

Tourism, Infrastructure & Energy Subcommittee

Thursday, April 1, 2021
12:30 PM – 2:30 PM
Sumner Hall (404 HOB)

Meeting Packet

Chris Sprowls
Speaker

Brad Drake
Chair

The Florida House of Representatives

Commerce Committee
Tourism, Infrastructure & Energy Subcommittee

Chris Sprowls
Speaker

Brad Drake
Chair

AGENDA

Thursday, April 1, 2021
12:30 PM – 2:30 PM
Sumner Hall (404 HOB)

I. Call to Order & Roll Call

II. Welcoming Remarks

III. Consideration of the following proposed committee substitute(s):

PCS for HB 271 -- Power-driven Vessel Safety Requirements

PCS for HB 1029 -- Purple Heart Recipient Parking Spaces

IV. Consideration of the following bill(s):

HB 389 by *Rep. Mariano*
Tampa Bay Area Regional Transit Authority

HB 501 by *Rep. Duran*
Specialty License Plates

HB 599 by *Rep. Robinson, F.*
Specialty License Plates

HB 1283 by *Rep. Beltran*
Tampa-Hillsborough County Expressway Authority

HB 1289 by *Rep. McFarland*
Autonomous Vehicles

HB 1385 by *Rep. LaMarca*
Department of Transportation

303 House Office Building, 402 South Monroe Street, Tallahassee, Florida 32399-1300
(850) 717-4873 Fax: (850) 413-0419

HB 1463 by *Rep. LaMarca*
Department of Economic Opportunity

HB 1589 by *Rep. Mooney*
City of Key West, Monroe County

HB 1633 by *Rep. Drake*
Okaloosa Gas District, Okaloosa, Santa Rosa, and Walton Counties

HB 6011 by *Rep. Beltran*
Professional Sports Facilities

V. Adjournment

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Tourism, Infrastructure & Energy Subcommittee

Start Date and Time:	Thursday, April 01, 2021 12:30 pm
End Date and Time:	Thursday, April 01, 2021 02:30 pm
Location:	Sumner Hall (404 HOB)
Duration:	2.00 hrs

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PCS for HB 1029 -- Purple Heart Recipient Parking Spaces

Consideration of the following bill(s):

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HB 501 Specialty License Plates by Duran
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HB 1283 Tampa-Hillsborough County Expressway Authority by Beltran
HB 1289 Autonomous Vehicles by McFarland
HB 1385 Department of Transportation by LaMarca
HB 1463 Department of Economic Opportunity by LaMarca
HB 1589 City of Key West, Monroe County by Mooney
HB 1633 Okaloosa Gas District, Okaloosa, Santa Rosa, and Walton Counties by Drake
HB 6011 Professional Sports Facilities by Beltran

This meeting will be live-streamed on https://thefloridachannel.org/. Persons who wish to attend must register at www.myfloridahouse.gov, and pick up a pass at the Legislative Welcome Center on the 4th Floor of the Capitol beginning one hour before the start of the meeting. Audience seating will be socially distanced and will be available on a first-come, first-served basis. Registration closes three hours before the meeting starts.

NOTICE FINALIZED on 03/30/2021 4:23PM by Young.Kimberly

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 271 Boating Safety Education
SPONSOR(S): Tourism, Infrastructure & Energy Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:** SB 1658, SB 1562

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Tourism, Infrastructure & Energy Subcommittee		Willson MW	Keating CK

SUMMARY ANALYSIS

The Fish and Wildlife Conservation Commission (FWC) Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state. This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, and conducting boating accident investigations.

An operator of a vessel in Florida must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or due to vessel overloading or excessive speed.

Florida law requires that boat operators born on or after January 1, 1988, must obtain a Florida boating safety identification card if the vessel is powered by an engine of 10 horsepower or more. To obtain a card, a person must complete an approved boating safety course.

Federal law requires boaters to use the installed engine cut-off switch on any motorized boat with 3 or more horsepower that is less than 26 feet in length.

The bill requires that an FWC-approved boating safety education course or temporary certificate examination developed or approved by the commission must include a component regarding:

- The risks associated with a passenger placing any portion of an appendage over the outside edge of the vessel while the vessel is underway.
- The proper use of an engine cutoff switch, as appropriate for certain vessels.

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

The bill provides an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Fish and Wildlife Conservation Commission

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.[1] Chapter 327, F.S., concerning vessel safety, is enforced by FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.[2] The Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.[3] This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, and conducting boating accident investigations.[4]

Boater Safety Education

A person born on or after January 1, 1988, who will be operating a boat in Florida waters with an engine of 10 horsepower or more, must obtain a Florida boating safety identification card.[5] To obtain a card, a person must complete an approved boating safety course.[6] There are several courses available at various price points ranging from free up to $50.[7] The course must meet the 8-hour instruction requirement established by the National Association of State Boating Law Administrators and must include a component regarding diving vessels.[8] The card is valid for life, unless it was obtained by passing a temporary certificate examination, in which case it is valid for 90 days after the date of issuance.[9]

Current law requires that any boating safety education course or temporary certificate examination developed or approved by FWC must include a component regarding diving vessels, awareness of divers in the water, divers-down warning devices, and other diver-related requirements provided in current law.[10]

Certain persons are exempt from the requirement to obtain a boating safety identification card. A person is exempt if he or she:

- Is licensed by the United States Coast Guard (Coast Guard) to serve as master of a vessel.
- Operates a vessel only on a private lake or pond.
- Is accompanied in the vessel by a person who is exempt from this section or who holds an identification card in compliance with this section, is 18 years of age or older, and is attendant to the operation of the vessel and responsible for the safe operation of the vessel and for any violation that occurs during the operation of the vessel.
- Is a nonresident who has in his or her possession proof that he or she has completed a boater education course or equivalency examination in another state which meets or exceeds the requirements in Florida.

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[1] FLA. CONST. art. IV, s. 9.
[2] Section 327.70(1), F.S.
[3] Fish and Wildlife Conservation Commission (FWC), *Boating*, https://myfwc.com/boating/ (last visited Mar. 25, 2021).
[4] FWC, *Law Enforcement*, https://myfwc.com/about/inside-fwc/le/ (last visited Feb. 15, 2021). *See* s. 327.70(1) and (4), F.S.
[5] S. 327.395(1), F.S.
[6] FWC, *Boater Education Identification Card*, https://myfwc.com/boating/safety-education/id/ (last visited Mar. 25, 2021). This card is not a boating license, it is a certification that the person named on the card has successfully completed the required boating safety course.
[7] FWC, *Boating Safety Courses*, https://myfwc.com/boating/safety-education/courses/ (last visited Mar. 25, 2021).
[8] S. 327.395(1), F.S.
[9] S. 327.395(5), F.S.
[10] *See* s. 327.331, F.S.

- Is operating a vessel within 90 days after the purchase of that vessel and has available for inspection aboard that vessel a bill of sale.
- Is operating a vessel within 90 days after completing the boater education course and has a photographic identification card and a boater education certificate available for inspection as proof of having completed a boater education course. The boater education certificate must provide, at a minimum, the student's first and last name, the student's date of birth, and the date that he or she passed the course examination.
- Is exempted by FWC rule.[11]

A person who operates a vessel without the required boating safety identification card can be charged with a noncriminal infraction and is subject to a uniform boating citation and a $50 civil penalty.[12]

A livery may not knowingly lease, hire, or rent vessels under certain conditions meant to ensure boater safety.[13] Additionally, a livery may not knowingly lease, hire, or rent any vessel powered by a motor of 10 horsepower or greater to any person who is required to comply with boater safety education requirements, unless the person presents photographic identification and a valid boater safety identification card to the livery or meets one of the listed exemptions.[14]

Boating Safety Regulations

An operator of a vessel in Florida must operate the vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or due to vessel overloading or excessive speed.[15] Operating a vessel in excess of a posted speed limit is a civil infraction, for which the penalty is $50.[16]

Vessel owners and operators must carry, store, maintain, and use safety equipment in accordance with current Coast Guard safety equipment requirements, unless expressly exempted.[17] Vessel owners and operators are also subject to additional safety requirements relating to appropriate equipment and the use of personal flotation devices.[18]

Engine Cut-off Switch

Effective April 1, 2021, federal law[19] requires boaters to use the engine cut-off switch (ECOS), if such a device is installed, on any motorized boat with 3 or more horsepower that is less than 26 feet in length. Typically, the ECOS link is a coiled bungee cord lanyard clipped onto the operator's person, personal floatation device, or clothing, with the other end attached to the cut-off switch. However many variations exist, including electronic wireless devices. When an operator is wearing a link while underway, the engine will cut-off if the operator is separated from the operating area, which can happen if the operator is ejected from the vessel or falls within the vessel.[20]

According to the Coast Guard's Boating Safety Division, an ECOS is an important tool to prevent unnecessary accidents, injuries, and deaths caused by a recreational vessel operator being unexpectedly displaced from the helm, including situations where the operator is ejected from the

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[11] S. 327.395(6), F.S.
[12] S. 327.73(1)(s), F.S.
[13] S. 327.54(1), F.S. For example, vessels must have proper safety equipment and be seaworthy, and the number of vessel occupants may not exceed the maximum safety load of the vessel.
[14] S. 327.54(2), F.S.
[15] S. 327.33, F.S.
[16] S. 327.73(h), F.S.
[17] S. 327.50, F.S.
[18] *Id.*
[19] 46 U.S.C. § 4312
[20] United States Coast Guard, *Engine Cut-Off Switches*, https://uscgboating.org/recreational-boaters/engine-cut-off-devices.php (last visited Mar. 25, 2021).

vessel, which typically leads to a runaway vessel. In these scenarios anyone in the water is a potential propeller-strike victim, all other vessels on the water face a collision hazard, and maritime law enforcement officers face additional risk in trying to bring the runaway vessel to a stop. Additionally, the use of an ECOS may aid the operator in safely returning to the drifting vessel.[21]

In 2018, Congress required vessel manufactures to install an ECOS. However, most U.S. boat manufacturers have voluntarily installed an ECOS on their boats for decades.[22]

Florida law requires that operators of personal watercraft[23] equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device, as appropriate for the specific vessel.[24]

Effect of the Bill

The bill requires that an FWC-approved boating safety education course or temporary certificate examination developed or approved by the commission must include a component regarding:

- The risks associated with a passenger placing any portion of an appendage over the outside edge of the vessel while the vessel is underway.
- The proper use of an engine cutoff switch, as appropriate for certain vessels.

B. SECTION DIRECTORY:

Section 1 Amends s. 327.395, F.S.; relating to boating safety education.

Section 2 Provides an effective date.

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.

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[21] United States Coast Guard, *Engine/Propulsion Cut-Off Devices FAQ*, https://uscgboating.org/recreational-boaters/engine-cut-off-switch-faq.php (last visited Mar. 25, 2021).

[22] USCG, *Engine Cut-Off Switches, supra.*

[23] Section 327.02(36), F.S. defines "Personal watercraft" as "a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel."

[24] S. 327.39(2), F.S.

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. The 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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to boating safety education; amending s. 327.395, F.S.; requiring commission-approved boating safety education courses or temporary certificate examinations to include components relating to certain safety measures; requiring the commission to incorporate certain information into boating safety campaigns and education materials; providing an effective date.

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

Section 1. Subsection (3) of section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety education.—

(3) Any commission-approved boating safety education course or temporary certificate examination developed or approved by the commission must include a component regarding:

(a) Diving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331.

(b) The risks associated with a passenger placing any portion of his or her appendage outside of a vessel while the vessel is underway.

(c) The proper use of an engine cutoff switch, as appropriate for certain vessels.

The commission must also incorporate the components described in paragraphs (a)-(c), into boating safety campaigns and education materials produced by the commission, as appropriate.

Section 2. This act shall take effect July 1, 2021.

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

V

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1029 Purple Heart Recipient Parking Spaces
SPONSOR(S): Tourism, Infrastructure & Energy Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:** SB 1320

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating

SUMMARY ANALYSIS

The Purple Heart medal is presented to service members who have been wounded or killed as a result of enemy action while serving in the U.S. military.

Around the United States parking spaces are being created in parking lots, which are reserved for combat injured veterans. While not officially reserved or protected, these spaces are designed to honor those who were wounded in combat.

The PCS authorizes each state agency or political subdivision having jurisdiction over street parking or publicly owned or operated parking facilities to designate Purple Heart recipient parking spaces. Each designated parking space must be designed in a manner that is consistent with the standards of the controlling jurisdiction for other parking spaces, except that it may be outlined in purple paint or posted with a sign identifying the parking space as a Purple Heart recipient parking space.

The PCS does not appear to impact state or local government revenues or state government expenditures. To the extent a local government creates a program designating parking spaces for Purple Heart recipients, there may be some insignificant expenditures associated with creating those spaces.

The PCS has an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Purple Heart medal is presented to service members who while serving in the U.S. military have been wounded or killed as a result of enemy action. A Purple Heart is a solemn distinction and means a service member has greatly sacrificed themselves, or paid the ultimate price, while in the line of duty.[1]

According to the National Purple Heart Hall of Honor, more than 1.8 million Purple Heart medals have been presented to service members since the award was created in 1782.[2]

Around the United States, purple parking spaces are being created for combat injured veterans. While not officially reserved or protected, the spaces are designed to honor those who were wounded in combat.[3]

Currently, there is nothing in state law regarding Purple Heart recipient parking spaces.

Effect of the Bill

The PCS creates s. 316.1968, F.S., authorizing each state agency or political subdivision having jurisdiction over street parking or publicly-owned or operated parking facilities to designate parking spaces as Purple Heart recipient parking spaces. Each designated parking space must be designed in a manner that is consistent with the standards of the controlling jurisdiction for other parking spaces, except that it may be prominently outlined in purple paint or posted with an above-grade sign identifying the parking space as a Purple Heart recipient parking space. Use of these spaces would operate on an honor system.

The PCS has an effective date of July 1, 2021.

B. SECTION DIRECTORY:

Section 1 Creates s. 316.1968, F.S., relating to Purple Heart recipient parking spaces.

Section 2 Provide an effective date of July, 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

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[1] USO, *8 Things You Need to Know about the Purple Heart Medal,* August 3, 2020, https://www.uso.org/stories/2276-8-purple-heart-facts (last visited March 26, 2021).

[2] *Id.*

[3] The Veteran Site, *Purple Parking Spots are Great News for Veterans,* https://blog.theveteranssite.greatergood.com/veteran-parking-spots/#:~:text=Spearheaded%20by%20the%20Wounded%20Warriors,in%20combat%20for%20their%20country. (last visited March 26, 2021).

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 PCS 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:

The PCS does not provide a grant of rulemaking, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to Purple Heart recipient parking spaces; creating s. 316.1968, F.S.; authorizing a governmental entity to establish a program to offer designated parking spaces for Purple Heart recipients; authorizing the design of such spaces; a providing an effective date.

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

Section 1. Section 316.1968, Florida Statutes, is created to read:

316.1968 Purple Heart recipient parking spaces.—Each state agency or political subdivision having jurisdiction over street parking or publicly-owned or operated parking facilities may designate parking spaces as Purple Heart recipient parking spaces. Each designated parking space must be designed in a manner that is consistent with the standards of the controlling jurisdiction for other parking spaces, except that it may be prominently outlined in purple paint or posted with an above-grade sign identifying the parking space as a Purple Heart recipient parking space.

Section 2. This act shall take effect July 1, 2021.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 389 Tampa Bay Area Regional Transit Authority
SPONSOR(S): Mariano
TIED BILLS: **IDEN./SIM. BILLS:** SB 422

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Local Administration & Veterans Affairs Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The Tampa Bay Area Regional Transit Authority (TBARTA) is an agency of the state, covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties, whose purpose is to plan, develop, fund, implement, and operate a regional transit system in the Tampa Bay area. TBARTA's governing board consists of 13 voting members and two non-voting advisors. The 13 voting board members include:

- One county commissioner from each of its five member counties;
- The mayors of the largest municipalities, by population, within the service area of each of the following independent transit agencies: Pinellas Suncoast Transit Authority (St. Petersburg) and Hillsborough Area Regional Transit Authority (Tampa);
- Two members appointed from the governing boards of the Pinellas Suncoast Transit Authority and the Hillsborough Area Regional Transit Authority; and
- Four members from the regional business community appointed by the Governor.

Seven members of the board constitutes a quorum, and the vote of seven members is necessary for the board to take any action.

The bill authorizes the mayors from the largest municipalities within the TBARTA service area to designate an alternate, who must be a member of the municipality's city council, to attend board meetings and to act in their place with full voting rights. The bill provides that a simple majority of board members constitutes a quorum and a simple majority of the voting members present is necessary for any action to be taken by the governing board. The bill renames the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee and deletes the requirement that TBARTA provide administrative support and direction to the committee. Finally, the bill deletes an obsolete provision related to a 2018 report.

The bill does not appear to have a fiscal impact on state government and may reduce TBARTA's expenditures.

The bill has an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Tampa Bay Area Regional Transit Authority

Part V of Ch. 343, F.S., creates the Tampa Bay Area Regional Transit Authority (TBARTA)[1] as a body politic and corporate and agency of the state, covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties and any other contiguous county that is party to an agreement of participation.[2]

TBARTA's purpose is to plan, develop, fund, implement, and operate a regional transit system in the Tampa Bay area.[3] TBARTA must produce a regional transit development plan, integrating the transit development plans of participant counties, with priority assigned to regionally significant transit projects and facilities.[4]

TBARTA's governing board consists of 13 voting members and two non-voting advisors. The secretary of the Department of Transportation (DOT) appoints two non-voting advisors to the board who are the district secretaries for the two DOT districts within TBARTA's designated area. The 13 voting members of the board are appointed as follows:

- The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties each appoint one county commissioner to the board;
- Two members of the board are the mayors of the municipalities with the largest populations[5] within the service area of each of the following independent transit agencies: Pinellas Suncoast Transit Authority (St. Petersburg) and Hillsborough Area Regional Transit Authority (Tampa);
- The following independent transit agencies each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority; and
- The Governor appoints four members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official.[6]

Seven members of the board constitutes a quorum, and the vote of seven members is necessary for TBARTA to take any action.[7] A vacancy does not impair the right of a quorum of the board to exercise all rights and perform all duties of TBARTA.[8]

Beginning July 1, 2017, TBARTA's board was required to evaluate the abolishment, continuance, modification, or establishment of the following committees:

- Planning committee;
- Policy committee;
- Finance committee;
- Citizens advisory committee;
- TBARTA Metropolitan Planning Organization Chairs Coordinating Committee;
- Transit management committee; and
- Technical advisory committee.

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[1] Prior to 2017, TBARTA was named the Tampa Bay Area Regional Transportation Authority.
[2] Ss. 343.90 and 343.91(1)(a), F.S.
[3] S. 343.922(1), F.S.
[4] S. 343.922(3), F.S.
[5] The municipality with the largest population is determined by the most recent decennial census.
[6] S. 343.92(2), F.S.
[7] S. 343.92(8), F.S.
[8] *Id.*

After the board completed its evaluation, it was required to submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Legislative Session.[9] The report was submitted in January 2018.

TBARTA Metropolitan Planning Organization Chairs Coordinating Committee

The TBARTA Metropolitan Planning Organization Chairs Coordinating Committee (committee) is created within TBARTA, and is composed of the metropolitan planning organizations (MPO's)[10] serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties. TBARTA is required to provide administrative support and direction to the committee. The committee must, at a minimum:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPO's represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.[11]

The committee conducts two meetings a year, one in the summer and one in the fall. Every year, the committee receives public comment and adopts the West Central Florida Regional Roadway Network, Transportation Regional Incentive Program Priority Projects, and Regional Multi-Use Trail Priority Projects. The committee transmits these priorities to DOT. The committee also makes a yearly recommendation to TBARTA's board for the TBARTA regional priority projects.[12]

Effect of the Bill

The bill authorizes the mayors of the largest municipalities within the service areas of the Pinellas Suncoast Transit Authority (St. Petersburg) and the Hillsborough Regional Transit Authority (Tampa) to designate alternates. The mayor's designated alternate must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council. In the event that the mayor is unable to attend a TBARTA board meeting, the mayor's designated alternate must attend the meeting on the mayor's behalf and has the full right to vote.

The bill revises the quorum requirements for TBARTA's board meeting, allowing for a simple majority of the TBARTA board to constitute a quorum. It also provides that a simple majority of the voting members present, rather than seven members, are necessary for any action to be taken by the board.

The bill removes obsolete language that required TBARTA to submit recommendations for abolishment, continuance, modification, or establishment of TBARTA committees to the Legislature before the 2018 Regular Session.

The bill renames the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee, modifies its organization so it is no longer created within TBARTA, and deletes the requirement that TBARTA provide administrative support and direction to the committee. The bill does not change the committee's membership.

The bill also removes requirements that TBARTA present regional transit development plans to the committee and coordinate plans and projects with the committee.

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[9] S. 343.92(9), F.S.

[10] MPOs are federally-required transportation planning entities in urbanized areas with populations of 50,000 or more.

[11] S. 339.175(6)(i), F.S.

[12] TBARTA, *MPOs Chairs Coordinating Committee*, https://tbarta.com/en/boards-meetings/mpos-chairs-coordinating-committee/ (last visited January 28, 2021).

B. SECTION DIRECTORY:

Section 1 Amends s. 339.175, F.S., relating to metropolitan planning organizations.

Section 2 Amends s. 343.92, F.S., relating to TBARTA.

Section 3 Amends s. 343.922, F.S., providing TBARTA's powers and duties.

Section 4 Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill does not appear to impact state revenues.

2. Expenditures:

   The bill does not appear to impact state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill does not appear to impact local government revenues.

2. Expenditures:

   The bill may reduce TBARTA's expenditures associated with no longer being required to staff the Chairs Coordinating Committee.

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

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the Tampa Bay Area Regional Transit Authority; amending s. 339.175, F.S.; renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; deleting a requirement that the Tampa Bay Area Regional Transit Authority provide the committee with administrative support and direction; amending s. 343.92, F.S.; providing that a mayor's designated alternate may be a member of the governing board of the authority; requiring that the alternate be an elected member of the city council of the mayor's municipality and be approved by the municipality's city council; requiring a mayor's designated alternate to attend meetings under certain circumstances, in which case the alternate has full voting rights; providing that a simple majority of board members constitutes a quorum and that a simple majority of those members present is necessary for any action to be taken; deleting obsolete language; amending s. 343.922, F.S.; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities; deleting a provision requiring that the authority coordinate plans and projects with

the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives; deleting a provision requiring that the authority provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee; providing an effective date.

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

Section 1. Paragraph (i) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the

extent permitted by state or federal law.

(i) There is created the ~~Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization~~ Chairs Coordinating Committee ~~is created within the Tampa Bay Area Regional Transit Authority~~, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. ~~The authority shall provide administrative support and direction to the committee.~~ The committee must, at a minimum:

1. Coordinate transportation projects deemed to be regionally significant by the committee.

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Section 2. Paragraph (b) of subsection (2) and subsections (8) and (9) of section 343.92, Florida Statutes, are amended to read:

343.92 Tampa Bay Area Regional Transit Authority.—

(2) The governing board of the authority shall consist of 13 voting members appointed no later than 45 days after the

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creation of the authority.

(b) The 13 voting members of the board shall be as follows:

1. The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties shall each appoint one county commissioner to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves elected office, a vacancy exists on the board to be filled as provided in this subparagraph within 90 days.

2.a. Two members of the board shall be the mayor, or the mayor's designated alternate, of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. The mayor's designated alternate must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council. In the event the mayor is unable to attend a meeting, the mayor's designated alternate shall attend the meeting on the mayor's behalf and has the full right to vote.

3. The following independent transit agencies or their legislatively created successor agencies shall each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority's criteria for appointment, a vacancy exists on the board, which must be filled as provided in this subparagraph within 90 days.

4. The Governor shall appoint to the board four members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the members initially appointed under this subparagraph, one shall serve a 1-year term, two shall serve 2-year terms, and one shall serve a term as the initial chair as provided in subsection (5). Thereafter, a member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.

Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

(8) A simple majority ~~Seven members~~ of the board shall constitute a quorum, and a simple majority of the voting members present shall be necessary for any action to be taken by the board ~~the vote of seven members is necessary for any action to be taken by the authority~~. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the authority.

~~(9) Beginning July 1, 2017, the board must evaluate the abolishment, continuance, modification, or establishment of the following committees:~~

~~(a) Planning committee.~~

~~(b) Policy committee.~~

~~(c) Finance committee.~~

~~(d) Citizens advisory committee.~~

~~(e) Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee.~~

~~(f) Transit management committee.~~

~~(g) Technical advisory committee.~~

~~The board must submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.~~

Section 3. Paragraphs (e), (f), and (g) of subsection (3) of section 343.922, Florida Statutes, are amended to read:

343.922 Powers and duties.—

(3)

(e) The authority shall present the ~~original~~ regional transit development plan and updates to the governing bodies of the counties within the designated region~~, to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee,~~ and to the legislative delegation members representing those counties within 90 days after adoption.

~~(f) The authority shall coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.~~

~~(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).~~

Section 4. This act shall take effect July 1, 2021.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 501 Specialty License Plates
SPONSOR(S): Duran
TIED BILLS: **IDEN./SIM. BILLS:** SB 860

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Approximately 120 specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay the additional annual use fee for such plate. The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity.

The bill creates the Biscayne Bay specialty license plate with an annual use fee of $25. The plates must bear DHSMV-approved colors and designs with "Florida" appearing at the top of the plate and "Protect Biscayne Bay" appearing at the bottom of the plate. The annual use fees are distributed to The Miami Foundation to raise awareness and support the mission and efforts of conserving Biscayne Bay.

The bill will have a negative, but insignificant, fiscal impact to state expenditures associated with DHSMV's programming costs to create the specialty license plate. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and ten Florida collegiate plates. Today, there are approximately 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically $25 annually.[1] Current law provides that if the Legislature[2] has approved 150 or more specialty license plates, the Department of Highway Safety and Motor Vehicles (DHMSV) may not make any new specialty license plate available for design or issuance until a sufficient number of plates are discontinued[3] so that the number of plates being issued does not exceed 150.[4]

Establishment of Specialty License Plates

Section 320.08053, F.S., provides the statutory requirements to establish a specialty license plate. If a specialty license plate requested by an organization is approved by law, the organization submits its proposed art design to DHSMV as soon as practicable, but no later than 60 days after the act approving the plate becomes a law.[5]

Within 120 days after the act approving the specialty license plate becomes law, DHSMV must establish a method to issue a voucher allowing for the presale of the plate. A $5 processing fee,[6] a service charge and branch fee,[7] and an annual use fee for the specialty license plate are charged for the voucher. All other applicable fees are charged at the time the license plate is issued.[8]

Within 24 months after establishing a presale specialty license plate voucher, the approved specialty license plate organization must record with DHSMV a minimum of 3,000 voucher sales[9] before the license plate may be manufactured. If, at the conclusion of the 24-month presale period, the minimum sales requirement is not met, the specialty license plate is deauthorized and DHSMV discontinues the plate's development and the issuance of the presale vouchers. Upon deauthorization of the specialty license plate, a purchaser of the specialty license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply to DHSMV for a refund.[10]

New specialty license plates that have been approved by law, but are awaiting issuance, will be issued in the order they appear in s. 320.08058, F.S.,[11] if all statutory requirements, including the presale requirement, have been met. If the next awaiting specialty license plate has not met its presale requirement, DHSMV proceeds in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement. DHSMV must cycle through the list in statutory order.[12]

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[1] Section 320.08056(3)(d), F.S., provides that, except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is $25.
[2] Creation of a specialty license plate requires an act of the Legislature.
[3] Specialty license plates are discontinued pursuant to s. 320.08056(8), F.S.
[4] S. 320.08053(3)(b), F.S.
[5] S. 320.08053(1), F.S.
[6] The processing fee is prescribed in s. 320.08056, F.S.
[7] Service charges and branch fees are prescribed in s. 320.04, F.S.
[8] S. 320.08053(2)(a), F.S.
[9] In the case of out-of-state college or university license plate, the license plate must register 4,000 voucher sales.
[10] S. 320.08053(2)(b), F.S.
[11] S. 320.08058, F.S., creates each specialty license plate.
[12] S. 320.08053(3)(a), F.S.

If the Legislature has approved 150 or more specialty license plates, DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued[13] so that the number of plates being issued is fewer than 150. The 150-license plate limit applies to all specialty license plates, including those above the minimum sales threshold and those exempt from the minimum sales threshold.[14]

Specialty License Plates, Generally

DHSMV is responsible for developing authorized specialty license plates[15] DHSMV must issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates, or a truck tractor, upon request and payment of the appropriate license tax and fees.[16] Specific specialty license plates are authorized for dealer and fleet vehicles.[17] A specialty license plate for motorcycles is addressed separately in s. 320.08068, F.S.

Each request for a specialty license plate must annually be made to DHSMV or its authorized agent[18] accompanied by the following tax and fees: the vehicle's required license tax,[19] a processing fee of $5,[20] a license plate fee,[21] and a license plate annual use fee as required for the specialty license plate.[22]

The Miami Foundation

Established in 1967, The Miami Foundation (foundation) is focused on building a stronger Miami and has invested more than $400 million into the community. The foundation has partnered with individuals, families, and corporations who have created more than 1,000 personalized, philanthropic funds, and it has awarded $350 million in grants.[23] The foundation is registered as a not-for-profit corporation with the Department of State.

Biscayne Bay

Biscayne Bay is the largest estuary on the coast of southeast Florida and is contiguous with the southern Florida Everglades and Florida Bay.[24]

Effect of the Bill

The bill creates the Biscayne Bay specialty license plate, with an annual use fee of $25.[25] The plate must bear DHSMV-approved colors and designs, with "Florida" appearing at the top of the plate and "Protect Biscayne Bay" appearing at the bottom of the plate.

The annual use fees from the sale of the plate are distributed to The Miami Foundation to be used as follows:

- Up to 10 percent of the fees may be used for promotion and marketing the license plate and for direct reimbursement for administrative costs, startup costs, and costs incurred in the

[13] Specialty license plates will be discontinued pursuant to s. 320.08056(8), F.S.
[14] S. 320.08053(3)(b), F.S.
[15] S. 320.08056(1), F.S.
[16] S. 320.08056(2), F.S.
[17] *See* ss. 320.06(3)(a), 320.0657(2)(a), 320.08(12) and 320.08056(2)(b) and (c), F.S.
[18] DHSMV's authorized agents are the county tax collectors.
[19] Motor vehicle license taxes are set forth in s. 320.08, F.S.
[20] The $5 processing fee is deposited into the Highway Safety Operating Trust Fund.
[21] Section 320.06(1)(b), F.S., provides for a $2.80 annual license plate replacement fee to defray the cost of replacing the license plate every 10 years.
[22] S. 320.08056(3), F.S.
[23] The Miami Foundation Website, https://miamifoundation.org/about (last visited February 3, 2021).
[24] Discover Biscayne Bay Website: http://www.discoverbiscaynebay.org/ (last visited February 3, 2021).
[25] The $25 annual use fee is provided for in existing s. 320.08056(3)(d), F.S.

development and approval process of the license plate. All vendors associated with administrative costs must be selected by competitive bid.
- The remaining fees must be used to raise awareness and support the mission and efforts of conserving Biscayne Bay. The Miami Foundation's Board of Trustees must approve and is accountable for all such expenditures.

The bill has an effective date of October 1, 2021.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.08058, F.S., relating to specialty license plates.

Section 2 Provides an effective date of October 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   DHSMV will incur programming costs associated with the creation of this specialty license plate. One specialty license plate with a single distribution recipient will require between 200 and 250 hours of programming at a rate of $35 to $40 per hour.[26] This programing can be done using existing DHSMV resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Once the license plate goes into production, The Miami Foundation, may see an increase in revenues associated with the sale of the license plate.

D. FISCAL COMMENTS:

None.

[26] Email from Kevin Jacobs, Legislative Affairs Director, Florida Department of Highway Safety and Motor Vehicles, RE: Specialty License Plates, January 26, 2021.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to impact county or municipal governments.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not require rulemaking, nor does it provide a grant of rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Biscayne Bay license plate; providing for distribution and use of fees collected from the sale of the plate; providing an effective date.

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

Section 1. Subsection (112) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(112) BISCAYNE BAY LICENSE PLATES.—

(a) The department shall develop a Biscayne Bay license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect Biscayne Bay" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to The Miami Foundation, a Florida nonprofit corporation, to be used as follows:

1. Up to 10 percent of the fees may be used for promotion and marketing of the license plate and for direct reimbursement

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for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with administrative costs shall be selected by competitive bid.

2. The remaining fees shall be used to raise awareness and support the mission and efforts of conserving Biscayne Bay. The Miami Foundation Board of Trustees must approve and is accountable for all such expenditures.

Section 2. This act shall take effect October 1, 2021.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 599 Specialty License Plates
SPONSOR(S): Robinson, F.
TIED BILLS: **IDEN./SIM. BILLS:** SB 940

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Approximately 120 specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay the additional annual use fee for such plate. The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity.

The bill creates the Disease Prevention & Early Detection specialty license plate with an annual use fee of $25. The plate must bear DHSMV-approved colors and designs with "Florida" appearing at the top of the plate and "Disease Prevention & Early Detection" appearing at the bottom of the plate. The annual use fees are distributed to The Women's Breast & Heart Initiative, Florida Affiliate, Inc.

The bill will have a negative, but insignificant fiscal impact to state expenditures associated with DSHMV's programming costs to create the specialty license plate. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The first Florida specialty license plates were enacted in 1986 and included the creation of the Challenger plate and ten Florida collegiate plates. Today, there are approximately 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically $25 annually.[1] Current law provides that if the Legislature[2] has approved 150 or more specialty license plates, the Department of Highway Safety and Motor Vehicles (DHMSV) may not make any new specialty license plate available for design or issuance until a sufficient number of plates are discontinued[3] so that the number of plates being issued does not exceed 150.[4]

Establishment of Specialty License Plates

Section 320.08053, F.S., provides the statutory requirements to establish a specialty license plate. If a specialty license plate requested by an organization is approved by law, the organization submits its proposed art design to DHSMV as soon as practicable, but no later than 60 days after the act approving the plate becomes a law.[5]

Within 120 days after the act approving the specialty license plate becomes law, DHSMV must establish a method to issue a voucher allowing for the presale of the plate. A $5 processing fee,[6] a service charge and branch fee,[7] and an annual use fee for the specialty license plate are charged for the voucher. All other applicable fees are charged at the time the license plate is issued.[8]

Within 24 months after establishing a presale specialty license plate voucher, the approved specialty license plate organization must record with DHSMV a minimum of 3,000 voucher sales[9] before the license plate may be manufactured. If, at the conclusion of the 24-month presale period, the minimum sales requirement is not met, the specialty license plate is deauthorized and DHSMV discontinues the plate's development and the issuance of the presale vouchers. Upon deauthorization of the specialty license plate, a purchaser of the specialty license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply to DHSMV for a refund.[10]

New specialty license plates that have been approved by law, but are awaiting issuance, will be issued in the order they appear in s. 320.08058, F.S.,[11] if all statutory requirements, including the presale requirement, have been met. If the next awaiting specialty license plate has not met its presale requirement, DHSMV proceeds in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement. DHSMV must cycle through the list in statutory order.[12]

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[1] Section 320.08056(3)(d), F.S., provides that, except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is $25.
[2] Creation of a specialty license plate requires an act of the Legislature.
[3] Specialty license plates are discontinued pursuant to s. 320.08056(8), F.S.
[4] S. 320.08053(3)(b), F.S.
[5] S. 320.08053(1), F.S.
[6] The processing fee is prescribed in s. 320.08056, F.S.
[7] Service charges and branch fees are prescribed in s. 320.04, F.S.
[8] S. 320.08053(2)(a), F.S.
[9] In the case of out-of-state college or university license plate, the license plate must register 4,000 voucher sales.
[10] S. 320.08053(2)(b), F.S.
[11] S. 320.08058, F.S., creates each specialty license plate.
[12] S. 320.08053(3)(a), F.S.

If the Legislature has approved 150 or more specialty license plates, DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued[13] so that the number of plates being issued is fewer than 150. The 150-license-plate limit applies to all specialty license plates, including those above the minimum sales threshold and those exempt from the minimum sales threshold.[14]

Specialty License Plates, Generally

DHSMV is responsible for developing authorized specialty license plates.[15] DHSMV must issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates, or a truck tractor, upon request and payment of the appropriate license tax and fees.[16] Specific specialty license plates are authorized for dealer and fleet vehicles.[17] A specialty license plate for motorcycles is addressed separately in s. 320.08068, F.S.

Each request for a specialty license plate must be made annually to DHSMV or its authorized agent[18] accompanied by the following tax and fees: the vehicle's required license tax,[19] a processing fee of $5,[20] a license plate fee,[21] and a license plate annual use fee as required for the specialty license plate.[22]

The Women's Breast & Heart Initiative, Florida Affiliate, Inc.

Established in 2005 with the goal of providing at-risk women access to early detection and proper treatment for breast cancer, Women's Breast & Heart Initiative (WBHI) created a door-to-door neighborhood outreach program that increases awareness of breast health and the importance of early detection, as well as provides access to mammograms for women who are uninsured and underserved. In 2013, WBHI incorporated education and awareness of heart disease – the leading cause of death in women – into its grassroots campaigns.[23] The Woman's Breast & Heart Initiative, Florida Affiliate, Inc., is registered as a not for profit corporation with the Department of State.

Effect of the Bill

The bill creates the Disease Prevention & Early Detection specialty license plate, with an annual use fee of $25.[24] The plate must bear DHSMV-approved colors and designs, with "Florida" appearing at the top of the plate and "Disease Prevention & Detection" appearing at the bottom of the plate.

The annual use fees from the sale of the plate are distributed to The Women's Breast and Heart Initiative, Florida Affiliate, Inc., which may use up to 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds must be used by The Women's Breast & Heart Initiative, Florida Affiliate, Inc., to provide increased education and awareness relating to early detection, prevention, and screening of breast and heart issues.

The bill has an effective date of October 1, 2021.

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[13] Specialty license plates will be discontinued pursuant to s. 320.08056(8), F.S.
[14] S. 320.08053(3)(b), F.S.
[15] S. 320.08056(1), F.S.
[16] S. 320.08056(2), F.S.
[17] *See* ss. 320.06(3)(a), 320.0657(2)(a), 320.08(12) and 320.08056(2)(b) and (c), F.S.
[18] DHSMV's authorized agents are the county tax collectors.
[19] Motor vehicle license taxes are set forth in s. 320.08, F.S.
[20] The $5 processing fee is deposited into the Highway Safety Operating Trust Fund.
[21] Section 320.06(1)(b), F.S., provides for a $2.80 annual license plate replacement fee.
[22] S. 320.08056(3), F.S.
[23] The Women's Breast & Heart Initiative, *Our Story*: https://flbreasthealth.com/about-us/ (Last visited February 2, 2021).
[24] The $25 annual use fee is provided for in existing s. 320.08056(3)(d), F.S.

B. SECTION DIRECTORY:

Section 1 amends s. 320.08058, F.S., relating to specialty license plates.

Section 2 provides an effective date of October 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   DHSMV will incur programming costs associated with the creation of this specialty license plate. One specialty license plate with a single distribution recipient will require between 200 and 250 hours of programming at a rate of $35 to $40 per hour.[25] This programing can be done using existing DHSMV resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Once the license plate goes into production, The Women's Breast & Heart Initiative, Florida Affiliate, Inc., may see an increase in revenues associated with the sale of this license plate.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to impact county or municipal governments.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not require rulemaking, nor does it provide a grant of rulemaking.

[25] Email from Kevin Jacobs, Legislative Affairs Director, Florida Department of Highway Safety and Motor Vehicles, RE: Specialty License Plates, January 26, 2021.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Disease Prevention & Early Detection specialty license plate; providing for distribution and use of fees collected from the sale of the plate; providing an effective date.

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

Section 1. Subsection (112) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(112) DISEASE PREVENTION & EARLY DETECTION LICENSE PLATES.—

(a) The department shall develop a Disease Prevention & Early Detection license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Disease Prevention & Early Detection" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to The Women's Breast & Heart Initiative, Florida Affiliate, Inc., a Florida nonprofit corporation, which may use a maximum

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of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by The Women's Breast & Heart Initiative, Florida Affiliate, Inc., to provide increased education and awareness relating to early detection, prevention, and screening of breast and heart issues.

Section 2. This act shall take effect October 1, 2021.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1283 Tampa-Hillsborough County Expressway Authority
SPONSOR(S): Beltran
TIED BILLS: **IDEN./SIM. BILLS:** SB 1660

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Ways & Means Committee			
4) Commerce Committee			

SUMMARY ANALYSIS

Created in 1963, the Tampa-Hillsborough County Expressway Authority (THEA) owns, maintains, and operates four transportation facilities in Hillsborough County, including the Selmon Expressway.

The bill creates the West Florida Expressway Authority (WFEA) to replace THEA, and upon formal action of Citrus, Hernando, Manatee, Pasco, Pinellas, or Polk County, authorizes the authority to expand into any of those counties that take such action. In creating the WFEA, the bill:

- Creates, amends, revises, and deletes definitions.
- Provides for membership on the authority's governing body, including increasing the size of the board as its jurisdictional boundaries are expanded.
- Establishes the manner in which the authority's jurisdictional boundaries may be expanded.
- Revises powers of the authority, including limits on the use of certain toll revenues and its authority to enter into certain agreements.
- Modifies provisions regarding lease-purchase agreements.
- Modifies provisions regarding the acquisition of land and property.
- Repeals a required consultation with the Hillsborough City-County Planning Commission and a provision regarding design standards.
- Makes technical and conforming changes.

The bill does not appear to impact state or local government revenues or expenditures.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Created in 1963,[1] part II of ch. 348, F.S., creates the Tampa-Hillsborough County Expressway Authority (THEA) as an agency of the state in Hillsborough County.

THEA owns, maintains, and operates four facilities within Hillsborough County: the Selmon Expressway, the Brandon Parkway, Meridian Avenue, and the Selmon Greenway. All toll revenues collected on the Selmon Expressway remain in Hillsborough County. In 2014, the Legislature gave THEA the ability to offer services to counties surrounding Hillsborough County, including Hardee, Manatee, Pasco, Pinellas, and Polk Counties.[2],[3]

The bill creates with the West Florida Expressway Authority (WFEA) to replace THEA, and upon formal action of Citrus, Hernando, Manatee, Pasco, Pinellas, or Polk County, authorizes WFEA to expand into any of those counties that take such action.

Definitions

Current Situation

Section 348.51, F.S. defines certain terms for purposes of THEA's governing statute. These definitions include the following terms, among others:

County means the County of Hillsborough.

Expressway System means, generally, a modern highway system of roads, bridges, causeways, and tunnels in the metropolitan area of the city, or within any area of the county, with access limited or unlimited as the authority may determine, and such buildings and structures and appurtenances and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system.

Hillsborough County Gasoline Tax Fund means all the 80-percent surplus gasoline tax funds or 20-percent surplus gasoline tax funds accruing in each year to the Department of Transportation (DOT) or the county, as the case may be, for use in Hillsborough County under the provisions of s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of said gasoline tax funds heretofore pledged by DOT or the county for outstanding obligations.

Revenues means all tolls, revenues, rates, fees, charges, receipts, rentals, contributions, and other income derived from or in connection with the operation or ownership of the expressway system, including the proceeds of any use and occupancy insurance on any portion of the system but excluding any Hillsborough County gasoline tax funds.

Effect of the Bill

The bill amends the definitions of the following terms:

County means each county located within the jurisdictional limits of the authority, including Hillsborough County and any expansion county as applicable.

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[1] Ch. 63-447, L.O.F.

[2] Ch. 2014-169, L.O.F.

[3] Tampa-Hillsborough Expressway Authority, https://www.tampa-xway.com/about-the-authority/# (last visited March 2, 2021).

Expressway System means a modern highway system of roads, bridges, causeways, and tunnels, with access limited or unlimited as the authority may determine, and such buildings and structures and appurtenances and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system. A transportation facility must become part of the expressway system upon the governing board of the authority's designation of such transportation facility as part of its expressway system.

Revenues means all tolls, revenues, rates, fees, charges, receipts, rentals, contributions, including, but not limited to contributions of revenues from a county, municipality, or other local governmental entity, and other income derived from or in connection with the operation or ownership of the expressway system, including the proceeds of any use and occupancy insurance on any portion of the system.

The bill defines the following terms:

County Gasoline Tax Fund means all the 80-percent surplus gasoline tax funds or 20-percent surplus gasoline tax funds accruing each year to DOT or the county, as the case may be, for use in a county under s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of such gasoline tax funds pledged by DOT for a county for outstanding obligations.

Expansion County means a county in which the authority constructs or acquires a transportation facility, which may include Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk Counties.

Expansion Event means the adoption of a resolution or other formal action by the governing body of the authority for the authority to construct, complete, or acquire a transportation facility located in an expansion county as to include the expansion county within its jurisdictional limits.

Transportation Facility means the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance which the authority may acquire, construct, and equip pursuant to part II of ch. 348, F.S., and all appurtenances, including, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; administrative and other office space, for exercise by the authority of the powers and obligations granted in part II of ch. 348, F.S.

The bill removes the definition of the term "Hillsborough County Gasoline Tax Fund" and makes technical changes to other definitions.

West Florida Expressway Authority-Creation, Purpose, Powers, Governance, and Expansion

Current Situation

Section 348.52, F.S. creates and establishes a body politic and corporate, an agency of the state, to be known as the "Tampa-Hillsborough County Expressway Authority."[4]

THEA is created for the purposes and has power to construct, reconstruct, improve, extend, repair, maintain, and operate the expressway system with such purposes in all respects for the benefit of the people of the State of Florida, the City of Tampa, and the County of Hillsborough.[5]

THEA is granted various powers and duties, including the authority to:

- Sue and be sued;
- Acquire and hold property;
- Make and enter into lease purchase agreements;
- Fix, alter, charge, establish and collect tolls;
- Borrow money;

[4] S. 348.52(1), F.S.

