



ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Tuesday, April 9, 2013
2:30 PM – 5:30 PM
Reed Hall (102 HOB)**

**Will Weatherford
Speaker**

**Jimmy Patronis
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Start Date and Time: Tuesday, April 09, 2013 02:30 pm
End Date and Time: Tuesday, April 09, 2013 05:30 pm
Location: Reed Hall (102 HOB)
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 235 Requirements for Driver Licenses by Bracy
HB 265 Florida Wildflower License Plate by Wood
CS/HB 357 Manufacturing Development by Economic Development & Tourism Subcommittee, Boyd
CS/HB 437 Community Development by Finance & Tax Subcommittee, Davis, Renuart
HB 683 Motor Vehicles by Pilon
HB 925 Liens on Motor Vehicles & Vessels by Rooney
CS/HB 1005 Motorist Safety by Transportation & Highway Safety Subcommittee, Slosberg
CS/HB 1019 Motor Vehicles by Transportation & Highway Safety Subcommittee, Rader
CS/HM 1405 Captivity of Robert Levinson in Iran by Local & Federal Affairs Committee, Moskowitz
HB 7019 Development Permits by Economic Development & Tourism Subcommittee, Trujillo
HB 7117 Transportation Facility Designations by Transportation & Highway Safety Subcommittee, Raschein

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Monday, April 8, 2013.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, April 8, 2013.

NOTICE FINALIZED on 04/05/2013 16:15 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 235 Requirements for Driver Licenses
SPONSOR(S): Bracy
TIED BILLS: IDEN./SIM. **BILLS:** SB 986

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	13 Y, 0 N	Kiner	Miller
2) Transportation & Economic Development Appropriations Subcommittee	11 Y, 0 N	Rayman	Davis
3) Economic Affairs Committee		Kiner <i>VUK</i>	Creamer <i>JK</i>

SUMMARY ANALYSIS

House Bill 235 adds to the list of documents the Department of Highway Safety and Motor Vehicles (DHSMV) may accept as 'proof of identity' in connection with an application for a temporary driver license. Specifically, the bill authorizes DHSMV to accept a notice of an approved application for 'Deferred Action for Childhood Arrivals' (Deferred Action) status as proof of identity and legal presence. Under the bill, DHSMV may issue a temporary driver license to a person that has been granted Deferred Action status, if he or she is otherwise qualified.

While Deferred Action status provides temporary relief, it may be revoked at any time. Deferred Action is neither amnesty nor immunity; it neither provides lawful immigration status nor a path to a green card or citizenship. Further, Deferred Action status does not extend to any family members of the person granted Deferred Action status.

A temporary driver license issued under the bill's provisions will expire on the date a person's Deferred Action status expires, or if no date is specified, after one year. A person with Deferred Action status that has been issued a temporary driver license solely based on that status, may renew the driver license if his or her Deferred Action status is extended by the U.S. Citizenship and Immigration Services. However, the bill requires that the person renew in person, resubmit his or her driver license application, and provide proof of identity and legal presence. The provision also applies to an application for a replacement or duplicate driver license, as well as an address or name change.

The bill has an indeterminate positive fiscal impact on the General Revenue Fund. The bill has an insignificant fiscal impact which DHSMV states it can absorb within existing resources.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Temporary Driver License Identity Requirements

Section 322.08, F.S., provides requirements that applicants must meet in order to be issued a driver license. Among the requirements is that the applicant provide proof of identity. Currently, an applicant must provide one of the following to meet the proof of identity requirement:

1. a driver license record or identification card record issued by another jurisdiction that required the applicant to submit identity documentation which is substantially similar to any of the documents listed in 2.-8.;
2. a certified copy of a United States (U.S.) birth certificate;
3. a valid U.S. passport;
4. a naturalization certificate issued by the U.S. Department of Homeland Security (DHS);
5. a valid alien registration receipt card (green card);
6. a Consular Report of Birth Abroad from the U.S. Department of State;
7. an unexpired employment authorization card issued by the U.S. DHS; or
8. proof of nonimmigrant classification provided by the U.S. DHS in the form of at least one of the following:
 - a. notice of hearing from an immigration court scheduling a hearing on any proceeding;
 - b. a notice from the Board of Immigration Appeals acknowledging pendency of an appeal;
 - c. a notice issued by the U.S. Bureau of Citizenship and Immigration Status approving an application for adjustment of status;
 - d. an official document issued by the U.S. Bureau of Citizenship and Immigration Status confirming a petition for asylum or refugee status;
 - e. a notice of action issued by the U.S. Bureau of Citizenship and Immigration Status transferring any pending matter to the state;
 - f. an order of an immigration judge or officer authorizing the person to live and work in the U.S. (e.g., asylum);
 - g. evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent resident status in the U.S., if a visa number is available having a current priority date for processing by the U.S. Bureau of Citizenship and Immigration Services; or
 - h. an unexpired foreign passport with an unexpired U.S. Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the U.S.

If the applicant relies on any of the documentation listed in 7. or 8., his or her temporary driver license will expire on the date listed on the document or one year after issuance.

Deferred Action for Childhood Arrivals

Deferred Action for Childhood Arrivals (Deferred Action) is an initiative announced on June 15, 2012, by the U.S. DHS, which offers "Deferred Action," and effectively postpones the deportation of a person who was brought to the U.S. as a child, provided he or she meets other specific requirements.¹ When a person is granted "Deferred Action," the DHS has deemed him or her a low priority for immigration

¹ See information on Deferred Action for Childhood Arrivals status on the U.S. Citizenship and Immigration Services website at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnnextoid=f2ef2f19470f7310VgnVCM10000082ca60aRCRD&vgnnextchannel=f2ef2f19470f7310VgnVCM10000082ca60aRCRD> (Last viewed 3/24/13).

enforcement and has chosen to exercise its discretion to allow him or her to remain in the country, at least for the time being. While Deferred Action status provides temporary relief, it may be revoked at any time. Deferred Action is neither amnesty nor immunity; it does not provide lawful immigration status or a path to a green card or citizenship. Further, Deferred Action status does not extend to any family members of the person granted Deferred Action status.

A person may apply for Deferred Action status if he or she:

1. was under the age of 31 on of June 15, 2012;
2. came to the United States before reaching their 16th birthday;
3. has continuously resided in the United States since June 15, 2007, up to the present time;
4. was physically present in the United States on June 15, 2012, and at the time of making his or her application for Deferred Action;
5. entered the United States without inspection before June 15, 2012, or his or her lawful immigration status expired as of June 15, 2012;
6. is currently in school, has graduated or obtained a certificate of completion from high school, has obtained a general education development (GED) certificate, or is an honorably discharged veteran of the Coast Guard or Armed Forces of the United States; and
7. has not been convicted of a felony, significant misdemeanor, three or more other misdemeanors, and does not otherwise pose a threat to national security or public safety.

An application for Deferred Action status will only be considered if the applicant is age 15 or older, unless he or she is currently involved in a removal proceeding, or has a final order of removal or voluntary departure, in which case he or she may be under age 15.

If the application is accepted, Deferred Action status will be granted for a two-year period, after which a person may request to have his or her status renewed. According to DHS, a person will be eligible for a renewal of Deferred Action status as long as he or she was under age 31 on June 15, 2012.

According to DHSMV, a person that has received Deferred Action status is not currently eligible to receive a temporary driver license based on Deferred Action status alone. Rather, once a person receives Deferred Action status, he or she becomes eligible for an employment authorization card, and once the person receives an employment authorization card, the person is eligible to receive a temporary driver license or identification card.

The fee for a temporary driver license is \$48, which is deposited into the General Revenue Fund.

Effect of Proposed Change

The bill adds to the list of documents DHSMV may accept as 'proof of identity' in connection with an application for a temporary driver license. Specifically, the bill authorizes DHSMV to accept a notice of an approved application for 'Deferred Action for Childhood Arrivals' status as proof of identity and legal presence.

A temporary driver license issued under the bill's provisions will expire on the date a person's Deferred Action status expires, or if no date is specified, after one year. A person with Deferred Action status that has been issued a temporary driver license solely based on that status, may renew the driver license if his or her Deferred Action status is extended by the U.S. Citizenship and Immigration Services. However, the bill requires that the person renew his or her temporary driver license in person, resubmit his or her driver license application, and provide proof of identity and legal presence. The provision also applies to an application for a replacement or duplicate driver license, as well as an address or name change.

A person that qualifies for a temporary driver license under the bill's provisions will be required to pay the regular \$48 driver license fee, which is deposited into the General Revenue Fund.

The bill is effective on July 1, 2013.

B. SECTION DIRECTORY:

- Section 1: Amends s. 322.08, F.S., to authorize DHSMV to accept a notice of an approved application for 'Deferred Action for Childhood Arrivals' (Deferred Action) status as proof of identity and legal presence in connection with an application for a driver license;
- Section 2: Reenacts s. 322.17(3), F.S., to reenact a provision that requires a person claiming nonimmigrant classification status, including a person with Deferred Action status, to obtain a duplicate or replacement driver license in person, resubmit proof of identity documents and establish legal presence;
- Section 3: Reenacts ss.322.18(2)(d) and (4)(c), F.S., to reenact a provision that provides that a temporary driver license issued to a person claiming nonimmigrant classification status, including a person with Deferred Action status, will expire upon the expiration date cited on the identity document that was presented, or after one year;
- Section 4: Reenacts s. 322.19(4), F.S., to reenact a provision that requires a person claiming nonimmigrant classification status, including a person with Deferred Action status, to make an address or name change in person, resubmit proof of identity documents and establish legal presence;
- Section 5: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
Indeterminate positive. See Fiscal Comments.
2. Expenditures:
Insignificant. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The fee for a temporary driver license is \$48, which is deposited into the General Revenue Fund. The number of persons with Deferred Action status that will qualify for and obtain a temporary driver license solely based on that status is unknown. However, DHSMV contends that the majority of those currently approved for Deferred Action status have also received an employment authorization card. Because a valid employment authorization card is currently acceptable as a 'proof of identity' document, the population of people that may be impacted by the bill's provisions is indeterminate. As such, the fiscal impact is indeterminate, but positive for the General Revenue Fund.

The department further states it can accommodate the 50 hours of programming costs within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The effect of the proposed changes may require DHSMV to updates its Driver License Operations Manual to include standards for issuing a temporary driver license to a person that presents identity documentation solely based on his or her Deferred Action status.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
An act relating to requirements for driver licenses;
amending s. 322.08, F.S.; including notice of the
approval of an application for Deferred Action for
Childhood Arrivals status issued by United States
Citizenship and Immigration Services as valid proof of
identity for purposes of applying for a driver
license; reenacting ss. 322.17(3), 322.18(2)(d) and
(4)(c), and 322.19(4), F.S., relating to conditions
and limitations with respect to obtaining a duplicate
or replacement instruction permit or driver license,
expiration of and renewal of a driver license, and
change of name or address on a driver license for
licensees who establish their identity in a specified
manner, to incorporate the amendments made by the act
to s. 322.08, F.S., in references thereto; providing
an effective date.

WHEREAS, over the past 3 years, the Obama administration
has undertaken an unprecedented effort to transform the
immigration enforcement system into one that focuses on public
safety, border security, and the integrity of the immigration
system, and

WHEREAS, as the United States Department of Homeland
Security continues to focus its enforcement resources on the
removal of individuals who pose a danger to national security or
a risk to public safety, including individuals convicted of
crimes with particular emphasis on violent criminals, felons,

29 and repeat offenders, the United States Department of Homeland
 30 Security intends to exercise prosecutorial discretion as
 31 appropriate to ensure that enforcement resources are not
 32 expended on low priority cases, such as individuals who came to
 33 the United States as children and meet other key guidelines, and

34 WHEREAS, individuals who demonstrate that they meet
 35 specified guidelines established by the department may request
 36 consideration under the Deferred Action for Childhood Arrivals
 37 program for a period of 2 years, subject to renewal, and may be
 38 eligible for employment authorization, and

39 WHEREAS, an individual may request consideration under the
 40 Deferred Action for Childhood Arrivals program if he or she was
 41 under the age of 31 as of June 15, 2012; came to the United
 42 States before reaching his or her 16th birthday; has
 43 continuously resided in the United States since June 15, 2007;
 44 was physically present in the United States on June 15, 2012,
 45 and at the time of making his or her request for consideration
 46 of deferred action with United States Citizenship and
 47 Immigration Services; entered the United States without
 48 inspection before June 15, 2012, or experienced expiration of
 49 his or her lawful immigration status as of June 15, 2012; is
 50 currently in school, has graduated or obtained a certificate of
 51 completion from high school, has obtained a general education
 52 development (GED) certificate, or is an honorably discharged
 53 veteran of the Coast Guard or Armed Forces of the United States;
 54 and has not been convicted of a felony, significant misdemeanor,
 55 three or more other misdemeanors, and does not otherwise pose a
 56 threat to national security or public safety, NOW, THEREFORE,

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

Section 1. Paragraph (c) of subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(2) Each such application shall include the following information regarding the applicant:

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., or subparagraph 8.;
2. A certified copy of a United States birth certificate;
3. A valid, unexpired United States passport;
4. A naturalization certificate issued by the United States Department of Homeland Security;
5. A valid, unexpired alien registration receipt card (green card);
6. A Consular Report of Birth Abroad provided by the United States Department of State;
7. An unexpired employment authorization card issued by the United States Department of Homeland Security; or

85 | 8. Proof of nonimmigrant classification provided by the
 86 | United States Department of Homeland Security, for an original
 87 | driver license. In order to prove nonimmigrant classification,
 88 | an applicant must provide at least one of the following
 89 | documents. In addition, the department may require applicants to
 90 | produce United States Department of Homeland Security documents
 91 | for the sole purpose of establishing the maintenance of, or
 92 | efforts to maintain, continuous lawful presence:

93 | a. A notice of hearing from an immigration court
 94 | scheduling a hearing on any proceeding.

95 | b. A notice from the Board of Immigration Appeals
 96 | acknowledging pendency of an appeal.

97 | c. A notice of the approval of an application for
 98 | adjustment of status issued by the United States Bureau of
 99 | Citizenship and Immigration Services.

100 | d. An official documentation confirming the filing of a
 101 | petition for asylum or refugee status or any other relief issued
 102 | by the United States Bureau
 103 | of Citizenship and Immigration Services.

104 | e. A notice of action transferring any pending matter from
 105 | another jurisdiction to this state issued by the United States
 106 | Bureau of Citizenship and Immigration Services.

107 | f. An order of an immigration judge or immigration officer
 108 | granting relief that authorizes the alien to live and work in
 109 | the United States, including, but not limited to, asylum.

110 | g. Evidence that an application is pending for adjustment
 111 | of status to that of an alien lawfully admitted for permanent
 112 | residence in the United States or conditional permanent resident

113 status in the United States, if a visa number is available
 114 having a current priority date for processing by the United
 115 States Bureau of Citizenship and Immigration Services.

116 h. On or after January 1, 2010, an unexpired foreign
 117 passport with an unexpired United States Visa affixed,
 118 accompanied by an approved I-94, documenting the most recent
 119 admittance into the United States.

120 i. A notice of the approval of an application for Deferred
 121 Action for Childhood Arrivals status issued by United States
 122 Citizenship and Immigration Services.

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 124 A driver license or temporary permit issued based on documents
 125 required in subparagraph 7. or subparagraph 8. is valid for a
 126 period not to exceed the expiration date of the document
 127 presented or 1 year.

128 Section 2. For the purpose of incorporating the amendment
 129 made by this act to section 322.08, Florida Statutes, in
 130 references thereto, subsection (3) of section 322.17, Florida
 131 Statutes, is reenacted to read:

132 322.17 Replacement licenses and permits.—

133 (3) Notwithstanding any other provisions of this chapter,
 134 if a licensee establishes his or her identity for a driver's
 135 license using an identification document authorized under s.
 136 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
 137 replacement instruction permit or driver's license except in
 138 person and upon submission of an identification document
 139 authorized under s. 322.08(2)(c)7. or 8.

140 Section 3. For the purpose of incorporating the amendment

141 made by this act to section 322.08, Florida Statutes, in
 142 references thereto, paragraph (d) of subsection (2) and
 143 paragraph (c) of subsection (4) of section 322.18, Florida
 144 Statutes, is reenacted to read:

145 322.18 Original applications, licenses, and renewals;
 146 expiration of licenses; delinquent licenses.—

147 (2) Each applicant who is entitled to the issuance of a
 148 driver's license, as provided in this section, shall be issued a
 149 driver's license, as follows:

150 (d) Notwithstanding any other provision of this chapter,
 151 if an applicant establishes his or her identity for a driver's
 152 license using a document authorized in s. 322.08(2)(c)7. or 8.,
 153 the driver's license shall expire 1 year after the date of
 154 issuance or upon the expiration date cited on the United States
 155 Department of Homeland Security documents, whichever date first
 156 occurs.

157 (4)

158 (c) Notwithstanding any other provision of this chapter,
 159 if a licensee establishes his or her identity for a driver's
 160 license using an identification document authorized under s.
 161 322.08(2)(c)7. or 8., the licensee may not renew the driver's
 162 license except in person and upon submission of an
 163 identification document authorized under s. 322.08(2)(c)7. or 8.
 164 A driver's license renewed under this paragraph expires 1 year
 165 after the date of issuance or upon the expiration date cited on
 166 the United States Department of Homeland Security documents,
 167 whichever date first occurs.

168 Section 4. For the purpose of incorporating the amendment

169 made by this act to section 322.08, Florida Statutes, in
170 references thereto, subsection (4) of section 322.19, Florida
171 Statutes, is reenacted to read:


172 322.19 Change of address or name.—

173 (4) Notwithstanding any other provision of this chapter,
174 if a licensee established his or her identity for a driver's
175 license using an identification document authorized under s.
176 322.08(2)(c)7. or 8., the licensee may not change his or her
177 name or address except in person and upon submission of an
178 identification document authorized under s. 322.08(2)(c)7. or 8.

179 Section 5. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 265 Florida Wildflower License Plate
SPONSOR(S): Wood
TIED BILLS: IDEN./SIM. **BILLS:** SB 632

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	12 Y, 0 N	Thompson	Miller
2) Transportation & Economic Development Appropriations Subcommittee	11 Y, 0 N	Rayman	Davis
3) Economic Affairs Committee		Thompson	JAT Creamer 

SUMMARY ANALYSIS

The Florida Wildflower specialty license plate was created by the Legislature in 1999. Persons wishing to register a vehicle with the plate must pay a \$15 annual use fee in addition to the normal fees required when registering a vehicle. The annual use fees are distributed to the Florida Wildflower Foundation, Inc. (FWF), and must be used to establish native Florida wildflower research, educational, and grant programs. The funds are available to municipal, county, and community-based groups in the state. The FWF is authorized to use up to 15 percent of the proceeds for administrative and marketing costs.

HB 265 increases the amount of the annual use fee for the Florida Wildflower license plate from \$15 to \$25, and increases the maximum percentage of proceeds that the FWF is authorized to use for administrative and marketing costs from 15 percent to 20 percent.

The bill will have a positive fiscal impact on the FWF; and the municipal, county, and community-based groups that benefit from Florida Wildflower specialty license plate annual use fees. The bill has a minimal impact on the Department of Highway Safety and Motor Vehicles (DHSMV) workload, who can absorb the cost within existing resources.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Specialty License Plates

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.

The Legislature has authorized 121 specialty license plates. Sales of specialty license plates generated over \$31 million in total net revenues during the Fiscal Year 2011-2012.¹

An organization that seeks to establish a new specialty license plate for which an annual use fee is to be charged is required to submit the following to DHSMV:

- A request for the plate describing it in specific terms;
- An application fee of not more than \$60,000 to defray DHSMV's cost for reviewing the application and developing the new plate; and
- A marketing strategy.²

These requirements must be satisfied at least 90 days prior to the convening of the next regular session of the Legislature. When a plate is approved by law, the following timeframes must be met:

- As soon as practicable, but not later than 60 days after approval, the approved organization must submit the proposed art design to DHSMV.
- Within 120 days after approval, DHSMV is required to establish a presale specialty license plate voucher, which includes the current specialty license plate processing fee,³ service charge and branch fee,⁴ and annual use fee.⁵
- Within 24 months after the presale voucher is established, the approved organization must record a minimum of 1,000 voucher sales with DHSMV before the plate is authorized to be manufactured. If the minimum sales requirements are not met, the plate is deauthorized⁶ and DHSMV is required to discontinue development of the plate and issuance of the presale vouchers.⁷

If a plate is not approved or the voucher presales requirement is not met, the application fee is refunded.

Currently, DHSMV is prohibited by law from issuing any new specialty license plates until after July 1, 2014.⁸

¹ Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plate Administrative Fees*, available at <http://www.flhsmv.gov/specialtytags/slp.html#3> (last visited March 14, 2013).

² Section 320.08053(1), F.S.

³ Section 320.08056(3)(b), F.S.

⁴ Section 320.04, F.S.

⁵ Section 320.08056(4), F.S.

⁶ Section 320.08053(3)(b), F.S., provides that upon deauthorization of a license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by DHSMV.

⁷ Section 320.08053(3), F.S.

⁸ *Id.*, Note., A., provides that "[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, Florida Statutes, prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, Florida Statutes, between July 1, 2008, and July 1, 2014."

Florida Wildflower License Plates

The Florida Wildflower specialty license plate was created by the Legislature in 1999.⁹ Persons wishing to register a vehicle with the plate must pay a \$15 annual use fee¹⁰ in addition to the normal fees required when registering a vehicle. The annual use fees are distributed to the Florida Wildflower Foundation, Inc., (FWF)¹¹ and must be used to establish native Florida wildflower research, educational, and grant programs. The funds are available to municipal, county, and community-based groups in the state.¹² The FWF is directed to develop procedures of operation, research contracts, education and marketing programs, and wildflower planting grants for Florida native wildflowers, plants, and grasses¹³ and is authorized to use up to 15 percent of the proceeds for administrative and marketing costs.¹⁴

Florida Wildflower Foundation, Inc.

The mission of the FWF is “to enrich lives with Florida’s native wildflowers”.¹⁵ The FWF funds research, education, and planting projects statewide. Since the year 2000, more than \$2.4 million in tag donations have supported projects that build awareness and knowledge of native wildflowers and plants and their roles in Florida’s ecosystems. The FWF works with organizations including the Florida Native Plant Society,¹⁶ Florida Association of Native Nurseries,¹⁷ Florida Federation of Garden Clubs,¹⁸ and the University of Florida Master Gardener Program.¹⁹

Proposed Changes

The bill increases the annual use fee that is collected from sales of the Florida Wildflower license plate from \$15 to \$25; and increases the maximum percentage of proceeds that the FWF is authorized to use for administrative and marketing costs from 15 percent to 20 percent.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.08056, F.S., relating to specialty license plates annual use fees.

Section 2 Amends s. 320.08058, F.S., relating to specialty license plates.

Section 3 Provides an effective date of July 1, 2013.

⁹ Chapter 99-294, L.O.F.; codified in s. 320.08058(27), F.S.

¹⁰ Section 320.08056(4)(aa), F.S.

¹¹ The Florida Wildflower Foundation, Inc., is a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. If the foundation ceases to be an active nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, the proceeds from the annual use fee are to be deposited in the General Inspection Trust Fund within the Department of Agriculture and Consumer Services to be used and administered as specified.

¹² Section 320.08058(27)(b), F.S.

¹³ Section 320.08058(27)(b)3., F.S.

¹⁴ Section 320.08058(27)(b)2., F.S.

¹⁵ Florida Wildflower Foundation, available at <http://flawildflowers.org/about.php> (last visited March 21, 2013).

¹⁶ The Florida Native Plant Society, available at <http://www.fnps.org/> (last visited March 21, 2013).

¹⁷ Florida Association of Native Nurseries, available at <http://www.afnn.org/> (last visited March 21, 2013).

¹⁸ Florida Federation of Garden Clubs, Inc., available at <http://www.ffgc.org/> (last visited March 21, 2013).

¹⁹ Florida Master Gardener Program, available at

http://solutionsforyourlife.ufl.edu/hot_topics/lawn_and_garden/master_gardener_program.html (last visited March 21, 2013).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Minimal. DHSMV states it can accommodate two hours of programming costs within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. See Fiscal Comments.

D. FISCAL COMMENTS:

The bill will have a positive fiscal impact on the FWF; and the municipal, county, and community-based groups that benefit from Florida Wildflower specialty license plate proceeds. However, the amount distributed from the annual use fee varies based on the number of license plates sold or renewed each year. In Fiscal Year 2011-12, 15,497 Florida Wildflower license plates were issued generating \$232,455, of which, \$34,868 was expended for administrative and marketing costs.²⁰ Based on this sales data, increasing the annual use fee that is distributed to the FWF from \$15 to \$25 could generate an additional \$154,970 for Fiscal Year 2013-14. Increasing the maximum percentage of proceeds that the FWF is authorized to use for administrative and marketing costs from 15 percent to 20 percent would allow an additional \$42,617 to be used for such costs for Fiscal Year 2013-14.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

²⁰ Department of Highway Safety and Motor Vehicles Agency Bill Analysis, *HB 265 – Florida Wildflower License Plate*, January 30, 2013 (on file with the House Transportation & Highway Safety Subcommittee).

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to the Florida Wildflower license
 3 plate; amending s. 320.08056, F.S.; revising the
 4 annual use fee for the Florida Wildflower license
 5 plate; amending s. 320.08058, F.S.; revising the
 6 amount of proceeds from the sale of the plate that may
 7 be used to pay certain costs; providing an effective
 8 date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Paragraph (aa) of subsection (4) of section
 13 320.08056, Florida Statutes, is amended to read:

14 320.08056 Specialty license plates.—

15 (4) The following license plate annual use fees shall be
 16 collected for the appropriate specialty license plates:

17 (aa) Florida Wildflower license plate, \$25 ~~\$15~~.

