuant to (3).

182 2. The notice period may be reduced to 30 days if the
183 grounds for termination, cancellation, or nonrenewal are due to:

184 a. Conviction of or plea of nolo contendere to a felony of
185 a dealer or one of its owners;

186 b. The abandonment or closing of the business operations
187 of the dealer for 10 consecutive business days unless the
188 closing is due to an act of God, strike, labor difficulty, or
189 other cause over which the dealer has no control;

190 c. A significant misrepresentation by the dealer; or

191 d. A suspension or revocation of the dealer's license, or
192 refusal to renew the dealer's license, by the department.

193 3. The notice provisions of this paragraph shall not apply
194 if the reason for termination, cancellation, or nonrenewal is
195 insolvency, the occurrence of an assignment for the benefit of
196 creditors, or bankruptcy.

197 (2) A dealer may terminate its manufacturer/dealer
198 agreement with or without cause at any time by giving 30 days'
199 written notice to the manufacturer. The dealer has the burden of

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200 showing good cause. Any of the following items shall be deemed
201 good cause for a proposed action by a dealer:

202 (a) Conviction of or plea of nolo contendere to a felony
203 of a manufacturer or one of its subsidiary companies.

204 (b) The business operations of the manufacturer have been
205 abandoned or closed for 10 consecutive business days, unless the
206 closing is due to an act of God, strike, labor difficulty, or
207 other cause over which the manufacturer has no control.

208 (c) A significant misrepresentation by the manufacturer.

209 (d) A violation of ss. 320.3201-320.3211.

210 (e) A declaration by the manufacturer of bankruptcy,
211 insolvency, or the occurrence of an assignment for the benefit
212 of creditors or bankruptcy.

213 (3) If the manufacturer/dealer agreement is terminated,
214 canceled, or not renewed by the manufacturer or by the dealer
215 for cause, the manufacturer shall, at the election of the dealer
216 and within 30 days of termination, cancellation, or nonrenewal,
217 repurchase:

218 (a) All new recreational vehicles, as classified as "new"
219 for titling purposes by s. 319.001(8), acquired from the
220 manufacturer which have not been used except for demonstration
221 purposes, altered, or damaged at 100 percent of the net invoice
222 cost, including transportation, less applicable rebates and
223 discounts to the dealer. In the event any of the vehicles
224 repurchased are damaged, the amount due to the dealer shall be
225 reduced by the cost to repair the vehicle. Damage prior to
226 delivery to the dealer will not disqualify repurchase under this
227 subsection;

228 (b) All current and undamaged manufacturer's accessories
229 and proprietary parts sold to the dealer for resale, if

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230 accompanied by the original invoice, at 105 percent of the
231 original net price paid to the manufacturer to compensate the
232 dealer for handling, packing, and shipping the parts; and

233 (c) Any functioning diagnostic equipment, special tools,
234 current signage, and other equipment and machinery at 100
235 percent of the dealer's net cost plus freight, destination,
236 delivery, and distribution charges and sales taxes, if any,
237 provided it was purchased by the dealer within 5 years before
238 termination and upon the manufacturer's request and can no
239 longer be used in the normal course of the dealer's ongoing
240 business. The manufacturer shall pay the dealer within 30 days
241 after receipt of the returned items.

242 Section 6. Section 320.3206, Florida Statutes, is created
243 to read:

244 320.3206 Transfer of ownership; family succession.--

245 (1) If a dealer desires to make a change in its ownership
246 by the sale of the business assets, stock transfer, or
247 otherwise, the dealer must give the manufacturer 30 days'
248 written notice before the closing, including all supporting
249 documentation as may be reasonably required by the manufacturer.
250 The manufacturer shall not refuse consent to the proposed change
251 or sale and may not disapprove or withhold approval of the
252 change or sale unless the manufacturer can show that its
253 decision is based on the manufacturer's reasonable criteria,
254 which may include the prospective transferee's business
255 experience, moral character, financial qualifications, and any
256 criminal record.

