

FLORIDA HOUSING FINANCE CORPORATION
Board Meeting
June 18, 2021
Action Items



FISCAL

Action

I. FISCAL

A. Fiscal Year 2021/2022 Trust Fund Allocation

1. Background

- a) In most state fiscal years, Florida Housing Finance Corporation has been appropriated spending authority from state documentary stamp tax collections in the Housing Trust Funds. Section 420.507, Florida Statutes (F.S.), authorizes Florida Housing to expend such amounts advanced to further its mission. Of particular mention are the state programs provided for in Chapter 420, Part V, F.S., including the State Apartment Incentive Loan (SAIL) program. [Exhibit A](#) shows the historical allocation of funds.
- b) In some years the Legislature specifies where all funding appropriated to Florida Housing will be spent, while in other years, the Legislature appropriates some or all funding in a lump sum to the Corporation for Florida Housing to allocate to state programs. This allows Florida Housing to allocate funding across programs as warranted by real estate and financial markets and housing needs.

2. Present Situation

- a) For the state Fiscal Year beginning July 2021, the General Appropriations bill includes a \$62.5 million appropriation from the State Housing Trust Fund for “Affordable Housing Programs.”
- b) No proviso language accompanied this line item, meaning the Legislature did not make any specific program designations.
- c) The entire \$62.5 million appropriation is available for allocation by the Board.
- d) Staff recommends the following allocations:
 - (1) Florida Housing Data Clearinghouse – Up to \$335,000 – Founded in 2000 with support from Florida Housing’s Board of Directors, the Clearinghouse provides a free, web-based portal for data and reports on demographics, housing need and supply across local communities and at the state level throughout Florida. The Clearinghouse is managed by the Shimberg Center for Housing Studies at the University of Florida and is heavily used by local planners, state policymakers, non-profit organizations, grant writers and reporters seeking information about Florida’s affordable housing needs. Florida Housing regularly uses Clearinghouse data to assist in policy decisions and relies on Clearinghouse staff to run special reports as needed for this purpose (e.g., impacts from Hurricane Michael or COVID-19). The scope of the annual work to keep the Clearinghouse operating is detailed in a contract with the Center. Note that additional support from other sources provided by the Shimberg Center also pays for Clearinghouse activities.

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- (2) SAIL – \$62,165,000 – The overall physical occupancy rate for Florida Housing's rental portfolio was over 97 percent at the end of 2020, higher than the occupancy rate for all rental properties in Florida. This represents nearly full occupancy, as there is always some unit turnover. There remains a shortage of affordable rental housing in Florida. Allocating these funds to the SAIL program ensures that Florida Housing continues to respond to the strong demand for affordable rental housing.

3. **Recommendation**

- a) Staff recommends that the Board approve the allocation of the Fiscal Year 2021-2022 discretionary appropriation from the State Housing Trust Fund as follows:
 - (1) For the Florida Housing Data Clearinghouse, up to \$335,000, with any funds not used for the Data Clearinghouse going to the SAIL program.
 - (2) For the SAIL Program, \$62,165,000, or the remaining appropriation available after funding the Data Clearinghouse.

LEGAL

Action

I. LEGAL

A. **Arthur Mays Villas Phase One, LLC v. Florida Housing Finance Corporation and MHP FL I, LLC, FHFC Case No. 2021-005BP, DOAH Case No. 21-0610BID**

1. **Background**

- a) This case regards protests filed in Request for Applications 2020-203, “Housing Credit Financing for Affordable Housing Developments Located in Miami-Dade County” (the “RFA”). Through the ranking and selection process outlined in the RFA, three applicants were preliminarily selected for funding, including MHP FL I, LLC (“MHP” or “Southpointe Vista”). Arthur Mays Villas Phase One, LLC (“Arthur Mays”) was found eligible but was not selected for funding.
- b) Arthur Mays timely filed a notice of intent to protest and a formal written protest challenging the eligibility of MHP. The petition was referred to the Division of Administrative Hearings. Two other petitions were filed but were dismissed prior to hearing.