18 Section 2. Subsection (27) of section 320.08058, Florida
 19 Statutes, is amended to read:

20 320.08058 Specialty license plates.—

21 (27) FLORIDA WILDFLOWER LICENSE PLATES.—

22 (a) The department shall develop a Florida Wildflower
 23 license plate as provided in this section. The word "Florida"
 24 must appear at the top of the plate, and the words "State
 25 Wildflower" and "coreopsis" must appear at the bottom of the
 26 plate.

27 (b) The annual use fees shall be distributed to the
 28 Florida Wildflower Foundation, Inc., a nonprofit corporation

29 | under s. 501(c)(3) of the Internal Revenue Code. The proceeds
 30 | must be used to establish native Florida wildflower research
 31 | programs, wildflower educational programs, and wildflower grant
 32 | programs to municipal, county, and community-based groups in
 33 | this state.

34 | 1. The Florida Wildflower Foundation, Inc., shall develop
 35 | procedures of operation, research contracts, education and
 36 | marketing programs, and wildflower planting grants for Florida
 37 | native wildflowers, plants, and grasses.



38 | 2. A maximum of 20 ~~15~~ percent of the proceeds from the
 39 | sale of such plates may be used for administrative and marketing
 40 | costs.

41 | 3. If the Florida Wildflower Foundation, Inc., ceases to
 42 | be an active nonprofit corporation under s. 501(c)(3) of the
 43 | Internal Revenue Code, the proceeds from the annual use fee
 44 | shall be deposited into the General Inspection Trust Fund
 45 | created within the Department of Agriculture and Consumer
 46 | Services. Any funds held by the Florida Wildflower Foundation,
 47 | Inc., must be promptly transferred to the General Inspection
 48 | Trust Fund. The Department of Agriculture and Consumer Services
 49 | shall use and administer the proceeds from the use fee in the
 50 | manner specified in this paragraph.

51 | Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 357 Manufacturing Development
SPONSOR(S): Economic Development & Tourism Subcommittee; Boyd
TIED BILLS: IDEN./SIM. **BILLS:** SB 582

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	12 Y, 0 N, As CS	Collins	West
2) Economic Affairs Committee		Collins 	Creamer 

SUMMARY ANALYSIS

The bill directs the Department of Economic Opportunity (DEO) to create a model ordinance for local governments to use as a guide to establish local manufacturing development programs which grant master development approval for manufacturers. For manufacturers participating in a local manufacturing development program, the bill creates an expedited state development and permit approval process which DEO is directed to coordinate with the cooperation of any involved state agencies.

The bill directs DEO to develop materials that identify each local government with a local manufacturing development program, and for those materials to be distributed by Enterprise Florida, Inc. (EFI) to prospective, new, expanding, and relocating businesses.

The bill does not have a fiscal impact on state or local funds.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida's manufacturing industries are diverse and include companies in traditional manufacturing industries, such as plastics, food processing and printing, as well as those that are engaged in innovative technologies, like electronics, medical devices and aviation/aerospace. The state is home to nearly 18,000 manufacturers accounting for approximately 5 percent (315,000) of Florida's 6,359,000 private, nonagricultural jobs.¹ Nationally, manufacturing employs an estimated 12,000,000 workers which accounts for roughly 9 percent of the entire U.S. workforce.² Wages for Floridians in the manufacturing industry are higher than those in other industries. The average yearly wage for a manufacturing employee in the state is \$52,372 while the average yearly wage for a private sector employee in the state is \$41,377.³

Enterprise Florida, Inc. (EFI) has identified manufacturing as a targeted industry, along with corporate headquarters, research and development, clean technologies, life sciences, information technology, aviation/aerospace, homeland security/defense, financial/professional services, and emerging technologies. Of the 122 economic development incentive contracts completed by EFI during Fiscal Year 2012, manufacturing ranked highest in terms of number of project commitments by industry with 38, and expected capital investment with over \$425 million. Manufacturing projects incentivized by EFI in 2012 contracted to create 2474 jobs paying an average annual wage of \$37,352.⁴

The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying businesses by industry type for the purpose of statistical data collection and analysis related to the U.S. economy. NAICS Codes 31-33 include 652 unique manufacturing industry codes which include, but are not limited to, the following⁵:

- Food Manufacturing
- Beverage Manufacturing
- Distilleries
- Breweries

¹ Department of Economic Opportunity, *Nonagricultural Employment in Florida, Statewide*; January 18, 2013. Can be found at: <http://www.floridajobs.org/labor-market-information/data-center/statistical-programs/current-employment-statistics>; (last visited on February 13, 2013)

² United State Bureau of Labor Statistics, *Current Employment Statistics: Comparison of All Employees, Seasonally Adjusted, before and after the March 2012 Benchmark*; Can be found at: <ftp://ftp.bls.gov/pub/suppl/empsit.compaes.txt>; (last visited on February 13, 2013)

³ United States Bureau of Labor Statistics, *Quarterly Census of Employment and Wages*; 2011. Can be found at: <http://www.bls.gov/cew/data.htm>; (last visited on February 28, 2013)

⁴ Enterprise Florida, Inc., *2012 Annual Incentives Report*; 2012. Can be found at: http://www.eflorida.com/IntelligenceCenter/download/ER/BRR_Incentives_Report.pdf; (last visited on March 11, 2013)

⁵ United States Census Bureau, *North American Industry Classification System*; Can be found at: <http://www.census.gov/eos/www/naics/index.html>; (last visited on March 15, 2013)

- Dairy Product Manufacturing
- Textile Mills
- Wood Product Manufacturing
- Plastics and Rubber Products Manufacturing
- Primary Metal Manufacturing
- Machinery Manufacturing
- Machine Shops
- Foundries
- Cement and Concrete Product Manufacturing
- Computer and Electronic Product Manufacturing
- Jewelry and Silverware Manufacturing
- Sign Manufacturing
- Sporting and Athletic Goods Manufacturing
- Transportation Equipment Manufacturing
- Ship and Boat Building
- Aerospace Product and Parts Manufacturing
- Furniture and Related Product Manufacturing

Under the Community Planning Act, Chapter 163, Part II, Florida Statutes, local governments are required to adopt land development regulations and comprehensive plans to guide their future development and growth within their respective jurisdictions. Presently, no statutory process exists to encourage and support local governments in the development of manufacturing-specific master development planning processes.

In addition, under current law, no manufacturing-specific coordinated development approval process exists. Manufacturing developments are currently eligible for expedited permitting under s. 403.973, F.S., as are any businesses that meet the requirements imposed under that section.

Effect of Proposed Changes

The bill would establish a model local manufacturing development program aimed at encouraging local governments to establish their own programs which could lead to increased capital investment and job creation within the manufacturing industry. The bill would also create a coordinated approval process for development approvals and permits for manufacturers managed by DEO in order to streamline the process for manufacturers participating in local manufacturing development programs. The bill also directs DEO to develop materials related to local manufacturing development programs, and for EFI to distribute those to prospective, new, expanding, or relocating businesses.

Local Government Manufacturing Development Program

The bill creates a process which local governments may use to establish local manufacturing development programs through local ordinances in order to encourage manufacturing growth and development.

DEO is directed to establish a model ordinance by December 1, 2013 for local governments to use as a guide for the purposes of creating their own local manufacturing development programs. Local

governments that have adopted ordinances that satisfy the minimum requirements of the bill before the bill's effective date may submit their ordinance to DEO for approval before September 1, 2013. To qualify under this bill, all manufacturing development ordinances must include:

- Procedures for manufacturers to apply for a master development plan and procedures for local government review and approval.
- Identification of areas within local government boundaries which are subject to the program.
- Minimum elements for master development plan, including:
 - Site map; list of site's available uses; maximum square footage of the development; floor ratio area/building heights for future development; and development conditions.
- A list of development impacts, including:
 - Drainage, wastewater, potable water, solid waste, onsite and offsite natural resources, historic and archaeological resources, offsite infrastructure, public services, compatibility with adjacent offsite land uses, vehicular and pedestrian entrance to/exit from the site, and offsite transportation impacts.
- A provision vesting any existing development rights authorized by local government before approval of a master development plan (if requested by a manufacturer).
- Determination whether an expiration date is required, and if so, that it be no earlier than 10 years.
- A provision limiting the circumstances requiring an amendment to an approved master development plan to only an enactment of a state law or local ordinance addressing immediate or direct threats to public safety, or any revision initiated by the manufacturer.
- A provision limiting any amendment review to only the amendment and no other portion of the approved master development plan.
- A provision that local government cannot require additional approvals for development impacts covered under a master development plan other than approval of a building permit.
- A provision requiring manufacturers to submit certifications signed by an architect, engineer, or landscape architect attesting that any work to be done on the site complies with the approved master development plan.
- A provision establishing the form used by local governments to certify manufacturers eligible to participate in the program.

Any manufacturing development plan approved by a local government must be consistent with the DEO model ordinance and establish procedures for:

- Application review.
- Master development plan approval (which may include conditions that address development impacts over the life of the development).
- Developing the site consistent with the master development plan without requiring additional local development approvals aside from building permits.
- Certifying that a manufacturer is eligible to participate.

A local government cannot abolish a program until it has been in existence for at least 24 months. If the ordinance creating the program is repealed, then any application submitted prior to the effective date of repeal is treated as if the program were still in effect.

Manufacturing Development Coordinated Approval Process

DEO will coordinate the manufacturing development coordinated approval process with the participating agencies for manufacturers participating in a local government manufacturing development program. DEO is not required to mediate issues arising between participating agencies or between the applicant and participating agencies. DEO will not be a party to any legal proceeding resulting from the coordinated approval process. DEO's participation in the coordinated approval process will not affect its decision whether or not to award state economic development incentives to a particular applicant.

The bill defines participating agencies as:

- The Department of Environmental Protection (DEP).
- The Department of Transportation (DOT).
- The Fish and Wildlife Conservation Commission, when acting pursuant to statutory authority granted by the Legislature.
- Water Management Districts.

The approval process must include collaboration, coordination, and simultaneous review by participating agencies with oversight of the following state development approvals:

- Wetland or environmental resource permits.
- Surface water management permits.
- Stormwater permits.
- Consumptive water use permits.
- Wastewater permits.
- Air emission permits.
- Permits relating to listed species.
- Highway or roadway access permits.
- Any other state development approval within the scope of a participating agency's authority.

An application filed with DEO and each participating agency must include proof that its project is located within a local government with a manufacturing development program. If a local government repeals its program, a manufacturer is entitled to participate in the coordinated approval process if it submitted its application for local development approval before the effective date of repeal.

If at any time during the coordinated approval process a manufacturer requests that DEO convene a meeting with participating agencies to facilitate the process, then DEO is directed to convene the meeting, and any involved participating agencies are required to attend.

If an agency determines that an application is incomplete it will notify the applicant and DEO in writing, and request the missing information. Unless the deadline is waived in writing by the manufacturer, an agency must request any additional information within 20 days from the date the application was filed. If the agency does not request additional information within that 20 day period, the agency may not then deny the application based on insufficient information. Within 10 days after the manufacturer's response, an agency may make a second request for additional information only for clarification regarding the manufacturer's response.

Unless the deadline is waived in writing by the manufacturer (or a different deadline is imposed by federal law), each state agency must take final action on the application within 60 days after a completed application is filed unless that period is tolled by legal action. A state agency must notify DEO if it intends to deny an application, and will convene a meeting to facilitate a resolution. If a state agency does not take action on an application within the 60 day window, within the time allowed under a federal permitting program, or if a legal proceeding is initiated⁶ within 45 days after a recommended order is submitted to the agency and involved parties, the application is deemed approved.

Any time a legal proceeding is initiated the manufacturer may demand expedited resolution by serving notice on an administrative law judge and all other parties to the proceeding. The judge must set the matter for final hearing no more than 30 days after receiving such notice. After the final hearing is set, a continuance may not be granted without the written agreement of all parties.

The bill's permitting and development approval provisions do not apply to permit applications governed by federally delegated or approved permitting programs to the extent that the bill imposes timeframes or other requirements which conflict with federal law.

Materials

DEO is required to develop materials that identify each local government that has implemented a manufacturing development program, and make those materials available to the public. EFI, or another assigned agency, will distribute those materials to prospective, new, expanding, or relocating businesses seeking to conduct business within the state.

B. SECTION DIRECTORY:

- Section 1:** Creates section 288.1101, F.S., the "Manufacturing Competitiveness Act."
- Section 2:** Creates section 288.1102, F.S., to provide definitions.
- Section 3:** Creates section 288.1103, F.S., the "Local Manufacturing Development Program," to provide the requirements and procedures for a local government to create a local manufacturing development program.
- Section 4:** Creates section 288.1104, F.S., the "Manufacturing Development Coordinated Approval Process," to provide a process for the Department of Economic Opportunity and participating agencies to review and approve applications
- Section 5:** Creates section 288.1005, F.S., to provide that the Department of Economic Opportunity shall develop materials to be distributed by DEO, Enterprise Florida, Inc., or another state agency to be distributed to new, expanding, or relocating businesses.
- Section 6:** Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.

⁶ Under either s. 120.569, F.S. or s. 120.57, F.S.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may help facilitate private industry growth in areas which have implemented local manufacturing development programs.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill allows DEO to adopt rules regarding the administration of this section.

C. DRAFTING ISSUES OR OTHER COMMENTS:

- The bill requires that participating agencies simultaneously review applications for various state development approvals, but does not address how such a simultaneous review among participating agencies would function, or what repercussions would exist for participating agencies who fail to simultaneously review applications.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 19, 2013, the House Economic Development and Tourism Subcommittee adopted a strike-all amendment and passed the bill as a Committee Substitute (CS). The CS differs from the original bill as follows:

Section 1

- Section 1 moved from s. 288.1101, F.S. to s. 163.325, F.S. and references in the bill to s. 288.1101, F.S. changed to reflect new section number.

Section 2

- Section 2 moved from s. 288.1102, F.S. to s. 163.3251, F.S. and references in the bill to s. 288.1102, F.S. changed to reflect new section number.
- Definition of “local government” removed.
- Definition of “department” added.

Section 3

- Section 3 moved from s. 288.1103, F.S. to s. 163.3252, F.S. and references in the bill to s. 288.1103, F.S. changed to reflect new section number.

Section 4

- Section 4 moved from s. 288.1104, F.S. to s. 163.3253, F.S. and references in the bill to s. 288.1104, F.S. changed to reflect new section number.
- Removed language pertaining to eligibility requirements for manufacturers seeking to participate in coordinated approval process during the period between a local government repealing its local development program and the effective date of repeal.
- Language added to require involved participating agencies to attend meetings convened by DEO at the request of a manufacturer participating in a coordinated approval process.
- Role of DEO in coordinating the manufacturing development approval process clarified.
- Language added to clarify that DEO is not required to mediate issues arising during coordinated approval process, DEO will not be a party to any proceeding brought as a result of state permitting associated with coordinated approval process, and DEO’s participation in a coordinated approval process does not affect its decision whether or not to grant state economic development incentives to an applicant.
- Language added to specify that the bill’s permitting and development approval provisions do not apply to permit applications governed by federally delegated or approved permitting programs to the extent that the bill imposes timeframes or other requirements which conflict with federal law.

Section 5

- Section 5 moved from s. 288.1105, F.S. to s. 288.111, F.S. and references in the bill to s. 288.1105, F.S. changed to reflect new section number.
- Clarifies that EFI is the agency responsible for distributing materials associated with the local manufacturing development program.

The analysis has been updated to reflect the strike-all amendment.

1 A bill to be entitled
 2 An act relating to manufacturing development; creating
 3 s. 163.325, F.S.; providing a short title;
 4 establishing the Manufacturing Competitiveness Act;
 5 creating s. 163.3251, F.S.; providing definitions;
 6 creating s. 163.3252, F.S.; authorizing local
 7 governments to establish a local manufacturing
 8 development program that provides for master
 9 development approval for certain sites; providing
 10 specific time periods for action by local governments;
 11 requiring the Department of Economic Opportunity to
 12 develop a model ordinance containing specified
 13 information and provisions; requiring a local
 14 manufacturing development program ordinance to include
 15 certain information; providing certain restrictions on
 16 the termination of a local manufacturing development
 17 program; creating s. 163.3253, F.S.; requiring the
 18 department, in cooperation with participating
 19 agencies, to establish a manufacturing development
 20 coordinated approval process for certain
 21 manufacturers; requiring participating agencies to
 22 coordinate and review applications for certain state
 23 development approvals; requiring the department to
 24 convene a meeting when requested by a certain
 25 manufacturer; requiring participating agencies to
 26 attend meetings convened by the department; specifying
 27 that the department is not required, but is
 28 authorized, to mediate between the participating

29 agencies and a manufacturer; providing that the
 30 department shall not be party to certain proceedings;
 31 requiring that the coordinated approval process have
 32 no effect on the department's approval of economic
 33 development incentives; providing for requests for
 34 additional information and specifying time periods;
 35 requiring participating agencies to take final action
 36 on applications within a certain time period;
 37 requiring the department to facilitate the resolution
 38 of certain applications; providing for approval by
 39 default; providing for applicability with respect to
 40 permit applications governed by federally delegated or
 41 approved permitting programs; authorizing the
 42 department to adopt rules; creating s. 288.111, F.S.;
 43 requiring the department to develop materials that
 44 identify local manufacturing development programs;
 45 requiring Enterprise Florida, Inc., and authorizing
 46 other state agencies, to distribute such material;
 47 providing an effective date.

48

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

50

51 Section 1. Section 163.325, Florida Statutes, is created
 52 to read:

53 163.325 Short title.—Sections 163.325-163.3253 may be
 54 cited as the "Manufacturing Competitiveness Act."

55

56 Section 2. Section 163.3251, Florida Statutes, is created
 to read:

57 163.3251 Definitions.—As used in ss. 163.3251-163.3253,
 58 the term:

59 (1) "Department" means the Department of Economic
 60 Opportunity.

61 (2) "Local government development approval" means a local
 62 land development permit, order, or other approval issued by a
 63 local government, or a modification of such permit, order, or
 64 approval, which is required for a manufacturer to physically
 65 locate or expand and includes, but is not limited to, the review
 66 and approval of a master development plan required under s.
 67 163.3252(2)(c).

68 (3) "Local manufacturing development program" means a
 69 program enacted by a local government for approval of master
 70 development plans under s. 163.3252.

71 (4) "Manufacturer" means a business that is classified in
 72 Sectors 31-33 of the National American Industry Classification
 73 System (NAICS) and is located, or intends to locate, within the
 74 geographic boundaries of an area designated by a local
 75 government as provided under s. 163.3252.

76 (5) "Participating agency" means:

77 (a) The Department of Environmental Protection.

78 (b) The Department of Transportation.

79 (c) The Fish and Wildlife Conservation Commission, when
 80 acting pursuant to statutory authority granted by the
 81 Legislature.

82 (d) Water management districts.

83 (6) "State development approval" means a state or regional
 84 permit or other approval issued by a participating agency, or a

85 modification of such permit or approval, which must be obtained
 86 before the development or expansion of a manufacturer's site,
 87 and includes, but is not limited to, those specified in s.
 88 163.3253(1).

89 Section 3. Section 163.3252, Florida Statutes, is created
 90 to read:

91 163.3252 Local manufacturing development program; master
 92 development approval for manufacturers.-A local government may
 93 adopt an ordinance establishing a local manufacturing
 94 development program through which the local government may grant
 95 master development approval for the development or expansion of
 96 sites that are, or are proposed to be, operated by manufacturers
 97 at specified locations within the local government's geographic
 98 boundaries.

99 (1) (a) A local government that elects to establish a local
 100 manufacturing development program shall submit a copy of the
 101 ordinance establishing the program to the department within 20
 102 days after the ordinance is enacted.

103 (b) A local government ordinance adopted before the
 104 effective date of this act establishes a local manufacturing
 105 development program if it satisfies the minimum criteria
 106 established in subsection (3) and if the local government
 107 submits a copy of the ordinance to the department on or before
 108 September 1, 2013.

109 (2) By December 1, 2013, the department shall develop a
 110 model ordinance to guide local governments that intend to
 111 establish a local manufacturing development program. The model
 112 ordinance, which need not be adopted by a local government, must

113 | include:

114 | (a) Procedures for a manufacturer to apply for a master

115 | development plan and procedures for a local government to review

116 | and approve a master development plan.

117 | (b) Identification of those areas within the local

118 | government's jurisdiction which are subject to the program.

119 | (c) Minimum elements for a master development plan,

120 | including, but not limited to:

121 | 1. A site map.

122 | 2. A list proposing the site's land uses.

123 | 3. Maximum square footage, floor area ratio, and building

124 | heights for future development on the site, specifying with

125 | particularity those features and facilities for which the local

126 | government will require the establishment of maximum dimensions.

127 | 4. Development conditions.

128 | (d) A list of the development impacts, if applicable to

129 | the proposed site, which the local government will require to be

130 | addressed in a master development plan, including, but not

131 | limited to:

132 | 1. Drainage.

133 | 2. Wastewater.

134 | 3. Potable water.

135 | 4. Solid waste.

136 | 5. Onsite and offsite natural resources.

137 | 6. Preservation of historic and archeological resources.

138 | 7. Offsite infrastructure.

139 | 8. Public services.

140 | 9. Compatibility with adjacent offsite land uses.

141 10. Vehicular and pedestrian entrance to and exit from the
 142 site.

143 11. Offsite transportation impacts.

144 (e) A provision vesting any existing development rights
 145 authorized by the local government before the approval of a
 146 master development plan, if requested by the manufacturer.

147 (f) Whether an expiration date is required for a master
 148 development plan and, if required, a provision stating that the
 149 expiration date may not be earlier than 10 years after the
 150 plan's adoption.

151 (g) A provision limiting the circumstances that require an
 152 amendment to an approved master development plan to the
 153 following:

154 1. Enactment of state law or local ordinance addressing an
 155 immediate and direct threat to the public safety that requires
 156 an amendment to the master development order.

157 2. Any revision to the master development plan initiated
 158 by the manufacturer.

159 (h) A provision stating that the scope of review for any
 160 amendment to a master development plan is limited to the
 161 amendment and does not subject any other provision of the
 162 approved master development plan to further review.

163 (i) A provision stating that, during the term of a master
 164 development plan, the local government may not require
 165 additional local development approvals for those development
 166 impacts listed in paragraph (d) that are addressed in the master
 167 development plan, other than approval of a building permit to
 168 ensure compliance with the state building code and any other

169 applicable state-mandated life and safety code.

170 (j) A provision stating that, before commencing
 171 construction or site development work, the manufacturer must
 172 submit a certification, signed by a licensed architect,
 173 engineer, or landscape architect, attesting that such work
 174 complies with the master development plan.

175 (k) A provision establishing the form that will be used by
 176 the local government to certify that a manufacturer is eligible
 177 to participate in the local manufacturing development program
 178 adopted by that jurisdiction.

179 (3) A local manufacturing development program ordinance
 180 must, at a minimum, be consistent with subsection (2) and
 181 establish procedures for:

182 (a) Reviewing an application from a manufacturer for
 183 approval of a master development plan.

184 (b) Approving a master development plan, which may include
 185 conditions that address development impacts anticipated during
 186 the life of the development.

187 (c) Developing the site in a manner consistent with the
 188 master development plan without requiring additional local
 189 development approvals other than building permits.

190 (d) Certifying that a manufacturer is eligible to
 191 participate in the local manufacturing development program.

192 (4) (a) A local government that establishes a local
 193 manufacturing development program may not abolish the program
 194 until it has been in effect for at least 24 months.

195 (b) If a local government repeals its local manufacturing
 196 development program ordinance:

197 1. Any application for a master development plan which is
 198 submitted to the local government before the effective date of
 199 the repeal is vested and remains subject to the local
 200 manufacturing development program ordinance in effect when the
 201 application was submitted; and

202 2. The manufacturer that submitted the application is
 203 entitled to participate in the manufacturing development
 204 coordinated approval process established in s. 163.3253.

205 Section 4. Section 163.3253, Florida Statutes, is created
 206 to read:

207 163.3253 Coordinated manufacturing development approval
 208 process.—The department shall coordinate the manufacturing
 209 development approval process with participating agencies, as set
 210 forth in this section, for manufacturers that are developing or
 211 expanding in a local government that has a local manufacturing
 212 development program.

213 (1) The approval process must include collaboration and
 214 coordination among, and simultaneous review by, the
 215 participating agencies of applications for the following state
 216 development approvals:

- 217 (a) Wetland or environmental resource permits.
- 218 (b) Surface water management permits.
- 219 (c) Stormwater permits.
- 220 (d) Consumptive water use permits.
- 221 (e) Wastewater permits.
- 222 (f) Air emission permits.
- 223 (g) Permits relating to listed species.
- 224 (h) Highway or roadway access permits.

225 (i) Any other state development approval within the scope
 226 of a participating agency's authority.

227 (2)(a) When filing its application for state development
 228 approval, a manufacturer shall file with the department and each
 229 participating agency proof that its development or expansion is
 230 located in a local government that has a local manufacturing
 231 development program.

232 (b) If a local government repeals its local manufacturing
 233 development program ordinance, a manufacturer developing or
 234 expanding in that jurisdiction remains entitled to participate
 235 in the process if the manufacturer submitted its application for
 236 a local government development approval before the effective
 237 date of repeal.

238 (3) At any time during the process, if a manufacturer
 239 requests that the department convene a meeting with one or more
 240 participating agencies to facilitate the process, the department
 241 shall convene a meeting that the participating agencies shall
 242 attend.

243 (a) The department is not required to mediate between the
 244 participating agencies and the manufacturer, but may participate
 245 as necessary to accomplish the purposes set forth in s.
 246 20.60(4)(f).

247 (b) The department shall not be a party to any proceeding
 248 initiated under ss. 120.569 and 120.57 that relates to approval
 249 or disapproval of an application for state development approval
 250 processed under this section.