257 (2) If the manufacturer rejects a proposed change or sale,
258 the manufacturer shall give written notice of its reasons to the
259 dealer within 30 days after receipt of the dealer's notification

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260 and complete documentation. If the manufacturer does not give
261 notice of rejection, the change or sale shall be deemed
262 approved.

263 (3) The manufacturer has the burden of showing that its
264 rejection of the transfer or sale is reasonable.

265 (4) It is unlawful for any manufacturer to fail to provide
266 a dealer an opportunity to designate, in writing, a family
267 member as a successor to the dealership in the event of the
268 death, incapacity, or retirement of the dealer. It shall be
269 unlawful to prevent or refuse to honor the succession to a
270 dealership by a family member of the deceased, incapacitated, or
271 retired dealer unless the manufacturer has provided to the
272 dealer written notice of its objections within 30 days after
273 receipt of the dealer's modification of the dealer's succession
274 plan. Grounds for objection shall be lack of creditworthiness,
275 conviction of a felony, lack of required licenses or business
276 experience, or other condition that makes the succession
277 unreasonable under the circumstances. The manufacturer has the
278 burden of showing the unreasonableness of the succession.
279 However, no family member may succeed to a dealership if the
280 succession involves, without the manufacturer's consent, a
281 relocation of the business or an alteration of the terms and
282 conditions of the manufacturer/dealer agreement.

283 Section 7. Section 320.3207, Florida Statutes, is created
284 to read:

285 320.3207 Warranty obligations.--

286 (1) Each warrantor shall:

287 (a) Specify in writing to each of its dealers obligations,
288 if any, for preparation, delivery, and warranty service on its
289 products;

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290 (b) Compensate the dealer for warranty service required of
291 the dealer by the warrantor; and

292 (c) Provide the dealer the schedule of compensation to be
293 paid and the time allowances for the performance of such work
294 and service.

295
296 In no event shall the schedule of compensation fail to include
297 reasonable compensation for diagnostic work as well as warranty
298 labor.

299 (2) Time allowances for the diagnosis and performance of
300 warranty labor shall be reasonable for the work to be performed.
301 The warrantor shall authorize the dealer to undertake warranty
302 repairs without prior approval if the repairs require less than
303 3 hours of labor. In no event shall the compensation of a dealer
304 for warranty labor be less than the lowest retail labor rates
305 actually charged by the dealer for like nonwarranty labor as
306 long as such rates are reasonable.

307 (3) The warrantor shall reimburse the dealer for warranty
308 parts at actual wholesale cost plus a minimum 30-percent
309 handling charge and the cost, if any, of freight to return
310 warranty parts to the warrantor.

311 (4) Warranty audits of dealer records may be conducted by
312 the warrantor on a reasonable basis, and dealer claims for
313 warranty compensation shall not be denied except for cause, such
314 as performance of nonwarranty repairs, material noncompliance
315 with warrantor's published policies and procedures, lack of
316 material documentation, fraud, or misrepresentation.

317 (5) The dealer must submit warranty claims within 45 days
318 after completing work.

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319 (6) The dealer must notify the warrantor verbally or in
320 writing if the dealer is unable to perform material or
321 repetitive warranty repairs as soon as is reasonably possible.

322 (7) The warrantor must disapprove warranty claims in
323 writing within 30 days after the date of submission by the
324 dealer in the manner and form prescribed by the warrantor.
325 Claims not specifically disapproved in writing within 30 days
326 shall be construed to be approved and must be paid within 45
327 days.