2. **Present Situation**

- a) The hearing was conducted on March 16 and 19, 2021 before Administrative Law Judge (“ALJ”) J. Bruce Culpepper by Zoom video conference in Tallahassee, Florida. Arthur Mays contended that MHP should have been found ineligible for funding because one of the principals of the applicant was not registered to transact business in Florida, and because MHP had materially misrepresented the total land cost of the development site. After the hearing, the parties filed Proposed Recommended Orders. After reviewing the Proposed Recommended Orders, the ALJ issued a Recommended Order on May 26. A copy of the Recommended Order is attached as [Exhibit A](#). The ALJ recommended that Florida Housing enter a final order finding that MHP was eligible for funding and dismissing the petition of Arthur Mays.

3. **Recommendation**

- a) Staff recommends the Board adopt the Findings of Fact and Conclusions of Law of the Recommended Order and issue a Final Order accordingly.

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- B. HTG Astoria, Ltd v. Florida Housing Finance Corporation and RST The Willows, LP; FHFC Case No. 2021-006BP, DOAH Case No. 21-0725BID**

MHP FL VIII, LLLP v. Florida Housing Finance Corporation and Fulham Terrace, Ltd., BDG Fern Grove, LP, and Quiet Meadows, Ltd.; FHFC Case No. 2021-014BP, DOAH Case No. 21-0726BID

Vista at Coconut Palm, Ltd. v. Florida Housing Finance Corporation, University Station I, LLC, Residences at SoMi Parc, LLC, and BDG Fern Grove, LP; FHFC Case No. 2021-017BP, DOAH Case No. 21-0727BID

1. Background

- a) This case regards protests filed in Request for Applications 2020-205 SAIL Financing of Affordable Multifamily Housing Developments to be Used in Conjunction with Tax-Exempt Bonds and Non-Competitive Housing Credits (the “RFA”). Through the ranking and selection process outlined in the RFA, seventeen applicants were preliminarily selected for funding, including RST The Willows, LP (“Willows”), Residences at SoMi Parc, LLC (“SoMi”), Douglas Gardens IV, Ltd. (“Douglas Gardens”), Quiet Meadows, Ltd. (“Quiet Meadows”), and BDG Fern Grove, LP (“Fern Grove”). HTG Astoria, Ltd (“HTG Astoria”), MHP FL VIII, LLLP (“MHP”), and Vista at Coconut Palm, Ltd (“Vista”) were found eligible but were not selected for funding.
- b) HTG Astoria, Tallman Pines HR, Ltd. (“Tallman Pines”), Douglas Gardens, MHP, and Vista timely filed petitions challenging the eligibility and scoring of other applications. Tallman Pines and Douglas Gardens voluntarily dismissed their respective petitions. All other petitions were referred to the Division of Administrative Hearings and consolidated. Prior to the hearing, several stipulations were entered into evidence which resulted in the Willows, SoMi, Douglas Gardens, Quiet Meadows, and MHP admitting ineligibility for funding in RFA 2020-205.

2. Present Situation

- a) The hearing was conducted as scheduled on March 29, 2021 via Zoom technology before Administrative Law Judge (“ALJ”) G. W. Chisenhall at the Division of Administrative Hearings (“DOAH”). At hearing, only one disputed issue remained: whether University Station demonstrated site control pursuant to the requirements in the RFA.
- b) At hearing, Vista argued that University Station should be ineligible for funding because it failed to include a current lease between Barry University and the owner of the property for one of University Station’s Scattered Sites. Florida Housing and University Station argued that the site control documentation met the requirements in the RFA, and that the Barry University lease is not relevant to demonstrate whether or not University Station met the requirements in the RFA regarding leases.
- c) After the hearing, the parties filed Proposed Recommended Orders. After reviewing the Proposed Recommended Orders, the ALJ issued a Recommended Order on May 17, 2021. A copy of the Recommended Order is attached as [Exhibit B](#). In sum, the ALJ found that Vista failed to meet its burden, that University Station met the RFA requirements for site control, and that Florida Housing reasonably applied the RFA’s site control requirements for a lease to

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University Station's site control documentation. The ALJ recommended that Florida Housing enter a final order 1) awarding funding to University Station, subject to credit underwriting, and 2) finding that the applications submitted by Douglas Gardens, MHP, Quiet Meadows, Willows, and SoMi are ineligible for funding.