[5] S. 348.53, F.S.

- Secure the payment of bonds by a pledge of all or any portion of the revenues or such other moneys legally available, including Hillsborough County gasoline tax funds;
- Make contracts and enter into contracts;
- Accept gifts and grants;
- Exercise the power of eminent domain;
- Construct and maintain various utility equipment; and
- With the consent of the county within whose jurisdiction the activities occur, to construct, operate, and maintain various transportation facilities in other counties.[6]

THEA's governing body consists of a board of seven members.

- Four members are appointed by the Governor subject to Senate confirmation.
    - Each such member's term of office is for four years or until his or her successor is appointed and qualified.
    - Vacancies occurring for any such member prior to the expiration of the affected term is filled for the unexpired term.
    - The Governor may remove from office any such member for cause.
    - Each such member, before entering upon his or her official duties, must take and subscribe to an oath that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the authority and that he or she will not neglect any duties imposed upon him or her.
- One member is the mayor, or the mayor's designate, who must be the chair of the city council of the city in Hillsborough County having the largest population (Tampa), according to the latest decennial census, who serves as an ex officio member.
- One member is a member of the Board of County Commissioners of Hillsborough County, selected by such board, who serves as an ex officio member.
- One member is the district secretary of the Department of Transportation (DOT) serving in the district that contains Hillsborough County, who serves as an ex officio member.[7]

THEA designates one of its members as chair. Authority members are not entitled to compensation but are entitled to receive reimbursement of their travel and other necessary expenses.[8] A majority of the members of the authority constitutes a quorum, and resolutions enacted or adopted by a vote of a majority of the members present and voting at any meeting becomes effective without publication or posting or any further action of the authority.[9]

Effect of the Bill

The bill creates the West Florida Expressway Authority (WFEA) to replace THEA.

The bill provides that immediately on July 1, 2021, WFEA assumes the governance and control of the expressway system operated by THEA, including its assets, personnel, contracts, obligations, liabilities, facilities, and tangible and intangible property. Any rights in such property and other legal rights of THEA are transferred to WFEA. WFEA must immediately succeed to and assume the powers, responsibilities, and obligations THEA.

The bill provides that the purpose of WFEA is for the benefit of the people of the West Florida region. In addition to the purposes identified in current law for THEA, the bill adds that in the construction of the expressway system, WFEA may construct any extensions, additions, or improvements to the system or appurtenant facilities, including all necessary approaches, roads, bridges, avenues of access, and boulevards, with any changes, modifications, or revisions of any project which are deemed desirable and fair.

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[6] S. 348.54, F.S.
[7] S. 348.52(2), F.S.
[8] S. 112.061, F.S.
[9] S. 348.52(3), F.S.

The bill amends the authority's powers to establish tolls by providing that toll revenues attributable to a toll rate increase for the use of a portion of the expressway system that becomes effective on or after the date that the jurisdiction of the WFEA is first expanded to include one or more expansion counties may not be used to construct or expand a different portion of the system unless a two-thirds majority of the members of the governing board, determined at the time of such vote, votes to approve such use. However, this provision does not apply to the extent that application of the requirement would:

- Violate any covenant established in a resolution or trust indenture under which bonds were issued by the authority on or before the first date that the authority's jurisdiction is expanded to include one or more expansion counties; or
- Cause the authority to be unable to meet its obligations under the terms of an existing agreement between THEA and DOT.

The bill authorizes WFEA to enter into partnerships, contracts, and agreements including, but not limited to, interlocal agreements with any federal, state, or local governmental entity with respect to its purposes.

The bill removes a provision allowing the authority to construct, operate, and maintain certain transportation outside of Hillsborough County with consent of the host county.

The bill provides that while WFEA's governing body will initially consist of seven members, it is subject to increase to no more than 13 members through the addition of a new member for each expansion county upon the expansion of the WFEA's jurisdiction to include the expansion county.

Four members of the governing body continue to be appointed by the Governor, subject to Senate confirmation. One of these members must be a resident of Hillsborough County or any expansion county. A board member currently serving an unexpired term continues to serve the remainder of his or her unexpired term. Each member, including each member from an expansion county, is subject to existing provisions regarding terms in office, vacancies, and removal from office. However, the respective initial term of one or more members representing an expansion county may be for two years at the sole discretion of the governing board. This is in order to achieve staggered terms of office.

The bill provides that after an expansion event in a particular county, the governing body must be increased by one additional ex officio voting member for that county, which member must be a member of the Board of County Commissioners of the county, selected by the Board of County Commissioners. An increase in board membership is effective on the date that such expansion county member takes the required oath.

WFEA's jurisdictional boundaries are automatically expanded to include any one or more expansion counties upon the occurrence of an expansion. However, an expansion event must occur on or before:

- The date that WFEA makes a final written determination to undertake a transportation facility located within the jurisdictional limits of an expansion county by adding elements of the study, design, engineering, acquisition, construction, or equipping of such transportation facility to its work plan; or
- The effective date that WFEA becomes the owner of a transportation facility located in the jurisdictional limits of an expansion county.

A delay in the designation of an expansion county board member does not affect the expansion of WFEA's jurisdiction.

This transfer to WFEA is subject to the terms and covenants for the protection of the holders of the former THEA bonds in the lease-purchase agreement[10] and the resolutions adopted in connection with

[10] According to the Florida Department of Transportation, there is no existing lease-purchase agreement between it and THEA. Department of Transportation, Agency Analysis of 2021 House Bill 1283. P.10 (March 5, 2021).

the issuance of the bonds and any and all bonds issued pursuant to a resolution or trust indenture subsequent to the lease-purchase agreement. Further, the transfer does not impair the terms of the contract between WFEA and the bondholders, does not act to the detriment to bondholders, and does not diminish the security for the bonds.

After the transfer, WFEA must operate and maintain the expressway system and any other facilities in accordance with the terms, conditions, and covenants contained in the bond resolutions securing authority bonds. WFEA must collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing all bonds and must expressly assume all obligations relating to all bonds to ensure that the transfer has no adverse impact for the security of all bonds. The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of WFEA or pledge additional expressway system revenues to payment of the bonds. Expressway system revenues that are generated by the expressway system and other facilities of WFEA which were pledged by THEA to payment of the bonds will remain subject to the pledge for the benefit of the bondholders.

Meetings via Communications Media Technology

Current Situation

Article 1, section 24(b) of the Florida Constitution states that "[a]ll meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution."

Section 286.011, F.S. provides that except as otherwise provided in the Florida Constitution, all meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision where official acts are to be taken are considered public meetings.

Section 120.54(5)(b)2, F.S., requires the Administration Commission[11] to adopt uniform rules for state agencies providing procedures for conducting public meetings in person and by means of communications media technology.[12] These rules provide procedures for agencies to conduct proceedings using communications media technology. The rules do not permit an agency to conduct any proceeding otherwise subject to s. 286.011, F.S., exclusively by means of communications media technology without making provision for the attendance of any member of the public who desires to attend.[13]

A 1998 Attorney General's Opinion concluded that s. 120.54(5)(b)2., F.S., authorizes *state* boards and agencies to conduct public meetings via entirely electronic means provided that the board complies with the Administration Commission's adopted uniform rules of procedure.[14] Based upon the applicable definition of the term "agency," the authority does not appear to be an agency for purposes of the Administration Commission's rules. [15]

Florida law authorizes any separate legal entity created by interlocal agreement which has member public agencies located in at least five counties, of which at least three are not contiguous, to conduct public meetings by means of communications media technology. The participation by member public

[11] The Administration Commission is the Governor and Cabinet.

[12] Section 120.54(5)(b)2., F.S., defines the term "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

[13] Rule 28-109.004(1), F.A.C.

[14] 98-28 Fla. Op. Att'y Gen. (1998).

[15] The definition of the term agency in s. 120.52(1), F.S., specifically excludes expressway authorities created pursuant to ch. 348, F.S., which includes THEA.

agencies in a meeting or workshop conducted through communications media technology constitutes that member's presence at such meeting.[16]

While state agencies and certain entities created by an interlocal agreement may conduct meetings and vote by means of communications media technology, there has been a question over whether or not local boards or agencies may conduct meetings in the same manner.[17] The Office of Attorney General rejected a school board's request to conduct board meetings via electronic means.[18] The Attorney General reasoned that s. 120.54(5)(b)2, F.S., limits its terms only to uniform rules applicable to state agencies.[19] The Attorney General explained that "allowing state agencies and their boards and commissions to conduct meetings via communications media technology under specific guidelines recognizes the practicality of members from throughout the state participating in meetings of the board or commission."[20] The Attorney General reasoned that a similar rationale is not applicable to local boards and commissions, even though it may be convenient and save money, because the representation on these boards and commissions is local, thus "such factors would not by themselves appear to justify or allow the use of electronic media technology in order to assemble the members for a meeting."[21] However, if a quorum of a local board is physically present at the public meeting, a board may allow a member who is unavailable to physically attend the meeting due to extraordinary circumstances such as illness, to participate and vote at the meeting via communications media technology.[22]

Effect of the Bill

The bill authorizes WFEA meetings and workshops to be conducted using communications media technology. The notice for any such public meeting or workshop must state that the meeting or workshop will be conducted through the use of communications media technology, specify how persons interested in attending may do so, and provide a location where communications media technology facilities are available. The bill provides that the participation by a member in an authority meeting or workshop conducted using communications media technology constitutes that member's presence at such meeting or workshop and counts toward a quorum.

Revenue Bonds for Specified Projects

Present Situation

Existing facilities that constitute the Tampa-Hillsborough County Expressway System are approved to be refinanced by revenue bonds issued by the Division of Bond Finance[23] pursuant to s. 11(f), Art. VII of the State Constitution[24] and the State Bond Act[25] or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b), F.S. In addition, the following projects of the THEA are approved to be financed or refinanced by the issuance of revenue bonds in accordance with part II of ch. 348, F.S., and s. 11(f), Art. VII of the State Constitution:

- Brandon area feeder roads.
- Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.
- Lee Roy Selmon Crosstown Expressway System widening, and any extensions thereof.
- The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.

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[16] S. 163.01(18), F.S.
[17] Robert Eschenfelder, *Modern Sunshine: Attending Public Meetings in the Digital Age*, 84 Fla. B.J. 28 (2010).
[18] 98-28 Fla. Op. Att'y Gen. (1998).
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] *Id.*
[23] The Division of Bond Finance is part of the State Board of Administration.
[24] Section 11(f), Art. VII of the State Constitution provides that each project, building, or facility to be financed or refinanced with revenue bonds shall first be approved by the Legislature by an act relating to appropriations or by general law.
[25] Ss. 215.57-215.83, F.S.

- Capital projects that THEA is authorized to acquire, construct, reconstruct, equip, operate, and maintain provided that any financing of such projects does not pledge the full faith and credit of the state.[26]

Effect of the Bill
The bill amends s. 348.565, F.S., to remove references to the current Tampa-Hillsborough County expressway system and removes the specific approved projects listed above. The bill provides that the capital projects that WFEA is authorized to acquire, construct, reconstruct, equip, and maintain are approved to be financed in accordance with s. 11(f), Art. VII of the State Constitution.

Lease Purchase Agreements

Current Situation
Current law provides that the authority may enter into lease-purchase agreements with the City of Tampa, Hillsborough County, the state or any agency thereof, including DOT,[27] and any federal agency relating to and covering the expressway system or any portion thereof.[28] The law provides specific requirements for the lease purchase agreement.[29]

Of note, the statute provides that no pledge of either the 80-percent surplus gasoline tax funds or the 20-percent surplus gasoline tax funds under any such lease-purchase agreement may be made without the consent of Hillsborough County evidenced by a resolution duly adopted by its board of county commissioners, nor unless the revenues pledged under the lease-purchase agreement are estimated by the authority to aggregate during the term of the lease-purchase agreement not less than the principal amount of the bonds secured thereunder plus interest thereon. [30]

Effect of the Bill
The bill provides that a pledge of surplus gasoline tax funds under any lease-purchase agreement may not be made without the consent of the county as evidenced by a resolution duly adopted by its Board of County Commissioners, which resolution may authorize the execution and delivery of an interlocal agreement between WFEA and the county setting forth the terms and provisions for use by the authority of any such gasoline tax funds.

Acquisition of Land and Property

Current Situation
THEA may acquire private or public property and property rights including rights of access, air, view and light by gift, devise, purchase or condemnation by eminent domain proceedings, as it may deem necessary for any authorized purposes. This right of eminent domain must be exercised by the authority in the manner provided by law, in particular ch. 74, F.S.[31]

Effect of the Bill
The bill authorizes WFEA to acquire private or public property and property rights as it deems necessary, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, and replacement access for landowners whose access is impaired due to the construction of a transportation facility.

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[26] S. 348.565, F.S.
[27] Pursuant to s. 334.034(16)(b), F.S., DOT is no longer authorized to enter into these agreements.
[28] S. 348.60(1), F.S.
[29] S. 348.60, F.S.
[30] S. 348.60(4), F.S.
[31] S. 348.62(1), F.S. Chapter 74, F.S., relates to proceedings supplemental to eminent domain.

Consultation with Hillsborough County City-County Planning Commission

Current Situation
In determining the route, the design, and the type of construction in connection with constructing the expressway system, THEA must consult with the Hillsborough County City-County Planning Commission for consistency with local government comprehensive plans.[32]

Effect of the Bill
The bill repeals the requirement that the authority consult with the Hillsborough County City-County Planning Commission as it relates to the expressway system.

Design Standards

Current Situation
Geometric design standards used in connection with constructing the expressway system or any extension thereof must as nearly as is practicable follow or be superior to design standards adopted for the National System of Interstate and Defense Highways.[33]

Effect of the Bill
The bill repeals these design standards.

Technical and Conforming Changes

The bill makes technical and conforming changes to the following provisions:

- Section 348.545, F.S., relating to facility improvement; bond financing authority.
- Section 348.56, F.S., relating to bonds of the authority.
- Section 348.57, F.S., relating to refunding bonds.
- Section 348.58, F.S., relating to remedies.
- Section 348.59, F.S., relating to traffic control.
- Section 348.61, F.S., relating to DOT may be appointed agent of authority for construction.
- Section 348.63, F.S., relating to cooperation with other units, boards, agencies, and individuals.
- Section 348.64, F.S., providing a covenant of the state,
- Section 348.65, F.S., relating to exemption from taxation.
- Section 348.67, F.S., pledges enforceable for bondholders.
- Section 348.682, F.S., relating to this part complete and additional authority.
- Section 343.975, F.S., relating to complete and additional authority of the Tampa Bay Area Regional Transit Authority.

The bill provides a direction to the Division of Law Revision and Information to replace the phrase "the effective date of this act" with the date the bill becomes a law.

The bill has an effective date upon becoming a law.

B. SECTION DIRECTORY:

Section 1 Amends s. 348.50, F.S., providing a title of law.

Section 2 Amends s. 348.51, F.S., providing definitions.

Section 3 Amends s. 348.52, F.S., creating the West Florida Expressway Authority.

Section 4 Amends s. 348.53, F.S., providing purposes of the authority.

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[32] S. 348.68, F.S.
[33] S. 348.681, F.S.

Section 5 Amends s. 348.54, F.S., providing powers of the authority.

Section 6 Amends s. 348.545, F.S., relating to facility improvement; bonds of the authority.

Section 7 Amends s. 348.56, F.S., relating to bonds of the authority.

Section 8 Amends s. 348.565, F.S., relating to revenue bonds for specified projects.

Section 9 Amends s. 348.57, F.S., relating to refunding bonds.

Section 10 Amends s. 348.58, F.S., providing remedies.

Section 11 Amends s. 348.59, F.S., relating to traffic control.

Section 12 Amends s. 348.60, F.S., relating to lease-purchase agreements.

Section 13 Amends s. 348.61, F.S., relating to department may be appointed agent of authority for construction.

Section 14 Amends s. 348.62, F.S., relating to the acquisition of land and property.

Section 15 Amends s. 348.63, F.S., relating to cooperation with other units, boards, agencies, and individuals.

Section 16 Amends. S. 348.64, F.S., providing a covenant of the state.

Section 17 Amends s. 348.65, F.S., providing an exemption from taxation.

Section 18 Amends s. 348.67, F.S., providing that pledges are enforceable for bondholders.

Section 19 Repeals s. 348.68, F.S., relating to consultation with the Hillsborough County Planning Commission.

Section 20 Renumbers s. 348.70, F.S., as s. 348.682, F.S., providng that part II of ch. 343, F.S., is complete and additional authority.

Section 21 Amends s. 343.975, F.S., relating to complete and additional statutory authority, to conform.

Section 22 Provides a direction to the Division of Law Revision and Information.

Section 23 Provides that the bill is effective upon becoming a law.

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking, nor does it require rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the Department of Transportation (DOT), the provisions in the bill authorizing DOT to enter into a lease purchase agreement with WFEA directly conflict with s. 334.044(16)(b), F.S., which prohibits DOT from entering into lease-purchase agreements with expressway authorities, regional transportation authorities, or other entities.[34]

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

[34] Florida Department of Transportation, Agency Analysis of 2020 House Bill 1283, p. 10. (March 5, 2021).

A bill to be entitled

An act relating to the Tampa-Hillsborough County Expressway Authority; amending s. 348.50, F.S.; renaming the Tampa-Hillsborough County Expressway Authority as the "West Florida Expressway Authority"; amending s. 348.51, F.S.; revising and providing definitions; amending s. 348.52, F.S.; providing for the transfer of governance and control, property and legal rights, powers, responsibilities, and obligations of the Tampa-Hillsborough County Expressway Authority to the West Florida Expressway Authority; providing terms and conditions of the transfer; revising composition of the governing body of the authority; revising requirements for membership, terms, and meetings; defining the term "communications media technology"; providing for expansion of the authority's jurisdictional boundaries; amending s. 348.53, F.S.; revising purposes of the authority; authorizing construction of certain facilities within the expressway system; amending s. 348.54, F.S.; limiting the use of certain toll revenues; providing exceptions; deleting provisions relating to interest on gasoline tax funds repaid to Hillsborough County; revising powers of the authority; amending ss. 348.545 and 348.56, F.S.;

conforming provisions to changes made by the act; amending s. 348.565, F.S.; revising projects approved for financing or refinancing through revenue bonds; amending ss. 348.57, 348.58, and 348.59, F.S.; conforming provisions to changes made by the act; amending s. 348.60, F.S.; revising provisions relating to the pledge of surplus gasoline tax funds under a lease-purchase agreement; amending s. 348.61, F.S.; updating terminology; amending s. 348.62, F.S.; specifying lands and property the authority may acquire; amending ss. 348.63, 348.64, 348.65, and 348.67, F.S.; conforming provisions to changes made by the act; repealing ss. 348.68 and 348.681, F.S., relating to consultation with the Hillsborough County City-County Planning Commission and design standards, respectively; renumbering and amending s. 348.70, F.S.; conforming provisions to changes made by the act; amending s. 343.975, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Section 348.50, Florida Statutes, is amended to

read:

348.50 Title of law.—This part shall be known and may be cited as the "West Florida ~~Tampa-Hillsborough County~~ Expressway Authority Law."

Section 2. Section 348.51, Florida Statutes, is amended to read:

348.51 Definitions.—As ~~The following terms whenever~~ used ~~or referred to~~ in this part ~~shall have the following meanings~~, unless ~~except in those instances where~~ the context clearly indicates otherwise, the term:

(1) "Agency of the state" means ~~and includes~~ the state and any department of, or corporation, agency, or instrumentality ~~heretofore or hereafter~~ created, designated, or established by, the state.

(2) "Authority" means the body politic, corporate, and agency of the state created by this part.

(3) "Bonds" means ~~and includes~~ the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue pursuant to this part.

~~(4) "City" means the City of Tampa.~~

(4)~~(5)~~ "County" means each county located within the jurisdictional limits of the authority, including ~~the County of~~ Hillsborough County and any expansion county, as applicable.

(5) "County gasoline tax funds" means all the 80-percent

surplus gasoline tax funds or 20-percent surplus gasoline tax funds accruing in each year to the Department of Transportation or a county, as the case may be, for use in a county under s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of such gasoline tax funds pledged by the Department of Transportation or a county for outstanding obligations.

(6) "Department" means the Department of Transportation ~~of Florida~~ and any successor thereto.

(7) "Expansion county" means a county in which the authority constructs or acquires a transportation facility, which may include Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk Counties.

(8) "Expansion event" means the adoption of a resolution or other formal action by the governing board of the authority for the authority to construct, complete, or acquire a transportation facility located in an expansion county and to include the expansion county within its jurisdictional limits.

(9) ~~(7)~~ "Expressway system" or "system" means, generally, a modern highway system of roads, bridges, causeways, and tunnels ~~in the metropolitan area of the city, or within any area of the county~~, with ~~access~~ limited or unlimited access as the authority may determine, and such buildings, ~~and~~ structures, ~~and~~ appurtenances, and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for

such system. A transportation facility shall become part of the expressway system of the authority upon the governing board of the authority's designation of such transportation facility as part of its expressway system.

(10) ~~(8)~~ "Federal agency" means ~~and includes~~ the United States, the President of the United States, and any department of, or bureau, corporation, agency, or instrumentality ~~heretofore or hereafter~~ created, designated, or established by, the United States.

~~(9) "Hillsborough County gasoline tax funds" means all the 80-percent surplus gasoline tax funds or 20-percent surplus gasoline tax funds accruing in each year to the Department of Transportation or the county, as the case may be, for use in Hillsborough County under the provisions of s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of said gasoline tax funds heretofore pledged by the Department of Transportation or the county for outstanding obligations.~~

(11) ~~(10)~~ "Lease-purchase agreement" ~~or "lease-purchase agreements"~~ means a ~~the~~ lease-purchase agreement ~~or agreements which~~ the authority may execute ~~is authorized~~ pursuant to this part ~~to execute~~.

(12) ~~(11)~~ "Members" means the governing body of the authority, and the term "member" means one of the individuals constituting such governing body.

(13) ~~(12)~~ "Revenues" means all tolls, revenues, rates, fees, charges, receipts, rentals, contributions, including, but not limited to, contributions of revenues from a county, municipality, or other local governmental entity, and other income derived from or in connection with the operation or ownership of the expressway system, including the proceeds of any use and occupancy insurance on any portion of the system ~~but excluding any Hillsborough County gasoline tax funds~~.

(14) "Transportation facility" means the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance which the authority may acquire, construct, and equip pursuant to this part, and all appurtenances, including, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; and administrative and other office space, for the exercise by the authority of the powers and obligations granted in this part.

(15) ~~(13)~~ Words importing singular number include the plural number in each case and vice versa, and words importing persons include firms and corporations.

Section 3. Section 348.52, Florida Statutes, is amended to read:

348.52 West Florida ~~Tampa-Hillsborough County~~ Expressway Authority.—

(1) There is ~~hereby~~ created and established a body politic

and corporate, an agency of the state, to be known as the "West Florida ~~Tampa-Hillsborough County~~ Expressway Authority."

(2)(a) Immediately on July 1, 2021, the West Florida Expressway Authority shall assume the governance and control of the expressway system operated by the former Tampa-Hillsborough County Expressway Authority, including its assets, personnel, contracts, obligations, liabilities, facilities, and tangible and intangible property. Any rights in such property and other legal rights of the former Tampa-Hillsborough County Expressway Authority are transferred to the West Florida Expressway Authority. The West Florida Expressway Authority shall immediately succeed to and assume the powers, responsibilities, and obligations of the former Tampa-Hillsborough County Expressway Authority.

(b) The transfer pursuant to this subsection is subject to the terms and covenants provided for the protection of the holders of the former Tampa-Hillsborough County Expressway Authority bonds in the lease-purchase agreement and the resolutions adopted in connection with the issuance of the bonds and any and all bonds issued pursuant to a resolution or trust indenture subsequent to the lease-purchase agreement. Further, the transfer does not impair the terms of the contract between the West Florida Expressway Authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, the

West Florida Expressway Authority shall operate and maintain the expressway system and any other facilities of the West Florida Expressway Authority in accordance with the terms, conditions, and covenants contained in the bond resolutions securing the bonds of the authority. The West Florida Expressway Authority shall collect toll revenues and apply them to the payment of debt service as provided in the bond resolution securing all bonds and shall expressly assume all obligations relating to all bonds to ensure that the transfer has no adverse impact on the security for all bonds. The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the West Florida Expressway Authority or pledge additional expressway system revenues to payment of the bonds. Expressway system revenues that are generated by the expressway system and other facilities of the West Florida Expressway Authority which were pledged by the former Tampa-Hillsborough County Expressway Authority to payment of the bonds will remain subject to the pledge for the benefit of the bondholders.

(3) ~~(2)~~ The governing body of the authority shall initially consist of a board of seven members but shall be subject to increase to no more than 13 members through the addition of a new member for each expansion county upon the expansion of the authority's jurisdiction to include such expansion county in accordance with subsection (6).

(a) Four of the members shall be appointed by the Governor, one of whom must be a resident of Hillsborough County, and the remainder of whom may be residents of Hillsborough County or any expansion county upon the expansion of the authority's jurisdiction to include such expansion county, subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. A board member currently serving an unexpired term on the former Tampa-Hillsborough County Expressway Authority as of the effective date of this act shall continue to serve the remainder of his or her unexpired term. Each member of the governing board, including each member representing an expansion county, shall be subject to the following:

1. Each ~~such~~ member's term of office shall be for 4 years or until his or her successor is ~~shall have been~~ appointed and qualified. However, the respective initial term of one or more members representing an expansion county may be for 2 years at the sole discretion of the governing board in order to achieve staggered terms of office for its governing board members.

2. A vacancy ~~Vacancies~~ occurring in the governing board ~~body~~ for any member before ~~such members prior to~~ the expiration of the affected term shall be filled for the unexpired term.

3. The Governor may ~~shall have the authority to~~ remove from office any ~~such~~ member of the governing board ~~body~~ in the

manner and for cause defined by the laws of this state.

4. Each ~~such~~ member, before entering upon his or her official duties, shall take and subscribe to an oath before an ~~some~~ official authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the governing board ~~body~~ of the authority and that he or she will not neglect any duties imposed upon him or her by this part.

(b) One member shall be the mayor, or the mayor's designee ~~designate~~, who shall be the chair of the city council of the city in Hillsborough County having the largest population, according to the latest decennial census, who shall serve as a member ex officio.

(c) One member shall be a member of the Board of County Commissioners of Hillsborough County, selected by such board, who shall serve as a member ex officio.

(d) One member shall be the district secretary of the department ~~of Transportation~~ serving in the district that contains Hillsborough County, who shall serve as a member ex officio.

(e) After the occurrence of an expansion event in a particular expansion county, the governing board shall be increased by one additional ex officio voting member for each such expansion county, which member must be a member of the Board of County Commissioners of such expansion county, selected

by such board of county commissioners. Such increase in board membership shall become effective on the date that such expansion county member takes the oath required under subparagraph (a)4.

(4) ~~(3)~~ The authority shall designate one of its members as chair. The members of the authority are ~~shall~~ not ~~be~~ entitled to compensation but are ~~shall be~~ entitled to receive their travel and other necessary expenses as provided in s. 112.061. A majority of the members of the authority shall constitute a quorum, and resolutions enacted or adopted by a vote of a majority of the members present and voting at any meeting shall become effective without publication or posting or any further action of the authority.

(5) Authority meetings and workshops may be conducted using communications media technology. The notice for any such public meeting or workshop shall state that the meeting or workshop will be conducted through the use of communications media technology, specify how persons interested in attending may do so, and provide a location where communications media technology facilities are available. The participation by a member in an authority meeting or workshop conducted using communications media technology constitutes that member's presence at such meeting or workshop and shall count toward a quorum. For purposes of this subsection, the term "communications media technology" means conference telephone,

video conference, or other communications technology by which all persons attending a public meeting or workshop may audibly communicate.

(6) The authority's jurisdictional boundaries shall be automatically expanded to include any one or more expansion counties upon the occurrence of an expansion. However, an expansion event must occur on or before:

(a) The date that the authority makes a final written determination to undertake a transportation facility located in the jurisdictional limits of an expansion county by adding elements of the study, design, engineering, acquisition, construction, or equipping of such transportation facility to its work plan; or

(b) The effective date that the authority becomes the owner of a transportation facility located in the jurisdictional limits of an expansion county.

A delay in the designation of an expansion county board member shall not affect the expansion of the authority's jurisdiction under this part.

(7)~~(4)~~ The authority may employ a secretary and executive director, its own counsel and legal staff, and such legal, financial, and other professional consultants, technical experts, engineers, and employees, permanent or temporary, as it may require and may determine the qualifications and fix the

compensation of such persons, firms, or corporations. The authority may contract with the Division of Bond Finance of the State Board of Administration for any financial services authorized herein.

(8) ~~(5)~~ The authority may delegate to one or more of its officers or employees such of its powers as it deems ~~shall deem~~ necessary to carry out the purposes of this part, subject always to the supervision and control of the authority. A member ~~Members~~ of the governing board ~~authority~~ may be removed from ~~their~~ office by the Governor for misconduct, malfeasance, misfeasance, or ~~and~~ nonfeasance in office.

Section 4. Section 348.53, Florida Statutes, is amended to read:

348.53 Purposes of the authority.—

(1) The purposes of the authority are, and the authority has the ~~is created for the purposes and shall have~~ power, to construct, reconstruct, improve, extend, repair, maintain, and operate the expressway system. It is ~~hereby~~ found and declared that such purposes are in all respects for the benefit of the people of the State of Florida~~, the City of Tampa,~~ and the West Florida region ~~County of Hillsborough~~ for the increase of their pleasure, convenience, and welfare; for the improvement of their health; and to facilitate transportation, including managed lanes and other transit supporting facilities, for their recreation and commerce and for the common defense. The

authority is performing a public purpose and a governmental function in carrying out its corporate purpose and in exercising the powers granted in this section ~~herein~~.

(2) In the construction of the expressway system, the authority may construct any extensions, additions, or improvements to the system or appurtenant facilities, including all necessary approaches, roads, bridges, avenues of access, and boulevards, with any changes, modifications, or revisions of any project which are deemed desirable and proper.

Section 5. Section 348.54, Florida Statutes, is amended to read:

348.54 Powers of the authority.—Except as otherwise limited herein, the authority shall have the power:

(1) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(2) To adopt, use, and alter at will~~,~~ a seal.

(3) To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(4) To construct, reconstruct, or improve on or along the expressway system suitable facilities for gas stations, restaurants, and other facilities for the public.~~;~~ Such

facilities may be publicly offered for leasing for operation under rules and regulations to be established by the authority.

(5) To enter into and make lease-purchase agreements as provided in s. 348.60 for terms not exceeding 40 years, or until all bonds secured by a pledge thereunder, and all refundings thereof, are fully paid as to both principal and interest, whichever is longer.

(6) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities of the expressway system, which tolls, rates, fees, rentals, and other charges shall always be sufficient to comply with any covenants made with the holders of any bonds.~~,~~ ~~provided,~~ However, ~~that~~ such right and power, or any part thereof, may be assigned or delegated~~,~~ by the authority~~,~~ to the lessee under a lease-purchase agreement. Toll revenues attributable to a toll rate increase for the use of a portion of the expressway system that become effective on or after the date that the jurisdiction of the authority is first expanded to include any one or more expansion counties may not be used to construct or expand a different portion of the system unless a two-thirds majority of the members of the authority governing board, determined as of the time of such vote, votes to approve such use. This requirement does not apply if and to the extent that application of the requirement would:

(a) Violate any covenant established in a resolution or

trust indenture under which bonds were issued by the authority on or before the first date that the authority's jurisdiction is expanded to include one or more expansion counties; or

(b) Cause the authority to be unable to meet its obligations under the terms of the October 2012 memorandum of agreement between the authority and the department.

(7) To borrow money and to make and issue negotiable bonds, notes, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, referred to ~~hereinafter~~ in this chapter ~~referred to~~ as "bonds of the authority," for the purpose of financing all or part of the improvement or extension of the expressway system and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for the ~~expressway~~ system, and for any other purpose authorized by this part, and to provide for the rights of the holders thereof.

(8) To secure the payment of bonds by a pledge of all or any portion of the expressway system revenues or such other moneys legally available therefor and of all or any portion of a county's ~~the Hillsborough County~~ gasoline tax funds in the manner provided by this part; and in general to provide for the security of the bonds and the rights and remedies of the holders thereof. ~~Interest upon the amount of gasoline tax funds to be repaid to the county pursuant to s. 348.60 shall be payable, at the highest rate applicable to any outstanding bonds of the~~

~~authority, out of revenues and other available moneys not required to meet the authority's obligations to its bondholders.~~ The authority may not, ~~shall have no power~~ at any time or in any manner, ~~to~~ pledge the credit or taxing power of the state or any political subdivision or agency thereof, including a ~~the~~ city and a ~~the~~ county, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

(9) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(10) Without limitation of the foregoing, to borrow money and accept gifts or grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state, a ~~the~~ county, a ~~the~~ city, or ~~with~~ any other public body of the state or any other person and to comply with the terms and conditions thereof.

(11) ~~To have the power~~ Of eminent domain.

(12) To construct and maintain over, under, along, or across the expressway system~~,~~ telephone, telegraph, television, electric power, and other wires or cables, pipelines, water mains, and other conduits and mechanical equipment~~,~~ not

inconsistent with the appropriate use of the system, or to contract for such construction, ~~;~~ and, upon such terms and conditions as the authority determines ~~shall determine~~, to lease all or any part of such property and facilities or the right to use such property and facilities ~~the same~~ whether such facilities are constructed by the authority or under a contract for such construction~~, for a period of not more than 20 years from the date when such lease is made~~.

(13) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority~~;~~ in order to carry out the powers granted to it by this part or any other law.

(14) To enter into partnerships, contracts, and agreements, including, but not limited to, interlocal agreements, with any federal, state, or local governmental entity with respect to the purposes of this part.

Before entering into any sale, lease, transfer, or disposition of its real properties under subsection (3), leasing any of its facilities under subsection (4), or taking final action under subsection (7), the authority shall give notice thereof by publication on at least 5 separate days in a newspaper of general circulation in the affected county. Such notice shall state the place and time, not less than 14 days after the first such publication, when objections may be filed with and heard by

the authority.

~~(14) Prior to entering into any sale, lease, transfer or disposition of its real properties pursuant to subsection (3), leasing any of its facilities pursuant to subsection (4), or taking final action under subsection (7), the authority shall give notice thereof by publication on at least 5 separate days, in a newspaper of general circulation in the county. Such notice shall state the place and time, not less than 14 days following the first such publication, when objections may be filed with and heard by the authority.~~

~~(15) With the consent of the county within whose jurisdiction the activities occur, to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and managed lanes and other transit supporting facilities outside of the jurisdictional boundaries of Hillsborough County and within the jurisdictional boundaries of counties contiguous to Hillsborough County, together with the right to construct, repair, replace, operate, install, and maintain such facilities and electronic toll payment systems thereon or incidental thereto, with all necessary and incidental powers to accomplish the foregoing.~~

Section 6. Section 348.545, Florida Statutes, is amended to read:

348.545 Facility improvement; bond financing authority.—Pursuant to s. 11(f), Art. VII of the State Constitution, the

Legislature ~~hereby~~ approves for bond financing by the West Florida ~~Tampa-Hillsborough County~~ Expressway Authority improvements to toll collection facilities, interchanges to the ~~legislatively approved~~ expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 348.56(1)(a) or (b), whether currently issued or issued in the future, or by a combination of such bonds.

Section 7. Section 348.56, Florida Statutes, is amended to read:

348.56 Bonds of the authority.—

(1)(a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.

(b) Alternatively, the authority may ~~shall have the power and is hereby authorized~~ from time to time ~~to~~ issue bonds in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient moneys for achieving its corporate purposes, including construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system, the cost of acquisition of all real property, interest on bonds during construction and for a reasonable period thereafter, establishment of reserves to secure bonds, and all other expenditures of the authority

incident to and necessary or convenient to carry out its corporate purposes and powers.

(2)(a) Bonds issued by the authority pursuant to paragraph (1)(a) or paragraph (1)(b) shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, not exceeding the maximum rate fixed by general law for authorities, be in such denominations, be in such form, either coupon or fully registered, carry such registration, exchangeability, and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities of lien on the revenues, other available moneys, and any ~~the Hillsborough~~ county gasoline tax funds as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed ~~either~~ by manual or facsimile signature by such officers as the authority determines ~~shall determine~~, provided that such bonds shall bear at least one signature that ~~which~~ is manually executed thereon. The coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority. Such bonds shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon.

(b) The bonds issued pursuant to paragraph (1)(a) or

paragraph (1)(b) shall be sold at public sale in the same manner provided in the State Bond Act. However, if the authority determines, by official action at a public meeting, that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to paragraph (1)(a) or solely by the authority with respect to bonds issued pursuant to paragraph (1)(b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, temporary bonds or interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority determines ~~may determine~~.

(3) Any such resolution or resolutions authorizing any bonds may contain provisions that ~~which~~ shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the expressway system revenues, the ~~Hillsborough~~ county gasoline tax funds, or other moneys lawfully available therefor.

(b) The construction, reconstruction, improvement, extension, repair, maintenance, operation, lease, or lease-purchase of the expressway system, or any part or parts thereof,

and the duties and obligations of the authority and others, including the department, with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by any federal agency or the state or any political subdivision thereof may be applied.

(d) The fixing, charging, establishing, revising, increasing, reducing, and collecting of tolls, rates, fees, rentals, or other charges for use of the services and facilities of the expressway system or any part thereof.

(e) The setting aside of reserves or of sinking funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds~~,~~ or under which such bonds ~~same~~ may be issued.

(h) Any other or additional matters~~,~~ of like or different character~~,~~ which in any way affect the security or protection of the bonds.

(4) The authority may enter into any deeds of trust, indentures, or other agreements with any bank or trust company within or without the state, as security for such bonds, and may, under such agreements, assign and pledge all or any of the expressway system revenues and other available moneys, including all or any portion of any ~~the Hillsborough~~ county gasoline tax

funds, pursuant to the terms of this part. Such deed of trust, indenture, or other agreement~~,~~ may contain such provisions as are customary in such instruments or as the authority may authorize, including, but not limited to ~~without limitation~~, provisions as to:

(a) The pledging of all or any part of the expressway system revenues, any ~~the Hillsborough~~ county gasoline tax funds, or other moneys lawfully available therefor.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of such bonds ~~the same~~.

(e) Any other or additional matters~~,~~ of like or different character~~,~~ which in any way affect the security or protection of the bonds.

(5) ~~Any of~~ The bonds issued pursuant to this part are~~, and are hereby declared to be,~~ negotiable instruments~~,~~ and shall have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(6) It is the intention hereof that any pledge made by the authority shall be valid and binding from the time when the pledge is made; that the moneys so pledged and thereafter

received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. A ~~Neither the~~ resolution or ~~nor any~~ other instrument by which a pledge is created is not required to ~~need~~ be recorded.

(7) A member or other ~~Neither the members nor any~~ person executing the bonds is not ~~shall be~~ liable personally on the bonds or ~~be~~ subject to any personal liability or accountability by reason of the issuance thereof.

(8) The authority may, ~~shall have power~~ out of any funds available therefor, ~~to~~ purchase bonds, which shall thereupon be canceled, at a price not exceeding, if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next date of redemption thereof, or if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption plus accrued interest to such ~~said~~ date.

Section 8. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the ~~Tampa-Hillsborough County~~ expressway system are ~~hereby~~ approved to be refinanced by

revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act or by revenue bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain under this part ~~following projects of the Tampa-Hillsborough County Expressway Authority~~ are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and s. 11(f), Art. VII of the State Constitution~~:~~

~~(1) Brandon area feeder roads.~~

~~(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.~~

~~(3) Lee Roy Selmon Crosstown Expressway System widening, and any extensions thereof.~~

~~(4) The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.~~

~~(5) Capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to this part, including, without limitation, s. 348.54(15)~~, provided that any financing of such projects does not pledge the full faith and credit of the state.

Section 9. Section 348.57, Florida Statutes, is amended to read:

348.57 Refunding bonds.—

(1) Subject to public notice as provided in s. 348.54, the authority may ~~is authorized to~~ provide by resolution for the issuance from time to time of bonds pursuant to s. 348.56(1)(b) for the purpose of refunding any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act. The authority is further authorized to provide by resolution for the issuance of bonds for the combined purpose of:

(a) Paying the cost of constructing, reconstructing, improving, extending, repairing, maintaining, and operating the expressway system.

(b) Refunding bonds then outstanding. The authorization, sale, and issuance of such obligations, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the authority with respect to such bonds ~~the same~~ shall be governed by ~~the foregoing provisions of~~ this part insofar as ~~the same~~ may be applicable.

(2) In the event that the authority determines ~~shall determine~~ to issue bonds for the purpose of refunding any outstanding bonds before ~~prior to~~ the maturity thereof, the proceeds of such refunding bonds may, pending the redemption of the bonds to be refunded, be invested in direct obligations of

the United States. It is the express intention of this part that outstanding bonds may be refunded and retired by and upon the issuance of bonds notwithstanding that all or a portion of such outstanding bonds will not mature or become redeemable until after the date of issuance of such refunding bonds.

Section 10. Section 348.58, Florida Statutes, is amended to read:

348.58 Remedies.—

(1) The rights and ~~the~~ remedies ~~herein~~ conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or indenture providing for the issuance of bonds, or by any lease-purchase agreement, deed of trust, indenture, or other agreement under which the bonds may be issued or secured. In the event that the authority defaults ~~shall default~~ in the payment of the principal of or interest on any of the bonds issued pursuant to ~~the provisions of~~ this part after such principal of or interest on the bonds has ~~shall have~~ become due, whether at maturity or upon call for redemption, as provided in said resolution or indenture, or in the event that the lessee defaults ~~shall default~~ in any payments under, or covenants made in, any lease-purchase agreement and such default continues ~~shall continue~~ for ~~a period of~~ 30 days, or in the event that the authority or the lessee fails ~~shall fail~~ or refuses ~~refuse~~ to comply with ~~the~~

~~provisions of~~ this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding shall be entitled as of right to the appointment of a trustee to represent such bondholders for the purposes hereof.~~; provided,~~ However~~, that~~ such holders of 25 percent in aggregate principal amount of the bonds then outstanding must ~~shall have~~ first give ~~given written notice of their intention to appoint a trustee,~~ to the authority and to such lessee written notice of their intention to appoint a trustee.

(2) Such trustee, and any trustee under any deed of trust, indenture, or other agreement, may, and upon written request of the holders of 25 percent, or such other percentages as may be specified in any deed of trust, indenture, or other agreement ~~aforesaid~~, in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law, or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges~~,~~ adequate to carry out any agreement as to, or pledge of, the expressway system revenues, and to require the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties

under this part.

(b) By mandamus or other suit, action, or proceeding at law, or in equity, enforce all rights of the bondholders under or pursuant to any lease-purchase agreement, including the right to require the lessee to make all rental payments required to be made by it under ~~the provisions of~~ any such lease-purchase agreement, whether from the ~~Hillsborough~~ county gasoline tax funds or other funds so agreed to be paid and to require the lessee to carry out any other covenants and agreements with or for the benefit of the bondholders and to perform its and their duties under this part.

(c) Bring suit upon the bonds.

(d) By action or suit in equity require the authority or any lessee under any lease-purchase agreement to account as if it were the trustee of an express trust for the bondholders.

(e) By action or suit in equity, enjoin any acts or things that ~~which~~ may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee when appointed ~~as aforesaid~~, or acting under a deed of trust, indenture, or other agreement, and regardless of whether ~~or not~~ all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter upon and take possession of the expressway system or the facilities or any part or parts thereof, the expressway system revenues, and other pledged

moneys and, subject to and in compliance with ~~the provisions of~~ any lease-purchase agreement, operate and maintain the same~~,~~ for and on behalf of and in the name of~~,~~ the authority, the lessee, and the bondholders, and collect and receive all expressway system revenues and other pledged moneys in the same manner as the authority or the lessee might do, and shall deposit all such revenues and moneys in a separate account and apply the same in such manner as the court directs ~~shall direct~~. In any suit, action, or proceeding by the trustee, the fees, counsel fees, and expenses of the trustee, and such ~~said~~ receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any expressway system revenues. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) ~~Nothing in~~ This section or any other section of this part does not ~~shall~~ authorize any receiver appointed pursuant hereto for the purpose, subject to and in compliance with ~~the provisions of~~ any lease-purchase agreement, of operating and maintaining the expressway system or any facilities or part or parts thereof~~,~~ to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the

powers of such receiver, subject to and in compliance with ~~the provisions of~~ any lease-purchase agreement, to the operation and maintenance of the system, or any facility or part or parts thereof, as the court directs ~~may direct~~, in the name and for and on behalf of the authority, the lessee, and the bondholders, and a ~~no~~ holder of bonds or a ~~nor any~~ trustee does not~~, shall ever~~ have the right in any suit, action, or proceeding at law, or in equity, to compel a receiver, nor shall any receiver be authorized, or any court be empowered to direct the receiver, to sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority.

Section 11. Section 348.59, Florida Statutes, is amended to read:

348.59 Traffic control.—

(1) In addition to the powers conferred by the statutes of the state and by city ~~the~~ ordinances ~~of the city~~, the authority may adopt ~~is hereby authorized to promulgate~~ such rules and regulations for the use and occupancy of the expressway system as may be necessary and proper for the public safety and convenience, for the preservation of its property, and for the collection of tolls.