328 (8) It is a violation of ss. 320.3201-320.3211 for any
329 warrantor to:

330 (a) Fail to perform any of its warranty obligations with
331 respect to a recreational vehicle and its components;

332 (b) Fail to include, in written notices of factory
333 campaigns to recreational vehicle owners and dealers, the
334 expected date by which necessary parts and equipment, including
335 tires and chassis or chassis parts, will be available to dealers
336 to perform the campaign work. The warrantor may ship parts to
337 the dealer to effect the campaign work, and, if such parts are
338 in excess of the dealer's requirements, the dealer may return
339 unused parts to the warrantor for credit after completion of the
340 campaign;

341 (c) Fail to compensate any of its dealers for authorized
342 repairs effected by the dealer of merchandise damaged in
343 manufacture or transit to the dealer, if the carrier is
344 designated by the warrantor, factory branch, distributor, or
345 distributor branch;

346 (d) Fail to compensate any of its dealers for authorized
347 warranty service in accordance with the schedule of compensation

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348 provided to the dealer pursuant to this section if performed in
349 a timely and competent manner;

350 (e) Intentionally misrepresent in any way to purchasers of
351 recreational vehicles that warranties with respect to the
352 manufacture, performance, or design of the vehicle are made by
353 the dealer either as warrantor or cowarrantor; or

354 (f) Require the dealer to make warranties to customers in
355 any manner related to the manufacture of the recreational
356 vehicle.

357 (9) It is a violation of ss. 320.3201-320.3211 for any
358 dealer to:

359 (a) Fail to perform predelivery inspection functions, if
360 required, in a competent and timely manner;

361 (b) Fail to perform warranty service work authorized by
362 the warrantor in a reasonably competent and timely manner on any
363 transient customer's vehicle of the same line-make without good
364 cause; or

365 (c) Misrepresent the terms of any warranty.

366 (10) (a) Notwithstanding the terms of any
367 manufacturer/dealer agreement, it is a violation of ss.
368 320.3201-320.3211 for any warrantor to fail to indemnify and
369 hold harmless its dealer against any losses or damages to the
370 extent such losses or damages are caused by the negligence or
371 willful misconduct of the warrantor. The dealer shall not be
372 denied indemnification for failing to discover, disclose, or
373 remedy a defect in the design or manufacturing of the
374 recreational vehicle. The dealer shall provide to the warrantor
375 a copy of any suit in which allegations are made that come
376 within this subsection within 10 days after receiving such suit.

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377 (b) Notwithstanding the terms of any manufacturer/dealer
378 agreement, it is a violation of ss. 320.3201-320.3211 for any
379 dealer to fail to indemnify and hold harmless its warrantor
380 against any losses or damages to the extent such losses or
381 damages are caused by the negligence or willful misconduct of
382 the dealer. The warrantor shall provide to the dealer a copy of
383 any suit in which allegations are made that come within this
384 subsection within 10 days after receiving such suit.

385 Section 8. Section 320.3208, Florida Statutes, is created
386 to read:

387 320.3208 Inspection and rejection by the dealer.--

388 (1) Whenever a new recreational vehicle is damaged prior
389 to transit to the dealer or is damaged in transit to the dealer
390 when the carrier or means of transportation has been selected by
391 the manufacturer or distributor, the dealer shall:

392 (a) Notify the manufacturer or distributor of the damage
393 within such additional time as specified in the
394 manufacturer/dealer agreement; and

395 (b) Either:

396 1. Request from the manufacturer or distributor
397 authorization to replace the components, parts, and accessories
398 damaged or otherwise correct the damage; or

399 2. Reject the vehicle within the timeframe set forth in
400 subsection (3).

401
402 If the manufacturer or distributor refuses or fails to authorize
403 repair of such damage within 10 days after receipt of
404 notification or if the dealer rejects the recreational vehicle
405 because of damage, ownership of the new recreational vehicle
406 shall revert to the manufacturer or distributor.

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407 (2) The dealer will exercise due care in custody of the
408 damaged recreational vehicle, but the dealer shall have no other
409 obligations, financial or otherwise, with respect to that
410 recreational vehicle.

411 (3) The timeframe for inspection and rejection by the
412 dealer shall be part of the manufacturer/dealer agreement and
413 shall not be less than 3 business days after the physical
414 delivery of the recreational vehicle.

415 (4) Any recreational vehicle that has, at the time of
416 delivery to the dealer, an unreasonable amount of miles on its
417 odometer, as determined by the dealer, may be subject to
418 rejection by the dealer and reversion of the vehicle to the
419 manufacturer or distributor.