- d) On May 26, 2021, Vista filed exceptions to the Recommended Order, attached as [Exhibit C](#). On June 4, 2021, Florida Housing and University Station filed a response to Vista's exceptions, a copy of which is attached as [Exhibit D](#).
- e) Attached as [Exhibit E](#) is a spreadsheet listing the applications that will be invited to credit underwriting if the Board adopts the Recommendation of the Recommended Order.

3. **Recommendation**

- a) Staff recommends that the Board:
 - (1) reject Vista's exceptions
 - (2) adopt the findings of Fact, Conclusions of Law, and Recommendation of the Recommended Order, and
 - (3) issue a Final Order consistent with same in this matter.

MULTIFAMILY PROGRAMS

Action

I. MULTIFAMILY PROGRAMS

A. RFA 2021-105 Financing To Build Smaller Permanent Supportive Housing Properties For Persons With Developmental Disabilities

1. Background

- a) On March 9, 2021, Florida Housing Finance Corporation (Florida Housing) issued RFA 2021-105 offering \$6,900,000 in grant funding to finance small Permanent Supportive Housing Developments for housing for Persons with Developmental Disabilities as defined in Section 393.063, F.S.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, April 21, 2021.

2. Present Situation

- a) Florida Housing received 7 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Joey Evans, Multifamily Programs Allocations Analyst (Chair), Diana Fields, Policy Administrator, Sheila Freaney, Board liaison/Executive Assistant, Ryan McKinless, Multifamily Programs Manager, Elaine Roberts, Senior Supportive Housing Analyst. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its June 2, 2021 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2021-105 All Applications chart (provided as [Exhibit A](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results as set out on Exhibit A and recommendations for funding as set out on [Exhibit B](#);
 - (2) A motion to recommend that the Board approve the scoring results as set out on Exhibit A and recommendations for funding as set out on Exhibit B.
- e) The motions passed unanimously.

MULTIFAMILY PROGRAMS

Action

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 7 Applications and authorize the tentative selection of the 5 Applications (set out on Exhibit A) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue a Corporation letter of preliminary award to the Applications set out on the Exhibit B.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to the Applicants in the funding range.
- d) There is an unallocated balance of \$4,664,250 of grant funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS

Action

B. RFA 2021-108 Financing To Develop Housing For Persons With Developmental Disabilities

1. Background

- a) On May 20, 2021, Florida Housing Finance Corporation (Florida Housing) issued RFA 2021-108 offering \$183,000 in Competitive Housing Credits and \$4,600,000 in Grant funding for Non-Profit Applicants proposing the development of independent Permanent Supportive Housing for Persons with Developmental Disabilities.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, June 3, 2021.

2. Present Situation

- a) Florida Housing received 1 Application in response to this RFA. The Review Committee members, designated by the Executive Director, were Tracy Willis, Quality Assurance Credit Underwriter Administrator, (Chair), Diana Fields, Policy Administrator, Rachael Grice, Multifamily Programs Coordinator, Cori MacDougall, Multifamily Programs Manager, Elaine Roberts, Senior Supportive Housing Analyst, and Zach Summerlin, Assistant Policy Director/Supportive Housing Coordinator. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its June 9, 2021 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2021-108 All Applications chart (provided as [Exhibit C](#)) lists the Application.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results as set out on Exhibit C and recommendations for funding as set out on [Exhibit D](#);
 - (2) A motion to recommend that the Board approve the scoring results as set out on Exhibit C and recommendations for funding as set out on Exhibit D.
- e) The motions passed unanimously.

3. Recommendation

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 1 Applications and authorize the tentative selection of the 1 Application (set out on Exhibit D) for funding.

