

Tab 1	SB 92 by Hooper; (Similar to CS/H 00095) Yacht and Ship Brokers' Act						
Tab 2	SB 174 by Burgess (CO-INTRODUCERS) Collins; (Compare to H 00725) Veterans' Long Term Care Facilities Admissions						
Tab 3	CS/SB 186 by HP, Brodeur (CO-INTRODUCERS) Pizzo, Wright, Boyd, Burgess, Rouson, Hutson, Davis, Ingoglia, Garcia, Book, Stewart; (Similar to CS/H 00115) Progressive Supranuclear Palsy and Other Neurodegenerative Diseases Policy Committee						
Tab 4	SB 302 by Boyd; (Similar to H 00855) Dental Services						
Tab 5	SB 304 by Hooper; (Similar to H 00367) Household Moving Services						
Tab 6	CS/SB 328 by CA, Calatayud (CO-INTRODUCERS) Osgood, Stewart; (Similar to H 01239) Affordable Housing						
720816	A	S	RS	FP, Calatayud	Delete L.80 - 505:	01/31	04:24 PM
143920	SA	S	RCS	FP, Calatayud	Delete L.80 - 505:	01/31	04:24 PM
Tab 7	CS/SB 514 by BI, Boyd (CO-INTRODUCERS) Stewart; (Similar to CS/H 01569) Mortgage Brokering						
Tab 8	CS/SB 544 by HP, Hutson (CO-INTRODUCERS) Berman, Book; (Similar to CS/H 00581) Swimming Lesson Voucher Program						
Tab 9	SB 674 by Boyd; (Similar to H 00779) United States-produced Iron and Steel in Public Works Projects						
Tab 10	SB 694 by Perry (CO-INTRODUCERS) Rouson, Burgess, Stewart; (Identical to H 00523) Florida Seal of Fine Arts Program						
Tab 11	CS/SB 770 by CA, Martin; (Compare to H 00927) Improvements to Real Property						
692964	D	S	RCS	FP, Martin	Delete everything after	01/31	04:25 PM
Tab 12	CS/SB 1698 by AG, Burton; (Identical to CS/H 01613) Food and Hemp Products						
Tab 13	CS/SB 1758 by CF, Brodeur; (Similar to CS/CS/H 01271) Individuals with Disabilities						
890114	A	S	RCS	FP, Brodeur	btw L.323 - 324:	01/31	04:26 PM
Tab 14	SB 7020 by JU; (Identical to CS/H 00513) Delivery of Notices						
Tab 15	SB 7028 by BI; (Identical to H 01263) My Safe Florida Home Program						
332382	A	S	RCS	FP, Boyd	Delete L.70 - 309:	01/31	04:26 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Hutson, Chair
Senator Stewart, Vice Chair

MEETING DATE: Wednesday, January 31, 2024
TIME: 9:00 a.m.—6:00 p.m.
PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Hutson, Chair; Senator Stewart, Vice Chair; Senators Albritton, Berman, Boyd, Burton, Calatayud, Collins, DiCeglie, Garcia, Jones, Mayfield, Osgood, Rodriguez, Simon, Thompson, Torres, Trumbull, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 92 Hooper (Similar CS/H 95)	Yacht and Ship Brokers' Act; Revising the definition of the term "yacht"; exempting a person who conducts business as a broker or salesperson in another state from licensure in this state for specified transactions; requiring, rather than authorizing, the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation to deny licenses for applicants who fail to meet certain requirements, etc. RI 12/06/2023 Favorable AEG 01/17/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 19 Nays 0
2	SB 174 Burgess (Compare H 725)	Veterans' Long Term Care Facilities Admissions; Revising eligibility for residency in the Veteran's Domiciliary Home of Florida to include specified individuals; revising the definition of "resident"; revising the admission eligibility for veterans' nursing homes to include specified individuals, etc. MS 11/14/2023 Favorable AHS 01/11/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 20 Nays 0
3	CS/SB 186 Health Policy / Brodeur (Similar CS/H 115)	Progressive Supranuclear Palsy and Other Neurodegenerative Diseases Policy Committee; Citing this act as the "Justo R. Cortes Progressive Supranuclear Palsy Act"; requiring the State Surgeon General to establish a progressive supranuclear palsy and other neurodegenerative diseases policy committee; requiring the Department of Health to provide staff and administrative support to the committee; providing for duties, membership, and meetings of the committee; requiring the State Surgeon General to submit a progress report and a final report by a specified date to the Governor and the Legislature, etc. HP 12/05/2023 Fav/CS AHS 01/11/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Wednesday, January 31, 2024, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 302 Boyd (Similar H 855)	Dental Services; Requiring every dentist and certain individuals, partnerships, corporations, and other entities to provide specified information to certain patients; requiring a dentist of record to remain primarily responsible for all dental treatments for a patient treated through telehealth; requiring advertisements of dental services provided through telehealth to include a specified disclaimer for certain dental services, etc. HP 01/16/2024 Favorable AHS 01/24/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 20 Nays 0
5	SB 304 Hooper (Similar H 367)	Household Moving Services; Revising requirements for mover and moving broker estimates, contracts, and advertisements; prohibiting certain persons from operating as or holding themselves out to be a mover or moving broker without first registering with the department; revising alternative insurance coverage requirements for movers; requiring moving brokers to make a specified disclosure to shippers before providing any services, etc. CM 12/05/2023 Favorable AEG 01/17/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 20 Nays 0
6	CS/SB 328 Community Affairs / Calatayud (Similar H 1239, Compare S 386)	Affordable Housing; Prohibiting counties and municipalities, respectively, from restricting the floor area ratio of certain proposed developments under certain circumstances; authorizing counties and municipalities, respectively, to restrict the height of proposed developments under certain circumstances; requiring counties and municipalities, respectively, to consider reducing parking requirements under certain circumstances; revising conditions for when multifamily projects are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption, etc. CA 01/09/2024 Fav/CS FP 01/18/2024 Temporarily Postponed FP 01/31/2024 Fav/CS	Fav/CS Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Wednesday, January 31, 2024, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 514 Banking and Insurance / Boyd (Similar CS/H 1569)	Mortgage Brokering; Authorizing the Financial Services Commission to adopt rules prescribing criteria and processes for determining whether an organization is a bona fide nonprofit organization for a specified purpose; providing exemptions from regulation under ch. 494, F.S., for bona fide nonprofit organizations and certain employees of a bona fide nonprofit organization that meet specified criteria; requiring the Office of Financial Regulation to make a specified determination, etc. BI 01/16/2024 Fav/CS FP 01/31/2024 Favorable RC	Favorable Yeas 20 Nays 0
8	CS/SB 544 Health Policy / Hutson (Similar CS/H 581)	Swimming Lesson Voucher Program; Creating the program within the Department of Health for a specified purpose; requiring the department to contract with and establish a network of swimming lesson vendors to participate in the program; requiring the department to attempt to secure a vendor in each county; specifying eligibility criteria for the program, etc. HP 01/16/2024 Fav/CS AHS 01/24/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 19 Nays 0
9	SB 674 Boyd (Similar H 779)	United States-produced Iron and Steel in Public Works Projects; Requiring governmental entities to include a requirement in certain contracts that certain iron or steel products be produced in the United States; authorizing the minimal use of foreign steel and iron materials in certain circumstances; exempting specified products from the requirement, etc. GO 01/16/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 20 Nays 0
10	SB 694 Perry (Identical H 523)	Florida Seal of Fine Arts Program; Establishing the program within the Department of Education; providing the purpose of the program; specifying eligibility requirements for the awarding of the Seal of Fine Arts; defining the term “work of art”; requiring the Commissioner of Education and school districts to perform specified duties to administer the program, etc. ED 01/10/2024 Favorable AED 01/17/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 20 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Wednesday, January 31, 2024, 9:00 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/SB 770 Community Affairs / Martin (Compare H 927)	Improvements to Real Property; Allowing a program administrator to offer a program for financing qualifying improvements for residential or commercial property when authorized by a county or municipality; authorizing a program administrator to levy non-ad valorem assessments for a certain purpose; requiring certain financing agreement and contract provisions for change orders if the property owner or nongovernmental lessee and program administrator agree to allow change orders to complete a qualifying improvement; requiring a county or municipality to establish or approve a process for the registration of a qualifying improvement contractor to install qualifying improvements, etc. CA 01/22/2024 Fav/CS FP 01/31/2024 Fav/CS	Fav/CS Yeas 20 Nays 0
12	CS/SB 1698 Agriculture / Burton (Identical CS/H 1613)	Food and Hemp Products; Defining the term "total delta-9-tetrahydrocannabinol concentration"; providing conditions for the manufacture, delivery, hold, offer for sale, distribution, or sale of hemp extract; prohibiting businesses and food establishments from possessing hemp extract products that are attractive to children; prohibiting the Department of Agriculture and Consumer Services from granting permission to remove or use certain hemp extract products until it determines that such hemp extract products comply with state law, etc. AG 01/23/2024 Fav/CS FP 01/31/2024 Favorable	Favorable Yeas 17 Nays 2
13	CS/SB 1758 Children, Families, and Elder Affairs / Brodeur (Similar CS/CS/H 1271, Compare H 1047, S 1170)	Individuals with Disabilities; Revising provisions related to programs and services provided by the Agency for Persons with Disabilities; requiring the agency to develop and implement an online application process; revising which types of clients are eligible for an individual support plan; clarifying the timeframe within which a family or individual support plan must be developed, etc. CF 01/23/2024 Fav/CS FP 01/31/2024 Fav/CS	Fav/CS Yeas 19 Nays 0
14	SB 7020 Judiciary (Identical CS/H 513)	Delivery of Notices; Revising the definition of the term "registered mail" for purposes of construction of the Florida Statutes; defining the term "return receipt requested" for purposes of construction of the Florida Statutes, etc. AEG 01/24/2024 Favorable FP 01/31/2024 Favorable	Favorable Yeas 19 Nays 0

TAB		BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15		SB 7028 Banking and Insurance (Identical H 1263, Compare CS/H 989, H 1143, CS/S 1098, S 1208)	My Safe Florida Home Program; Specifying eligibility requirements for hurricane mitigation inspections under the program; authorizing an applicant to receive a home inspection under the program without being eligible for a grant or applying for a grant; specifying eligibility requirements for hurricane mitigation grants; revising the improvements for which grants may be used, etc. FP 01/31/2024 Fav/CS	Fav/CS Yeas 20 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 92

INTRODUCER: Senator Hooper

SUBJECT: Yacht and Ship Brokers' Act

DATE: January 29, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3.	<u>Oxamendi</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 92 revises the regulation of yacht and ship brokers and salespersons by the Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR).

The definition for the term “yacht” is revised by the bill to require the vessel be manufactured or operated primarily for pleasure or leased, rented, or chartered to someone other than the owner for the other person’s pleasure. The bill retains current law that a yacht is a vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, but deletes the requirement for the vessel to weigh less than 300 gross tons.

The bill provides a license (for a broker or salesperson) is not required for a person who conducts business as a broker or salesperson in another state as his or her primary profession and engages in the purchase of a yacht under ch. 326, F.S., if the transaction is executed in its entirety with a broker or salesperson licensed in Florida.

The bill revises the requirements for licensure as a broker by:

- Deleting the requirement that an applicant for a broker license must have been licensed as a salesperson for two consecutive years, and
- Requiring that the applicant has been licensed as a salesperson and can either:
 - Demonstrate that he or she has been directly involved in at least four transactions that resulted in the sale of a yacht, or
 - Certify that he or she has obtained 20 continuing education credits approved by the division.

The bill has a negative fiscal impact on state expenditures. See Section V. Fiscal Impact Statement.

The bill takes effect October 1, 2024.

II. Present Situation:

Division of Florida Condominiums, Timeshares and Mobile Homes

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the DBPR has jurisdiction over yacht and ship brokers and sales persons under ch. 326, F.S., timeshares under ch. 721, F.S., and mobile homes under ch. 723, F.S., condominiums under ch. 718, F.S., cooperatives under ch. 719, F.S., and limited jurisdiction over homeowners' associations under ch. 720, F.S.

Yacht and Ship Broker Branch Office Licenses

Chapter 326, F.S., which may be cited as the “Yacht and Ship Brokers' Act,”¹ governs the licensing and regulation of yacht and shipbrokers, salespersons, and related business organizations in the state. The Yacht and Ship Broker Section, a unit of the division, processes license applications and responds to consumer complaints and inquiries by monitoring activities and compliance within the yacht brokerage industry.²

Definitions

A broker or yacht and ship broker is a “person who, for or in expectation of compensation: sells, offers, or negotiates to sell; buys, offers, or negotiates to buy; solicits or obtains listings of; or negotiates the purchase, sale, or exchange of, yachts for other persons.”³

A salesperson is “a person who, for or in expectation of compensation, is employed by a broker to perform any acts of a broker.”⁴

The term “yacht” means “any vessel which is propelled by sail or machinery in the water which exceeds 32 feet in length, and which weighs less than 300 gross tons.”