420 Section 9. Section 320.3209, Florida Statutes, is created
421 to read:

422 320.3209 Coercion of dealer prohibited.--

423 (1) A manufacturer or distributor may not coerce or
424 attempt to coerce a dealer to:

425 (a) Purchase a product that the dealer did not order;

426 (b) Enter into an agreement with the manufacturer or
427 distributor;

428 (c) Take any action which is unfair or unreasonable to the
429 dealer; or

430 (d) Require a dealer to enter into an agreement that
431 requires the dealer to submit its disputes to binding
432 arbitration or otherwise waive rights or responsibilities under
433 ss. 320.3201-320.3211.

434 (2) As used in this section, the term "coerce" includes,
435 but is not limited to, threatening to terminate, cancel, or not
436 renew a manufacturer/dealer agreement without good cause or

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437 threatening to withhold product lines or delay product delivery
438 as an inducement to amending the manufacturer/dealer agreement.

439 Section 10. Section 320.3210, Florida Statutes, is created
440 to read:

441 320.3210 Civil dispute resolution; mediation; relief.--

442 (1) A dealer, manufacturer, distributor, or warrantor
443 injured by another party's violation of ss. 320.3201-320.3211
444 may bring a civil action in circuit court to recover actual
445 damages. The court shall award attorney's fees and costs to the
446 prevailing party in such an action. Venue for any civil action
447 authorized by this section shall exclusively be in the county in
448 which the dealership is located. In an action involving more
449 than one dealer, venue may be in any county in which a dealer
450 that is party to the action is located.

451 (2) (a) Prior to bringing suit under this section, the
452 party bringing suit for an alleged violation shall serve a
453 written demand for mediation upon the offending party.

454 (b) The demand for mediation shall be served upon the
455 offending party via certified mail at the address stated within
456 the agreement between the parties. In the event of a civil
457 action between two dealers, the demand shall be mailed to the
458 address on the dealer's license filed with the department.

459 (c) The demand for mediation shall contain a brief
460 statement of the dispute and the relief sought by the party
461 filing the demand.

462 (d) Within 20 days after the date a demand for mediation
463 is served, the parties shall mutually select an independent
464 certified mediator and meet with that mediator for the purpose
465 of attempting to resolve the dispute. The meeting place shall be
466 in this state in a location selected by the mediator. The

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467 mediator may extend the date of the meeting for good cause shown
468 by either party or upon stipulation of both parties.

469 (e) The service of a demand for mediation under this
470 subsection shall stay the time for the filing of any complaint,
471 petition, protest, or action under ss. 320.3201-320.3211 until
472 representatives of both parties have met with a mutually
473 selected mediator for the purpose of attempting to resolve the
474 dispute. If a complaint, petition, protest, or action is filed
475 before that meeting, the court shall enter an order suspending
476 the proceeding or action until the meeting has occurred and may,
477 upon written stipulation of all parties to the proceeding or
478 action that they wish to continue to mediate under this
479 subsection, enter an order suspending the proceeding or action
480 for as long a period as the court considers appropriate. A
481 suspension order issued under this paragraph may be revoked upon
482 motion of any party or upon motion of the court.

483 (f) The parties to the mediation shall bear their own
484 costs for attorney's fees and divide equally the cost of the
485 mediator.

486 (3) In addition to the remedies provided in this section
487 and notwithstanding the existence of any additional remedy at
488 law, a dealer is authorized to make application to a circuit
489 court for the grant, upon a hearing and for cause shown, of a
490 temporary or permanent injunction, or both, restraining any
491 person from acting as a dealer without being properly licensed
492 pursuant s. 320.771, from violating or continuing to violate any
493 of the provisions of ss. 320.3201-320.3211, or from failing or
494 refusing to comply with the requirements of ss. 320.3201-
495 320.3211. Such injunction shall be issued without bond. A single

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496 act in violation of the provisions of ss. 320.3201-320.3211
497 shall be sufficient to authorize the issuance of an injunction.