MULTIFAMILY PROGRAMS

Action

- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on the Exhibit D.
- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to the Applicants in the funding range.
- d) There is an unallocated balance \$3,400,000 in Grant funding and \$0 in Competitive Housing Credit funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS

Action

C. RFA 2021-208 SAIL And Housing Credit Financing For The Construction Of Workforce Housing

1. **Background**

- a) On March 15, 2021, Florida Housing Finance Corporation (Florida Housing) issued RFA 2021-208 offering \$2,980,000 in Competitive Housing Credits and \$18,514,000 in SAIL for the construction of workforce housing in Broward, Miami-Dade, and Monroe counties.
- b) The deadline for receipt of Applications was 3:00 p.m., Eastern Time, April 22, 2021.

2. **Present Situation**

- a) Florida Housing received 10 Applications in response to this RFA. The Review Committee members, designated by the Executive Director, were Joey Evans, Multifamily Programs Allocations Analyst (Chair), Tammy Bearden, Loan Closing Manager, and Lisa Walker, Multifamily Programs Manager. Each member of the Review Committee independently evaluated and scored their assigned portions of the submitted Applications, consulting with non-committee staff and legal counsel as necessary and appropriate.
- b) At its June 2, 2021 Review Committee meeting, the individual committee members presented their scores and the Committee carried out the funding selection process in accordance with Section Five, B. of the RFA. The individual scores are set forth on the RFA webpage and can be accessed [here](#).
- c) The RFA 2021-208 All Applications chart (provided as [Exhibit E](#)) lists the eligible and ineligible Applications. The eligible Applications (i.e., Applications that met all criteria to be eligible to be considered for funding) and the ineligible Applications are listed in assigned Application Number order.
- d) The Review Committee considered the following motions:
 - (1) A motion for the Review Committee to approve the scoring results as set out on Exhibit E and recommendations for funding as set out on [Exhibit F](#);
 - (2) A motion to recommend that the Board approve the scoring results as set out on Exhibit E and recommendations for funding as set out on Exhibit F.
- e) The motions passed unanimously.

3. **Recommendation**

- a) Approve the Committee's recommendations that the Board adopt the scoring results of the 10 Applications and authorize the tentative selection of the 4 Applications (set out on Exhibit F) for funding.
- b) If no notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., staff will proceed to issue an invitation to enter credit underwriting to the Applications set out on the Exhibit F.

MULTIFAMILY PROGRAMS

Action

- c) If a notice of protest or formal written protest is filed in accordance with Section 120.57(3), Fla. Stat., et. al., then at the completion of all litigation, staff will present all Recommended Orders for Board approval prior to issuing invitations to enter credit underwriting to the Applicants in the funding range.
- d) There is an unallocated balance of \$296,497 of Competitive Housing Credits and \$1,044,000 of SAIL funding remaining. As provided in Section Five, B. of the RFA, any remaining funding will be distributed as approved by the Board.

MULTIFAMILY PROGRAMS

Action

D. 2021-2022 Tentative Funding Amounts and Timeline for Request for Applications (RFAs) for Multifamily Developments

1. Background

a) During the remainder of 2021 and first half of 2022, the Corporation expects to offer the following funding through various RFAs as set forth in a tentative 2021-2022 Funding Amounts/Timeline plan:

- (1) Estimated \$102,500,000 in State Apartment Incentive Loan (SAIL) Program funding comprised of \$62,165,000 from 2021 legislative appropriation, and \$40,335,000 in SAIL program income¹, split by the following demographic and geographic categories in accordance with the 2019 Rental Market Needs Study and Sec. 420.5087, Florida Statutes:

Demographic

5%	Farmworker/Commercial Fishing Worker
10%	Homeless Households
13%	Persons with Special Needs
25%	Elderly (10% set-aside for Elderly Housing Community Loan (EHCL) Program)
47%	Families (includes Monroe County Workforce RFA, as set forth in Exhibit G , referenced below)

Geographic

10%	Small Counties
36%	Medium Counties
54%	Large Counties

- b) Estimated \$TBD of National Housing Trust Fund (NHTF); and
- c) Estimated \$55,000,000 in Housing Credit (HC) allocation (anticipated 2022 Annual Allocation of HC), split by the following demographic and geographic categories as set forth in accordance with the 2021 Qualified Allocation Plan.