Licensing

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.

To qualify for a broker's license, a person must have been licensed as a salesperson for at least two consecutive years.⁵ Current law gives the division the discretion to deny an application for a broker or salesperson license if the applicant does not:

- Furnish proof satisfactory to the division that he or she is of good moral character.⁶
- Certify that he or she has never been convicted of a felony.

¹ Section 326.001, F.S.

² See ch. 326, F.S., and Department of Business and Professional Regulation, *Yacht and Ship*, available at: <http://www.myfloridalicense.com/DBPR/yacht-and-ships/> (last visited Nov. 30, 2023).

³ Section 326.002(1), F.S.

⁴ Section 326.002(3), F.S.

⁵ Section 326.004(8), F.S.

⁶ See Fla. Admin. Code R. 61B-60.003(3)(a), providing the factors that bear upon good moral character.

- Post the bond required by the Yacht and Ship Brokers' Act.
- Demonstrate that he or she is a resident of this state or that he or she conducts business in this state.
- Furnish a full set of fingerprints taken within the six months immediately preceding the submission of the application.
- Have a current license and has operated as a broker or salesperson without a license.⁷

The applicant must also deliver to the division a good and sufficient surety bond or irrevocable letter of credit, executed by the broker as principal, in the sum of \$25,000 before any license may be issued to a broker.⁸ A salesperson must have a bond or equivalent securities in the sum of \$10,000.⁹

The fee for an initial license application for a salesperson or broker license, and for the biennial renewal of a license, is \$500. Additionally, there is a \$51 fee for national fingerprint processing during the initial application process.¹⁰

A broker is not required to complete any continuing education hours as a condition for licensure or renewal of a license.

A license is not required for:

- A person who sells his or her own yacht.
- An attorney at law for services rendered in his or her professional capacity.
- A receiver, trustee, or other person acting under a court order.
- A transaction involving the sale of a new yacht.
- A transaction involving the foreclosure of a security interest in a yacht.¹¹

A broker must maintain a principal place of business in Florida and may establish branch offices in Florida.¹² The biennial fee for a branch office is \$100 for each branch office.¹³

The division is required to provide by rule for the issuance of a temporary 90-day license to an applicant while the Florida Department of Law Enforcement (FDLE) conducts a national criminal history analysis of the applicant by means of fingerprint identification.¹⁴

There are currently 2,810 licensed salespersons and 337 licensed brokers.¹⁵

⁷ Section 326.004(6), F.S.

⁸ Section 326.004(7), F.S.

⁹ Section 326.004(9), F.S.

¹⁰ Fla. Admin. Code R. 61B-60.003(4).

¹¹ Section 326.004 (3), F.S.

¹² Section 326.004 (13), F.S.

¹³ Fla. Admin. Code R. 61B-60.003(4).

¹⁴ Section 326.004 (15), F.S. *See* Fla. Admin. Code R. 61B-60.001(1)(k) and 61B-60.003(2)(a), relating to the requirements for a temporary license.

¹⁵ Email from Derek Miller, Director of Legislative Affairs, Department of Business and Professional Regulation, to Patrick L. Imhof, Staff Director, Senate Regulated Industries Committee (Nov. 30, 2023) (on file with the Senate Regulated Industries Committee).

Under current law, there are no provisions for a license by endorsement, or licensure for a person who is licensed in another jurisdiction.

III. Effect of Proposed Changes:

The bill amends s. 326.002(4), F.S., to revise the term “yacht” to provide that the vessel be manufactured or operated primarily for pleasure or leased, rented, or chartered to a person other than the owner for such person’s pleasure. The bill deletes the requirement for the vessel to weigh less than 300 gross tons.

The bill amends s. 326.004(3), F.S., to exempt from the license requirements for a broker or salesperson a person who conducts business as a broker or salesperson in another state as his or her primary profession and engages in the purchase of a yacht under ch. 326, F.S., if the transaction is executed in its entirety with a broker or salesperson licensed in Florida. However, the bill does not apply the license exemption for the sale of a yacht under those provisions.

The bill amends s. 326.004(6), F.S., to clarify the division must deny a broker or salesperson license to a person who does not meet all of the requirements listed in this subsection.

The bill amends s. 326.004(8), F.S., to revise the requirements for licensure as a broker by:

- Deleting the requirement that an applicant for a broker license must have been licensed as a salesperson for two consecutive years, and
- Requiring that the applicant has been licensed as a salesperson and can either:
 - Demonstrate that he or she has been directly involved in at least four transactions that resulted in the sale of a yacht,¹⁶ or
 - Certify that he or she has obtained 20 continuing education¹⁷ credits approved by the division.

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁶ The bill does not provide a time period during which the four must have been performed.

¹⁷ Salespersons and brokers licensed under ch. 326, F.S., are not required to complete continuing education as a condition for renewal of a license.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

An out-of-state sales broker or salesperson may engage in a transaction for purchase of a yacht under the conditions in the bill without applying for a license, including paying the \$500 license application fee.

Applicants for a broker license who opt to qualify for a license by obtaining at least 20 continuing education credits will incur costs related to completing those education credits.

C. Government Sector Impact:

Under the bill, a broker or salesperson in another state who is not licensed in Florida would be able to engage in the purchase of a yacht in Florida if the transaction is entirely executed through a licensed Florida broker or salesperson. The division may incur costs reviewing these transactions to ensure compliance with ch. 326, F.S., and developing the criteria for an education provider which license applicants may use as an option for qualifying as a broker. The DBPR states it will incur additional expenses related to the number of full-time employees (FTE) required to handle the workload needed to implement the bill. The division estimates it will need four additional staff and associated costs of \$342,742 (\$286,776 salaries and benefits and \$54,526 expenses).¹⁸ However, the division which oversees the yacht and ship program had 28.5 vacancies as of January 9, 2024. Of these, 11.5 positions have been vacant in excess of 150 days.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The definition for the term “yacht” is revised by the bill to require that the vessel be manufactured or operated primarily for pleasure or leased, rented, or chartered to a person other

¹⁸ See Department of Business and Professional Regulation, *2024 Agency Legislative Bill Analysis for SB 22*, pp. 2 and 5 (Nov. 2, 2023) (on file with the Senate Regulated Industries Committee).

than for such person's pleasure. The term "pleasure" is undefined. However, the term "pleasure" means, in part, "someone or something that provides amusement or enjoyment," and the term "recreation" is a synonym for this meaning of the term.¹⁹ The bill may be interpreted as defining "yacht" as a vessel used primarily for recreation.

Section 326.004(8), F.S., is amended by the bill to revise the requirements for licensure as a broker. Under the bill, an applicant for a broker license must demonstrate that he or she has been directly involved in at least four transactions that resulted in the sale of a yacht. The bill does not provide a time period during which the four sales must have been performed.

Under the bill, a broker or salesperson in another state who is not licensed in Florida would be able to engage in the purchase of a yacht in Florida if the transaction is entirely executed through a licensed Florida broker or salesperson. The division notes that, if the non-Florida licensed broker violates ch. 326, F.S., the division would only have regulatory jurisdiction over the Florida-licensed broker or salesperson.²⁰

The bill permits a person to qualify for a broker license if he or she has been directly involved in at least four transactions that resulted in the sale of a yacht or certifies that they have obtained 20 continuing education credits approved by the division. The division states that it is unclear whether the continuing education requirements are recurring for each licensure period or only apply to initial licensure.²¹

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 326.002 and 326.004.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁹ See Merriam-Webster.com, "Pleasure," <https://www.merriam-webster.com/thesaurus/pleasure> (last visited Nov. 20, 2023).

²⁰ See *infra*, note 18 at 2.

²¹ *Id.*

By Senator Hooper

21-00176-24

202492__

1 A bill to be entitled
 2 An act relating to the Yacht and Ship Brokers' Act;
 3 amending s. 326.002, F.S.; revising the definition of
 4 the term "yacht"; amending s. 326.004, F.S.; exempting
 5 a person who conducts business as a broker or
 6 salesperson in another state from licensure in this
 7 state for specified transactions; requiring, rather
 8 than authorizing, the Division of Florida
 9 Condominiums, Timeshares, and Mobile Homes of the
 10 Department of Business and Professional Regulation to
 11 deny licenses for applicants who fail to meet certain
 12 requirements; revising requirements for licensure as a
 13 broker; providing an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Subsection (4) of section 326.002, Florida
 18 Statutes, is amended to read:
 19 326.002 Definitions.—As used in ss. 326.001-326.006, the
 20 term:
 21 (4) "Yacht" means any vessel ~~that which~~ is propelled by
 22 sail or machinery in the water, ~~which~~ exceeds 32 feet in length,
 23 and is:
 24 (a) Manufactured or operated primarily for pleasure; or
 25 (b) Leased, rented, or chartered to someone other than the
 26 owner for the other person's pleasure ~~which weighs less than 300~~
 27 ~~gross tons.~~
 28 Section 2. Subsections (6) and (8) of section 326.004,
 29 Florida Statutes, are amended, and paragraph (f) is added to

Page 1 of 3

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

21-00176-24

202492__

30 subsection (3) of that section, to read:
 31 326.004 Licensing.—
 32 (3) A license is not required for:
 33 (f) A person who conducts business as a broker or
 34 salesperson in another state as his or her primary profession
 35 and engages in the purchase of a yacht under this act, if the
 36 transaction is executed in its entirety with a broker or
 37 salesperson licensed in this state.
 38 (6) The division ~~must~~ may deny a license to any applicant
 39 who does not meet all of the following requirements:
 40 (a) Furnish proof satisfactory to the division that he or
 41 she is of good moral character.
 42 (b) Certify that he or she has never been convicted of a
 43 felony.
 44 (c) Post the bond required by the Yacht and Ship Brokers'
 45 Act.
 46 (d) Demonstrate that he or she is a resident of this state
 47 or that he or she conducts business in this state.
 48 (e) Furnish a full set of fingerprints taken within the 6
 49 months immediately preceding the submission of the application.
 50 (f) Have a current license and has operated as a broker or
 51 salesperson without a license.
 52 (8) A person may not be licensed as a broker unless he or
 53 she has been licensed as a salesperson and can demonstrate that
 54 he or she has been directly involved in at least four
 55 transactions that resulted in the sale of a yacht or can certify
 56 that he or she has obtained at least 20 continuing education
 57 credits approved by the division for at least 2 consecutive
 58 years, and may not be licensed as a broker unless he or she has

Page 2 of 3

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

21-00176-24

202492

59 ~~been licensed as a salesperson for at least 2 consecutive years.~~

60 Section 3. This act shall take effect October 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Fiscal Policy

Committee

Cody Rogers

Name

Phone

954-591-6437

Address

1 E Broward Blvd

Email

Crogers@beckerlawyers.com

Street

Fort. Lauderdale FL

33334

City

State

Zip

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

International Yacht Brokers Assoc.

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 174

INTRODUCER: Senators Burgess and Collins

SUBJECT: Veterans' Long Term Care Facilities Admissions

DATE: January 29, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Proctor	MS	Favorable
2.	Howard	McKnight	AHS	Favorable
3.	Brown	Yeatman	FP	Favorable

I. Summary:

SB 174 expands the eligibility for residency at a veterans' home to include a spouse or surviving spouse of a qualifying veteran, or a parent of a child who died while serving in the United States Armed Forces.

The bill revises the priority order for admission to a veterans' home. The bill ranks in 5th place for admission a spouse or surviving spouse of a veteran and in 6th (last) place a parent of a child who died while in military service. These rankings preserve as a higher priority admission of a veteran over a nonveteran.

The bill has no fiscal impact on state revenues or state expenditures.

The bill takes effect on July 1, 2024.

II. Present Situation:

Veterans Homes

Cost and Funding of Resident Care

A resident of a state veterans' home must contribute to the cost of his or her care if the resident receives a pension, compensation, gratuity from the federal government, or income from any other source if the monthly amount exceeds \$160.¹

¹ Section 296.37(1), F.S. This contribution for care may be 100 percent of the cost if an otherwise eligible veteran is able to fund his or her own support (s. 296.37(2), F.S.).