(2) The enforcement of the rules and regulations of the authority and of those provisions of the statutes and ordinances applicable to the expressway system may be by a ~~the~~ city police department or ~~and~~ sheriff of a ~~Hillsborough~~ county within the

jurisdiction of which a transportation facility is located.~~,~~ ~~provided,~~ However, ~~that~~ at the request of the authority, such enforcement shall also be the duty of the Florida Highway Patrol. Violators shall be apprehended and prosecuted in the same manner as provided for the apprehension and prosecution of violators of such statutes and ordinances who commit violations thereof upon streets, roads, and thoroughfares in the state.

Section 12. Section 348.60, Florida Statutes, is amended to read:

348.60 Lease-purchase agreements.—

(1) In order to effectuate the purposes of this part, the authority may enter into lease-purchase agreements with a ~~the~~ city, a ~~the~~ county, or the state or any agency thereof, including the department, and any federal agency relating to and covering the expressway system or any portion thereof.

(2) Such lease-purchase agreements may provide for the leasing of the expressway system or any portion thereof by the authority as lessor to any one or more of the aforementioned governmental entities or agencies as lessee, shall prescribe the term of such lease and the rentals to be paid thereunder, and may provide that upon the completion of the faithful performance thereunder and the termination of such lease-purchase agreements, title in fee simple absolute to the expressway system, as then constituted, shall be transferred in accordance with law by the authority to such lessee or otherwise as

provided in such agreements. In the event of such transfer to the lessee, the authority shall deliver to such lessee such deeds and conveyances as shall be necessary or convenient to vest title in fee simple absolute in such lessee.

(3) The lease-purchase agreements may include such other provisions, agreements, and covenants as the authority and the lessee deem advisable or necessary, including, but not limited to, provisions with respect to bonds; ~~,~~ the construction, reconstruction, extension, improvements, operation, repair, and maintenance of the expressway system; ~~,~~ the expenses and costs of operation of the system and of the authority; ~~,~~ the charging and collecting of tolls, rates, fees, and other charges for the use of the services and facilities thereof; ~~,~~ the application of federal, state, or other grants or aid that ~~which~~ may be made or given to assist the authority; ~~,~~ the enforcement of payment and collection of rentals; and any other terms, provisions, or covenants necessary, incidental, or convenient to the making of and full performance under such lease-purchase agreements.

(a) In the event the department is a lessee under any such lease-purchase agreement, the department may ~~it is authorized to~~ pay as rentals thereunder in addition to the expressway system revenues accruing thereto from the operation of the expressway system, all or any portion of ~~the Hillsborough~~ county gasoline tax funds and may also pay as rentals any appropriations received by the department pursuant to any act of the

Legislature. ~~heretofore or hereafter enacted; provided,~~ However, ~~that~~ nothing herein or ~~nor~~ in such lease-purchase agreement requires ~~shall be construed to require~~ the Legislature to make or continue such appropriations, and a ~~nor shall any~~ holder of bonds does not ~~ever~~ have any right to require the Legislature to make or continue such appropriations.

(b) In the event a ~~the~~ county is a lessee under any such lease-purchase agreement, the county may ~~it shall be authorized to~~ pay as rentals thereunder in addition to the expressway revenues accruing to the county from the operation of the expressway system all or any part of the 20-percent surplus gasoline tax funds accruing to the ~~Hillsborough~~ county.

(4) A ~~No~~ pledge of ~~either the 80-percent surplus gasoline tax funds or the 20-percent~~ surplus gasoline tax funds under any such lease-purchase agreement may not ~~shall~~ be made without the consent of the county evidenced by a resolution duly adopted by its board of county commissioners, which resolution may authorize the execution and delivery of an interlocal agreement between the authority and the county setting forth the terms and provisions for the use by the authority of any such gasoline tax funds ~~nor unless the revenues pledged under any such lease-purchase agreements are estimated by the authority to aggregate during the term of such lease-purchase agreements not less than the principal amount of the bonds secured thereunder plus interest thereon. Such resolution, among other things shall~~

~~provide that any excess of such pledge of the Hillsborough County gasoline tax funds which is not required for debt service or reserves for such debt service for any bonds shall be returned annually to the appropriate board or agency for distribution to the county as provided by law; and shall provide, further, that any Hillsborough County gasoline tax funds actually expended for such debt service, shall be repaid with interest out of revenues and other available moneys not required to meet the authority's obligations to its bondholders, as determined by the authority~~.

(5) A ~~Any~~ lessee under any such lease-purchase agreement may ~~agreements shall have power to~~ covenant therein that it will pay all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of the expressway system, and any part of the cost of completing such system, to the extent that the proceeds of bonds issued therefor are insufficient, from sources other than expressway system revenues and ~~Hillsborough~~ county gasoline tax funds. ~~Any~~ Such lessee may also agree to make such other payments from moneys available to a ~~the~~ county, a ~~the~~ city, the authority, or the department in connection with the construction or completion of the expressway ~~such~~ system as ~~shall be~~ deemed by such lessee to be fair and proper under any such covenants ~~heretofore or hereafter~~ entered into.

(6) The expressway system shall be a part of the state

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

road system. The department may ~~is hereby authorized~~, upon request of the authority, ~~to~~ expend out of any funds available for the purpose~~,~~ such moneys, and to use such of its engineering or other forces, as may be necessary and desirable in the judgment of the department~~,~~ for the operation of the authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of costs, preliminary engineering, and other studies.

Section 13. Section 348.61, Florida Statutes, is amended to read:

348.61 Department may be appointed agent of authority for construction.—The department may be appointed by the authority as its agent for the purpose of constructing, reconstructing, improving, extending, or repairing the expressway system. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto and shall request the department to do such construction work, including the planning, surveying, and actual construction involved, and shall transfer to the credit of an account of the department in the Treasury of the state the necessary funds therefor. The department shall then ~~thereupon~~ be authorized, empowered, and directed to proceed with such construction work and to use such ~~the said~~ funds for such purpose and in the same manner that it is now authorized to use the funds otherwise authorized by law

for its use in construction of roads and bridges.

Section 14. Section 348.62, Florida Statutes, is amended to read:

348.62 Acquisition of lands and property.—

(1) ~~For the purpose of this part,~~ The authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority deems ~~may deem~~ necessary for ~~any of~~ the purposes of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, and replacement access for landowners whose access is impaired due to the construction of a transportation facility. The right of eminent domain ~~herein~~ conferred in this subsection shall be exercised by the authority in the manner provided by law, in particular chapter 74.

(2) The authority may acquire such rights, title, interest, or easements in such lands and property as it deems ~~may deem~~ necessary for ~~any of~~ the purposes of this part.

(3) In connection with the acquisition of property or property rights as ~~herein~~ provided in this section, the authority may, in its discretion, acquire an entire lot, block, parcel, or tract of land~~,~~ if by so doing the interest of the

public will be best served, even though such entire lot, block, parcel, or tract is not immediately needed for the right-of-way proper.

Section 15. Section 348.63, Florida Statutes, is amended to read:

348.63 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is ~~hereby given and~~ granted to any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, authority, corporation, or individual in or of the state to make and enter into with the authority~~,~~ contracts, leases, conveyances, or other agreements within the provisions and purposes of this part. The authority may ~~is hereby expressly authorized to~~ make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this part.

Section 16. Section 348.64, Florida Statutes, is amended to read:

348.64 Covenant of the state.—The state pledges ~~does hereby pledge~~ to and agrees ~~agree~~ with the holders ~~from time to time~~ of the bonds that the state will not limit or alter the rights ~~hereby~~ vested in the authority, the department, a ~~the~~ county, and a ~~the~~ city to collect expressway system revenues,

~~and Hillsborough~~ county gasoline tax funds, and any other moneys and to fulfill the terms of any agreements made with the holders of bonds or to in any way impair the rights and remedies of such holders until such bonds and the interest due thereon have been paid. The state ~~does~~ further pledges ~~pledge~~ to and agrees ~~agree~~ with the United States and any federal agency that, in the event any federal agency constructs ~~shall construct~~ or contributes ~~contribute~~ funds for the construction, reconstruction, extension, or improvement of the expressway system or any part thereof, the state will not alter or limit the rights of the authority, the department, a ~~the~~ county, or a ~~the~~ city in any manner ~~which would be~~ inconsistent with the continued maintenance or operation of the system or the construction, reconstruction, extension, or improvement thereof and ~~which would be~~ inconsistent with the due performance of any agreements between the authority and any such federal agency. The authority, the department, a ~~the~~ county, and a ~~the~~ city shall continue to have and may exercise all powers herein granted so long as such powers are ~~the same shall be~~ necessary or desirable for the carrying out of the purposes of this part.

Section 17. Section 348.65, Florida Statutes, is amended to read:

348.65 Exemption from taxation.—The effectuation of the authorized purposes of the authority created under this part is~~,~~ ~~shall and will be~~ in all respects for the benefit of the people

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

of the state for the increase of their commerce and~~,~~ prosperity and for the improvement of their health and living conditions. Since the authority will perform essential governmental functions in effectuating such purpose, the authority is ~~shall~~ not ~~be~~ required to pay ~~any~~ taxes or assessments of any kind ~~or nature whatsoever~~ upon any property acquired or used by it for such purposes or upon any expressway system revenues at any time received by it. The bonds, their transfer, and the income therefrom, including any profits made on the sale thereof, are ~~shall at all times be~~ free from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply ~~shall not be applicable~~ to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 18. Section 348.67, Florida Statutes, is amended to read:

348.67 Pledges enforceable for bondholders.—It is the intent ~~express intention~~ of this part that any pledge of expressway system revenues, ~~Hillsborough~~ county gasoline tax funds, or other funds either as rentals to the authority or for the payment of the principal of and interest on bonds, or any covenant or agreement relative thereto, ~~may~~ be enforceable in any court of competent jurisdiction against the authority or directly against the department, a ~~the~~ county, or a ~~the~~ city, as

may be appropriate.

Section 19. Sections 348.68 and 348.681, Florida Statutes, are repealed.

Section 20. Section 348.70, Florida Statutes, is renumbered as section 348.682, Florida Statutes, and amended to read:

348.682 ~~348.70~~ This part complete and additional authority.—

(1) The powers conferred by this part are ~~shall be~~ in addition and supplemental to the existing respective powers of the authority, the department, a ~~the~~ county, and a ~~the~~ city, if any, and this part does ~~shall~~ not repeal ~~be construed as repealing~~ any ~~of the~~ provisions of any other law, general, special, or local, but supersedes ~~shall be deemed to supersede~~ such other law or laws in the exercise of the powers provided in this part insofar as such other law or laws are inconsistent with ~~the provisions of~~ this part and to provide a complete method for the exercise of the powers granted in this part ~~herein~~. The construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system, and the issuance of bonds under this part ~~hereunder~~ to finance all or part of the cost thereof, may be accomplished upon compliance with ~~the provisions of~~ this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or

local law, including, but not limited to, s. 215.821, and ~~no~~ approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in a ~~the~~ county or ~~in the~~ city or in any other political subdivision of the state is not ~~shall be~~ required for the issuance of such bonds.

(2) This part does not repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration~~,~~ but supersedes ~~shall supersede~~ such other law or laws as are inconsistent with ~~the provisions of this~~ part, including, but not limited to, s. 215.821.

Section 21. Subsection (2) of section 343.975, Florida Statutes, is amended to read:

343.975 Complete and additional statutory authority.—

(2) This part does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, the West Florida ~~Tampa-Hillsborough County~~ Expressway Authority, or the Division of Bond Finance within the State Board of Administration; however, this part supersedes such other laws as are inconsistent with its provisions, including, but not limited to, s. 215.821.

Section 22. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it

occurs in this act with the date the act becomes a law.

Section 23. This act shall take effect upon becoming a law.

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 1283 by Rep. Beltran
TAMPA-HILLSBOROUGH COUNTY EXPRESSWAY AUTHORITY

AMENDMENT SUMMARY
APRIL 1, 2021

Amendment 1 by Rep. Beltran (Strike-All):

- Clarifies that a county must consent prior to the WFEA expanding into the county.
- Clarifies that an expansion event requires the approval of the owner of the transportation facility.
- Provides that a transportation facility becomes part of the expressway system following an expansion event.
- Provides that the transfer from the Tampa-Hillsborough County Expressway Authority (THEA) to the West Florida Expressway Authority (WFEA), does not modify prior obligations that THEA has with the Department of Transportation (DOT).
- Provides that the authority to construct an expressway system does not extend to appurtenant facilities unless WFEA receives written consent from the owner of the underlying right-of-way.
- Provides that a transportation facility becomes part of the expressway system when WFEA's board designates the facility as part of the expressway system.
- Removes the authority for WFEA's board to meet via communications media technology.
- Removes the authority for WFEA to enter into a lease-purchase agreement with DOT.

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	_____

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative Beltran offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 348.50, Florida Statutes, is amended to read:

348.50 Title of law.—This part shall be known and may be cited as the "West Florida ~~Tampa-Hillsborough County~~ Expressway Authority Law."

Section 2. Section 348.51, Florida Statutes, is amended to read:

348.51 Definitions.—As ~~The following terms whenever~~ used ~~or referred to~~ in this part ~~shall have the following meanings~~,

unless ~~except in those instances where~~ the context clearly indicates otherwise, the term:

(1) "Agency of the state" means ~~and includes~~ the state and any department of, or corporation, agency, or instrumentality ~~heretofore or hereafter~~ created, designated, or established by, the state.

(2) "Authority" means the body politic, corporate, and agency of the state created by this part.

(3) "Bonds" means ~~and includes~~ the notes, bonds, refunding bonds, or other evidences of indebtedness or obligations, in either temporary or definitive form, which the authority is authorized to issue pursuant to this part.

(4) ~~"City" means the City of Tampa.~~

~~(5)~~ "County" means each county located within the jurisdictional limits of the authority, including ~~the County of~~ Hillsborough County and any expansion county, as applicable.

(5) "County gasoline tax funds" means all the 80 percent surplus gasoline tax funds or 20 percent surplus gasoline tax funds accruing in each year to a county for use in a county under s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of such gasoline tax funds pledged by a county for outstanding obligations.

(6) "Department" means the Department of Transportation ~~of Florida~~ and any successor thereto.

(7) "Expansion county" means a county with the consent of which and in which the authority constructs or acquires a transportation facility, which may include Citrus, Hernando, Manatee, Pasco, Pinellas, and Polk Counties.

(8) "Expansion event" means, with the approval of the owner of the transportation facility, the adoption of a resolution by the governing board of the authority for the authority to construct, complete, or acquire a transportation facility located in an expansion county and to include the expansion county within its jurisdictional limits.

(9) ~~(7)~~ "Expressway system" or "system" means, generally, a modern highway system of roads, bridges, causeways, and tunnels ~~in the metropolitan area of the city, or within any area of the county~~, with ~~access~~ limited or unlimited access as the authority may determine, and such buildings, ~~and~~ structures, ~~and~~ appurtenances, and facilities related thereto, including all approaches, streets, roads, bridges, and avenues of access for such system. Following an expansion event, a transportation facility shall become part of the expressway system of the authority upon the governing board of the authority's designation of such transportation facility as part of its expressway system.

(10) ~~(8)~~ "Federal agency" means ~~and includes~~ the United States, the President of the United States, and any department of, or bureau, corporation, agency, or instrumentality

~~heretofore or hereafter~~ created, designated, or established by, the United States.

~~(9) "Hillsborough County gasoline tax funds" means all the 80-percent surplus gasoline tax funds or 20-percent surplus gasoline tax funds accruing in each year to the Department of Transportation or the county, as the case may be, for use in Hillsborough County under the provisions of s. 9, Art. XII of the State Constitution, after deduction, if and only to the extent necessary, of any amounts of said gasoline tax funds heretofore pledged by the Department of Transportation or the county for outstanding obligations.~~

(11)~~(10)~~ "Lease-purchase agreement" ~~or "lease-purchase agreements"~~ means a ~~the~~ lease-purchase agreement ~~or agreements which~~ the authority may execute ~~is authorized~~ pursuant to this part ~~to execute~~.

(12)~~(11)~~ "Members" means the governing body of the authority, and the term "member" means one of the individuals constituting such governing body.

(13)~~(12)~~ "Revenues" means all tolls, revenues, rates, fees, charges, receipts, rentals, contributions, including, but not limited to, contributions of revenues from a county, municipality, or other local governmental entity, and other income derived from or in connection with the operation or ownership of the expressway system, including the proceeds of

any use and occupancy insurance on any portion of the system ~~but excluding any Hillsborough County gasoline tax funds~~.

(14) "Transportation facility" means the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance and all appurtenances, including, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; and administrative and other office space, for the exercise by the authority of the powers and obligations granted in this part.

(15)~~(13)~~ Words importing singular number include the plural number in each case and vice versa, and words importing persons include firms and corporations.

Section 3. Section 348.52, Florida Statutes, is amended to read:

348.52 West Florida ~~Tampa-Hillsborough County~~ Expressway Authority.—

(1) There is ~~hereby~~ created and established a body politic and corporate, an agency of the state, to be known as the "West Florida ~~Tampa-Hillsborough County~~ Expressway Authority."

(2)(a) Immediately on July 1, 2021, the West Florida Expressway Authority shall assume the governance and control of the expressway system operated by the former Tampa-Hillsborough County Expressway Authority, including its assets, personnel, contracts, obligations, liabilities, facilities, and tangible

and intangible property. Any rights in such property and other legal rights of the former Tampa-Hillsborough County Expressway Authority are transferred to the West Florida Expressway Authority. The West Florida Expressway Authority shall immediately succeed to and assume the powers, responsibilities, and obligations of the former Tampa-Hillsborough County Expressway Authority.

(b) The transfer pursuant to this subsection is subject to the terms and covenants provided for the protection of the holders of the former Tampa-Hillsborough County Expressway Authority bonds in any agreement executed by the former authority and assumed by the West Florida Expressway Authority and the resolutions adopted in connection with the issuance of the bonds and any and all bonds issued pursuant to a resolution or trust indenture subsequent to any such agreement. Further, the transfer does not impair the terms of the contract between the West Florida Expressway Authority and the bondholders, does not act to the detriment of the bondholders, and does not diminish the security for the bonds. After the transfer, the West Florida Expressway Authority shall operate and maintain the expressway system and any other facilities of the West Florida Expressway Authority in accordance with the terms, conditions, and covenants contained in the bond resolutions securing the bonds of the authority. The West Florida Expressway Authority shall collect toll revenues and apply them to the payment of

debt service as provided in the bond resolution securing all bonds and shall expressly assume all obligations relating to all bonds to ensure that the transfer has no adverse impact on the security for all bonds. The transfer does not make the obligation to pay the principal and interest on the bonds a general liability of the West Florida Expressway Authority or pledge additional expressway system revenues to payment of the bonds. Expressway system revenues that are generated by the expressway system and other facilities of the West Florida Expressway Authority which were pledged by the former Tampa-Hillsborough County Expressway Authority to payment of the bonds will remain subject to the pledge for the benefit of the bondholders. The transfer does not modify or eliminate any prior obligation of the department to pay certain costs of the expressway system from sources other than revenues of the expressway system, nor does the transfer modify or eliminate the terms and conditions of the memorandum of agreement dated October 26, 2010, as amended by the amendment to memorandum of agreement dated March 28, 2012, and the second amendment to memorandum of agreement dated October 8, 2012, between the former authority and the department and assumed by the West Florida Expressway Authority.

(3) ~~(2)~~ The governing body of the authority shall initially consist of a board of seven members but shall be subject to increase to no more than 13 members through the addition of a

new member for each expansion county upon the expansion of the authority's jurisdiction to include such expansion county in accordance with subsection (6).

(a) Four of the members shall be appointed by the Governor, one of whom must be a resident of Hillsborough County, and the remainder of whom may be residents of Hillsborough County or any expansion county upon the expansion of the authority's jurisdiction to include such expansion county, subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. A board member currently serving an unexpired term on the former Tampa-Hillsborough County Expressway Authority as of the effective date of this act shall continue to serve the remainder of his or her unexpired term. Each member of the governing board, including each member representing an expansion county, shall be subject to the following:

1. Each ~~such~~ member's term of office shall be for 4 years or until his or her successor is ~~shall have been~~ appointed and qualified. However, the respective initial term of one or more members representing an expansion county may be for 2 years at the sole discretion of the governing board in order to achieve staggered terms of office for its governing board members.

2. A vacancy ~~Vacancies~~ occurring in the governing board ~~body~~ for any member before ~~such members prior to~~ the expiration of the affected term shall be filled for the unexpired term.

3. The Governor may ~~shall have the authority to~~ remove from office any ~~such~~ member of the governing board ~~body~~ in the manner and for cause defined by the laws of this state.

4. Each ~~such~~ member, before entering upon his or her official duties, shall take and subscribe to an oath before an ~~some~~ official authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the governing board ~~body~~ of the authority and that he or she will not neglect any duties imposed upon him or her by this part.

(b) One member shall be the mayor, or the mayor's designee ~~designate~~, who shall be the chair of the city council of the city in Hillsborough County having the largest population, according to the latest decennial census, who shall serve as a member ex officio.

(c) One member shall be a member of the Board of County Commissioners of Hillsborough County, selected by such board, who shall serve as a member ex officio.

(d) One member shall be the district secretary of the department ~~of Transportation~~ serving in the district that contains Hillsborough County, who shall serve as a member ex officio.

(e) After the occurrence of an expansion event in a particular expansion county, the governing board shall be increased by one additional ex officio voting member for each such expansion county, which member must be a member of the board of county commissioners of such expansion county, selected by such board of county commissioners. Such increase in board membership shall become effective on the date that such expansion county member takes the oath required under subparagraph (a)4.

(4)~~(3)~~ The authority shall designate one of its members as chair. The members of the authority are ~~shall~~ not ~~be~~ entitled to compensation but are ~~shall be~~ entitled to receive their travel and other necessary expenses as provided in s. 112.061. A majority of the members of the authority shall constitute a quorum, and resolutions enacted or adopted by a vote of a majority of the members present and voting at any meeting shall become effective without publication or posting or any further action of the authority.

(5)(a) With the approval of the board of county commissioners of an expansion county, the authority's jurisdictional boundaries shall be automatically expanded to include the expansion county upon the occurrence of an expansion event.

(b) A delay in the designation of an expansion county board member to the authority's board shall not affect the expansion of the authority's jurisdiction under this part.

(6) ~~(4)~~ The authority may employ a secretary and executive director, its own counsel and legal staff, and such legal, financial, and other professional consultants, technical experts, engineers, and employees, permanent or temporary, as it may require and may determine the qualifications and fix the compensation of such persons, firms, or corporations. The authority may contract with the Division of Bond Finance of the State Board of Administration for any financial services authorized herein.

(7) ~~(5)~~ The authority may delegate to one or more of its officers or employees such of its powers as it deems ~~shall deem~~ necessary to carry out the purposes of this part, subject always to the supervision and control of the authority. A member ~~Members~~ of the governing board ~~authority~~ may be removed from ~~their~~ office by the Governor for misconduct, malfeasance, misfeasance, or ~~and~~ nonfeasance in office.

Section 4. Section 348.53, Florida Statutes, is amended to read:

348.53 Purposes of the authority.—

(1) The purposes of the authority are, and the authority has the ~~is created for the purposes and shall have~~ power, to construct, reconstruct, improve, extend, repair, maintain, and

operate the expressway system. It is ~~hereby~~ found and declared that such purposes are in all respects for the benefit of the people of the State of Florida~~, the City of Tampa,~~ and the West Florida region ~~County of Hillsborough~~ for the increase of their pleasure, convenience, and welfare; for the improvement of their health; and to facilitate transportation, including managed lanes and other transit supporting facilities, for their recreation and commerce and for the common defense. The authority is performing a public purpose and a governmental function in carrying out its corporate purpose and in exercising the powers granted in this section ~~herein~~.

(2)(a) In the construction of the expressway system, the authority may construct any extensions, additions, or improvements to the system or appurtenant facilities, including all necessary approaches, roads, bridges, avenues of access, and boulevards, with any changes, modifications, or revisions of any project which are deemed desirable and proper. However, the authorization provided in this subsection does not extend to any appurtenant facility without the advance written consent of the owner of the underlying right-of-way.

(b) A transportation facility shall become part of the expressway system of the authority upon the authority governing board's designation of such transportation facility as part of its expressway system.

Section 5. Section 348.54, Florida Statutes, is amended to read:

348.54 Powers of the authority.—Except as otherwise limited herein, the authority shall have the power:

(1) To sue and be sued, implead and be impleaded, and complain and defend in all courts.

(2) To adopt, use, and alter at will~~,~~ a seal.

(3) To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

(4) To construct, reconstruct, or improve on or along the expressway system suitable facilities for gas stations, restaurants, and other facilities for the public.~~;~~ Such facilities may be publicly offered for leasing for operation under rules and regulations to be established by the authority.

(5) To enter into and make lease-purchase agreements as provided in s. 348.60 for terms not exceeding 40 years, or until all bonds secured by a pledge thereunder, and all refundings thereof, are fully paid as to both principal and interest, whichever is longer.

(6) To fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and

facilities of the expressway system, which tolls, rates, fees, rentals, and other charges shall always be sufficient to comply with any covenants made with the holders of any bonds.~~;~~ ~~provided,~~ However, ~~that~~ such right and power, or any part thereof, may be assigned or delegated~~,~~ by the authority~~,~~ to the lessee under a lease-purchase agreement. Toll revenues attributable to a toll rate increase for the use of a portion of the expressway system that become effective on or after the date that the jurisdiction of the authority is first expanded to include any one or more expansion counties may not be used to construct or expand a different portion of the system unless a two-thirds majority of the members of the authority governing board, determined as of the time of such vote, votes to approve such use. This requirement does not apply if and to the extent that application of the requirement would:

(a) Violate any covenant established in a resolution or trust indenture under which bonds were issued by the authority on or before the first date that the authority's jurisdiction is expanded to include one or more expansion counties; or

(b) Cause the authority to be unable to meet its obligations under the terms of the memorandum of agreement dated October 26, 2010, as amended by the amendment to memorandum of agreement dated March 28, 2012, and the second amendment to memorandum of agreement dated October 8, 2012, between the

former authority and the department and assumed by the West Florida Expressway Authority.

(7) To borrow money and to make and issue negotiable bonds, notes, refunding bonds, and other evidences of indebtedness or obligations, either in temporary or definitive form, referred to ~~hereinafter~~ in this chapter ~~referred to~~ as "bonds of the authority," for the purpose of financing all or part of the improvement or extension of the expressway system and appurtenant facilities, including all approaches, streets, roads, bridges, and avenues of access for the ~~expressway~~ system, and for any other purpose authorized by this part, and to provide for the rights of the holders thereof.

(8) To secure the payment of bonds by a pledge of all or any portion of the expressway system revenues or such other moneys legally available therefor and of all or any portion of a county's ~~the Hillsborough County~~ gasoline tax funds in the manner provided by this part; and in general to provide for the security of the bonds and the rights and remedies of the holders thereof. ~~Interest upon the amount of gasoline tax funds to be repaid to the county pursuant to s. 348.60 shall be payable, at the highest rate applicable to any outstanding bonds of the authority, out of revenues and other available moneys not required to meet the authority's obligations to its bondholders.~~ The authority may not, ~~shall have no power~~ at any time or in any manner, ~~to~~ pledge the credit or taxing power of the state or any

political subdivision or agency thereof, including a ~~the~~ city and a ~~the~~ county, nor shall any of the authority's obligations be deemed to be obligations of the state or of any political subdivision or agency thereof, nor shall the state or any political subdivision or agency thereof, except the authority, be liable for the payment of the principal of or interest on such obligations.

(9) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(10) Without limitation of the foregoing, to borrow money and accept gifts or grants from, and to enter into contracts, leases, or other transactions with, any federal agency, the state, any agency of the state, a ~~the~~ county, a ~~the~~ city, or ~~with~~ any other public body of the state or any other person and to comply with the terms and conditions thereof.

(11) ~~To have the power~~ Of eminent domain.

(12) To construct and maintain over, under, along, or across the expressway system~~,~~ telephone, telegraph, television, electric power, and other wires or cables, pipelines, water mains, and other conduits and mechanical equipment~~,~~ not inconsistent with the appropriate use of the system, or to contract for such construction~~,~~ and, upon such terms and conditions as the authority determines ~~shall determine~~, to lease all or any part of such property and facilities or the right to

use such property and facilities ~~the same~~ whether such facilities are constructed by the authority or under a contract for such construction~~, for a period of not more than 20 years from the date when such lease is made~~.

(13) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority~~,~~ in order to carry out the powers granted to it by this part or any other law.

(14) To enter into partnerships, contracts, and agreements, including, but not limited to, interlocal agreements, with any federal, state, or local governmental entity with respect to the purposes of this part.

Before entering into any sale, lease, transfer, or disposition of its real properties under subsection (3), leasing any of its facilities under subsection (4), or taking final action under subsection (7), the authority shall give notice thereof by publication on at least 5 separate days in a newspaper of general circulation in the affected county. Such notice shall state the place and time, not less than 14 days after the first such publication, when objections may be filed with and heard by the authority.

~~(14) Prior to entering into any sale, lease, transfer or disposition of its real properties pursuant to subsection (3), leasing any of its facilities pursuant to subsection (4), or~~

~~taking final action under subsection (7), the authority shall give notice thereof by publication on at least 5 separate days, in a newspaper of general circulation in the county. Such notice shall state the place and time, not less than 14 days following the first such publication, when objections may be filed with and heard by the authority.~~

~~(15) With the consent of the county within whose jurisdiction the activities occur, to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards and managed lanes and other transit supporting facilities outside of the jurisdictional boundaries of Hillsborough County and within the jurisdictional boundaries of counties contiguous to Hillsborough County, together with the right to construct, repair, replace, operate, install, and maintain such facilities and electronic toll payment systems thereon or incidental thereto, with all necessary and incidental powers to accomplish the foregoing.~~

Section 6. Section 348.565, Florida Statutes, is amended to read:

348.565 Revenue bonds for specified projects.—The existing facilities that constitute the ~~Tampa-Hillsborough County~~ expressway system are ~~hereby~~ approved to be refinanced by revenue bonds issued by the Division of Bond Finance of the State Board of Administration pursuant to s. 11(f), Art. VII of the State Constitution and the State Bond Act or by revenue

bonds issued by the authority pursuant to s. 348.56(1)(b). In addition, the capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain under this part ~~following projects of the Tampa-Hillsborough County Expressway Authority~~ are approved to be financed or refinanced by the issuance of revenue bonds in accordance with this part and s. 11(f), Art. VII of the State Constitution~~:~~

~~(1) Brandon area feeder roads.~~

~~(2) Capital improvements to the expressway system, including safety and operational improvements and toll collection equipment.~~

~~(3) Lee Roy Selmon Crosstown Expressway System widening, and any extensions thereof.~~

~~(4) The connector highway linking the Lee Roy Selmon Crosstown Expressway to Interstate 4.~~

~~(5) Capital projects that the authority is authorized to acquire, construct, reconstruct, equip, operate, and maintain pursuant to this part, including, without limitation, s. 348.54(15)~~, provided that any financing of such projects does not pledge the full faith and credit of the state.

Section 7. Section 348.60, Florida Statutes, is amended to read:

348.60 Lease-purchase agreements.—

(1) In order to effectuate the purposes of this part, the authority may enter into lease-purchase agreements with a ~~the~~

city, a ~~the~~ county, or the state or any agency thereof, excluding ~~including~~ the department, and any federal agency relating to and covering the expressway system or any portion thereof.

(2) Such lease-purchase agreements may provide for the leasing of the expressway system or any portion thereof by the authority as lessor to any one or more of the aforementioned governmental entities or agencies as lessee, shall prescribe the term of such lease and the rentals to be paid thereunder, and may provide that upon the completion of the faithful performance thereunder and the termination of such lease-purchase agreements, title in fee simple absolute to the expressway system, as then constituted, shall be transferred in accordance with law by the authority to such lessee or otherwise as provided in such agreements. In the event of such transfer to the lessee, the authority shall deliver to such lessee such deeds and conveyances as shall be necessary or convenient to vest title in fee simple absolute in such lessee.

(3)(a) The lease-purchase agreements may include such other provisions, agreements, and covenants as the authority and the lessee deem advisable or necessary, including, but not limited to, provisions with respect to bonds;~~,~~ the construction, reconstruction, extension, improvements, operation, repair, and maintenance of the expressway system;~~,~~ the expenses and costs of operation of the system and of the authority;~~,~~ the charging and

collecting of tolls, rates, fees, and other charges for the use of the services and facilities thereof; ~~,~~ the application of federal, state, or other grants or aid that ~~which~~ may be made or given to assist the authority; ~~,~~ the enforcement of payment and collection of rentals; and any other terms, provisions, or covenants necessary, incidental, or convenient to the making of and full performance under such lease-purchase agreements.

~~(a) In the event the department is a lessee under any such lease-purchase agreement, it is authorized to pay as rentals thereunder in addition to the revenues accruing thereto from the operation of the expressway system, all or any portion of the Hillsborough county gasoline tax funds and may also pay as rentals any appropriations received by the department pursuant to any act of the Legislature heretofore or hereafter enacted; provided, however, that nothing herein nor in such lease-purchase agreement shall be construed to require the Legislature to make or continue such appropriations nor shall any holder of bonds ever have any right to require the Legislature to make or continue such appropriations.~~

(b) In the event a ~~the~~ county is a lessee under any such lease-purchase agreement, the county may ~~it shall be authorized to~~ pay as rentals thereunder in addition to the expressway revenues accruing to the county from the operation of the expressway system all or any part of the 20-percent surplus gasoline tax funds accruing to the ~~Hillsborough~~ county.

(4) A ~~No~~ pledge of ~~either the 80-percent surplus gasoline tax funds or the 20-percent~~ surplus gasoline tax funds under any such lease-purchase agreement may not ~~shall~~ be made without the consent of the county evidenced by a resolution duly adopted by its board of county commissioners, which resolution may authorize the execution and delivery of an interlocal agreement between the authority and the county setting forth the terms and provisions for the use by the authority of any such gasoline tax funds ~~nor unless the revenues pledged under any such lease-purchase agreements are estimated by the authority to aggregate during the term of such lease-purchase agreements not less than the principal amount of the bonds secured thereunder plus interest thereon. Such resolution, among other things shall provide that any excess of such pledge of the Hillsborough County gasoline tax funds which is not required for debt service or reserves for such debt service for any bonds shall be returned annually to the appropriate board or agency for distribution to the county as provided by law; and shall provide, further, that any Hillsborough County gasoline tax funds actually expended for such debt service, shall be repaid with interest out of revenues and other available moneys not required to meet the authority's obligations to its bondholders, as determined by the authority~~.

(5) A ~~Any~~ lessee under any such lease-purchase agreement may ~~agreements shall have power to~~ covenant therein that it will

pay all or any part of the cost of the operation, maintenance, repair, renewal, and replacement of the expressway system, and any part of the cost of completing such system, to the extent that the proceeds of bonds issued therefor are insufficient, from sources other than expressway system revenues and ~~Hillsborough~~ county gasoline tax funds. ~~Any~~ Such lessee may also agree to make such other payments from moneys available to a ~~the~~ county, a ~~the~~ city, or the authority, ~~or the department~~ in connection with the construction or completion of the expressway ~~such~~ system as ~~shall be~~ deemed by such lessee to be fair and proper under any such covenants ~~heretofore or hereafter~~ entered into.

~~(6) The system shall be a part of the state road system. The department is hereby authorized, upon request of the authority, to expend out of any funds available for the purpose, such moneys, and to use such of its engineering or other forces, as may be necessary and desirable in the judgment of the department, for the operation of the authority and for traffic surveys, borings, surveys, preparation of plans and specifications, estimates of costs, preliminary engineering and other studies.~~

Section 8. Section 348.61, Florida Statutes, is amended to read:

348.61 Department may be appointed agent of authority for construction.—The department may be appointed by the authority

as its agent for the purpose of constructing, reconstructing, improving, extending, or repairing the expressway system. In such event, the authority shall provide the department with complete copies of all documents, agreements, resolutions, contracts, and instruments relating thereto and shall request the department to do such construction work, including the planning, surveying, and actual construction involved, and shall transfer to the credit of an account of the department in the Treasury of the state the necessary funds therefor. The department shall then ~~thereupon~~ be authorized, empowered, and directed to proceed with such construction work and to use such ~~the said~~ funds for such purpose and in the same manner that it is now authorized to use the funds otherwise authorized by law for its use in construction of roads and bridges.

Section 9. Section 348.62, Florida Statutes, is amended to read:

348.62 Acquisition of lands and property.—

(1) ~~For the purpose of this part,~~ The authority may acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings, as the authority deems ~~may deem~~ necessary for ~~any of~~ the purposes of this part, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage

ditches, water retention areas, rest areas, and replacement access for landowners whose access is impaired due to the construction of a transportation facility. The right of eminent domain ~~herein~~ conferred in this subsection shall be exercised by the authority in the manner provided by law, in particular chapter 74.

(2) The authority may acquire such rights, title, interest, or easements in such lands and property as it deems ~~may deem~~ necessary for ~~any of~~ the purposes of this part.

(3) In connection with the acquisition of property or property rights as ~~herein~~ provided in this section, the authority may, in its discretion, acquire an entire lot, block, parcel, or tract of land~~,~~ if by so doing the interest of the public will be best served, even though such entire lot, block, parcel, or tract is not immediately needed for the right-of-way proper.

Section 10. Sections 348.68 and 348.681, Florida Statutes, are repealed.

Section 11. Section 348.70, Florida Statutes, is renumbered as section 348.682, Florida Statutes, and amended to read:

348.682 ~~348.70~~ This part complete and additional authority.—

(1) The powers conferred by this part are ~~shall be~~ in addition and supplemental to the existing respective powers of

the authority, the department, a ~~the~~ county, and a ~~the~~ city, if any, and this part does ~~shall~~ not repeal ~~be construed as repealing~~ any ~~of the~~ provisions of any other law, general, special, or local, but supersedes ~~shall be deemed to supersede~~ such other law or laws in the exercise of the powers provided in this part insofar as such other law or laws are inconsistent with ~~the provisions of~~ this part and to provide a complete method for the exercise of the powers granted in this part ~~herein~~. The construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system, and the issuance of bonds under this part ~~hereunder~~ to finance all or part of the cost thereof, may be accomplished upon compliance with ~~the provisions of~~ this part without regard to or necessity for compliance with the provisions, limitations, or restrictions contained in any other general, special, or local law, including, but not limited to, s. 215.821, and ~~no~~ approval of any bonds issued under this part by the qualified electors or qualified electors who are freeholders in the state or in a ~~the~~ county or ~~in the~~ city or in any other political subdivision of the state is not ~~shall be~~ required for the issuance of such bonds.

(2) This part does not repeal, rescind, or modify any other law or laws relating to the State Board of Administration, the Department of Transportation, or the Division of Bond Finance of the State Board of Administration~~,~~ but supersedes

~~shall supersede~~ such other law or laws as are inconsistent with ~~the provisions of~~ this part, including, but not limited to, s. 215.821.

Section 12. Subsection (2) of section 343.975, Florida Statutes, is amended to read:

343.975 Complete and additional statutory authority.—

(2) This part does not repeal, rescind, or modify any other law relating to the State Board of Administration, the Department of Transportation, the West Florida ~~Tampa-Hillsborough County~~ Expressway Authority, or the Division of Bond Finance within the State Board of Administration; however, this part supersedes such other laws as are inconsistent with its provisions, including, but not limited to, s. 215.821.

Section 13. Section 348.545, Florida Statutes, is amended to read:

348.545 Facility improvement; bond financing authority.—Pursuant to s. 11(f), Art. VII of the State Constitution, the Legislature ~~hereby~~ approves for bond financing by the West Florida ~~Tampa-Hillsborough County~~ Expressway Authority improvements to toll collection facilities, interchanges to the ~~legislatively approved~~ expressway system, and any other facility appurtenant, necessary, or incidental to the approved system. Subject to terms and conditions of applicable revenue bond resolutions and covenants, such costs may be financed in whole or in part by revenue bonds issued pursuant to s. 348.56(1)(a)

or (b), whether currently issued or issued in the future, or by a combination of such bonds.

Section 14. Section 348.56, Florida Statutes, is amended to read:

348.56 Bonds of the authority.—

(1)(a) Bonds may be issued on behalf of the authority pursuant to the State Bond Act.

(b) Alternatively, the authority may ~~shall have the power and is hereby authorized~~ from time to time ~~to~~ issue bonds in such principal amount as, in the opinion of the authority, shall be necessary to provide sufficient moneys for achieving its corporate purposes, including construction, reconstruction, improvement, extension, repair, maintenance, and operation of the expressway system, the cost of acquisition of all real property, interest on bonds during construction and for a reasonable period thereafter, establishment of reserves to secure bonds, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2)(a) Bonds issued by the authority pursuant to paragraph (1)(a) or paragraph (1)(b) shall be authorized by resolution of the members of the authority and shall bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, not exceeding the maximum rate fixed by general law for authorities,

be in such denominations, be in such form, either coupon or fully registered, carry such registration, exchangeability, and interchangeability privileges, be payable in such medium of payment and at such place or places, be subject to such terms of redemption, and be entitled to such priorities of lien on the revenues, other available moneys, and any ~~the Hillsborough~~ county gasoline tax funds as such resolution or any resolution subsequent thereto may provide. The bonds shall be executed ~~either~~ by manual or facsimile signature by such officers as the authority determines ~~shall determine~~, provided that such bonds shall bear at least one signature that ~~which~~ is manually executed thereon. The coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the authority. Such bonds shall have the seal of the authority affixed, imprinted, reproduced, or lithographed thereon.

(b) The bonds issued pursuant to paragraph (1)(a) or paragraph (1)(b) shall be sold at public sale in the same manner provided in the State Bond Act. However, if the authority determines, by official action at a public meeting, that a negotiated sale of such bonds is in the best interest of the authority, the authority may negotiate the sale of such bonds with the underwriter or underwriters designated by the authority and the Division of Bond Finance within the State Board of Administration with respect to bonds issued pursuant to

paragraph (1)(a) or solely by the authority with respect to bonds issued pursuant to paragraph (1)(b). The authority's determination to negotiate the sale of such bonds may be based, in part, upon the written advice of the authority's financial adviser. Pending the preparation of definitive bonds, temporary bonds or interim certificates may be issued to the purchaser or purchasers of such bonds and may contain such terms and conditions as the authority determines ~~may determine~~.

(3) Any such resolution or resolutions authorizing any bonds may contain provisions that ~~which~~ shall be part of the contract with the holders of such bonds, as to:

(a) The pledging of all or any part of the expressway system revenues, the ~~Hillsborough~~ county gasoline tax funds, or other moneys lawfully available therefor.

(b) The construction, reconstruction, improvement, extension, repair, maintenance, operation, lease, or lease-purchase of the expressway system, or any part or parts thereof, and the duties and obligations of the authority and others, including the department, with reference thereto.

(c) Limitations on the purposes to which the proceeds of the bonds, then or thereafter to be issued, or of any loan or grant by any federal agency or the state or any political subdivision thereof may be applied.

(d) The fixing, charging, establishing, revising, increasing, reducing, and collecting of tolls, rates, fees,

rentals, or other charges for use of the services and facilities of the expressway system or any part thereof.

(e) The setting aside of reserves or of sinking funds and the regulation and disposition thereof.

(f) Limitations on the issuance of additional bonds.

(g) The terms and provisions of any lease-purchase agreement, deed of trust, or indenture securing the bonds~~,~~ or under which such bonds ~~same~~ may be issued.

(h) Any other or additional matters~~,~~ of like or different character~~,~~ which in any way affect the security or protection of the bonds.

(4) The authority may enter into any deeds of trust, indentures, or other agreements with any bank or trust company within or without the state, as security for such bonds, and may, under such agreements, assign and pledge all or any of the expressway system revenues and other available moneys, including all or any portion of any ~~the Hillsborough~~ county gasoline tax funds, pursuant to the terms of this part. Such deed of trust, indenture, or other agreement~~,~~ may contain such provisions as are customary in such instruments or as the authority may authorize, including, but not limited to ~~without limitation~~, provisions as to:

(a) The pledging of all or any part of the expressway system revenues, any ~~the Hillsborough~~ county gasoline tax funds, or other moneys lawfully available therefor.

(b) The application of funds and the safeguarding of funds on hand or on deposit.

(c) The rights and remedies of the trustee and the holders of the bonds.

(d) The terms and provisions of the bonds or the resolutions authorizing the issuance of such bonds ~~the same~~.

(e) Any other or additional matters~~,~~ of like or different character~~,~~ which in any way affect the security or protection of the bonds.

(5) ~~Any of~~ The bonds issued pursuant to this part are~~, and are hereby declared to be,~~ negotiable instruments~~,~~ and shall have all the qualities and incidents of negotiable instruments under the law merchant and the negotiable instruments law of the state.

(6) It is the intention hereof that any pledge made by the authority shall be valid and binding from the time when the pledge is made; that the moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof. A ~~Neither the~~ resolution or ~~nor any~~ other instrument by which a pledge is created is not required to ~~need~~ be recorded.

(7) A member or other ~~Neither the members nor any~~ person executing the bonds is not ~~shall be~~ liable personally on the bonds or ~~be~~ subject to any personal liability or accountability by reason of the issuance thereof.

(8) The authority may, ~~shall have power~~ out of any funds available therefor, ~~to~~ purchase bonds, which shall thereupon be canceled, at a price not exceeding, if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next date of redemption thereof, or if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption plus accrued interest to such ~~said~~ date.