Demographic

3%* High Priority as defined by the Board:

*Per the Qualified Allocation Plan, 5% of the competitive Housing Credits is designated as High Priority, as defined by the Board. Staff recommends \$1,500,000 of the High Priority funding (3%) to be allocated to the Monroe County Workforce RFA (set forth in Exhibit G, referenced below), with the remaining 2% flowing into the remaining Allocation Authority.

5% Persons with a Disabling Condition

Remaining Allocation Authority split by the following geographic areas:

¹ Program income includes the amount of unallocated SAIL funding remaining from RFAs issued in RFAs in the 2020-2021 RFA funding cycle.

MULTIFAMILY PROGRAMS

Action

- 3.1% Small Counties
- 36.2% Medium Counties (includes one Preservation Award and one Homeless Demographic Award)
- 60.7% Large Counties (includes one Preservation Award and one Homeless Demographic Award)

2. Present Situation

- a) The Tentative 2021-2022 Funding Amounts/Timeline plan, outlining the tentative timeframes for the various RFAs for which staff expects to hold workshops and issue through the remainder of 2021 and into the first half of 2022, with the estimated funding amounts reflected above is attached as Exhibit G. In addition, the 2022 Estimated Housing Credit Allocation Amounts spreadsheet is attached as [Exhibit H](#) and the 2021-2022 SAIL Allocation Amounts spreadsheet is attached as [Exhibit I](#).

3. Recommendation

- a) Authorize staff to proceed with the development of various RFAs and authorize the Executive Director to establish a review committee for each RFA, as each RFA is issued, to make recommendations for award to the Board.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

I. PROFESSIONAL SERVICES SELECTION (PSS)

A. Competitive Solicitation for Management Company Services

1. Background

- a) Occasionally, it becomes necessary for Florida Housing to replace the Management Company that operates an affordable multifamily housing development for which Florida Housing has made a loan. When this occurs, Florida Housing has a need for qualified firms to perform Management Company services to ensure full compliance with all applicable federal, state, and local laws including specific requirements, procedures, and guidelines for the HOME Investment Partnership Program, MMRB Program, SAIL Program, and Demonstration Development Programs in the event of foreclosure, and for the Housing Credit Program when a development also participates in a Florida Housing loan program.

2. Present Situation

- a) Current contract information is as follows:

Contract Number	Vendor	Initial Term Start Date	Current Expiration Date
019-2015	Royal American Management, Inc.	12/24/2015	12/23/2021
020-2015	WRH Realty Services, Inc.	3/26/2016	3/25/2022

3. Recommendation

- a) Authorize staff to begin the competitive solicitation process to select a pool of Management Companies.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

B. Competitive Solicitation for Technical Assistance Provider (TAP) Services

1. Background

- a) Florida Housing contracts with experienced third-party providers to provide technical assistance services which are conducted on-site, via e-mail, and by telephone. This assistance covers aspects of the development process including putting together a development plan, how to access private and public resources and how to work with consultants and other members of the development team.
- b) A key element to the success of the Predevelopment Loan (PLP) program is the provision of technical assistance to the non-profits, Public Housing Authorities and other community-based organizations that apply for loans under the PLP program. This technical assistance, provided at no cost to the applicant, is designed to build capacity in these organizations to assist in the development process including the competitive funding to allocate Florida Housing's resources. Applicants to the PLP program are required to work with a TAP. The TAP must submit a recommendation that the applicant has developed a feasible plan to Florida Housing prior to a loan being approved by the Board.
- c) Additionally, Florida Housing issues demonstration loans from time to time through a competitive solicitation process. These solicitations are often targeted for very specialized housing or to mission-based developers that specialized in serving specific groups. Florida Housing has found that the provision of technical assistance to these developers has proven beneficial in the developments moving forward and units being constructed timely and successfully.