The average cost of care at a state veterans' nursing home in Florida is \$394.15 a day.² The cost of care is funded through multiple sources, including from the resident. Costs charged to residents ranges from an average \$98.63 a day for a resident on limited income, to the average cost of \$358.93 a day for a self-paying resident.³ If a resident veteran is between 70 and 100 percent disabled, the resident pays nothing.⁴

In addition to the resident's portion of payment, a federal subsidy in the form of reimbursement supplements the cost of care. Federal reimbursement is based on a per diem rate established by the United States Department of Veterans Affairs (VA) Administration.⁵ Current VA per diem for basic care is set at \$129.97 a day, while per diem for disabled veterans who are determined to be at least 70 percent disabled is set at \$474.45 a day.⁶ To qualify for reimbursement, federal law requires a facility to maintain a population of at least 75 percent veterans.⁷ If facility construction or renovation is funded solely by the state, then the facility is only required to maintain a population of at least 50 percent veterans.⁸

Federal law authorizes a state veterans' home to house non-veteran residents who are spouses of veterans or parents whose children died while in military service.⁹ These residents are required to pay the full cost.

Eligibility for Admission

To be considered for admission to a veterans' home in Florida, a veteran must have been discharged from the military with either an honorable or an upgrade to an honorable discharge.¹⁰

The state provides for veterans' homes as both Veterans' Domiciliary Homes¹¹ and Veterans' Nursing Homes.¹² Both veterans of wartime service and of peacetime service are eligible for admission. The order of admission to a veterans' home is ranked by priority.

Domiciliary Homes

Domiciliary care which is defined to mean shelter, sustenance, and incidental medical care for a person who is ambulatory and can otherwise provide self-care, but not a person in need of hospitalization or nursing home care services.¹³ A domiciliary home is an assisted living facility.

To be eligible for admission, a veteran must:

² Fla. Dep't of Veterans' Affairs, *2023 Agency Legislative Bill Analysis, SB 174* (Nov. 7, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

³ *Id.*

⁴ *Id.*

⁵ 38 CFR 51.210 (2023).

⁶ Fla. Dep't of Veterans' Affairs, *supra* note 2.

⁷ 38 CFR 51.210(d) (2023).

⁸ *Id.*

⁹ *Id.*

¹⁰ Sections 296.02(9) and 1.01(14), F.S.

¹¹ A Veterans' Domiciliary Home of Florida is a home for veterans established by the state (ss. 296.02 (10), and 296.03, F.S.).

¹² Chapter 296, Laws of Florida.

¹³ Section 296.02(4), F.S.

- Be a resident of the state at the time of application;
- Not be mentally ill, habitually inebriated, or addicted to drugs;
- Not owe money to the Florida Department of Veterans' Affairs (FDVA) for services rendered during a previous stay at a FDVA facility;
- Have applied for all financial assistance reasonably available through governmental sources; and
- Have been approved as eligible for care and treatment by the VA.¹⁴

Residents are admitted in order of priority as follows:

- A veteran with wartime service who has a service-connected disability but are not in need of hospitalization or nursing home care.
- A veteran with wartime service who has a non-service-connected disability but are not in need of hospitalization or nursing home care.
- A veteran with wartime service and no disability.
- A veteran with peacetime service.¹⁵

An applicant must file with the administrator all necessary information for admission purposes, including a certificate of eligibility and a certified copy of discharge.¹⁶

Nursing Homes

In addition to assisted-living facilities, Florida law provides for veterans' nursing homes.¹⁷ Each nursing home is overseen by an administrator who is selected by the Executive Director (director) of the FDVA.¹⁸

To be eligible for admission to a nursing home, a veteran must:

- Be in need of nursing care;
- Be a resident of the state at the time of application;
- Not owe money to the FDVA for services rendered during a previous stay at a FDVA facility;
- Have applied for all financial assistance reasonably available through governmental sources; and
- Have been approved as eligible for care and treatment by the VA.¹⁹

Residents are admitted in the following order of priority for an eligible veteran:

- Who is a resident of the state.
- Who has a service-connected disability as determined by the VA, or who was discharged or released from service for a disability incurred or aggravated in the line of duty and the disability is the condition for the nursing home need.

¹⁴ Section 296.06(2), F.S.

¹⁵ Section 296.08, F.S.

¹⁶ Section 296.08(2), F.S.

¹⁷ Section 296.32, F.S.

¹⁸ Section 296.34, F.S.

¹⁹ Section 296.36(1), F.S.

- Who has a non-service-connected disability and is unable to defray the cost of nursing home care.²⁰

Veterans Facilities in Florida

Currently, nine state veterans' homes operate in the state: eight skilled nursing facilities and one assisted living facility. Nursing homes are located in Daytona Beach (Emory L. Bennett State Veterans' Nursing Home), Orlando (Alwyn C. Cashe State Veterans' Nursing Home), Land O'Lakes (Baldomero Lopez State Veterans' Nursing Home), Pembroke Pines (Alexander "Sandy" Nininger Veterans' Nursing Home), Panama City (Clifford C. Sims State Veterans' Nursing Home), Port Charlotte (Douglas T. Jacobson State Veterans' Nursing Home), Port St. Lucie (Ardie R. Copas State Veterans' Nursing Home) and St. Augustine (Clyde E. Lassen State Veterans' Nursing Home), Florida. The assisted living facility is in Lake City (Robert H. Jenkins, Jr. Veterans' Domiciliary Home), and to be admitted, veterans must be able to eat and dress.²¹

As of October 2023, the occupancy rate for fully operational state veterans' nursing homes is at 94 percent.²² Only the Alwyn C. Cashe facility is not fully operational.²³ The FDVA is in the process of appealing a decision by the VA that the home does not pass certification, and correcting deficiencies identified by the Agency for Health Care Administration.²⁴ As such, the home currently has 23 private-pay, non-veteran residents.²⁵

Currently, 11 people statewide are on the waiting list for residential admission.²⁶ Veterans who are at least 70 percent disabled advance to the top of the list.²⁷

III. Effect of Proposed Changes:

This bill expands the eligibility for residency at a veterans' home to include a:

- Spouse of a qualifying veteran;
- Surviving spouse of a qualifying veteran; and
- Parent of a child who died while serving in the United States Armed Forces.

The bill revises the definition of "applicant" to mean the spouse or surviving spouse of a qualifying veteran, or a parent of a child who died while serving in the United States Armed Forces.

The bill revises the definition of "resident" to mean an eligible applicant to a state veterans' home.

²⁰ Section 296.36(3), F.S.

²¹ Fla. Dep't of Veterans Affairs, *Agency Update*, PowerPoint (Oct. 10, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²² Fla. Dep't of Veterans Affairs, *The Florida Cabinet, Weekly EOG Agency Report, Week Ending Nov. 4, 2023* (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Fla. Dep't of Veterans' Affairs, *supra* note 2.

²⁷ *Id.*

The bill revises priority order for admission to a veterans' home. The bill ranks in 5th place the admission of a spouse or surviving spouse of a veteran and in 6th (last) place a parent of a child who died while serving in the Armed Forces of the United States. These rankings preserve as a higher priority admission of a veteran over a nonveteran.

The bill takes effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A qualifying nonveteran resident will have to pay full cost to reside in a state veterans' home. However, the resident would otherwise have to pay at another home, or for a private residence. For the spouse of a resident veteran, cost savings may be realized through the spouses sharing a room or assisted living arrangement.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or state expenditures, as a qualifying nonveteran resident will be charged the full cost of care and housing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 296.02, 296.03, 296.08, 296.32, 296.33, and 296.36.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Burgess

23-00312A-24

2024174__

A bill to be entitled

An act relating to veterans' long term care facilities admissions; amending s. 296.02, F.S.; revising definitions; amending s. 296.03, F.S.; revising eligibility for residency in the Veteran's Domiciliary Home of Florida to include specified individuals; amending s. 296.08, F.S.; adding such individuals to the priority of admittance schedule; amending s. 296.32, F.S.; revising the legislative purpose of part II of ch. 296, F.S., to conform to changes made by the act; amending s. 296.33, F.S.; revising the definition of "resident"; amending s. 296.36, F.S.; revising the admission eligibility for veterans' nursing homes to include specified individuals; revising the priority of admissions to include such individuals; providing an effective date.

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

Section 1. Subsections (1), (4), (8), and (10) of section 296.02, Florida Statutes, are amended to read:

296.02 Definitions.—For the purposes of this part, except where the context clearly indicates otherwise:

(1) "Applicant" means a veteran with wartime service or peacetime service, as defined in this section, the spouse or surviving spouse of such veteran, or a parent of a child who died while serving in the Armed Forces of the United States, who is not in need of hospitalization or nursing home care.

(4) "Domiciliary care" means shelter, sustenance, and

Page 1 of 4

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

23-00312A-24

2024174__

incidental medical care provided on an ambulatory self-care basis to assist eligible applicants ~~veterans~~ who are disabled by age or disease, but who are not in need of hospitalization or nursing home care services.

(8) "Resident" means any eligible applicant ~~veteran~~ admitted to residency in the home.

(10) "Veterans' Domiciliary Home of Florida," hereinafter referred to as the "home," means a home established by the state for veterans who served in wartime service or in peacetime service, as defined in this section, the spouses or surviving spouses of such veterans, or the parents of a child who died while serving in the Armed Forces of the United States.

Section 2. Section 296.03, Florida Statutes, is amended to read:

296.03 Veterans' Domiciliary Home of Florida.—The Veterans' Domiciliary Home of Florida is for veterans who served in wartime service or peacetime service, as defined in s. 296.02, the spouses or surviving spouses of such veterans, or the parents of a child who died while serving in the Armed Forces of the United States, and is maintained for the use of those individuals ~~veterans~~ who are not in need of hospitalization or nursing home care and who can attend to their personal needs, dress themselves, and attend a general dining facility, or who are in need of extended congregate care.

Section 3. Paragraphs (e) and (f) are added to subsection (1) of section 296.08, Florida Statutes, to read:

296.08 Priority of admittance.—

(1) In determining the eligibility of applicants to the home, the administrator shall give admittance priority in

Page 2 of 4

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

23-00312A-24

2024174__

accordance with the following schedule:

(e) Those spouses or surviving spouses of veterans.

(f) Those parents of children who died while serving in the Armed Forces of the United States.

Section 4. Section 296.32, Florida Statutes, is amended to read:

296.32 Purpose.—The purpose of this part is to provide for the establishment of basic standards for the operation of veterans' nursing homes for eligible veterans, the spouses or surviving spouses of such veterans, or the parents of a child who died while serving in the Armed Forces of the United States, who are in need of such services.

Section 5. Subsection (5) of section 296.33, Florida Statutes, is amended to read:

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

(5) "Resident" means any eligible veteran, the spouse or surviving spouse of such veteran, or a parent of a child who died while serving in the Armed Forces of the United States, who is admitted to the home.

Section 6. Subsection (1) of section 296.36, Florida Statutes, is amended, and paragraphs (d) and (e) are added to subsection (3) of that section, to read:

296.36 Eligibility and priority of admittance.—

(1) To be eligible for admittance to the home, the person must be a veteran as provided in s. 1.01(14) or have eligible peacetime service as defined in s. 296.02, or be the spouse or surviving spouse of a veteran, or the parents of a child who died while serving in the Armed Forces of the United States and must:

Page 3 of 4

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

23-00312A-24

2024174__

(a) Be in need of nursing home care.

(b) Be a resident of the state at the time of application for admission to the home.

(c) Not owe money to the department for services rendered during any previous stay at a department facility.

(d) Have applied for all financial assistance reasonably available through governmental sources.

(e) Have been approved as eligible for care and treatment by the United States Department of Veterans Affairs.

(3) Admittance priority must be given to eligible veterans in the following order of priority:

(d) A spouse or a surviving spouse of such veteran as described in this subsection.

(e) A parent of a child who died while serving in the Armed Forces of the United States.

Section 7. This act shall take effect July 1, 2024.

Page 4 of 4

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

The Florida Senate

APPEARANCE RECORD

1/31/24

174

Meeting Date

FISCAL Policy

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

USA HURLEY

Phone

850.224.5081

Address

301 E. Park Ave

Email

lhurley@smutab.org
andnypa.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

COLLIER COUNTY

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

SB 174

Bill Number or Topic

11/31/2024

Meeting Date

FISCAL Policy

Committee

Name

MAJOR GENERAL JAMES HARTSELL

Phone

(950) 782-4308

Amendment Barcode (if applicable)

Address

2601 S. BLAIR STONE Rd Suite C300

Email

JAMES.HARTSELL@FDNA.FL.GOV

Street

HALLANDERSSEE

FL

32399

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

January 31, 2024

Meeting Date

Fiscal Policy

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 174

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Rebecca Bush

Phone

850-224-3907

Address

307 W. Park Avenue

Email

rbush@fhca.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Health Care Association

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 186

INTRODUCER: Health Policy Committee and Senator Brodeur and others

SUBJECT: Progressive Supranuclear Palsy and Other Neurodegenerative Diseases Policy Committee

DATE: January 29, 2024 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Morgan</u>	<u>Brown</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Gerbrandt</u>	<u>McKnight</u>	<u>AHS</u>	<u>Favorable</u>
3.	<u>Morgan</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 186 creates undesignated sections of the Laws of Florida, requiring the State Surgeon General to establish a progressive supranuclear palsy and other neurodegenerative diseases policy committee (committee) to identify the impact of progressive supranuclear palsy and other neurodegenerative diseases on Floridians, while providing recommendations to improve health awareness, detection, and outcomes.