Section 15. Section 348.57, Florida Statutes, is amended to read:

348.57 Refunding bonds.—

(1) Subject to public notice as provided in s. 348.54, the authority may ~~is authorized to~~ provide by resolution for the issuance from time to time of bonds pursuant to s. 348.56(1)(b) for the purpose of refunding any bonds then outstanding regardless of whether the bonds being refunded were issued by the authority pursuant to this chapter or on behalf of the authority pursuant to the State Bond Act. The authority is further authorized to provide by resolution for the issuance of bonds for the combined purpose of:

(a) Paying the cost of constructing, reconstructing, improving, extending, repairing, maintaining, and operating the expressway system.

(b) Refunding bonds then outstanding. The authorization, sale, and issuance of such obligations, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the authority with respect to such bonds ~~the same~~ shall be governed by ~~the foregoing provisions of~~ this part insofar as ~~the same~~ may be applicable.

(2) In the event that the authority determines ~~shall determine~~ to issue bonds for the purpose of refunding any outstanding bonds before ~~prior to~~ the maturity thereof, the proceeds of such refunding bonds may, pending the redemption of the bonds to be refunded, be invested in direct obligations of the United States. It is the express intention of this part that outstanding bonds may be refunded and retired by and upon the issuance of bonds notwithstanding that all or a portion of such outstanding bonds will not mature or become redeemable until after the date of issuance of such refunding bonds.

Section 16. Section 348.58, Florida Statutes, is amended to read:

348.58 Remedies.—

(1) The rights and ~~the~~ remedies ~~herein~~ conferred upon or granted to the bondholders shall be in addition to and not in

limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or indenture providing for the issuance of bonds, or by any lease-purchase agreement, deed of trust, indenture, or other agreement under which the bonds may be issued or secured. In the event that the authority defaults ~~shall default~~ in the payment of the principal of or interest on any of the bonds issued pursuant to ~~the provisions of~~ this part after such principal of or interest on the bonds has ~~shall have~~ become due, whether at maturity or upon call for redemption, as provided in said resolution or indenture, or in the event that the lessee defaults ~~shall default~~ in any payments under, or covenants made in, any lease-purchase agreement and such default continues ~~shall continue~~ for ~~a period of~~ 30 days, or in the event that the authority or the lessee fails ~~shall fail~~ or refuses ~~refuse~~ to comply with ~~the provisions of~~ this part or any agreement made with, or for the benefit of, the holders of the bonds, the holders of 25 percent in aggregate principal amount of the bonds then outstanding shall be entitled as of right to the appointment of a trustee to represent such bondholders for the purposes hereof.~~; provided,~~ However~~, that~~ such holders of 25 percent in aggregate principal amount of the bonds then outstanding must ~~shall have~~ first give ~~given written notice of their intention to appoint a trustee,~~ to the authority and to such lessee written notice of their intention to appoint a trustee.

(2) Such trustee, and any trustee under any deed of trust, indenture, or other agreement, may, and upon written request of the holders of 25 percent, or such other percentages as may be specified in any deed of trust, indenture, or other agreement ~~aforesaid~~, in principal amount of the bonds then outstanding, shall, in any court of competent jurisdiction, in his, her, or its own name:

(a) By mandamus or other suit, action, or proceeding at law, or in equity, enforce all rights of the bondholders, including the right to require the authority to fix, establish, maintain, collect, and charge rates, fees, rentals, and other charges~~,~~ adequate to carry out any agreement as to, or pledge of, the expressway system revenues, and to require the authority to carry out any other covenants and agreements with or for the benefit of the bondholders, and to perform its and their duties under this part.

(b) By mandamus or other suit, action, or proceeding at law, or in equity, enforce all rights of the bondholders under or pursuant to any lease-purchase agreement, including the right to require the lessee to make all rental payments required to be made by it under ~~the provisions of~~ any such lease-purchase agreement, whether from the ~~Hillsborough~~ county gasoline tax funds or other funds so agreed to be paid and to require the lessee to carry out any other covenants and agreements with or

for the benefit of the bondholders and to perform its and their duties under this part.

(c) Bring suit upon the bonds.

(d) By action or suit in equity require the authority or any lessee under any lease-purchase agreement to account as if it were the trustee of an express trust for the bondholders.

(e) By action or suit in equity, enjoin any acts or things that ~~which~~ may be unlawful or in violation of the rights of the bondholders.

(3) Any trustee when appointed ~~as aforesaid~~, or acting under a deed of trust, indenture, or other agreement, and regardless of whether ~~or not~~ all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter upon and take possession of the expressway system or the facilities or any part or parts thereof, the expressway system revenues, and other pledged moneys and, subject to and in compliance with ~~the provisions of~~ any lease-purchase agreement, operate and maintain the same~~,~~ for and on behalf of and in the name of~~,~~ the authority, the lessee, and the bondholders, and collect and receive all expressway system revenues and other pledged moneys in the same manner as the authority or the lessee might do, and shall deposit all such revenues and moneys in a separate account and apply the same in such manner as the court directs ~~shall direct~~. In any suit, action, or proceeding by the trustee, the fees, counsel fees,

and expenses of the trustee, and such ~~said~~ receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any expressway system revenues. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the representation of the bondholders in the enforcement and protection of their rights.

(4) ~~Nothing in~~ This section or any other section of this part does not ~~shall~~ authorize any receiver appointed pursuant hereto for the purpose, subject to and in compliance with ~~the provisions of~~ any lease-purchase agreement, of operating and maintaining the expressway system or any facilities or part or parts thereof~~,~~ to sell, assign, mortgage, or otherwise dispose of any of the assets of whatever kind and character belonging to the authority. It is the intention of this part to limit the powers of such receiver, subject to and in compliance with ~~the provisions of~~ any lease-purchase agreement, to the operation and maintenance of the system, or any facility or part or parts thereof, as the court directs ~~may direct~~, in the name and for and on behalf of the authority, the lessee, and the bondholders, and a ~~no~~ holder of bonds or a ~~nor any~~ trustee does not~~, shall ever~~ have the right in any suit, action, or proceeding at law, or in equity, to compel a receiver, nor shall any receiver be authorized, or any court be empowered to direct the receiver, to

sell, assign, mortgage, or otherwise dispose of any assets of whatever kind or character belonging to the authority.

Section 17. Section 348.59, Florida Statutes, is amended to read:

348.59 Traffic control.—

(1) In addition to the powers conferred by the statutes of the state and by city ~~the~~ ordinances ~~of the city~~, the authority may adopt ~~is hereby authorized to promulgate~~ such rules and regulations for the use and occupancy of the expressway system as may be necessary and proper for the public safety and convenience, for the preservation of its property, and for the collection of tolls.

(2) The enforcement of the rules and regulations of the authority and of those provisions of the statutes and ordinances applicable to the expressway system may be by a ~~the~~ city police department or ~~and~~ sheriff of a ~~Hillsborough~~ county within the jurisdiction of which a transportation facility is located.~~;~~ ~~provided,~~ However, ~~that~~ at the request of the authority, such enforcement shall also be the duty of the Florida Highway Patrol. Violators shall be apprehended and prosecuted in the same manner as provided for the apprehension and prosecution of violators of such statutes and ordinances who commit violations thereof upon streets, roads, and thoroughfares in the state.

Section 18. Section 348.63, Florida Statutes, is amended to read:

348.63 Cooperation with other units, boards, agencies, and individuals.—Express authority and power is ~~hereby given and~~ granted to any county, municipality, drainage district, road and bridge district, school district, or any other political subdivision, board, authority, corporation, or individual in or of the state to make and enter into with the authority~~,~~ contracts, leases, conveyances, or other agreements within the provisions and purposes of this part. The authority may ~~is hereby expressly authorized to~~ make and enter into contracts, leases, conveyances, and other agreements with any political subdivision, agency, or instrumentality of the state and any and all federal agencies, corporations, and individuals for the purpose of carrying out the provisions of this part.

Section 19. Section 348.64, Florida Statutes, is amended to read:

348.64 Covenant of the state.—The state pledges ~~does hereby pledge~~ to and agrees ~~agree~~ with the holders ~~from time to time~~ of the bonds that the state will not limit or alter the rights ~~hereby~~ vested in the authority, the department, a ~~the~~ county, and a ~~the~~ city to collect expressway system revenues, ~~and Hillsborough~~ county gasoline tax funds, and any other moneys and to fulfill the terms of any agreements made with the holders of bonds or to in any way impair the rights and remedies of such holders until such bonds and the interest due thereon have been paid. The state ~~does~~ further pledges ~~pledge~~ to and agrees ~~agree~~

with the United States and any federal agency that, in the event any federal agency constructs ~~shall construct~~ or contributes ~~contribute~~ funds for the construction, reconstruction, extension, or improvement of the expressway system or any part thereof, the state will not alter or limit the rights of the authority, the department, a ~~the~~ county, or a ~~the~~ city in any manner ~~which would be~~ inconsistent with the continued maintenance or operation of the system or the construction, reconstruction, extension, or improvement thereof and ~~which would be~~ inconsistent with the due performance of any agreements between the authority and any such federal agency. The authority, the department, a ~~the~~ county, and a ~~the~~ city shall continue to have and may exercise all powers herein granted so long as such powers are ~~the same shall be~~ necessary or desirable for the carrying out of the purposes of this part.

Section 20. Section 348.65, Florida Statutes, is amended to read:

348.65 Exemption from taxation.—The effectuation of the authorized purposes of the authority created under this part is~~,~~ ~~shall and will be~~ in all respects for the benefit of the people of the state for the increase of their commerce and~~,~~ prosperity and for the improvement of their health and living conditions. Since the authority will perform essential governmental functions in effectuating such purpose, the authority is ~~shall~~ not ~~be~~ required to pay ~~any~~ taxes or assessments of any kind ~~or~~

~~nature whatsoever~~ upon any property acquired or used by it for such purposes or upon any expressway system revenues at any time received by it. The bonds, their transfer, and the income therefrom, including any profits made on the sale thereof, are ~~shall at all times be~~ free from taxation of any kind by the state or by any political subdivision or other taxing agency or instrumentality thereof. The exemption granted by this section does not apply ~~shall not be applicable~~ to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 21. Section 348.67, Florida Statutes, is amended to read:

348.67 Pledges enforceable for bondholders.—It is the intent ~~express intention~~ of this part that any pledge of expressway system revenues, ~~Hillsborough~~ county gasoline tax funds, or other funds either as rentals to the authority or for the payment of the principal of and interest on bonds, or any covenant or agreement relative thereto, ~~may~~ be enforceable in any court of competent jurisdiction against the authority or directly against the department, a ~~the~~ county, or a ~~the~~ city, as may be appropriate.

Section 22. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.

Section 23. This act shall take effect upon becoming a law.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Tampa-Hillsborough County Expressway Authority; amending s. 348.50, F.S.; renaming the Tampa-Hillsborough County Expressway Authority as the "West Florida Expressway Authority"; amending s. 348.51, F.S.; revising and defining terms; amending s. 348.52, F.S.; providing for the transfer of governance and control, property and legal rights, powers, responsibilities, and obligations from the Tampa-Hillsborough County Expressway Authority to the West Florida Expressway Authority; providing terms and conditions of the transfer; revising the composition of the governing body of the authority; revising requirements for membership and terms; providing for expansion of the authority's jurisdictional boundaries; amending s. 348.53, F.S.; revising the purposes of the authority; authorizing the authority to construct certain facilities within the expressway system; specifying that such authorization does not

extend to appurtenant facilities without the advance written consent of the owner of the underlying right-of-way; specifying that transportation facilities become part of the expressway system upon the authority governing board's designation; amending s. 348.54, F.S.; limiting the use of certain toll revenues; providing exceptions; deleting provisions relating to interest on gasoline tax funds repaid to Hillsborough County; revising powers of the authority; amending s. 348.565, F.S.; revising projects approved for financing or refinancing through revenue bonds; amending s. 348.60, F.S.; excluding the department from the agencies with which the authority is authorized to enter into lease-purchase agreements; revising provisions relating to the pledge of surplus gasoline tax funds under a lease-purchase agreement; deleting a provision specifying that the system is part of the state road system; conforming provisions to changes made by the act; amending s. 348.61, F.S.; updating terminology; amending s. 348.62, F.S.; specifying lands and property the authority may acquire; repealing ss. 348.68 and 348.681, F.S., relating to consultation with the Hillsborough County City-County Planning Commission and design standards, respectively; renumbering and amending s. 348.70,

F.S.; conforming provisions to changes made by the act; amending ss. 343.975, 348.545, 348.56, 348.57, 348.58, 348.59, 348.63, 348.64, 348.65, and 348.67, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1289 Autonomous Vehicles
SPONSOR(S): McFarland
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1620

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Commerce Committee			

SUMMARY ANALYSIS

Current law defines and provides requirements and restrictions applicable to autonomous vehicles and low-speed vehicles. Federal law defines a "low-speed vehicle" as a motor vehicle:

- That is 4-wheeled,
- Whose speed attainable in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface, and
- Whose gross vehicle weight rating is less than 3,000 pounds.

The bill defines the term "low-speed autonomous delivery vehicle" (LSADV) as a fully autonomous vehicle that meets the current federal definition of low speed vehicle. The bill authorizes LSADVs to operate only on streets or roads with a posted speed limit of 35 miles per hour or less but does not prohibit such vehicles from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. An LSADV may operate on a street or road with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, under certain conditions.

The bill provides equipment requirements for LSADVs and provides that these requirements are superseded by any conflicting federal regulations. The bill provides that any motor vehicle equipment laws or regulations relating to or supporting motor vehicle operation by a human driver but not relevant for an automated driving system are rendered inapplicable to fully autonomous vehicles designed to be operated exclusively by the automated driving system for all trips.

The fiscal impact of the bill is indeterminate because the number of LSADVs that will be deployed in Florida is unknown and registration and titling requirements are not clearly provided in the bill. If LSADVs are required to be registered and titled, the state likely will see an insignificant positive fiscal impact.

The bill has an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida Autonomous Vehicle Law

Florida law defines the term "autonomous vehicle" as any vehicle equipped with an automated driving system.[1]

Under Florida law, a fully autonomous vehicle may operate regardless of whether a human operator, or any human at all, is physically present in the vehicle. For purposes of state uniform traffic control,[2] the automated driving system, when engaged, is deemed the operator of an autonomous vehicle, regardless of whether a person is physically present in the vehicle while the vehicle is operating with the automated driving system engaged.[3] If the autonomous vehicle is fully autonomous, it must be able to achieve a minimal risk condition[4] if a failure of the automated driving system occurs which renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain.[5,6]

A driver's license is not required when a fully autonomous vehicle is operated with the automated driving system engaged and without a human operator.[7] In current law, there is no statute specific to the registration of autonomous vehicles; however, autonomous vehicle owners pay the same license tax as owners of other vehicles, generally based on vehicle type and weight.[8] The owner or registrant of a fully autonomous vehicle, other than a transportation network company, must have automobile insurance:

- In the amount of $1 million for bodily injury to, or death of, one person in any one crash.
- Subject to such limits for one person, in the amount of $1 million for bodily injury to, or death of, two or more persons in any one crash.
- In the amount of $1 million for injury to, or destruction of, property of others in any one crash.[9]

An autonomous vehicle or a fully autonomous vehicle equipped with a teleoperation system[10] may operate without a human operator physically present in the vehicle when the teleoperation system is engaged and, if so equipped, is exempt from certain laws applicable to vehicle drivers, such as the duty

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[1] S. 316.003(3)(a), F.S. Section 316.003(3), F.S., defines the term "automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task of an autonomous vehicle on a sustained basis, regardless of whether it is limited to a specific operational design domain.

[2] Ch. 316, F.S.

[3] S. 316.85, F.S.

[4] Section 319.145(2), F.S., defines the term "minimal risk condition" as a reasonably safe state, such as bringing the vehicle to a complete stop and activating the vehicle's hazard lamps.

[5] Section 316.003(3)(d), F.S., defines the term "operational design domain" as a description of the specific operating domain in which an automated driving system is designed to properly operate, including, but not limited to, roadway types, speed ranges, environmental conditions such as weather and time of day, and other domain constraints.

[6] S. 319.145, F.S.

[7] S. 322.015, F.S.

[8] *See* s. 320.08, F.S.

[9] S. 627.749(3), F.S.

[10] Section 316.003(90), F.S., defines the term "teleoperation system" as the hardware and software installed in a motor vehicle which allow a remote human operator to supervise or perform aspects of, or the entirety of, the dynamic driving task. The term "remote human operator" means a natural person who is not physically present in a vehicle equipped with an automated driving system who engages or monitors the vehicle from a remote location. A remote human operator may have the ability to perform aspects of, or the entirety of, the dynamic driving task for the vehicle or cause the vehicle to achieve a minimal risk condition as defined in s. 319.145(2), F.S. A remote human operator must be physically present in the United States and be licensed to operate a motor vehicle by a United States jurisdiction.

to provide information and render reasonable assistance in a crash, the duty to give notice of the crash to appropriate law enforcement, and the prohibition against leaving an unattended motor vehicle without first setting the brake.[11]

An autonomous vehicle registered in this state must meet all of the following requirements:

- When required by federal law:
  - Have been certified in accordance with federal regulations in 49 C.F.R. part 567 as being in compliance with applicable federal motor vehicle safety standards.
  - Bear the required certification label or labels including reference to any exemption granted under applicable federal law.
- Be capable of being operated in compliance with the applicable traffic and motor vehicle laws of this state, regardless of whether the vehicle is operating with the automated driving system engaged.[12]

Florida and Federal Low-Speed Vehicle Laws

Federal law defines the term "low-speed vehicle" to mean a motor vehicle:

- That is 4-wheeled,
- Whose speed attainable in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface, and
- Whose gross vehicle weight rating is less than 3,000 pounds.[13]

Federal regulations require each low-speed vehicle to be equipped with certain safety equipment, including various lamps, reflectors, mirrors, a windshield, vehicle identification number, seat belts and an alert sound for pedestrians to detect and recognize the vehicle.[14]

Florida law defines the term "low-speed vehicle," as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.[15]

Florida law authorizes the operation of a low-speed vehicle on any road in this state with the following restrictions:

- A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less but is not prohibited from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- A low-speed vehicle must be registered, insured, and titled.
- Any person operating a low-speed vehicle or mini truck must have in his or her possession a valid driver license.
- The Department of Transportation (DOT), counties, and municipalities, if necessary in the interest of safety, may prohibit the operation of low-speed vehicles on any road under their respective jurisdictions.[16]

For purposes of seasonal delivery personnel,[17] a low-speed vehicle, under certain restrictions for package size and weight, annually from October 15 through January 31 may operate on any public

[11] The exemptions are contained in ss. 316.062(5), 316.063(4), 316.065(5), 316.1975(3), and 316.303(1). F.S.
[12] S. 319.145(1), F.S.
[13] 49 C.F.R. s 571.3.
[14] 49 C.F.R. s. 571.500
[15] S. 320.01(41), F.S.
[16] S. 316.2122, F.S.

road within a residential area with a posted speed limit of 35 miles per hour or less. The vehicle must be:

- Marked in a conspicuous manner with the name of the delivery service;
- Equipped with, at a minimum, the equipment required under s. 316.212(6), F.S., which includes a reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.
- Equipped with head lamps and tail lamps, in addition to the safety requirements in s. 316.212(6), F.S., if operated after sunset.[18]

The license tax for an electric low-speed vehicle is the same as that prescribed for any other vehicle, generally based on vehicle type and weight.[19] Low-speed vehicles must have a license plate that complies with the requirements for standard motor vehicles of s. 320.06, F.S., relating to, among other things, plate symbols and numbers and renewal and replacement.

Low-Speed Autonomous Delivery Vehicles

Convenient delivery of goods to households is increasingly popular, particularly so in the current pandemic. New types of vehicles designed specifically for such purposes are emerging. One such vehicle is produced by Nuro, Inc., which produces an autonomous delivery vehicle called the R2X.[20] Nuro indicates the vehicle is about half the width and weight of a typical car.[21]

The National Highway Traffic Safety Administration (NHTSA) has granted Nuro temporary exemptions from three of the federal low-speed vehicle equipment requirements.

- The exterior and interior mirror requirement.
- The windshield glazing requirements.
- The rear visibility requirements (relating to backup camera "linger time").[22,23]

The exemption was granted for two years under a number of terms and conditions and authorizes Nuro to produce 2,500 of the exempted R2X vehicles during any 12-month period of the exemption, or a maximum of 5,000 exempted vehicles over the full two-year period of the exemption. The exemption expires on February 10, 2022.[24]

Effect of the Bill

The bill amends s. 316.003, F.S., to define the term "low-speed autonomous delivery vehicle," (LSADV) as a fully autonomous vehicle that meets the federal definition of a low-speed vehicle.

The bill authorizes an LSADV to operate on any road with the following restrictions:

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[17] Section 316.2126, F.S., defines the term "seasonal delivery personnel" as employees of a licensed commercial delivery service that has at least 10,000 persons employed in this state.

[18] S. 316.2126(3), F.S.

[19] Section 320.08, F.S., provides the statutory license tax based on vehicle type and weight.

[20] *See* Nuro, *About,* : https://nuro.ai/about (last visited March 24, 2021).

[21] *See* Nuro, *Delivery Safety: Nuro's Approach,* p. 9, https://static1.squarespace.com/static/57bcb0e02994ca36c2ee746c/t/5b9a00848a922d8eaecf65a2/1536819358607/delivering_safety_nuros_approach.pdf (last visited March 24, 2021).

[22] Back-up camera linger time is how long that the image from the back-up camera must remain on the screen. https://www.cnet.com/roadshow/news/u-s-requiring-back-up-cameras-in-cars-by-2018/#:~:text=For%20linger%20time%2C%20NHTSA%20mandates,a%20trailer%20or%20parallel%20parking. (last visited March 29, 2021).

[23] *See* Federal Register, Volume 85, No. 28, Tuesday, February 11, 2020, available at Federal Register : Nuro, Inc.; Grant of Temporary Exemption for a Low-Speed Vehicle With an Automated Driving System https://www.federalregister.gov/documents/2020/02/11/2020-02668/nuro-inc-grant-of-temporary-exemption-for-a-low-speed-vehicle-with-an-automated-driving-system (last visited March 24, 2021).

[24] *Id.*

- An LSADV may operate only on streets or roads where the posted speed limit is 35 miles per hour or less, but is not prohibited from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- An LSADV may operate on a street or road with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, if:
    - The vehicle travels no more than 1 continuous mile on such a street or road, but the vehicle may travel in excess of 1 continuous mile if authorized by the entity with jurisdiction over the street or road;
    - The vehicle operates exclusively in the right lane, other than for the purpose of completing a turn; and
    - On a two-lane street or road where overtaking and passing another vehicle is unsafe because of traffic moving in the opposite direction or because of other unsafe conditions, and five or more vehicles are formed in a line behind the LSADV, the LSADV must exit the roadway wherever a sufficient area for a safe turn-out exists, to permit the vehicles following to proceed.

An LSADV must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, and vehicle identification numbers. This provision conflicts with the federal equipment requirements[25] for low-speed vehicles discussed above. However, the bill provides that federal regulations adopted by NHTSA supersede this provision. Thus, only those LSADVs that comply with the federal equipment requirements or are granted an exemption from the requirements are authorized to operate under the restrictions in the bill.

The bill amends s. 316.215, F.S., rendering the provisions of any motor vehicle equipment laws or regulations of this state, relating to or supporting motor vehicle operation by a human driver but not relevant for an automated driving system, inapplicable to fully autonomous vehicles designed to be operated exclusively by the automated driving system for all trips.

The bill has an effective date of July 1, 2021.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.003, F.S., providing definitions.

Section 2 Amends s. 316.2122, F.S., relating to the operation of a low speed vehicle, mini truck, or low speed autonomous delivery vehicle on certain roadways.

Section 3 Amends s. 316.215, F.S., relating to scope and effect of regulation.

Sections 4-5 Amend ss. 316.306 and 655.960, F.S., to conform cross-references.

Section 6 Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

[25] 49 C.F.R. s. 571.500.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate because the number of LSADVs that will be deployed in Florida is unknown. The bill is not clear as to whether LSADVs will need to be registered and titled. If LSADVs are required to be registered and titled, the state will see likely see an insignificant positive fiscal impact.

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 expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of sales tax shared with counties or municipalities.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to DOT, LSADVs meet the definition of "low-speed vehicle" in Florida law[26] Section 316.2126(3)(f), F.S., places seasonal and package size and weight restrictions on the use of low speed vehicles by seasonal delivery personnel. The bill is not clear as to whether or not these restrictions and other restrictions regarding low-speed vehicles would apply to LSADVs.[27]

The bill is not clear as to whether LSADVs are required to be registered and titled with the Department of Highway Safety and Motor Vehicles and pay the appropriate license tax or whether they are required to carry any type of insurance.

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[26] Section 320.01(41), F.S., defines the term "low-speed vehicle" as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.

[27] Department of Transportation, Agency Analysis of HB 1289, p. 5. (February 25, 2021).

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to autonomous vehicles; amending s. 316.003, F.S.; defining the term "low-speed autonomous delivery vehicle"; amending s. 316.2122, F.S.; authorizing the operation of a low-speed autonomous delivery vehicle on certain streets and roads; providing construction; authorizing the operation of a low-speed autonomous delivery vehicle on streets or roads with a posted speed limit of up to 45 miles per hour under specified conditions; providing requirements for low-speed autonomous delivery vehicles; amending s. 316.215, F.S.; providing that certain fully autonomous vehicles are not subject to certain provisions of law or regulations; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (38) through (105) of section 316.003, Florida Statutes, are redesignated as subsections (39) through (106), respectively, a new subsection (38) is added to that section, and present subsection (62) of that section is amended, to read:

316.003 Definitions.—The following words and phrases, when

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

used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(38) LOW-SPEED AUTONOMOUS DELIVERY VEHICLE.—A fully autonomous vehicle that meets the definition of a low-speed vehicle in 49 C.F.R. s. 571.3.

(63) ~~(62)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (85)(b) ~~(84)(b)~~, any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Section 316.2122, Florida Statutes, is amended to read:

316.2122 Operation of a low-speed vehicle, ~~or~~ mini truck, or low-speed autonomous delivery vehicle on certain roadways.—

(1) The operation of a low-speed vehicle as defined in s. 320.01 or a mini truck as defined in s. 320.01 on any road is authorized with the following restrictions:

(a) ~~(1)~~ A low-speed vehicle or mini truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) ~~(2)~~ A low-speed vehicle must be equipped with

headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(c) ~~(3)~~ A low-speed vehicle or mini truck must be registered and insured in accordance with s. 320.02 and titled pursuant to chapter 319.

(d) ~~(4)~~ Any person operating a low-speed vehicle or mini truck must have in his or her possession a valid driver license.

(2) The operation of a low-speed autonomous delivery vehicle on any road is authorized with the following restrictions:

(a) A low-speed autonomous delivery vehicle may operate only on streets or roads where the posted speed limit is 35 miles per hour or less. This paragraph does not prohibit a low-speed autonomous delivery vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b) A low-speed autonomous delivery vehicle may operate on a street or road with a posted speed limit of more than 35 miles per hour, but no more than 45 miles per hour, if:

1. The low-speed autonomous delivery vehicle travels no more than 1 continuous mile on such a street or road, except that the vehicle may travel in excess of 1 continuous mile if authorized by the entity with jurisdiction over the street or road;

2. The low-speed autonomous delivery vehicle operates exclusively in the right lane, other than for the purpose of completing a turn; and

3. On a two-lane street or road where overtaking and passing another vehicle is unsafe because of traffic moving in the opposite direction or because of other unsafe conditions, and five or more vehicles are formed in a line behind the autonomous delivery vehicle, the low-speed autonomous delivery vehicle exits the roadway wherever a sufficient area for a safe turn-out exists, to permit the vehicles following to proceed.

(c) A low-speed autonomous delivery vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, and vehicle identification numbers.

(d) Federal regulations adopted by the National Highway Traffic Safety Administration shall supersede this subsection when found to be in conflict with this subsection.

(3) ~~(5)~~ A county or municipality may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(4) ~~(6)~~ The Department of Transportation may prohibit the operation of low-speed vehicles or mini trucks on any road under its jurisdiction if it determines that such prohibition is

necessary in the interest of safety.

Section 3. Present subsection (6) of section 316.215, Florida Statutes, is redesignated as subsection (7), a new subsection (6) is added to that section, and present subsection (6) is republished, to read:

316.215 Scope and effect of regulations.—

(6) The provisions of any motor vehicle equipment laws or regulations of this state which relate to or support motor vehicle operation by a human driver but are not relevant for an automated driving system shall not apply to fully autonomous vehicles that are designed to be operated exclusively by the automated driving system for all trips.

(7) ~~(6)~~ A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 4. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(106) ~~s. 316.003(105)~~. This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or

immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

2.a. During the period from October 1, 2019, through December 31, 2019, a law enforcement officer may stop motor vehicles to issue verbal or written warnings to persons who are in violation of subparagraph 1. for the purposes of informing and educating such persons of this section. This sub-subparagraph shall stand repealed on October 1, 2020.

b. Effective January 1, 2020, a law enforcement officer may stop motor vehicles and issue citations to persons who are driving while using a wireless communications device in a handheld manner in violation of subparagraph 1.

Section 5. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(85)(a) or (b) ~~s. 316.003(84)(a) or (b)~~, including any adjacent sidewalk, as defined in s. 316.003.

Section 6. This act shall take effect July 1, 2021.

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

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 1289 by Rep. McFarland
AUTONOMOUS VEHICLES

AMENDMENT SUMMARY
APRIL 1, 2021

Amendment 1 by Rep. McFarland (Line 92):
The amendment provides minimum insurance coverage requirements for "low-speed autonomous delivery vehicles" that are identical to those contained in current law for "autonomous vehicles" and establishes how those requirements can be met.

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	_____

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative McFarland offered the following:

Amendment

Between lines 92 and 93, insert:

(e) A low-speed autonomous delivery vehicle must be covered by a policy of automobile insurance which provides the coverage required by s. 627.749(2)(a)1., 2., and 3. The coverage requirements of this paragraph may be satisfied by automobile insurance maintained by the owner of a low-speed autonomous delivery vehicle, the owner of the teleoperation system, the remote human operator, or a combination thereof.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1385 Department of Transportation
SPONSOR(S): LaMarca
TIED BILLS: **IDEN./SIM. BILLS:** SB 1126

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYS

The bill addresses several matters related to the Department of Transportation (DOT). DOT's mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities. In summary, the bill:

- Clarifies that the Department of Revenue is responsible for transferring a portion of documentary stamp tax revenues distributed to the General Revenue Fund from the State Transportation Trust Fund.
- Removes obsolete references to the general service revenue service charge from specified transportation-related state revenues.
- Increases the authorized dollar amount of the alternative debt service cap on Right-of-Way Acquisition and Bridge Construction bonds.
- Amends the Move Over Law to include road and bridge maintenance or construction vehicles displaying warning lights.
- Authorizes persons to appear before the Commercial Motor Vehicle Review Board via communications media technology, including video conference technologies.
- Restores DOT's rulemaking authority relating to airport zoning.
- Clarifies provisions relating to the notice and hearing that DOT is required to provide when a transportation project on the State Highway System modifies an existing access to an abutting property.
- Revises from October 1 to August 1 the date for metropolitan planning organization annual submissions of project priorities to the DOT districts.
- Removes the expiration date for Legislative Budget Commission chair and vice chair authority to approve certain amendments to DOT's work program.

The bill may have a positive impact on state and local government revenues and an insignificant negative impact on state government expenditures. The bill does not appear to impact local government expenditures.

The bill has an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Documentary Stamp Tax/General Revenue Fund Transfer

Current Situation

Chapter 201, F.S., imposes an excise tax on certain documents, known as the documentary stamp tax. The Department of Revenue (DOR) administers ch. 201, F.S.,[1] including the collection of documentary stamp taxes, which are distributed each fiscal year to the General Revenue Fund and various state trust funds.[2]

After certain required payments to the Land Acquisition Trust Fund[3] and the deduction of the General Revenue service charge,[4] the lesser of 24.18442 percent of the remainder or $541.75 million is allocated to the State Transportation Trust Fund (STTF) in each fiscal year. Of such funds, $75 million must be transferred to the General Revenue Fund in each fiscal year. The remaining amount is credited to the STTF and must be used for the following programs: New Starts Transit Program, the Small County Outreach Program, the Strategic Intermodal System, the Transportation Regional Incentive Program, and the Florida Rail Enterprise.[5]

While ch. 201, F.S., specifies that DOR administers the documentary stamp tax, DOR is not expressly identified as the entity responsible for making the $75 million transfer from the STTF to the General Revenue Fund each fiscal year.

Effect of the Bill

The bill clarifies that DOR is the entity responsible for transferring the $75 million each fiscal year from the STTF to the General Revenue Fund.

Obsolete General Revenue Surcharge References

Current Situation

Section 215.20(1), F.S., establishes an eight percent service charge to the General Revenue Fund from all revenues deposited into most state trust funds,[6] representing the estimated pro rata share of the cost of general government.

Section 215.211, F.S., eliminates or reduces the general revenue service charge for specified proceeds. Effective July 1, 2002, the service charge for taxes distributed under s. 206.606(1), F.S., relating to the distribution of motor fuel taxes, s. 212.0501(6), F.S., relating to taxes on diesel fuel for business purposes, and s. 319.32(5), F.S., providing for the disposition of fees from certificate of title transactions, were eliminated.[7] Additionally, the service charge was eliminated, beginning July 1, 2001, on taxes distributed under s. 206.608, F.S., relating to the State Comprehensive Enhanced Transportation System Tax.[8] While the service charge on the specified taxes was eliminated, obsolete references to the service charge remain in statute.[9]

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[1] S. 201.11, F.S.
[2] S. 201.15, F.S.
[3] S. 201.15(1) and (2), F.S.
[4] The General Revenue service charge is imposed by s. 215.20(1), F.S.
[5] S. 201.15(4)(a), F.S.
[6] Exceptions are enumerated in s. 215.22, F.S., including trust funds administered by the Department of Transportation.
[7] S. 215.211(1), F.S.
[8] S. 215.211(2), F.S.
[9] DOT 2020 Legislative Proposal, *Remove Obsolete Language Relating to Service Charge.*

Effect of the Bill
The bill amends ss. 206.606(1), 206.608, 212.0501(6), and 319.32(5), F.S., to remove obsolete references to the general revenue service charge.

Right-of-Way Acquisition and Bridge Construction Bonds-Debt Service Cap

Current Situation
The Department of Transportation (DOT) is authorized to issue Right-of-Way Acquisition and Bridge Construction bonds to finance or refinance the cost of acquiring real property for state roads or the cost of state bridge construction. Except for bonds issued to refinance previously issued bonds, bonds must be authorized by the Legislature and must be issued pursuant to the State Bond Act.[10,11]

Section 206.46, F.S., authorizes DOT to transfer up to seven percent of the revenues deposited into the STTF in each fiscal year to the Right-of-Way Acquisition and Bridge Construction Trust Fund, to meet the requirements to meet outstanding or proposed bond obligations. Notwithstanding this authorized annual transfer, the annual amount transferred may not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service of $275 million,[12] which was last set in 2005.[13]

Section 339.139, F.S., requires DOT to manage all levels of debt to ensure that no more than 20 percent of total projected available state and federal revenues from the STTF, together with any local funds committed to DOT projects, are committed to certain obligations in any year. Right-of-Way Acquisition and Bridge Construction Bonds are included in DOT's overall debt assessment.

In 2020, based on DOT's most recent bond sale and Revenue Estimating Conference projections at the time, the limit on debt service based on the seven-percent threshold would have been $287 million in Fiscal Year 2019-2020 (based on revenues of $4.1 billion), growing to $350 million in Fiscal Year 2028-2029 (based on revenues of $5 billion).[14]

Under the current statutory limit, the $275 million cap leaves DOT with about $100 million of available bonding capacity.[15]

Effect of the Bill
The bill amends s. 206.46, F.S., to increase DOT's maximum debt service coverage level from $275 million to $350 million. Under the bill, debt service may not exceed seven percent of the revenues deposited into the STTF or $350 million, whichever is less. The increase of the debt service cap will provide DOT with additional bonding capacity, offering it more flexibility in financing certain projects.

Move Over Law

Current Situation
Under Florida's Move Over Law, if an emergency vehicle, a sanitation vehicle, a utility service vehicle, or a wrecker is working along the side of the road, every other driver must vacate the lane closest to the vehicle when driving on a highway with two or more lanes traveling in the direction of the vehicle. If such movement cannot be safely accomplished, the driver must reduce his or her speed to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater, or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less.[16]

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[10] The State Bond Act is codified in ss. 215.57-215.83, F.S.
[11] S. 215.605, F.S.
[12] S. 206.46(2), F.S.
[13] Ch. 2005-290, L.O.F.
[14] DOT 2020 Legislative Proposals, *Change in the Right-of-Way Acquisition and Bridge Construction Bonds Debt Service Cap.*
[15] *Id.*
[16] S. 316.126(1)(b), F.S.

The purpose of the Move Over Law is to protect workers stopped along the road performing their jobs.[17]

A violation of the Move Over Law is a noncriminal traffic infraction, punishable as a moving violation.[18] The statutory base fine for a moving violation is $60, but with additional fees assessed by the state and local governments, the total fine increases to up to $158.[19]

According to DOT, for the safety of both workers and the public, temporary traffic control[20] is required for maintenance and construction activities. However, due to the risks associated with setting up temporary traffic controls for short duration work activities, such as fence repair, ditch repair, or tree trimming, such controls may be omitted. This places road and bridge maintenance or construction vehicles in situations similar to vehicles identified in the Move Over Law, where they are working along the road without protection from adjacent traffic.

Section 316.2397, F.S., prohibits certain lights on vehicles and provides certain exceptions. With regard to road and bridge construction or maintenance vehicles, the statute provides that:

- Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carrier vehicles may show or display amber lights when in operation or a hazard exists.
- Road maintenance and construction equipment and vehicles may display flashing white lights or flashing white strobe lights when in operation and where a hazard exists.[21]

Effect of the Bill

The bill amends the Move Over Law to include road and bridge maintenance or construction vehicles displaying warning lights consistent with s. 316.2397, F.S., and operating on the roadside without advance signs and channelizing devices (such as traffic cones or barricades). This will require drivers to move over to a different lane or decrease their speed when road and bridge maintenance or construction vehicles are displaying warning lights on the roadside.

Commercial Motor Vehicle Review Board

Current Situation

Section 316.545(7), F.S., creates the Commercial Motor Vehicle Review Board (board) within DOT, consisting of three permanent members who are the Secretary of Transportation, the executive director of the Department of Highway Safety and Motor Vehicles, and the Commissioner of Agriculture, or their authorized representatives, and four additional members appointed by the Governor or the Commissioner of Agriculture representing various industries. The board may review any penalty imposed upon any vehicle or person relating to the weight imposed on the roads by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations. The board is authorized to hold sessions and conduct proceedings at any place.[22] According to DOT's website, the board meets in Tallahassee.[23]

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[17] Florida Driver Handbook, 2020, p. 44, available at https://www3.flhsmv.gov/handbooks/englishdriverhandbook.pdf (last visited Feb. 17, 2021).

[18] S. 316.126(6), F.S.

[19] Florida Court Clerks and Comptrollers Association, *2020 Distribution of Court Related Filing Fees, Service Charges, and Fines,* p. 23. available at https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2021/21bull005_Attach_2_2020_Dist.pdf (last visited Feb. 17, 2021).

[20] Temporary traffic control refers to the devices and personnel that change road conditions for a work zone or following an incident. Email from John Kotyk, Deputy Director Legislative Affairs, Department of Transportation, Questions, January 31, 2020.

[21] Ss. 316.2397(4) and (5), F.S.

[22] Section 316.545(8), F.S.

[23] Commercial Motor Vehicle Review Board, https://www.fdot.gov/traffic/reviewboard.shtm (last visited March 11, 2021)

Any person against whom a penalty is imposed may apply to the board for a modification, cancellation, or revocation of the penalty. A written explanation provided within a letter protesting a penalty is acceptable in lieu of physical attendance by a person requesting a hearing before the board, but attendance "will provide the petitioner the opportunity to respond to board inquiries into subjects that the petitioner may have overlooked when drafting his letter of protest."[24] Appearance by telephone is not available, but DOT is required to provide space and video conference capability at each of its seven district offices[25] to enable a person requesting a hearing to appear remotely before the board, provided the requester notifies the board at least 14 calendar days before the hearing date.[26]

By rule of the Administration Commission, agencies are currently authorized to conduct proceedings using communications media technology, *i.e.*, the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available.[27] This definition appears to include commonly available video conferencing programs.

Effect of the Bill
The bill authorizes a person appearing before the board to appear remotely via communications media technology. The bill also removes the requirement that DOT provide space in its district offices for persons to appear via video conference.

Airport Zoning-Rulemaking

Current Situation
In 2016, the Legislature amended[28] ch. 333, F.S., which contains airport zoning provisions relating to the management of airspace and land use at or near airports. In general, the 2016 law:

- Updated statutory definitions and terms in accordance with federal regulations.
- Streamlined the local airport protection zoning process to a simpler permitting model.
- Provided local governments the flexibility to structure and incorporate the airport protection zoning review process into existing local zoning review processes and repealed duplicative requirements for obtaining a variance.

DOT has a long-standing rule[29] "*Airport Licensing, Registration, and Airspace Protection,*" the purpose of which is "to promote safe civil aviation by eliminating hazards; to provide airfield standards for airports; to provide standards for airport marking and lighting; to license and register airports, pursuant to the licensing and registration requirements of ch. 330, F.S., and to promote flight safety by providing for airspace protection, pursuant to the requirements of ch. 333, F.S." However, the 2016 amendments to ch. 333, F.S., eliminated this authority.

Effect of the Bill
The bill creates s. 333.15, F.S., to require DOT to adopt rules to implement ch. 333, F.S., thereby providing specific statutory authority for Rule 14-60, F.A.C.

Transportation Projects Modifying Access to Adjacent Property

Current Situation
Whenever DOT proposes any project on the State Highway System which will divide a state highway, erect median barriers modifying currently available vehicle turning movements, or have the effect of

[24] *See* DOT, Traffic Engineering and Operations Office, *Commercial Motor Vehicle Review Board*, for more details on the Board, as well as its 2021 meeting schedule, available at Commercial Motor Vehicle Review Board https://www.fdot.gov/traffic/reviewboard.shtm (last visited March 11, 2021).
[25] DOT's district offices are located in Bartow, Lake City, Chipley, Ft. Lauderdale, Deland, Miami, and Tampa.
[26] *See* DOT, Traffic Engineering and Operations Office, *Commercial Motor Vehicle Review Board*, https://www.fdot.gov/traffic/reviewboard.shtm (last visited March 29, 2021).
[27] Fla. Admin. Code R. 28-109, F.A.C.
[28] Ch. 2016-239, L.O.F.
[29] R. 14-60, F.A.C.

closing or modifying an existing access to an abutting property owner, DOT must notify all affected property owners, municipalities, and counties at least 180 days before the design of the project is finalized. DOT's notice must provide a written explanation regarding the need for the project and indicate that all affected parties will be given an opportunity to provide comments to DOT regarding potential impacts of the change.[30]

DOT must also consult with the applicable local government on its final design proposal if the department intends to divide a state highway, erect median barriers, or close or modify existing access to abutting commercial business properties. The local government may present DOT with alternatives that relieve impacts to such business properties.[31]

DOT must hold at least one public hearing in the jurisdiction where the project is located and receive public input to determine how the project will affect access to businesses and the potential economic impact of the project on the local business community.[32]

DOT must review all comments from the public hearing and take the comments and any alternatives presented by a local government into consideration in the final design of the highway project.[33]

Effect of the Bill

The bill clarifies that DOT must provide the required notice at least 180 days before the design *phase* of the project is *completed*, rather than finalized.

The bill also revises all occurrences of the word "hearing" to "meeting." The bill also clarifies that DOT must hold at least one public meeting prior to completing the design phase of the project, so that DOT can review all comments from the public meeting and take the comments and any alternatives presented by a local government during the meeting into consideration in the final design of the project.

Work Program Submission Deadline

Present Situation

As part of its budgeting process, DOT prepares a tentative work program, based on the district[34] work programs.[35] Each district's work program is developed cooperatively with the state's metropolitan planning organizations (MPOs)[36] and includes, to the maximum extent feasible, the project priorities of MPOs that have been submitted to the district by October 1 of each year.[37] However, DOT and an MPO may agree, in writing, to vary this submittal date.[38]

Prior to submitting the district work program to the central office, each district holds public hearings and makes a presentation to each MPO to determine the necessity of making any changes to the district work program.[39] Following submission of each district's work program to the central office, DOT develops its tentative work program based on the district work programs.[40]

DOT's central office submits a preliminary copy of its tentative work program to the Executive Office of the Governor, the legislative appropriations committees, the Florida Transportation Commission, and

[30] S. 335.199(1), F.S.
[31] S. 335.199(2)(b), F.S.
[32] S. 335.199(3), F.S.
[33] S. 335.199(4), F.S.
[34] DOT is a decentralized agency and most of its project development and operations are done through its seven geographic districts.
[35] Section 339.135(4)(b)1, F.S.
[36] MPOs are federally-required regional transportation planning entities in urbanized areas with populations of 50,000 or more persons.
[37] This is pursuant to s. 339.175(8)(b), F.S.
[38] S. 339.135(4)(c)2., F.S.
[39] S. 339.135(4)(d), F.S.
[40] S. 339.135(4)(e), F.S.

the Department of Economic Opportunity at least 14 days prior to the convening of the regular legislative session.[41] Following a public hearing and evaluation by the Florida Transportation Commission, DOT submits the tentative work program to the Executive Office of the Governor and the legislative appropriations committees no later than 14 days after the regular legislative session begins.[42]

According to DOT, because the Legislature begins its annual session in January in even-numbered years, the period for DOT to complete its work program process has accelerated. DOT has requested that MPOs submit their project priorities sooner than October 1 in order for DOT to have ample time to complete its required processes.[43]

Effect of the Bill
The bill changes the deadline by which MPOs must submit their project priorities to DOT from October 1 to August 1. The change will provide DOT with additional time to complete its work program process prior to the beginning of the annual legislative session.