251 (c) The department's participation in a coordinated
 252 manufacturing development approval process under this section

253 shall have no effect on its approval or disapproval of any
 254 application for economic development incentives sought under s.
 255 288.061 or another incentive requiring department approval.

256 (4) If a participating agency determines that an
 257 application is incomplete, the participating agency shall notify
 258 the applicant and the department in writing of the additional
 259 information necessary to complete the application.

260 (a) Unless the deadline is waived in writing by the
 261 manufacturer, a participating agency shall provide a request for
 262 additional information to the manufacturer and the department
 263 within 20 days after the date the application is filed with the
 264 participating agency.

265 (b) If the participating agency does not request
 266 additional information within the 20-day period, the
 267 participating agency may not subsequently deny the application
 268 based on the manufacturer's failure to provide additional
 269 information.

270 (c) Within 10 days after the manufacturer's response to
 271 the request for additional information, a participating agency
 272 may make a second request for additional information for the
 273 sole purpose of obtaining clarification of the manufacturer's
 274 response.

275 (5) (a) Unless the deadline is waived in writing by the
 276 manufacturer, each participating agency shall take final agency
 277 action on a state development approval within its authority
 278 within 60 days after a complete application is filed. The 60-day
 279 period is tolled by the initiation of a proceeding under ss.
 280 120.569 and 120.57.

281 (b) A participating agency shall notify the department if
 282 the agency intends to deny a manufacturer's application and,
 283 unless waived in writing by the manufacturer, the department
 284 shall timely convene an informal meeting to facilitate a
 285 resolution.

286 (c) Unless waived in writing by the manufacturer, if a
 287 participating agency does not approve or deny an application
 288 within the 60-day period, within the time allowed by a federally
 289 delegated permitting program, or, if a proceeding is initiated
 290 under ss. 120.569 and 120.57, within 45 days after a recommended
 291 order is submitted to the agency and the parties, the state
 292 development approval within the authority of the participating
 293 agency is deemed approved. A manufacturer seeking to claim
 294 approval by default under this subsection shall notify, in
 295 writing, the clerks of both the participating agency and the
 296 department of that intent. A manufacturer may not take action
 297 based upon the default approval until such notice is received by
 298 both agency clerks.

299 (d) At any time after a proceeding is initiated under ss.
 300 120.569 and 120.57, the manufacturer may demand expeditious
 301 resolution by serving notice on an administrative law judge and
 302 all other parties to the proceeding. The administrative law
 303 judge shall set the matter for final hearing no more than 30
 304 days after receipt of such notice. After the final hearing is
 305 set, a continuance may not be granted without the written
 306 agreement of all parties.

307 (6) Subsections (4) and (5) do not apply to permit
 308 applications governed by federally delegated or approved

CS/HB 357

2013

309 permitting programs to the extent that subsections (4) and (5)
 310 impose timeframes or other requirements that are prohibited by
 311 or inconsistent with such federally delegated or approved
 312 permitting programs.

313 (7) The department may adopt rules to administer this
 314 section.

315 Section 5. Section 288.111, Florida Statutes, is created
 316 to read:

317 288.111 Information concerning local manufacturing
 318 development programs.—The department shall develop materials
 319 that identify each local government that establishes a local
 320 manufacturing development program under s. 163.3252. The
 321 materials, which the department may elect to develop and
 322 maintain in electronic format or in any other format deemed by
 323 the department to provide public access, must be updated at
 324 least annually. Enterprise Florida, Inc., shall, and other state
 325 agencies may, distribute the materials to prospective, new,
 326 expanding, and relocating businesses seeking to conduct business
 327 in this state.

328 Section 6. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 437 Community Development
SPONSOR(S): Davis and others
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	12 Y, 0 N	Duncan	West
2) Finance & Tax Subcommittee	16 Y, 0 N, As CS	Pewitt	Langston
3) Economic Affairs Committee		Duncan <i>pdd</i>	Creamer <i>ll</i>

SUMMARY ANALYSIS

The Florida Housing Finance Corporation (FHFC) is the state entity primarily responsible for encouraging the investment of private capital in residential housing and stimulating the construction and rehabilitation of affordable housing in Florida.

The bill clarifies the process used by the FHFC to allocate low-income housing tax credits and other federal and state resources. The bill modifies the annual reporting requirements, clarifies the information and reports included in the FHFC's audited financial statements, and removes obsolete terms and provisions.

The bill revises the definition of a "qualifying housing development" and changes the loan-making eligibility parameters of Housing Finance Authorities. It also repeals the Housing Opportunity for People Everywhere program, which has been declared inactive by the U.S. Department of Housing and Urban Development and has not been federally funded since 1995.

The bill does not have a fiscal impact on state or local government revenues.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (FHFC)¹ is the state entity primarily responsible for encouraging the investment of private capital in residential housing and stimulating the construction and rehabilitation of affordable housing in Florida.² Originally, federal funds were the only resources that funded housing programs administered by the FHFC. To leverage these federal funds, in the late 1980s the Legislature appropriated funding for state programs. The FHFC administers a number of multifamily and single family housing programs, such as the State Apartment Incentive Loan Program, Florida Affordable Housing Guarantee Program, and the First Time Homebuyer Program, that assist Floridians in obtaining safe, decent affordable housing.

Chapter 2012-127, Law of Florida – Audit and Review of the FHFC

In 2012, the Legislature directed the Auditor General and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a joint audit and review of the programs and operations of the FHFC and to submit written reports to the Legislature no later than December 1, 2012.³ Both reports were issued November 2012. The Auditor General's report addressed the FHFC's internal management and financial and operational controls and included recommendations. OPPAGA's report examined the corporation's governance structure, decision-making, and performance and identified areas for improvement.

Included in the Auditor General's report was the recommendation that the FHFC revise its travel policy to conform to the requirements of state law. The report also recommended that s. 420.511(4), F.S., relating to the annual financial audit, be revised to identify the specific programs that should be subject to an annual compliance audit.⁴ Additional findings recommended the FHFC modify internal operations and/or procedures and did not require statutory modifications. The FHFC has either further explained the rationale for its operating procedures or has agreed with and adopted the Auditor General's recommendations.⁵

OPPAGA's report examined the FHFC's governance structure, decision-making, and performance and identifies areas for improvement.⁶ OPPAGA's report summary stated:

The Florida Housing Finance Corporation's board and executive director, the Governor, and the Legislature have roles in overseeing and directing corporation programs and staff. We found no compelling reason to change the current governance structure. However, to expand its role and enhance communication with the corporation, the Legislature could consider amending state law to provide for board appointments by the President of the Senate and the Speaker of the House of Representatives.

¹ The Florida Housing Finance Corporation (FHFC) was created as a public corporation within the Department of Economic Opportunity (DEO). However, the FHFC is a separate budget entity and is not subject to the control, supervision, or direction of DEO. Section 420.504, F.S.

² Section 420.502(7), F.S.

³ Section 3, ch. 2012-127, L.O.F.

⁴ State of Florida, Auditor General, *Florida Housing Finance Corporation – Audit Performed Pursuant to Chapter 2012-127, L.O.F.*, Report No. 2013-047, November 2012, available at http://www.myflorida.com/audgen/pages/pdf_files/2013-047.pdf.

⁵ *Id.*

⁶ The Florida Legislature, Office of Program Policy Analysis and Government Accountability, *The Florida Housing Finance Corporation Could Improve Its Tax Credit Allocation Process and Develop Better Performance Measures*, November 2012, Report No. 2012-10, available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1210rpt.pdf>.

A major focus of the corporation's decision making is distributing federal low-income housing tax credits for affordable rental housing developments. To address concerns about the process, we suggest that the corporation consider reducing the frequency of rule development workshops; revising the time allowed for applicants to identify problems with each other's projects; and increasing the emphasis on considering market feasibility and project costs.

Most of the corporation's performance measures provide information on program outputs rather than program outcomes or cost-effectiveness. To enhance the quality and utility of the data the corporation reports, the Legislature could consider expanding the statutorily required performance measures.⁷

FHFC Powers Related to the Allocation of Low-income Housing Tax Credits, the State Apartment Incentive Loan Program, and Other Federal or State Resources

Florida law grants the FHFC with specific powers necessary to carry out activities or implement programs to provide affordable housing.⁸ Included in such authority is the FHFC's power to use up to 10 percent of its annual allocation of low-income housing tax credits, nontaxable revenue bonds, and State Apartment Incentive Loan Program (SAIL)⁹ funds appropriated by the Legislature. FHFC may allocate available funds by requests for proposals or other competitive solicitation for high-priority affordable housing projects, such as housing to support economic development and job-creation initiatives, housing for veterans and their families, and other special needs populations as determined by the FHFC on an annual basis.¹⁰

Additionally, the Legislature has granted authority to the FHFC to establish, by rule, the procedure for evaluating, scoring, and competitively ranking all applications based on the criteria established under the SAIL Program.¹¹

Process for Awarding Low-Income Housing Tax Credits and Other Funds

Currently, the FHFC allocates tax credits through a Universal Application Cycle that includes the allocation of other federal and state resources, depending on the availability of funds. In recent years, tax credits have provided the bulk of resources for rental housing developments.¹² In an effort to achieve transparency in the awarding of the federal low-income housing tax credits, the FHFC's process has become cumbersome and lengthy. According to the FHFC and documented by OPPAGA, the FHFC's process to allocate low-income housing tax credits occurs in four stages: rulemaking, application, underwriting, and construction and closing. For the last two cycles (2009 and 2011), the time taken to complete the process from the first rule development workshop hearing to the approval of final project rankings ranged from 12 to 14 months.¹³ After the FHFC's Board of Directors approves final project rankings, developers are invited to credit underwriting, which can take an additional nine months.¹⁴ The lengthy process increases the costs for both the FHFC and developers. Additionally, some stakeholders like the FHFC's open and transparent rulemaking and application process. However, others are concerned about the complexity of the process.¹⁵

⁷ *Id.* at 1.

⁸ See ss. 159.608 and 420.507, F.S.

⁹ The SAIL Program annually provides low interest loans on a competitive basis to for-profit, nonprofit, and public entities to provide affordable housing to very-low-income persons. Program funds provide gap financing to allow developers to obtain the full financing needed to construct multifamily units. Special consideration is given to properties that target specific demographic groups such as the elderly, the homeless, families, and commercial fishing workers and farmworkers. Section 420.5087, F.S.; Florida Housing Finance Corporation, *A Summary of Florida Housing's Programs*, available at <http://www.floridahousing.org/FH-ImageWebDocs/AboutUS/ProgramSummaries.pdf>.

¹⁰ Section 420.507(48), F.S.

¹¹ Section 420.507(22), F.S.

¹² *Supra* note 18 at 5.

¹³ *Id.* at 6

¹⁴ *Id.*

¹⁵ *Id.* at 7.

FHFC Reporting Requirements: Business Plan, Strategic Plan, and Annual Report

The FHFC is required to develop a business plan for the provision of affordable housing in the state. The business plan must be consistent with the strategic plan¹⁶ and must contain certain performance measures and specific performance targets.¹⁷ A strategic plan for the provision of affordable housing relating to the state and regional planning requirements in chapter 186, F.S., is required to be developed annually, in equal partnership with DEO.

The FHFC is also required to submit to the Governor and the Legislature, within 2 months after the end of its fiscal year, a complete and detailed report, which provides the following information:¹⁸

- Operations and accomplishments;
- Receipts and expenditures during its fiscal year in accordance with the categories or classifications established by the FHFC for its operating and capital outlay purposes;
- Assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds;
- A schedule of its bonds outstanding at the end of its fiscal year, together with a statement of the principal amounts of bonds issued and redeemed during the fiscal year; and
- Information relating to the FHFC's activities in implementing the SAIL Program, the Florida Homeownership Assistance Program (HAP),¹⁹ and the Community Workforce Housing Innovation Pilot Program.²⁰

The report must include, but not be limited to:²¹

- The number of people served, delineated by income, age, family size, and racial characteristics;
- The number of units produced under each program;
- The average cost of producing units under each program;
- The average sales price of single-family units financed under the Florida Homeownership Assistance Program;
- The average amount of rent charged based on unit size on units financed under the SAIL Program;
- The number of persons in rural communities served under each program;
- The number of farmworkers served under each program;
- The number of homeless persons served under each program;
- The number of elderly persons served under each program;
- The extent to which geographic distribution has been achieved in accordance with the provisions of the SAIL Program;
- The success of the Community Workforce Housing Innovation Pilot Program in meeting the housing needs of eligible areas; and
- Any other information the FHFC deems appropriate.

The FHFC must also submit a copy of an annual financial audit of its accounts and records and an annual compliance audit of its programs conducted by an independent certified public accountant performed in accordance with generally accepted auditing standards and government auditing

¹⁶ "Strategic plans" in ch. 186, F.S., were renamed "long-range program plans" pursuant to ch. 2000-371, L.O.F. Each state agency is required to develop a long-range program plan on an annual basis. The plan must provide the framework and context for designing and interpreting the agency budget request. The plan will be developed through careful examination and justification of agency functions and their associated costs. It must be used by the agency to implement the state's goals and objectives. Indicators must be developed to measure service and activity performance. See s. 186.021, F.S.

¹⁷ Section 420.511(1), F.S.

¹⁸ Section 420.511(3)(a), F.S.

¹⁹ See s. 420.5088, F.S.

²⁰ See s. 420.5095, F.S.

²¹ Section 420.511(3)(b), F.S.

standards.²² Both FHFC's business plan and annual report must recognize the different fiscal periods under which the FHFC, the state, the Federal Government, and local governments operate.²³

Affordable Housing Funding Programs Serving Persons and Households with Special Needs

Applicants requesting tax credits from FHFC are offered incentives to set aside 10 percent of the total units for which they are applying for extremely low-income (ELI) households.²⁴ Through its Link Initiative, FHFC requires applicants to commit to reserving 50 percent of those ELI units for special needs households, defined as households consisting of homeless families, survivors of domestic violence, persons with a disability, or youth aging out of foster care.²⁵ Upon the awarding of a tax credit, a developer selects a special needs population to serve and contacts a FHFC sanctioned referral agency listed for that population. The referral agency ensures that special needs households targeted for the units are receiving community based supportive services, prepared to live in an independent living environment, and are able to pay the determined rent and other costs for the available unit.

HOPE Program

The Homeownership and Opportunity for People Everywhere (HOPE) program was created in 1990 by the Cranston-Gonzalez National Affordable Housing Act to help low-income people buy public housing units by providing funds that nonprofit organizations, resident groups, and other eligible grantees can use to develop and implement homeownership.²⁶ One part of this program provided funds through an annual national competition to provide for conversion of federally subsidized rental units and abandoned and vacant multifamily properties into home ownership units to be sold to very-low-income and low-income households. A 33 percent match of the federal funds was required to be provided by state or local government. Chapter 92-317, L.O.F., established the HOPE Program in s. 420.5091, F.S., and authorized the FHFC to promulgate rules for the funding match. According the U.S. Department of Housing and Urban Development (HUD) the HOPE program has not been funded since 1995 and appears on HUD's list of inactive programs.²⁷

Housing Finance Authorities and Federal Low-Income Housing Credit

Housing Finance Authorities

Each county in Florida may create by ordinance a Housing Finance Authority (HFA) of the county to carry out the powers granted by the Florida Housing Finance Authority Law.²⁸ An HFA is composed of not less than five uncompensated members appointed by the governing body of the county.²⁹ The powers of a HFA are vested in the members and include the power to loan funds to persons purchasing homes and to developers engaged in qualifying housing developments. Persons are eligible for loans if their annual income does not exceed 80 percent of the median income for the county. The sale price on new or existing single-family homes shall not exceed 90 percent of the median area purchase price in the area.³⁰

²² Section 420.511(4), F.S.

²³ Section 420.511(5), F.S.

²⁴ Florida Housing Finance Corporation, *Special Needs Housing Website, Link Initiative*, available at [http://www.floridahousing.org/SpecialNeeds/ContentPage.aspx?PAGE=Link Initiative Page](http://www.floridahousing.org/SpecialNeeds/ContentPage.aspx?PAGE=Link%20Initiative%20Page) (last visited April 3, 2013).

²⁵ Section 420.0004, F.S.

²⁶ See United States Department of Housing and Urban Development, *HOPE VI*, available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/hope6 and Florida Housing Finance Corporation Staff Document (Mar. 11, 2013) (on file with the Senate Committee on Community Affairs).

²⁷ U.S. Department of Housing and Urban Development, *Programs of HUD, Inactive Programs*, available at http://portal.hud.gov/hudportal/HUD?src=/hudprograms/inactive_programs (last visited April 3, 2013).

²⁸ Section 159.604, F.S.

²⁹ Section 159.605, F.S.

³⁰ Section 159.608, F.S.

HFA Qualifying Housing Developments

HFA housing developments are deemed “qualifying” if they provide residential housing for four or more families, at least 60 percent of whom are eligible persons.³¹ Eligible persons are those determined by the HFA to be of low, moderate, or middle income and may include people earning up to 150 percent of the state or county median family income levels. In determining the income standards of eligible persons, an HFA may consider requirements mandated by federal law.

Federal Low-Income Housing Credit: 42(g) Internal Revenue Code

The internal revenue code on low income housing credit defines “qualified low-income housing project” to mean any project for residential rental property if:

- 20 percent or more of the units in the project are both rent-restricted and occupied by individuals whose income is 50 percent or less of area median gross income (20-50 test).
- 40 percent or more of the units in the project are both rent-restricted and occupied by individuals whose income is 60 percent or less of area median gross income (60-40 test).³²

Effect of Proposed Changes

Florida Housing Finance Corporation

The bill removes the FHFC’s authority to establish a procedure for evaluating, scoring and competitively ranking applications for funding. Thus, the FHFC would have the flexibility to modify its process of competitively evaluating and selecting applications for funding.

Current law authorizes the FHFC to use up to 10 percent of its annual allocation of low-income housing tax credits, nontaxable revenue bonds, and SAIL funds appropriated by the Legislature for high-priority affordable housing projects. However, the FHFC does not always receive an annual allocation of these funds. For example, the most recent appropriation of SAIL funds occurred in FY 2008-09. Therefore, the bill modifies this provision to clarify that the FHFC has the authority to reserve up to 10 percent of each allocation of low-income housing tax credits, nontaxable revenue bonds, and SAIL funds for high-priority affordable housing projects.

The 10 percent annual allocation is split into two pools. Five percent would continue to be reserved for projects that support economic development and job-creation initiatives, housing for veterans and their families, and other special needs populations. The other five percent would be reserved for projects that target persons who have a disabling condition and their families. These allocations must prioritize projects or initiatives piloting or demonstrating cost effective, best practices that meet the housing needs and preferences of such persons. Any tax credits or funds not allocated because of a lack of eligible projects targeting persons who have a disabling condition shall be distributed by the FHFC for high-priority housing projects.

Business Plan and Long-Range Program Plan

The business plan is renamed strategic business plan, which must be consistent with the long-range program plan. Currently, as part of the business plan, the FHFC must compile data on the stimulus of economic activity created by the affordable housing finance programs administered by the FHFC. This information is removed from the business plan and included in the annual report.

Annual Report

The annual report is revised to require the following tenant characteristics for existing rental units financed through all programs administered by the FHFC be included in the annual report:

- The number of households served, delineated by income and age of the head of the household. However, the tenant characteristic data captured would no longer include race.
- The number of households served in large, medium, and small counties as defined pursuant to the SAIL Program³³ and the extent to which geographic distribution has been achieved.

³¹ Sections 159.603(6) and (7), F.S.

³² 26 U.S.C. s. 42(g), available at <http://www.law.cornell.edu/uscode/text/26/42> (last visited April 3, 2013).

- The number of farmworkers and commercial-fishing worker households served.
- The number of homeless households served.
- The number of special needs households served.
- By county, the average rent charged based on unit size. Currently, this information is required to be reported by county.

The required tenant characteristics are required to be captured by household than by persons. According to the FHFC, housing need and supply data is collected on the national level by household and collecting such data by household would permit the FHFC to conduct a more accurate comparison and analysis of its programs and activities.

The annual report must also include:

- The estimated average cost of producing units under each rental or homeownership unit financed under each program in the last fiscal year. Currently, this information is only provided for the SAIL and HAP Programs.
- The number of rental units to which resources have been allocated in the last fiscal year, including income and demographic restrictions.
- By county, the average sales of homeownership units financed in the last fiscal year. Currently, this information is only provided for the HAP Program.
- The number of households served by homeownership programs in the last fiscal year, including the income and age of the homeowner of each household.
- The amount of economic stimulus created by the affordable housing finance programs administered by the FHFC for the most recent year available. This information was originally included the FHFC's business plan.
- For the SAIL Program, a comprehensive list of all closed loans outstanding at the end of the most recent fiscal year, including, but not limited to, the development's name and location, developer's name, set-aside type, set-aside percentage, affordability term, total number of units, number of set-aside units, lien position, original loan amount, loan maturity date, loan balance at the close of the year, loan status, rate of interest, and interest paid.
- For the Affordable Housing Guarantee Program, a list of all guaranteed loans through the close of the most recent fiscal year, including, but limited to, the development's name and location, developer's name, total number of units, issuer of the bonds, loan maturity date, participation in the U.S. Department of Housing and Urban Development Risk-Sharing Program, original guarantee amount, guarantee amount at the close of fiscal year, status of the guaranteed loans, and the total outstanding FHFC Affordable Housing Guarantee Revenue Bonds at the close of the most recent fiscal year.
- Any other information the FHFC deems appropriate.

The bill removes a requirement that the annual report include information relating to the success of the Community Workforce Housing Innovation Pilot (CWHIP) Program in meeting the housing needs of eligible areas. This pilot program is no longer funded.

Audited Financial Statements

The bill modifies provisions related to the FHFC's audited financial statements to require the FHFC to submit, within six months after the end of its fiscal year, audited financial statements prepared in accordance with generally accepted accounting principles, which include all assets, liabilities, revenues, and expenses of the FHFC, and a list of all bonds outstanding at the end of its fiscal year. As required in current law, the audit must be conducted by an independent certified public accountant and performed in accordance with generally accepted auditing standards and government auditing standards. However, the bill requires the audit to incorporate all reports, including compliance reports, as required by such auditing standards.

³³ The SAIL Program defines counties as follows: counties that have a population of 825,000 or more; counties that have a population of more than 100,000 but less than 825,000; and counties that have a population of 100,000 or less. See s. 420.4087, F.S.

It also repeals s. 420.5091, F.S., relating to the HOPE Program which has never been funded, and requires FHFC's executive director and other employees to comply with state *per diem* and travel expense limits. Additional provisions are revised to conform cross-references.

Housing Finance Authorities and Federal Low-Income Tax Credit

The bill amends s. 159.608, F.S., to remove an income limit currently used to qualify persons for HFA loans. This section also replaces a statutory purchase price limitation for HFA home loans with purchase price limits mandated by federal law. It also amends s. 159.603, F.S., to expand the meaning of "qualifying housing development" to include a development that meets a definition under federal laws, regardless of whether the development meets the current 60 percent eligible persons requirement for HFAs. This exception to the 60 percent requirement applies to previous HFA developments as well.

B. SECTION DIRECTORY:

Section 1: Amends s. 159.603, F.S., to expand the meaning of "qualifying housing development."

Section 2: Amends s. 159.608, F.S., to remove an income limit currently used to qualify persons for HFA loans.

Section 3: Amends s. 420.507, F.S., relating to the powers of the corporation, to clarify the procedure for competitively evaluating and selecting all applications for funding. It also provides new specifications on how FHFC's funding can be used.

Section 4: Amends s. 420.5087(6), F.S., relating to the SAIL Program, to clarify the procedure for competitively evaluating and selecting all applications for funding.

Section 5: Amends s. 420.511, F.S., relating to the FHFC's annual reporting and auditing requirements, to require additional information for inclusion in the FHFC's annual report to the Governor and the Legislature; revise the provisions relating to the annual financial audit to specify what information must be included in the audited financial statements; and remove obsolete language.

Section 6: Amends s. 420.003(4)(b), F.S., relating to the implementation of the housing strategy, to conform cross-references.

Section 7: Amends s. 420.0006, F.S., relating to the authority to contract with the corporation; contract requirements; and nonperformance, to conform cross-references.

Section 8: Amends s. 420.504(1), F.S., relating to public corporation; creation; membership; terms; and expenses to conform cross-references.

Section 9: Amends s. 420.506, F.S., to require the FHFC executive director and other employees to comply with state *per diem* and travel expense limits.

Section 10: Repeals s. 420.5091, F.S., establishing the HOPE program.

Section 11: Provides that this act shall take effect July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that the Florida Housing Finance Corporation modifies its process for issuing requests for proposals or competitive solicitation in order to allocate funds and low-income housing tax credits, the private sector and the public may benefit.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not grant any additional rule-making authority for the Department of Economic Opportunity or the Florida Housing Finance Corporation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

An amendment was adopted in the Finance & Tax Subcommittee on March 28, 2013, which revised provisions relating to Housing Finance Authorities, and removed the provisions of the bill extending the sunset date for the Community Contribution Tax Credit Program.

This analysis has been updated to reflect the above changes.