498 Section 11. Section 320.3211, Florida Statutes, is created
499 to read:

500 320.3211 Penalties.--

501 (1) The department shall, as it deems necessary, either
502 suspend or revoke any license issued under s. 320.771 upon a
503 finding that the dealer violated any provision of ss. 320.3201-
504 320.3211. The department is authorized to assess, impose, levy,
505 and collect by legal process fines, in an amount not to exceed
506 \$1,000 for each violation, against any individual if it finds
507 that he or she has violated any provision of ss. 320.3201-
508 320.3211. Such individual is entitled to an administrative
509 hearing pursuant to chapter 120 to contest the action or fine
510 levied, or about to be levied, upon him or her.

511 (2) In addition to the civil and administrative remedies,
512 a person who violates any provision of ss. 320.3201-320.3211
513 commits a misdemeanor of the second degree, punishable as
514 provided in s. 775.082 or s. 775.083.

515 Section 12. Section 320.8225, Florida Statutes, is amended
516 to read:

517 320.8225 Mobile home manufacturer's and recreational
518 vehicle manufacturer's, distributor's, and importer's license.--

519 (1) LICENSE REQUIRED.--Any person who engages in the
520 business of a mobile home manufacturer or recreational vehicle
521 manufacturer, distributor, or importer in this state, or who
522 manufactures mobile homes or recreational vehicles out of state
523 which are ultimately offered for sale in this state, shall
524 obtain annually a license for each factory location in this
525 state and for each factory location out of state which

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526 manufactures mobile homes or recreational vehicles or
527 distributes or imports recreational vehicles for sale in this
528 state, prior to distributing mobile homes or recreational
529 vehicles for sale in this state.

530 (2) APPLICATION.--The application for a license shall be
531 in the form prescribed by the department and shall contain
532 sufficient information to disclose the identity, location, and
533 responsibility of the applicant. The application shall also
534 include a copy of the warranty and a complete statement of any
535 service agreement or policy to be utilized by the applicant, any
536 information relating to the applicant's solvency and financial
537 standing, and any other pertinent matter commensurate with
538 safeguarding the public. The department may prescribe an
539 abbreviated application for renewal of a license if the licensee
540 had previously filed an initial application pursuant to this
541 section. The application for renewal shall include any
542 information necessary to bring current the information required
543 in the initial application.

544 (3) FEES.--Upon making initial application, the applicant
545 shall pay to the department a fee of \$300. Upon making renewal
546 application, the applicant shall pay to the department a fee of
547 \$100. Any applicant for renewal who has failed to submit his or
548 her renewal application by October 1 shall pay a renewal
549 application fee equal to the original application fee. No fee is
550 refundable. All fees shall be deposited into the General Revenue
551 Fund.

552 (4) NONRESIDENT.--Any person applying for a license who is
553 not a resident of this state shall have designated an agent for
554 service of process pursuant to s. 48.181.

555 (5) REQUIREMENT OF ASSURANCE.--

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556 (a) Annually, prior to the receipt of a license to
557 manufacture mobile homes, the applicant or licensee shall submit
558 a surety bond, cash bond, or letter of credit from a financial
559 institution, or a proper continuation certificate, sufficient to
560 assure satisfaction of claims against the licensee for failure
561 to comply with appropriate code standards, failure to provide
562 warranty service, or violation of any provisions of this
563 section. The amount of the surety bond, cash bond, or letter of
564 credit shall be \$50,000. Only one surety bond, cash bond, or
565 letter of credit shall be required for each manufacturer,
566 regardless of the number of factory locations. The surety bond,
567 cash bond, or letter of credit shall be to the department, in
568 favor of any retail customer who shall suffer loss arising out
569 of noncompliance with code standards or failure to honor or
570 provide warranty service. The department shall have the right to
571 disapprove any bond or letter of credit that does not provide
572 assurance as provided in this section.