2. Present Situation

- a) The current contracts for these services with Corporate Organizational Innovations & Solutions, LLC; Corporation for Supportive Housing, Inc.; and Florida Housing Coalition, Inc., are set to expire on January 6, 2022, and there are no renewal options remaining.

3. Recommendation

- a) Authorize staff to begin the competitive solicitation process to select a pool of qualified firms to provide TAP services.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

C. Contract Renewal for Independent Registered Municipal Advisor (IRMA)

1. Background

- a) Since 2014, Florida Housing has retained an IRMA in order to receive the best information and recommendations from the underwriting team prior to issuing tax exempt bonds. At the May 4, 2018 meeting, the Board authorized staff to enter into contract negotiations with Caine Mitter and Associates Incorporated, and the resulting agreement is set to expire on October 2, 2021.
- b) Contingent upon satisfactorily performing its obligations under the contract as determined by Florida Housing, this contract may be renewed for an additional three-year period.

2. Present Situation

- a) Florida Housing staff supports using the three-year renewal option.

3. Recommendation

- a) Staff recommends the Board direct staff to proceed with the three-year renewal option.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

D. Contract Renewal for Printing and Electronic Distribution of Official Statements

1. Background

- a) Florida Housing uses an outside firm to provide services for the printing, binding, shipping, and electronic transmission of preliminary and final official statements. At the May 4, 2018 meeting, the Board authorized staff to enter into contract negotiations with ImageMaster, LLC, and the resulting agreement is set to expire on August 19, 2021.
- b) Contingent upon satisfactorily performing its obligations under the contract as determined by Florida Housing, this contract may be renewed for an additional three-year period.

2. Present Situation

- a) Florida Housing staff supports using the three-year renewal option.

3. Recommendation

- a) Staff recommends the Board direct staff to proceed with the three-year renewal option.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

E. Single Source Procurement for OnBase Licensing

1. **Background**

- a) Florida Housing uses OnBase as its document management system, and Hyland Software, Inc., is the developer of OnBase software. At the January 23, 2020 meeting, the Board approved an upgrade to an enterprise license with increased functionality. These licenses contain more robust functionality to better integrate OnBase with Florida Housing's multifamily line of business software, ProLink.
- b) OnBase is proprietary software and Hyland Software, Inc., is the only entity able to provide licensure.

2. **Present Situation**

- a) Staff believes that it is in the best interest of Florida Housing to continue with these services and proceed with an updated, one-year contract.

3. **Recommendation**

- a) Staff recommends that the Board authorize staff to enter into negotiations for a one-year, single source contract with Hyland Software, Inc., for continued access to the enterprise license.

PROFESSIONAL SERVICES SELECTION (PSS)

Action

F. Request Approval of Rule (67-49, F.A.C.) and Submission of Notice of Proposed Rule

1. Background

- a) The Procurement of Commodities or Contractual Services rule was enacted on January 31, 1999. The purpose of this rule is to establish the procedure by which the corporation shall procure commodities or contract for services, and it falls under the power of s.420.507(27), Fla. Stat., which states that “notwithstanding the provisions of chapter 282 and part 1 of chapter 287, to establish guidelines for and to implement the purchase and procurement of materials and services for use by corporation.” The rule was last amended on February 13, 2020.

2. Present Situation

- a) On April 30, the Board authorized staff to proceed with rulemaking and a Notice of Proposed Rule Development was posted in the May 6, 2021 issue of the Florida Administrative Register, Vol. 47/88.
- b) The proposed changes are to update statutory references, add a definition for cooperative contracts, and clarify that procurements relating to payroll services and workspace are not subject to competitive sealed response requirements. A copy of the draft Notice of Proposed Rule is attached as [Exhibit A](#).
- c) As of press time, there have been no comments from the Joint Administrative Procedures Committee, nor a request for a workshop.

3. Recommendation

- a) Authorize staff to proceed with filing the Notice of Proposed Rule for Rule 67-49, Florida Administrative Code.