The bill provides administrative support to the committee, establishes the membership of the committee, and authorizes the committee chair to create subcommittees. The bill requires that members of the committee be appointed by September 1, 2024, and that the initial meeting be held by October 1, 2024. All meetings of the committee must take place via teleconference or other electronic means.

The bill requires the State Surgeon General to submit a progress report detailing committee activities, as well as findings and recommendations, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 4, 2025. The bill requires the State Surgeon General to submit a final report to the Governor and the Legislature by January 4, 2026.

The bill provides that, once enacted, the act may be cited as the “Justo R. Cortes Progressive Supranuclear Palsy Act.”

The bill has no fiscal impact on state revenues or state expenditures.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Neurodegenerative disease is an umbrella term used for a plethora of conditions that gradually damage and destroy parts of the nervous system, especially areas of the brain. The effects and symptoms of these diseases tend to appear later in life and usually develop slowly.¹

Cases of such disorders are rare, with researchers estimating that neurodegenerative diseases affect more than 50 million people worldwide; however, most of these conditions are strongly attributed to age and are far more likely in persons over 65 years old.² According to the U.S. Census Bureau's 2020 population estimates, more than 55 million Americans are age 65 or older, one-fourth of whom live in California, Florida, and Texas.³ Florida's older residents compose 21.3 percent of the population, or approximately 4,638,000 of the state's 21,733,000 estimated residents.⁴

Diagnosing a neurodegenerative disease varies based on the suspected condition:

- Neurologic exam by a healthcare provider to discuss symptoms and medical history.
- Laboratory testing, such as blood and genetic tests.
- Imaging scans, such as computed tomography and magnetic resonance imaging scans.
- Histopathology, or microscopic tissue analysis, after death. Some neurodegenerative diseases are suspected, but a confirmed diagnosis is only possible after examining brain samples post autopsy.

Other tests are possible and continue to be developed.⁵

Neurodegenerative diseases are incurable and irreversible, but some of them can be treated in order to manage, limit, or slow symptom advancement and the resulting complications. Other neurodegenerative diseases have no treatment, meaning a more reactionary approach is taken versus preventive, i.e. treat the symptoms to promote the best quality of life.⁶

Progressive Supranuclear Palsy

Progressive supranuclear palsy (PSP)⁷ is a rare, complex condition that affects the brain, resulting in muscle weakness that worsens over time, limiting the ability to walk, and causing

¹ Cleveland Clinic, *Neurodegenerative Diseases*, available at <https://my.clevelandclinic.org/health/diseases/24976-neurodegenerative-diseases> (last visited Dec. 1, 2023).

² *Supra* note 1.

³ Population Reference Bureau, *Which U.S. States Have the Oldest Populations?*, available at <https://www.prb.org/resources/which-us-states-are-the-oldest/> (last visited Dec. 1, 2023).

⁴ *Id.*

⁵ *Supra* note 1.

⁶ *Id.*

⁷ Johns Hopkins Medicine, *Progressive Supranuclear Palsy*, available at <https://www.hopkinsmedicine.org/health/conditions-and-diseases/progressive-supranuclear-palsy> (last visited Dec. 1, 2023).

visual impairment. It is known as an atypical form of parkinsonism⁸, as well as a motor neuron disease.⁹

PSP Risk Factors

PSP occurs when brain cells in an area of the brain stem become damaged, but how or why these cells are damaged remains unknown. Although anyone could develop PSP, it is more common in men and those of late middle age or older.¹⁰

PSP Symptoms and Complications

Early signs of PSP can be subtle, but disease progression increases symptom severity. Problems with balance and rigidity or discomfort while walking often tend to be the first indicators of PSP.¹¹

Other symptoms include:¹²

- Increased forgetfulness and irritability.
- Unusual emotional outbursts, such as crying or laughing unexpectedly or at inappropriate times.
- Irrational anger.
- Hand tremors.
- Trouble controlling eye movement.
- Blurred vision.
- Slurred speech.
- Trouble swallowing.
- Dementia.
- Depression.
- Inability to control the eyelids, such as unwanted blinking or eye opening difficulty.

A careful evaluation of symptoms can help diagnose PSP, but signs often mirror those of Parkinson's disease, or even an inner ear infection, increasing the likelihood of misdiagnosis. However, key differences include:¹³

- Significant difficulty with speech and swallowing.
- Problems with eye movement, specifically when looking up or down.
- Leaning and falling backward versus forward.

⁸ Cleveland Clinic, *Parkinsonism*, available at <https://my.clevelandclinic.org/health/diseases/22815-parkinsonism> (last visited Dec. 1, 2023).

⁹ Cleveland Clinic, *Neurodegenerative Diseases*, available at <https://my.clevelandclinic.org/health/diseases/24976-neurodegenerative-diseases> (last visited Dec. 1, 2023).

¹⁰ Johns Hopkins Medicine, *Progressive Supranuclear Palsy*, available at <https://www.hopkinsmedicine.org/health/conditions-and-diseases/progressive-supranuclear-palsy> (last visited Dec. 1, 2023).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

While PSP is not fatal, symptoms will worsen and, like all neurodegenerative diseases, it cannot be cured. Nevertheless, complications, such as pneumonia from the inhalation of food particles while choking, can be life threatening.¹⁴

PSP Treatment

Although there is no medicine or procedure to completely control the symptoms of PSP, there are strategies and methods available to assist in the management of symptoms, such as medications for the treatment of Parkinson's disease to improve balance, flexibility of the muscles, and depression.¹⁵

Other treatment options include:¹⁶

- Special glasses with prisms to improve vision.
- A weighted tool or aid to assist in walking and prevent falling backwards.
- Physical therapy and exercise to improve flexibility and decrease muscle atrophy.
- A feeding tube for when swallowing becomes too difficult.

Other Neurodegenerative Diseases

Other types of neurodegenerative diseases include:¹⁷

- Dementia-type diseases, which can cause progressive damage to various areas of the brain, resulting in neuron death and a wide range of symptoms. These include Alzheimer's disease, frontotemporal dementia, chronic traumatic encephalopathy, Lewy body dementia, and limbic predominant age-related TDP-43 encephalopathy.
- Demyelinating diseases, which involve myelin damage or loss and can affect the sending and relaying of nerve signals. These include conditions such as multiple sclerosis and neuromyelitis optica spectrum disorder.
- Parkinsonism-type diseases, which involve damage to specific neurons in the brain that help manage coordination and precise control of muscle movements. These include Parkinson's disease and other forms of parkinsonism.
- Motor neuron diseases, which involve the death of neurons that control movement. These include conditions such as amyotrophic lateral sclerosis and PSP.

Risk Factors

Although there are multiple causation factors attributed to most neurodegenerative diseases, a few have been identified as a stronger indicator than others.¹⁸

- Age: Older individuals are more likely to develop a neurodegenerative disease.
- Genetics: Spontaneous mutations can occur, specific mutations can be inherited, and a combination of genes can increase the risk of developing a neurodegenerative disease.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Cleveland Clinic, *Neurodegenerative Diseases*, available at <https://my.clevelandclinic.org/health/diseases/24976-neurodegenerative-diseases> (last visited Dec. 1, 2023).

¹⁸ *Id.*

- Environment: Exposure to pollution, chemicals and toxins, certain types of infections, address, etc.
- Medical history: Specific medical events can catalyze or exacerbate some neurodegenerative conditions.
- Lifestyle: Habits, routine, and choices, such as food, fitness, smoking, etc.

Symptoms and Complications

The symptoms of neurodegenerative diseases can vary widely, even among people with the same condition, as each brain is unique, the causes of the disease can differ, and the symptoms are dependent on the part of the brain or nervous system that has been affected. However, a commonality in those diagnosed is the correlation between progression and independence, i.e., the further the disease advances, the less self-reliant an afflicted individual becomes.¹⁹

In general, the following symptoms and complications are associated with neurodegenerative diseases:²⁰

- Dementia-type diseases: Confusion, memory loss, trouble thinking or concentrating, and behavior changes.
- Demyelinating diseases: Tingling or numbness, pain, muscle spasms, weakness and paralysis, coordination issues, and fatigue.
- Parkinsonism-type diseases: Slowed movements, shaking and tremors, balance problems, shuffling steps, and hunched posture, as well as decreased strength, flexibility, agility, and reflexes, increasing the risk of falls and fractures.
- Motor neuron diseases: Muscle weakness that progresses to paralysis, as well as increased risk of pneumonia and other respiratory conditions.

Executive Branch Structure

Chapter 20, F.S., creates the organizational structure of the Executive Branch of state government, and s. 20.03, F.S., provides definitions for uniform nomenclature throughout the structure of the Executive Branch, including bodies created as adjuncts to Executive Branch departments, agencies, or offices. A “committee” or “task force” means an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.

III. Effect of Proposed Changes:

Section 1 provides that, once enacted, the act may be cited as the “Justo R. Cortes Progressive Supranuclear Palsy Act.”

Section 2 creates a non-statutory section of the Laws of Florida to require the State Surgeon General to establish a progressive supranuclear palsy (PSP) and other neurodegenerative diseases policy committee, a committee as defined in s. 20.03, F.S. The bill requires the Department of

¹⁹ *Id.*

²⁰ *Id.*

Health (DOH) to provide staff and administrative support to the committee for the purposes of carrying out the following duties and responsibilities:

- Identifying the aggregate number of people diagnosed with PSP and other neurodegenerative diseases each year in this state.
- Identifying how data is collected regarding diagnoses of PSP and other neurodegenerative diseases and adverse health outcomes associated with such conditions.
- Identifying how PSP and other neurodegenerative diseases impact the lives of people in the state.
- Identifying the standard of care for the surveillance, detection, and treatment of PSP and other neurodegenerative diseases.
- Identifying emerging treatments, therapies, and research relating to PSP and other neurodegenerative diseases.
- Developing a risk surveillance system to help health care providers identify patients who may be at a higher risk of developing PSP and other neurodegenerative diseases.
- Developing policy recommendations to help improve patient awareness of PSP and other neurodegenerative diseases.
- Developing policy recommendations to help improve surveillance and detection of patients who may be at a higher risk of being diagnosed with PSP and other neurodegenerative diseases in licensed health care facilities, including hospitals, nursing homes, assisted living facilities, residential treatment facilities, and ambulatory surgical centers.
- Developing policy recommendations relating to guidelines that affect the standard of care for patients with PSP and other neurodegenerative diseases.
- Developing policy recommendations relating to providing patients and their families with written notice of increased risks of being diagnosed with PSP and other neurodegenerative diseases.

The bill requires that the committee be composed of 20 members, including the State Surgeon General, health care providers, family members or caretakers of patients who have been diagnosed with PSP and other neurodegenerative diseases, advocates, and other interested parties and associations.

The bill requires the President of the Senate and the Speaker of the House of Representatives to each appoint two members, and the State Surgeon General to appoint the chair and all other members of the committee. Members of the committee must be appointed by September 1, 2024, under the bill and shall serve without compensation for the entirety of the committee's existence.

The bill authorizes the chair to create subcommittees to help with research, scheduling speakers on important subjects, and drafting a committee report and policy recommendations. Meetings of the committee must be held through teleconference or other electronic means. The committee must meet for its initial meeting by October 1, 2024. Thereafter, the committee must meet upon the call of the chair or the request of a majority of the members. Notices for any scheduled meetings of the committee must be published in advance on the DOH's website.

The bill requires the State Surgeon General to submit a progress report detailing committee activities, as well as findings and recommendations, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 4, 2025. The bill also requires the

State Surgeon General to submit a final report to the Governor and the Legislature by January 4, 2026. Both reports must be made available on the DOH's website.

The bill provides that the committee will sunset July 1, 2026, and this section of law will be repealed on that date.

Section 3 provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires the DOH to provide administrative support for the committee. The costs of which can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates undesignated sections of the Laws of Florida.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Health Policy on December 5, 2023:

The CS:

- Changes the workgroup to a committee, as defined in s. 20.03, F.S., and establishes the committee as the duty and responsibility of the State Surgeon General and the DOH in the Laws of Florida.
- Provides a September 1, 2024, deadline for committee appointments, and requires that members serve for the entirety of the committee's existence.
- Requires, rather than allows, meetings to be held via teleconference or other electronic means. The initial committee meeting must be held by October 1, 2024, and all meetings thereafter occur upon the call of the chair or the request of a majority of the members. Notices for scheduled meetings of the committee must be published in advance on the DOH's website.
- Requires both a progress and a final report that include details as to committee activities, in addition to findings and recommendations. These reports must be published on the DOH's website. A submission deadline for the progress report is established as January 4, 2025.
- Provides a sunset date of July 1, 2026, for the committee.