573 (b) Annually, prior to the receipt of a license to
574 manufacture, distribute, or import recreational vehicles, the
575 applicant or licensee shall submit a surety bond, or a proper
576 continuation certificate, sufficient to assure satisfaction of
577 claims against the licensee for failure to comply with
578 appropriate code standards, failure to provide warranty service,
579 or violation of any provisions of this section. The amount of
580 the surety bond shall be \$10,000 per year. The surety bond shall
581 be to the department, in favor of any retail customer who shall
582 suffer loss arising out of noncompliance with code standards or
583 failure to honor or provide warranty service. The department
584 shall have the right to disapprove any bond which does not
585 provide assurance as provided in this section.

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586 (c) The department shall adopt rules pursuant to chapter
587 120 consistent with this section in providing assurance of
588 satisfaction of claims.

589 (d) The department shall, upon denial, suspension, or
590 revocation of any license, notify the surety company of the
591 licensee, in writing, that the license has been denied,
592 suspended, or revoked and shall state the reason for such
593 denial, suspension, or revocation.

594 (e) Any surety company which pays any claim against the
595 bond of any licensee shall notify the department, in writing,
596 that it has paid such a claim and shall state the amount of the
597 claim.

598 (f) Any surety company which cancels the bond of any
599 licensee shall notify the department, in writing, of such
600 cancellation, giving reason for the cancellation.

601 (6) LICENSE YEAR.--A license issued to a mobile home
602 manufacturer or recreational vehicle manufacturer, distributor,
603 or importer entitles the licensee to conduct the business of a
604 mobile home or recreational vehicle manufacturer for a period of
605 1 year from October 1 preceding the date of issuance.

606 (7) DENIAL OF LICENSE.--The department may deny a mobile
607 home manufacturer's or recreational vehicle manufacturer's,
608 distributor's, or importer's license on the ground that:

609 (a) The applicant has made a material misstatement in his
610 or her application for a license.

611 (b) The applicant has failed to comply with any applicable
612 provision of this chapter.

613 (c) The applicant has failed to provide warranty service.

614 (d) The applicant or one or more of his or her principals
615 or agents has violated any law, rule, or regulation relating to

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616 the manufacture or sale of mobile homes or recreational
617 vehicles.

618 (e) The department has proof of unfitness of the
619 applicant.

620 (f) The applicant or licensee has engaged in previous
621 conduct in any state which would have been a ground for
622 revocation or suspension of a license in this state.

623 (g) The applicant or licensee has violated any of the
624 provisions of the National Mobile Home Construction and Safety
625 Standards Act of 1974 or any rule or regulation of the
626 Department of Housing and Urban Development promulgated
627 thereunder.

628
629 Upon denial of a license, the department shall notify the
630 applicant within 10 days, stating in writing its grounds for
631 denial. The applicant is entitled to a public hearing and may
632 request that such hearing be held within 45 days of denial of
633 the license. All proceedings shall be pursuant to chapter 120.

634 (8) REVOCATION OR SUSPENSION OF LICENSE.--The department
635 shall suspend or, in the case of a subsequent offense, shall
636 revoke any license upon a finding that the licensee violated any
637 provision of this chapter or any other law of this state
638 regarding the manufacture, warranty, or sale of mobile homes or
639 recreational vehicles. When any license has been revoked or
640 suspended by the department, it may be reinstated if the
641 department finds that the former licensee has complied with all
642 applicable requirements of this chapter and an application for a
643 license is refiled pursuant to this section.

644 (9) CIVIL PENALTIES; PROCEDURE.--In addition to the
645 exercise of other powers provided in this section, the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

646 department is authorized to assess, impose, levy, and collect by
647 legal process a civil penalty, in an amount not to exceed \$1,000
648 for each violation, against any licensee if it finds that a
649 licensee has violated any provision of this section or has
650 violated any other law of this state having to do with dealing
651 in motor vehicles. Any licensee shall be entitled to a hearing
652 pursuant to chapter 120 should the licensee wish to contest the
653 fine levied, or about to be levied, upon him or her.

654 Section 13. If any provision of this act or the
655 application thereof to any person or circumstance is held
656 invalid, the invalidity shall not affect other provisions or
657 applications of the act which can be given effect without the
658 invalid provision or application and, to this end, the
659 provisions of this act are declared severable.