Work Program Amendments

Current Situation
Current law authorizes DOT to amend its adopted work program and provides procedures for such amendments.[44] However, any work program amendment that transfers fixed capital outlay appropriations between categories or increases an appropriation category is subject to approval by the Legislative Budget Commission (LBC).

Prior to 2016, if an LBC meeting could not be held within 30 days after DOT submitted an amendment, the chair and vice chair of the LBC could approve the amendment.[45] In 2016, the Legislature repealed this authorization.[46] In 2019, this authorization was reinstated with an expiration date of July 1, 2020.[47] In 2020, the authorization was reinstated with an expiration date of July 1, 2021.[48]

Effect of the Bill
The bill removes the expiration of authorization for LBC chair and vice chair approval of amendments to DOT's adopted work program, thereby making the provision permanent.

Effective Date

The bill has an effective date of July 1, 2021.

B. SECTION DIRECTORY:

Section 1 Amends s. 201.15, F.S., relating to the distribution of taxes collected.

Section 2 Amends s. 206.46, F.S., relating to the State Transportation Trust Fund.

Section 3 Amends s. 206.606, F.S., relating to the distribution of certain proceeds.

Section 4 Amends s. 206.608, F.S., relating to the State Comprehensive Enhanced Transportation System Tax.

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[41] S. 339.135(4)(f), F.S.
[42] S. 339.135(4)(h), F.S.
[43] Department of Transportation 2020 Legislative Proposal, *Advance MPO Deadline to Submit Project Priorities*
[44] Section 339.135(7), F.S.
[45] S. 339.135(7)(g), F.S. (2015).
[46] S. 16, Ch. 2016-181, L.O.F.
[47] S. 101, Ch. 2019-116, L.O.F.
[48] S. 93, Ch. 2020-144, L.O.F.

Section 5 Amends s. 212.0501, F.S., relating to the tax on diesel fuel for business purposes.

Section 6 Amends s. 316.126, F.S., relating to the operation of vehicles and actions of pedestrians on approach of an authorized emergency, sanitation, or utility service vehicle.

Section 7 Amends s. 316.545, F.S., relating to weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.

Section 8 Amends s. 319.32, F.S., relating to fees; service charges; disposition.

Section 9 Creates s. 333.15, F.S., providing rulemaking authority.

Section 10 Amends s. 335.199, F.S., relating to transportation projects modifying access to adjacent property.

Section 11 Amends s. 339.135, F.S., relating to DOT's work program.

Section 12 Amends s. 339.175, F.S., relating to Metropolitan Planning Organizations.

Section 13 Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill may have a positive impact on state government revenues due to additional penalties associated with adding road and bridge construction and maintenance vehicles to the Move Over Law.

2. Expenditures:

   The bill may have an insignificant negative impact on state government expenditures. The Department of Highway Safety and Motor Vehicles may incur expenditures associated with enforcement and public awareness regarding change to the Move Over Law.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   The bill may have a positive impact on local government revenues due to additional penalties associated with adding road and bridge construction and maintenance vehicles to the Move Over Law.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals that appear before the Commercial Motor Vehicle Review Board remotely via communications media technology will likely save some expenses.

D. FISCAL COMMENTS:

Increasing the $275 million debt cap on Right-of-Way and Bridge Construction Bonds will provide DOT with additional flexibility to utilize that program to meet future bridge replacement needs with minimal disruption to capacity projects in DOT's work program.[49]

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill requires DOT to establish rules regarding airport zoning.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

[49] Department of Transportation, 2020 Legislative Proposal, *Change in Right-of-Way Acquisition and Bridge Construction Bond Debt Service Cap.*

A bill to be entitled

An act relating to the Department of Transportation; amending s. 201.15, F.S.; clarifying that the Department of Revenue is responsible for a certain transfer from the State Treasury to the General Revenue Fund of a portion of documentary stamp tax distributions credited to the State Transportation Trust Fund; amending s. 206.46, F.S.; revising a limitation on an annual transfer from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending ss. 206.606, 206.608, and 212.0501, F.S.; removing a requirement for the deduction of certain service charges before the distribution of certain moneys; amending s. 316.126, F.S.; requiring vehicle operators to vacate the lane closest to certain road and bridge maintenance or construction vehicles or reduce speed upon approach; amending s. 316.545, F.S.; deleting a requirement that the Department of Transportation provide space and video conference capability at each of the department's district offices as an alternative to physical appearance by a person requesting a hearing before the Commercial Motor Vehicle Review Board within the department; requiring the department to allow a person requesting

a hearing to appear remotely via communications media technology authorized by a specified rule; amending s. 319.32, F.S.; removing a requirement for the deduction of certain service charges before depositing fees for a certificate of title into the State Transportation Trust Fund; creating s. 333.15, F.S.; requiring the department to adopt rules to implement ch. 333, F.S., relating to airport zoning; amending s. 335.199, F.S.; requiring the department, when proposing any project on the State Highway System which will close or modify an existing access to an abutting property owner, to provide notice to affected property owners, municipalities, and counties at least 180 days before the design phase of the project is completed; requiring the department to hold at least one public meeting before completing the design phase of the project; making a technical change; amending s. 339.135, F.S.; revising the date by which a metropolitan planning organization must annually submit project priorities to the appropriate department district for purposes of developing department district work programs; removing the expiration of provisions relating to approval of department work program amendments when a meeting of the Legislative Budget Commission cannot be held

within a specified timeframe; amending s. 339.175, F.S.; revising the date by which a metropolitan planning organization must annually submit a list of project priorities to the appropriate department district for purposes of developing department district work programs and developing metropolitan planning organization transportation improvement programs; amending s. 338.2278, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Paragraph (a) of subsection (4) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge

imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2) and deduction of the service charge imposed pursuant to s. 215.20(1), the remainder shall be distributed as follows:

(a) The lesser of 24.18442 percent of the remainder or $541.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. Of such funds, $75 million for each fiscal year shall be transferred <u>by the Department of Revenue</u> to the General Revenue Fund. Notwithstanding any other law, the remaining amount credited to the State Transportation Trust Fund shall be used

for:

1. Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the funds;

2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;

3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and

4. The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2. The first $60 million of the funds allocated pursuant to this subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

Section 2. Subsection (2) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(2) Notwithstanding any other ~~provisions of~~ law, from the revenues deposited into the State Transportation Trust Fund a maximum of 7 percent in each fiscal year shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605, as needed to meet the requirements of the documents authorizing the bonds issued or proposed to be

issued under ss. 215.605 and 337.276 or at a minimum amount sufficient to pay for the debt service coverage requirements of outstanding bonds. Notwithstanding the 7 percent annual transfer authorized in this subsection, the annual amount transferred under this subsection may ~~shall~~ not exceed an amount necessary to provide the required debt service coverage levels for a maximum debt service not to exceed $350 ~~$275~~ million. Such transfer shall be payable primarily from the motor and diesel fuel taxes transferred to the State Transportation Trust Fund from the Fuel Tax Collection Trust Fund.

Section 3. Subsection (1) of section 206.606, Florida Statues, is amended to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting ~~the service charges imposed by s. 215.20,~~ the refunds granted pursuant to s. 206.41~~,~~ and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(a) $6.30 million shall be transferred to the Fish and Wildlife Conservation Commission in each fiscal year and deposited in the Invasive Plant Control Trust Fund to be used

for aquatic plant management, including nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement activities. The commission shall allocate at least $1 million of such funds to the eradication of melaleuca.

(b) Annually, $2.5 million shall be transferred to the State Game Trust Fund in the Fish and Wildlife Conservation Commission and used for recreational boating activities and freshwater fisheries management and research. The transfers must be made in equal monthly amounts beginning on July 1 of each fiscal year. The commission shall annually determine where unmet needs exist for boating-related activities, and may fund such activities in counties where, due to the number of vessel registrations, sufficient financial resources are unavailable.

1. A minimum of $1.25 million shall be used to fund local projects to provide recreational channel marking and other uniform waterway markers, public boat ramps, lifts, and hoists, marine railways, and other public launching facilities, derelict vessel removal, and other local boating-related activities. In funding the projects, the commission shall give priority consideration to:

a. Unmet needs in counties having populations of 100,000 or <u>less</u> ~~fewer~~.

b. Unmet needs in coastal counties having a high level of boating-related activities from individuals residing in other counties.

2. The remaining $1.25 million may be used for recreational boating activities and freshwater fisheries management and research.

3. The commission may adopt rules to administer a Florida Boating Improvement Program.

The commission shall prepare and make available on its Internet website an annual report outlining the status of its Florida Boating Improvement Program, including the projects funded, and a list of counties whose needs are unmet due to insufficient financial resources from vessel registration fees.

(c) 0.65 percent of moneys collected pursuant to s. 206.41(1)(g) shall be transferred to the Agricultural Emergency Eradication Trust Fund.

(d) $13.4 million in fiscal year 2007-2008 and each fiscal year thereafter of the moneys attributable to the sale of motor and diesel fuel at marinas shall be transferred from the Fuel Tax Collection Trust Fund to the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission.

Section 4. Section 206.608, Florida Statutes, is amended to read:

206.608 State Comprehensive Enhanced Transportation System Tax; deposit of proceeds; distribution.—Moneys received pursuant to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the Fuel Tax Collection Trust Fund, and, after deducting ~~the service~~

~~charge imposed in chapter 215 and~~ administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed as follows:

(1) 0.65 percent of the proceeds of the tax levied pursuant to s. 206.41(1)(f) shall be transferred to the Agricultural Emergency Eradication Trust Fund.

(2) The remaining proceeds of the tax levied pursuant to s. 206.41(1)(f) and all of the proceeds from the tax imposed by s. 206.87(1)(d) shall be transferred into the State Transportation Trust Fund, and may be used only for projects in the adopted work program in the district in which the tax proceeds are collected and, to the maximum extent feasible, such moneys shall be programmed for use in the county where collected. However, no revenue from the taxes imposed pursuant to ss. 206.41(1)(f) and 206.87(1)(d) in a county shall be expended unless the projects funded with such revenues have been included in the work program adopted pursuant to s. 339.135.

Section 5. Subsection (6) of section 212.0501, Florida Statutes, is amended to read:

212.0501 Tax on diesel fuel for business purposes; purchase, storage, and use.—

(6) All taxes required to be paid on fuel used in self-propelled off-road equipment shall be deposited in the Fuel Tax Collection Trust Fund, to be distributed~~, after deduction of the~~

~~general revenue service charge pursuant to s. 215.20,~~ to the State Transportation Trust Fund. The department shall, each month, make a transfer, from general revenue collections, equal to such use tax reported on dealers' sales and use tax returns.

Section 6. Paragraph (b) of subsection (1) of section 316.126, Florida Statutes, is amended to read:

316.126 Operation of vehicles and actions of pedestrians on approach of certain ~~an authorized emergency, sanitation, or utility~~ service vehicles ~~vehicle~~.—

(1)

(b) If an authorized emergency vehicle displaying any visual signals is parked on the roadside, a sanitation vehicle is performing a task related to the provision of sanitation services on the roadside, a utility service vehicle is performing a task related to the provision of utility services on the roadside, ~~or~~ a wrecker displaying amber rotating or flashing lights is performing a recovery or loading on the roadside, or a road and bridge maintenance or construction vehicle displaying warning lights is on the roadside without advance signs and channelizing devices, the driver of every other vehicle, as soon as it is safe:

1. Shall vacate the lane closest to the emergency vehicle, sanitation vehicle, utility service vehicle, ~~or~~ wrecker, or road and bridge maintenance or construction vehicle when driving on an interstate highway or other highway with two or more lanes

traveling in the direction of the emergency vehicle, sanitation vehicle, utility service vehicle, ~~or~~ wrecker, or road and bridge maintenance or construction vehicle, except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in subparagraph 2.

2. Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater; or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

Section 7. Paragraph (f) of subsection (7) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(7) There is created within the Department of Transportation the Commercial Motor Vehicle Review Board, consisting of three permanent members who shall be the Secretary of Transportation, the executive director of the Department of Highway Safety and Motor Vehicles, and the Commissioner of Agriculture, or their authorized representatives, and four additional members appointed pursuant to paragraph (b), which may review any penalty imposed upon any vehicle or person under the provisions of this chapter relating to weights imposed on

the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

(f) The review board may hold sessions and conduct proceedings at any place within the state. As an alternative to appearing physically ~~physical appearance, and in addition to any other method of appearance authorized by rule~~, the Department of Transportation shall allow ~~provide space and video conference capability at each district office to enable~~ a person requesting a hearing to appear remotely before the board via communications media technology authorized by chapter 28-109, Florida Administrative Code, regardless of the physical location of the board proceeding.

Section 8. Subsection (5) of section 319.32, Florida Statutes, is amended to read:

319.32 Fees; service charges; disposition.—

(5)(a) Forty-seven dollars of each fee collected, except for fees charged on a certificate of title for a motor vehicle for hire registered under s. 320.08(6), for each applicable original certificate of title and each applicable duplicate copy of a certificate of title~~, after deducting the service charges imposed by s. 215.20,~~ shall be deposited into the State Transportation Trust Fund. Deposits to the State Transportation Trust Fund pursuant to this paragraph may not exceed $200 million in any fiscal year, and any collections in excess of

that amount during the fiscal year shall be paid into the General Revenue Fund.

(b) All fees collected pursuant to subsection (3) shall be paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of each fee, except for fees charged on a certificate of title for a motor vehicle for hire registered under s. 320.08(6), for each applicable original certificate of title and each applicable duplicate copy of a certificate of title~~, after deducting the service charges imposed by s. 215.20,~~ shall be deposited into the State Transportation Trust Fund. All other fees collected by the department under this chapter shall be paid into the General Revenue Fund.

Section 9. Section 333.15, Florida Statutes, is created to read:

333.15 Rulemaking authority.—The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter.

Section 10. Subsections (1), (3), and (4) of section 335.199, Florida Statutes, are amended to read:

335.199 Transportation projects modifying access to adjacent property.—

(1) Whenever the Department of Transportation proposes any project on the State Highway System which will divide a state highway, erect median barriers modifying currently available vehicle turning movements, or have the effect of closing or

modifying an existing access to an abutting property owner, the department shall notify all affected property owners, municipalities, and counties at least 180 days before the design phase of the project is completed ~~finalized~~. The department's notice shall provide a written explanation regarding the need for the project and indicate that all affected parties will be given an opportunity to provide comments to the department regarding potential impacts of the change.

(3) The department shall hold at least one public meeting before completing the design phase of the project ~~hearing~~ in the jurisdiction where the project is located and receive public input to determine how the project will affect access to businesses and the potential economic impact of the project on the local business community.

(4) The department must review all comments from the public meeting ~~hearing~~ and take the comments and any alternatives presented by a local government under subsection (2) into consideration in the final design of the highway project.

Section 11. Paragraph (c) of subsection (4) and paragraph (g) of subsection (7) of section 339.135, Florida Statutes, are amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.—

(c)1. For purposes of this section, the board of county commissioners shall serve as the metropolitan planning organization in those counties which are not located in a metropolitan planning organization and shall be involved in the development of the district work program to the same extent as a metropolitan planning organization.

2. The district work program shall be developed cooperatively from the outset with the various metropolitan planning organizations of the state and include, to the maximum extent feasible, the project priorities of metropolitan planning organizations which have been submitted to the district by August 1 ~~October 1~~ of each year pursuant to s. 339.175(8)(b); however, the department and a metropolitan planning organization may, in writing, cooperatively agree to vary this submittal date. To assist the metropolitan planning organizations in developing their lists of project priorities, the district shall disclose to each metropolitan planning organization any anticipated changes in the allocation or programming of state and federal funds which may affect the inclusion of metropolitan planning organization project priorities in the district work program.

3. Before ~~Prior to~~ submittal of the district work program to the central office, the district shall provide the affected metropolitan planning organization with written justification for any project proposed to be rescheduled or deleted from the

district work program which project is part of the metropolitan planning organization's transportation improvement program and is contained in the last 4 years of the previous adopted work program. By no later than 14 days after submittal of the district work program to the central office, the affected metropolitan planning organization may file an objection to such rescheduling or deletion. When an objection is filed with the secretary, the rescheduling or deletion may not be included in the district work program unless the inclusion of such rescheduling or deletion is specifically approved by the secretary. The Florida Transportation Commission shall include such objections in its evaluation of the tentative work program only when the secretary has approved the rescheduling or deletion.

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g)1. Any work program amendment which also requires the transfer of fixed capital outlay appropriations between categories within the department or the increase of an appropriation category is subject to the approval of the Legislative Budget Commission.

2. If a meeting of the Legislative Budget Commission cannot be held within 30 days after the department submits an amendment to the Legislative Budget Commission, the chair and vice chair of the Legislative Budget Commission may authorize such amendment to be approved pursuant to s. 216.177. ~~This~~

~~subparagraph expires July 1, 2021.~~

Section 12. Paragraph (b) of subsection (8) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by August 1 ~~October 1~~ of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. Where more than one M.P.O. exists in an urbanized area, the M.P.O.'s shall coordinate in the development of regionally significant project priorities. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the

district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The Strategic Intermodal System Plan developed under s. 339.64.

3. The priorities developed pursuant to s. 339.2819(4).

4. The results of the transportation management systems; and

5. The M.P.O.'s public-involvement procedures.

Section 13. This act shall take effect July 1, 2021.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1463 Department of Economic Opportunity
SPONSOR(S): LaMarca
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1948

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Willson MW	Keating CK
2) Government Operations Subcommittee			
3) Infrastructure & Tourism Appropriations Subcommittee			
4) Commerce Committee			

SUMMARY ANALYSIS

The Department of Economic Opportunity (DEO) is tasked with assisting the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. DEO must also ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies. Currently, the DEO agency head is referred to as the "Executive Director."

The bill provides that the DEO agency head will be known as "Secretary" instead of "Executive Director" and adds the Secretary to the Board of Directors for Enterprise Florida and CareerSource Florida, respectively. Additionally, the bill establishes an Office of Economic Accountability and Transparency within DEO.

The bill provides flexibility to DEO relating to the administration of the federally funded Florida Small Cities Community Development Block Grant Program and provides for expedited permitting for certain homeowners affected by natural disasters.

The bill makes several changes relating to Florida's unemployment assistance program in order to modernize, increase efficiency and effectiveness, and provide for additional accountability.

The bill is subject to appropriation for certain aspects of the reemployment assistance program. The bill does not appear to impact state revenues, but may impact state expenditures to the extent that certain changes relating to the reemployment assistance program are not able to be absorbed by existing resources.

The bill does not impact local government revenues or expenditures.

The bill takes effect on becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida's economic development system is multi-faceted and includes public agencies, non-profit corporations, and private entities at the state, regional, and local level. The Legislature created some of these organizations, while others are units of local government or privately formed associations or alliances. Many of the organizations have similar missions (e.g., encouraging economic development and enhancing the state's business climate) and serve the same constituencies (e.g., in- and out-of-state businesses and the state's economic and workforce development communities). The most prominent of these organizations are Enterprise Florida, Inc. and the Department of Economic Opportunity.[1]

Department of Economic Opportunity (DEO)

Current Situation

The Department of Economic Opportunity (DEO) is tasked with assisting the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians.[2] DEO must also ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.[3]

To achieve these goals, the Legislature established five divisions within DEO:

- Strategic Business Development
- Community Development
- Workforce Services
- Finance and Administration
- Division of Information Technology.[4]

These divisions help fulfill DEO's statutorily mandated responsibilities, which include:

- Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in this state, to recruit business from around the world, and to facilitate other job-creating efforts.
- Recruit new businesses to this state and promote the expansion of existing businesses by expediting permitting and location decisions, worker placement and training, and incentive awards.
- Promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.
- Ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.
- Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment,

[1] OPPAGA, Report No. 16-09, Agency Review-Enterprise Florida, Inc., and Department of Economic Opportunity, at 6. (December 2016)
[2] S. 20.60(4), F.S.
[3] OPPAGA, *Program Summary: Department of Economic Opportunity*, https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=6101 (last visited Mar. 11, 2021).
[4] S. 20.60(3), F.S.

creation, retention, and expansion; minority and small business development; rural community development; and the development and promotion of professional and amateur sporting events.
- Coordinate with state agencies on the processing of state development approvals or permits to minimize the duplication of information provided by the applicant and the time before approval or disapproval.[5]

Current law refers to the head of DEO as the "executive director."[6] However, Florida law generally provides that the term "secretary" means "an individual who is appointed by the Governor to head a department and who is not otherwise named in the State Constitution" whereas "executive director" means the chief administrative employee or officer of a department headed by a board or by the Governor and the Cabinet.[7]

Currently, DEO does not have an office or program expressly dedicated to overseeing transparency and accountability for the agency.

Effect of the Bill

The bill renames the DEO agency head as the "Secretary" from the "Executive Director," establishes the Office of the Secretary, and allows for the appointment of deputy assistant secretaries. The bill also amends cross references to reflect the change in title concerning the agency head of DEO.

The bill establishes the Office of Economic Accountability and Transparency within DEO, which must:
- Oversee critical objectives and ensure key objectives are clearly communicated to the public.
- Organize resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state.
- Provide leadership for priority issues that require integration of policy, managements, and critical objectives from multiple programs and organizations internal and external to DEO.
- Promote and facilitate key initiatives to address priority economic issues and explore data and identify opportunities for innovative approaches to address such economic issues.
- Promote strategic planning.

Community Development Block Grants

Current Situation

Florida Small Cities Community Development Block Grant Program

In 1981, Congress amended the Housing and Community Development Act of 1974 to give each state the opportunity to administer Community Development Block Grant (CDBG) funds for non-entitlement areas. Non-entitlement[8] areas include local governments which do not receive CDBG funds directly from the U.S. Department of Housing and Urban Development (HUD) as part of the entitlement program (Entitlement Cities and Urban Counties). The purpose of the Act is to assist local governments in carrying out effective community development and project planning/design activities to reverse community decline.[9]

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[5] S. 20.60(4), F.S.
[6] S. 20.60(2), F.S.
[7] S. 20.03, F.S.
[8] Funding for the Florida Small Cities CDBG Program is competitive and there are no "targeted" areas. The HUD identifies communities as non-entitlement local governments. Communities that do not have an open Commercial Revitalization, Neighborhood Revitalization, or Housing Rehabilitation subgrant are eligible to apply for CDBG funding in one of those categories. For a list of the Florida communities that were eligible to receive CDBG funding during the FFY 2019 funding cycle, *see* DEO, *Small Cities Community Development Block Grant FFY 2019 Eligible Communities*, https://floridajobs.org/docs/default-source/2015-community-development/community-revitalization/cdbg/applicants/ffy2019smallcitieseligiblecommunities.pdf?sfvrsn=11a948b0_2 (last visited Mar. 11, 2021).
[9] *Supra*.

HUD distributes funds to each state through a statutory formula based on population, poverty, incidence of overcrowded housing, and age of housing. Neither HUD nor states distribute funds directly to citizens or private organizations. State governments, in turn, distribute the funds to local governments.[10]

DEO manages four CDBG Programs:

- Florida Small Cities Community Development Block Grant (CDBG) Program
- CDBG – Coronavirus Relief Funding (CDBG-CV)
- Office of Disaster Recovery
- Neighborhood Stabilization Program

The Community Development Block Grant (CDBG) Program is a federal program that provides funding for housing and community development activities. The program consists of two components:

- Entitlement Program - funds are provided directly to urban communities, and
- State Program - funds are allocated to the states for distribution to eligible non-entitlement communities

DEO administers the State Program in Florida through the Small Cities CDBG Program, which is a competitive grant program that awards funds to units of local government in small urban and rural areas. Florida receives between 18 and 26 million dollars annually from HUD to award subgrants to eligible units of local government. The program provides an opportunity for communities to obtain funds for projects that they cannot otherwise afford. CDBG funds can also provide administrative support for local governments that may not have the staffing resources necessary to administer their projects.

Chapter 290, F.S., provides that the intent of the Florida Small Cities CDBG Program Act (Act) is to provide the necessary means to develop, preserve, redevelop, and revitalize Florida communities exhibiting signs of decline or distress by enabling local governments to undertake necessary community development programs. Mirroring the federal law, the overall objective of the program is to create viable communities by eliminating slum and blight, fortifying communities in urgent need, providing adequate housing and suitable living environments, and expanding economic opportunities, principally for persons of low or moderate income.[11]

An eligible local government may apply up to three times in any one annual funding cycle for an economic development grant, but may not receive more than one such grant per annual funding cycle. Current law further specifies that a local government may have more than one open economic development grant.[12]

The following units of local government are eligible to apply for Small Cities CDBG funds:

- Cities with fewer than 50,000 residents that have not accepted special entitlement status and have not opted to join an entitlement program.
- Counties with fewer than 200,000 residents.
- Cities with more than 50,000 residents that have opted out of the urban entitlement program.

The program focuses on the following four funding categories:

- Commercial Revitalization
- Economic Development

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[10] *Supra.*

[11] S. 290.0411, F.S. *See* 42 U.S.C.§ 5302(a)(20). "Persons of low or moderate income" means any person who meets the definition established by the federal Department of Housing and Urban Development. HUD defines "persons of low income" as families and individuals whose incomes do not exceed 50 percent of the median income of a service area, as determined by HUD. "Persons of moderate income" are defined as families and individuals whose incomes exceed 50 percent, but do not exceed 80 percent of the median income of a service area, as determined by HUD.

[12] S. 290.046(2), F.S.

- Housing Rehabilitation
- Neighborhood Revitalization

To be eligible for funding, an activity must meet at least one of the following objectives:

- Benefit to Low-and Moderate-Income Persons - At least 51 percent of the beneficiaries must be low- and moderate-income persons (total household income is at or below 80 percent of the area's median income).
- Elimination of Slum and Blight - Eliminate conditions of slum or blight as defined by state law and identified by the unit of local government on a spot or area basis.
- Address an Urgent Need - The activity must alleviate a condition that poses a serious and immediate threat to those living in the area. The condition must have occurred within 18 months of application. The unit of local government must demonstrate that it is unable to finance the activity on its own and that other funding is not available.

Examples of CDBG-funded projects include:

- Water and sewer improvements
- Rehabilitation of substandard housing
- Street and sidewalk improvements
- Economic development activities that create jobs for low-and moderate-income people,
- Downtown revitalization, including facade improvements, streetscaping, and underground utilities
- Park facilities and community centers
- Drainage & stormwater improvements.

Community Development Block Grant-Disaster Recovery

The Community Development Block Grant-Disaster Recovery Program (CDBG-DR) is a federally funded program administered by HUD. CDBG-DR programs are long-term recovery programs that work to provide safe, sanitary, and decent homes for Florida citizens recovering from the devastating impacts of hurricanes and other natural disasters. The CDBG-DR program repairs or replaces the residential housing of low- and moderate-income individuals and most vulnerable citizens who have been unable to recover from a disaster after exhaustion of all other forms of assistance.

The Office of Long-Term Resiliency within DEO conducts single-family residential housing repair and replacement for Florida residents whose homes still have unrepaired damage from Hurricanes Hermine, Matthew, Irma, and Michael. These projects must comply with the Florida Building Code by applying for and receiving Florida building permits from the applicable local building code enforcement jurisdictions. Applications for and issuance of permitting for these projects is currently given the same priority as any other residential permit application.

Effect of the Bill

Relating to the Florida Small Cities CDBG Program, the bill:

- Amends definitions to align with applicable federal law.
- Removes the requirement that applicants may only participate in one program category.
- Changes the percentage of funds that can be set aside for an emergency or natural disaster that has been declared by an executive order, from 5% to 15%.
- Allows funds set aside for an emergency or natural disaster to be used for unfunded applications for any funding cycle and not just the most recent funding cycle.
- Removes provisions which limit the number of grant applications a local government may submit during each grant cycle.
- Removes the requirement that unused economic development grant funds be awarded on a first come, first serve basis, and

- Specifies that DEO may prohibit an applicant from receiving a grant or may penalize an applicant in the rating of a current application if the DEO determines that any applicant has failed to substantially accomplish the results it proposed in previously funded applications.

The bill requires that a building permit for a single-family residential dwelling applied for by a contractor on behalf of a homeowner who participates in a CDBG—DR program must be issued within 15 days, unless the application fails to satisfy the Florida Building Code or local government ordinance.

Reemployment Assistance

Current Situation

The federal Unemployment Insurance Program provides unemployment benefits to qualified workers who are unemployed through no fault of their own and who meet the requirements of state law. The program is administered as a partnership of the federal government and the states. The individual states collect unemployment compensation payroll taxes on a quarterly basis, which are used to pay benefits. Subject to the approval of the United States Department of Labor (USDOL), each state also sets tax rates, benefit levels, and trust fund balances based on the state's needs.[13]

Florida's unemployment insurance program was created by the Legislature in 1937[14] and was rebranded as the "Reemployment Assistance Program" in 2012.[15] DEO is responsible for administering the program and determining the calculation and payment of reemployment assistance (RA) benefits to eligible claimants. The Reemployment Assistance Program supports reemployment services through local One-Stop Career Centers located throughout the state.

A qualified worker is one who is able, available, and actively searching for work, who lost their job through no fault of their own, or who had good cause to leave, and who earned at least $3,400 during their base period.[16] The base period is the 12 month period which covers the first four of the last five quarters prior to the date of the claim.[17] Employees who quit their jobs voluntarily may still be eligible for reemployment assistance if they were required to work in an unsafe or hostile environment.[18] Military spouses who voluntarily leave work to relocate as a result of their spouse's military-connected change of station orders, activation orders, or unit deployment orders are also considered to have good cause and are eligible for reemployment assistance.[19] In order to remain eligible for benefits, claimants must actively seek employment by making at least five verifiable job contacts or activities each week.[20] Claimants will lose their eligibility if DEO finds that they have failed to accept suitable work.[21]

Reemployment assistance is funded entirely by employers.[22] Private employers are known as contributory employers and fund the program through a tax on their businesses.[23] Public employers are considered reimbursable employers, meaning they pay the exact amount of benefits received by

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13 USDOL, Employment and Training Administration, *State Unemployment Insurance Benefits*, http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp (last visited Jan. 28, 2020).
14 Ch. 18402, Laws of Fla.
15 Ch. 2012-30, Laws of Fla.
16 *Id.*
17 S. 443.036(7), F.S.
18 *Spangler v. Unemployment Appeals Com'n*, 632 So. 2d 98, (Fla. 5th DCA 1994). (holding that quitting because employer failed to remedy an unsanitary workplace is good cause); *Rivera v. Florida Unemployment Appeals Com'n*, 99 So. 3d 505, (Fla. 3d DCA 2011). (holding that quitting because of sexual harassment by a co-worker is good cause); *Grossman v. Jewish Community Center of Greater Fort Lauderdale Inc.*, 704 So. 2d 714, (Fla. 4th DCA 1998). (holding that quitting because of verbal abuse by one's employer is good cause).
19 S. 443.101(1)(a)1., F.S.
20 S. 443.091(1)(d), F.S.
21 S. 443.101(2), F.S.
22 DEO, *Claimant FAQs*, http://www.floridajobs.org/Reemployment-Assistance-Service-Center/reemployment-assistance/claimants/claimant-faqs (last visited Jan. 22, 2019).
23 DEO, *Employer Reemployment Assistance FAQ*, http://www.floridajobs.org/frequently-asked-questions-directory/faqs (last visited Jan. 22, 2019).

claimants.[24] A public employer may elect to become a contributory employer.[25] Non-profits are contributory employers by default, but may elect to become reimbursable employers.[26] Employers must submit quarterly tax and wage reports regardless of employment activity or whether any taxes are due.[27] Employers are taxed on the first $7,000 that they pay to each employee.[28]

Domestic Violence Victims

Current law provides that an individual may not be disqualified from receiving reemployment assistance if he or she voluntarily leaves work and is able to prove that the discontinuation of employment is a direct result of circumstances related to domestic violence.[29] An individual who leaves work as a result of domestic violence must make reasonable efforts to preserve employment unless the individual establishes that such remedies are likely to be futile or increase risk of future incidents of domestic violence. The employee must have a reasonable belief that he or she is likely to be the victim of a future act of domestic violence at, in transit to, or departing from his or her place of employment. An individual who is otherwise eligible for reemployment assistance is ineligible for each week that he or she no longer meets such criteria or refuses a reasonable accommodation offered in good faith by his or her employing unit.

Employer Response to Claims

As part of the RA eligibility review process, employers are sent a notice of claim which is used, in part, to obtain information on the employment separation for the person requesting RA benefits. Employers have 20 days to respond to the notice of claim.[30]

Appeals Referees

Current law requires that a practicing RA appeals referee be admitted to the Florida Bar within eight months after they begin employment with DEO.[31] This requirement does not apply to appeals referees who were appointed before January 1, 2014.

Monetary Reconsideration

As part of the eligibility review process, DEO must determine if the individual filing for RA benefits is monetarily eligible. To be monetarily eligible, the individual must: (1) have at least $3,400 in total wages in the base period; (2) have been paid wages in two or more calendar quarters in the base period; and (3) have total base period wages of at least 1 ½ times the wages in the quarter having the highest earnings. The individual will receive a monetary determination, which will inform them if they are monetarily eligible, and, if they are, it will provide information on their weekly benefit amount. If the individual is monetarily ineligible, the determination will provide the reason why they are ineligible. If the individual disagrees with the determination, they have the right to dispute it.

Current law provides that an individual has 20 days to file an appeal or a written request for reconsideration if they disagree with the monetary determination. Currently, an individual can file both a reconsideration request and an appeal at the same time.[32]

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[24] *Id.*
[25] S. 443.1313, F.S.
[26] S. 443.1312, F.S.
[27] Florida Department of Revenue, *Employer's Quarterly Report*, http://floridarevenue.com/Forms_library/current/rt6.pdf (last visited Jan. 25, 2019).
[28] Florida Department of Revenue, *Reemployment Tax Rate Information*, http://floridarevenue.com/taxes/taxesfees/Pages/rt_rate.aspx (last visited Jan. 22, 2019).
[29] S. 443.01, F.S.
[30] S. 443.151(3)(a), F.S.
[31] S. 443.151, F.S.,
[32] S. 443.151(3)(b), F.S.

Disqualification for Fraud

Individuals who make false or fraudulent representations to obtain RA benefits are disqualified from receiving benefits. The disqualification begins with the week in which the false or fraudulent representation is made and continues for a period not to exceed one year after the date DEO discovers the false or fraudulent representation and until any overpayment of benefits resulting from the representation has been repaid in full.[33]

Work Search Requirement

Current law provides that for each week of unemployment claimed, the individual must report the name, address, and telephone number of each prospective employer contacted or the date the individual reported to a one-stop career center.[34]

Statute of Limitations for Appeals

A claimant or adverse party may file an appeal to an adverse determination within 20 days after the date a notice is mailed to her or his last known address or, if the notice is not mailed, within 20 days after the date the notice is delivered. An appeal may be filed after the 20-day time limit if the individual can show good cause as to why they failed to appeal the determination timely.[35]

COVID-19 Pandemic and the CONNECT System[36]

Florida's unemployment system is administered by DEO using the CONNECT system, which was deployed in 2013 to provide a modernized, web-based system and to replace a mainframe system.[37] According to ISF, an information technology and strategy firm who completed an assessment of the CONNECT system between November 2020 and February 2021, the CONNECT system was not designed to process the volume of claims received during the COVID-19 pandemic.[38] ISF analyzed ways to improve the delivery of RA benefits, including a phased approach to ensure the DEO can meet current and future demands.[39] ISF's assessment provides an overview of the current state of the CONNECT system, and recommends the modernization of the RA system, which includes cloud migration.[40]

On May 4, 2020, at the request of Governor DeSantis, the Office of the Chief Inspector General (CIG) initiated a review of the CONNECT system.[41] The scope of the CIG's review considered available documentation and testimony about the CONNECT system from the period of 2007 to 2020.[42] The CIG's recommendations in the draft report included the following:

- Document future Information Technology (IT) system capacity requirements and expected utilization in system testing plans and test results;
- Assess the proposed level of maturity of any state transfer or commercial off-the-shelf system relied upon for risk and properly document the risk;

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[33] S. 443.101(6), F.S.
[34] S. 443.091, F.S.
[35] S. 443.151(4)(b)3., F.S.
[36] *See* Executive Office of the Governor, Office Of The Chief Inspector General, *Review Of The Department Of Economic Opportunity Florida Connect System* (Mar. 4, 2021) https://www.flgov.com/wp-content/uploads/2021/03/202005040015-Draft-Report-3.4.21_2.05pm.pdf (last visited Mar. 11, 2021).
[37] DEO, *Improved Delivery of Reemployment Assistance Benefits – Final Report* at 1 (Feb. 26, 2021) http://floridajobs.org/docs/default-source/communicationsfiles/2021-improved-delivery-of-reemployment-assistance-benefits-final-report-and-cost-benefit-analysis.pdf (last visited March 16, 2021).
[38] *Id.* at 2.
[39] *Id.*
[40] *Id.*
[41] Office of the Chief Inspector General, *Review of the Department of Economic Opportunity Florida CONNECT System* at iii (March 4, 2021), *available at* https://www.flgov.com/wp-content/uploads/2021/03/202005040015-Draft-Report-3.4.21_2.05pm.pdf (last visited March 16, 2021).
[42] *Id.*

- Monitor what is being provided by the vendor and build in an escape plan and financial penalties for noncompliance;
- Require project management to be flat and agile, which may include considering more modular IT projects to accommodate future and rapid technological changes; and
- Strengthen administrative and physical infrastructure needs, which may include moving the future CONNECT system to the cloud to allow for greater scalability.[43]

Effect of the Bill

Relating to reemployment assistance, the bill:

- Removes the requirement that RA claimants include a prospective employer's telephone number in their weekly work search report.
- Allows the address of a prospective employer to be provided as a website address, physical address, or email address in their weekly work search report.
- Allows claimants who are, at the time, victims of domestic violence to certify bi-weekly instead of weekly.
- Allows DEO to hold a claimant ineligible from the date in which a fraud occurred, instead of when the claimant advises DEO that the fraud was committed.
- Decreases the amount of time employers may respond to a notice of claim filed, from 20 days to 14 days.
- Requires that a monetary reconsideration be requested, completed, and ruled on prior to an appeal being filed on the monetary determination.
- Removes the requirement that appeals hearing officers must be Florida Bar licensed attorneys.
- Prohibits an appeal from being filed 5 years or more after the determination was delivered.

The bill requires DEO, subject to legislative appropriation, to implement a modular cloud-based system for the efficient and effective operation and management of the RA program. The system must:[44]

- Be accessible through the Internet, including mobile devices and personal computers.
- Process reemployment assistance claims and benefit payments.
- Process and manage overpayments.
- Perform adjudication functions.
- Process appeals and manage hearings.
- Manage and process the charging of employers.
- Eliminate or automate existing paper processes and enhance any existing automated workflows in order to expedite customer transactions and eliminate redundancy.
- Enable and enhance online, self-service capabilities to claimant and employer information and federal and state reporting.

The bill also creates the Reemployment Assistance Modernization Strategic Planning Office within DEO to oversee the system as well as implement continuous modernization efforts of the state Reemployment Assistance program. The office will be required to provide regular updates to the Secretary, and develop and maintain an enterprise disaster preparedness plan. Additionally, the modernization initiatives must include improvements to:

- Infrastructure.
- Software.
- Data and analytics.
- Security.

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[43] *Id.*

[44] These changes are based on the recommendations found in the Chief Inspector General's Review of the Department Of Economic Opportunity Florida Connect System, *supra*.

The bill requires DEO to provide an annual RA report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, by October 1, 2023, and every year thereafter, which at a minimum, must include:

- A summary of continuous modernization efforts over the last fiscal year.
- A 3-year outlook of recommended modernization projects that include projected costs and timeframes for completion.

The bill also provides that, in the event of a disaster or an emergency as declared by the President of the United States or the Governor of this state, DEO may implement an emergency RA system.

Enterprise Florida, Inc. (EFI)

Current Situation

EFI is a nonprofit corporation established by the Legislature to serve as the state's main economic development organization.[45] EFI is required to enter into a performance-based contract with DEO, which includes annual measurements of the performance of EFI.[46] EFI is governed by a board of directors chaired by the Governor.

The board consists of the Governor or his or her designee, as well as the following appointed members (or their designee):

- The Commissioner of Education.
- The Chief Financial Officer.
- The Attorney General.
- The Commissioner of Agriculture.
- The chairperson of CareerSource Florida.
- The Secretary of State.
- Twelve members from the private sector (6 of whom are appointed by the Governor, 3 by the President of the Senate, and 3 by the Speaker of the House of Representatives.)[47]

As a public-private partnership, EFI is expected to obtain private sector support to help pay for its operational costs. According to state law, EFI's legislative appropriations must be matched with private sector support equal to at least 100% of state operational funding.[48] Under state law, private sector support includes:

- Cash given directly to EFI for its operations, including contributions from at-large members of the board of directors
- Cash donations from organizations assisted by EFI's divisions;
- Cash jointly raised by EFI, private local economic development organizations, a group of such organizations, or a statewide private business organization that supports collaborative projects;
- Cash generated by fees charged for products or services of EFI and its divisions by sponsorship of events, missions, programs, and publications
- Copayments, stock, warrants, royalties, or other private resources dedicated to EFI.

The Legislature provides an annual appropriation to EFI for its operations. EFI is required to have divisions related to:

- International Trade and Business Development,
- Business Retention and Recruitment
- Tourism Marketing
- Minority Business Development

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[45] S. 288.901, F.S. Chapter 92-277, Laws of Fla., created EFI, while ch. 96-320, Laws of Fla, established EFI as a public-private partnership.
[46] Section 20.60(1), F.S., requires DEO to "establish annual performance standards for Enterprise Florida, Inc., CareerSource Florida, Inc., the Florida Tourism Industry Marketing Corporation, and Space Florida and report annually on how these performance measures are being met."
[47] S 288.901(5), F.S.
[48] S. 288.904(2)(a), F.S.

- Sports Industry Development.

Florida law directs EFI's board of directors to "integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and promoting economic opportunities for rural and distressed urban communities with those of the department, to create an aggressive, agile, and collaborative effort to reinvigorate the state's economy."[49]

Effect of the Bill

The bill adds the Secretary of DEO to the Board of Directors of EFI.

CareerSource Florida, Inc.

Current Situation

DEO serves as Florida's lead workforce agency.[50] DEO is responsible for the fiscal and administrative affairs of the workforce development system.[51] DEO receives and distributes federal funds for employment-related programs to local workforce development boards.[52] Additionally, under the direction of CareerSource, DEO must annually meet with each local workforce development board to review the board's performance and to certify that the board is in compliance with applicable state and federal law.[53]

CareerSource Florida, Inc., a not-for-profit corporation, serves as Florida's state-level workforce development board.[54] CareerSource is responsible for the development of a 4-year plan that is consistent with federal requirements[55] and collaborates with DEO, the local workforce development boards, and one-stop service providers to ensure workforce services are consistent with state and local plans.[56] CareerSource also provides state-level policy direction, planning, and performance evaluation of the delivery of workforce services.[57] Florida law requires CareerSource to operate pursuant to an agreement with DEO and at the direction of its state board in consultation with DEO.

Regional Workforce Boards

Twenty-four local workforce development boards deliver Florida's workforce development services through over 100 one-stop service providers.[58] The one-stop service providers give Floridians access to available workforce services, including job placement, career counseling, and skills training.[59] Collectively, the local workforce development boards operate under a charter approved by CareerSource.[60] Each local workforce development board formulates a local budget and oversees the one-stop delivery system within its local area.[61]

DEO and the regional workforce boards entered into agreements in July 2020, which required, among other things, that the regional workforce boards complete background screenings on certain

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[49] S. 288.9015(1), F.S.
[50] Primarily through the Division of Workforce Services. *See* s. 20.60, F.S.
[51] S. 445.009(3)(c), F.S.
[52] *See* s. 445.003, F.S.
[53] *See* s. 445.007(3), F.S.
[54] S. 445.004(5)(a), F.S. Prior to 2014, CareerSource was known as Workforce Florida, Inc.
[55] S. 445.003(2), F.S.
[56] *See* s. 445.004, F.S.
[57] *Id.*
[58] DEO, *CareerSource Florida Network Directory*, http://lcd.floridajobs.org/ (last visited Mar. 11, 2021).
[59] *See* s. 445.009, F.S.
[60] *See* s. 445.004, F.S.
[61] S. 445.007(12), F.S.

employees. However, the regional workforce boards do not have statutory authority to require such screenings.[62]

Background Screening

An employer[63] may not hire, select, or otherwise allow an employee to have contact with a vulnerable person[64] that would place the employee in a role that requires a background screening until the screening process is completed and demonstrates the absence of any grounds for the denial or termination of employment.[65] If the screening process shows any grounds for the denial or termination of employment, the employer may not hire, select, or otherwise allow the employee to have contact with any vulnerable person that would place the employee in a role that requires background screening unless the employee is granted an exemption for disqualification by the agency[66] as provided under s. 435.07, F.S.[67]

Sections 435.03 and 435.04, F.S., outline the screening requirements. There are two levels of background screening.

- Level 1 screening includes, at a minimum, employment history checks and statewide criminal correspondence checks through the Florida Department of Law Enforcement (FDLE) and a check of the Dru Sjodin National Sex Offender Public Website,[68] and may include criminal records checks through local law enforcement agencies.[69]
- Level 2 screening includes, but, is not limited to, fingerprinting for statewide criminal history records checks through the FDLE and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.[70]

Effect of the Bill

The bill adds the Secretary of DEO to the Board of Directors of CareerSource Florida.