B. Amendments:

None.

By the Committee on Health Policy; and Senators Brodeur, Pizzo, Wright, Boyd, Burgess, Rouson, Hutson, Davis, Ingoglia, and Garcia

588-01774-24

2024186c1

A bill to be entitled

An act relating to a progressive supranuclear palsy and other neurodegenerative diseases policy committee; providing a short title; requiring the State Surgeon General to establish a progressive supranuclear palsy and other neurodegenerative diseases policy committee; requiring the Department of Health to provide staff and administrative support to the committee; providing for duties, membership, and meetings of the committee; requiring the State Surgeon General to submit a progress report and a final report by a specified date to the Governor and the Legislature; requiring the reports to be made available on the department's website; providing for the expiration of the committee; providing an effective date.

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

Section 1. This act may be cited as the "Justo R. Cortes Progressive Supranuclear Palsy Act."

Section 2. Progressive supranuclear palsy and other neurodegenerative diseases policy committee.-

(1) The State Surgeon General shall establish a progressive supranuclear palsy and other neurodegenerative diseases policy committee, a committee as defined in s. 20.03, Florida Statutes. The Department of Health shall provide staff and administrative support to the committee for purposes of carrying out its duties and responsibilities.

(2) The committee shall do all of the following:

Page 1 of 4

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

588-01774-24

2024186c1

(a) Identify the aggregate number of people in the state diagnosed with progressive supranuclear palsy or other neurodegenerative diseases annually.

(b) Identify how data is collected regarding diagnoses of progressive supranuclear palsy or other neurodegenerative diseases and adverse health outcomes associated with such conditions.

(c) Identify how progressive supranuclear palsy and other neurodegenerative diseases impact the lives of people in the state.

(d) Identify the standard of care for the surveillance, detection, and treatment of progressive supranuclear palsy and other neurodegenerative diseases.

(e) Identify emerging treatments, therapies, and research relating to progressive supranuclear palsy and other neurodegenerative diseases.

(f) Develop a risk surveillance system to help health care providers identify patients who may be at a higher risk of developing progressive supranuclear palsy and other neurodegenerative diseases.

(g) Develop policy recommendations to help improve patient awareness of progressive supranuclear palsy and other neurodegenerative diseases.

(h) Develop policy recommendations to help improve surveillance and detection of patients who may be at a higher risk of being diagnosed with progressive supranuclear palsy and other neurodegenerative diseases in licensed health care facilities, including hospitals, nursing homes, assisted living facilities, residential treatment facilities, and ambulatory

Page 2 of 4

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

588-01774-24

2024186c1

surgical centers.

(i) Develop policy recommendations relating to guidelines that affect the standard of care for patients with progressive supranuclear palsy or other neurodegenerative diseases.

(j) Develop policy recommendations relating to providing patients and their families with written notice of increased risks of being diagnosed with progressive supranuclear palsy and other neurodegenerative diseases.

(3) The committee shall be composed of 20 members, including the State Surgeon General. Members of the committee must be appointed by September 1, 2024.

(a) The State Surgeon General shall appoint health care providers, family members or caretakers of patients who have been diagnosed with progressive supranuclear palsy and other neurodegenerative diseases, advocates, and other interested parties and associations.

(b) The President of the Senate and the Speaker of the House of Representatives shall each appoint two members to the committee.

(c) Members of the committee shall serve without compensation and for the entirety of the committee's existence.

(d) The State Surgeon General shall appoint the chair of the committee.

(e) The chair of the committee may create subcommittees to help conduct research, schedule speakers on important subjects, and draft reports and policy recommendations.

(f) Meetings of the committee shall be held through teleconference or other electronic means. The committee shall meet for its initial meeting by October 1, 2024. Thereafter, the

588-01774-24

2024186c1

committee may meet upon the call of the chair or upon the request of a majority of its members. Notices for any scheduled meetings of the committee must be published in advance on the department's website.

(4) (a) The State Surgeon General shall submit a progress report detailing committee activities, as well as his or her findings and recommendations, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 4, 2025. The report must be made available on the department's website.

(b) The State Surgeon General shall submit a final report detailing committee activities, as well as his or her findings and recommendations, to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 4, 2026. The report must be made available on the department's website.

(5) The committee shall sunset July 1, 2026, and this section is repealed on that date.

Section 3. This act shall take effect July 1, 2024.

The Florida Senate
APPEARANCE RECORD

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

186
Bill Number or Topic

Amendment Barcode (if applicable)

1-31-24
Meeting Date

Fiscal Policy
Committee

Name Bob Centers

Phone 407-463-8257

Address (201 Bunnell Rd

Email bob@bobcenters.com

Street

Alt. Spring

FL

32714

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 302

INTRODUCER: Senator Boyd

SUBJECT: Dental Services

DATE: January 29, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto Van Winkle	Brown	HP	Favorable
2.	Gerbrandt	McKnight	AHS	Favorable
3.	Rossitto Van Winkle	Yeatman	FP	Favorable

I. Summary:

SB 302 requires dentists and any individual, partnership, corporation, or other entity that provides dental services through telehealth to make available the dentist's name, telephone number, after-hours contact information for emergencies, and upon request, licensure information to patients.

The bill requires the dentist of record to remain primarily responsible for all dental treatment for any patient who is treated through telehealth, whether care is rendered by the dentist of record, another dentist, dental hygienist, or dental assistant.

The bill creates a definition for advertisement, and requires that an advertisement for dental services provided through telehealth must include a specific disclaimer that an in-person examination with a dentist is recommended before certain services are performed.

The bill creates a standard that would require a dentist of record to perform an in-person examination of a patient or obtain records from an in-person examination within the last six months before the initial diagnosis and correction of a malposition of human teeth or initial use of an orthodontic appliance.

The bill has an indeterminate, yet significant negative fiscal impact on the Department of Health, however, current resources are adequate to absorb these costs. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

The Practice of Dentistry

The Board of Dentistry (BOD), within the Department of Health (DOH), regulates the practice of dentistry in Florida, including dentists, dental hygienists, and dental assistants under the Dental Practice Act.¹ A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures.² A dental hygienist provides education, preventive, and delegated therapeutic dental services.³

License Display Requirements

Every dentist or dental hygienist licensed in Florida must post and keep conspicuously displayed his or her license in the office wherein she or he practices, in plain sight of patients. Any dentist or dental hygienist who practices at more than one location shall be required to display a copy of his or her license in each location where she or he practices.⁴

Dental Patient Records

Every dentist must maintain written dental records and medical history records on every patient which must justify the dentist's course of treatment for the patient. The records must include, but not be limited to:

- Patient history;
- Examination results;
- Test results; and,
- X rays, if taken.⁵

In a multi-dentist practice, the owner dentist(s) must maintain either the original or duplicates of all patient records, including dental charts, patient histories, examination and test results, study models, and X rays, of any patient treated by a dentist at the owner dentist's practice facility for four years from the date of the last patient's visit.⁶ The owner dentist(s) of a multi-dentist practice may be relieved of this responsibility if, upon request of the patient or the patient's legal representative, the dentist transfers custody of the records to another dentist, the patient, or the patient's legal representative and retains, in lieu of the records, a written statement, signed by the owner dentist, the person who received the records, and two witnesses, that lists the date, the records that were transferred and the persons to whom the records were transferred. The owner dentist(s) must provide reasonable access to duplicate records at cost.⁷

Dentist of Record

Section 466.018, F.S., requires that each dental patient shall have a dentist of record. The dentist of record must remain primarily responsible for all dental treatment on a patient regardless of

¹ Section 466.004, F.S.

² Section 466.003(3), F.S.

³ Section 466.003(4) and (5), F.S.

⁴ Section 466.016, F.S.

⁵ Section 466.018 (3), F.S.

⁶ Section 466.018(5), F.S.

⁷ Section 466.018(4), F.S.

whether the treatment is rendered by the dentist or by another dentist, dental hygienist, or dental assistant rendering such treatment in conjunction with, at the direction or request of, or under the supervision of such dentist of record. The dentist of record must be identified in the record of the patient. If treatment is rendered by a dentist other than the dentist of record or by a dental hygienist or assistant, the name or initials of such person must be placed in the record of the patient. In any disciplinary proceeding against a dentist, it is presumed as a matter of law that treatment was rendered by the dentist of record unless otherwise noted on the patient record.⁸

Section 466.028, F.S., sets forth the offenses that constitute grounds for disciplinary action by the BOD. Currently, failure by the dentist of record to perform an in-person exam or obtain records from an in-person exam within the last 6 months, before the initial diagnosis and correction of a malposition of teeth or the initial use of an orthodontic appliance, does not constitute grounds for disciplinary action by the Board.

Delegation of Duties

A dentist may not delegate irremediable tasks to a dental hygienist or dental assistant, except as provided by law. A dentist may delegate remediable tasks to a dental hygienist or dental assistant when such tasks pose no risk to the patient. A dentist may only delegate remediable tasks so defined by law or BOD rule.⁹

The BOD designates by rule which tasks are remediable and delegable, except that the following are found by law to be remediable and delegable:

- Taking impressions for study casts but not for the purpose of fabricating any intraoral restorations or orthodontic appliance;
- Placing periodontal dressings;
- Removing periodontal or surgical dressings;
- Removing sutures;
- Placing or removing rubber dams;
- Placing or removing matrices;
- Placing or removing temporary restorations;
- Applying cavity liners, varnishes, or bases;
- Polishing amalgam restorations;
- Polishing clinical crowns of the teeth for the purpose of removing stains but not changing the existing contour of the tooth;
- Obtaining bacteriological cytological specimens not involving cutting of the tissue; and
- Administering local anesthesia.¹⁰

All other remediable tasks must be performed under the direct, indirect, or general supervision of a dentist, after such additional training as required by BOD rule.¹¹

⁸ Section 466.018,(1), F.S.

⁹ Section 466.024, (1), F.S.

¹⁰ *Id.*

¹¹ Section 466.024(7), F.S.

A dentist may not delegate to anyone other than another licensed dentist:

- Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician; or
- Any diagnosis for treatment or treatment planning.¹²

Dental Advertising

A licensed dentist's advertisements may not contain any false, fraudulent, misleading, or deceptive statement or claim or any statement or claim which:

- Contains misrepresentations of fact;
- Is likely to mislead or deceive because, in context, it makes only a partial disclosure of relevant facts;
- Contains laudatory statements about the dentist or group of dentists;
- Is intended or is likely to create false, unjustified expectations of favorable results;
- Relates to the quality of dental services provided as compared to other available dental services;
- Is intended or is likely to appeal primarily to a layperson's fears;
- Contains fee information without a disclaimer that such is a minimum fee only; or
- Contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or to be deceived.¹³

Telehealth

Section 456.47, F.S., defines the term "telehealth" as the use of synchronous or asynchronous telecommunications technology by a telehealth provider to provide health care services, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient; transfer of medical data; patient and professional health-related education; public health services; and health administration. The term does not include e-mail messages or facsimile transmissions.

In a general sense, "synchronous" telehealth happens in live, real-time settings where the patient interacts with a provider, usually via phone or video. Providers and patients communicate directly, often resulting in a diagnosis, treatment plan, or prescription. Synchronous telehealth can include additional at-home devices such as a blood pressure or heart rate monitors, thermometers, oximeters, cameras, or scales to help the provider more accurately assess the patient's health status.¹⁴

¹² Section 466.024(8), F.S.

¹³ Section 466.019, F.S.

¹⁴ TELEHEALTH.HHS.GOV, "Synchronous direct-to-consumer telehealth," available at <https://telehealth.hhs.gov/providers/direct-to-consumer/synchronous-direct-to-consumer-telehealth/> (last visited Jan. 10, 2024).

“Asynchronous” telehealth, also known as “store-and-forward,” is often used for patient intake or follow-up care. For example, a patient sends a photo of a skin condition that is later reviewed by a dermatologist who recommends treatment.¹⁵

Section 456.47, F.S., also authorizes out-of-state health care providers to use telehealth to deliver health care services to Florida patients if they register with the DOH or the applicable board¹⁶ and meet certain eligibility requirements.¹⁷ A registered out-of-state telehealth provider may use telehealth, within the relevant scope of practice established by Florida law and rule, to provide health care services to Florida patients but is prohibited from opening an office in Florida and from providing in-person health care services to patients located in Florida¹⁸ without first becoming licensed by the state of Florida.