1 A bill to be entitled
 2 An act relating to community development; amending s.
 3 159.603, F.S.; revising the definition of "qualifying
 4 housing development"; amending s. 159.608, F.S.;
 5 revising the power of a housing finance authority to
 6 make loans directly to eligible persons; amending s.
 7 420.507, F.S.; revising the powers of the Florida
 8 Housing Finance Corporation; specifying how the
 9 corporation will allocate certain funds; amending s.
 10 420.5087, F.S.; revising provisions relating to state
 11 apartment incentive loans to provide for a competitive
 12 evaluation and selection process with respect to loan
 13 applications; amending s. 420.511, F.S.; providing
 14 that the corporation's strategic business plan must be
 15 consistent with a long-range program plan relating to
 16 affordable housing; deleting a requirement that the
 17 corporation compile certain data; revising provisions
 18 relating to the corporation's development of its long-
 19 range plan; revising the required contents and
 20 information to be included in the corporation's annual
 21 report; requiring the corporation to submit separate
 22 audited financial statements that include specified
 23 information and incorporate certain reports; requiring
 24 the Auditor General to conduct an operational audit of
 25 the corporation and provide a written report to the
 26 Legislature; amending ss. 420.0003, 420.0006, 420.504,
 27 and 420.506, F.S.; conforming provisions to changes
 28 made by this act; repealing s. 420.5091, F.S.,

29 relating to the federal Homeownership and Opportunity
 30 for People Everywhere (HOPE) program; providing an
 31 effective date.

32

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

34

35 Section 1. Subsection (6) of section 159.603, Florida
 36 Statutes, is amended to read:

37 159.603 Definitions.—As used in this part, the following
 38 words and terms have the following meanings unless the context
 39 indicates another or different meaning or intent.

40 (6) "Qualifying housing development" means any work or
 41 improvement located or to be located in this ~~the~~ state,
 42 including real property, buildings, and any other real and
 43 personal property, designed or intended for the primary purpose
 44 of providing decent, safe, and sanitary residential housing for
 45 four or more families, at least 60 percent of whom are eligible
 46 persons, whether new construction, the acquisition of existing
 47 residential housing, or the remodeling, improvement,
 48 rehabilitation, or reconstruction of existing housing, together
 49 with such related nonhousing facilities as the authority
 50 determines to be necessary, convenient, or desirable.

51 (a) The term includes a housing development that meets the
 52 definition of a "qualified low-income housing project" under s.
 53 42(g) of the Internal Revenue Code, regardless of whether such
 54 development meets the 60-percent eligible persons requirement
 55 under this subsection.

56 (b) The exception provided under paragraph (a) applies to

57 all housing developments meeting the federal definition for
 58 "qualified low-income housing project" as well as all
 59 developments that previously qualified under the state
 60 definition for "qualifying housing development." Housing finance
 61 authorities may enter into regulatory agreement amendments as
 62 necessary to accommodate housing developments that qualify under
 63 paragraph (a).

64 Section 2. Subsection (8) of section 159.608, Florida
 65 Statutes, is amended to read:

66 159.608 Powers of housing finance authorities.—A housing
 67 finance authority shall constitute a public body corporate and
 68 politic, exercising the public and essential governmental
 69 functions set forth in this act, and shall exercise its power to
 70 borrow only for the purpose as provided herein:

71 (8) To make loans directly to eligible persons ~~or families~~
 72 who otherwise cannot borrow from conventional lending sources
 73 and whose annual income does not exceed 80 percent of the median
 74 income based on a family of up to four persons for the county in
 75 which they seek to purchase a residence. The housing finance
 76 authority may adjust the annual income requirements for families
 77 of greater than four persons. Such loans must be secured by
 78 ~~either~~ first mortgages or subordinated mortgages and must be
 79 used to purchase, construct, rehabilitate, or refinance single-
 80 family residences that have purchase prices that do not exceed
 81 the purchase price limits of; ~~however, the purchase price of any~~
 82 ~~residence financed through such a loan may not exceed 90 percent~~
 83 ~~of the median sales price for single-family homes in the county~~
 84 where the borrower's residence is to be located, as mandated by

85 federal law for tax-exempt single-family bond programs.

86 Section 3. Paragraph (h) of subsection (22) and subsection
87 (48) of section 420.507, Florida Statutes, are amended to read:

88 420.507 Powers of the corporation.—The corporation shall
89 have all the powers necessary or convenient to carry out and
90 effectuate the purposes and provisions of this part, including
91 the following powers, which are in addition to all other powers
92 granted by other provisions of this part:

93 (22) To develop and administer the State Apartment
94 Incentive Loan Program. In developing and administering that
95 program, the corporation may:

96 (h) Establish, by rule, the procedure for ~~evaluating,~~
97 ~~scoring, and~~ competitively evaluating and selecting ~~ranking~~ all
98 applications for funding based on the criteria set forth in s.
99 420.5087(6)(c), ~~+~~ determining actual loan amounts, ~~+~~ making and
100 servicing loans, ~~+~~ and exercising the powers authorized in this
101 subsection.

102 (48) To award ~~use up to 10 percent of~~ its annual
103 allocation of low-income housing tax credits, nontaxable revenue
104 bonds, and State Apartment Incentive Loan Program funds
105 appropriated by the Legislature and available to allocate by
106 request for proposals or other competitive solicitation. The
107 corporation shall reserve up to 5 percent of each allocation
108 ~~funding~~ for high-priority affordable housing projects, such as
109 housing to support economic development and job-creation
110 initiatives, housing for veterans and their families, and other
111 special needs populations in communities throughout the state as
112 determined by the corporation on an annual basis. The

113 | corporation shall reserve an additional 5 percent of each
 114 | allocation for affordable housing projects that target persons
 115 | who have a disabling condition, as defined in s. 420.0004, and
 116 | their families. These allocations must prioritize projects or
 117 | initiatives piloting or demonstrating cost-effective best
 118 | practices that meet the housing needs and preferences of such
 119 | persons. Any tax credits or funds not allocated because of a
 120 | lack of eligible projects targeting persons who have a disabling
 121 | condition shall be distributed by the corporation for high-
 122 | priority housing projects.

123 | Section 4. Paragraphs (c) and (f) of subsection (6) of
 124 | section 420.5087, Florida Statutes, are amended to read:

125 | 420.5087 State Apartment Incentive Loan Program.—There is
 126 | hereby created the State Apartment Incentive Loan Program for
 127 | the purpose of providing first, second, or other subordinated
 128 | mortgage loans or loan guarantees to sponsors, including for-
 129 | profit, nonprofit, and public entities, to provide housing
 130 | affordable to very-low-income persons.

131 | (6) On all state apartment incentive loans, except loans
 132 | made to housing communities for the elderly to provide for
 133 | lifesafety, building preservation, health, sanitation, or
 134 | security-related repairs or improvements, the following
 135 | provisions shall apply:

136 | (c) The corporation shall provide by rule for the
 137 | establishment of a review committee ~~composed of the department~~
 138 | ~~and corporation staff and shall establish by rule a scoring~~
 139 | ~~system~~ for the competitive evaluation and selection ~~competitive~~
 140 | ~~ranking~~ of applications submitted in this program, including,

141 but not limited to, the following criteria:

142 1. Tenant income and demographic targeting objectives of
143 the corporation.

144 2. Targeting objectives of the corporation which will
145 ensure an equitable distribution of loans between rural and
146 urban areas.

147 3. Sponsor's agreement to reserve the units for persons or
148 families who have incomes below 50 percent of the state or local
149 median income, whichever is higher, for a time period that
150 exceeds ~~to exceed~~ the minimum required by federal law or the
151 ~~provisions of~~ this part.

152 4. Sponsor's agreement to reserve more than:

153 a. Twenty percent of the units in the project for persons
154 or families who have incomes that do not exceed 50 percent of
155 the state or local median income, whichever is higher; or

156 b. Forty percent of the units in the project for persons
157 or families who have incomes that do not exceed 60 percent of
158 the state or local median income, whichever is higher, without
159 requiring a greater amount of the loans as provided in this
160 section.

161 5. Provision for tenant counseling.

162 6. Sponsor's agreement to accept rental assistance
163 certificates or vouchers as payment for rent.

164 7. Projects requiring the least amount of a state
165 apartment incentive loan compared to overall project cost,
166 except that the share of the loan attributable to units serving
167 extremely-low-income persons must ~~shall~~ be excluded from this
168 requirement.

- 169 8. Local government contributions and local government
 170 comprehensive planning and activities that promote affordable
 171 housing.
- 172 9. Project feasibility.
- 173 10. Economic viability of the project.
- 174 11. Commitment of first mortgage financing.
- 175 12. Sponsor's prior experience.
- 176 13. Sponsor's ability to proceed with construction.
- 177 14. Projects that directly implement or assist welfare-to-
 178 work transitioning.
- 179 15. Projects that reserve units for extremely-low-income
 180 persons.
- 181 16. Projects that include green building principles,
 182 storm-resistant construction, or other elements that reduce
 183 long-term costs relating to maintenance, utilities, or
 184 insurance.
- 185 17. Job-creation rate of the developer and general
 186 contractor, as provided in s. 420.507(47).
- 187 (f) The review committee established by corporation rule
 188 pursuant to this subsection shall make recommendations to the
 189 board of directors of the corporation regarding program
 190 participation under the State Apartment Incentive Loan Program.
 191 The corporation board shall make the final ~~ranking and the~~
 192 decisions regarding which applicants shall become program
 193 participants based on the scores received in the competitive
 194 process ranking, further review of applications, and the
 195 recommendations of the review committee. The corporation board
 196 shall approve or reject applications for loans and shall

197 determine the tentative loan amount available to each applicant
 198 selected for participation in the program. The actual loan
 199 amount shall be determined pursuant to rule adopted pursuant to
 200 s. 420.507(22)(h).

201 Section 5. Section 420.511, Florida Statutes, is amended
 202 to read:

203 420.511 Strategic business plan; long-range program
 204 ~~strategie~~ plan; annual report; audited financial statements.-

205 (1) The corporation shall develop a strategic business
 206 plan for the provision of affordable housing for the state. The
 207 plan must be consistent ~~shall not be inconsistent~~ with the long-
 208 range program ~~strategie~~ plan prepared pursuant to subsection (2)
 209 and shall contain performance measures and specific performance
 210 targets for the following:

211 (a) The ability of low-income and moderate-income
 212 Floridians to access housing that is decent and affordable.

213 (b) The continued availability and affordability of
 214 housing financed by the corporation to target populations.

215 (c) The availability of affordable financing programs,
 216 including equity and debt products, and programs that reduce
 217 gaps in conventional financing in order7 to increase individual
 218 access to housing and stimulate private production of affordable
 219 housing.

220 (d) The establishment and maintenance of efficiencies in
 221 the delivery of affordable housing.

222 (e) Such other measures as directed by the corporation's
 223 board of directors.

224

225 ~~The corporation shall also compile data on the stimulus of~~
 226 ~~economic activity created by the affordable housing finance~~
 227 ~~programs administered by the corporation.~~

228 (2) The corporation, in coordination ~~equal partnership~~
 229 with the department, shall ~~develop~~ annually develop a long-range
 230 program ~~strategie~~ plan for the provision of affordable housing
 231 in this state as Florida ~~as part of the department's agency~~
 232 ~~strategie plan~~ required pursuant to chapter 186. In part, the
 233 plan must ~~shall~~ include provisions that maximize the abilities
 234 of the corporation ~~and the department~~ to implement the state
 235 housing strategy established under s. 420.0003, to respond to
 236 federal housing initiatives, and to develop programs in a manner
 237 that is more responsive to the needs of public and private
 238 partners. The plan shall be developed on a schedule consistent
 239 with that established by s. 186.021. For purposes of this
 240 section ~~act~~, the executive director or his or her designee shall
 241 serve as the corporation's representative to achieve a
 242 coordinated and integrated planning relationship with the
 243 department.

244 (3) ~~(a)~~ The corporation shall submit to the Governor and
 245 the presiding officers of each house of the Legislature, within
 246 6 2 months after the end of its fiscal year, a complete and
 247 detailed report setting forth the corporation's state and
 248 federal program accomplishments using the most recent available
 249 data. The report must include, but is not limited to:

- 250 (a) The following tenant characteristics in the existing
 251 rental units financed through corporation-administered programs:
 252 1. The number of households served, delineated by income,

253 race, ethnicity, and age of the head of household.
 254 2. The number of households served in large, medium, and
 255 small counties as described in s. 420.5087(1) and the extent to
 256 which geographic distribution has been achieved in accordance
 257 with s. 420.5087.
 258 3. The number of farmworker and commercial fishing worker
 259 households served.
 260 4. The number of homeless households served.
 261 5. The number of special needs households served.
 262 6. By county, the average rent charged based on unit size.
 263 (b) The number of rental units to which resources have
 264 been allocated in the last fiscal year, including income and
 265 demographic restrictions.
 266 (c) The estimated average cost of producing units under
 267 each rental or homeownership unit financed under each program in
 268 the last fiscal year.
 269 (d) By county, the average sales price of homeownership
 270 units financed in the last fiscal year.
 271 (e) The number of households served by homeownership
 272 programs in the last fiscal year, including the income, race,
 273 ethnicity, and age of the homeowner of each household.
 274 (f) The percentage of homeownership loans that are in
 275 foreclosure.
 276 (g) The percentage of properties in the corporation's
 277 rental portfolio which have an occupancy rate below 90 percent.
 278 (h) The amount of economic stimulus created by the
 279 affordable housing finance programs administered by the
 280 corporation for the most recent year available.

281 (i) For the State Apartment Incentive Loan Program (SAIL),
 282 a comprehensive list of all closed loans outstanding at the end
 283 of the most recent fiscal year, including, but not limited to,
 284 development name, city, county, developer, set-aside type, set-
 285 aside percentage, affordability term, total number of units,
 286 number of set-aside units, lien position, original loan amount,
 287 loan maturity date, loan balance at close of year, status of
 288 loan, rate of interest, and interest paid.

289 (j) For the Florida Affordable Housing Guarantee Program,
 290 a list of all guaranteed loans through the close of the most
 291 recent fiscal year, including, but not limited to, development
 292 name, city, county, developer, total number of units, issuer of
 293 the bonds, loan maturity date, participation in the United
 294 States Department of Housing and Urban Development Risk-Sharing
 295 Program, original guarantee amount, guarantee amount at the
 296 close of the fiscal year, status of guaranteed loans, and total
 297 outstanding Florida Housing Finance Corporation Affordable
 298 Housing Guarantee Program revenue bonds at the close of the most
 299 recent fiscal year.

300 (k) Any other information the corporation deems
 301 appropriate.

- 302 ~~1. Its operations and accomplishments;~~
- 303 ~~2. Its receipts and expenditures during its fiscal year in~~
 304 ~~accordance with the categories or classifications established by~~
 305 ~~the corporation for its operating and capital outlay purposes;~~
- 306 ~~3. Its assets and liabilities at the end of its fiscal~~
 307 ~~year and the status of reserve, special, or other funds;~~
- 308 ~~4. A schedule of its bonds outstanding at the end of its~~

309 ~~fiscal year, together with a statement of the principal amounts~~
 310 ~~of bonds issued and redeemed during the fiscal year; and~~
 311 ~~5. Information relating to the corporation's activities in~~
 312 ~~implementing the provisions of ss. 420.5087, 420.5088, and~~
 313 ~~420.5095.~~
 314 ~~(b) The report shall include, but not be limited to:~~
 315 ~~1. The number of people served, delineated by income, age,~~
 316 ~~family size, and racial characteristics.~~
 317 ~~2. The number of units produced under each program.~~
 318 ~~3. The average cost of producing units under each program.~~
 319 ~~4. The average sales price of single-family units financed~~
 320 ~~under s. 420.5088.~~
 321 ~~5. The average amount of rent charged based on unit size~~
 322 ~~on units financed under s. 420.5087.~~
 323 ~~6. The number of persons in rural communities served under~~
 324 ~~each program.~~
 325 ~~7. The number of farmworkers served under each program.~~
 326 ~~8. The number of homeless persons served under each~~
 327 ~~program.~~
 328 ~~9. The number of elderly persons served under each~~
 329 ~~program.~~
 330 ~~10. The extent to which geographic distribution has been~~
 331 ~~achieved in accordance with the provisions of s. 420.5087.~~
 332 ~~11. The success of the Community Workforce Housing~~
 333 ~~Innovation Pilot Program in meeting the housing needs of~~
 334 ~~eligible areas.~~
 335 ~~12. Any other information the corporation deems~~
 336 ~~appropriate.~~

337 (4) Within 6 months after the end of its fiscal year, the
 338 corporation shall submit audited financial statements, prepared
 339 in accordance with generally accepted accounting principles,
 340 which include all assets, liabilities, revenues, and expenses of
 341 the corporation, and a list of all bonds outstanding at the end
 342 of its fiscal year. The ~~with the annual report required by this~~
 343 ~~section, a copy of an annual financial audit of its accounts and~~
 344 ~~records and an annual compliance audit must be of its programs~~
 345 conducted by an independent certified public accountant,
 346 performed in accordance with generally accepted auditing
 347 standards and government auditing standards, and incorporate all
 348 reports, including compliance reports, as required by such
 349 auditing standards.

350 (5) The Auditor General shall conduct an operational audit
 351 of the accounts and records of the corporation and provide a
 352 written report on the audit to the President of the Senate and
 353 the Speaker of the House of Representatives by December 1, 2016.
 354 Both the corporation's business plan and annual report must
 355 ~~shall~~ recognize the different fiscal periods under which the
 356 corporation, the state, the Federal Government, and local
 357 governments operate.

358 Section 6. Paragraph (b) of subsection (4) of section
 359 420.0003, Florida Statutes, is amended to read:

360 420.0003 State housing strategy.—

361 (4) IMPLEMENTATION.—The Department of Economic Opportunity
 362 and the Florida Housing Finance Corporation in carrying out the
 363 strategy articulated herein shall have the following duties:

364 (b) The long-range program ~~agency strategie~~ plan of the

365 Department of Economic Opportunity must ~~shall~~ include specific
 366 goals, objectives, and strategies that implement the housing
 367 policies in this section ~~and shall include the strategic plan~~
 368 ~~for housing production prepared by the corporation pursuant to~~
 369 ~~s. 420.511.~~

370 Section 7. Section 420.0006, Florida Statutes, is amended
 371 to read:

372 420.0006 Authority to contract with corporation; contract
 373 requirements; nonperformance.—The executive director of the
 374 department shall contract, notwithstanding part I of chapter
 375 287, with the Florida Housing Finance Corporation on a multiyear
 376 basis to stimulate, provide, and foster affordable housing in
 377 the state. The contract must incorporate the performance
 378 measures required by s. 420.511 and ~~must~~ be consistent with ~~the~~
 379 ~~provisions of~~ the corporation's business plan prepared
 380 in accordance with s. 420.511. The contract must provide that
 381 ~~if, in the event~~ the corporation fails to comply with ~~any of the~~
 382 a performance measure ~~measures~~ required by s. 420.511, the
 383 executive director shall notify the Governor and ~~shall~~ refer the
 384 nonperformance to the department's inspector general for review
 385 and determination as to whether such failure is due to forces
 386 beyond the corporation's control or whether such failure is due
 387 to inadequate management of the corporation's resources.
 388 Advances shall continue to be made pursuant to s. 420.0005
 389 during the pendency of the review ~~by the department's inspector~~
 390 ~~general~~. If such failure is due to outside forces, it may ~~shall~~
 391 not be deemed a violation of the contract. If such failure is
 392 due to inadequate management, the department's inspector general

393 shall provide recommendations regarding solutions. The Governor
 394 ~~may is authorized to~~ resolve any differences of opinion with
 395 respect to performance under the contract and may request that
 396 advances continue in the event of a failure under the contract
 397 due to inadequate management. The Chief Financial Officer shall
 398 approve the request absent a finding by the Chief Financial
 399 Officer that continuing such advances would adversely impact the
 400 state; however, ~~in any event~~ the Chief Financial Officer shall
 401 provide advances sufficient to meet the debt service
 402 requirements of the corporation and sufficient to fund contracts
 403 committing funds from the State Housing Trust Fund if so long as
 404 such contracts are in accordance with the laws of this state.

405 Section 8. Subsection (1) of section 420.504, Florida
 406 Statutes, is amended to read:

407 420.504 Public corporation; creation, membership, terms,
 408 expenses.-

409 (1) ~~There is created within the Department of Economic~~
 410 ~~Opportunity~~ A public corporation and a public body corporate and
 411 politic, to be known as the "Florida Housing Finance
 412 Corporation" is created within the Department of Economic
 413 Opportunity." It is declared to be the intent of and
 414 constitutional construction by the Legislature that the Florida
 415 Housing Finance Corporation constitutes an entrepreneurial
 416 public corporation organized to provide and promote the public
 417 welfare by administering the governmental function of financing
 418 or refinancing housing and related facilities in this state
 419 ~~Florida~~ and that the corporation is not a department of the
 420 executive branch of state government within the scope and

421 meaning of s. 6, Art. IV of the State Constitution, but is
 422 functionally related to the Department of Economic Opportunity
 423 in which it is placed. The executive function of state
 424 government to be performed by the executive director of the
 425 Department of Economic Opportunity in the conduct of the
 426 business of the Florida Housing Finance Corporation must be
 427 performed pursuant to a contract to monitor and set performance
 428 standards for the implementation of the business plan for the
 429 provision of housing approved for the corporation as provided in
 430 s. 420.0006. This contract must ~~shall~~ include ~~the~~ performance
 431 standards for the provision of affordable housing in this state
 432 ~~Florida~~ established in the strategic business plan described in
 433 s. 420.511.

434 Section 9. Subsection (1) of section 420.506, Florida
 435 Statutes, is amended to read:

436 420.506 Executive director; agents and employees;
 437 inspector general.—

438 (1) The appointment and removal of an executive director
 439 shall be by the executive director of the Department of Economic
 440 Opportunity, with the advice and consent of the corporation's
 441 board of directors. The executive director shall employ legal
 442 and technical experts and such other agents and employees,
 443 permanent and temporary, as the corporation may require, and
 444 shall communicate with and provide information to the
 445 Legislature with respect to the corporation's activities. ~~The~~
 446 ~~board is authorized,~~ Notwithstanding ~~the provisions of~~ s.
 447 216.262, the board may ~~to~~ develop and implement rules regarding
 448 the employment of employees of the corporation and service

CS/HB 437

2013

449 providers, including legal counsel. The board ~~of directors of~~
 450 ~~the corporation~~ is entitled to establish travel procedures and
 451 guidelines for employees of the corporation, subject to s.
 452 112.061(6) and (7). The executive director's office and the
 453 corporation's files and records must be located in Leon County.

454 Section 10. Section 420.5091, Florida Statutes, is
 455 repealed.

456 Section 11. This act shall take effect July 1, 2013.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Davis offered the following:

Amendment (with title amendment)

5 Between lines 85 and 86, insert:

6 Section 3. Effective upon this act becoming a law and
 7 applying retroactively to the 2013 tax roll, section 196.1978,
 8 Florida Statutes, is amended to read:

9 196.1978 Affordable housing property exemption.—Property
 10 used to provide affordable housing to ~~to serving~~ eligible persons
 11 as defined by s. 159.603(7) and natural persons or families
 12 meeting the extremely-low-income, very-low-income, low-income,
 13 or moderate-income limits specified in s. 420.0004, which
 14 ~~property~~ is owned entirely by a nonprofit entity that is a
 15 corporation not for profit, qualified as charitable under s.
 16 501(c)(3) of the Internal Revenue Code and in compliance with
 17 Rev. Proc. 96-32, 1996-1 C.B. 717, is ~~or a Florida-based limited~~
 18 ~~partnership, the sole general partner of which is a corporation~~
 19 ~~not for profit which is qualified as charitable under s.~~
 20 ~~501(c)(3) of the Internal Revenue Code and which complies with~~



Amendment No. 1

21 ~~Rev. Proc. 96-32, 1996-1 C.B. 717, shall be~~ considered property
 22 owned by an exempt entity and used for a charitable purpose, and
 23 those portions of the affordable housing property that ~~which~~
 24 provide housing to natural persons or families classified as
 25 extremely low income, very low income, low income, or moderate
 26 income under s. 420.0004 are ~~shall be~~ exempt from ad valorem
 27 taxation to the extent authorized under ~~in~~ s. 196.196. All
 28 property identified in this section must ~~shall~~ comply with the
 29 criteria provided under s. 196.195 for determining ~~determination~~
 30 ~~of~~ exempt status and to be applied by property appraisers on an
 31 annual basis ~~as defined in s. 196.195~~. The Legislature intends
 32 that any property owned by a limited liability company ~~or~~
 33 ~~limited partnership~~ which is disregarded as an entity for
 34 federal income tax purposes pursuant to Treasury Regulation
 35 301.7701-3(b)(1)(ii) ~~shall~~ be treated as owned by its sole
 36 member ~~or sole general partner~~.

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

Between lines 6 and 7, insert:

196.1978, F.S.; deleting an ad valorem tax exemption for
 property owned by certain Florida-based limited partnerships and
 used for affordable housing for certain income-qualified
 persons; providing for retroactive application; amending s.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Raschein offered the following:

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

5 Between lines 122 and 123, insert:

6 (49) To adopt rules prescribing a priority to fund
7 affordable housing projects in the Florida Keys Area of Critical
8 State Concern and the City of Key West Area of Critical State
9 Concern where, due to challenging environmental, land use,
10 transportation, workforce, and economic factors, it is extremely
11 difficult to successfully finance, develop, and construct
12 affordable housing.

13
14 -----
15 **D I R E C T O R Y A M E N D M E N T**

16 Remove line 87 and insert:

17 48) of section 420.507, Florida Statutes, are amended and a new
18 subsection (49) is added to that section to read:

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 683 Motor Vehicles
SPONSOR(S): Pilon
TIED BILLS: **IDEN./SIM. BILLS:** SB 1090

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	14 Y, 0 N	Thompson	Miller
2) Transportation & Economic Development Appropriations Subcommittee	11 Y, 0 N	Rayman	Davis
3) Economic Affairs Committee		Thompson <i>JA</i>	Creamer <i>JL</i>

SUMMARY ANALYSIS

The voluntary contributions check-off process provides the opportunity for citizens to make a donation by checking a box on a form when registering a vehicle or renewing a registration, and when applying for a new replacement or driver license. Current law provides motor vehicle registration applicants with 24 options for voluntary contributions, and driver license applicants with 17 options.