The bill changes the definition of "specified agency" to include regional workforce boards providing services defined in s. 445.002(3), F.S., which will allow regional workforce development boards to conduct level 2 background screenings.

B. SECTION DIRECTORY:

Section 1 Amends s. 20.60, F.S.; relating to DEO.

Section 2 Amends s. 288.901, F.S.; revising the membership of the board of directors of Enterprise Florida, Inc.

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[62] DEO, *Agreement Between [Lwdb] and The Florida Department Of Economic Opportunity*, https://floridajobs.org/docs/default-source/lwdb-resources/deo-lwdb-grantee-subgrantee-agreement/grantee-sub-grantee-agreement---final-draft-(003).pdf?sfvrsn=227647b0_2 (last visited Mar. 11, 2021).

[63] Section 435.02(3), F.S., defines "employer" as any person or entity required by law to conduct screening of employees pursuant to ch. 435, F.S.

[64] Section 415.102(28), F.S., defines "vulnerable adult" as a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

[65] S. 435.06(2)(a), F.S.

[66] Section 435.02(1), F.S., defines "agency" as any state, county, or municipal agency that grants licenses or registration permitting the operation of an employer, or is itself an employer, or that otherwise facilitates the screening of employees pursuant to ch.435, F.S. If there is no state agency or the municipal or county agency chooses not to conduct employment screening, "agency" means the Department of Children and Families.

[67] S. 435.06(2)(a), F.S.

[68] The Dru Sjodin National Sex Offender Public Website is a U.S. government website that links public state, territorial, and tribal sex offender registries in one national search site, https://www.nsopw.gov/ (last visited March 16, 2021).

[69] S. 435.03(1), F.S.

[70] S. 435.04(1)(a), F.S.

Section 3 Amends s. 290.042, F.S.; revising the definition of the term "administrative costs" relating to the Florida Small Cities Community Development Block Grant Program Act.

Section 4 Amends s. 290.044, F.S.; revising the application process and funding for the Florida Small Cities Community Development Block Grant Program Fund.

Section 5 Amends s. 290.046, F.S.; revising the application process and funding for development grants awarded by DEO to local governments.

Section 6 Amends s. 331.3081, F.S.; conforming a cross-reference.

Section 7 Amends s. 435.02, F.S.; revising the definition of the term "specified agency" to include certain regional workforce boards for the purposes of labor laws.

Section 8 Amends s. 443.091, F.S.; revising the reporting requirements for reemployment assistance benefit eligibility; defining the term "address"

Section 9 Amends s. 443.101, F.S.; deleting a provision providing that individuals who voluntarily leave work as a direct result of circumstances relating to domestic violence are ineligible for benefits under certain circumstances.

Section 10 Amends s. 443.1113, F.S.; relating to the Reemployment Assistance Claims and Benefits Information System.

Section 11 Amends s. 443.151, F.S.; relating to claims procedures.

Section 12 Amends s. 445.004, F.S.; relating to CareerSource Florida, Inc.

Section 13 Amends s. 553.79, F.S.; requiring specified building permit applications applied for by licensed contractors for property owners under certain programs administered by DEO to be issued within a reduced timeframe

Sections 14-52 Amends ss. 14.20195, 16.615, 20.04, 213.053, 220.194, 288.005, 288.061, 288.0656, 288.106, 288.1089, 288.1251, 288.8014, 288.955, 288.9604, 288.987, 290.0065, 311.09, 311.105, 334.065, 373.4149, 380.045, 403.0752, 420.0005, 420.0006, 420.101, 420.503, 420.504, 420.506, 420.507, 420.511, 420.602, 420.609, 420.622, 427.012, 443.1116, 446.53, 450.261, 624.5105, and 1004.015, F.S.; conforming provisions to changes made by the act.

Section 53 Provides an effective date.

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:

Many of the changes in the bill should allow DEO to administer the RA program more efficiently and effectively, which should have a positive fiscal impact on individuals who seek reemployment assistance.

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:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the Department of Economic Opportunity; amending s. 20.60, F.S.; renaming the executive director of the Department of Economic Opportunity as the Secretary of Economic Opportunity; authorizing the secretary to appoint deputy and assistant secretaries for a specified purpose; establishing the Office of the Secretary and the Office of Economic Accountability and Transparency; providing duties for the Office of Economic Accountability and Transparency; authorizing the secretary to create offices within the Office of the Secretary and within the divisions; requiring the secretary to appoint division directors; providing duties for the division directors; conforming provisions to changes made by the act; amending s. 288.901, F.S.; revising the membership of the board of directors of Enterprise Florida, Inc.; amending s. 290.042, F.S.; revising the definition of the term "administrative costs" relating to the Florida Small Cities Community Development Block Grant Program Act; amending s. 290.044, F.S.; revising the application process and funding for the Florida Small Cities Community Development Block Grant Program Fund; amending s. 290.046, F.S.; revising the application

process and funding for development grants awarded by the department to local governments; amending s. 331.3081, F.S.; conforming a cross-reference; amending s. 435.02, F.S.; revising the definition of the term "specified agency" to include certain regional workforce boards for the purposes of labor laws; amending s. 443.091, F.S.; revising the reporting requirements for reemployment assistance benefit eligibility; defining the term "address"; amending s. 443.101, F.S.; deleting a provision providing that individuals who voluntarily leave work as a direct result of circumstances relating to domestic violence are ineligible for benefits under certain circumstances; amending s. 443.1113, F.S.; requiring the department to implement an integrated modular cloud-based system, rather than an integrated Internet-based system, for the reemployment assistance program; revising the functions and objectives of the Reemployment Assistance Claims and Benefits Information System; deleting obsolete language; requiring the department to maintain a sustainable culture of continuous modernization and to maintain a specified reemployment assistance governance structure; requiring the system to be governed by the Reemployment Assistance Modernization Strategic

Planning Office; providing duties of the office; providing reporting requirements; authorizing the department to implement an emergency reemployment assistance system under certain circumstances; providing applicability; deleting provisions relating to duties of the governance structure of the system project; amending s. 443.151, F.S.; revising the timeline for employers' responses to notices of benefits claims sent by the department; authorizing claimants to request the department to reconsider a monetary determination; providing requirements for such request; providing that monetary determinations and redeterminations are final after a specified period of time; providing exceptions; deleting a requirement that appeals referees be attorneys in good standing with The Florida Bar or be admitted to The Florida Bar within 8 months after the date of employment; prohibiting appeals from being filed after a specified time; amending s. 445.004, F.S.; revising the membership of the state board, which directs CareerSource Florida, Inc.; amending s. 553.79, F.S.; requiring specified building permit applications applied for by licensed contractors for property owners under certain programs administered by the department to be issued within a reduced timeframe;

amending ss. 14.20195, 16.615, 20.04, 213.053, 220.194, 288.005, 288.061, 288.0656, 288.106, 288.1089, 288.1251, 288.8014, 288.955, 288.9604, 288.987, 290.0065, 311.09, 311.105, 334.065, 373.4149, 380.045, 403.0752, 420.0005, 420.0006, 420.101, 420.503, 420.504, 420.506, 420.507, 420.511, 420.602, 420.609, 420.622, 427.012, 443.1116, 446.53, 450.261, 624.5105, and 1004.015, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsections (2) and (3), paragraph (a) of subsection (5), paragraph (b) of subsection (6), and subsection (9) of section 20.60, Florida Statutes, are amended, and subsection (1) of that section is republished, to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(1) There is created the Department of Economic Opportunity.

(2) The head of the department is the Secretary of Economic Opportunity ~~executive director~~, who shall be appointed by the Governor, subject to confirmation by the Senate. The secretary ~~executive director~~ shall serve at the pleasure of and report to the Governor. The secretary may appoint deputy and

assistant secretaries as necessary to aid the secretary in fulfilling his or her statutory obligations.

(3)(a) The following divisions and offices of the Department of Economic Opportunity are established:

1.~~(a)~~ The Division of Strategic Business Development.

2.~~(b)~~ The Division of Community Development.

3.~~(c)~~ The Division of Workforce Services.

4.~~(d)~~ The Division of Finance and Administration.

5.~~(e)~~ The Division of Information Technology.

6. The Office of the Secretary.

7. The Office of Economic Accountability and Transparency, which shall:

a. Oversee the department's critical objectives as determined by the secretary and make sure that the department's key objectives are clearly communicated to the public.

b. Organize department resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state.

c. Provide leadership for the department's priority issues that require integration of policy, management, and critical objectives from multiple programs and organizations internal and external to the department; and organize and manage external communication on such priority issues.

d. Promote and facilitate key department initiatives to address priority economic issues and explore data and identify

opportunities for innovative approaches to address such economic issues.

e. Promote strategic planning for the department.

(b) The secretary:

1. May create offices within the Office of the Secretary and within the divisions established in paragraph (a) to promote efficient and effective operation of the department.

2. Shall appoint a director for each division, who shall directly administer his or her division and be responsible to the secretary.

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(a) The Division of Strategic Business Development shall:

1. Analyze and evaluate business prospects identified by the Governor, the secretary ~~executive director of the department~~, and Enterprise Florida, Inc.

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under

chapter 216.

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

4. Develop a 5-year statewide strategic plan. The strategic plan must include, but need not be limited to:

a. Strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, international development, and export assistance, which lead to more and better jobs and higher wages for all geographic regions, disadvantaged communities, and populations of the state, including rural areas, minority businesses, and urban core areas.

b. The development of realistic policies and programs to further the economic diversity of the state, its regions, and their associated industrial clusters.

c. Specific provisions for the stimulation of economic

development and job creation in rural areas and midsize cities and counties of the state, including strategies for rural marketing and the development of infrastructure in rural areas.

d. Provisions for the promotion of the successful long-term economic development of the state with increased emphasis in market research and information.

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which result in reverse investment in the state, including programs that establish viable overseas markets, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs that assure requisite skills and competencies necessary to compete successfully in the global marketplace.

f. The identification of business sectors that are of current or future importance to the state's economy and to the state's global business image, and development of specific strategies to promote the development of such sectors.

g. Strategies for talent development necessary in the state to encourage economic development growth, taking into account factors such as the state's talent supply chain, education and training opportunities, and available workforce.

5. Update the strategic plan every 5 years.

6. Involve Enterprise Florida, Inc.; CareerSource Florida, Inc.; local governments; the general public; local and regional economic development organizations; other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with the strategic plan.

(6)

(b) The Department of Economic Opportunity shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The department shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The department shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it and shall disburse such grants pursuant to the plans and policies of the state board as defined in s. 445.002. The secretary ~~executive director~~ may, upon delegation from the Governor and pursuant to agreement with the state board, sign contracts, grants, and other instruments as necessary to execute functions assigned to the department. Notwithstanding other provisions of law, the department shall administer other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or other law.

(9) The secretary ~~executive director~~ shall:

(a) Manage all activities and responsibilities of the department.

(b) Serve as the manager for the state with respect to contracts with Enterprise Florida, Inc., and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the secretary ~~director~~ shall enter into specific contracts with Enterprise Florida, Inc., and other appropriate direct-support organizations. Such contracts may be for multiyear terms and must include specific performance measures for each year. For purposes of this section, the Florida Tourism Industry Marketing Corporation and the Institute for Commercialization of Florida Technology are not appropriate direct-support organizations.

(c) Serve as a member of the board of directors of the Florida Development Finance Corporation. The secretary ~~executive director~~ may designate an employee of the department to serve in this capacity.

Section 2. Paragraph (a) of subsection (5) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

(a) In addition to the Governor or his or her designee, the board of directors shall consist of the following appointed

members:

1. The Commissioner of Education or his or her designee.

2. The Chief Financial Officer or his or her designee.

3. The Attorney General or his or her designee.

4. The Commissioner of Agriculture or his or her designee.

5. The chairperson of the state board as defined in s. 445.002.

6. The Secretary of State or his or her designee.

7. The Secretary of Economic Opportunity or his or her designee.

8. Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. Members appointed by the Governor are subject to Senate confirmation.

All board members shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061. Such expenses must be paid out of funds of Enterprise Florida, Inc.

Section 3. Subsection (2) of section 290.042, Florida Statutes, is amended to read:

290.042 Definitions relating to Florida Small Cities Community Development Block Grant Program Act.—As used in ss.

290.0401-290.048, the term:

(2) "Administrative costs" has the same meaning as defined in the Housing and Community Development Act of 1974, as amended, and applicable federal regulations ~~means the payment of all reasonable costs of management, coordination, monitoring, and evaluation, and similar costs and carrying charges, related to the planning and execution of community development activities which are funded in whole or in part under the Florida Small Cities Community Development Block Grant Program. Administrative costs shall include all costs of administration, including general administration, planning and urban design, and project administration costs~~.

Section 4. Subsections (3), (4), and (5) of section 290.044, Florida Statutes, are amended to read:

290.044 Florida Small Cities Community Development Block Grant Program Fund; administration; distribution.—

(3) The department shall require applicants for grants to compete against each other in ~~the following grant program~~ categories that may include one or more of the following:

(a) Housing rehabilitation.

(b) Economic development.

(c) Neighborhood revitalization.

(d) Commercial revitalization.

(e) Any other activity authorized by the Housing and Community Development Act of 1974, as amended, and applicable

federal regulations.

(4) The department shall define broad community development objectives to be achieved by the activities in ~~each of~~ the grant program categories with the use of funds from the Florida Small Cities Community Development Block Grant Program Fund. Such objectives shall be designed to meet at least one of the national objectives provided in the Housing and Community Development Act of 1974.

(5) The department may set aside an amount of up to 15 ~~5~~ percent of the funds annually for use in any eligible local government jurisdiction for which an emergency or natural disaster has been declared by executive order. Such funds may only be provided to a local government to fund eligible emergency-related activities for which no other source of federal, state, or local disaster funds is available. The department may provide for such set-aside by rule. In the last quarter of the state fiscal year, any funds not allocated under the emergency-related set-aside shall be distributed to unfunded applications ~~from the most recent funding cycle~~.

Section 5. Subsection (2), paragraph (b) of subsection (3), and subsection (6) of section 290.046, Florida Statutes, are amended to read:

290.046 Applications for grants; procedures; requirements.—

~~(2)(a) Except for applications for economic development~~

~~grants as provided in subparagraph (b)1., an eligible local government may submit one application for a grant during each application cycle.~~

~~(b)1. An eligible local government may apply up to three times in any one annual funding cycle for an economic development grant but may not receive more than one such grant per annual funding cycle. A local government may have more than one open economic development grant.~~

(2)(a)~~2.~~ The department shall establish minimum criteria pertaining to the number of jobs created for persons of low or moderate income, the degree of private sector financial commitment, and the economic feasibility of the proposed project and shall establish any other criteria the department deems appropriate. Assistance to a private, for-profit business may not be provided from a grant award unless sufficient evidence exists to demonstrate that without such public assistance the creation or retention of such jobs would not occur.

(b)~~(c)1.~~ A local government with an open housing rehabilitation, neighborhood revitalization, or commercial revitalization contract is not eligible to apply for another housing rehabilitation, neighborhood revitalization, or commercial revitalization grant until administrative closeout of its existing contract. The department shall notify a local government of administrative closeout or of any outstanding closeout issues within 45 days after receipt of a closeout

package from the local government. A local government with an open housing rehabilitation, neighborhood revitalization, or commercial revitalization community development block grant contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may apply for an economic development grant.

(c)~~2.~~ A local government with an open economic development community development block grant contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may apply for a housing rehabilitation, neighborhood revitalization, or commercial revitalization community development block grant. A local government with an open economic development contract whose activities are on schedule in accordance with the expenditure rates and accomplishments described in the contract may receive ~~no~~ more than one additional economic development grant in each fiscal year.

(d) The department may not award a grant until it has conducted a site visit to verify the information contained in the local government's application.

(3)

(b) Funds shall be distributed according to the rankings established in each application cycle. If economic development funds remain available after the application cycle closes, the remaining funds shall be awarded to eligible projects ~~on a~~

~~first-come, first-served basis until such funds are fully obligated~~.

(6) The department shall, before approving an application for a grant, determine that the applicant has the administrative capacity to carry out the proposed activities and has performed satisfactorily in carrying out past activities funded by community development block grants. The evaluation of past performance shall take into account procedural aspects of previous grants as well as substantive results. If the department determines that any applicant has failed to accomplish substantially the results it proposed in ~~its last~~ previously funded applications ~~application~~, it may prohibit the applicant from receiving a grant or may penalize the applicant in the rating of the current application. An application for grant funds may not be denied solely upon the basis of the past performance of the eligible applicant.

Section 6. Section 331.3081, Florida Statutes, is amended to read:

331.3081 Board of directors.—Space Florida shall be governed by a 13-member independent board of directors that consists of the members appointed to the board of directors of Enterprise Florida, Inc., by the Governor, the President of the Senate, and the Speaker of the House of Representatives pursuant to s. 288.901(5)(a)8. ~~s. 288.901(5)(a)7.~~ and the Governor, who shall serve ex officio, or who may appoint a designee to serve,

as the chair and a voting member of the board.

Section 7. Subsection (5) of section 435.02, Florida Statutes, is amended to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(5) "Specified agency" means the Department of Health, the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Department of Elderly Affairs, the Department of Juvenile Justice, the Agency for Persons with Disabilities, regional workforce boards providing services as defined in s. 445.002(3), and local licensing agencies approved pursuant to s. 402.307, when these agencies are conducting state and national criminal history background screening on persons who work with children or persons who are elderly or disabled.

Section 8. Paragraph (c) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Economic Opportunity finds that:

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and department rules. Department rules may not conflict with s.

443.111(1)(b), which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name and~~,~~ address~~, and telephone number~~ of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d). For the purposes of this subparagraph, the term "address" means a website address, a physical address, or an e-mail address.

2. The department shall offer an online assessment aimed at identifying an individual's skills, abilities, and career aptitude. The skills assessment must be voluntary, and the department shall allow a claimant to choose whether to take the skills assessment. The online assessment shall be made available to any person seeking services from a local workforce development board or a one-stop career center.

a. If the claimant chooses to take the online assessment, the outcome of the assessment shall be made available to the claimant, local workforce development board, and one-stop career center. The department, local workforce development board, or one-stop career center shall use the assessment to develop a plan for referring individuals to training and employment opportunities. Aggregate data on assessment outcomes may be made available to CareerSource Florida, Inc., and Enterprise Florida,

Inc., for use in the development of policies related to education and training programs that will ensure that businesses in this state have access to a skilled and competent workforce.

b. Individuals shall be informed of and offered services through the one-stop delivery system, including career counseling, the provision of skill match and job market information, and skills upgrade and other training opportunities, and shall be encouraged to participate in such services at no cost to the individuals. The department shall coordinate with CareerSource Florida, Inc., the local workforce development boards, and the one-stop career centers to identify, develop, and use best practices for improving the skills of individuals who choose to participate in skills upgrade and other training opportunities. The department may contract with an entity to create the online assessment in accordance with the competitive bidding requirements in s. 287.057. The online assessment must work seamlessly with the Reemployment Assistance Claims and Benefits Information System.

Section 9. Paragraph (a) of subsection (1) and subsection (6) of section 443.101, Florida Statutes, are amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(1)(a) For the week in which he or she has voluntarily left work without good cause attributable to his or her employing unit or for the week in which he or she has been

discharged by the employing unit for misconduct connected with his or her work, based on a finding by the Department of Economic Opportunity. As used in this paragraph, the term "work" means any work, whether full-time, part-time, or temporary.

1. Disqualification for voluntarily quitting continues for the full period of unemployment next ensuing after the individual has left his or her full-time, part-time, or temporary work voluntarily without good cause and until the individual has earned income equal to or greater than 17 times his or her weekly benefit amount. As used in this subsection, the term "good cause" includes only that cause attributable to the employing unit which would compel a reasonable employee to cease working or attributable to the individual's illness or disability requiring separation from his or her work. Any other disqualification may not be imposed.

2. An individual is not disqualified under this subsection for:

a. Voluntarily leaving temporary work to return immediately when called to work by the permanent employing unit that temporarily terminated his or her work within the previous 6 calendar months;

b. Voluntarily leaving work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders; or

c. Voluntarily leaving work if he or she proves that his

or her discontinued employment is a direct result of circumstances related to domestic violence as defined in s. 741.28. An individual who voluntarily leaves work under this sub-subparagraph must:

(I) Make reasonable efforts to preserve employment, unless the individual establishes that such remedies are likely to be futile or to increase the risk of future incidents of domestic violence. Such efforts may include seeking a protective injunction, relocating to a secure place, or seeking reasonable accommodation from the employing unit, such as a transfer or change of assignment;

(II) Provide evidence such as an injunction, a protective order, or other documentation authorized by state law which reasonably proves that domestic violence has occurred; and

(III) Reasonably believe that he or she is likely to be the victim of a future act of domestic violence at, in transit to, or departing from his or her place of employment. ~~An individual who is otherwise eligible for benefits under this sub-subparagraph is ineligible for each week that he or she no longer meets such criteria or refuses a reasonable accommodation offered in good faith by his or her employing unit.~~

3. The employment record of an employing unit may not be charged for the payment of benefits to an individual who has voluntarily left work under sub-subparagraph 2.c.

4. Disqualification for being discharged for misconduct

connected with his or her work continues for the full period of unemployment next ensuing after having been discharged and until the individual is reemployed and has earned income of at least 17 times his or her weekly benefit amount and for not more than 52 weeks immediately following that week, as determined by the department in each case according to the circumstances or the seriousness of the misconduct, under the department's rules for determining disqualification for benefits for misconduct.

5. If an individual has provided notification to the employing unit of his or her intent to voluntarily leave work and the employing unit discharges the individual for reasons other than misconduct before the date the voluntary quit was to take effect, the individual, if otherwise entitled, shall receive benefits from the date of the employer's discharge until the effective date of his or her voluntary quit.

6. If an individual is notified by the employing unit of the employer's intent to discharge the individual for reasons other than misconduct and the individual quits without good cause before the date the discharge was to take effect, the claimant is ineligible for benefits pursuant to s. 443.091(1)(d) for failing to be available for work for the week or weeks of unemployment occurring before the effective date of the discharge.

(6) For making any false or fraudulent representation for the purpose of obtaining benefits contrary to this chapter,

constituting a violation under s. 443.071. The disqualification imposed under this subsection shall begin with the week for ~~in~~ which the false or fraudulent representation was ~~is~~ made and shall continue for a period not to exceed 1 year after the date the Department of Economic Opportunity discovers the false or fraudulent representation and until any overpayment of benefits resulting from such representation has been repaid in full. This disqualification may be appealed in the same manner as any other disqualification imposed under this section. A conviction by any court of competent jurisdiction in this state of the offense prohibited or punished by s. 443.071 is conclusive upon the appeals referee and the commission of the making of the false or fraudulent representation for which disqualification is imposed under this section.

Section 10. Section 443.1113, Florida Statutes, is amended to read:

443.1113 Reemployment Assistance Claims and Benefits Information System.—

(1) Subject to legislative appropriation, the Department of Economic Opportunity shall implement an integrated modular cloud-based system that is necessary for the efficient distribution of benefits and the effective operation and management of the reemployment assistance program. ~~To~~ The ~~extent that funds are appropriated for each phase of the Reemployment Assistance Claims and Benefits Information~~ system may be cited

~~by the Legislature, the Department of Economic Opportunity shall replace and enhance the functionality provided in the following systems with an integrated Internet-based system that is known~~ as the "Reemployment Assistance Claims and Benefits Information System" and must:

(a) Be accessible through the Internet ~~Claims and benefit mainframe system~~.

(b) Be accessible on mobile devices and personal computers ~~Florida unemployment Internet direct~~.

(c) Process reemployment assistance claims ~~Florida continued claim Internet directory~~.

(d) Process benefit payments ~~Call center interactive voice response system~~.

(e) Process and manage overpayments ~~Benefit overpayment screening system~~.

(f) Perform adjudication functions ~~Internet and Intranet appeals system~~.

(g) Process appeals and manage appeal hearings.

(h) Manage and process employer charging.

(2) Wherever cost-effective and operationally feasible, the Reemployment Assistance Claims and Benefits System shall accomplish the following main ~~business~~ objectives:

(a) ~~Wherever cost-effective and operationally feasible,~~ Eliminate or automate existing paper processes and enhance any existing automated workflows in order to expedite customer

transactions and eliminate redundancy.

(b) Enable and enhance online, self-service capabilities ~~access~~ to claimant and employer information and federal and state reporting.

(c) Integrate benefit payment control with the adjudication program and collection system in order to improve the detection of fraud.

(d) Comply with all requirements established in federal and state law for reemployment assistance.

(e) Integrate with the Department of Revenue's statewide unified tax system that collects reemployment assistance taxes.

(3) The scope of the Reemployment Assistance Claims and Benefits Information System does not include any of the following functionalities:

(a) Collection of reemployment assistance taxes.

(b) General ledger, financial management, or budgeting capabilities.

(c) Human resource planning or management capabilities.

~~(4) The project to implement the Reemployment Assistance Claims and Benefits Information System is comprised of the following phases and corresponding implementation timeframes:~~

~~(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.~~

~~(b) The Reemployment Assistance Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet and Intranet Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2013-2014.~~

(4) ~~(5)~~ The Department of Economic Opportunity shall maintain a sustainable culture of continuous modernization and shall implement and maintain the following Reemployment Assistance Claims and Benefits Information System ~~project~~ governance structure ~~until such time as the project is completed, suspended, or terminated~~:

~~(a) The project sponsor for the Reemployment Assistance Claims and Benefits Information System project is the department.~~

(a) ~~(b)~~ The system ~~project~~ shall be governed by ~~an executive steering committee composed of~~ the Reemployment Assistance Modernization Strategic Planning Office.

(b) The Reemployment Assistance Modernization Strategic Planning Office shall report directly to the Secretary of Economic Opportunity and is responsible for:

1. Coordinating and seeking input, including, but not limited to, from the following entities ~~voting members or their~~

~~designees~~:

~~1. The executive director of the department.~~

a.~~2.~~ The ~~executive director of the~~ Department of Revenue.

b.~~3.~~ The Department of Management Services, including, but not limited to, the state chief information officer ~~The director of the Division of Workforce Services within the department~~.

~~4. The program director of the General Tax Administration Program Office within the Department of Revenue.~~

~~5. The chief information officer of the department.~~

~~(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:~~

~~1. Providing management direction and support to the project management team.~~

~~2. Assessing the project's alignment with the strategic goals of the department for administering the reemployment assistance program.~~

2. Implementing continuous modernization initiatives for the Reemployment Assistance Claims and Benefits Information System. The modernization initiatives must include, but need not be limited to:

a. Infrastructure.

b. Software.

c. Data and analytics.

d. Security.

3. Providing regular updates to the Secretary of Economic Opportunity.

4. Developing and maintaining an enterprise disaster preparedness plan.

(5) By October 1, 2023, and each year thereafter, the Department of Economic Opportunity shall submit a Reemployment Assistance Claims and Benefits Information System report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include:

(a) A summary of continuous modernization efforts over the last fiscal year.

(b) A 3-year outlook of recommended modernization projects that include projected costs and timeframes for completion.

(6) In the event of a disaster or an emergency, as declared by the President of the United States or the Governor of this state, which may disrupt or endanger the Department of Economic Opportunity's usual procedures or facilities, the department may implement an emergency reemployment assistance system. Subsection (1) does not apply to an emergency reemployment assistance system.

~~3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.~~

~~4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.~~

~~5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.~~

~~(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the department and the Department of Revenue. The project management team is responsible for:~~

~~1. Providing daily planning, management, and oversight of the project~~.

~~2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.~~

3~~. Submitting written monthly project status reports to the executive steering committee which include:~~

~~a. Planned versus actual project costs;~~

~~b. An assessment of the status of major milestones and deliverables;~~

~~c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;~~

~~d. Identification of risks that must be managed; and~~

~~e. Identification of and recommendations regarding~~

~~necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.~~

Section 11. Paragraphs (a) and (b) of subsection (3) and paragraphs (a) and (b) of subsection (4) of section 443.151, Florida Statutes, are amended to read:

443.151 Procedure concerning claims.—

(3) DETERMINATION OF ELIGIBILITY.—

(a) Notices of claim.—The Department of Economic Opportunity shall promptly provide a notice of claim to the claimant's most recent employing unit and all employers whose employment records are liable for benefits under the monetary determination. The employer must respond to the notice of claim within 14 ~~20~~ days after the mailing date of the notice, or in lieu of mailing, within 14 ~~20~~ days after the delivery of the notice. If a contributing employer or its agent fails to timely or adequately respond to the notice of claim or request for information, the employer's account may not be relieved of benefit charges as provided in s. 443.131(3)(a), notwithstanding paragraph (5)(b). The department may adopt rules as necessary to implement the processes described in this paragraph relating to notices of claim.

(b) Monetary determinations.—In addition to the notice of

claim, the department shall also promptly provide an initial monetary determination to the claimant and each base period employer whose account is subject to being charged for its respective share of benefits on the claim. The monetary determination must include a statement of whether and in what amount the claimant is entitled to benefits, and, in the event of a denial, must state the reasons for the denial. A monetary determination for the first week of a benefit year must also include a statement of whether the claimant was paid the wages required under s. 443.091(1)(g) and, if so, the first day of the benefit year, the claimant's weekly benefit amount, and the maximum total amount of benefits payable to the claimant for a benefit year. The claimant may file a request for the department to reconsider a monetary determination within 20 days after the department mails the notice to the claimant's last known address or, in lieu of mailing, within 20 days after the delivery of the notice. A monetary determination is final for a claimant if the claimant does not file a timely request for the department to reconsider the monetary determination. A monetary redetermination is final for a claimant unless within 20 days after the mailing of the notice of monetary redetermination to the claimant's last known address or, in lieu of mailing, within 20 days after the delivery of the notice, the claimant files an appeal. The monetary determination or monetary redetermination is final for an employer or other party entitled to notice

unless within 20 days after the mailing of the respective notice to the employer or party to its last known address or, in lieu of mailing, within 20 days after delivery of the notice, an appeal is filed by the employer or the party ~~The monetary determination is final unless within 20 days after the mailing of the notices to the parties' last known addresses, or in lieu of mailing, within 20 days after the delivery of the notices, an appeal or written request for reconsideration is filed by the claimant or other party entitled to notice~~. The department may adopt rules as necessary to implement the processes described in this paragraph relating to notices of monetary determinations and the appeals or reconsideration requests filed in response to such notices.

(4) APPEALS.—

(a) Appeals referees.—

1. The Department of Economic Opportunity shall appoint one or more impartial salaried appeals referees in accordance with s. 443.171(3) to hear and decide appealed claims.

2. ~~An appeals referee must be an attorney in good standing with The Florida Bar or be successfully admitted to The Florida Bar within 8 months after his or her date of employment. This subparagraph does not apply to an appeals referee appointed before January 1, 2014.~~

~~3.~~ A person may not participate on behalf of the department as an appeals referee in any case in which she or he

is an interested party.

3.~~4.~~ The department may designate alternates to serve in the absence or disqualification of any appeals referee on a temporary basis. These alternates must have the same qualifications required of appeals referees.

4.~~5.~~ The department shall provide the commission and the appeals referees with proper facilities and assistance for the execution of their functions.

(b) Filing and hearing.—

1. The claimant or any other party entitled to notice of a determination may appeal an adverse determination to an appeals referee within 20 days after the date of mailing of the notice to her or his last known address or, if the notice is not mailed, within 20 days after the date of delivering the notice.

2. Unless the appeal is untimely or withdrawn or review is initiated by the commission, the appeals referee, after mailing all parties and attorneys of record a notice of hearing at least 10 days before the date of hearing, notwithstanding the 14-day notice requirement in s. 120.569(2)(b), may only affirm, modify, or reverse the determination. An appeal may not be withdrawn without the permission of the appeals referee.

3. ~~However,~~ If an appeal appears to have been filed after the permissible time limit, the Office of Appeals may issue an order to show cause to the appellant which requires the appellant to show why the appeal should not be dismissed as

untimely. If, within 15 days after the mailing date of the order to show cause, the appellant does not provide written evidence of timely filing or good cause for failure to appeal timely, the appeal shall be dismissed. However, an appeal may not be filed more than 5 years after the date of the mailing of the determination or, if the determination is not mailed, more than 5 years after the date of the delivery of the determination.

4. If an appeal involves a question of whether services were performed by a claimant in employment or for an employer, the referee must give special notice of the question and of the pendency of the appeal to the employing unit and to the department, both of which become parties to the proceeding.

5.a. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath.

b. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs is admissible, whether or not such evidence would be admissible in a trial in state court.

c. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, or to support a finding if it would be admissible over objection in civil actions. Notwithstanding s. 120.57(1)(c), hearsay evidence may support a finding of fact if:

(I) The party against whom it is offered has a reasonable opportunity to review such evidence prior to the hearing; and

(II) The appeals referee or special deputy determines, after considering all relevant facts and circumstances, that the evidence is trustworthy and probative and that the interests of justice are best served by its admission into evidence.

6. The parties must be notified promptly of the referee's decision. The referee's decision is final unless further review is initiated under paragraph (c) within 20 days after the date of mailing notice of the decision to the party's last known address or, in lieu of mailing, within 20 days after the delivery of the notice.

Section 12. Paragraph (d) of subsection (3) of section 445.004, Florida Statutes, is amended, and subsections (1) and (2) of that section are republished, to read:

445.004 CareerSource Florida, Inc., and the state board; creation; purpose; membership; duties and powers.—

(1) CareerSource Florida, Inc., is created as a not-for-profit corporation, which shall be registered, incorporated, organized, and operated in compliance with chapter 617 and shall operate at the direction of the state board. CareerSource Florida, Inc., is not a unit or entity of state government and is exempt from chapters 120 and 287. CareerSource Florida, Inc., shall apply the procurement and expenditure procedures required by federal law for the expenditure of federal funds.

CareerSource Florida, Inc., shall be administratively housed within the department and shall operate under agreement with the department. The Legislature finds that public policy dictates that CareerSource Florida, Inc., operate in the most open and accessible manner consistent with its public purpose. To this end, the Legislature specifically declares that CareerSource Florida, Inc., its board, councils, and any advisory committees or similar groups created by CareerSource Florida, Inc., are subject to the provisions of chapter 119 relating to public records, and those provisions of chapter 286 relating to public meetings.

(2) CareerSource Florida, Inc., provides administrative support for the state board, the principal workforce policy organization for the state. The purpose of the state board is to design and implement strategies that help Floridians enter, remain in, and advance in the workplace, so that they may become more highly skilled and successful, which benefits these Floridians, Florida businesses, and the entire state, and fosters the development of the state's business climate. CareerSource Florida, Inc., shall, consistent with its agreement with the department, implement the policy directives of the state board and administer state workforce development programs as authorized by law.

(3)

(d) The state board must include the Secretary of Economic

Opportunity or his or her designee, the vice chairperson of the board of directors of Enterprise Florida, Inc., and one member representing each of the Workforce Innovation and Opportunity Act partners, including the Division of Career and Adult Education, and other entities representing programs identified in the Workforce Innovation and Opportunity Act, as determined necessary.

Section 13. Subsection (14) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(14)(a) Except as provided in paragraph (b), a building permit for a single-family residential dwelling must be issued within 30 working days after receipt of the application ~~therefor~~ unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

(b) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 15 working days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

Section 14. Paragraph (b) of subsection (2) of section 14.20195, Florida Statutes, is amended to read:

14.20195 Suicide Prevention Coordinating Council; creation; membership; duties.—There is created within the Statewide Office for Suicide Prevention a Suicide Prevention Coordinating Council. The council shall develop strategies for preventing suicide.

(2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of 31 voting members and 1 nonvoting member.

(b) The following state officials or their designees shall serve on the coordinating council:

1. The Secretary of Elderly Affairs.

2. The State Surgeon General.

3. The Commissioner of Education.

4. The Secretary of Health Care Administration.

5. The Secretary of Juvenile Justice.

6. The Secretary of Corrections.

7. The executive director of the Department of Law Enforcement.

8. The executive director of the Department of Veterans' Affairs.

9. The Secretary of Children and Families.

10. The Secretary ~~executive director of the Department~~ of Economic Opportunity.

Section 15. Paragraph (j) of subsection (1) of section 16.615, Florida Statutes, is amended to read:

16.615 Council on the Social Status of Black Men and Boys.—

(1) The Council on the Social Status of Black Men and Boys is established within the Department of Legal Affairs and shall consist of 19 members appointed as follows:

(j) The Secretary ~~executive director of the Department~~ of Economic Opportunity or his or her designee.

Section 16. Subsection (3) and paragraph (b) of subsection (7) of section 20.04, Florida Statutes, are amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(3) For their internal structure, all departments, except for the Department of Financial Services, the Department of Economic Opportunity, the Department of Children and Families, the Department of Corrections, the Department of Management Services, the Department of Revenue, and the Department of Transportation, must adhere to the following standard terms:

(a) The principal unit of the department is the "division." Each division is headed by a "director."

(b) The principal unit of the division is the "bureau." Each bureau is headed by a "chief."

(c) The principal unit of the bureau is the "section." Each section is headed by an "administrator."

(d) If further subdivision is necessary, sections may be divided into "subsections," which are headed by "supervisors."

(7)

(b) Within the limitations of this subsection, the head of the department may recommend the establishment of additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. However, additional divisions, or offices in the Department of Children and Families, the Department of Corrections, the Department of Economic Opportunity, and the Department of Transportation, may be established only by specific statutory enactment. New bureaus, sections, and subsections of departments may be initiated by a department and established as recommended by the Department of Management Services and approved by the Executive Office of the Governor, or may be established by specific statutory enactment.

Section 17. Paragraph (a) of subsection (7) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(7)(a) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons subject to tax, shall be made available to the following in performance of their official duties:

1. The Auditor General or his or her authorized agent;

2. The director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent;

3. The Chief Financial Officer or his or her authorized agent;

4. The Director of the Office of Insurance Regulation of the Financial Services Commission or his or her authorized agent;

5. A property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1);

6. Designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 1011.62(2);

7. The Secretary ~~executive director of the Department~~ of Economic Opportunity or his or her authorized agent;

8. The taxpayers' rights advocate or his or her authorized agent pursuant to s. 20.21(3); and

9. The coordinator of the Office of Economic and Demographic Research or his or her authorized agent.

Section 18. Paragraph (b) of subsection (5) of section 220.194, Florida Statutes, is amended to read:

220.194 Corporate income tax credits for spaceflight projects.—

(5) APPLICATION AND CERTIFICATION.—

(b) In order to take a tax credit under subparagraph (a)1.

or, if applicable, to transfer an approved credit under subparagraph (a)2., a spaceflight business must submit an application for certification to the Department of Economic Opportunity along with a nonrefundable $250 fee.

1. The application must include:

a. The name and physical in-state address of the taxpayer.

b. Documentation demonstrating to the satisfaction of the Department of Economic Opportunity that:

(I) The taxpayer is a spaceflight business.

(II) The business has engaged in a qualifying spaceflight project before taking or transferring a credit under this section.

c. In addition to any requirement specific to a credit, documentation that the business has:

(I) Created 35 new jobs in this state directly associated with spaceflight projects during its immediately preceding 3 taxable years. The business shall be deemed to have created new jobs if the number of full-time jobs located in this state at the time of application for certification is greater than the total number of full-time jobs located in this state at the time of application for approval to earn credits; and

(II) Invested a total of at least $15 million in this state on a spaceflight project during its immediately preceding 3 taxable years.

d. The total amount and types of credits sought.

e. An acknowledgment that a transfer of a tax credit is to be accomplished pursuant to subsection (5).

f. A copy of an audit or audits of the preceding 3 taxable years, prepared by a certified public accountant licensed to practice in this state, which identifies that portion of the business's activities in this state related to spaceflight projects in this state.

g. An acknowledgment that the business must file an annual report on the spaceflight project's progress with the Department of Economic Opportunity.

h. Any other information necessary to demonstrate that the applicant meets the job creation, investment, and other requirements of this section.

2. Within 60 days after receipt of the application for certification, the Department of Economic Opportunity shall evaluate the application and recommend the business for certification or denial. The Secretary ~~executive director of the Department~~ of Economic Opportunity must approve or deny the application within 30 days after receiving the recommendation. If approved, the Department of Economic Opportunity must provide a letter of certification to the applicant consistent with any restrictions imposed. If the Department of Economic Opportunity denies any part of the requested credit, the Department of Economic Opportunity must inform the applicant of the grounds for the denial. A copy of the certification shall be submitted

to the department within 10 days after the secretary's ~~executive director's~~ approval.

Section 19. Subsection (3) of section 288.005, Florida Statutes, is amended to read:

288.005 Definitions.—As used in this chapter, the term:

~~(3) "Executive director" means the executive director of the Department of Economic Opportunity, unless otherwise stated.~~

Section 20. Subsections (1) and (3), paragraph (a) of subsection (5), and subsection (6) of section 288.061, Florida Statutes, are amended to read:

288.061 Economic development incentive application process.—

(1) Upon receiving a submitted economic development incentive application, the Division of Strategic Business Development of the Department of Economic Opportunity and designated staff of Enterprise Florida, Inc., shall review the application to ensure that the application is complete, whether and what type of state and local permits may be necessary for the applicant's project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant. The department shall recommend to the Secretary of Economic Opportunity ~~executive director~~ to approve or disapprove an applicant business. If review of the application demonstrates that the application is incomplete, the secretary ~~executive director~~

shall notify the applicant business within the first 5 business days after receiving the application.

(3) Within 10 business days after the department receives the submitted economic development incentive application, the Secretary of Economic Opportunity ~~executive director~~ shall approve or disapprove the application and issue a letter of certification to the applicant which includes a justification of that decision, unless the business requests an extension of that time.

(a) The contract or agreement with the applicant must specify the total amount of the award, the performance conditions that must be met to obtain the award, the schedule for payment, and sanctions that would apply for failure to meet performance conditions. The department may enter into one agreement or contract covering all of the state incentives that are being provided to the applicant. The contract must provide that release of funds is contingent upon sufficient appropriation of funds by the Legislature.

(b) The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.

(5)(a) The Secretary of Economic Opportunity ~~executive director~~ may not approve an economic development incentive application unless the application includes a signed written declaration by the applicant which states that the applicant has

read the information in the application and that the information is true, correct, and complete to the best of the applicant's knowledge and belief.

(6) Beginning July 1, 2020, the Secretary of Economic Opportunity ~~executive director~~ may not approve an economic development incentive application unless the application includes proof to the department that the applicant business is registered with and uses the E-Verify system, as defined in s. 448.095, to verify the work authorization status of all newly hired employees. If the department determines that an awardee is not complying with this subsection, the department must notify the awardee by certified mail of the department's determination of noncompliance and the awardee's right to appeal the determination. Upon a final determination of noncompliance, the awardee must repay all moneys received as an economic development incentive to the department within 30 days after the final determination.

Section 21. Paragraph (a) of subsection (6) of section 288.0656, Florida Statutes, is amended to read:

288.0656 Rural Economic Development Initiative.—

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Transportation.
2. The Department of Environmental Protection.
3. The Department of Agriculture and Consumer Services.
4. The Department of State.
5. The Department of Health.
6. The Department of Children and Families.
7. The Department of Corrections.
8. The Department of Education.
9. The Department of Juvenile Justice.
10. The Fish and Wildlife Conservation Commission.
11. Each water management district.
12. Enterprise Florida, Inc.
13. CareerSource Florida, Inc.
14. VISIT Florida.
15. The Florida Regional Planning Council Association.
16. The Agency for Health Care Administration.
17. The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the Secretary of Economic Opportunity ~~executive director of the department~~.

Section 22. Paragraph (c) of subsection (5) and subsection (8) of section 288.106, Florida Statutes, are amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(5) TAX REFUND AGREEMENT.—

(c) The agreement must be signed by the Secretary of Economic Opportunity ~~executive director~~ and by an authorized officer of the qualified target industry business within 120 days after the issuance of the letter of certification under subsection (4), but not before passage and receipt of the resolution of local financial support. The department may grant an extension of this period at the written request of the qualified target industry business.

(8) SPECIAL INCENTIVES.—If the department determines it is in the best interest of the public for reasons of facilitating economic development, growth, or new employment opportunities within a Disproportionally Affected County, the department may, between July 1, 2011, and June 30, 2014, waive any or all wage or local financial support eligibility requirements and allow a qualified target industry business from another state which relocates all or a portion of its business to a Disproportionally Affected County to receive a tax refund payment of up to $6,000 multiplied by the number of jobs specified in the tax refund agreement under subparagraph (5)(a)1. over the term of the agreement. Before ~~Prior to~~ granting such waiver, the Secretary of Economic Opportunity ~~executive director of the department~~ shall file with the

Governor a written statement of the conditions and circumstances constituting the reason for the waiver. Such business shall be eligible for the additional tax refund payments specified in subparagraph (3)(b)4. if it meets the criteria. As used in this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

Section 23. Subsection (5) of section 288.1089, Florida Statutes, is amended to read:

288.1089 Innovation Incentive Program.—

(5) The department shall review proposals pursuant to s. 288.061 for all three categories of innovation incentive awards. Before making a recommendation to the Secretary of Economic Opportunity ~~executive director~~, the department shall solicit comments and recommendations from the Department of Agriculture and Consumer Services. For each project, the evaluation and recommendation to the department must include, but need not be limited to:

(a) A description of the project, its required facilities, and the associated product, service, or research and development associated with the project.

(b) The percentage of match provided for the project.

(c) The number of full-time equivalent jobs that will be created by the project, the total estimated average annual wages of such jobs, and the types of business activities and jobs

likely to be stimulated by the project.

(d) The cumulative investment to be dedicated to the project within 5 years and the total investment expected in the project if more than 5 years.

(e) The projected economic and fiscal impacts on the local and state economies relative to investment.

(f) A statement of any special impacts the project is expected to stimulate in a particular business sector in the state or regional economy or in the state's universities and community colleges.

(g) A statement of any anticipated or proposed relationships with state universities.