A telehealth provider must document in the patient’s medical record the health care services rendered using telehealth according to the same standard as used for in-person services. Medical records, including video, audio, electronic, or other records generated as a result of providing such services, are confidential pursuant to ss. 395.3025(4), and 456.057, F.S.¹⁹

The website of an out-of-state telehealth provider registered under s. 456.47, F.S., must prominently display a hyperlink to the DOH’s website, and the DOH’s website must publish a list of all out-of-state registrants and include the following information for each:

- Name;
- Health care occupation;
- Health care training and education, including completion dates and any certificates or degrees obtained;
- Out-of-state health care licenses, including license numbers;
- Florida telehealth provider registration number;
- Specialty, if any;
- Board certification, if any;
- Five-years of disciplinary history, including sanctions imposed and board actions;
- Medical malpractice insurance provider and policy limits, including whether the policy covers claims that arise in Florida; and
- The name and address of the registered agent designated for service of process in this state.²⁰

A health care professional may not register under s. 456.47, F.S., if his or her license to provide health care services is subject to a pending disciplinary investigation or action; or has been revoked in any state or jurisdiction. A health care professional registered under this subsection must notify the appropriate board, or the DOH if there is no board, of any restrictions placed on

¹⁵ TELEHEALTH.HHS.GOV, “Asynchronous direct-to-consumer telehealth,” available at <https://telehealth.hhs.gov/providers/direct-to-consumer/asynchronous-direct-to-consumer-telehealth/> (last visited Jan. 10, 2024).

¹⁶ Under s. 456.001(1), F.S., the term “board” is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within DOH or, in some cases, within DOH’s Division of Medical Quality Assurance (MQA).

¹⁷ Section 456.47(4), F.S.

¹⁸ *Id.*

¹⁹ Section 456.47(3), F.S.

²⁰ Section 456.47(4)(h), F.S.

his or her license to practice, or any disciplinary action taken or pending against him or her, in any state or jurisdiction. The notification must be provided within five business days after the restriction is placed or disciplinary action is initiated or taken.²¹

The applicable board, or the DOH if there is no board, may take disciplinary action against an out-of-state telehealth provider registered under s. 456.47, F.S., if the registrant:

- Fails to notify the applicable board, or the DOH if there is no board, of any adverse actions taken against his or her license;
- Has restrictions placed on, or disciplinary action taken against, his or her license in any state or jurisdiction;
- Violates any of the requirements of s. 456.47, F.S.; or
- Commits any act that constitutes grounds for disciplinary action under s. 456.072, F.S, or the applicable practice act for similarly licenses Florida providers.²²

Venue for civil or administrative actions initiated by the DOH, a board, or a patient who receives telehealth services from an out-of-state telehealth provider may be located in the patient's county of residence or in Leon County.²³ A health care professional who is not licensed to provide health care services in Florida, but who holds an active license to provide health care services in another state or jurisdiction, and who provides such services using telehealth to a patient located in Florida, is not subject to the registration requirement under s. 456.47, F.S., if the services are provided:

- In response to an emergency medical condition; or
- In consultation with a health care professional licensed Florida who has ultimate authority over the diagnosis and care of the patient.²⁴

III. Effect of Proposed Changes:

Section 1 defines “digital scanning” for dentistry as the use of digital technology to create a computer-generated replica of the hard and soft tissue of the oral cavity using enhanced digital photography, lasers, or other optical scanning devices.

Section 2 amends s. 466.016, F.S., to require that every dentist must provide each of his or her patients with the dentist's name, contact telephone number, after-hours contact information for emergencies, and, upon the patient's request, license information. Any individual, partnership, corporation, or other entity that provides dental services through telehealth must also provide its patients with the name, contact telephone number, after-hours contact information for emergencies, and, upon the patient's request, the license information of each dentist who provides dental services to the patient.

Section 3 requires that for any dental patient treated through telehealth there must be a dentist of record as described in s. 466.018, F.S., who remains primarily responsible for all dental treatment on the patient regardless of whether the treatment is rendered by the dentist of record,

²¹ Section 456.47 (4)(d), F.S.

²² Section 456.47(4)(i), F.S.

²³ Section 456.47(5), F.S.

²⁴ Section 456.47(6), F.S.

another dentist, a dental hygienist, or dental assistant, in conjunction, or at the direction of, or under the supervision of, the dentist of record. A dentist of record for a telehealth patient is subject to all of the requirements S. 466.018, F.S., applicable to dentists of record.

The bill requires that any individual, partnership, corporation, or other entity that provides dental services through telehealth must also make available to the patient, before services are rendered, the name, the telephone number, practice address, and state license number for the dentist of record and any other dentist who will be providing dental services to the patient, and at any time requested by a patient.

The bill clarifies that s. 466.018, F.S., is not to be construed to assign any responsibility to a dentist of record for treatment rendered pursuant to a proper referral to another dentist who is not in the same practice with the dentist of record or to prohibit a patient from voluntarily selecting a new dentist without permission of the dentist of record.

Section 4 defines advertisement for s. 466.019, F.S., as a representation disseminated in any manner or by any means to solicit patients and includes, but is not limited to, business cards, circulars, pamphlets, newspapers, websites, and social media.

The bill amends s. 466.019, F.S., to require that an advertisement for dental services provided through telehealth must include a disclaimer that reads, in a clearly legible font and size, “An in-person examination with a dentist licensed under chapter 466, Florida Statutes, is recommended before beginning telehealth treatment in order to prevent injury or harm” for each of the following dental services, if advertised:

- The taking of an impression or the digital scanning of the human tooth, teeth, or jaws by any means or method, directly or indirectly;
- Furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, or appliance or any other structure designed to be worn in the human mouth;
- Placing an appliance or a structure in the human mouth or adjusting or attempting to adjust the appliance or structure; and
- Correcting or attempting to correct malformations of teeth or jaws.

Section 5 amends s. 466.028, F.S., to create additional offenses that constitute grounds for the denial of a dental license or disciplinary action against a dentist:

- Failure by the dentist of record, before the initial diagnosis and correction of a malposition of human teeth or initial use of an orthodontic appliance, to perform an in-person examination of the patient or obtain records from an in-person examination within the last six months and to perform a review of the patient’s most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia. However, this provision does not apply to:
 - Providing emergent care;
 - Providing care in connection with a public health program; or
 - In making an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. However, such an initial diagnosis and determination must be confirmed through an in-person examination and the review of the patient’s most recent diagnostic digital or conventional radiographs before the patient begins using the orthodontic appliance.

- For dental services provided in-person or through telehealth by an individual, a partnership, a corporation, or any other entity, failing to provide each patient with the name, contact telephone number, after-hours contact information for emergencies, and, upon the patient's request, the license information of each dentist who is providing dental services to the patient; and
- For dental services provided through telehealth by an individual, a partnership, a corporation, or any other entity, failing to designate a dentist of record and make available, before the rendering of such services and upon the patient's request, the name, telephone number, practice address, and state license number for the dentist of record and any other dentist who will be involved in the provision of dental services to the patient through telehealth.

According to the DOH, a direct-to-consumer teeth aligner business model currently exists for consumers. Dental impressions are being taken by the consumer using a dental impression kit mailed by the aligner company, or the consumer visits a location for a digital scan by a technician. The impression or image is then reviewed by a dentist to create custom aligners, which are shipped back to the consumer for use. This business model does not include an in-person examination by a licensed dentist or direct supervision by a licensed dentist when digital scanning is performed.²⁵

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

²⁵ Florida Department of Health, *2023 Agency Legislative Bill Analysis, Senate Bill 356*, Jan. 25, 2023 (on file with the Senate Committee on Health Policy).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

According to the Department of Health (DOH), the provisions of the bill may result in an increase in revenues for individual dentistry practices due to the creation of a standard that would require a dentist of record to perform an in-person examination of a patient or obtain records from an in-person examination within the last six months before the initial diagnosis and correction of a malposition of human teeth or initial use of an orthodontic appliance.²⁶

C. Government Sector Impact:

The bill has an indeterminate, yet significant negative fiscal impact on the DOH, however, current resources are adequate to absorb these costs. According to the DOH, the department will experience an increase in workload associated with complaints and investigations under the bill. The fiscal impact is indeterminate; therefore, the fiscal impact cannot be calculated at this time.²⁷

The DOH has also indicated it will incur nonrecurring costs for rulemaking, which current budget authority is adequate to absorb.

The department will also experience a nonrecurring increase in workload and costs associated with updating the Licensing and Enforcement Information Database System, Online Service Portal, Artificial Intelligence Virtual Customer Contact Agent, Continuing Education Tracking System, License Verification Search Site, and Board of Dentistry (BOD) website. Resources and budget authority are adequate to absorb.²⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 466.003, 466.016, 466.018, 466.019, and 466.028.

²⁶ Florida Department of Health, *2023 Agency Legislative Bill Analysis, Senate Bill 356*, Jan. 25, 2023 (on file with the Senate Committee on Health Policy).

²⁷ *Id.*

²⁸ *Id.*

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Boyd

20-00342-24

2024302__

A bill to be entitled

An act relating to dental services; amending s. 466.003, F.S.; defining the term "digital scanning"; amending s. 466.016, F.S.; requiring every dentist and certain individuals, partnerships, corporations, and other entities to provide specified information to certain patients; amending s. 466.018, F.S.; requiring a dentist of record to remain primarily responsible for all dental treatments for a patient treated through telehealth; requiring any individual, partnership, corporation, or other entity that provides dental services through telehealth to make available specified information; providing construction; amending s. 466.019, F.S.; defining the term "advertisement"; requiring advertisements of dental services provided through telehealth to include a specified disclaimer for certain dental services; amending s. 466.028, F.S.; providing grounds for disciplinary action; providing applicability; providing an effective date.

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

Section 1. Present subsections (8) through (15) of section 466.003, Florida Statutes, are redesignated as subsections (9) through (16), respectively, a new subsection (8) is added to that section, and present subsection (15) of that section is amended, to read:

466.003 Definitions.—As used in this chapter:

Page 1 of 7

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

20-00342-24

2024302__

(8) "Digital scanning" means the use of digital technology that creates a computer-generated replica of the hard and soft tissue of the oral cavity using enhanced digital photography, lasers, or other optical scanning devices.

(16)(15) "School-based prevention program" means preventive oral health services offered at a school by one of the entities defined in subsection (15) (14) or by a nonprofit organization that is exempt from federal income taxation under s. 501(a) of the Internal Revenue Code, and described in s. 501(c)(3) of the Internal Revenue Code.

Section 2. Section 466.016, Florida Statutes, is amended to read:

466.016 License to be displayed.—

(1) Every practitioner of dentistry or dental hygiene within the meaning of this chapter shall post and keep conspicuously displayed her or his license in the office wherein she or he practices, in plain sight of the practitioner's patients. Any dentist or dental hygienist who practices at more than one location shall be required to display a copy of her or his license in each office where she or he practices.

(2) Every dentist shall provide each of her or his patients with her or his name, contact telephone number, after-hours contact information for emergencies, and, upon the patient's request, license information.

(3) Any individual, partnership, corporation, or other entity that provides dental services through telehealth as defined in s. 456.47(1) shall provide each patient with the name, contact telephone number, after-hours contact information for emergencies, and, upon the patient's request, license

Page 2 of 7

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

20-00342-24

2024302__

information of each dentist who provides dental services through telehealth to that patient.

Section 3. Subsection (6) is added to section 466.018, Florida Statutes, to read:

466.018 Dentist of record; patient records.—

(6) For any patient treated through telehealth as defined in s. 456.47(1), there must be a dentist of record who remains primarily responsible for all dental treatments on the patient, regardless of whether the treatment is rendered by the dentist of record or by another dentist, dental hygienist, or dental assistant rendering such treatment in conjunction with, at the direction or request of, or under the supervision of such dentist of record. A dentist of record for a patient treated through telehealth is subject to all of the requirements of this section applicable to dentists of record.

(a) Any individual, partnership, corporation, or other entity that provides dental services through telehealth shall make available the name, contact telephone number, practice address, and state license number for the dentist of record and any other dentist who provides dental services to a patient before the rendering of such services and at any time such information is requested by a patient.

(b) This subsection may not be construed to assign any responsibility to a dentist of record for treatment rendered pursuant to a proper referral to another dentist who is not in the same practice with the dentist of record or to prohibit a patient from voluntarily selecting a new dentist without permission of the dentist of record.

Section 4. Section 466.019, Florida Statutes, is amended to

Page 3 of 7

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

20-00342-24

2024302__

read:

466.019 Advertising by dentists.—

(1) As used in this section, the term "advertisement" means a representation disseminated in any manner or by any means to solicit patients, including, but not limited to, business cards, circulars, pamphlets, newspapers, websites, and social media platforms.