HB 683 creates a \$1 voluntary contribution check-off on an application form for both a motor vehicle registration and renewal registration, and an application form for an original, renewal, or replacement driver's license or identification card, for the Auto Club Group Traffic Safety Foundation, Inc. Funds received by the foundation from both of the proposed check-offs must be used to improve traffic safety culture in communities through effective outreach, education, and activities in the state that will save lives, reduce injuries, and prevent crashes. The foundation is required to comply with the respective voluntary check-off request procedures provided in statute.

The bill will have an insignificant fiscal impact on the State. According to the Department of Highway Safety and Motor Vehicles, its cost to redesign the application forms for both contributions, approximately \$65,600, will be partially offset by the \$20,000 application fee that the organization is required to pay for the check-off requests. Revenue generated from these contributions is based on public interest and cannot be predicted. AAA has agreed to pay the remaining costs (\$45,600).

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Voluntary Check-off – Motor Vehicle Registration Application

Section 320.023, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a motor vehicle registration application (initial registration or renewal). The contribution allows a registered owner of a motor vehicle to voluntarily contribute to one or more of the authorized organizations. To become eligible, the organization must submit the following to the Florida Department of Highway Safety and Motor Vehicles (DHSMV) at least 90 days before the convening of the next regular session of the Legislature:

- A request for the contribution describing it in general terms;
- An application fee of not more than \$10,000 to defray DHSMV's costs for reviewing the application and developing the new check-off. State funds may not be used to pay the application fee; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.¹

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.²

Section 320.02(8), (14) and (15), F.S., section 320.08047, F.S., and section 328.72(11) and (16), F.S., provide motor vehicle registration applicants with 24 options for voluntary contributions.

Voluntary Check-off – Driver's License Application

Section 322.081, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a driver's license or identification card application (initial, renewal, or replacement). The contribution allows a person applying for, renewing, or replacing a Florida driver's license or identification card to voluntarily contribute to one or more of the authorized organizations during the transaction. To become eligible, the organization must submit the following to DHSMV at least 90 days before the convening of the next regular session of the Legislature:

- A request for the contribution describing it in general terms;
- An application fee of not more than \$10,000 to defray DHSMV's costs for reviewing the application and developing the new check-off. State funds may not be used to pay the application fee; and
- A marketing strategy outlining short-term and long-term marketing plans for the contribution and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the contributions.³

DHSMV must discontinue the contribution if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.⁴

Section 215.20, F.S., provides for an 8 percent service charge on all income that is of a revenue nature and that is deposited in trust funds. The service charge is deposited in the General Revenue Fund.

¹ Section 320.023(1), F.S.

² Section 320.023(4)(a), F.S.

³ Section 322.081(1), F.S.

⁴ Section 322.081(4)(a), F.S.

However, certain driver's license or identification card application contributions that are not classified as income of a revenue nature are excluded from this General Revenue Fund service charge.

Section 322.08(7), F.S., provides driver license applicants with 17 options for voluntary contributions.

Moratorium

In 2010, the Legislature established a moratorium prohibiting DHSMV from establishing new voluntary check-offs for both registration transactions, and driver's license or identification card transactions. The moratorium period is effective "between July 1, 2010, and July 1, 2013". However, an exemption applies if an organization has:

- Submitted a request to establish a voluntary contribution on a motor vehicle application or a driver's license or identification card application to DHSMV before May 1, 2010; and
- Submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010; or
- Filed a bill during the 2010 Legislative Session to establish a voluntary contribution and has met the requirements of s. 320.023, F.S., or s. 322.081, F.S.⁵

AAA The Auto Club Group Foundation, Inc.

Effective October 1, 2011, Tampa-based AAA Auto Club South and Dearborn, Michigan-based, The Auto Club Group, affiliated and combined operations. The enterprise is known as The Auto Club Group and provides membership, travel, insurance, and financial services to more than 8.4 million members through a network of nearly 8,000 employees in approximately 300 office locations. Corporate headquarters are located in both Dearborn and Tampa. The Auto Club Group belongs to the national AAA federation with nearly 53 million members in the United States and Canada whose mission includes protecting and advancing freedom of mobility and improving travel safety.⁶

The Auto Club Group Traffic Safety Foundation, Inc., is a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. The foundation raises money to help fund AAA The Auto Club Group traffic safety programs. The staff person responsible for the foundation is paid by AAA, not the foundation. AAA donates over \$500,000 each year to the foundation for the sole purpose of traffic safety programs.⁷

Proposed Changes

Section 320.02, F.S., creates a \$1 voluntary contribution check-off on an application form for a motor vehicle registration and renewal registration for the Auto Club Group Traffic Safety Foundation, Inc. Funds received by the foundation must be used to improve traffic safety culture in communities through effective outreach, education, and activities in the state that will save lives, reduce injuries, and prevent crashes. The foundation is required to comply with the motor vehicle registration voluntary check-off request procedures provided in s. 320.023, F.S.

Section 322.08, F.S., creates a \$1 voluntary contribution check-off on an application form for an original, renewal, or replacement driver's license or identification card for the Auto Club Group Traffic Safety Foundation, Inc. Funds received by the foundation must be used to improve traffic safety culture in communities through effective outreach, education, and activities in the state that will save lives, reduce injuries, and prevent crashes. The foundation is required to comply with the driver's license or identification card voluntary check-off request procedures provided in s. 320.081, F.S.

⁵ s. 26, chapter 2010-223, L.O.F.

⁶ AAA website, *About the Auto Club Group*, available at <http://autoclubsouth.aaa.com/newsandsafety/media.aspx> (last visited March 22, 2013).

⁷ Information submitted by the AAA The Auto Club Group, March 22, 2013 (on file with the Transportation & Highway Safety Subcommittee).

The bill adds the Auto Club Group Traffic Safety Foundation, Inc. to the exemption from the General Revenue fund service charge.

B. SECTION DIRECTORY:

Section 1 amends s. 320.02, F.S., relating to motor vehicle registration.

Section 2 amends s. 320.08, F.S., relating to application for license.

Section 3 provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

There is a \$20,000 application fee required to be paid by the Auto Club Group Traffic Safety Foundation, Inc., a nonprofit organization, for the motor vehicle and driver's license application.

2. Expenditures:

The DHSMV programming cost to redesign the application is \$65,600, nonrecurring from the Highway Safety Operating Trust Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

According to DHSMV, driver license and tax collector offices will be minimally impacted by collecting additional funds when an individual elects to make this voluntary contribution.⁸

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to DHSMV, individuals who choose to contribute to support the Auto Club Group Traffic Safety Foundation, Inc., in this state will pay a \$1 voluntary contribution when registering a vehicle, or when obtaining or renewing their driver license or identification card. However, the revenue generated from contributions is based on public interest and cannot be predicted.⁹

D. FISCAL COMMENTS:

According to DHSMV, its cost to redesign the application forms associated with a motor vehicle registration and renewal registration, and issuance of an original, renewal, or replacement driver license or identification card, is approximately \$65,600. The cost will be partially offset by the \$20,000 application fee the organization is required to pay for both of the check-off requests (\$10,000 each).¹⁰ Revenue generated from these contributions is based on public interest and cannot be predicted. AAA has agreed to pay the remaining costs (\$45,600).¹¹

⁸ Florida Department of Highway Safety and Motor Vehicles agency analysis for HB 683, February 19, 2013, at page 4 (on file with the Transportation & Highway Safety Subcommittee).

⁹ *Id.*

¹⁰ *Id.*, at page 3.

¹¹ Lee Moffitt. Testimony from: House Transportation & Highway Safety Subcommittee hearing on HB 683 (3/27/2013).

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

The moratorium period prohibiting DHSMV from establishing new voluntary check-offs for both registration transactions, and driver's license or identification card transactions is effective "between July 1, 2010, and July 1, 2013". As such, new voluntary check-offs will be permissible beginning July 1, 2013. The effective date of the bill is July 1, 2013.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to motor vehicles; amending ss. 320.02
 3 and 322.08, F.S.; requiring the application forms for
 4 motor vehicle registration and renewal of registration
 5 and for an original, renewal, or replacement driver
 6 license or identification card to include language
 7 permitting the applicant to make a voluntary
 8 contribution to Auto Club Group Traffic Safety
 9 Foundation, Inc.; providing that such contributions
 10 are not income for specified purposes; providing for
 11 use of funds; providing that the foundation must
 12 comply with specified provisions; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (s) is added to subsection (15) of
 18 section 320.02, Florida Statutes, to read:

19 320.02 Registration required; application for
 20 registration; forms.—

21 (15)

22 (s) The application form for motor vehicle registration
 23 and renewal registration must include language permitting a
 24 voluntary contribution of \$1 or more per applicant, which
 25 contribution must be distributed to Auto Club Group Traffic
 26 Safety Foundation, Inc., a nonprofit organization. Funds
 27 received by the foundation must be used to improve traffic
 28 safety culture in communities through effective outreach,

29 education, and activities in the state that will save lives,
 30 reduce injuries, and prevent crashes. The foundation must comply
 31 with s. 320.023.

32
 33 For the purpose of applying the service charge provided in s.
 34 215.20, contributions received under this subsection are not
 35 income of a revenue nature.

36 Section 2. Subsection (7) of section 322.08, Florida
 37 Statutes, is amended to read:

38 322.08 Application for license; requirements for license
 39 and identification card forms.—

40 (7) The application form for an original, renewal, or
 41 replacement driver license or identification card shall include
 42 language permitting the following:

43 (a) A voluntary contribution of \$1 per applicant, which
 44 contribution shall be deposited into the Health Care Trust Fund
 45 for organ and tissue donor education and for maintaining the
 46 organ and tissue donor registry.

47 (b) A voluntary contribution of \$1 per applicant, which
 48 contribution shall be distributed to the Florida Council of the
 49 Blind.

50 (c) A voluntary contribution of \$2 per applicant, which
 51 shall be distributed to the Hearing Research Institute,
 52 Incorporated.

53 (d) A voluntary contribution of \$1 per applicant, which
 54 shall be distributed to the Juvenile Diabetes Foundation
 55 International.

56 (e) A voluntary contribution of \$1 per applicant, which

57 shall be distributed to the Children's Hearing Help Fund.

58 (f) A voluntary contribution of \$1 per applicant, which
59 shall be distributed to Family First, a nonprofit organization.

60 (g) A voluntary contribution of \$1 per applicant to Stop
61 Heart Disease, which shall be distributed to the Florida Heart
62 Research Institute, a nonprofit organization.

63 (h) A voluntary contribution of \$1 per applicant to Senior
64 Vision Services, which shall be distributed to the Florida
65 Association of Agencies Serving the Blind, Inc., a not-for-
66 profit organization.

67 (i) A voluntary contribution of \$1 per applicant for
68 services for persons with developmental disabilities, which
69 shall be distributed to The Arc of Florida.

70 (j) A voluntary contribution of \$1 to the Ronald McDonald
71 House, which shall be distributed each month to Ronald McDonald
72 House Charities of Tampa Bay, Inc.

73 (k) Notwithstanding s. 322.081, a voluntary contribution
74 of \$1 per applicant, which shall be distributed to the League
75 Against Cancer/La Liga Contra el Cancer, a not-for-profit
76 organization.

77 (l) A voluntary contribution of \$1 per applicant to
78 Prevent Child Sexual Abuse, which shall be distributed to
79 Lauren's Kids, Inc., a nonprofit organization.

80 (m) A voluntary contribution of \$1 per applicant, which
81 shall be distributed to Prevent Blindness Florida, a not-for-
82 profit organization, to prevent blindness and preserve the sight
83 of the residents of this state.

84 (n) Notwithstanding s. 322.081, a voluntary contribution

85 of \$1 per applicant to the state homes for veterans, to be
 86 distributed on a quarterly basis by the department to the State
 87 Homes for Veterans Trust Fund, which is administered by the
 88 Department of Veterans' Affairs.

89 (o) A voluntary contribution of \$1 per applicant to the
 90 Disabled American Veterans, Department of Florida, which shall
 91 be distributed quarterly to Disabled American Veterans,
 92 Department of Florida, a nonprofit organization.

93 (p) A voluntary contribution of \$1 per applicant for
 94 Autism Services and Supports, which shall be distributed to
 95 Achievement and Rehabilitation Centers, Inc., Autism Services
 96 Fund.

97 (q) A voluntary contribution of \$1 per applicant to
 98 Support Our Troops, which shall be distributed to Support Our
 99 Troops, Inc., a Florida not-for-profit organization.

100 (r) A voluntary contribution of \$1 or more per applicant
 101 to the Auto Club Group Traffic Safety Foundation, Inc., a
 102 nonprofit organization. Funds received by the foundation must be
 103 used to improve traffic safety culture in communities through
 104 effective outreach, education, and activities in the state that
 105 will save lives, reduce injuries, and prevent crashes. The
 106 foundation must comply with s. 322.081.

107
 108 A statement providing an explanation of the purpose of the trust
 109 funds shall also be included. For the purpose of applying the
 110 service charge provided in s. 215.20, contributions received
 111 under paragraphs (b)-(r) ~~(b)-(q)~~ are not income of a revenue
 112 nature.

HB 683

2013

113

Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 925 Liens on Motor Vehicles & Vessels

SPONSOR(S): Rooney, Jr.

TIED BILLS: IDEN./SIM. **BILLS:** SB 1044

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	12 Y, 0 N	Kiner	Miller
2) Transportation & Economic Development Appropriations Subcommittee	11 Y, 0 N	Rayman	Davis
3) Economic Affairs Committee		Kiner <i>KJK</i>	Creamer <i>JC</i>

SUMMARY ANALYSIS

HB 925 revises the process for a motor vehicle or vessel owner that wishes to dispute his or her placement on the Department of Highway Safety and Motor Vehicles' (DHSMV) "registration stop" list for failing to comply with a request to surrender a motor vehicle or vessel that is subject to a lien. Instead of DHSMV handling the dispute internally, the bill provides that a registered owner may dispute his or her inclusion on the "registration stop" list by bringing a civil action in the county in which he or she resides. The bill specifies that if the registered owner prevails in the civil action, his or her name will be removed from the "registration stop" list.

The bill requires the court hearing the civil action to first determine whether the lienholder's lien was recorded and whether the lienholder made a proper written demand for surrender of the motor vehicle or vessel. If the lien was recorded, and if the written demand for surrender was made properly, the bill requires the court to next determine whether "good cause" exists for the registered owner's failure to surrender the motor vehicle or vessel.

If the court finds that "good cause" exists for the registered owner's failure to surrender the motor vehicle or vessel, the bill requires the court to issue an order removing the registered owner's name from DHSMV's "registration stop" list.

The bill awards the prevailing party reasonable attorney fees and costs that are actually incurred for the proceedings.

The bill has an indeterminate fiscal impact on state revenues and expenditures.

The bill has an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Under Florida law, if a motor vehicle¹ or vessel is subject to a lien and the lienholder wants to enforce the lien by recovering the motor vehicle or vessel, the lienholder may request that the registered owner surrender it.² Sometimes, the registered owner of the motor vehicle or vessel may fail to comply with this request by disposing of, concealing, removing, or destroying the motor vehicle or vessel. If this happens, Florida law authorizes the lienholder to submit a written notice to surrender the motor vehicle or vessel to DHSMV.

Specifically, Florida law requires that the written notice to surrender sent to DHSMV includes the following:

- the lienholder's name, address, and telephone number;
- the registered owner's name and the address to which the lienholder sent the request to surrender the vehicle;
- a general description of the vehicle, including its color, make, model, body style, and year;
- the VIN number, license plate number – if known, or other identification number.³

When DHSMV receives proper written notification from the lienholder that the registered owner has refused to comply with the request to surrender, DHSMV is required by law to place the registered owner's name on a "registration stop" list – although two sections of Florida law are inconsistent with respect to the administrative process for doing so.⁴ Specifically, a "registration stop" list is a list of "those persons who may not be issued a license plate, revalidation sticker, or replacement license plate for any of the registered owner's vehicles".⁵ Additionally, if there is more than one registered owner, DHSMV is required to place each registered owner's name on the "registration stop" list.⁶ Currently, DHSMV does not charge the lienholder for processing the "registration stop".

Although the lienholder is required to submit the notice to surrender in writing, it should be noted that the lienholder is not required to be signed under oath by the lienholder.

Florida law does, however, allow the registered owner(s) to dispute the written notice to surrender the motor vehicle or vessel. To do so, the registered owner(s) must notify DHSMV in writing and present proof that the motor vehicle or vessel was sold to a properly licensed motor vehicle, mobile home, or recreational vehicle dealer.⁷ Currently, the dispute process is handled by DHSMV internally. To have his or her name removed from the "registration stop" list, the registered owner must present documentation from the lienholder that the vehicle has been surrendered to the lienholder. There is no other method by which a registered owner may have his or her name removed from the "registration stop" list.⁸

¹ The definition of "motor vehicle" in this area of Florida law includes, but is not limited to "automobile", "motorcycle", "truck", "recreational vehicle." See s. 320.01, F.S.

² s. 320.1316, F.S.

³ Id.

⁴ See ss. 320.1316(1) and 320.02(17), F.S.

⁵ s. 320.1316, F.S.

⁶ Id.

⁷ Id.

⁸ See DHSMV's Agency Bill Analysis for HB 925. A copy of the analysis is on file with the Florida House of Representatives, Transportation & Highway Safety Subcommittee.

From September 1, 2011, through August 31, 2012, DHSMV processed 18,850 "registration stops" based on a lienholder's submission of proper written notice to surrender a motor vehicle or vessel.⁹ All 18,850 of the "registration stops" were processed free of charge.¹⁰

Effect of Proposed Change

The bill amends s. 320.02, F.S., to revise the process for a motor vehicle or vessel owner that wishes to dispute his or her placement on DHSMV's "registration stop" list for failing to comply with a request to surrender a motor vehicle or vessel that is subject to a lien. Instead of DHSMV handling the dispute internally, the bill provides that a registered owner may dispute his or her inclusion on the "registration stop" list by bringing a civil action in the county in which he or she resides. The bill specifies that if the registered owner prevails in the civil action, his or her name will be removed from the "registration stop" list.

The bill amends s. 320.1316, F.S., to require the notice of surrender of vehicle shall be signed under oath by lienholder. The bill requires the court hearing the action to first determine whether the lienholder's lien was recorded and whether the lienholder made a proper written demand for surrender of the motor vehicle or vessel. If the lien was recorded, and if the written demand for surrender was made properly, the bill requires the court to next determine whether "good cause" exists for the registered owner's failure to surrender the motor vehicle or vessel.

Under the bill's provisions, "good cause" is limited to proof that:

- the motor vehicle or vessel at issue was traded into a licensed motor vehicle dealer before the date of the written demand for surrender;
- the registered owner has paid the lien in full, or has otherwise satisfied the lien;
- there is ongoing litigation relating to the validity or enforceability of the lien;
- the registered owner was in compliance with all of his or her contractual obligations with the lienholder at the time of the written demand for surrender;
- the motor vehicle or vessel was reported to law enforcement as stolen by the registered owner before the written demand for surrender; or
- the motor vehicle or vessel was repossessed.

If the court finds that "good cause" exists for the registered owner's failure to surrender the motor vehicle or vessel, the bill requires the court to issue an order removing the registered owner's name from DHSMV's "registration stop" list.

The bill awards the prevailing party reasonable attorney fees and costs that are actually incurred for the proceedings.

Under the bill, a registered owner may still have his or her name removed from the "registration stop" list if he or she surrenders the motor vehicle or vessel as provided under current law.

The bill clarifies in s. 320.02(17), F.S., that DHSMV "shall" place the registered owner of a motor vehicle or vessel on its "registration stop" list when required by s. 320.1316, F.S., instead of "may." The bill also amends an incorrect cross-reference to s. 320.03(8), F.S., and correctly references s. 320.02(17), F.S.

The bill is effective on July 1, 2013.

B. SECTION DIRECTORY:

⁹ Id.

¹⁰ Id.

- Section 1: Amends s. 320.02, F.S., to clarify that DHSMV "shall" place the registered owner of a motor vehicle or vessel on its "registration stop" list when required by s. 320.1316, F.S., and specifies that a registered owner may have his or her name removed from DHSMV's "registration stop" list if a court orders the registered owner's name removed from the list;
- Section 2: Amends s. 320.1316, F.S., to require the written notice to surrender a motor vehicle or vessel be signed under oath by the lienholder, and allows a registered owner to dispute his or her placement on DHSMV's "registration stop" list by bringing a civil action in the county in which he or she resides;
- Section 3: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The number of motor vehicle or vessel registered owner's that may bring a civil action in the county in which he or she resides to challenge placement on DHSMV's "registration stop" list is unknown. Therefore, the amount the courts will collect in filing fees is indeterminate.

2. Expenditures:

The number of motor vehicle or vessel registered owner's that may bring a civil action in the county in which he or she resides to challenge placement on DHSMV's "registration stop" list is unknown. Therefore, expenditures related to scheduling and conducting hearings under the bill are indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A registered owner of a motor vehicle or vessel will incur court filing fees if he or she wishes to dispute his or her placement on DHSMV's "registration stop" list. However, if the registered owner prevails, he or she will be awarded reasonable attorney fees and costs that are actually incurred for the proceedings.

D. FISCAL COMMENTS:

The department states it can accommodate the 60 hours of programming costs associated with provisions in the bill related to DHSMV's "registration stop" list within existing resources.

At the present time, the State Courts System has not provided a judicial impact statement assessing the provisions in the bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not explicitly require DHSMV to make rules. However, the bill does require that the written notice to surrender be submitted on a form developed by DHSMV and be signed under oath by the lienholder. Currently, the lienholder is not required to sign the form under oath. As such, DHSMV may be required to redesign its form.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to liens on motor vehicles and
 3 vessels; amending s. 320.02, F.S., relating to a list
 4 of persons who may not be issued a license plate,
 5 revalidation sticker, or replacement license plate for
 6 failure to surrender a vehicle pursuant to notice
 7 provided by a lienor; directing the department to
 8 withhold renewal of registration and replacement
 9 registration of vehicles; providing for a court order
 10 to remove a person's name from such list; amending s.
 11 320.1316, F.S.; revising a reference to specified
 12 provisions relating to the department withholding a
 13 license plate or registration renewal or replacement;
 14 requiring the notice to surrender a vehicle to be
 15 signed under oath by the lienor; revising procedures
 16 for dispute of the notice to surrender; providing for
 17 judicial proceedings; defining the term "good cause";
 18 providing for attorney fees and costs; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (17) of section 320.02, Florida
 24 Statutes, is amended to read:

25 320.02 Registration required; application for
 26 registration; forms.—

27 (17) If any applicant's name appears on a list of persons
 28 who may not be issued a license plate, revalidation sticker, or

29 replacement license plate after a written notice to surrender a
 30 vehicle was submitted to the department by a lienor as provided
 31 in s. 320.1316, the department shall ~~may~~ withhold renewal of
 32 registration or replacement registration of any motor vehicle
 33 owned by the applicant at the time the notice was submitted by
 34 the lienor. The lienor must maintain proof that written notice
 35 to surrender the vehicle was sent to each registered owner
 36 pursuant to s. 320.1316(1). A revalidation sticker or
 37 replacement license plate may not be issued until that person's
 38 name no longer appears on the list, ~~or until~~ the person presents
 39 documentation from the lienor that the vehicle has been
 40 surrendered to the lienor, or a court orders the person's name
 41 removed from the list as provided for in s. 320.1316. The
 42 department shall not withhold an initial registration in
 43 connection with an applicant's purchase or lease of a motor
 44 vehicle solely because the applicant's name is on the list
 45 created by s. 320.1316.

46 Section 2. Section 320.1316, Florida Statutes, is amended
 47 to read:

48 320.1316 Failure to surrender vehicle or vessel.—
 49 (1) Upon receipt from a lienor who claims a lien on a
 50 vehicle pursuant to s. 319.27 by the Department of Highway
 51 Safety and Motor Vehicles of written notice to surrender a
 52 vehicle or vessel that has been disposed of, concealed, removed,
 53 or destroyed by the lienee, the department shall place the name
 54 of the registered owner of that vehicle on the list of those
 55 persons who may not be issued a license plate, revalidation
 56 sticker, or replacement license plate for any motor vehicle

57 | under s. 320.02(17) ~~320.03(8)~~ owned by the lienee at the time
 58 | the notice was given by the lienor. If the vehicle is owned
 59 | jointly by more than one person, the name of each registered
 60 | owner shall be placed on the list.

61 | (2) The notice to surrender the vehicle shall be signed
 62 | under oath by the lienor and submitted on forms developed by the
 63 | department, which must include:

64 | (a) The name, address, and telephone number of the lienor.

65 | (b) The name of the registered owner of the vehicle and
 66 | the address to which the lienor provided notice to surrender the
 67 | vehicle to the registered owner.

68 | (c) A general description of the vehicle, including its
 69 | color, make, model, body style, and year.

70 | (d) The vehicle identification number, registration
 71 | license plate number, if known, or other identification number,
 72 | as applicable.

73 | (3) The registered owner of the vehicle may dispute a
 74 | notice to surrender the vehicle or his or her inclusion on the
 75 | list of those persons who may not be issued a license plate,
 76 | revalidation sticker, or replacement license plate under s.
 77 | 320.02(17) by bringing a civil action in the county in which
 78 | such person resides ~~by notifying the department of the dispute~~
 79 | ~~in writing on forms provided by the department and presenting~~
 80 | ~~proof that the vehicle was sold to a motor vehicle dealer~~
 81 | ~~licensed under s. 320.27, a mobile home dealer licensed under s.~~
 82 | ~~320.77, or a recreational vehicle dealer licensed under s.~~
 83 | ~~320.771.~~

84 | (4) In an action brought pursuant to subsection (3), the

85 petitioner is entitled to the summary procedure under s. 51.011,
 86 and the court shall advance the cause on its calendar if
 87 requested by the petitioner.