(h) A statement of the role the incentive is expected to play in the decision of the applicant to locate or expand in this state.

(i) A recommendation and explanation of the amount of the award needed to cause the applicant to expand or locate in this state.

(j) A discussion of the efforts and commitments made by the local community in which the project is to be located to induce the applicant's location or expansion, taking into consideration local resources and abilities.

(k) A recommendation for specific performance criteria the applicant would be expected to achieve in order to receive payments from the fund and penalties or sanctions for failure to

meet or maintain performance conditions.

(l) Additional evaluative criteria for a research and development facility project, including:

1. A description of the extent to which the project has the potential to serve as catalyst for an emerging or evolving cluster.

2. A description of the extent to which the project has or could have a long-term collaborative research and development relationship with one or more universities or community colleges in this state.

3. A description of the existing or projected impact of the project on established clusters or targeted industry sectors.

4. A description of the project's contribution to the diversity and resiliency of the innovation economy of this state.

5. A description of the project's impact on special needs communities, including, but not limited to, rural areas, distressed urban areas, and enterprise zones.

(m) Additional evaluative criteria for alternative and renewable energy proposals, including:

1. The availability of matching funds or other in-kind contributions applied to the total project from an applicant. The Department of Agriculture and Consumer Services shall give greater preference to projects that provide such matching funds

or other in-kind contributions.

2. The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

3. The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

4. The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

5. The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

6. The degree to which a project demonstrates efficient use of energy and material resources.

7. The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

8. The ability to administer a complete project.

9. Project duration and timeline for expenditures.

10. The geographic area in which the project is to be conducted in relation to other projects.

11. The degree of public visibility and interaction.

Section 24. Paragraph (b) of subsection (1) of section 288.1251, Florida Statutes, is amended to read:

288.1251 Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties.—

(1) CREATION.—

(b) The department shall conduct a national search for a qualified person to fill the position of Commissioner of Film and Entertainment when the position is vacant. The Secretary of Economic Opportunity ~~executive director of the department~~ has the responsibility to hire the film commissioner. Qualifications for the film commissioner include, but are not limited to, the following:

1. A working knowledge of the equipment, personnel, financial, and day-to-day production operations of the industries to be served by the Office of Film and Entertainment;

2. Marketing and promotion experience related to the film and entertainment industries to be served;

3. Experience working with a variety of individuals representing large and small entertainment-related businesses, industry associations, local community entertainment industry liaisons, and labor organizations; and

4. Experience working with a variety of state and local governmental agencies.

Section 25. Subsection (8) of section 288.8014, Florida

Statutes, is amended to read:

288.8014 Triumph Gulf Coast, Inc.; organization; board of directors.—

(8) The Secretary ~~executive director of the Department~~ of Economic Opportunity, or his or her designee, the secretary of the Department of Environmental Protection, or his or her designee, and the chair of the Committee of 8 Disproportionally Affected Counties, or his or her designee, shall be available to consult with the board of directors and may be requested to attend meetings of the board of directors. These individuals shall not be permitted to vote on any matter before the board.

Section 26. Paragraph (a) of subsection (4) of section 288.955, Florida Statutes, is amended to read:

288.955 Scripps Florida Funding Corporation.—

(4) BOARD; MEMBERSHIP.—The corporation shall be governed by a board of directors.

(a) The board of directors shall consist of nine voting members, of whom the Governor shall appoint three, the President of the Senate shall appoint three, and the Speaker of the House of Representatives shall appoint three. The Secretary of Economic Opportunity ~~executive director of the department~~ or the secretary's ~~director's~~ designee shall serve as an ex-officio, nonvoting member of the board of directors.

Section 27. Subsection (2) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the corporation.—

(2) The board of directors of the corporation shall consist of seven directors. The Secretary of Economic Opportunity ~~executive director of the department~~, or his or her designee, shall serve as chair of the board of directors of the corporation. The director of the Division of Bond Finance of the State Board of Administration, or his or her designee, shall serve as a director on the board of directors of the corporation. The Governor, subject to confirmation by the Senate, shall appoint the remaining five directors of the board of directors of the corporation. The terms of office for the appointed directors are for 4 years after the date of their appointment. A vacancy occurring during a term of an appointed director shall be filled for the unexpired term. An appointed director is eligible for reappointment. At least three of the appointed directors of the corporation must have experience in finance, and one of the directors must have experience in economic development.

Section 28. Subsection (5) of section 288.987, Florida Statutes, is amended to read:

288.987 Florida Defense Support Task Force.—

(5) The Secretary ~~executive director of the Department~~ of Economic Opportunity, or his or her designee, shall serve as the ex officio, nonvoting executive director of the task force.

Section 29. Paragraph (a) of subsection (6) of section

290.0065, Florida Statutes, is amended to read:

290.0065 State designation of enterprise zones.—

(6)(a) The department may develop guidelines necessary for the approval of areas under this section by the Secretary of Economic Opportunity ~~executive director~~.

Section 30. Subsection (1) of section 311.09, Florida Statutes, is amended to read:

311.09 Florida Seaport Transportation and Economic Development Council.—

(1) The Florida Seaport Transportation and Economic Development Council is created within the Department of Transportation. The council consists of the following 17 members: the port director, or the port director's designee, of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina; the secretary of the Department of Transportation or his or her designee; and the secretary ~~director~~ of the Department of Economic Opportunity or his or her designee.

Section 31. Paragraph (b) of subsection (1) of section 311.105, Florida Statutes, is amended to read:

311.105 Florida Seaport Environmental Management Committee; permitting; mitigation.—

(1)

(b) The committee shall consist of the following members: the Secretary of Environmental Protection, or his or her designee, as an ex officio, nonvoting member; a designee from the United States Army Corps of Engineers, as an ex officio, nonvoting member; a designee from the Florida Inland Navigation District, as an ex officio, nonvoting member; the Secretary ~~executive director of the Department~~ of Economic Opportunity, or his or her designee, as an ex officio, nonvoting member; and five or more port directors, as voting members, appointed to the committee by the council chair, who shall also designate one such member as committee chair.

Section 32. Subsection (3) of section 334.065, Florida Statutes, is amended to read:

334.065 Center for Urban Transportation Research.—

(3) An advisory board shall be created to periodically and objectively review and advise the center concerning its research program. Except for projects mandated by law, state-funded base projects shall not be undertaken without approval of the advisory board. The membership of the board shall consist of nine experts in transportation-related areas, including the secretaries of the Department ~~Florida Departments~~ of Transportation, the Department of ~~and~~ Environmental Protection, and ~~the executive director of~~ the Department of Economic Opportunity, or their designees, and a member of the Florida Transportation Commission. The nomination of the remaining

members of the board shall be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed and approved by the Florida Transportation Commission and confirmed by the Board of Governors.

Section 33. Subsection (5) of section 373.4149, Florida Statutes, is amended to read:

373.4149 Miami-Dade County Lake Belt Plan.—

(5) The secretary of the Department of Environmental Protection, the secretary ~~executive director~~ of the Department of Economic Opportunity, the secretary of the Department of Transportation, the Commissioner of Agriculture, the executive director of the Fish and Wildlife Conservation Commission, and the executive director of the South Florida Water Management District may enter into agreements with landowners, developers, businesses, industries, individuals, and governmental agencies as necessary to effectuate the Miami-Dade County Lake Belt Plan and the provisions of this section.

Section 34. Subsection (2) of section 380.045, Florida Statutes, is amended to read:

380.045 Resource planning and management committees; objectives; procedures.—

(2) The committee must ~~shall~~ include, but is ~~shall~~ not ~~be~~ limited to, representation from each of the following: elected

officials from the local governments within the area under study; the planning office of each of the local governments within the area under study; the state land planning agency; any other state agency under chapter 20 a representative of which the Governor feels is relevant to the compilation of the committee; and a water management district, if appropriate, and regional planning council all or part of whose jurisdiction lies within the area under study. After the appointment of the members, the Governor shall select a chair and vice chair. A staff member of the state land planning agency shall be appointed by the secretary ~~director~~ of such agency to serve as the secretary of the committee. The state land planning agency shall, to the greatest extent possible, provide technical assistance and administrative support to the committee. Meetings will be called as needed by the chair or on the demand of three or more members of the committee. The committee will act on a simple majority of a quorum present and shall make a report within 6 months to the head of the state land planning agency. The committee must ~~shall~~, from the time of appointment, remain in existence for no less than 6 months.

Section 35. Subsection (5) of section 403.0752, Florida Statutes, is amended to read:

403.0752 Ecosystem management agreements.—

(5) The Secretary ~~Executive Director of the Department~~ of Economic Opportunity, the Secretary of Transportation, the

Commissioner of Agriculture, the Executive Director of the Fish and Wildlife Conservation Commission, and the executive directors of the water management districts are authorized to participate in the development of ecosystem management agreements with regulated entities and other governmental agencies as necessary to effectuate the provisions of this section. Local governments are encouraged to participate in ecosystem management agreements.

Section 36. Subsection (1) of section 420.0005, Florida Statutes, is amended to read:

420.0005 State Housing Trust Fund; State Housing Fund.—

(1) There is established in the State Treasury a separate trust fund to be named the "State Housing Trust Fund." There shall be deposited in the fund all moneys appropriated by the Legislature, or moneys received from any other source, for the purpose of this chapter, and all proceeds derived from the use of such moneys. The fund shall be administered by the Florida Housing Finance Corporation on behalf of the department, as specified in this chapter. Money deposited to the fund and appropriated by the Legislature must, notwithstanding the provisions of chapter 216 or s. 420.504(3), be transferred quarterly in advance, to the extent available, or, if not so available, as soon as received into the State Housing Trust Fund, and subject to the provisions of s. 420.5092(6)(a) and (b) by the Chief Financial Officer to the corporation upon

certification by the Secretary ~~executive director of the Department~~ of Economic Opportunity that the corporation is in compliance with the requirements of s. 420.0006. The certification made by the secretary ~~executive director~~ shall also include the split of funds among programs administered by the corporation and the department as specified in chapter 92-317, Laws of Florida, as amended. Moneys advanced by the Chief Financial Officer must be deposited by the corporation into a separate fund established with a qualified public depository meeting the requirements of chapter 280 to be named the "State Housing Fund" and used for the purposes of this chapter. Administrative and personnel costs incurred in implementing this chapter may be paid from the State Housing Fund, but such costs may not exceed 5 percent of the moneys deposited into such fund. To the State Housing Fund shall be credited all loan repayments, penalties, and other fees and charges accruing to such fund under this chapter. It is the intent of this chapter that all loan repayments, penalties, and other fees and charges collected be credited in full to the program account from which the loan originated. Moneys in the State Housing Fund which are not currently needed for the purposes of this chapter shall be invested in such manner as is provided for by statute. The interest received on any such investment shall be credited to the State Housing Fund.

Section 37. Section 420.0006, Florida Statutes, is amended

to read:

420.0006 Authority to contract with corporation; contract requirements; nonperformance.—The Secretary ~~executive director~~ of Economic Opportunity ~~the department~~ shall contract, notwithstanding part I of chapter 287, with the Florida Housing Finance Corporation on a multiyear basis to stimulate, provide, and foster affordable housing in the state. The contract must incorporate the performance measures required by s. 420.511 and be consistent with the corporation's strategic business plan prepared in accordance with s. 420.511. The contract must provide that if the corporation fails to comply with a performance measure required by s. 420.511, the secretary ~~executive director~~ shall notify the Governor and refer the nonperformance to the department's inspector general for review and determination as to whether such failure is due to forces beyond the corporation's control or whether such failure is due to inadequate management of the corporation's resources. Advances shall continue to be made pursuant to s. 420.0005 during the pendency of the review. If such failure is due to outside forces, it may not be deemed a violation of the contract. If such failure is due to inadequate management, the department's inspector general shall provide recommendations regarding solutions. The Governor may resolve differences of opinion with respect to performance under the contract and may request that advances continue in the event of a failure under

the contract due to inadequate management. The Chief Financial Officer shall approve the request absent a finding by the Chief Financial Officer that continuing such advances would adversely impact the state; however, the Chief Financial Officer shall provide advances sufficient to meet the debt service requirements of the corporation and sufficient to fund contracts committing funds from the State Housing Trust Fund if such contracts are in accordance with the laws of this state.

Section 38. Paragraph (d) of subsection (1) of section 420.101, Florida Statutes, is amended to read:

420.101 Housing Development Corporation of Florida; creation, membership, and purposes.—

(1) Twenty-five or more persons, a majority of whom shall be residents of this state, who may desire to create a housing development corporation under the provisions of this part for the purpose of promoting and developing housing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the Department of State, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

(d) The names and post office addresses of the members of the first board of directors. The first board of directors shall be elected by and from the stockholders of the corporation and shall consist of 21 members. However, five of such members shall

consist of the following persons, who shall be nonvoting members: the Secretary ~~executive director of the Department~~ of Economic Opportunity or her or his designee; the head of the Department of Financial Services or her or his designee with expertise in banking matters; a designee of the head of the Department of Financial Services with expertise in insurance matters; one state senator appointed by the President of the Senate; and one representative appointed by the Speaker of the House of Representatives.

Section 39. Subsection (8) of section 420.503, Florida Statutes, is amended to read:

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

(8) "Contract" means the contract between the Secretary ~~executive director~~ of Economic Opportunity ~~the department~~ and the corporation for provision of housing services referenced in s. 420.0006.

Section 40. Subsections (1) and (3) of section 420.504, Florida Statutes, are amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(1) A public corporation and a public body corporate and politic, to be known as the "Florida Housing Finance Corporation," is created within the Department of Economic Opportunity. It is declared to be the intent of and constitutional construction by the Legislature that the Florida

Housing Finance Corporation constitutes an entrepreneurial public corporation organized to provide and promote the public welfare by administering the governmental function of financing or refinancing housing and related facilities in this state and that the corporation is not a department of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution, but is functionally related to the Department of Economic Opportunity in which it is placed. The executive function of state government to be performed by the Secretary ~~executive director of the Department~~ of Economic Opportunity in the conduct of the business of the Florida Housing Finance Corporation must be performed pursuant to a contract to monitor and set performance standards for the implementation of the business plan for the provision of housing approved for the corporation as provided in s. 420.0006. This contract must include performance standards for the provision of affordable housing in this state established in the strategic business plan described in s. 420.511.

(3) The corporation is a separate budget entity and is not subject to control, supervision, or direction by the Department of Economic Opportunity in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters. The corporation shall consist of a board of directors composed of the Secretary ~~executive director of the Department~~ of Economic Opportunity as

an ex officio and voting member, or a senior-level agency employee designated by the secretary ~~director~~, and eight members appointed by the Governor subject to confirmation by the Senate from the following:

(a) One citizen actively engaged in the residential home building industry.

(b) One citizen actively engaged in the banking or mortgage banking industry.

(c) One citizen who is a representative of those areas of labor engaged in home building.

(d) One citizen with experience in housing development who is an advocate for low-income persons.

(e) One citizen actively engaged in the commercial building industry.

(f) One citizen who is a former local government elected official.

(g) Two citizens of the state who are not principally employed as members or representatives of any of the groups specified in paragraphs (a)-(f).

Section 41. Subsection (1) of section 420.506, Florida Statutes, is amended to read:

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

(1) The appointment and removal of an executive director shall be by the Secretary ~~executive director of the Department~~

of Economic Opportunity, with the advice and consent of the corporation's board of directors. The executive director shall employ legal and technical experts and such other agents and employees, permanent and temporary, as the corporation may require, and shall communicate with and provide information to the Legislature with respect to the corporation's activities. Notwithstanding s. 216.262, the board may develop and implement rules regarding the employment of employees of the corporation and service providers, including legal counsel. The board is entitled to establish travel procedures and guidelines for employees of the corporation, subject to s. 112.061(6) and (7). The executive director's office and the corporation's files and records must be located in Leon County.

Section 42. Subsection (30) of section 420.507, Florida Statutes, is amended to read:

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

(30) To prepare and submit to the Secretary ~~executive director~~ of Economic Opportunity ~~the department~~ a budget request for purposes of the corporation, which request shall, notwithstanding the provisions of chapter 216 and in accordance with s. 216.351, contain a request for operational expenditures

and separate requests for other authorized corporation programs. The request need not contain information on the number of employees, salaries, or any classification thereof, and the approved operating budget therefor need not comply with s. 216.181(8)-(10). The secretary ~~executive director~~ may include within the department's budget request the corporation's budget request in the form as authorized by this section.

Section 43. Subsection (2) of section 420.511, Florida Statutes, is amended to read:

420.511 Strategic business plan; long-range program plan; annual report; audited financial statements.—

(2) The corporation, in coordination with the department, shall annually develop a long-range program plan for the provision of affordable housing in this state as required pursuant to chapter 186. In part, the plan must include provisions that maximize the abilities of the corporation to implement the state housing strategy established under s. 420.0003, to respond to federal housing initiatives, and to develop programs in a manner that is more responsive to the needs of public and private partners. The plan shall be developed on a schedule consistent with that established by s. 186.021. For purposes of this section, the Secretary of Economic Opportunity ~~executive director~~ or his or her designee shall serve as the corporation's representative to achieve a coordinated and integrated planning relationship with the

department.

Section 44. Subsection (7) of section 420.602, Florida Statutes, is amended to read:

420.602 Definitions.—As used in this part, the following terms shall have the following meanings, unless the context otherwise requires:

~~(7) "Director" means the executive director of the Department of Economic Opportunity.~~

Section 45. Subsection (5) of section 420.609, Florida Statutes, is amended to read:

420.609 Affordable Housing Study Commission.—Because the Legislature firmly supports affordable housing in Florida for all economic classes:

(5) The commission shall review, evaluate, and make recommendations regarding existing and proposed housing programs and initiatives. The commission shall provide these and any other housing recommendations to the Secretary ~~director~~ of Economic Opportunity ~~the department~~ and the executive director of the corporation.

Section 46. Subsection (2) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.—

(2) The Council on Homelessness is created to consist of 19 representatives of public and private agencies who shall

develop policy and advise the State Office on Homelessness. The council members shall be: the Secretary of Children and Families, or his or her designee; the Secretary ~~executive director of the Department~~ of Economic Opportunity, or his or her designee, who shall advise the council on issues related to rural development; the State Surgeon General, or his or her designee; the Executive Director of Veterans' Affairs, or his or her designee; the Secretary of Corrections, or his or her designee; the Secretary of Health Care Administration, or his or her designee; the Commissioner of Education, or his or her designee; the Executive Director of CareerSource Florida, Inc., or his or her designee; one representative of the Florida Association of Counties; one representative of the Florida League of Cities; one representative of the Florida Supportive Housing Coalition; one representative of the Florida Housing Coalition; the Executive Director of the Florida Housing Finance Corporation, or his or her designee; one representative of the Florida Coalition for the Homeless; the secretary of the Department of Elder Affairs, or his or her designee; and four members appointed by the Governor. The council members shall be nonpaid volunteers and shall be reimbursed only for travel expenses. The appointed members of the council shall be appointed to staggered 2-year terms and are encouraged to have experience in the administration or provision of resources, services, or housing that addresses the needs of persons

experiencing homelessness. The council shall meet at least four times per year. The importance of minority, gender, and geographic representation shall be considered in appointing members to the council.

Section 47. Paragraph (g) of subsection (1) of section 427.012, Florida Statutes, is amended to read:

427.012 The Commission for the Transportation Disadvantaged.—There is created the Commission for the Transportation Disadvantaged in the Department of Transportation.

(1) The commission shall consist of seven members, all of whom shall be appointed by the Governor, in accordance with the requirements of s. 20.052.

(g) The Secretary of Transportation, the Secretary of Children and Families, the Secretary ~~executive director of the Department~~ of Economic Opportunity, the executive director of the Department of Veterans' Affairs, the Secretary of Elderly Affairs, the Secretary of Health Care Administration, the director of the Agency for Persons with Disabilities, and a county manager or administrator who is appointed by the Governor, or a senior management level representative of each, shall serve as ex officio, nonvoting advisors to the commission.

Section 48. Subsections (2), (3), and (4) of section 443.1116, Florida Statutes, are amended to read:

443.1116 Short-time compensation.—

(2) APPROVAL OF SHORT-TIME COMPENSATION PLANS.—An employer wishing to participate in the short-time compensation program must submit a signed, written, short-time plan to the Department of Economic Opportunity for approval. The Secretary of Economic Opportunity ~~director~~ or his or her designee shall approve the plan if:

(a) The plan applies to and identifies each specific affected unit;

(b) The individuals in the affected unit are identified by name and social security number;

(c) The normal weekly hours of work for individuals in the affected unit are reduced by at least 10 percent and by not more than 40 percent;

(d) The plan includes a certified statement by the employer that the aggregate reduction in work hours is in lieu of layoffs that would affect at least 10 percent of the employees in the affected unit and that would have resulted in an equivalent reduction in work hours;

(e) The plan applies to at least 10 percent of the employees in the affected unit;

(f) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any individual in the affected unit;

(g) The plan does not serve as a subsidy to seasonal employers during the off-season or as a subsidy to employers who

traditionally use part-time employees;

(h) The plan certifies that, if the employer provides fringe benefits to any employee whose workweek is reduced under the program, the fringe benefits will continue to be provided to the employee participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program. As used in this paragraph, the term "fringe benefits" includes, but is not limited to, health insurance, retirement benefits under defined benefit pension plans as defined in subsection 35 of s. 1002 of the Employee Retirement Income Security Act of 1974, 29 U.S.C., contributions under a defined contribution plan as defined in s. 414(i) of the Internal Revenue Code, paid vacation and holidays, and sick leave;

(i) The plan describes the manner in which the requirements of this subsection will be implemented, including a plan for giving notice, if feasible, to an employee whose workweek is to be reduced, together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation; and

(j) The terms of the employer's written plan and implementation are consistent with employer obligations under applicable federal laws and laws of this state.

(3) APPROVAL OR DISAPPROVAL OF THE PLAN.—The Secretary of Economic Opportunity ~~director~~ or his or her designee shall approve or disapprove a short-time compensation plan in writing within 15 days after its receipt. If the plan is denied, the secretary ~~director~~ or his or her designee shall notify the employer of the reasons for disapproval.

(4) BEGINNING AND TERMINATION OF SHORT-TIME COMPENSATION BENEFIT PERIOD.—A plan takes effect on the date of its approval by the Secretary of Economic Opportunity ~~director~~ or his or her designee and expires at the end of the 12th full calendar month after its effective date.

Section 49. Paragraph (d) of subsection (2) of section 446.53, Florida Statutes, is amended to read:

446.53 Concrete masonry education.—

(2)

(d) In addition to the 13 voting members described in paragraph (a), the Secretary ~~executive director of the Department~~ of Economic Opportunity, or his or her designee, shall serve ex officio as a nonvoting member of the board of directors of the council.

Section 50. Section 450.261, Florida Statutes, is amended to read:

450.261 Interstate Migrant Labor Commission; Florida membership.—In selecting the Florida membership of the Interstate Migrant Labor Commission, the Governor may designate

the Secretary ~~executive director of the Department~~ of Economic Opportunity as his or her representative.

Section 51. Paragraph (d) of subsection (1), paragraph (a) of subsection (4), and paragraphs (b), (c), and (d) of subsection (5) of section 624.5105, Florida Statutes, are amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(d) Each proposal for the granting of such tax credit requires the prior approval of the Secretary of Economic Opportunity ~~director~~.

(4) ADMINISTRATION.—

(a)1. The Department of Economic Opportunity may adopt rules to administer this section, including rules for the approval or disapproval of proposals by insurers.

2. The decision of the Secretary of Economic Opportunity ~~director~~ shall be in writing, and, if approved, the proposal shall state the maximum credit allowable to the insurer. A copy of the decision shall be transmitted to the executive director of the Department of Revenue, who shall apply such credit to the tax liability of the insurer.

3. The Department of Economic Opportunity shall monitor all projects periodically, in a manner consistent with available

resources to ensure that resources are utilized in accordance with this section; however, each project shall be reviewed no less frequently than once every 2 years.

4. The Department of Economic Opportunity shall, in consultation with the Florida Housing Finance Corporation and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

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

~~(b) "Director" means the director of the Department of Economic Opportunity.~~

(b) ~~(c)~~ "Local government" means any county or incorporated municipality in the state.

(c) ~~(d)~~ "Project" means an activity as defined in s. 220.03(1)(t).

Section 52. Paragraph (f) of subsection (2) of section 1004.015, Florida Statutes, is amended to read:

1004.015 Florida Talent Development Council.—

(2) Members of the council shall include:

(f) The Secretary ~~executive director of the Department~~ of Economic Opportunity.

Section 53. This act shall take effect upon becoming a law.

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 1463 by Rep. LaMarca
DEPARTMENT OF ECONOMIC OPPORTUNITY

AMENDMENT SUMMARY
April 1, 2021

Amendment 1 by Rep. LaMarca (lines 569-730):
Provides clarifying language and specifies certain reporting requirements relating to the implementation and oversight of the Reemployment Assistance Claims and Benefits Information (CONNECT) system.

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	_____

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative LaMarca offered the following:

Amendment (with title amendment)

Remove lines 569-730 and insert:

(1) The Department of Economic Opportunity shall implement an integrated, modular system hosted in a cloud service, as defined in s. 282.0041(5), that provides for rapid provisioning of additional data processing when necessary. The system shall support the efficient distribution of benefits and the effective operation and management of the reemployment assistance program. ~~To~~ The ~~extent that funds are appropriated for each phase of the Reemployment Assistance Claims and Benefits Information~~ system may be cited ~~by the Legislature, the Department of Economic Opportunity shall replace and enhance the functionality provided~~

~~in the following systems with an integrated Internet-based system that is known~~ as the "Reemployment Assistance Claims and Benefits Information System" and must:

(a) Be accessible through the Internet on both mobile devices and personal computers ~~Claims and benefit mainframe system~~.

(b) Process reemployment assistance claims ~~Florida unemployment Internet direct~~.

(c) Process benefit payments ~~Florida continued claim Internet directory~~.

(d) Process and manage overpayments ~~Call center interactive voice response system~~.

(e) Perform adjudication functions ~~Benefit overpayment screening system~~.

(f) Process appeals and manage appeal hearings ~~Internet and Intranet appeals system~~.

(g) Manage and process employer charging.

(2) Wherever cost-effective and operationally feasible, the Reemployment Assistance Claims and Benefits System shall accomplish the following main ~~business~~ objectives:

(a) ~~Wherever cost-effective and operationally feasible,~~ Eliminate or automate existing paper processes and enhance any existing automated workflows in order to expedite customer transactions and eliminate redundancy.

(b) Enable and enhance online, self-service capabilities ~~access~~ to claimant and employer information and federal and state reporting.

(c) Integrate benefit payment control with the adjudication program and collection system in order to improve the detection of fraud.

(d) Comply with all requirements established in federal and state law for reemployment assistance.

(e) Integrate with the Department of Revenue's statewide unified tax system that collects reemployment assistance taxes.

(f) Maintain interoperability with other department workforce systems.

(3) The scope of the Reemployment Assistance Claims and Benefits Information System does not include any of the following functionalities:

(a) Collection of reemployment assistance taxes.

(b) General ledger, financial management, or budgeting capabilities.

(c) Human resource planning or management capabilities.

(4)(a) The Department of Economic Opportunity shall perform an annual review of the system and identify enhancements or modernization efforts that improve the delivery of services to claimants and employers and reporting to state and federal entities. These improvements must include, but need not be limited to:

1. Infrastructure upgrades through cloud services.

2. Software improvements.

3. Enhanced data analytics and reporting.

4. Increased cybersecurity, pursuant to the provisions of s.282.318.

(b) The department shall seek input on recommended enhancements from, at a minimum, the following entities:

1. The Florida Digital Service within the Department of Management Services.

2. The General Tax Administration Program Office within the Department of Revenue.

3. The Division of Accounting and Auditing within the Department of Financial Services.

(5) By October 1, 2023, and each year thereafter, the Department of Economic Opportunity shall submit a Reemployment Assistance Claims and Benefits Information System report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must, at a minimum, include:

(a) A summary of maintenance, enhancement, and modernization efforts over the last fiscal year.

(b) A 3-year outlook of recommended enhancements or modernization efforts that includes projected costs and timeframes for completion.

(6) The Department of Economic Opportunity shall provide monthly project status reports to the chair of the Senate Appropriations Committee, the chair of the House of Representatives Appropriations Committee, the Executive Office of the Governor's Office of Policy and Budget, and the Florida Digital Service. Each status report must include ongoing system maintenance activities and progress made to date for each project milestone, deliverable, and task order, planned and actual completion dates, planned and actual costs incurred, and any current project issues and risks.

(7) The Department of Economic Opportunity shall provide project related data to the Florida Digital Service in support of their project oversight responsibilities pursuant to s. 282.0051. ~~The project to implement the Reemployment Assistance Claims and Benefits Information System is comprised of the following phases and corresponding implementation timeframes:~~

~~(a) No later than the end of fiscal year 2009-2010 completion of the business re-engineering analysis and documentation of both the detailed system requirements and the overall system architecture.~~

~~(b) The Reemployment Assistance Claims and Benefits Internet portal that replaces the Florida Unemployment Internet Direct and the Florida Continued Claims Internet Directory systems, the Call Center Interactive Voice Response System, the Benefit Overpayment Screening System, the Internet and Intranet~~

~~Appeals System, and the Claims and Benefits Mainframe System shall be deployed to full operational status no later than the end of fiscal year 2013-2014.~~

~~(5) The Department of Economic Opportunity shall implement the following project governance structure until such time as the project is completed, suspended, or terminated:~~

~~(a) The project sponsor for the Reemployment Assistance Claims and Benefits Information System project is the department.~~

~~(b) The project shall be governed by an executive steering committee composed of the following voting members or their designees:~~

~~1. The executive director of the department.~~

~~2. The executive director of the Department of Revenue.~~

~~3. The director of the Division of Workforce Services within the department.~~

~~4. The program director of the General Tax Administration Program Office within the Department of Revenue.~~

~~5. The chief information officer of the department.~~

~~(c) The executive steering committee has the overall responsibility for ensuring that the project meets its primary objectives and is specifically responsible for:~~

~~1. Providing management direction and support to the project management team.~~

~~2. Assessing the project's alignment with the strategic goals of the department for administering the reemployment assistance program.~~

~~3. Reviewing and approving or disapproving any changes to the project's scope, schedule, and costs.~~

~~4. Reviewing, approving or disapproving, and determining whether to proceed with any major project deliverables.~~

~~5. Recommending suspension or termination of the project to the Governor, the President of the Senate, and the Speaker of the House of Representatives if it determines that the primary objectives cannot be achieved.~~

~~(d) The project management team shall work under the direction of the executive steering committee and shall be minimally comprised of senior managers and stakeholders from the department and the Department of Revenue. The project management team is responsible for:~~

~~1. Providing daily planning, management, and oversight of the project~~.

~~2. Submitting an operational work plan and providing quarterly updates to that plan to the executive steering committee. The plan must specify project milestones, deliverables, and expenditures.~~

~~3. Submitting written monthly project status reports to the executive steering committee which include:~~

~~a. Planned versus actual project costs;~~

~~b. An assessment of the status of major milestones and deliverables;~~

~~c. Identification of any issues requiring resolution, the proposed resolution for these issues, and information regarding the status of the resolution;~~

~~d. Identification of risks that must be managed; and~~

~~e. Identification of and recommendations regarding necessary changes in the project's scope, schedule, or costs. All recommendations must be reviewed by project stakeholders before submission to the executive steering committee in order to ensure that the recommendations meet required acceptance criteria.~~

Section 11. For the 2021-2022 fiscal year, the Department of Economic Opportunity shall take actions to modernize the Reemployment Assistance Claims and Benefits Information System as provided in the General Appropriations Act.

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

Remove lines 41-55 and insert:
system hosted in a cloud service, rather than an integrated Internet-based system, for the reemployment assistance program; revising the functions and objectives of the Reemployment Assistance Claims and Benefits Information System; deleting

obsolete language; providing reporting requirements; providing applicability; deleting provisions relating

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1589 City of Key West, Monroe County
SPONSOR(S): Mooney
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	17 Y, 0 N	Darden	Miller
2) Tourism, Infrastructure & Energy Subcommittee		Willson MW	Keating CK
3) State Affairs Committee			

SUMMARY ANALYSIS

Keys Energy Services is a municipal electric utility owned by the City of Key West. Keys Energy Services was purchased by the City in 1943 and provides power to over 28,000 customers. The utility is governed by the Utility Board of the City of Key West (Board), a five-member body elected by the qualified electors of the City and customers of Keys Energy Services who live outside of the municipal boundaries of the City.

The bill revises the special act governing the Board by:

- Modifying election qualification and administration procedures for candidates for the Board;
- Prohibiting the use of the words "Keys Energy Services" or the logo of the Board in any campaign materials;
- Clarifying the date newly elected members of the Board take office;
- Providing that a member of the Board forfeits his or her office if the member no long resides within the Utility Board's designated service territory;
- Revising procedures for the purchase of commodities or contractual services under the provisions of local, state, and federal purchasing contracts without following competitive procurement requirements;
- Requiring any sale, transfer, or other disposition of ownership interest in any utility operated by the Board to be approved by at least four members of the Board and 65 percent of Monroe County voters who live in the utility's designated service area voting in a referendum held during a regular municipal general election.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Keys Energy Services is a municipal electric utility owned by the City of Key West.[1] Purchased by the City in 1943, Keys Energy Services provides power to more than 28,000 customers. Initially providing electric service in the City of Key West with locally generated power, the utility expanded service to the Seven-Mile Bridge area in 1953. A transmission line to connect the Keys Energy Services service area to the mainland was completed in 1987, providing for reduced costs.

Keys Energy Services is controlled by the Utility Board of the City of Key West.[2] The board has the "full, complete[,] and exclusive power" to "manage, operate, maintain, control, extend, and extend beyond the limits of the City of Key West, Florida" the electric power utility owned by the City, as well as a non-exclusive right to operate other utilities, including cable and telecommunications services. The Board has the power to exercise eminent domain, but not for providing cable television or telecommunications services.

The Board consists of five members elected by the qualified electors of the City of Key West and those customers of Keys Energy Services who live outside the municipal boundaries of the City.[3] Elections for the Board are non-partisan and members serve four-year terms.[4] Candidates for the Board must reside in the designated service areas they seek to represent and must pay a fee of $100 to the Monroe County Supervisor of Elections.[5] Elections for the Board are conducted during the primary election, with the top two candidates competing in a runoff held during the general election (unless a candidate receives a majority of the vote during the primary election).[6] Newly elected members of the Board take office on the day after the canvas of the vote and declaration of the result is complete. The Board selects one of its members as its chairperson during the Board's organizational meeting.[7]

A seat on the Board may become vacant upon the death, resignation, removal from office, or forfeiture of office by a Board member.[8] A member is considered to have forfeited his or her office if:

- The member lacks any qualification for the office prescribed by law during his or her term of office;
- The member violates any express prohibition of the special act creating the Board;
- The member is convicted of a crime involving moral turpitude; or
- The member fails to attend three consecutive regular meetings of the Board without being excused.

[1] *About Keys*, Keys Energy Services, https://www.keysenergy.com/about-keys/ (last accessed Mar. 9, 2021).
[2] Ch. 69-1191, s. 1, Laws of Fla.
[3] *Id.*
[4] Ch. 69-1191, ss. 2 and 3, Laws of Fla.
[5] Ch. 69-1191, s. 2, Laws of Fla.
[6] *Id.*
[7] *Id.*
[8] Ch. 69-1191, s. 6, Laws of Fla.

Purchases of commodities or contractual services made by the utility under the provisions of a local, state, or federal purchasing contract are exempt from competitive procurement requirements if:

- The terms and conditions of the original contract or approval of a renewal/extension by the federal, state, or local government or electric cooperative are satisfactory to the Board;
- The contract or renewal was approved within 24 months prior to the proposed purchase of the commodities or contractual services by the Board;
- The purchasing agent has performed an informal solicitation to determine if the prices in the original contract are fair and reasonable; and
- The Board authorizes such procurement when the cost of commodities and contractual services exceeds the amounts established by a resolution adopted by the Board.[9]

Effect of Proposed Changes

The bill revises the qualification procedures for candidates for the Board by clarifying that the $100 fee paid to the Monroe County Supervisor of Elections is a qualifying fee, requiring each candidate to also pay an "election assessment" of $1, moving the deadline for receipt of these fees from 5 p.m. on the last day of qualification to noon of that day, and removing the requirement that a candidate for the Board list his or her occupation in the statement of candidacy.

The bill prohibits candidates from the Board for using the words "Keys Energy Services" or the logo of the Board in any campaign materials.

The bill removes the ability of a candidate to submit an identifying name where the candidate has the same or a similar surname to another candidate on the ballot. The bill also removes provisions concerning the ability of the candidate to appoint poll watchers.

The bill provides that newly elected members to the Board take office at noon of the day after the certification of the election result. If a candidate is elected during the primary election, the bill provides that the candidate takes office upon certification of the primary result.

The bill states that a member of the Board forfeits the office if the member fails to reside within either the City of Key West or in the portion of Monroe County southwest of the northeasternmost end of the Seven Mile Bridge.

The bill revises the purchase of commodities or contractual services under the provisions of local, state, and federal purchasing contracts without following competitive procurement requirements. Instead of requiring a specific time period, the purchase may proceed if the original contract or renewal/extension was in effect for an acceptable period of the time, as determined by the Board by resolution, before the proposed purchase of the commodity or service and if the purchasing agent performed an informal solicitation to determine if the prices under the original contract or renewal/extension are fair and reasonable.

The bill requires any sale, transfer, or other disposition of any ownership interest in any utility operated by the Board must be by a resolution approved by at least four of the members of the Board and approved by 65 percent of Monroe County voters who live in the utility's designated service area voting in a referendum held during a regular municipal general election.

B. SECTION DIRECTORY:

Section 1: Amends ch. 69-1191, as amended by chs. 2001-297, 2007-286, and 2017-204, relating to the Utility Board of the City of Key West.

Section 2: Provides that the bill shall take effect upon becoming a law.

[9] Ch. 69-1191, s. 13, Laws of Fla.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes [x] No []

IF YES, WHEN? January 20, 2021

WHERE? The *Key West Citizen*, a daily newspaper of general circulation published in Monroe County, Florida.

B. REFERENDUM(S) REQUIRED? Yes [] No [x]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes [x] No []

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the City of Key West, Monroe County; amending ch. 69-1191, Laws of Florida, as amended; revising the sum an elector shall pay to the Supervisor of Elections of Monroe County to qualify to appear on the election ballot; revising the date on which such sum must be deposited; prohibiting a candidate from using certain words or logos on specified campaign materials; clarifying the term of service for board members; removing provisions relating to printing addresses on ballots and the election of watchers and challengers; providing that a member of the board shall forfeit his office if he fails to reside within specified areas; providing that a designee of the City Commission of the City of Key West may be the judge of the election and qualification of the members of the board; revising the time period that the original contract may be exempt from the competitive procurement requirements; providing that the sale, transfer, or other disposition of any ownership interest in the electric utility, or any other utility, owned or operated by the board is effective only by resolution adopted by a specified number of affirmative votes of the board and a specified percentage of certain qualified electors

of Monroe County; making technical changes; providing an effective date.

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

Section 1. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, subsections (1) and (3) of section 11, section 12, subsection (9) of section 13, sections 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 of chapter 69-1191, Laws of Florida, as amended by chapters 2001-297, 2007,286, and 2017-204, Laws of Florida, are amended to read:

Section 1. RIGHTS OF THE BOARD.—There is hereby created the Utility Board of the City of Key West, Florida, to be composed of five (5) members as particularly hereinafter set forth. Such Utility Board created by this act shall be and is hereby made the successor to the Utility Board of the City of Key West, Florida, heretofore created and existing by and under the provisions of chapter 65-1770, Laws of Florida, Acts of the Legislature Year 1965, and acts amendatory thereto. The full, complete and exclusive power and right to manage, operate, maintain, control, extend, and extend beyond the limits of the City of Key West, Florida, improve, finance and re-finance the electric public utility now owned by the City of Key West, Florida, and the nonexclusive right to build, construct, operate and acquire other public utilities, by purchase, gift, grant,

lease, rental or otherwise, from time to time, from the United States Government, its departments, agencies, bureaus and commissions, and from the State of Florida and any of its political subdivisions, and corporations which are publicly or privately owned or operated, and by the right of eminent domain, shall be carried on by such Utility Board composed of five (5) members, all of whom shall be elected by the qualified electors of Monroe County, Florida, residing within the Utility Board's designated service area at large, as hereinafter set forth. Furthermore, said Utility Board shall have the power and right to sell at retail or wholesale certain tangible personal property related to its utility services, including, but not limited to, generators, protection and conservation equipment, and appliances. The term "public utility," as used herein, shall include, but not be limited to, cable and telecommunication facilities. Nothing herein shall grant the right of eminent domain as to cable or telecommunication facilities. The name of the Utility Board shall be "Utility Board of the City of Key West, Florida," and said board shall function and operate as hereinafter provided. Said Utility Board shall have the right to sue and be sued, may adopt and use a seal and change it at pleasure, and may use in the conduct of its business the trade name of "Keys Energy Services," the use of which heretofore by its predecessor board is approved, confirmed and validated; further, said Utility Board may change such trade name and from

time to time adopt such trade names as it deems expedient and proper in the conduct of its business, operations and activities.

Section 2. ELECTION OF UTILITY BOARD MEMBERS.—The election for the nomination or election of candidates for members of the Utility Board of said city held in 2018 shall be concurrent with the election for the office of County Commission of Monroe County, Florida. Such elections shall be non-partisan elections and every person voting in said election shall be entitled to vote for as many candidates for the Utility Board as there are members to be elected to said board. The name of any qualified elector of Monroe County, Florida, residing within the Utility Board's designated service area who meets the qualifications for member of said Utility Board, as set forth in this act, may appear upon the election ballot as a candidate for the office of member of the Utility Board, upon said elector paying to the Supervisor of Elections of Monroe County, Florida, a qualifying fee in the amount ~~sum~~ of one hundred dollars ($100.00), plus an election assessment in the amount of one dollar ($1.00), and said sums ~~sum~~ shall be deposited with the supervisor of elections at his or her office not later than 12:00 p.m. ~~5:00 p.m.~~ on the date set for the closing of qualification by the election officials, for the first election under the provisions of this act, and thereafter on the dates as published by the supervisor of elections biannually of the year in which

subsequent elections under this act are to be held. A qualifying fee for such candidate for such office, and said elector shall submit to the supervisor of elections concurrently therewith the sworn statement of his or her name, address, and ~~occupation,~~ willingness to serve if elected and shall indicate on such sworn statement his or her desire for his or her name to appear on the ballot as a candidate for such office. Provided, however, that any person who holds an elective office in the government of the City of Key West, Florida, County of Monroe, the State of Florida, or any political agency, board or commission and is compensated by wages, salaries or otherwise shall not be eligible to serve concurrently as a member of the board created by this act. Only the name or names of candidates complying with this section shall appear on the ballot as a candidate for nomination or election. No candidate having qualified and thereafter withdrawing or becoming disqualified under the provisions of this act shall be entitled to a refund of the aforesaid qualifying fee or election assessment paid. A candidate for nomination or election shall not, upon or in connection with any campaign materials including, but not limited to, signage, advertisements, or apparel, print or reproduce the words "Keys Energy Services," or the logo of the board, as adopted by the Board at its regular meeting of January 9, 2002, and on file in the Board offices and available for inspection, or any likeness of such logo.

Section 3. MEMBERSHIP OF UTILITY BOARD.—The Utility Board shall consist of five (5) members who shall be elected from the citizens of Monroe County, Florida, residing within the Utility Board's designated service territory at large to seats identified as A, B, C, D, or E. All persons desiring to qualify as members shall file in seats identified as A, B, C, D, or E. Candidates for seats A, B, and C must reside within the City of Key West city limits. Candidates for seats D and E must reside in Monroe County, Florida, from Stock Island, excluding the portion of Stock Island within the City of Key West city limits to the northeasternmost end of the Seven Mile Bridge. The members running for seats A, B, and D shall be elected in the regular ~~general~~ election commencing in 2018 for a term of four (4) years and at each regular ~~general~~ election at large by the electors of Monroe County, Florida, residing within the Utility Board's designated service territory every four (4) years thereafter. The members running ~~Current elected Utility Board members serving in Groups II and III shall serve their current four year terms until the 2020 general election, when candidates~~ for seats C and E shall be elected in the regular ~~general~~ election at large by the electors of Monroe County, Florida, residing within the Utility Board's designated service territory commencing in 2020 for a term of 4 years and at each regular ~~general~~ election four (4) years thereafter. All members shall hold office until their successors are elected and qualified

from 12:00 noon of the day after the date of the certification ~~canvas of the vote and the declaration~~ of the result ~~results~~ of the election. All members shall be subject to removal for good and sufficient cause by a four-fifths (4/5) vote of the city commission. If a candidate for member receives a majority of votes in the regular primary election in the candidate's group, the candidate shall be considered elected from 12:00 noon of the day ~~upon and~~ after the date ~~canvas~~ of the certification ~~vote and the declaration~~ of the result of the election as hereinafter provided. In such event, notwithstanding that members are deemed to serve terms of 4 years, the term of the outgoing member whose seat will be held by the incoming member shall be deemed complete as of 12:00 noon of the day after the date of the certification of the primary election result. If there is no majority in the primary election, two (2) candidates for nomination to the office of member who receive the greatest vote in the primary election for each group shall be placed on the ballot at the next regular or special municipal general election following the primary ~~as provided in the county charter of Monroe County, Florida~~. The candidate for nomination receiving the greater vote in the regular or special municipal general election following the primary election if otherwise qualified shall be elected to office from the group in which candidate is qualified, and shall be considered elected from 12:00 noon of the day after the date of certification of the result of the

election, notwithstanding that members are deemed to serve terms of 4 years. One (1) of said members shall serve as Chairperson of the Utility Board. The Chairperson shall be selected from the five (5) members by the five (5) members during an organizational meeting at the first regular Utility Board meeting after all candidates are qualified and sworn in to office by the City Clerk and serve as such until the next organizational meeting following an election. A member may serve as Chairperson for consecutive terms.