(2) The purpose of this section is to ensure that the public has access to information that ~~which~~ provides a sufficient basis upon which to make an informed selection of dentists while also ensuring that the public is protected from false or misleading advertisements that ~~which~~ would detract from a fair and rational selection process. The board shall adopt rules to carry out the intent of this section, the purpose of which is ~~shall be~~ to regulate the manner of such advertising in keeping with the provisions hereof.

(3) (2) An ~~No~~ advertisement by a licensed dentist may not ~~shall~~ contain any false, fraudulent, misleading, or deceptive statement or claim or any statement or claim that ~~which~~:

(a) Contains misrepresentations of fact;

(b) Is likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

(c) Contains laudatory statements about the dentist or group of dentists;

(d) Is intended or is likely to create false, unjustified expectations of favorable results;

(e) Relates to the quality of dental services provided as compared to other available dental services;

(f) Is intended or is likely to appeal primarily to a

Page 4 of 7

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

20-00342-24

2024302__

layperson's fears;

(g) Contains fee information without a disclaimer that such is a minimum fee only; or

(h) Contains other representations or implications that in reasonable probability will cause an ordinary, prudent person to misunderstand or to be deceived.

(4) An advertisement for dental services provided through telehealth as defined in s. 456.47(1) must include a disclaimer that reads, in a clearly legible font and size, "An in-person examination with a dentist licensed under chapter 466, Florida Statutes, is recommended before beginning telehealth treatment in order to prevent injury or harm" for each of the following services, if advertised:

(a) The taking of an impression or the digital scanning of the human tooth, teeth, or jaws, directly or indirectly and by any means or method.

(b) Furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, or appliance or any other structure designed to be worn in the human mouth.

(c) Placing an appliance or a structure in the human mouth or adjusting or attempting to adjust the appliance or structure.

(d) Correcting or attempting to correct malformations of teeth or jaws.

(5)(3) For purposes of this section, D.D.S. or D.M.D. are synonymous and may be used interchangeably by licensed dentists who have graduated from an accredited American dental school with a D.D.S. or D.M.D. degree, when advertising dental services.

Section 5. Present paragraph (mm) of subsection (1) of

20-00342-24

2024302__

section 466.028, Florida Statutes, is redesignated as paragraph (pp), and a new paragraph (mm) and paragraphs (nn) and (oo) are added to that subsection, to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(mm) Failure by the dentist of record, before the initial diagnosis and correction of a malposition of human teeth or initial use of an orthodontic appliance, to perform an in-person examination of the patient or obtain records from an in-person examination within the last 6 months and to perform a review of the patient's most recent diagnostic digital or conventional radiographs or other equivalent bone imaging suitable for orthodontia. This paragraph does not apply to providing emergent care, to providing care in connection with a public health program, or to making an initial diagnosis of a malposition of teeth and a determination of the need for an orthodontic appliance. Such an initial diagnosis and determination must be confirmed through an in-person examination and review of the patient's most recent diagnostic digital or conventional radiographs before the patient begins using the orthodontic appliance.

(nn) For dental services provided in person or through telehealth by an individual, a partnership, a corporation, or any other entity, failing to provide each patient with the name, contact telephone number, after-hours contact information for emergencies, and, upon the patient's request, the license information of each dentist who is providing dental services to

20-00342-24

2024302__

175 the patient.

176 (oo) For dental services provided through telehealth by an
177 individual, a partnership, a corporation, or any other entity,
178 failing to designate a dentist of record and make available,
179 before the rendering of such services and upon the patient's
180 request, the name, contact telephone number, practice address,
181 and state license number for the dentist of record and any other
182 dentist who will provide dental services to the patient through
183 telehealth.

184 Section 6. This act shall take effect July 1, 2024.

1/31/2024

The Florida Senate
APPEARANCE RECORD

SB 302

Meeting Date
Fiscal Policy

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

Bill Number or Topic

Committee
Anita Berry

Amendment Barcode (if applicable)

Name **Anita Berry** Phone **301-524-0172**

Address **21748 State Road 54, Suite 101** Email **anita@johnstonstewart.com**

Street

Lutz

FL

33549

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

**American Association of
Orthodontists**

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Jan. 31, 2024

Meeting Date

Fiscal Policy

Committee

SB 302

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Joe Anne Hart

Phone

850-224-1089

Address

118 East Jefferson St

Street

Tallahassee, FL 32301

City

State

Zip

Email

jahart@floridadental.org

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Dental Association

☐

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

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

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

S-001 (08/10/2021)

01-31-2024

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 302

Bill Number or Topic

Amendment Barcode (if applicable)

Name E. Ivonne Fernandez Phone 954-850-7262

Address 215 S Monroe Street - 601 Email ifernandez@aarp.org
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

AARP

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 304

INTRODUCER: Senator Hooper

SUBJECT: Household Moving Services

DATE: January 29, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
2. <u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3. <u>McMillan</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 304 broadens protections for consumers who use intrastate moving services by:

- Providing additional registration and proof of registration requirements for movers and moving brokers;
- Providing for a required performance bond or certificate of deposit in certain circumstances for shippers' moved goods;
- Requiring a binding estimate of the cost of services, including any applicable fees of a moving broker, to be provided by the mover to a prospective shipper;
- Requiring a moving broker to arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move;
- Requiring a moving broker to include certain information on any document provided by the moving broker to a shipper; and
- Requiring the Department of Agriculture and Consumer Services to suspend a mover's or moving broker's registration under certain circumstances.

The bill has an indeterminate, but likely insignificant impact on state revenues or expenditures.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

Moving Scams

The Better Business Bureau (BBB) has seen a marked increase in complaints and negative reviews about movers in recent years.¹ In 2022, nearly 15,198 complaints were filed with the BBB against moving companies.² Additionally, consumers reported more than \$129,040 lost to moving scams to the BBB Scam Tracker.³

One frequent moving scam involves an initial low-ball estimate (usually provided without an in-person visit to review the belongings that need to be moved) that turns into a demand for a much higher price once all of the household belongings are on the moving truck and awaiting delivery. The truck driver can simply drive away if the consumer refuses to pay the higher price.^{4,5}

Another scam requires the shipper to sign a blank or incomplete estimate or contract, which results in a higher than expected price demanded at the time of delivery.⁶

On December 8, 2022, Attorney General Moody filed legal action against three individuals, two holding companies, and multiple fraudulent moving brokerage businesses.⁷ According to the consumer protection investigation, the businesses acted as a common enterprise to deceive more than 400 Floridians into believing the company professionally handled moving services, and promised to provide refunds if anything went wrong. Instead, the companies hired third parties to complete the moving services at subpar quality and refused to provide refunds.⁸

Florida (Intrastate) Mover Regulations

Chapter 507, F.S., governs the loading, transportation, shipment, unloading, and affiliated storage of household goods as part of intrastate household moves. The chapter applies to any mover or moving broker engaged in intrastate transportation or shipment of household goods that

¹ Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), available at <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Dec. 4, 2023).

² Better Business Bureau, *BBB Scam Alert: Avoid Moving Scams this National Moving Month* (May 17, 2023) available at <https://www.bbb.org/article/scams/24198-bbb-scam-alert-avoid-moving-scams-this-national-moving-month> (last visited Dec. 4, 2023).

³ *Id.*

⁴ Better Business Bureau, *Know Your Mover: BBB Study Reveals Scammers Price Gouge, Take Belongings Hostage, and Destroy Goods* (Jun. 30, 2020), available at <https://www.bbb.org/article/news-releases/22659-know-your-mover-bbb-study-reveals-scammers-price-gouge-take-belongings-hostage-and-destroy-goods> (last visited Dec. 4, 2023).

⁵ See, e.g., Jackie Callaway, *Record Number of People File Complaints About Florida Movers in 2021; BBB rates 1,300 Companies 'F'*, (Dec. 2, 2021), available at <https://www.abcactionnews.com/money/consumer/taking-action-for-you/record-number-of-people-file-complaints-about-florida-movers-in-2021-bbb-rates-1-300-companies-f> (last visited Dec. 4, 2023).

⁶ Florida Attorney General's Office, *Scams at a Glance: On the Move*, available at [http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/\\$file/Movers_Scams+at+a+Glance_English.pdf](http://myfloridalegal.com/webfiles.nsf/WF/TDGT-BYLQQL/$file/Movers_Scams+at+a+Glance_English.pdf) (last visited Dec. 4, 2023).

⁷ See Office of Attorney General Ashley Moody, *Attorney General Moody Takes Action to Shut Down Massive Moving Scam* (Dec. 8, 2022), available at [News Release - Attorney General Moody Takes Action to Shut Down Massive Moving Scam \(myfloridalegal.com\)](https://www.myfloridalegal.com/news-release-attorney-general-moody-takes-action-to-shut-down-massive-moving-scam) (last visited Dec. 4, 2023).

⁸ *Id.*

originates and terminates in Florida.⁹ These regulations co-exist with federal law, which governs interstate moving of household goods.¹⁰

A “mover” is a person who, for compensation, contracts for or engages in the loading, transportation, shipment, or unloading of household goods as part of a household move.¹¹ A “moving broker” arranges for another person to load, transport, ship, or unload household goods as part of a household move or who refers a shipper to a mover by telephone, postal, or electronic mail, website, or other means.¹²

Movers and moving brokers who do business in Florida must register annually with the Department of Agriculture and Consumer Services (Department).¹³ As of December 4, 2023, there were 1,348 movers and 39 moving brokers with active Florida registrations.¹⁴ In order to obtain a registration certificate, the mover or moving broker must file an application, pay a \$300 annual registration fee, and meet certain statutory qualifications, including proof of insurance coverage.¹⁵

Insurance Coverage and Liability Limitations

Movers and moving brokers must maintain liability and motor vehicle insurance. A mover who operates more than two vehicles is required to maintain liability insurance of at least \$10,000 per shipment, and not less than 60 cents per pound, per article.¹⁶ Movers who operate fewer than two vehicles are required only to carry either a \$25,000 performance bond or a \$25,000 certificate of deposit in lieu of liability insurance.¹⁷

Any contractual limitation to a mover’s liability for loss incurred to a shipper’s goods must be disclosed in writing to the shipper, along with the valuation rate, but a mover’s attempt to limit its liability beyond the minimum 60 cents per pound, per article rate is void under s. 507.04(4), F.S. If the mover offers valuation insurance, it must inform the shipper of the opportunity to purchase valuation coverage to compensate the shipper for household goods that are lost or damaged during a household move, prior to execution of the contract for moving services.¹⁸

⁹ Section 507.02, F.S.

¹⁰ Interstate movers in the U.S. must be licensed by the Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA).

¹¹ Section 507.01(9), F.S.

¹² Section 507.01(10), F.S.

¹³ Florida Department of Agriculture and Consumer Services (FDACS), *Moving Companies: Who has to Register?*, available at <https://www.fdacs.gov/Business-Services/Moving-Companies> (last visited Dec. 4, 2023).

¹⁴ FDACS, *License/Complaint Lookup*, available at <https://csapp.fdacs.gov/cspublicapp/businesssearch/businesssearch.aspx> (last visited Dec. 4, 2023). Search by “program.”

¹⁵ Section 507.03, F.S.

¹⁶ Sections 507.04(1)(a)1. and 507.04(4), F.S.

¹⁷ Section 507.04(1)(b), F.S.

¹⁸ Section 507.04(5), F.S.

Violations and Penalties

Section 507.05, F.S., requires an intrastate mover to provide an estimate and contract to the shipper before commencing the move. Should a dispute arise over payment or costs, s. 507.06, F.S., provides that the mover may place the shipper's goods in a storage unit until payment is tendered. Because of ambiguity regarding what payment may legally be demanded, some shippers have been taken advantage of by deceptive or fraudulent moving practices. Often, moving fraud manifests as an increased fee assessed by the mover, who then refuses to relinquish the shipper's goods until the inflated price has been paid in full.

While administrative, civil, and criminal penalties exist in ch. 507, F.S., for such fraudulent moving practices and other violations, the aggrieved shipper is not guaranteed the return of his or her goods until after such remedies have been finalized.

In March of 2021, the Florida Consumer Protection Division within the Office of the Attorney General secured four judgments against moving companies that used deceptive advertising, failed to provide proper estimates, failed to relinquish household goods, and failed to provide timely pick-up or delivery of goods in accordance with service contracts.¹⁹

Local Ordinances and Regulations

Chapter 507, F.S., preempts local ordinances or regulations that relate to household moving, unless the local regulation was adopted prior to January 1, 2011.²⁰ Broward,²¹ Miami-Dade,²² Palm Beach,²³ and Pinellas²⁴ counties currently have such ordinances. Movers or moving brokers whose principal place of business is located in a county or municipality with such an ordinance are required to register under local and state laws. State law also allows for local taxes, fees, and bonding related to movers and moving brokers, so long as any local registration fees are reasonable and do not exceed the cost of administering the ordinance or regulation.²⁵

III. Effect of Proposed Changes:

Definitions and Legislative Intent

Section 1 amends the following definitions in s. 507.01, F.S.;

¹⁹ Office of the Attorney General, *Attorney General Moody Shuts Down Moving Scams and Recovers Millions for Consumers Duped by Malicious Movers* (Mar. 2, 2021), available at <http://www.myfloridalegal.com/newsrel.nsf/newsreleases/0BFF0224649D124D8525868C005A765F?Open&> (last visited Dec. 4, 2023).