88 (5) (a) At any hearing challenging the withholding of
 89 registration renewal or replacement under 320.02(17), the court
 90 shall first determine whether the lienor had a recorded lien on
 91 the vehicle or vessel and whether the lienor properly made a
 92 demand for the surrender of the vehicle or vessel in accordance
 93 with this section. If the court determines that the lien was
 94 recorded and that such a demand was properly made, the court
 95 shall determine whether good cause exists for the petitioner's
 96 failure to surrender the vehicle or vessel.

97 (b) For purposes of this subsection, "good cause" is
 98 limited to proof that:

99 1. The vehicle that was the subject of the demand for
 100 surrender was traded into a licensed motor vehicle dealer before
 101 the date of the surrender demand;

102 2. The lienholder's lien giving rise to the stop has been
 103 paid in full or otherwise satisfied;

104 3. There is ongoing litigation relating to validity or
 105 enforceability of the lien;

106 4. The petitioner was in compliance with all of his or her
 107 contractual obligations with the lienholder at the time of the
 108 demand for surrender;

109 5. The vehicle or vessel was reported to law enforcement
 110 as stolen by the registered owner of the vehicle or vessel
 111 before the demand for surrender; or

112 6. The petitioner no longer has possession of the vehicle

113 | or vessel and the loss of possession occurred pursuant to
 114 | operation of law. If the petitioner's loss of possession did not
 115 | occur pursuant to operation of law, the fact that a third party
 116 | has physical possession of the vehicle or vessel shall not
 117 | constitute good cause for the failure to surrender the vehicle
 118 | or vessel.

119 | (c) If the petitioner establishes good cause, as defined
 120 | in paragraph (b), for his or her failure to surrender the
 121 | vehicle or vessel, the court shall enter an order removing the
 122 | petitioner's name from the list of those persons who may not be
 123 | issued a license plate, revalidation sticker, or replacement
 124 | license plate for any motor vehicle under s. 320.02(17) and
 125 | award the petitioner his or her reasonable attorney fees and
 126 | costs that are actually incurred for the proceedings.

127 | (d) If the court finds that the demand for surrender was
 128 | properly made by the lienor and the petitioner fails to
 129 | establish good cause for the failure to surrender the vehicle or
 130 | vessel, the court shall award the lienor its reasonable attorney
 131 | fees and costs that are actually incurred for the proceedings.

132 | Section 3. This act shall take effect July 1, 2013.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1005 Motorist Safety
SPONSOR(S): Transportation & Highway Safety Subcommittee; Slosberg
TIED BILLS: IDEN./SIM. **BILLS:** SB 1376

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	13 Y, 0 N, As CS	Kiner	Miller
2) Local & Federal Affairs Committee	14 Y, 0 N	Nelson	Rojas
3) Economic Affairs Committee		Kiner <i>JKK</i>	Creamer <i>JC</i>

SUMMARY ANALYSIS

CS/HB 1005 authorizes, but does not require, the governing board of a county to create a "yellow dot" critical motorist medical information program for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle. Participants in the program receive a yellow dot decal to place on their vehicle's rear window, which alerts emergency services personnel to look for a corresponding yellow folder in the glove box. The yellow folder may include the injured participant's emergency contact and medical information.

Under the bill, a person's participation in the program is voluntary and free. A county, or group of counties, may solicit sponsorships to cover expenditures, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

The bill limits the liability of emergency medical responders, and requires the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public.

This bill has no fiscal impact, and is effective on July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The “yellow dot” program is a system to alert first responders at an accident scene to search for medical information about the injured—especially if the injured is unconscious or unable to speak.¹ According to the newspaper *USA Today*, the yellow dot program is “...simple but effective: [p]articipants in the free program receive a yellow dot to place on their rear window; it alerts emergency services personnel to look for a corresponding yellow folder in the glove box.”² The yellow folder may include the injured participant’s name, photograph, emergency contact information, medical information, hospital preference, and other vital information.

The program began in Connecticut in 2002, and now, with slight variations, is in counties scattered across at least eight other states: Kansas, Illinois, Iowa, Minnesota, Massachusetts, Virginia, Alabama and New York.³

Effect of Proposed Changes

The bill authorizes, but does not require, the governing body of a county to create a yellow dot critical motorist medical information program for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant’s vehicle.

Under the bill, a person’s participation in the program is voluntary and free. A county, or group of counties, may solicit sponsorships from interested business entities and not-for-profit organizations to cover expenditures, including the cost of the yellow dot decals and folders that are provided free of charge to participants. Two or more counties also may enter into an interlocal agreement to solicit these sponsorships.

The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

Any owner or lessee of a motor vehicle may participate in the program upon submission of an application. The application is created by the county and must include a statement that the information submitted will be disclosed only to authorized personnel of law enforcement and public safety agencies, emergency medical services agencies, and hospitals in the case of a motor vehicle accident or other emergency situation. The application must describe the confidential nature of the medical information voluntarily provided by the participant. The application must also require that the participant give express written consent for the use and disclosure of the yellow folder’s contents to authorized personnel for the following purposes:

- to positively identify the participant;
- to ascertain whether the participant has a medical condition that might impede communications between the participant and the responder;

¹ *See*, additional information about the Yellow Dot program at www.yellow-dot.com (Last viewed on 4/5/13).

² *See* “Yellow Dot car program speeds to help crash victims.” Larry Copeland, *USA Today* (5/24/2011) at http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm (Last viewed on 4/5/13).

³ *Id.*

- to inform the participant's emergency contacts about the location, condition, or death of the participant;
- to learn the nature of any medical information reported by the participant; and
- to ensure that the participant's current medications and preexisting medical conditions are considered when emergency medical treatment is administered for any injury to or condition of the participant.

After submitting a completed application, the participant is given a yellow dot decal to affix onto the lower left corner of his or her vehicle's rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form for the participant's information.

The form, which is to be placed inside the yellow folder, is to contain the following information:

- the participant's name;
- the participant's photograph;
- emergency contact information of no more than two persons;
- the participant's medical information, including medical conditions, recent surgeries, allergies and medications;
- the participant's hospital preference; and
- contact information for no more than two physicians.

When the driver of a vehicle with an affixed yellow dot decal is involved in an accident or emergency situation, an emergency medical responder at the scene is authorized to search the glove compartment of the vehicle for the corresponding yellow dot folder. With regard to liability, the bill provides that—except for wanton or willful conduct—an emergency medical responder, or the employer of a responder, does not incur any liability for:

- failing, in good faith, to make contact with a participant's emergency contact person; or
- disseminating, or failing to disseminate, any information from the yellow dot folder to any other emergency medical responder, hospital, or health care provider who renders emergency medical treatment to the participant.

The governing body of a participating county is required to adopt guidelines and procedures for ensuring that any information that is confidential is not made public through the program.

See, FISCAL COMMENTS, below, for fiscal impact information.

The bill is effective on July 1, 2013.

B. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law authorizing a motorist medical information program.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. Neither DHSMV nor DOT is required to provide training, education or to publicize the program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See, FISCAL COMMENTS.

2. Expenditures:

See, FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See, FISCAL COMMENTS.

D. FISCAL COMMENTS:

The bill does not require a county to create a yellow dot program. If the governing body of a county decides to create such a program, the bill authorizes the county's governing body to seek sponsorships to cover costs. Public participation in the program is voluntary and free.

The cost of the program is unknown. One small corporation in Reno, Nevada (Yellow Dot LLC) advertises a booklet with sticker priced at \$5.00. See, <http://www.yellow-dot.com/3301.html>.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require DHSMV or DOT to create rules, and does not impact either department's rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

Line 69: The word "for" should be substituted for the word "with."

Line 74: While the bill provides that a person who rides in a motor vehicle as a passenger may also participate in the program, it provides no guidance for that participation.

Other Comments

Under its home rule powers, a county may enact a yellow dot program without the authority provided by this bill. Nonetheless, a statute, such as the one proposed, may serve to encourage participation in this program, while requiring some uniformity.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On Wednesday, March 20, 2013, the Transportation & Highway Safety Subcommittee adopted one amendment to HB 1005. The amendment revised the bill in the following manner:

- corrected a bill drafting error on line 114 by removing the word "is" from the statement "medical responder or the employer of a responder is does not incur any liability";
- authorized instead of required a medical responder at the scene of an accident to search the glove compartment of the injured person's vehicle for the corresponding yellow dot folder. This amendment made the language consistent with language in the bill that absolves a medical responder of any liability except for wanton or willful conduct.

This bill analysis is drafted to CS/HB 1005.

1 A bill to be entitled
 2 An act relating to motorist safety; authorizing the
 3 governing body of a county to create a yellow dot
 4 critical motorist medical information program for
 5 certain purposes; authorizing a county to solicit
 6 sponsorships for the medical information program and
 7 enter into an interlocal agreement with another county
 8 to solicit such sponsorships; authorizing the
 9 Department of Highway Safety and Motor Vehicles and
 10 the Department of Transportation to provide education
 11 and training and publicize the program; requiring the
 12 program to be free to participants; providing for
 13 applications to participate; providing for a yellow
 14 dot decal and a yellow dot folder to be issued to
 15 participants and a form containing specified
 16 information about the participant; providing
 17 procedures for use of the decal, folder, and form;
 18 providing for limited use of information on the forms
 19 by emergency medical responders; limiting liability of
 20 emergency medical responders; requiring the governing
 21 body of a participating county to adopt guidelines and
 22 procedures to ensure that confidential information is
 23 not made public; providing an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Yellow dot critical motorist medical
 28 information programs; yellow dot decal, folder, and information

29 form.—

30 (1) The governing body of a county may create a yellow dot
31 critical motorist medical information program to assist
32 emergency medical responders and drivers and passengers who
33 participate in the program by making critical medical
34 information readily available to a responder in the event of a
35 motor vehicle accident or a medical emergency involving a
36 participant's vehicle.

37 (2) (a) The governing body of a county may solicit
38 sponsorships from interested business entities and not-for-
39 profit organizations to cover costs of the program, including
40 the cost of the yellow dot decals and folders that shall be
41 provided free of charge to participants. Two or more counties
42 may enter into an interlocal agreement to solicit such
43 sponsorships.

44 (b) The Department of Highway Safety and Motor Vehicles or
45 the Department of Transportation may provide education and
46 training to encourage emergency medical responders to
47 participate in the program and may take reasonable measures to
48 publicize the program.

49 (3) (a) Any owner or lessee of a motor vehicle may
50 participate in the program upon submission of an application and
51 documentation, in the form and manner prescribed by the
52 governing body of the county.

53 (b) The application form shall include a statement that
54 the information submitted will be disclosed only to authorized
55 personnel of law enforcement and public safety agencies,

56 emergency medical services agencies, and hospitals for the
 57 purposes authorized in subsection (5).

58 (c) The application form shall describe the confidential
 59 nature of the medical information voluntarily provided by the
 60 participant and shall state that, by providing the medical
 61 information, the participant has authorized the use and
 62 disclosure of the medical information to authorized personnel
 63 solely for the purposes listed in subsection (5). The
 64 application form shall also require the participant's express
 65 written consent for such use and disclosure.

66 (d) The county may not charge any fee to participate in
 67 the yellow dot program.

68 (4) A participant shall receive a yellow dot decal, a
 69 yellow dot folder, and a form with the participant's
 70 information.

71 (a) The participant shall affix the decal onto the rear
 72 window in the left lower corner of a motor vehicle or in a
 73 clearly visible location on a motorcycle.

74 (b) A person who rides in a motor vehicle as a passenger
 75 may also participate in the program but may not be issued a
 76 decal if a decal is issued to the owner or lessee of the motor
 77 vehicle in which the person rides.

78 (c) The yellow dot folder, which shall be stored in the
 79 glove compartment of the motor vehicle or in a compartment
 80 attached to a motorcycle, shall contain a form with the
 81 following information about the participant:

- 82 1. The participant's name.
- 83 2. The participant's photograph.

- 84 3. Emergency contact information of no more than two
 85 persons for the participant.
- 86 4. The participant's medical information, including
 87 medical conditions, recent surgeries, allergies, and medications
 88 being taken.
- 89 5. The participant's hospital preference.
- 90 6. Contact information for no more than two physicians for
 91 the participant.
- 92 (5) (a) If a driver or passenger of a motor vehicle becomes
 93 involved in a motor vehicle accident or emergency situation, and
 94 a yellow dot decal is affixed to the vehicle, an emergency
 95 medical responder at the scene is authorized to search the glove
 96 compartment of the vehicle for the corresponding yellow dot
 97 folder.
- 98 (b) An emergency medical responder at the scene may use
 99 the information in the yellow dot folder for the following
 100 purposes only:
- 101 1. To positively identify the participant.
- 102 2. To ascertain whether the participant has a medical
 103 condition that might impede communications between the
 104 participant and the responder.
- 105 3. To inform the participant's emergency contacts about
 106 the location, condition, or death of the participant.
- 107 4. To learn the nature of any medical information reported
 108 by the participant on the form.
- 109 5. To ensure that the participant's current medications
 110 and preexisting medical conditions are considered when emergency

CS/HB 1005

2013

111 medical treatment is administered for any injury to or condition
 112 of the participant.

113 (6) Except for wanton or willful conduct, an emergency
 114 medical responder or the employer of a responder does not incur
 115 any liability if a responder is unable to make contact, in good
 116 faith, with a participant's emergency contact person, or if a
 117 responder disseminates or fails to disseminate any information
 118 from the yellow dot folder to any other emergency medical
 119 responder, hospital, or healthcare provider who renders
 120 emergency medical treatment to the participant.

121 (7) The governing body of a participating county shall
 122 adopt guidelines and procedures for ensuring that any
 123 information that is confidential is not made public through the
 124 program.

125 Section 2. This act shall take effect July 1, 2013.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative Slosberg offered the following:

3

4 **Amendment**

5 Remove line 125 and insert:

6 Section 2. This act shall take effect on July 1, 2014,
 7 only if legislation filed during the 2014 legislative session
 8 creating a public records exemption for the information required
 9 in section 1. is adopted and becomes law.

10

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1019 Motor Vehicles

SPONSOR(S): Transportation & Highway Safety Subcommittee; Rader and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 634

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee	12 Y, 0 N, As CS	Kiner	Miller
2) Economic Affairs Committee		Kiner <i>KK</i>	Creamer <i>CC</i>

SUMMARY ANALYSIS

CS/HB 1019 revises state law that restricts the volume at which a car stereo, or other soundmaking device, may be played on a public street. The current law was reviewed by the Florida Supreme Court (FLSC) and found to be unconstitutionally overbroad as an unreasonable, content-based restriction on the freedom of expression.

Specifically, the bill removes the current exemption provided for vehicles used for business or political purposes, if those vehicles use sound in the normal course of business. The bill also removes the restriction on sound that is louder than necessary to be heard by the vehicle's passengers in areas adjoining churches, schools, or hospitals.

By removing the business and political exemptions and removing the "louder than necessary" restriction, the effect of the proposed change applies the statute's restrictions on sound to all classes of vehicles, except law enforcement and emergency vehicles, in all areas, if the sound is plainly audible at a distance of 25 feet or more. Thus, drivers of vehicles used for business or political purposes will be subject to applicable penalties for a violation of the statute's restrictions.

To prevent arbitrary and discriminatory enforcement, the bill leaves intact the current requirement that the Department of Highway Safety and Motor Vehicles (DHSMV) promulgate rules to define "plainly audible" and establish standards that direct law enforcement personnel to measure sound.

The bill also leaves local government police powers intact by clarifying that local governments may enact stricter time, place, and manner restrictions.

Under the bill, the current law penalty for a violation of the sound restrictions remains a noncriminal traffic citation, which carries a \$30 fine, plus court costs, which vary by county but generally range from about \$78 to \$100.

The bill is effective July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Statutory Provisions

Section 316.3045, F.S., restricts the volume at which a car stereo, or other soundmaking device, may be played on a public street.¹ Specifically, the statute makes it unlawful to amplify sound so that it is:

- plainly audible at a distance of 25 feet or more from the vehicle; or
- louder than necessary for convenient hearing by the vehicle's passengers in areas adjoining churches, schools, or hospitals.²

To prevent arbitrary and discriminatory enforcement, the statute's provisions require that law enforcement personnel use an objective standard – distance – in order to determine if someone has violated the prohibition. The statute also requires DHSMV to adopt rules defining "plainly audible" and to establish standards regarding how sound should be measured by law enforcement personnel.

Pursuant to this statutory directive, DHSMV has promulgated rule 15B-13.001, F.A.C., which defines "plainly audible" and directs law enforcement personnel to measure the sound according to the following standards:

- the primary means of detection shall be by means of the law enforcement officer's ordinary auditory senses, so long as the law enforcement officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid;
- the officer must have a direct line of sight and hearing to the motor vehicle producing the sound so that he can readily identify the offending motor vehicle and the distance involved;
- the officer need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound;
- the motor vehicle from which the sound is produced must be located upon (stopped, standing or moving) any street or highway. Parking lots and driveways are included when any part thereof is open to the public for purposes of vehicular traffic.³

There are, however, exemptions to the statutory sound restrictions. First, the statute exempts law enforcement vehicles and emergency vehicles equipped with a communication device necessary in the performance of official duties or procedures.⁴ The statute also exempts sound coming from a vehicle that is used for business or political purposes, if the use of sound is within the normal course of business.⁵ There is a separate statutory provision that requires every vehicle to have a horn in good working order that is capable of emitting sound under normal conditions from a distance of not less than 200 feet.⁶ Under that same statute, a warning device, such as a car alarm, may also be used.⁷

¹ Specifically, s. 316.3045, F.S., makes it "unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical soundmaking device or instrument from within the motor vehicle so that the sound is: (a) plainly audible at a distance of 25 feet or more from the motor vehicle; or (2) louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals."

² s. 316.3045(1), F.S.

³ These standards are listed in 15B-13.001(3), F.A.C., and apply to the detection of sound that is louder than necessary for the convenient hearing by the vehicle's passengers in areas adjoining churches, schools, or hospitals.

⁴ s. 316.3045(2), F.S.

⁵ s. 316.3045(3), F.S.

⁶ s. 316.271, F.S.

A driver that violates the sound restrictions in s. 316.3045, F.S., is subject to issuance of a nonmoving traffic citation, which carries a \$30 fine, plus court costs, which vary by county but generally range from about \$78 to \$100.

In 2011, there were 4,091 citations issued statewide for violations of s. 316.3045, F.S.⁸

Constitutional Challenge

In December 2012, the Florida Supreme Court (FLSC) issued a ruling on the statute's constitutionality.⁹ The precise issues before the FLSC were the following:

- whether the statutory "plainly audible" standard was unconstitutionally vague and overbroad; and
- whether the business and political purposes exemptions were permissible, and if not, whether the exemptions could be severed from the rest of the statute.¹⁰

In its opinion, the FLSC held that the statute was not unconstitutionally vague because it provided persons of common intelligence and understanding adequate notice of the proscribed conduct, and used an objective standard – distance – for doing so.¹¹ The FLSC also noted that the statute directed DHSMV to promulgate rules defining "plainly audible" and to establish standards regarding how sound should be measured by law enforcement personnel, and "while each law enforcement officer may have different auditory sensitivities," the statute and rule's objective standard provided "fair warning . . . so that basic policy matters are not delegated to policemen, judges, and juries for resolution on an ad hoc and subjective basis."¹²

However, the FLSC did find the statute unconstitutionally overbroad in that it was an unreasonable, content-based restriction on the freedom of expression.¹³ First, the FLSC cited well-settled precedent declaring the right to play music in public as protected under the First Amendment.¹⁴ The FLSC then noted that because the right to play music in public was protected, a statute restricting the time, place, or manner of the expression of that right, must be content-neutral, narrowly tailored to serve a significant governmental interest, and must leave open ample alternative channels for communication of the information.¹⁵

While the FLSC found that the desire to protect the public from excessively loud noise was a compelling state interest, the FLSC did not find that the statute was narrowly tailored to serve that interest, and did not find that the restriction was content-neutral. Essentially, the FLSC held that because the statute allowed sound to be amplified at any volume from a vehicle used for business or political purposes, but proscribed other types of sound if the sound was plainly audible at a distance of 25 feet or more, the statute favored certain types of expression over others.¹⁶

On the issue of severability, the FLSC noted that the unconstitutional portions of a statute may be severed from the other constitutional portions in certain instances. According to precedent, the FLSC noted that the "key determination is whether the overall legislative intent is still accomplished without

⁷ Id.

⁸ See DHSMV's Agency Bill Analysis for HB 1019. A copy of the bill analysis is on file with the Florida House of Representatives, Transportation & Highway Safety Subcommittee.

⁹ *State v. Catalano*, 104 So.3d 1069 (Fla. 2012).

¹⁰ Id. at 6-7.

¹¹ Id. at 9.

¹² Id.

¹³ Id. at 1.

¹⁴ Id. at 13.

¹⁵ Id. at 14.

¹⁶ Id. at 18-19

the invalid provisions.”¹⁷ Because the statute specifically carved out an exemption for business and political vehicles, the FLSC found that the Florida Legislature did not intend for the statute’s provisions to apply “uniformly to all classes of vehicles or content.”¹⁸ For this reason, the FLSC did not sever the exemptions and held the statute unconstitutional in its entirety.

Effect of Proposed Change

The bill amends s. 316.3045, F.S., to remove the statutory exemptions provided for motor vehicles used for business or political purposes, which in the normal course of conducting such business, use soundmaking devices.

The bill also removes the restriction on sound that is louder than necessary for convenient hearing by the vehicle’s passengers in areas adjoining churches, schools, or hospitals. Although not specifically addressed by the FLSC, an associate judge at the appellate level wrote separately that “louder than necessary” is arguably subjective and may be impermissible if challenged.¹⁹

By removing the business and political exemptions and removing the “louder than necessary” restriction, the effect of the proposed change applies the statute’s restrictions on sound to all classes of vehicles, except law enforcement and emergency vehicles, in all areas if the sound is plainly audible at a distance of 25 feet or more. Thus, drivers of vehicles used for business or political purposes will be subject to applicable penalties for a violation of the statute’s restrictions. The bill does not affect the statutory provisions that require a vehicle to have a horn in good working order, and which also allow a warning device, such as a car alarm, to be used.

The bill also leaves local government police powers intact by clarifying that local governments may enact stricter time, place, and manner restrictions.

Under the bill, the current law penalty for a violation of the sound restrictions remains a noncriminal traffic citation, which carries a \$30 penalty.

The bill is effective July 1, 2013.

B. SECTION DIRECTORY:

- Section 1: amends s. 316.3045, F.S.; removes a restriction on sound that is louder than necessary for convenient hearing by the vehicle’s passengers; removes the exemptions provided for business or political vehicles that use sound in the course of business; and clarifies that local governments may enact stricter time, place, and manner restrictions;
- Section 2: provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
See Fiscal Comments.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹⁷ Id. at 20.

¹⁸ Id.

¹⁹ *State v. Catalano*, 60 So.3d 1147 (Fla. App. 2 Dist., 2011).

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A driver, including a driver of a vehicle used for business or political purposes, that violates the sound restrictions in s. 316.3045, F.S., is subject to issuance of a nonmoving traffic citation, which carries a \$30 fine, plus court costs, which vary by county but generally range from about \$78 to \$100.

D. FISCAL COMMENTS:

Due to the FLSC ruling, no uniform traffic citations (UTC) are currently being issued by law enforcement. To the extent that the revised and reenacted law allows UTCs to be issued, the state and local governments may collect additional fine revenue.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

According to the Florida Attorney General's Office which was consulted in the drafting of this bill, the bill is intended to resolve the constitutional issues addressed by the FLSC in *State v. Catalano*.

B. RULE-MAKING AUTHORITY:

The bill amends s. 316.3045, F.S., which requires DHSMV to promulgate rules to define "plainly audible" and establish standards regarding how sound should be measured by law enforcement personnel. Pursuant to the current statutory directive, DHSMV has promulgated rule 15B-13.001, F.A.C.

Subsection (4) of rule 15B-13.001, F.A.C., provides that the "standards set forth in subsection (3) above shall also apply to the detection of sound that is louder than necessary for the convenient hearing of persons inside the motor vehicle in areas adjoining churches, schools, or hospitals."

Because the bill removes the "louder than necessary" restriction, DHSMV will be required to update its rule to ensure law enforcement personnel has sufficient standards on how sound should be measured.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On Wednesday, March, 27, 2013, the Transportation & Highway Safety Subcommittee adopted one technical amendment to HB 1019, and subsequently reported the bill favorably as a Committee Substitute. The technical amendment aligned the House Bill with its Senate companion and did not change the substance of the bill.

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A bill to be entitled

An act relating to motor vehicles; amending s. 316.3045, F.S.; revising provisions relating to the operation of radios or other soundmaking devices in vehicles; deleting a standard for determining prohibited sound levels; deleting an exception for vehicles operated for business or political purposes; authorizing local authorities to regulate the place where such soundmaking devices may be operated; providing an effective date.

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

Section 1. Section 316.3045, Florida Statutes, is amended to read:

316.3045 Operation of radios or other mechanical soundmaking devices or instruments in vehicles; exemptions.—

(1) A ~~It is unlawful for any person who operates or occupies~~ operating or occupying a motor vehicle on a street or highway may not ~~to~~ operate or amplify the sound produced by a radio, tape player, or other mechanical soundmaking device or instrument from within the motor vehicle so that the sound is+
~~(a)~~ plainly audible at a distance of 25 feet or more from the motor vehicle; ~~or~~

~~(b) Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.~~

(2) ~~The provisions of~~ This section does ~~shall~~ not apply to

29 any law enforcement motor vehicle equipped with any
 30 communication device necessary in the performance of law
 31 enforcement duties or to any emergency vehicle equipped with any
 32 communication device necessary in the performance of any
 33 emergency procedures.