660 Section 13. This act shall take effect ~~July~~ October 1,
661 2007.

662
663 ===== T I T L E A M E N D M E N T =====

664 Remove line 43 and insert:
665 amending s.320.8225, F.S.; providing licensure requirements for
666 distributors and importers; providing for severability;
667 providing an effective date.

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 1491 : Community Development Districts

Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Susan Bucher	X				
Greg Evers	X				
Richard Glorioso	X				
Ed Hooper	X				
Jimmy Patronis	X				
Scott Randolph			X		
Michael Scionti			X		
Nicholas Thompson	X				
Mike Davis (Chair)	X				
	Total Yeas: 7	Total Nays: 0			

Appearances:

Rheb Harbison (Lobbyist) - Proponent
Villages of Lake Sumter, Inc.
215 South Monroe Street, Suite 500
Tallahassee FL 32301
Phone: (850) 224-1585

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

HB 1491

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

3/19/07

1 Council/Committee hearing bill: Infrastructure

2 Representative Attkisson offered the following:

3

4 **Amendment**

5 On line 347 after "approval," insert: inter local agreement

6

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

HB 1491

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N) 3/19/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Infrastructure

2 Representative Attkisson offered the following:

3

4 **Amendment**

5 On line 377, delete or, and insert: and

6

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

HB 1491

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y)N 3/19/07
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Infrastructure
2 Representative Attkisson offered the following:

3
4 **Amendment (with title amendment)**

5 Between lines 394 & 395, insert:

6 (b) The board may vote to adopt such rules only when all
7 of the following conditions exist:

8 1. The district's geographic area contains no homeowners'
9 associations as defined in s. 720.301(9);

10 2. The district was in existence on the effective date of
11 this subsection, or is located within a development that
12 consists of multiple developments of regional impact and a
13 Florida Quality Development;

14 3. For residential districts, the majority of the board
15 has been elected by qualified electors pursuant to the
16 provisions of s. 190.006; and

17 4. The declarant in any applicable declarations of
18 covenants and restrictions has provided the board with a written
19 agreement that such rules may be adopted. A memorandum of the
20 agreement shall be recorded in the public records.

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COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 1583 : Outdoor Advertising Signs

Temporarily Deferred

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

Summary:

Committee on Infrastructure

Monday March 19, 2007 02:00 pm

HB 61	Favorable With Amendments (1)	Yeas: 7	Nays: 0
HB 239	Unfavorable	Yeas: 4	Nays: 4
HB 259	Favorable With Amendments (2)	Yeas: 7	Nays: 1
HB 331	Favorable With Amendments (1)	Yeas: 8	Nays: 0
HB 443	Favorable With Amendments (2)	Yeas: 8	Nays: 0
HB 681	Favorable With Amendments (3)	Yeas: 7	Nays: 0
HB 903	Favorable With Amendments (1)	Yeas: 6	Nays: 1
HB 935	Favorable	Yeas: 6	Nays: 0
HB 959	Favorable	Yeas: 7	Nays: 0
HB 961	Favorable	Yeas: 7	Nays: 0
HB 973	Favorable With Amendments (3)	Yeas: 7	Nays: 1
HB 975	Temporarily Deferred		
HB 985	Favorable With Amendments (8)	Yeas: 8	Nays: 0
HB 1143	Temporarily Deferred		
HB 1225	Favorable	Yeas: 8	Nays: 0
HB 1375	Favorable With Amendments (1)	Yeas: 7	Nays: 0

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM

COMMITTEE MEETING REPORT

Committee on Infrastructure

3/19/2007 2:00:00PM

Location: 404 HOB

HB 1457 Favorable With Amendments (1) Yeas: 6 Nays: 0

HB 1491 Favorable With Amendments (3) Yeas: 7 Nays: 0

HB 1583 Temporarily Deferred

Committee meeting was reported out: Monday, March 19, 2007 8:18:52PM