Section 4. ELECTION AUTHORITIES.—For the purposes of this act, the election authorities shall be the same authorities conducting elections under the Charter of the City of Key West, Florida, and any amendment thereto. The Utility Board of the City of Key West is hereby directed to pay as an administrative expense to said authorities the actual expense incurred in conducting the first election to be held under the provisions of this act.

Except as otherwise provided in this act, the provisions of the general election laws of the State of Florida shall apply to elections held under this act. All elections provided for by this act shall be conducted by said election authorities.

Section 5. BALLOT FORM.—~~(1)~~—The full names of all candidates nominated for membership in the Utility Board, except those who have withdrawn, died, or become ineligible, shall be

printed on the official ballots of Monroe County, Florida, without party designation or symbol. ~~If two (2) or more candidates have the same surname, or surnames so similar as to be likely to cause confusion, each candidate may submit an identifying name by which he or she is commonly known. If no such selection shall be made by the candidate, their residence addresses shall be printed with their names on the ballot.~~

~~(2) A regularly nominated candidate shall be entitled, upon written application to the election authorities at least five (5) days before the election, to appoint two (2) persons to represent him as watchers and challengers at each polling place where voters may cast their ballots for him. A person so appointed shall have all the rights and privileges prescribed for watchers and challengers by or under the general election laws of the State of Florida. The watchers and challengers may exercise their rights throughout the voting and until the ballots have been counted.~~

Section 6. UTILITY BOARD VACANCY.— (1) The office of members of the Utility Board shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his office, or as otherwise provided herein.

(2) A member of the Utility Board shall forfeit his office if he (1) lacks at any time during his term of office any qualification for the office prescribed by law; (2) violates any

express prohibition of this law; (3) is convicted of a crime involving moral turpitude; (4) fails to reside within either the City of Key West or the portion of Monroe County Southwest of the northeasternmost end of the Seven Mile Bridge; or (5) ~~(4)~~ fails to attend three (3) consecutive regular meetings ~~meeting~~ of the Utility Board without being excused by the board.

(3) A vacancy in the board shall be filled for the remainder of the unexpired term, if any, at the next regular election, but a quorum of the remaining members of said board shall by majority vote appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the board fails to do so within thirty days following the occurrence of the vacancy, the City Commission of the City of Key West, Florida, shall appoint a member to fill the said vacancy for the unexpired term. Notwithstanding the requirement that a quorum of the board consists of three (3) members, if at any time the membership of the board is reduced to less than three (3), the City Commission of said city shall fill the vacancies for the unexpired term.

(4) The City Commission of the City of Key West, Florida, or its designee, shall be the judge of the election and qualification of the members of the Utility Board and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, take testimony and require the production of records. A member charged with conduct

constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand; and notice of such hearing shall be published in one (1) or more newspapers of general circulation in said city at least one (1) week in advance of the hearing. Removal from said office should be by a four-fifths (4/5) vote of the City Commission. Decisions made by the City Commission of the City of Key West, Florida, under this section shall be subject to review by the courts.

Section 7. RECALL OF UTILITY BOARD MEMBER.—Any member of the Utility Board of the City of Key West, Florida, may be subject to recall by the electors of the City of Key West, Florida, by the same laws, methods, rules, and regulations prescribed by State law of City Charter for the removal of a member of the City Commission of the City of Key West, Florida. Any vacancies which occur as a result of said recall process shall be filled in the manner heretofore prescribed for filling vacancies on said Utility Board.

Section 8. UTILITY BOARD COMPENSATION.—The Chairman of the Utility Board shall receive a monthly salary as compensation for his services in an amount set by majority vote of the board, pursuant to resolution not to exceed $700 per month. The other members of the board shall receive a monthly salary as compensation for their services in an amount set by majority vote of the board, pursuant to resolution not to exceed $600 per month. All compensations set forth herein shall be payable as an

operating expense of the electric public utility.

Section 9. UTILITY BOARD BUSINESS.—A majority of the members of the Utility Board at any meeting shall constitute a quorum, and the Utility Board may adopt rules and by-laws for time, place and conduct of its meetings. Provided, however, that in the event of a catastrophe or disaster whereby one (1) or more members of the Utility Board is physically incapacitated from any cause and temporarily unable to serve, then the remaining member or members are hereby vested with the power and right to conduct all of the business of the Utility Board until such time as such member or members temporarily incapacitated are able to resume their duties. Provided further, that in the event of the death of one (1) or more members of the Utility Board from any cause, the remaining member or members are hereby vested with the power and right to conduct all of the business of the Utility Board until such time as appointments to fill the vacancies created by death can be made in due course, pursuant to the terms and conditions of this act.

Section 10. UTILITY BOARD MEETINGS.—The Chairman shall preside at all meetings when present, and shall call special meetings on his own motion or when requested to do so by any two (2) members of the board. A record shall be kept of the proceeding, which shall be available for inspection as other municipal records.

Section 11. (1) POWERS OF THE BOARD.—The Utility Board of

the City of Key West, Florida, shall have the full, complete and exclusive power and right to manage, operate, maintain, control, extend, extend beyond the limits of the City of Key West, Florida, in Monroe County, Florida, the electric public utility owned by said city, including the maintenance, operation, extension and improvement thereof, and including all lines, poles, wires, pipes, mains and all additions to and extensions of the same, and all buildings, stations, sub-stations, machinery, appliances, land and property, real, personal and mixed, used or intended for use in or in connection with said electric public utility, and the Utility Board shall have all of the powers in connection with such other public utilities hereafter constructed or acquired by said board that are granted by this act to said board with respect to the electric public utility now owned by said city. The Board shall have the power and right to extend its utilities services beyond the limits of Monroe County, Florida. As it relates to the extension of services of the electric public utility, the power to extend services beyond the limits of Monroe County, Florida, shall become effective only if the Legislature enacts legislation permitting any person other than the Utility Board to sell electric energy to customers of the Utility Board. The said Utility Board shall have exclusive power and authority to determine what improvements shall be made to all such public utilities.

(3) REVENUE BONDS AND OTHER FINANCING MATTERS.—Revenue bonds may be issued by said Utility Board for the purpose of refunding outstanding revenue bonds as well as for any other purposes which the Utility Board of said city deems proper in the management, operation, maintenance, control, improvement, extension, betterment, financing and refinancing of the electric public utility owned by The City of Key West, Florida, as well as for purposes of acquisition, purchase, building and construction and operation of additional public utilities which are deemed proper by said Utility Board, and revenue bonds may also be issued by said board against the income of any additional public utilities so acquired, and the granting of such authority to the Utility Board of the City of Key West, Florida, to issue revenue bonds against income of the electric public utility owned by said city, or against the income of any additional public utilities hereafter acquired by said Utility Board, is exclusive to said board, and the governing body of said city shall not have the right to issue any such bonds or otherwise incur any indebtedness or obligations whereby the income of said public utilities owned by the Utility Board of the City of Key West, or the income of any additional public utilities, hereafter acquired by said Utility Board, becomes charged for the payment thereof. The maturity dates and rate of interest of any bonds issued hereunder shall be determined and fixed by the Utility Board of the City of Key West, Florida, and

said board shall have the exclusive right to sell said bonds at prices to be determined by said board. The Utility Board of the City of Key West, Florida, is authorized and empowered to adopt such resolutions as may be necessary or advisable in connection with the authorization, execution, sale, and delivery of the revenue bonds authorized hereunder. Prior to the validation and issuance of any bonds authorized hereunder, said board shall obtain the approval of the City Commission of the City of Key West, Florida, by appropriate ordinance. The Utility Board shall further have the power to issue commercial paper notes and variable rate bonds to enter into interest rate swap transactions as determined from time to time to be in the best interests of the ratepayers of the electric public utility of the City. Bonds and refunding bonds issued pursuant to this act may be sold at competitive or negotiated sale, provided any negotiated sale shall comply with section 218.385, Florida Statutes.

Section 12. MANAGER'S CONTRACT.—The Utility Board shall have the power from time to time to enter into a contract employing a manager to manage and administer to the electric public utility now owned by the City of Key West, Florida, and to manage and administer to any additional public utilities acquired by said Utility Board. The contract employing said manager shall set forth the tenure of office, not to exceed four (4) years, the compensation, terms of employment, and the

procedure for termination of said contract. The Utility Board, through such manager, shall direct, employ, fix the compensation of and discharge all employees of the electric public utility and all employees of all public utilities owned or operated by said Utility Board; provided however, that terms, compensation and termination of the contract shall be governed by and conform to the provisions of any proceedings authorizing and providing for the issuance of bonds, or other obligations of said city, which by their terms are secured by or payable from the revenue of the electric public utility or other public utilities owned or operated by said Utility Board.

Section 13.

(9) LOCAL, STATE, AND FEDERAL CONTRACTS.—All purchases of commodities or contractual services under the provisions of local, state, and federal purchasing contracts shall be exempt from the competitive procurement requirements, provided that the following criteria are all satisfied:

(a) The terms and conditions of the original contract or approved renewal or extension by the federal, state or local government or electric cooperative in their original form, or a negotiated form more favorable to the Utility Board, are satisfactory to the Utility Board.

(b) The original contract or approved renewal or extension by the federal, state, or local government or electric cooperative is in effect and was ~~are~~ executed within an

acceptable period of time, as determined by the Utility Board by resolution from time to time, ~~twenty-four (24) months~~ prior to the proposed purchase of commodities or services by the Utility Board.

(c) The purchasing agent has performed an informal solicitation to determine if the prices of the original contract or approved renewal or extension are fair and reasonable, and to assure local vendors have an opportunity to compete.

(d) The Utility Board authorizes such procurement when the cost of the commodities (materials) or contractual services (labor and materials) exceeds the amounts as established by resolution adopted by the Utility Board.

Section 14. PENSION PLAN.—The Utility Board created by this act is hereby authorized and empowered to establish, adopt, provide, operate, maintain, and assist in the support of a pension system or plan for the relief or social security of disabled or retired officers and employees of said Utility Board, and to delegate authority for the handling and perpetuation of such a plan or system to designated officials or employees of said Utility Board, or a special committee created for such purposes. Further, said Utility Board shall have power to make contracts of insurance with any insurance company authorized to transact business in the State of Florida, insuring its officers and employees or any class or classes thereof under a policy or policies of group insurance covering

life, health, or accident insurance, or any two or more of such classes of insurance, and may contract with any company granting annuities or pensions and authorized to transact business within the State of Florida for the pensioning of such officers and employees or any class or classes thereof; and provide for any money necessary to pay premiums or charges incidental to the carrying on of such policies or contracts or for the support of a pension system, and the action of its predecessor Utility Board in connection with the pensions now in effect is hereby ratified, validated and confirmed.

Section 15. CIVIL SERVICE SYSTEM.—(1) The Utility Board created by this act is hereby authorized and empowered to create, establish, provide for and adopt, maintain, operate and regulate a civil service system and plan for the security of the employees of said board, and may amend and change such system and plan from time to time. Further, said Utility Board is empowered to adopt rules and regulations for the government and operation of said civil service system and plan, and to delegate authority for the handling and management of said system and plan to designated officials or employees of said board, or a special committee or a civil service board created by said Utility Board for such purposes. Further, said Utility Board is authorized and empowered to appropriate out of its available funds any money necessary or expedient to carry out the provisions and purposes of this act that maybe be lawfully used

for such purposes.

(2) The employees of the City of Key West, Florida, may require the Utility Board to establish a civil service board for them by an affirmative vote of the majority of the employees cast in a secret election to be held under the rules prescribed by the board. Said election shall be held within (30) days of the presentation of a petition containing the signatures of no less than ten per centum (10 percent) of the employees of all ~~al~~ classes of said system requesting such an election.

Section 16. DISPOSITION OF ASSETS, OWNERSHIP OF UTILITY.—(1) The Utility Board of the City of Key West, Florida shall have discretion to classify as surplus any of its property that is obsolete or that which is uneconomical or inefficient, or which serves no useful function. All such items valued more than the amount as established by resolution adopted by the Utility Board shall be offered as such surplus property to other governmental units within, the County of Monroe and to the general public with an effective means of notification. The notification shall disclose the value and condition of the properties when known. Any such properties as would serve no useful function and for which no bids have been received, may be disposed of by donation, destruction or abandonment.

(2) The sale, transfer, or other disposition of any ownership interest in the electric utility owned or operated by the Utility Board or any other utility owned or operated by the

Utility Board, or the sale, transfer, or other disposition of all or substantially all assets of the electric utility owned or operated by the Utility Board or any other utility owned or operated by the Utility Board, shall only be effective upon proposal of such disposition by the Utility Board by resolution adopted by the affirmative vote of not less than four (4) Utility Board members, and approval of such disposition by at least 65 percent of the qualified electors of Monroe County, Florida, who reside within the Utility Board's designated service area at large, casting ballots at a regular municipal general election.

Section 17. ANNUAL AUDIT.—The Utility Board of the City of Key West, Florida, shall provide for an annual audit and be subject to audit by the Legislative Auditor of the State of Florida, of all utility board accounts, and said Board is hereby authorized to pay the expenses thereof when required to do so and may provide for such more frequent audits as it deems necessary. A copy of the audit is to be delivered to the City Commission of the City of Key West, Florida, within seven (7) working days ~~twenty four(24) hours, holidays included,~~ after the Utility Board receives its copy from the audit agency. The Utility Board shall deliver to any other authorized agency, as they may be required, additional copies of the audit. The expenses of said audit shall be paid by the Utility Board of the City of Key West, Florida.

Section 18. CONFLICT OF INTEREST.—Any board officer or employee who has a substantial financial interest, direct or indirect, by reason of ownership of stock in any corporation, in any contract with the Utility Board or in the sale of any land, material, supplies or services to said board or to a contractor supplying said board, shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a board member or employee in the making of such sale or in the making or performance of such contract. Any board member or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by said Utility Board.

Section 19. EXPENSE REIMBURSEMENT.—Members of said Utility Board, and agents and employees of said board traveling on official business should be reimbursed for travel and expenses in accordance with resolutions or policies adopted by the Utility Board.

Section 20. PURCHASE OF LANDS.—Purchase of all lands deemed necessary by the Utility Board of the City of Key West, Florida shall be made subject to the following conditions:

(1) Such purchases shall be made only upon recommendation of the engineers of record of said board who shall advise the board that the acquisition of such lands is necessary for the expansion of the system. The Utility Board shall obtain appraisals from at least three (3) licensed and certified appraisers in the State of Florida.

(2) Said Utility Board shall pay no more than the highest appraisal furnished by the aforesaid appraisers.

Section 21. PUBLIC RECORDS.—The operating budget and all other records of said Utility Board shall be considered public records, and available for inspection by the public at the office of said Utility Board.

Section 22. SUCCESSOR TO RIGHTS AND OBLIGATIONS.—The Utility Board created by this act shall be and is hereby made the successor to the Utility Board of the City of Key West, Florida heretofore created and existing by virtue of Chapter 65-1770, Laws of Florida, Acts of the Legislature Year 1965, and all acts amendatory thereto, and shall succeed to all the rights, privilege, duties and obligations, monies, credits, and choices in action, properties, real, personal and mixed, of its predecessor board, including title to all properties belonging to its predecessor board. No obligations or contracts of its predecessor board, including bonds heretofore issued by its predecessor board, shall be impaired or voided by this act, but all such contracts and obligations shall pass to and be binding

upon the Utility Board created by this act.

Section 23. REFERENCES.—Whenever reference is made in this act to the governing body of the City of Key West, Florida, it shall be construed to mean the City Commission of the City of Key West, Florida, or to the successor to said City Commission of the City of Key West, Florida.

Section 24. REPEAL AND AMENDMENT.—It is hereby declared to be the intention of the Legislature that this act shall not be deemed repealed or amended by the passage of any act, whether general, special, or local, at this regular session of the Legislature, unless the act seeking to effect repeal or amend this act makes specific reference to this act for such purpose.

Section 25. SEVERABILITY.—The provisions of this act are severable, and it is the intention to confer the whole or any part of the powers herein provided for, and if any of the provisions of this act or any of the powers granted by this shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this act, or any of the remaining powers granted by this act. It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions or powers not been included therein.

Section 26. CONFLICT WITH LAWS.—All laws and parts of laws, whether general, special or local, particularly Chapter

65-1770, Laws of Florida, Acts of the Legislature Year 1965, and acts amendatory thereto, in conflict with this act, are hereby repealed to the extent of such conflict.

Section 27. CONSTRUCTION.—This act shall be liberally construed to effect the purposes thereof.

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

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1633 Okaloosa Gas District, Okaloosa, Santa Rosa, and Walton Counties
SPONSOR(S): Drake
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	15 Y, 0 N	Darden	Miller
2) Tourism, Infrastructure & Energy Subcommittee		Willson MW	Keating CK
3) State Affairs Committee			

SUMMARY ANALYSIS

The Okaloosa Gas District (District) is an independent special district formed in 1953 to own and operate natural gas transmission and distribution systems in Okaloosa County. The service area of the District has since expanded to include portions of Santa Rosa and Walton Counties. The District provides natural gas services to approximately 45,000 residential and commercial customers, as well as several military installations.

A five-member board of directors governs the District, with four members appointed by the city commissions of the members of the District and one member appointed by the Okaloosa County Board of County Commissioners. Members of the board do not receive compensation, but are entitled to reimbursement for expenses and a "director's fee" of up to $25 per month for board meetings they attend.

The bill expands the service area of the District to include all of Santa Rosa and Walton Counties, except for:

- Areas that would be included in the present boundaries of the District except for their explicit exclusion in the charter;
- The City of Defuniak Springs;
- The Town of Jay; and
- The City of Gulf Breeze and certain adjoining areas.

The bill provides that a defined area that is currently claimed as service area by both the District and City of Gulf Breeze is neither included nor excluded from the service area of the District, but that the Florida Public Service Commission will make a final determination of its status.

The bill also expands the District's board of directors to include members appointed by the county commissions of Santa Rosa and Walton Counties and increases the maximum "director's fee" to $244 per month.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

The Okaloosa Gas District (District) is an independent special district formed in 1953 to own and operate natural gas transmission and distribution systems in Okaloosa County.[1] The service area of the District has since expanded to include portions of Santa Rosa and Walton Counties.[2] The District provides natural gas services to approximately 45,000 residential and commercial customers, as well as several military installations.[3] The District also sells natural gas to the cities of Milton and Gulf Breeze for distribution by their municipal utility systems.

The District projects annual revenues for fiscal year 2020-2021 of $48.6 million, derived almost entirely from gas sale revenues.[4]

The District's charter states that the municipalities of Crestview, Niceville, Valparaiso, and Fort Walton Beach are "members" of the District.[5] Other municipalities in Okaloosa County may join the District by adopting a resolution, filed with the Secretary of State, requesting to join the District and stating the municipality will be bound by the duties applicable to other members. The board of directors of the District must approve this request for it to take effect. The charter also provides that other municipalities in counties adjoining Okaloosa County may become members of the District if their membership has been authorized by special act.

A five-member board of directors governs the District, with one member appointed by the governing body of each member municipality and one member appointed by the Okaloosa County Board of County Commissioners.[6] Members of the board serve a four-year term. Elected officials may serve as members of the board, except that no member of the Okaloosa County Board of County Commissioners may serve as a member.

Members of the board of directors do not receive compensation, but are reimbursed for actual expenses incurred in the performance of their official duties and may receive, subject to the discretion of the board, a "director's fee" of up to $25 for each director's meeting attended, not to exceed one meeting per month.

Effect of Proposed Changes

The bill expands the service area of the District to include all of Santa Rosa and Walton Counties, except for:

- Areas that would be included in the present boundaries of the District except for their explicit exclusion in the charter;
- The City of Defuniak Springs;
- The Town of Jay; and
- The City of Gulf Breeze and certain adjoining areas.

The bill also provides that a defined service area that is presently claimed by both the District and the City of Gulf Breeze is neither included nor excluded from the service area of the District, but the Florida Public Service Commission will make a final determination of its status.

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[1] Ch. 29334 (1953), Laws of Fla.
[2] *See* ch. 2000-443, s. 2(3), Laws of Fla.
[3] *About Us*, Okaloosa Gas District, https://www.okaloosagas.com/about-us (last visited Mar. 18, 2021).
[4] *FY 2021 Budget*, Okaloosa Gas District, available at https://www.okaloosagas.com/district-documents (last visited Mar. 18, 2021).
[5] Ch. 2000-443, s. 2(5), Laws of Fla.
[6] Ch. 2000-443, s. 2(8), Laws of Fla.

The bill expands the board of directors of the District to include:

- One member appointed by the Santa Rosa County Board of County Commissioners; and
- One member appointed by the Walton County Board of County Commissioners.

The bill increases the maximum "director's fee" paid to members of the board from $25 to $244, reflecting inflation since the initial amount was set in 1953.[7]

B. SECTION DIRECTORY:

Section 1: Amends ch. 2004-443, Laws of Fla., to expand the territorial limits of the District, revising membership of its board, and increasing the meeting attendance fee paid to each member of the board.

Section 2: Provides the bill shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes [x] No []

IF YES, WHEN? January 31, 2021

WHERE? The *Northwest Florida Daily News*, a daily newspaper of general circulation distributed in Okaloosa, Santa Rosa, and Walton Counties.

B. REFERENDUM(S) REQUIRED? Yes [] No [x]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes [x] No []

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither provides authority for nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

[7] Email from Gordon King, Chief Executive Officer, Okaloosa Gas District, RE: HB 1633 (Mar. 12, 2021). A copy of this email is on file with the Local Administration & Veterans Affairs Subcommittee.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to Okaloosa Gas District, Okaloosa, Santa Rosa, and Walton Counties; amending ch. 2000-443, Laws of Florida; revising the territorial limits and area of service of the district to include all of Santa Rosa County and all of Walton County; providing an exception; revising the membership of the Board of Directors to include one member appointed by each of the Board of County Commissioners of Santa Rosa and Walton Counties; revising the director's fee for each meeting attended by a member of the Board of Directors; providing an effective date.

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

Section 1. Sections 3 and 8 of section 2 of chapter 2000-443, Laws of Florida, are amended to read:

Section 3. Area of service.—The territorial limits and area of service of the District shall be Okaloosa County, Florida, and the following described areas in Santa Rosa County, Florida, and Walton County, Florida, to-wit:

(1) In Santa Rosa County, all of Santa Rosa County ~~an area 20 miles wide,~~ extending from the eastern boundary of Santa Rosa County~~,~~ to the western boundary of said county, ~~the center line of which shall be the presently existing transmission line of~~

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

~~the District,~~ excepting, however, from the above described area of Santa Rosa County:

(a) The area within the corporate limits of the Town of Milton and the surrounding territory presently served by the gas distribution system of said town;

(b) The area adjacent to State Highway 87 (Brewton Highway) from the intersection of said highway and the transmission line of the District northerly along said highway for a distance of 2 miles;

(c) The area adjacent to the New Chumuckla Highway from the intersection of said highway and State Highway 87 (Brewton Highway) westerly along said New Chumuckla Highway for a distance of 2 miles; ~~and~~

(d) The area adjacent to said Highway and the transmission line of the District east of Milton, in a westerly direction along said Highway 90 to the corporate limits of the Town of Milton;~~.~~

(e) The area within the corporate limits of the City of Gulf Breeze and the area from the eastern boundary of the corporate limits of the City of Gulf Breeze extending easterly approximately 11 miles to the line defined as the eastern boundary of Sections 4, 9, 16, 21 and 28 of Township 2 South, Range 27 West, which extends north and south from Santa Rosa Sound to East Bay;

(f) The area from the line defined as the eastern boundary

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of Sections 4, 9, 16, 21 and 28 of Township 2 South, Range 27 West, which extends north and south from Santa Rosa Sound to East Bay, and extending easterly to the line starting at the intersection US Highway 98 and Shannon Drive, going due south to Santa Rosa Sound, thence turning due north continuing to Manatee Road; thence turning west until the intersection of Basswood Drive; thence turning north until intersecting the Tom King Bayou tributary south of Cove Road; thence following this branch northwest to Tom King Bayou, thence north to East Bay is presently claimed as a service area by the District and by the City of Gulf Breeze and shall not be deemed to be included or excluded as a service area for the District. The service rights for this area shall be determined by a final nonappealable order of the Florida Public Service Commission or any successor agency; and

(g) The area within the corporate limits of the Town of Jay and the existing customers presently served by the gas distribution system of said town.

(2) In Walton County, all of Walton County extending from the eastern boundary of Walton County to the western boundary of said county, excepting, however, from the above described area of Walton County, the area within the corporate limits of the City of DeFuniak Springs and the existing customers presently served by the gas distribution system of said city ~~the area shall be all of that portion of Walton County lying south of~~

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~~Highway 20 and 10 miles north of Highway 20~~.

The District may acquire a supply of gas either within or without the District's territorial limits and area of service and may transport and transmit gas from the point of such acquisition to the system or systems of the District. The District may also sell and transport gas for delivery beyond the territorial limits and area of service of the District and acquire, finance, operate, maintain, extend, and improve gas transmission lines, laterals, and facilities beyond the territorial limits and area of service of the District for such purposes and also for the purpose of making direct sales to industrial and institutional users and to line tap commercial and residential users, but the District shall not acquire, construct, own, or operate any gas distribution system in any area other than within Santa Rosa, Okaloosa, or Walton Counties ~~the territorial limits and area of service of the District~~ as provided in this section, unless authorized by special act of the Legislature to do so.

Section 8. The Board of Directors.—The District shall have a Board of Directors, consisting of one member of each member municipality and one member appointed by the Board of County Commissioners of Okaloosa, Santa Rosa, and Walton Counties ~~County~~, to represent the interest of the unincorporated areas and the interest of the nonmember cities. The member for each

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member municipality shall be appointed by the governing body of such member municipality and the Board of County Commissioners of the respective counties ~~Okaloosa County~~ shall appoint one member from each county. The member shall serve for a term of 4 years and until his or her successor is appointed in like manner and qualified. Appointments to fill a vacancy shall be for the unexpired term. The representative of each municipality may, but need not be, the mayor or chief executive officer of such municipality and the member appointed by the Board of County Commissioners ~~of Okaloosa County~~ may, but need not be, an elected official, except and provided that no member of the Board of County Commissioners ~~of Okaloosa County~~ shall serve in such capacity. The members of the Board of Directors shall serve without compensation, except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties thereunder and, at the discretion of the Board of Directors, they may be paid a director's fee of not exceeding $244 ~~$25~~ for each directors' meeting attended by them, not exceeding one meeting during each calendar month. The appointing authority may remove any member of the Board of Directors within the term for which such member shall have been appointed for malfeasance or misfeasance in office or other just cause after giving to such member a copy of the charges against him or her and an opportunity to be heard in his or her defense.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 6011 Professional Sports Facilities
SPONSOR(S): Beltran and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Ways & Means Committee	16 Y, 1 N	Berg	Aldridge
2) Tourism, Infrastructure & Energy Subcommittee		Willson MW	Keating CK
3) Commerce Committee			

SUMMARY ANALYSIS

The Sports Development Program (Program) provides state funding for constructing, reconstructing, renovating, or improving professional sports facilities, as provided under s. 288.11625, F.S. The Program is administered by the Department of Economic Opportunity (DEO). In order to receive funding under the Program, DEO must first recommend an applicant's request for funding to the Legislature and receive approval, then certify the approved request for funding as an annual distribution amount to the Department of Revenue.

The Program is funded by state sales and use tax revenues. Individual facilities may receive up to $3 million annually, and no more than $13 million can be distributed under the Program in a single year. A facility can receive distributions for up to 30 years and up to $90 million per certified facility.

Entities eligible to participate in the Program include professional sports franchises of the National Football League, the National Hockey League, the National Basketball Association, Major and Minor League Baseball, Major League Soccer, the North American Soccer League, the Professional Rodeo Cowboys Association, the promoter or host of a signature event administered by the Breeders' Cup Limited or the promotor of a signature event hosted by the National Association of Stock Car Auto Racing (NASCAR).

The Legislature created the Sports Development Program in 2014. To date, no facilities or applicants have been approved to receive funding and no distributions have been made under the Program.

The bill repeals s. 288.11625, F.S., eliminating the Sports Development Program, and updates related sections to conform with the elimination of the Program.

The bill takes effect July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Florida Sports and Facilities

Florida is home to many professional and semi-professional sports teams, organizations, and facilities, including professional football, basketball, baseball, hockey, and soccer teams, National Association of Stock Car Racing (NASCAR) sanctioned tracks, and professional equestrian and rodeo events. Generally, team facilities are located on property leased by or purchased from local governments.

The following table provides basic information about the 10 professional sports franchises in Florida that could qualify for the Sports Development Program and their facilities:

Franchise	Sport	League	Year Founded	Facility	Facility Opened	County
Miami Dolphins	Football	NFL	1966	Hard Rock Stadium (originally Joe Robbie Stadium)	1987	Miami-Dade
Tampa Bay Buccaneers	Football	NFL	1976	Raymond James Stadium	1998	Hillsborough
Miami Heat	Basketball	NBA	1988	American Airlines Arena	1999	Miami-Dade
Orlando Magic	Basketball	NBA	1989	Amway Center	2010	Orange
Tampa Bay Lightning	Hockey	NHL	1992	Amalie Arena (previously Tampa Bay Times Forum)	1996	Hillsborough
Florida Panthers	Hockey	NHL	1993	BB&T Center	1998	Broward
Miami Marlins	Baseball	MLB	1993	Marlins Park	2012	Miami-Dade
Jacksonville Jaguars	Football	NFL	1995	TIAA Bank Field (previously EverBank Field)	1995	Duval
Tampa Bay Rays	Baseball	MLB	1998	Tropicana Field (occupied by Rays since 1998)	1990	Pinellas
Orlando City Soccer Club/ "Lions"	Soccer	MLS	2015	Exploria Stadium (previously Orlando City Stadium)	2017	Orange

In addition to the 10 major professional sports teams, Florida is also home to Major League Baseball's (MLB) Spring Training Grapefruit League, with 15 teams holding preseason training and exhibition games in the state.[1]

[1] For general information related to professional sports in Florida, see Florida Sports Foundation at http://www.flasports.com/ (last visited Mar. 3, 2021).

Professional Sports Franchise Program

The Professional Sports Franchise program allows professional sports franchises in Florida to receive state sales and use tax revenue to pay for the construction or renovation of a facility for a new or retained professional sports franchise.[2] Local governments, non-profit, and for-profit entities may apply to the program. Approved applicants are eligible to receive up to $2,000,004 per year for a period of up to 30 years.[3] No more than eight facilities can be certified under this program at one time.[4]

Currently, eight facilities receive distributions under the Professional Sports Franchise Program. Each facility is currently on track to receive $60 million, which is the maximum distribution allowable under this program ($166,667 per month or $2,000,004 per year, over 30 years), as follows:

Facility name	**Location, Certified entity, & Certification Date**	**Franchise**	**First and Final Payments**	**Lease Expiration Date**	**Total payments as of Aug. 2020**
Hard Rock Stadium (formerly Sun Life, Land Shark, Dolphin, Pro Player, Joe Robbie)	Miami, S. FL. Stadium Corp., May 1993	Miami Marlins[5]	06/1994 06/2023	99 year land lease, issued 1987	$54,000,108
TIAA Bank Field (previously EverBank Field)	Jacksonville, City of Jacksonville, April 1994	Jacksonville Jaguars	06/1994 05/2024	2030	$52,166,771
Tropicana Field	St. Petersburg, City of St. Petersburg, May 1995	Tampa Bay Rays	07/1995 06/2025	2027	$50,000,100
Amelie Arena (previously Tampa Bay Times Forum)	Tampa, Tampa Bay Sports Authority, July 1995	Tampa Bay Lightning	09/1995 08/2025	2025	$49,666,766
BB&T Center	Sunrise, Broward County, June 1996	Florida Panthers	08/1996 07/2026	2028	$47,833,429
Raymond James Stadium	Tampa, Hillsborough County, November 1996	Tampa Bay Buccaneers	01/1997 12/2026	2028	$47,000,094
American Airlines Arena	Miami, BPL, LTD, February 1998	Miami Heat	03/1998 03/2028	2030	$44,500,089
Amway Center	Orlando, City of Orlando, November 2007	Orlando Magic	02/2008 01/2038	2036	$24,833,383
				TOTAL:	**$370,000,740**

(*Information from the Office of Program Policy Analysis and Government Accountability (OPPAGA)*[6]

[2] S. 288.1162, F.S.
[3] S. 212.20(6)(d)6.b., F.S.
[4] S. 288.1162(6), F.S.
[5] The Marlins franchise relocated from Sun Life Stadium to Marlins Park in 2012.
[6] Office of Program Policy Analysis and Government Accountability, Report No. 20-08, Florida Economic Development Program Evaluations-Year 8, p. 48 (Dec. 2020).

Sports Development Program

The Sports Development Program[7] (Program) allows for distributions of state sales and use tax revenue pursuant to s. 212.20, F.S., to fund professional sports franchise facilities. The Department of Economic Opportunity (DEO) administers the Program and is responsible for screening applicants[8] for state funding. The purpose of the Program is to provide state funding for the construction, reconstruction, renovation, or improvement of a sports facility,[9] the proposed acquisition of land to construct a new facility, and construction of improvements to state-owned land necessary for the efficient use of the facility.

General Application and Approval Process

DEO accepts applications between June 1 and November 1 each year. Within 60 days of receiving a completed application, DEO is required to evaluate the application and notify the applicant in writing of its decision to recommend or deny approval. DEO provides the Legislature with a list of the recommended applicants, ranked in the order of the project's likelihood to positively impact the state. To receive funding, an application must be approved by the Legislature in a conforming bill or general law approved by the Governor, and DEO must certify the applicant and its approved request for funding and notify the Department of Revenue (DOR) of the initial certification and distribution amount.

An applicant remains certified for 30 years or the length of the agreement between the beneficiary[10] and the local government that owns the facility or the property on which the facility is or will be located, whichever is less.

DEO may only recommend one distribution per applicant, facility, or beneficiary. Furthermore, no facility or beneficiary can receive more than one distribution under s. 212.20, F.S., for any state-administered, sports-related program.[11] An exception exists for applicants who can show that the beneficiary that was the subject of a previous distribution under s. 212.20, F.S., no longer plays at the facility that is the subject of the application under the new program.

"Special" Application Process for New Facilities or Projects Commenced Before July 1, 2014[12]

Section 288.11625(11), F.S., provides for an alternative application process to receive state funding under the Program. Under this process, the Legislative Budget Commission (LBC) can approve applications for new facilities or projects that commenced between March 1, 2013, and July 1, 2014, and such applicants are not subject to the competitive evaluation and ranking component. An applicant

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[7] S. 288.11625, F.S.

[8] Section 288.11625(2), F.S. An "Applicant" is a unit of local government which is responsible for the construction, management, or operation of a facility; or an entity that is responsible for the construction, management, or operation of a facility if a unit of local government holds title to the underlying property on which the facility is located.

[9] *Id.* A "Facility" is a structure, and its adjoining parcels of local-government-owned land, primarily used to host games or events held by a beneficiary and does not include any portion used to provide transient lodging.

[10] *Id.* A "Beneficiary" is a professional sports franchise of the NFL, NHL, NBA, the National League or American League of MLB, Minor League Baseball, MLS, the North American Soccer League (NASL), the Professional Rodeo Cowboys Association (PRCA), the promoter or host of a signature event administered by Breeders' Cup Limited, or the promoter of a signature event sanctioned by the National Association for Stock Car Auto Racing (NASCAR). A beneficiary may also be an applicant under this program.

[11] Such sports-related programs include Professional Sports Franchises (s. 288.1162, F.S.), Spring Training Baseball Franchises (s. 288.11621, F.S.), Sports Development (s. 288.11625, F.S.), and Retention of MLB Spring Training Franchises (s. 288.11631, F.S.). However, if an applicant for the Sports Development Program is already receiving distributions under the Professional Sports Franchises Program (s. 288.1162, F.S.) for the same facility or beneficiary, the applicant is eligible for an additional distribution of up to $1 million if the total project cost exceeds $100 million.

[12] DEO Memorandum, *Re Sports Development Statute*, http://www.floridajobs.org/docs/default-source/division-of-strategic-business-development/sports-development-program/sports-development-statute-memo.pdf?sfvrsn=6 (last visited Mar. 3, 2021).

certified under the special application process remains subject to other provisions and requirements under the Program.

Distribution of State Funds

The amount that an applicant may receive is based on 75 percent of the average annual new incremental state sales taxes generated by sales at the facility. Annual distributions are limited by the following tiered system:

- If the total project cost is $200 million or greater, the annual distribution amount may be up to $3 million.
- If the total project cost is at least $100 million, but less than $200 million, the annual distribution amount may be up to $2 million.
- If the total project cost is at least $30 million, but less than $100 million, the annual distribution amount may be up to $1 million.

DEO is required to consult with DOR and the Legislature's Office of Economic and Demographic Research (EDR) to develop a standard calculation for estimating the average annual new incremental state sales taxes generated by sales at the facility.

Use of Funds

Once certified, applicants may use Sports Development Program funds for the following purposes:

- Constructing, reconstructing, renovating, or improving a facility or reimbursing such costs;
- Paying or pledging for the payment of debt service on bonds issued for the construction or renovation of a facility;
- Funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto on bonds issued for the construction or renovation of a facility; and
- Reimbursing the costs associated with debt service payments or refinancing of bonds issued for the construction or renovation of a facility.

Contract

Certified applicants must enter into a contract with DEO that:

- Specifies the terms of the state's investment;
- States the criteria that the certified applicant must meet in order to remain certified;
- Requires the applicant to submit the independent analyses required by the Program;
- Specifies information that the certified applicant must report to DEO; and
- Includes any provisions deemed prudent by DEO.

The contract must also require the applicant to reimburse the state, after all distributions have been made, any amount by which the total distributions made under the program exceed actual new incremental state sales taxes generated by sales at the facility during the contract, plus a 5 percent penalty on that amount. Reimbursements due to the state must be made within 90 days after the last distribution. If the applicant is unable or unwilling to reimburse the state, DEO may place a lien on the applicant's facility. If the applicant is a municipality or county, it may reimburse the state from its half-cent sales tax allocation.

Repayment of Distributions

A certified applicant may be required to repay distributions if:

- An applicant's beneficiary breaks the terms of its agreements and relocates, or no longer occupies or uses the facility as the facility's primary tenant. The beneficiary is required to reimburse the state for such distributed funds, plus a five percent penalty, if the beneficiary relocates before the agreement expires.
- DEO determines that the applicant submitted false, misleading, deceptive, or otherwise untrue information. As above, the applicant is required to reimburse the state, plus a five percent penalty. Applicants that are a municipality or a county may reimburse the state from their half-cent sales tax allocation.

Applicant History under the Sports Development Program

To date, no applicants have been certified and no funds have been distributed under the Program.

In FY 2014-15, DEO received four applications: the City of Jacksonville, the City of Orlando, Daytona International Speedway, LLC, and South Florida Stadium, LLC. All applicants qualified for the "special" application process.

In FY 2015-16, DEO received four applications: Buccaneers Football Stadium Limited Partnership, the City of Jacksonville, Daytona International Speedway, LLC, and South Florida Stadium, LLC. The Buccaneers application was incomplete and not transmitted to the Legislature, the other applications qualified for the special application process.

In FY 2016-17, DEO received one application, from Buccaneers Stadium, LLC. DEO reviewed the application under the "general" application process.

DEO did not receive any applications for the Program in FYs 2017-18, 2018-19, or 2019-20.[13]

Sales and Use Tax

Chapter 212, F.S., contains the state's statutory provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. A six percent sales and use tax is levied on tangible personal property and a limited number of services. Additionally, s. 212.20, F.S., contains statutory direction for the schedule of distributions approved for the Professional Sports Franchise Program and the Sports Development Program.

Local Government Half-cent Sales Tax (Section 218.64, F.S.)

Authorized in 1982, the Local Government Half-cent Sales Tax Program generates the largest amount of revenue for local governments among the state-shared revenue sources currently authorized by the Legislature.[14] It distributes a portion of state sales tax revenue via three separate distributions to eligible county or municipal governments. Additionally, the program distributes a portion of communications services tax revenue to eligible local governments. Allocation formulas serve as the basis for these separate distributions. The program's primary purpose is to provide relief from ad valorem and utility taxes in addition to providing counties and municipalities with revenues for local programs.[15]

Municipalities are authorized to spend their portion of the local government half-cent sales tax for:
- municipality-wide programs,
- reimbursing the state as required by the Sports Development Program, or
- municipality-wide property tax or municipal utility tax relief.

[13] Staff Phone Call with John Schrader, Director of Legislative Affairs, DEO (Mar. 3, 2021).
[14] Ch. 82-154, Laws of Fla.
[15] EDR, 2020 Local Government Financial Information Handbook (December 2020), p. 55.

Counties are authorized to spend their portion of the local government half-cent sales tax for countywide tax relief or countywide programs. Subject to certain conditions, counties may also use up to $3 million annually of the local government half-cent sales tax for the following purposes:

- new or retained professional sports franchises under s. 288.1162, F.S. or a spring training franchise under s. 288.11621, F.S.
- a certified applicant as a motorsport entertainment complex under s. 288.1171, F.S., or
- reimbursing the state as required by the Sports Development Program.

Additionally, counties and municipalities are authorized to pledge proceeds of the local government half-cent sales tax for the payment of principal and interest on any capital project.

Economic Development Programs Evaluation

Section 288.0001, F.S., requires EDR and OPPAGA to include the Sports Development Program among the list of economic development programs scheduled to be reviewed and analyzed by January 1, 2018, and every three years thereafter. As no applicants have been certified under the Program and no funds have been distributed, neither OPPAGA[16] nor EDR[17] was able to review and analyze the Program in its first three-year reporting cycle.

Effect of Proposed Changes

The bill repeals s. 288.11625, F.S., eliminating the Sports Development Program. To conform with the elimination of the Program, the bill also removes provisions relating to the distribution of funds under the program, reimbursement provisions, and reporting requirements.

The bill takes effect July 1, 2020.

B. SECTION DIRECTORY:

Section 1 Repeals s. 288.11625, F.S., relating to the Sports Development Program.

Section 2 Amends s. 212.20, F.S., conforming provisions to changes made by the act.

Section 3 Amends s. 218.64, F.S.; conforming provisions to changes made by the act.

Section 4 Amends s. 288.0001, F.S.; conforming provisions to changes made by the act.

Section 5 Amends s. 212.205, F.S.; conforming a cross-reference.

Section 6 Provides an effective date.

[16] OPPAGA, Report No. 17-13, Florida Economic Development Program Evaluations-Year 5, p. 45 (Dec. 28, 2017).
[17] EDR, Return on Investment for the Florida Sports Foundation Grants and Related Programs, p. 1 (Jan. 1, 2018).

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. No state funding was authorized and no applicants were ever approved by the Legislature under the program being repealed.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create the need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to professional sports facilities; repealing s. 288.11625, F.S., relating to state funding for sports facility development by a unit of local government, or by a certified beneficiary or other applicant, on property owned by the local government; amending ss. 212.20, 218.64, and 288.0001, F.S.; conforming provisions to changes made by the act; amending s. 212.205, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Section 288.11625, Florida Statutes, is repealed.

Section 2. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

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1. In any fiscal year, the greater of $500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less $5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0966 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and

3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the

district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute $166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to $41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than $416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in

this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

c. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, $166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, $83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

e. The department shall distribute up to $83,333 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to $166,667 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring

training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

~~f. Beginning 45 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been approved by the Legislature and certified by the Department of Economic Opportunity under s. 288.11625 or upon a date specified by the Department of Economic Opportunity as provided under s. 288.11625(6)(d), the department shall distribute each month an amount equal to one-twelfth of the annual distribution amount certified by the Department of Economic Opportunity for the applicant. The department may not distribute more than $13 million annually under this sub-subparagraph.~~

f.~~g.~~ The department shall distribute $15,333 monthly to the State Transportation Trust Fund.

7. All other proceeds must remain in the General Revenue Fund.

Section 3. Subsection (2) and paragraph (c) of subsection (3) of section 218.64, Florida Statutes, are amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

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

(2) Municipalities shall expend their portions of the local government half-cent sales tax only for municipality-wide programs~~, for reimbursing the state as required pursuant to s. 288.11625,~~ or for municipality-wide property tax or municipal utility tax relief. All utility tax rate reductions afforded by participation in the local government half-cent sales tax shall be applied uniformly across all types of taxed utility services.

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to $3 million annually of the local government half-cent sales tax allocated to that county for any of the following purposes:

~~(c) Reimbursing the state as required under s. 288.11625.~~

Section 4. Paragraph (e) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and

OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

~~(c) Beginning January 1, 2018, and every 3 years thereafter, an analysis of the Sports Development Program established under s. 288.11625.~~

Section 5. Section 212.205, Florida Statutes, is amended to read:

212.205 Sales tax distribution reporting.—By March 15 of each year, each person who received a distribution pursuant to s. 212.20(6)(d)6.b.-e. ~~s. 212.20(6)(d)6.b.-f.~~ in the preceding calendar year shall report to the Office of Economic and Demographic Research the following information:

(1) An itemized accounting of all expenditures of the funds distributed in the preceding calendar year, including amounts spent on debt service.

(2) A statement indicating what portion of the distributed funds have been pledged for debt service.

(3) The original principal amount and current debt service schedule of any bonds or other borrowing for which the distributed funds have been pledged for debt service.

Section 6. This act shall take effect July 1, 2021.