34 ~~(3) The provisions of this section do not apply to motor~~
 35 ~~vehicles used for business or political purposes, which in the~~
 36 ~~normal course of conducting such business use soundmaking~~
 37 ~~devices. The provisions of This subsection does shall not be~~
 38 ~~deemed to prevent local authorities, with respect to streets and~~
 39 ~~highways under their jurisdiction and within the reasonable~~
 40 ~~exercise of the police power, from regulating the time, place,~~
 41 ~~and manner in which a device or instrument described in~~
 42 ~~subsection (1) such business may be operated.~~

43 (4) ~~The provisions of This section does do not apply to~~
 44 the noise made by a horn or other warning device required or
 45 permitted by s. 316.271. The Department of Highway Safety and
 46 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
 47 audible" and shall establish standards regarding how sound
 48 should be measured by law enforcement personnel who enforce the
 49 provisions of this section.

50 (5) A violation of this section is a noncriminal traffic
 51 infraction, punishable as a nonmoving violation as provided in
 52 chapter 318.

53 Section 2. This act shall take effect July 1, 2013.



Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Rader offered the following:

Amendment (with title amendment)


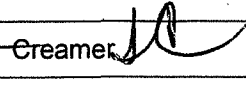
5 Remove line 37 and insert:
6 ~~devices. The provisions of This section subsection does shall~~
7 ~~not be~~

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

13 Remove lines 8-10 and insert:
14 specifying that such provisions do not prevent local authorities
15 from regulating the time, place, and manner such soundmaking
16 devices may be operated within their respective jurisdictions;
17 providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HM 1405 Captivity of Robert Levinson in Iran
SPONSOR(S): Local and Federal Affairs Committee, Moskowitz
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	15 Y, 0 N, As CS	Baker	Rojas
2) Economic Affairs Committee		Thompson 	Creamer 

SUMMARY ANALYSIS

The memorial asks Congress and the President to utilize all their resources to return Robert Levinson to the United States from his captivity in Iran.

In 2007, Robert Levinson, a U.S. citizen and Florida resident, was kidnapped while visiting Iran. According to anonymous photographs sent to his family, he is still alive and held captive. Despite the Department of State's prioritization of the matter, his whereabouts are unknown.

The government of Iran has promised in 2008 and 2013 to assist in this matter; however, reports indicate the government of Iran has failed to provide Robert Levinson's family with the results of any investigation.

The memorial has no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In March 2007, Robert Levinson disappeared from Iran's Kish Island.¹ Robert Levinson is a United States (U.S.) citizen and was a resident of Coral Springs, Florida, and previously served as an agent in the Federal Bureau of Investigation (FBI).² Robert Levinson was visiting Iran as a private investigator when he was kidnapped.³

In 2008, the Iranian government promised it was "ready to help, to assist with that matter."⁴ The Levinson family still has not received the results of any investigation that Iran conducted on the matter.⁵ Recently, Iran's foreign minister promised to help discover what happened to Robert Levinson while also stating that Iranian information showed Robert Levinson was not in Iran.⁶

In 2011, Robert Levinson's family received photos of him alive and holding signs that were apparently created by his captors.⁷ The Levinson family has recently released those photographs to the public.⁸

In 2012, the FBI announced a \$1 million reward for useful information on Robert Levinson's location.⁹

This month, Secretary of State John Kerry met with Robert Levinson's family to assure them the U.S. government wishes to locate Robert Levinson and return him to his family in Florida.¹⁰ Despite the Department of State's assigning a priority to Mr. Levinson's return and repeating its commitment, his location remains a mystery to his family.¹¹

Robert Levinson suffers from diabetes, and it is unknown whether he is receiving proper and necessary treatments for survival.¹² He is a husband and father of seven children and two grandchildren.¹³

¹ Lee Ferran and Brian Ross, "Kidnapped Ex-FBI Agent's Wife to Hold Iran to Its Promise of Help," Mar. 11, 2013, *available at* <http://abcnews.go.com/Blotter/robert-levinson-kidnapped-fbi-agents-wife-hold-iran/story?id=18703518> (last visited Mar. 12, 2013).

² "Report: Iran says it will help learn the fate of ex-FBI agent who went missing 6 years ago," FoxNews, Mar. 11, 2013, *available at* <http://www.foxnews.com/world/2013/03/11/report-iran-says-it-will-help-learn-fate-ex-fbi-agent-who-went-missing-6-years> (last visited Mar. 12, 2013) (hereinafter "Report").

³ Ferran and Ross, *supra* n. 1.

⁴ Ferran and Ross, *supra* n. 1.

⁵ Ferran and Ross, *supra* n. 1.

⁶ Ferran and Ross, *supra* n. 1; Report, *supra* n. 2.

⁷ Barry Meier, "American Missing in Iran Was Dressed Like Guantánamo Prisoner in Photographs Sent to Family," N.Y. Times, Jan. 8, 2013, *available at* <http://thelede.blogs.nytimes.com/2013/01/08/american-missing-in-iran-was-dressed-like-guantanamo-prisoner-in-photographs-sent-to-family> (last visited Mar. 12, 2013). The signs made statements such as "Why you can not help me?" and "This is the result of 30 years serving for USA" and "I am here in Guantanamo do you know where it is?" *Id.*

⁸ *Id.*

⁹ Sixth Anniversary of the Disappearance of Robert Levinson, Press Statement, John Kerry, Secretary of State, U.S. Department of State (Mar. 8, 2013), *available at* <http://www.state.gov/secretary/remarks/2013/03/205889.htm> (last visited Mar. 18, 2013) (hereinafter "State Department Statement").

¹⁰ *Id.*

¹¹ See Philip J. Crowley, Case of Missing U.S. Citizen Robert Levinson, Press Statement, U.S. Department of State (Mar. 9, 2010) *available at* <http://www.state.gov/r/pa/prs/ps/2010/03/137985.htm> (last visited Mar. 18, 2013); Hillary Rodham Clinton, Robert Levinson's 1,000th Day Missing, U.S. Department of State (Dec. 3, 2009) *available at* <http://www.state.gov/secretary/rm/2009a/12/133085.htm> (last visited Mar. 18, 2013).

¹² Ferran and Ross, *supra* n. 1.

¹³ State Department Statement, *supra* n. 9.

Effect of Proposed Changes

The memorial petitions Congress and the President of the United States to act on their moral obligations to utilize all of the resources at their disposal to bring Robert Levinson home to the United States and his family.

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

Not applicable.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 27, 2013, the Local and Federal Affairs Committee adopted one amendment. That amendment made a change to the geographic reference of Robert Levinson's kidnapping, as well as including the U.S. President in the memorial's petition. This analysis has been updated to reflect that amendment.

House Memorial

A memorial to the Congress of the United States,
 urging Congress and the President to utilize their
 resources to ensure the safe return of captive Robert
 Levinson from Iran.

WHEREAS, Robert Levinson was kidnapped in Iran on March 8,
 2007, while working as a private citizen, and

WHEREAS, Robert Levinson rendered valuable public service
 to this nation before his retirement, serving as a special agent
 with the Federal Bureau of Investigation for 22 years and with
 the United States Drug Enforcement Administration for 6 years,
 and

WHEREAS, Robert Levinson has been held captive in Iran for
 almost 6 years, making his captivity one of the longest in
 American history, and

WHEREAS, citizens of this great nation have worked
 tirelessly to acquire over 25,000 signatures on behalf of Robert
 Levinson to ensure that the Federal Government utilize all of
 its diplomatic resources to secure his release and safe return
 to his family in Coral Springs, Florida, and

WHEREAS, Robert Levinson's personal health has deteriorated
 in captivity due to his diabetic condition and the lack of
 access to proper medication to control that condition, likely
 diminishing his ability to survive, NOW, THEREFORE,

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

CS/HM 1405

2013

29 That the Florida Legislature respectfully petitions the
 30 Congress and the President of the United States to act on their
 31 moral obligations to utilize all of the resources at their
 32 disposal to bring Robert Levinson home to the United States to
 33 his family who has vigilantly waited for his safe return.

34 BE IT FURTHER RESOLVED that copies of this memorial be
 35 dispatched to the President of the United States, to the
 36 President of the United States Senate, to the Speaker of the
 37 United States House of Representatives, and to each member of
 38 the Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7019 PCB EDTS 13-02 Development Permits
SPONSOR(S): Economic Development & Tourism Subcommittee, Trujillo
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Development & Tourism Subcommittee	12 Y, 0 N	West	West
1) Economic Affairs Committee		West <i>RW</i>	Creamer <i>JC</i>

SUMMARY ANALYSIS

The Division of Emergency Management (Division) is administratively housed within the Executive Office of the Governor. The Director of the Division is appointed by, and serves at the pleasure of, the Governor and is the head of the Division for all purposes. The Division is tasked with administering programs to rapidly apply all available aid to communities stricken by an emergency and serves as a liaison with federal agencies and other public and private agencies.

The State Emergency Management Act establishes the powers of the Division. It tasks the Division with maintaining a comprehensive statewide program of emergency management efforts that includes coordinating efforts with the Federal Government, local governments, other state agencies, school boards, and private agencies that have a role in emergency management.

The National Flood Insurance Program (NFIP) was created by Congress in 1968 to address a shortage of flood insurance available from private insurance markets following frequent widespread flooding along the Mississippi River. The NFIP is administered by the Federal Emergency Management Administration (FEMA) and has three main components: to provide flood insurance, improve floodplain management, and develop maps of flood hazard areas. House Bill 503 (2012) contained provisions that, if implemented, would impede the state's ability to enforce required components of NFIP's floodplain management regulations and jeopardize Florida's voluntary participation in NFIP.

House Bill 7019 makes technical changes to Sections 125.022 and 166.033, Florida Statutes, to bring state law into compliance with the federal requirements of NFIP.

The bill does not appear to have a fiscal impact on state funds or local governments.

The bill provides an effective date of July 1, 2013.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Division of Emergency Management

The Division of Emergency Management (Division) is administratively housed within the Executive Office of the Governor. The Division is a separate budget entity, as provided in the General Appropriations Act and must prepare and submit a budget request in accordance with chapter 216, Florida Statutes. The Division is responsible for all professional, technical, and administrative support functions necessary to carry out its responsibilities. The Director of the Division is appointed by, and serves at the pleasure of, the Governor and is the head of the Division for all purposes. The Division is tasked with administering programs to rapidly apply all available aid to communities stricken by an emergency and serves as a liaison with federal agencies and other public and private agencies.¹

The State Emergency Management Act (Act)² establishes the powers of the Division. It tasks the Division with maintaining a comprehensive statewide program of emergency management efforts that includes coordinating efforts with the Federal Government, local governments, other state agencies, school boards, and private agencies that have a role in emergency management.³ The statewide program of emergency management includes but is not limited to:

- Preparation of a comprehensive statewide emergency management plan;
- Adopting standards and requirements for county emergency management plans;
- Assisting political subdivisions in preparing and maintaining emergency management plans;
- Ascertaining the requirements for equipment and supplies for use in an emergency;
- Instituting statewide public awareness programs;
- Coordinating federal, state, and local emergency management activities in advance of an emergency; and
- Using and employing the property, services, and resources within the state in accordance with the Act.⁴

After a disaster, the Division conducts damage assessment surveys and advises the Governor on whether to declare an emergency and seek federal relief funds. The Division maintains a primary Emergency Operations Center (EOC) in Tallahassee. The EOC serves as the communications and command center for reporting emergencies and coordinating state response activities. The Division also operates the State Warning Point, a state emergency communications center staffed 24 hours each day. The center maintains statewide communications with county emergency officials.⁵

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by Congress in 1968 as a result of passage of the National Flood Insurance Act to address economic hardships caused by flood disasters. Congress found that it was "...uneconomic for the private insurance industry alone to make flood insurance available to those in need of such protection on reasonable terms and conditions; but a program of flood insurance with large-scale participation of the Federal Government and carried out to

¹ Section 14.2016, F.S.

² Section 252, F.S.

³ Section 252.35(1), F.S.

⁴ Section 252.35, F.S.

⁵ http://floridadisaster.org/about_the_division.htm

the maximum extent practicable by the private insurance industry is feasible.”⁶ In response, NFIP was created as a voluntary program that provided affordable flood insurance for people that lived in communities that adopted floodplain management regulations that meet or exceed federal standards.⁷ In most instances, homeowners buy flood policies from an insurance agent but in the event of a flood disaster the insurance company doesn’t pay the claim, the Federal Government does. NFIP provides coverage up to \$250,000 for the home and \$100,000 for personal possessions for private dwellings and up to \$500,000 for buildings and \$500,000 for property and belongings for commercial properties.

NFIP in Florida

- More than 450 communities are active participants in NFIP
- More than 2 million flood insurance policies
- More than \$471 billion in flood coverage⁸

In March, 2012, FEMA expressed concern that HB 503 (2012) was inconsistent with federal law⁹ that requires communities to review proposed developments to ensure they have received necessary permits pursuant to federal and state law. This requirement ensures that coordination occurs between levels of government on projects impacting flood plains and that all necessary permits have been secured before commencement of construction. FEMA warned that if HB 503 was implemented, Florida communities would be subject to challenge and face legal impediments to as they tried to comply with NFIP requirements. If communities could not meet requirements of NFIP, they could be subject to suspension from the program that would include the following consequences:

- No selling or renewing of flood insurance policies within a community that is not in compliance with NFIP requirements;
- Federal agencies would be prohibited from issuing grants, loans, or guarantees for the acquisition or construction of structures located in a Special Flood Hazard Area;
- Lending institutions may require private flood insurance for high-risk properties at significantly higher cost to the homeowner, assuming private insurance is even available in that area; and
- If a flood disaster occurs in a suspended community, many types of federal disaster assistance would not be available.¹⁰

Effects of Proposed Changes

House Bill 7019 requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before commencement of the development, including developments in mapped flood hazard areas. Such changes would ensure Florida is fully compliant with NFIP.

B. SECTION DIRECTORY:

Section 1: Amends s. 125.022, F.S., to provide that counties will attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before commencement of the development, including developments in mapped flood hazard areas.

Section 2: Amends s. 166.033, F.S., to provide that municipalities will attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before commencement of the development, including developments in mapped flood hazard areas.

⁶ 42 U.S.C. § 4001(b)(1,2).

⁷ See 42 U.S.C. §§ 4012(c), 4022; 44 C.F.R. §§ 60.1, 60.2.

⁸ Letter from Major P. May (Regional Administrator, FEMA) to Governor Rick Scott, dated March 30, 2012; on file with Economic Development & Tourism Subcommittee.

⁹ 44 C.F.R. § 60.3(a)(2).

¹⁰ Id at 8.

Section 3: Provides an effective date of July 1, 2013.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

If a flood disaster occurs in a suspended community, many types of federal disaster assistance would not be available and could pose a financial hardship to that suspended community.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
 An act relating to development permits; amending ss.
 125.022 and 166.033, F.S.; requiring counties and
 municipalities to attach certain disclaimers and
 include certain permit conditions when issuing
 development permits; requiring counties and
 municipalities to demonstrate that applicable permits
 have been obtained before development in mapped flood
 hazard areas; providing an effective date.

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

Section 1. Section 125.022, Florida Statutes, is amended
 to read:

125.022 Development permits.—When a county denies an
 application for a development permit, the county shall give
 written notice to the applicant. The notice must include a
 citation to the applicable portions of an ordinance, rule,
 statute, or other legal authority for the denial of the permit.
 As used in this section, the term "development permit" has the
 same meaning as in s. 163.3164. For any development permit
 application filed with the county after July 1, 2012, a county
 may not require as a condition of processing or issuing a
 development permit that an applicant obtain a permit or approval
 from any state or federal agency unless the agency has issued a
 final agency action that denies the federal or state permit
 before the county action on the local development permit.
 Issuance of a development permit by a county does not in any way

29 create any rights on the part of the applicant to obtain a
 30 permit from a state or federal agency and does not create any
 31 liability on the part of the county for issuance of the permit
 32 if the applicant fails to obtain requisite approvals or fulfill
 33 the obligations imposed by a state or federal agency or
 34 undertakes actions that result in a violation of state or
 35 federal law. A county shall ~~may~~ attach such a disclaimer to the
 36 issuance of a development permit and shall ~~may~~ include a permit
 37 condition that all other applicable state or federal permits be
 38 obtained before commencement of the development. For all
 39 development in mapped flood hazard areas, the county must
 40 demonstrate that all other applicable state and federal permits
 41 have been obtained before the commencement of the development.
 42 This section does not prohibit a county from providing
 43 information to an applicant regarding what other state or
 44 federal permits may apply.

45 Section 2. Section 166.033, Florida Statutes, is amended
 46 to read:

47 166.033 Development permits.—When a municipality denies an
 48 application for a development permit, the municipality shall
 49 give written notice to the applicant. The notice must include a
 50 citation to the applicable portions of an ordinance, rule,
 51 statute, or other legal authority for the denial of the permit.
 52 As used in this section, the term "development permit" has the
 53 same meaning as in s. 163.3164. For any development permit
 54 application filed with the municipality after July 1, 2012, a
 55 municipality may not require as a condition of processing or
 56 issuing a development permit that an applicant obtain a permit

57 | or approval from any state or federal agency unless the agency
 58 | has issued a final agency action that denies the federal or
 59 | state permit before the municipal action on the local
 60 | development permit. Issuance of a development permit by a
 61 | municipality does not in any way create any right on the part of
 62 | an applicant to obtain a permit from a state or federal agency
 63 | and does not create any liability on the part of the
 64 | municipality for issuance of the permit if the applicant fails
 65 | to obtain requisite approvals or fulfill the obligations imposed
 66 | by a state or federal agency or undertakes actions that result
 67 | in a violation of state or federal law. A municipality shall ~~may~~
 68 | attach such a disclaimer to the issuance of development permits
 69 | and shall ~~may~~ include a permit condition that all other
 70 | applicable state or federal permits be obtained before
 71 | commencement of the development. For all development in mapped
 72 | flood hazard areas, the municipality must demonstrate that all
 73 | other applicable state and federal permits have been obtained
 74 | before the commencement of the development. This section does
 75 | not prohibit a municipality from providing information to an
 76 | applicant regarding what other state or federal permits may
 77 | apply.

78 | Section 3. This act shall take effect July 1, 2013.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Trujillo offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 125.022, Florida Statutes, is amended
7 to read:

8 125.022 Development permits.—When a county denies an
9 application for a development permit, the county shall give
10 written notice to the applicant. The notice must include a
11 citation to the applicable portions of an ordinance, rule,
12 statute, or other legal authority for the denial of the permit.
13 As used in this section, the term "development permit" has the
14 same meaning as in s. 163.3164. For any development permit
15 application filed with the county after July 1, 2012, a county
16 may not require as a condition of processing or issuing a
17 development permit that an applicant obtain a permit or approval
18 from any state or federal agency unless the agency has issued a
19 final agency action that denies the federal or state permit
20 before the county action on the local development permit.



Amendment No. 1

21 Issuance of a development permit by a county does not in any way
22 create any rights on the part of the applicant to obtain a
23 permit from a state or federal agency and does not create any
24 liability on the part of the county for issuance of the permit
25 if the applicant fails to obtain requisite approvals or fulfill
26 the obligations imposed by a state or federal agency or
27 undertakes actions that result in a violation of state or
28 federal law. A county shall ~~may~~ attach such a disclaimer to the
29 issuance of a development permit and shall ~~may~~ include a permit
30 condition that all other applicable state or federal permits be
31 obtained before commencement of the development. This section
32 does not prohibit a county from providing information to an
33 applicant regarding what other state or federal permits may
34 apply.

35 Section 2. Section 166.033, Florida Statutes, is amended
36 to read:

37 166.033 Development permits.—When a municipality denies an
38 application for a development permit, the municipality shall
39 give written notice to the applicant. The notice must include a
40 citation to the applicable portions of an ordinance, rule,
41 statute, or other legal authority for the denial of the permit.
42 As used in this section, the term "development permit" has the
43 same meaning as in s. 163.3164. For any development permit
44 application filed with the municipality after July 1, 2012, a
45 municipality may not require as a condition of processing or
46 issuing a development permit that an applicant obtain a permit
47 or approval from any state or federal agency unless the agency
48 has issued a final agency action that denies the federal or



Amendment No. 1

49 state permit before the municipal action on the local
50 development permit. Issuance of a development permit by a
51 municipality does not in any way create any right on the part of
52 an applicant to obtain a permit from a state or federal agency
53 and does not create any liability on the part of the
54 municipality for issuance of the permit if the applicant fails
55 to obtain requisite approvals or fulfill the obligations imposed
56 by a state or federal agency or undertakes actions that result
57 in a violation of state or federal law. A municipality shall ~~may~~
58 attach such a disclaimer to the issuance of development permits
59 and shall ~~may~~ include a permit condition that all other
60 applicable state or federal permits be obtained before
61 commencement of the development. This section does not prohibit
62 a municipality from providing information to an applicant
63 regarding what other state or federal permits may apply.

64 Section 3. Subsection (3) of section 24 of chapter 2012-
65 205, Laws of Florida, is amended to read:

66 Section 24. (3) The holder of a valid permit or other
67 authorization that is eligible for the 2-year extension must
68 notify the authorizing agency in writing by October 1, 2013
69 ~~December 31, 2012~~, identifying the specific authorization for
70 which the holder intends to use the extension and the
71 anticipated timeframe for acting on the authorization.

72 Section 4. This act shall take effect July 1, 2013.

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75

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

76

Remove everything before the enacting clause and insert:



Amendment No. 1

77 An act relating to permits; amending ss. 125.022 and 163.033,
78 F.S.; requiring counties and municipalities to attach certain
79 disclaimers and include certain permit conditions when issuing
80 development permits; amending s. 24, ch. 2012-2-5, Laws of
81 Florida, relating to the extension of certain local government-
82 issued building permits and certain permits issued by the
83 Department of Environmental Protection or a water management
84 district; revising the date by which the holder of such permits
85 must notify the authorizing agency of specified information with
86 respect to the extension; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7117 PCB THSS 13-04 Transportation Facility Designations
SPONSOR(S): Transportation & Highway Safety Subcommittee, Raschein
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 300

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee	14 Y, 0 N	Johnson	Miller
1) Economic Affairs Committee		Johnson <i>AS</i>	Creamer <i>J</i>

SUMMARY ANALYSIS

State law provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill makes the following designations and directs the Department of Transportation (DOT) to erect suitable markers:

- Reverend John A. Ferguson Street in Miami-Dade County.
- David G. Ledgerwood Memorial Highway in Volusia County.
- Lieutenant Colonel Carl John Luksic Memorial Highway in Bay County.
- C. Blythe Andrews Road in Hillsborough County.
- Roland Manteiga Road in Hillsborough County.
- Sergeant Carl Mertes Street in Miami-Dade County.
- Detective Sergeant Steven E. Bauer Street in Miami Dade County.
- Sergeant Lynette Hodge Street in Miami-Dade County.
- Full Gospel Assembly Street in Miami-Dade County.
- Ebenezer Christian Academy Street in Miami-Dade County.
- Bishop Abe Randall Boulevard in Miami-Dade County.
- Jacob Fleishman Street in Miami-Dade County.
- Bishop Isaiah S. Williams, Jr. Street in Miami-Dade County.
- The Honorable Dale G. Bennett Boat Ramp in Broward County.
- Reverend Winer Maxi Street in Miami-Dade County.
- James Harold Thompson Highway in Gadsden County.
- Trooper James Herbert Fulford, Jr., Memorial Highway in Jefferson County.
- SP4 Billy Jacobs Hartsfield Bridge in Taylor County.
- Juan Armando Torga, Jr., Intersection in Miami-Dade County.
- Belen Jesuit Preparatory School Intersection in Miami-Dade County.
- Dr. Martin Luther King, Jr., Avenue in Walton County.
- Ponce de Leon Bridge in St. Johns County.
- RADM LeRoy Collins, Jr., Veterans Expressway in Hillsborough County.

The bill has an effective date of July 1, 2013.

The bill has an estimated negative fiscal impact of \$23,000; which is the cost to DOT to erect the markers specified in the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires DOT to place a marker at each termini or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Reverend John A. Ferguson was the founder and long-time pastor of Second Baptist Church in Miami-Dade County. He passed away on July 26, 2012.

David G. Ledgerwood was killed in action in Vietnam on April 29, 1968. He is buried at Arlington National Cemetery.

Lieutenant Colonel Carl John Luksic, USAF, served in World War II, the Korean War, and the Vietnam War. He was a Prisoner of War during World War II. He passed away on May 24, 2009.

C. Blythe Andrews was a newspaperman, businessman, fraternal leader, and civic leader in the Tampa community. He passed away on April 2, 1977.

Roland Manteiga was in charge of the La Gaceta newspaper from 1961 until 1998. He was also active in the Tampa community. He passed away on September 25, 1998.

Sergeant Carl Mertes was a North Miami police officer killed in the line of duty on November 6, 1980.

Detective Sergeant Steven E. Bauer was a North Miami police officer killed while working off duty on January 3, 1992.

Sergeant Lynette Hodge was a North Miami police officer killed in a vehicle accident on November 16, 1993.

Full Gospel Assembly is a church founded in Miami on February 6, 1983.

Ebenezer Christian Academy is a Christian school in Miami founded in 1992.

Bishop Abe Randall is pastor of St. Matthews Free Will Baptist Church in Miami, where he has served for 44 years.

Jacob Fleishman founded Jacob Fleishman Cold Storage in Miami, a fourth-generation family business.

Bishop Isaiah S. Williams, Jr., was the founder and senior pastor of Jesus People Ministries Church International, Inc., in Miami. He passed away on July 2, 2009.

The Honorable Dale G. Bennett was the mayor of Hialeah and an Everglades conservationist. He passed away in 1997.

Reverend Wilner Maxi is pastor of Emmanuel Haitian Baptist Church in Miami-Dade County.

James Harold Thompson was a member of the Florida House of Representatives from Gadsden County and served as Speaker from 1985 to 1986.

Trooper James Herbert Fulford, Jr., was a Florida Highway Patrol trooper killed in the line of duty on February 1, 1992.

SP4 Billy Jacobs Hartsfield died in a plane crash in South Vietnam on February 12, 1970.

Juan Armando Torga, Jr., was in the United States Air Force, a Miami-Dade County Police reserve officer, and a Miami-Dade County Firefighter. He passed away on May 17, 2009.

Belen Jesuit Preparatory School was founded in Cuba in 1854 and established in Miami in 1961.

Dr. Martin Luther King, Jr., was a civil rights leader. He was killed on April 4, 1968.

Juan Ponce de Leon was a Spanish explorer instrumental in the discovery of Florida by Europeans in 1513.

RADM LeRoy Collins, Jr., was a Rear Admiral in the Navy Reserve, a prominent businessman and civic leader, and the former Executive Director of the Florida Department of Veterans Affairs. He passed away July 29, 2010.

Proposed Changes

The bill makes the following honorary designations:

- That portion of State Road 992/SW 152 Street/Coral Reef from SW 99 Court to SW 117 Avenue in Miami-Dade County as "Reverend John A. Ferguson Street."
- That portion of State Road 415 between Acorn Lake Road and Reed Ellis Road in Volusia County as "David G. Ledgerwood Memorial Highway."
- That portion of U.S. Highway 98/State Road 30A/Tyndall Parkway between County Road 2327/Transmitter Road and State Road 22 in Bay County as "Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway."
- That portion of 21st Avenue between 26th Street and State Road 585/22nd Street in Hillsborough County as "C. Blythe Andrews Road."
- That portion of Palm Avenue between 15th Street and State Road 45/Nebraska Avenue in Hillsborough County as "Roland Manteiga Road."
- That portion of 125th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as "Sergeant Carl Mertes Street."
- That portion of N.E. 126th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as "Detective Sergeant Steven E. Bauer Street."
- That portion of N.E. 127th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami Dade County as "Sergeant Lynette Hodge Street."
- That portion of N.W. 40th Street between N.W. 2nd Avenue and N.W. 3rd Avenue in Miami-Dade County as "Full Gospel Assembly Street."
- That portion of N.W. 39th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County as "Ebenezer Christian Academy Street."
- That portion of N.W. 67th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County as "Bishop Abe Randall Boulevard."

- That portion of N.W. 81st Street between N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade County as “Jacob Fleishman Street.”
- That portion on N.W. 183rd Street between 27th Avenue and 42nd Avenue in Miami-Dade County as “Bishop Isaiah S. Williams, Jr. Street.”
- Ramp number 8 at mile marker 40.7 on Interstate 75/State Road 93/Alligator Alley in Broward County as “The Honorable Dale G. Bennett Boat Ramp.”
- That portion of N.E. 73rd Street between N.E.2nd Avenue and N.E. 3rd Court in Miami-Dade County as “Reverend Winer Maxi Street.”
- That portion of U.S. 90/State Road 10 between Gretna and Chattahoochee in Gadsden County as “James Harold Thompson Highway.”
- That portion of Interstate 10/State Road 8 from Milepost 232 to Milepost 233 in Jefferson County as “Trooper James Herbert Fulford, Jr., Memorial Highway.”
- The bridge (No. 380047) on U.S. 98/State Road 30 over the Aucilla River in Taylor County as “SP4 Billy Jacobs Hartsfield Bridge.”
- The intersection of S.W. 107th Avenue and S.W. 4th Street in the City of Sweetwater, in Miami-Dade County as “Juan Armando Torga, Jr., Intersection.”
- The intersection of S.W. 127th Avenue and 8th Street in Miami-Dade County is “Belen Jesuit Preparatory School Intersection.”
- That portion of U.S. Highway 90 between 5th Avenue and Norwood Road in Walton County as “Dr. Martin Luther King, Jr., Avenue.”
- Bridge No. 780075 on U.S.1/State Road 5/Ponce de Leon Boulevard over the San Sebastian River in St. Johns County as “Ponce de Leon Bridge.”
- That portion of State Road 589/Veterans Expressway between State Road 60/Courtney Campbell Causeway and State Road 597/Dale Mabry Highway as “RADM LeRoy Collins, Jr., Veterans Expressway.”

The bill directs DOT to erect suitable markers designating each of the above designations.

The bill has an effective date of July 1, 2013.

B. SECTION DIRECTORY:

- Section 1 Designates Reverend John A. Ferguson Street; directs DOT to erect suitable markers.
- Section 2 Designates David G. Ledgerwood Memorial Highway; directs DOT to erect suitable markers.
- Section 3 Designates Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway; directs DOT to erect suitable markers.
- Section 4 Designates C. Blythe Andrews Road; directs DOT to erect suitable markers.
- Section 5 Designates Roland Manteiga Road; directs DOT to erect suitable markers.
- Section 6 Designates Sergeant Carl Mertes Street; directs DOT to erect suitable markers.
- Section 7 Designates Detective Sergeant Steven E. Bauer Street; directs DOT to erect suitable markers.
- Section 8 Designates Sergeant Lynette Hodge Street; directs DOT to erect suitable markers.
- Section 9 Designates Full Gospel Assembly Street; directs DOT to erect suitable markers.
- Section 10 Designates Ebenezer Christian Academy Street; directs DOT to erect suitable markers.

- Section 11 Designates Bishop Abe Randall Boulevard; directs DOT to erect suitable markers.
- Section 12 Designates Jacob Fleishman Street; directs DOT to erect suitable markers.
- Section 13 Designates Isaiah S. Williams, Jr. Street; directs DOT to erect suitable markers.
- Section 14 Designates the Honorable Dale G. Bennett boat ramp; directs DOT to erect suitable markers.
- Section 15 Designates Reverend Winer Maxi Street; directs DOT to erect suitable markers.
- Section 16 Designates James Harold Thompson Highway; directs DOT to erect suitable markers.
- Section 17 Designates Trooper James Herbert Fulford, Jr., Memorial Highway; directs DOT to erect suitable markers.
- Section 18 Designates SP4 Billy Jacobs Hartsfield Bridge; directs DOT to erect suitable markers.
- Section 19 Designates Juan Armando Torga, Jr., Intersection; directs DOT to erect suitable markers.
- Section 20 Designates Belen Jesuit Preparatory School Intersection; directs DOT to erect suitable markers.
- Section 21 Designates Dr. Martin Luther King, Jr., Avenue; directs DOT to erect suitable markers.
- Section 22 Designates Ponce de Leon Bridge; directs DOT to erect suitable markers.
- Section 23 Designates RADM LeRoy Collins, Jr., Veterans Expressway; directs DOT to erect suitable markers.
- Section 24 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DOT will incur costs of approximately \$23,000 (from the State Transportation Trust Fund) for erecting markers for the designations. This is based on the assumption that two markers for each designation will be erected at a cost of \$500 per marker. DOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

SP4 Billy Jacobs Hartsfield should be SB4 Billy Jacob Hartsfield.

According to DOT, it will have difficulty erecting signs for Dr. Martin Luther King, Jr., Street. It has provided recommendations as to how to amend the bill to correct the problem by providing that the designation is on U.S. Highway 90 between N. 5th Street and N. Norwood Road.

According to DOT, the Veterans Expressway is on both State Road 589 and State Road 568. It has provided recommended changes to the bill to correct the problem by providing that the designation is on State Road 589 and State Road 568.

Comments

A portion of the Reverend John A. Ferguson Street designation is not on the State Highway System.

The C. Blythe Andrews Road and Roland Manteiga Road, Detective Sergeant Steven E. Bauer Street, Sergeant Lynette Hodge Street, Full Gospel Assembly Street, Ebenezer Christian Academy Street, Bishop Abe Randall Boulevard and Reverend Wilner Maxi designations are not on the State Highway System.

A Jacob Fleishman Street was previously designated in Miami-Dade County in 2012.¹ This designation appears to be for the same person.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 20, 2013, the Transportation & Highway Safety Subcommittee adopted four amendments. These amendments:

- Designated RADM LeRoy Collins, Jr. Veterans Expressway.
- Designated Ponce de Leon Bridge.
- Designated Dr. Martin Luther King, Jr., Avenue.
- Corrected drafting errors.

1 A bill to be entitled
 2 An act relating to transportation facility
 3 designations; providing honorary designations of
 4 various transportation facilities in specified
 5 counties; directing the Department of Transportation
 6 to erect suitable markers; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Reverend John A. Ferguson Street designated;
 12 Department of Transportation to erect suitable markers.-

13 (1) That portion of S.R. 992/S.W. 152nd Street/Coral Reef
 14 Drive from S.R. 821/Homestead Extension of the Florida Turnpike
 15 to S.W. 99th Court in Miami-Dade County is designated as
 16 "Reverend John A. Ferguson Street."

17 (2) The Department of Transportation is directed to erect
 18 suitable markers designating Reverend John A. Ferguson Street as
 19 described in subsection (1).

20 Section 2. David G. Ledgerwood Memorial Highway
 21 designated; Department of Transportation to erect suitable
 22 markers.-

23 (1) That portion of S.R. 415 between Acorn Lake Road and
 24 Reed Ellis Road in Volusia County is designated as "David G.
 25 Ledgerwood Memorial Highway."

26 (2) The Department of Transportation is directed to erect
 27 suitable markers designating David G. Ledgerwood Memorial
 28 Highway as described in subsection (1).

HB 7117

2013

29 Section 3. Lieutenant Colonel Carl John Luksic, USAF,
 30 Memorial Highway designated; Department of Transportation to
 31 erect suitable markers.-

32 (1) That portion of U.S. 98/S.R. 30A/Tyndall Parkway
 33 between County Road 2327/Transmitter Road and S.R. 22 in Bay
 34 County is designated as "Lieutenant Colonel Carl John Luksic,
 35 USAF, Memorial Highway."

36 (2) The Department of Transportation is directed to erect
 37 suitable markers designating Lieutenant Colonel Carl John
 38 Luksic, USAF, Memorial Highway as described in subsection (1).

39 Section 4. C. Blythe Andrews Road designated; Department
 40 of Transportation to erect suitable markers.-

41 (1) That portion of 21st Avenue between 26th Street and
 42 S.R. 585/22nd Street in Hillsborough County is designated as "C.
 43 Blythe Andrews Road."

44 (2) The Department of Transportation is directed to erect
 45 suitable markers designating C. Blythe Andrews Road as described
 46 in subsection (1).

47 Section 5. Roland Manteiga Road designated; Department of
 48 Transportation to erect suitable markers.-

49 (1) That portion of Palm Avenue between 15th Street and
 50 S.R. 45/Nebraska Avenue in Hillsborough County is designated as
 51 "Roland Manteiga Road."

52 (2) The Department of Transportation is directed to erect
 53 suitable markers designating Roland Manteiga Road as described
 54 in subsection (1).

55 Section 6. Sergeant Carl Mertes Street designated;
 56 Department of Transportation to erect suitable markers.-

57 | (1) That portion of S.R. 922/125th Street between N.E. 8th
 58 | Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
 59 | "Sergeant Carl Mertes Street."

60 | (2) The Department of Transportation is directed to erect
 61 | suitable markers designating Sergeant Carl Mertes Street as
 62 | described in subsection (1).

63 | Section 7. Detective Sergeant Steven E. Bauer Street
 64 | designated; Department of Transportation to erect suitable
 65 | markers.-

66 | (1) That portion of N.E. 126th Street between N.E. 8th
 67 | Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
 68 | "Detective Sergeant Steven E. Bauer Street."

69 | (2) The Department of Transportation is directed to erect
 70 | suitable markers designating Detective Sergeant Steven E. Bauer
 71 | Street as described in subsection (1).

72 | Section 8. Sergeant Lynette Hodge Street designated;
 73 | Department of Transportation to erect suitable markers.-

74 | (1) That portion of N.E. 127th Street between N.E. 8th
 75 | Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
 76 | "Sergeant Lynette Hodge Street."

77 | (2) The Department of Transportation is directed to erect
 78 | suitable markers designating Sergeant Lynette Hodge Street as
 79 | described in subsection (1).

80 | Section 9. Full Gospel Assembly Street designated;
 81 | Department of Transportation to erect suitable markers.-

82 | (1) That portion of N.W. 40th Street between N.W. 2nd
 83 | Avenue and N.W. 5th Avenue in Miami-Dade County is designated as
 84 | "Full Gospel Assembly Street."

HB 7117

2013

85 (2) The Department of Transportation is directed to erect
 86 suitable markers designating Full Gospel Assembly Street as
 87 described in subsection (1).

88 Section 10. Ebenezer Christian Academy Street designated;
 89 Department of Transportation to erect suitable markers.-

90 (1) That portion of N.W. 39th Street between N.W. 2nd
 91 Avenue and N.W. 3rd Avenue in Miami-Dade County is designated as
 92 "Ebenezer Christian Academy Street."

93 (2) The Department of Transportation is directed to erect
 94 suitable markers designating Ebenezer Christian Academy Street
 95 as described in subsection (1).

96 Section 11. Bishop Abe Randall Boulevard designated;
 97 Department of Transportation to erect suitable markers.-

98 (1) That portion of N.W. 67th Street between N.W. 2nd
 99 Avenue and N.W. 4th Avenue in Miami-Dade County is designated as
 100 "Bishop Abe Randall Boulevard."

101 (2) The Department of Transportation is directed to erect
 102 suitable markers designating Bishop Abe Randall Boulevard as
 103 described in subsection (1).

104 Section 12. Jacob Fleishman Street designated; Department
 105 of Transportation to erect suitable markers.-

106 (1) That portion of S.R. 934/N.W. 81st Street between U.S.
 107 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade
 108 County is designated as "Jacob Fleishman Street."

109 (2) The Department of Transportation is directed to erect
 110 suitable markers designating Jacob Fleishman Street as described
 111 in subsection (1).

112 Section 13. Bishop Isaiah S. Williams, Jr., Street

HB 7117

2013

113 designated; Department of Transportation to erect suitable
 114 markers.-

115 (1) That portion of S.R. 860/Miami Gardens Drive/N.W.
 116 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd
 117 Avenue in Miami-Dade County is designated as "Bishop Isaiah S.
 118 Williams, Jr., Street."

119 (2) The Department of Transportation is directed to erect
 120 suitable markers designating Bishop Isaiah S. Williams, Jr.,
 121 Street as described in subsection (1).

122 Section 14. The Honorable Dale G. Bennett Boat Ramp
 123 designated; Department of Transportation to erect suitable
 124 markers.-

125 (1) Ramp number 8 at mile marker 40.7 on I-75/S.R.
 126 93/Alligator Alley in Broward County is designated as "The
 127 Honorable Dale G. Bennett Boat Ramp."

128 (2) The Department of Transportation is directed to erect
 129 suitable markers designating The Honorable Dale G. Bennett Boat
 130 Ramp as described in subsection (1).

131 Section 15. Reverend Wilner Maxi Street designated;
 132 Department of Transportation to erect suitable markers.-

133 (1) That portion of N.E. 73rd Street between N.E. 2nd
 134 Avenue and N.E. 3rd Court in Miami-Dade County is designated as
 135 "Reverend Wilner Maxi Street."

136 (2) The Department of Transportation is directed to erect
 137 suitable markers designating Reverend Wilner Maxi Street as
 138 described in subsection (1).

139 Section 16. James Harold Thompson Highway designated;
 140 Department of Transportation to erect suitable markers.-

HB 7117

2013

141 (1) That portion of U.S. 90/S.R. 10 between Gretna and
 142 Chattahoochee in Gadsden County is designated as "James Harold
 143 Thompson Highway."

144 (2) The Department of Transportation is directed to erect
 145 suitable markers designating James Harold Thompson Highway as
 146 described in subsection (1).

147 Section 17. Trooper James Herbert Fulford, Jr., Memorial
 148 Highway designated; Department of Transportation to erect
 149 suitable markers.-

150 (1) That portion of I-10/S.R. 8 between mile post 232 and
 151 mile post 233 in Jefferson County is designated as "Trooper
 152 James Herbert Fulford, Jr., Memorial Highway."

153 (2) The Department of Transportation is directed to erect
 154 suitable markers designating Trooper James Herbert Fulford, Jr.,
 155 Memorial Highway as described in subsection (1).

156 Section 18. SP4 Billy Jacobs Hartsfield Bridge designated;
 157 Department of Transportation to erect suitable markers.-

158 (1) Bridge number 380047 on U.S. 98/S.R. 30 over the
 159 Aucilla River in Taylor County is designated as "SP4 Billy
 160 Jacobs Hartsfield Bridge."

161 (2) The Department of Transportation is directed to erect
 162 suitable markers designating SP4 Billy Jacobs Hartsfield Bridge
 163 as described in subsection (1).

164 Section 19. Juan Armando Torga, Jr., Intersection
 165 designated; Department of Transportation to erect suitable
 166 markers.-

167 (1) The intersection of S.W. 4th Street and S.R. 985/S.W.
 168 107th Avenue in Miami-Dade County is designated as "Juan Armando

HB7117

2013

169 Torga, Jr., Intersection."

170 (2) The Department of Transportation is directed to erect
 171 suitable markers designating Juan Armando Torga, Jr.,
 172 Intersection as described in subsection (1).

173 Section 20. Belen Jesuit Preparatory School Intersection
 174 designated; Department of Transportation to erect suitable
 175 markers.-

176 (1) The intersection of S.W. 127th Avenue and U.S. 41/S.R.
 177 90/Tamiami Trail/S.W. 8th Street in Miami-Dade County is
 178 designated as "Belen Jesuit Preparatory School Intersection."

179 (2) The Department of Transportation is directed to erect
 180 suitable markers designating Belen Jesuit Preparatory School
 181 Intersection as described in subsection (1).

182 Section 21. Dr. Martin Luther King, Jr., Avenue
 183 designated; Department of Transportation to erect suitable
 184 markers.-

185 (1) That portion of U.S. 90 between 5th Avenue and Norwood
 186 Road in Walton County is designated as "Dr. Martin Luther King,
 187 Jr., Avenue."

188 (2) The Department of Transportation is directed to erect
 189 suitable markers designating Dr. Martin Luther King, Jr., Avenue
 190 as described in subsection (1).

191 Section 22. Ponce de Leon Bridge designated; Department of
 192 Transportation to erect suitable markers.-

193 (1) Bridge number 780075 on U.S. 1/S.R. 5/Ponce de Leon
 194 Boulevard over the San Sebastian River in St. Johns County is
 195 designated as "Ponce de Leon Bridge."

HB 7117

2013

196 (2) The Department of Transportation is directed to erect
 197 suitable markers designating Ponce de Leon Bridge as described
 198 in subsection (1).

199 Section 23. RADM LeRoy Collins, Jr., Veterans Expressway
 200 designated; Department of Transportation to erect suitable
 201 markers.-

202 (1) That portion of S.R. 589/Veterans Expressway between
 203 State Road 60/Courtney Campbell Causeway and S.R. 597/Dale Mabry
 204 Highway is designated as "RADM LeRoy Collins, Jr., Veterans
 205 Expressway."

206 (2) The Department of Transportation is directed to erect
 207 suitable markers designating RADM LeRoy Collins, Jr., Veterans
 208 Expressway as described in subsection (1).

209 Section 24. This act shall take effect July 1, 2013.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Raschein offered the following:

3
4 **Amendment**

5 Remove lines 156-163 and insert:

6 Section 18. SP4 Billy Jacob Hartsfield Bridge designated;
7 Department of Transportation to erect suitable markers.-

8 (1) Bridge number 380047 on U.S. 98/S.R. 30 over the
9 Aucilla River in Taylor County is designated as "SP4 Billy Jacob
10 Hartsfield Bridge."

11 (2) The Department of Transportation is directed to erect
12 suitable markers designating SP4 Billy Jacob Hartsfield Bridge
13 as described in subsection (1).

14
15
16 Remove lines 185-187 and insert:

17 (1) That portion of U.S. 90/SR 10 between N. 5th Street
18 and N. Norwood Road in Walton County is designated as "Dr.
19 Martin Luther King, Jr., Avenue."



Amendment No. 1

21 Remove lines 202-205 and insert:

22 (1) That portion of S.R. 589 and S.R. 568/Veterans
23 Expressway between State Road 60/Courtney Campbell Causeway and
24 S.R. 597/Dale Mabry Highway in Hillsborough County is designated
25 as "RADM LeRoy Collins, Jr., Veterans Expressway."

26



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Raschein offered the following:

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

5 Between lines 208 and 209, insert:

6 Section 24. Arthur & Polly Mays Memorial Highway
7 designated; Department of Transportation to erect suitable
8 markers.-

9 (1) That portion of U.S. 1/S.R. 5/South Dixie Highway
10 between SW 220th Street/Old Cutler Road and SW 216th
11 Street/Hainlin Mill Drive in Miami-Dade County as "Arthur &
12 Polly Mays Memorial Highway."

13 (2) The Department of Transportation is directed to erect
14 suitable markers designating Arthur & Polly Mays Memorial
15 Highway as described in subsection (1).

16 Section 25. Lourdes Guzman-DeJesus Street designated;
17 Department of Transportation to erect suitable markers.-

18 (1) That portion of U.S. 1/S.R. 5/South Dixie Highway
19 between SW 296th Street/Avocado Drive and SW 288th



Amendment No. 2

20 Street/Biscayne Drive in Miami-Dade County as "Lourdes Guzman-
21 DeJesus Street."

22 (2) The Department of Transportation is directed to erect
23 suitable markers designating Lourdes Guzman-DeJesus Street as
24 described in subsection (1).

25 Section 26. Fred Karl Memorial Highway designated;
26 Department of Transportation to erect suitable markers.-

27 (1) That portion of S.R. 40 between the City of Ormond
28 Beach and the Lake County Line in Volusia County is designated
29 as "Fred Karl Memorial Highway."

30 (2) The Department of Transportation is directed to erect
31 suitable markers designating Fred Karl Memorial Highway as
32 described in subsection (1).

33 Section 27. KMI Kentucky Military Institute Bridge
34 designated; Department of Transportation to erect suitable
35 markers.-

36 (1) Bascule bridges Numbers 170169 and 170170 on U.S.
37 Business 41/SR 45/Tamiami Trail in Sarasota County are
38 designated as "KMI Kentucky Military Institute Bridge."

39 (2) The Department of Transportation is directed to erect
40 suitable markers designating KMI Kentucky Military Institute
41 Bridge as described in subsection (1).

42 Section 28. Tomas-Minerva Vinuela Way designated;
43 Department of Transportation to erect suitable markers.-

44 (1) That portion of 25th Street in Miami-Dade County
45 between East 8th Avenue and East 9th Avenue is designated as
46 "Tomas-Minerva Vinuela Way."



Amendment No. 2

47 (2) The Department of Transportation is directed to erect
48 suitable markers designating Tomas-Minerva Vinuela Way as
49 described in subsection (1).

50 Section 29. Robert L. Clark Memorial Highway designated;
51 Department of Transportation to erect suitable markers.-

52 (1) That portion of US 1/State Road 5/NE 6th Avenue
53 between Ponce de Leon Drive and SR 84/SE 24th Street in Broward
54 County is designated as "Robert L. Clark Memorial Highway."

55 (2) The Department of Transportation is directed to erect
56 suitable markers designating Robert L. Clark Memorial Highway as
57 described in subsection (1).

58 Section 30. Governor Mixson Highway designated; Department
59 of Transportation to erect suitable markers.-

60 (1) That portion of S.R. 73 between the Calhoun County
61 Line and U.S. 231 in Jackson County is designated as "Governor
62 Mixson Highway."

63 (2) The Department of Transportation is directed to erect
64 suitable markers designating Governor Mixson Highway as
65 described in subsection (1).

66 Section 31. Warren E. "Charlie" Brown Memorial Highway
67 designated; Department of Transportation to erect suitable
68 markers.-

69 (1) That portion of U.S. 98/S.R. 30 between Rosewood Drive
70 and Sunrise Drive in Santa Rosa County is designated as "Warren
71 E."Charlie" Brown Memorial Highway."

72 Section 32. Julia Munroe Woodward Highway designated;
73 Department of Transportation to erect suitable markers.-



Amendment No. 2

74 (1) Upon completion of construction, S.R. 269 between
75 U.S.90/S.R. 10 and S.R. 12 in Gadsden County is designated as
76 "Julia Munroe Woodward Highway."

77 (2) The Department of Transportation is directed to erect
78 suitable markers designating Julia Munroe Woodward Highway as
79 described in subsection (1).

80 Section 33. Walter Francis Spence Parkway designated;
81 Department of Transportation to erect suitable markers.-

82 (1) That portion of S.R. 293 between the Mid-Bay Bridge
83 Toll Plaza and S.R. 85 in Okaloosa County is designated as
84 "Walter Francis Spence Parkway."

85 (2) The Department of Transportation is directed to erect
86 suitable markers designating Walter Francis Spence Parkway as
87 described in subsection (1).

88 Section 34. The Department of Transportation may permit
89 the erection by a private entity of a suitable marker in the
90 wayside park on the north end of the Sunshine Skyway Bridge in
91 memory of those who died on May 9, 1980, when the MV Summit
92 Venture collided with the bridge. The type of marker and its
93 location shall be subject to the approval of the department. The
94 private entity shall be responsible for all costs of the marker
95 and its installation. The private entity shall also provide an
96 annual renewable bond, an irrevocable letter of credit, or
97 another form of security as approved by the department's
98 comptroller, for the purpose of securing the cost of removal of
99 the monument and any modifications made to the site as part of
100 the placement of the monument should the department determine it
101 necessary to remove or relocate the monument.



Amendment No. 2

102
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T I T L E A M E N D M E N T

Remove line 6 and insert:

to erect suitable markers; authorizing the department
to permit the installation of a specified marker under
certain conditions; providing an effective