²⁰ Section 507.13, F.S.

²¹ Broward County Government, *Movers*, available at <https://www.broward.org/Consumer/ConsumerProtection/Movers/Pages/default.aspx> (last visited Dec. 4, 2023).

²² Miami-Dade County, *Moving Companies—Laws & Tips*, available at <https://www.miamidade.gov/global/economy/consumer-protection/moving-companies.page#:~:text=Movers%20must%20insure%20your%20property,the%20value%20of%20your%20property.&text=The%20amount%20of%20added%20value%20you%20purchase%20is%20up%20to%20you>. (last visited Dec. 4, 2023).

²³ Palm Beach County, *Moving*, available at <https://discover.pbcgov.org/publicsafety/consumeraffairs/pages/moving.aspx> (last visited Dec. 4, 2023).

²⁴ Pinellas County, *Moving*, available at <https://www.pinellascounty.org/consumer/moving.htm> (last visited Dec. 4, 2023).

²⁵ Section 507.13, F.S.

- “Contract for service” or “bill of lading” means a written document prepared by a registered mover which is approved and electronically acknowledged or signed by the shipper in writing before the performance of any service by the mover and which authorizes the named mover to perform the services and lists all costs associated with the household move and accessorial services to be performed;
- “Estimate” means a written document prepared by a registered mover which sets forth the total costs and describes the basis of those costs, related to a shipper’s household move, including, but not limited to, the loading, transportation or shipment, and unloading of household goods and accessorial services; and
- “Moving broker” or “broker” means a person who, for compensation, arranges with a registered mover for loading, transporting or shipping, or unloading of household goods as part of a household move or who, for compensation, refers a shipper to a registered mover.

Section 2 amends s. 507.02, F.S., to provide that the bill is intended to establish the law of Florida governing the brokering of moves of household goods by moving brokers.

Mover Registration

Section 3 amends s. 507.03, F.S., to clarify that “broker” means “moving broker.”

The bill clarifies that each estimate or contract of a “mover” must include a phrase that contains the following:

- The name of the firm;
- A Statement that includes the firm is registered with the State of Florida as a mover; and
- A Florida mover registration number.

The bill also clarifies that any document from a “moving broker” must include:

- The name of the firm;
- A statement that includes the firm is registered with the State of Florida as a moving broker; and
- A Florida moving broker registration number.

Additionally, the bill states that each advertisement of a “moving broker” must include the following:

- A Florida moving broker registration number;
- The name of the firm; and
- A phrase that states the firm is paid by a shipper to arrange, or offer to arrange, the transportation of property by a registered mover.

The bill requires each moving broker to provide the Department of Agriculture and Consumer Services (department) with a complete list of registered movers that the moving broker has contracted or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover’s complete name, address, telephone number, email address, and registration number and the name of each mover’s owners, corporate officers, and directors. Additionally, a moving broker must notify the department of any changes to the provided

information, and the department must publish and maintain a list of all moving brokers and the registered movers each moving broker is contracted with on its website.

The bill provides that a person may not hold themselves out to be a mover or moving broker without first registering with the department.

The bill requires the department to immediately issue a cease and desist order to a person upon finding that such person is operating as a mover or moving broker without registering. Additionally, the department may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the registration requirement, a civil penalty not to exceed \$5,000, and court costs.

Insurance Requirement

Section 4 amends the insurance requirements in s. 507.04, F.S. The bill authorizes a mover that operates two or fewer vehicles, in lieu of maintaining liability insurance coverage, to maintain one of the following alternative coverages:

- A performance bond in the amount of \$50,000, up from the current \$25,000, for which the surety of the bond must be a surety company authorized to conduct business in Florida; or
- A certificate of deposit in a Florida banking institution in the amount of \$50,000, up from the current \$25,000.

The bill also requires a moving broker to maintain one of the above listed coverages.

The bill requires the department to immediately suspend a mover's or moving broker's registration if the mover or moving broker fails to maintain the required performance bond, certificate of deposit, or the appropriate insurance. In such cases, the mover or moving broker must immediately cease operating as a mover or moving broker in Florida. Additionally, the department may seek an immediate injunction from the appropriate circuit court that prohibits the person from operating in Florida until the person complies with the aforementioned requirements, a civil penalty not to exceed \$5,000, and court costs.

Estimates and Contracts for Service

Section 5 amends s. 507.05, F.S., to require that an estimate and a contract must be prepared by a registered mover and provided to a prospective shipper in writing, and the shipper, mover, and moving broker must sign or electronically acknowledge and date the estimate and contract.

The bill requires the estimate and contract for service to include the following:

- The name, telephone number, and physical address where the mover's and moving broker's employees are available during normal business hours;
- The date the estimate and contract were prepared by the mover and the proposed date or dates of the shipper's household move, including, but not limited to, loading, transportation, shipment, and unloading of household goods and accessorial services;
- The name and address of the shipper, the addresses where the articles are to be picked up and delivered, and a telephone number where the shipper may be reached;

- The name, telephone number, and physical address of the location where the household goods will be held pending further transportation, including situations in which the mover retains possession of household goods pending resolution of a fee dispute with the shipper;
- An itemized breakdown and description and total of all costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods, including the fees of a moving broker, if used; and
- Acceptable forms of payment, which must be clearly and conspicuously disclosed to the shipper on the binding estimate and the contract for services.

Moving Brokers

Section 6 creates s. 507.056, F.S., to provide requirements specific to moving brokers.

The bill establishes that a moving broker may only arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or refer a shipper to a registered mover. Moving brokers may not give a verbal estimate or prepare a written estimate or contract for services that sets forth the total costs and describes the basis of those costs relating to a shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.

The bill provides that before providing any service to a prospective shipper, a moving broker must disclose to the shipper that the broker may only arrange, or offer to arrange, the transportation of property by a registered mover. Additionally, a moving broker's fees may not include the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services.

The bill requires any document provided to a shipper by a moving broker to include the following:

- The name of the moving broker and the moving broker's registration number;
- The following statement displayed at the top of the document:
 - The name of the moving broker firm and that the firm is not a mover; and
 - The name of the moving broker firm and a phrase stating the moving broker is paid by the shipper to arrange, or offer to arrange, the transportation of property by a registered mover. The moving broker's fees do not include the cost of the shipper's household move, including, but not limited to, the loading, transportation, shipment, or unloading of household goods and accessorial services;
- The name, telephone number, and physical address where the moving broker's employees are available during normal business hours;
- An itemized breakdown and description and total of all costs for the moving broker's fees to arrange with a registered mover for the loading, transportation, shipment, or unloading of household goods as part of a household move or to refer the shipper to a registered mover;
- A list of all of the registered movers the moving broker has contracted with or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, email address, Florida Intrastate Registration Number, and the name of each mover's owners, corporate officers, and directors; and

- A list of acceptable forms of payment, which must include all of the forms of payment listed in at least two of the following subparagraphs:
 - Cash, cashier's check, money order, or traveler's check;
 - Valid personal check, showing upon its face the name and address of the shipper or authorized representative; and
 - Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

Violations and Penalties

Section 7 amends s. 507.07, F.S., to prohibit a moving broker from providing an estimate or entering into a contract or agreement for moving, loading, shipping, transporting, or unloading services with a shipper which was not prepared and electronically acknowledged or signed by a mover who is registered with the department.

Section 8 amends s. 507.09, F.S., to provide that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, the department must immediately suspend a registration or the processing of an application for a registration if the registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving;

- Fraud;
- Theft;
- Larceny;
- Embezzlement;
- Fraudulent conversion;
- Misappropriation of property; or
- A crime arising from conduct during a movement of household goods until final disposition of the case or removal or resignation of that officer or director.

Section 9 makes conforming changes to s. 507.10, F.S., to incorporate amendments made elsewhere in the bill.

Section 10 amends s. 507.11, F.S., to clarify that it is a felony of the third degree, if a mover or mover's employee, agent, or contractor refuses to comply with an order from a law enforcement officer to relinquish a shipper's household goods in the following scenarios:

- After the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper; or
- If the officer determines that the mover did not produce a signed or electronically acknowledged binding estimate or contract for service and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper.

Effective Date

Section 11 creates an effective date of July 1, 2024.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

The public may see a faster resolution to moving disputes that arise due to the provisions in the bill.

C. Government Sector Impact:

Implementation of this bill will have an indeterminate fiscal impact to the department. Any additional operating costs will be absorbed within existing resources. There may be additional revenues collected, but will likely be insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement that a registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving fraud, theft, larceny, embezzlement, or fraudulent conversion, the Department of

Agriculture and Consumer Services (department) is required to suspend a registration or the processing of an application for registration until final disposition of the case or removal or resignation of that officer or director. However, it is unclear if the department is receiving notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, or alternatively, if the department is receiving notification from any person or entity, and then getting a subsequent written verification from one of the aforementioned entities.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 507.01, 507.02, 507.03, 507.04, 507.05, 507.07, 507.09, 507.10, and 507.11.

This bill creates section 507.056 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Hooper

21-00170A-24

2024304__

1 A bill to be entitled
 2 An act relating to household moving services; amending
 3 s. 507.01, F.S.; revising definitions; amending s.
 4 507.02, F.S.; providing construction; amending s.
 5 507.03, F.S.; revising requirements for mover and
 6 moving broker estimates, contracts, and
 7 advertisements; conforming a cross-reference; revising
 8 requirements relating to lists that moving brokers
 9 must provide to the Department of Agriculture and
 10 Consumer Services; requiring the department to publish
 11 and maintain a specified list on its website;
 12 prohibiting certain persons from operating as or
 13 holding themselves out to be a mover or moving broker
 14 without first registering with the department;
 15 requiring the department to issue cease and desist
 16 orders to certain persons under certain circumstances;
 17 authorizing the department to seek an immediate
 18 injunction under certain circumstances; making
 19 technical changes; amending s. 507.04, F.S.; revising
 20 alternative insurance coverage requirements for
 21 movers; revising liability coverage requirements for
 22 moving brokers; requiring the department to
 23 immediately suspend a mover's or moving broker's
 24 registration under certain circumstances; authorizing
 25 the department to seek an immediate injunction under
 26 certain circumstances; conforming cross-references;
 27 amending s. 507.05, F.S.; revising requirements for
 28 contracts and estimates for prospective shippers;
 29 creating s. 507.056, F.S.; providing limitations and

Page 1 of 16

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

21-00170A-24

2024304__

30 prohibitions for moving brokers; requiring moving
 31 brokers to make a specified disclosure to shippers
 32 before providing any services; prohibiting moving
 33 brokers' fees from including certain costs; requiring
 34 that the documents moving brokers provide to shippers
 35 contain specified information; amending s. 507.07,
 36 F.S.; providing that it is a violation of ch. 507,
 37 F.S., for moving brokers to provide estimates or enter
 38 into contracts or agreements that were not prepared
 39 and signed or electronically acknowledged by a
 40 registered mover; amending s. 507.09, F.S.; conforming
 41 a cross-reference; requiring the department, upon
 42 verification by certain entities, to immediately
 43 suspend a registration or the processing of an
 44 application for a registration in certain
 45 circumstances; amending s. 507.10, F.S.; conforming a
 46 cross-reference; amending s. 507.11, F.S.; conforming
 47 provisions to changes made by the act; providing an
 48 effective date.

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

51
 52 Section 1. Subsections (4), (6), and (10) of section
 53 507.01, Florida Statutes, are amended to read:

54 507.01 Definitions.—As used in this chapter, the term:

55 (4) "Contract for service" or "bill of lading" means a
 56 written document prepared by a registered mover which is
 57 approved and electronically acknowledged or signed by the
 58 shipper in writing before the performance of any service by the

Page 2 of 16

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

21-00170A-24

2024304

59 ~~mover and~~ which authorizes ~~services from~~ the named mover to
 60 perform and lists the services and lists all costs associated
 61 with the household move and accessorial services to be
 62 performed.

63 (6) "Estimate" means a written document prepared by a
 64 registered mover which ~~that~~ sets forth the total costs and
 65 describes the basis of those costs, relating to a shipper's
 66 household move, including, but not limited to, the loading,
 67 transportation or shipment, and unloading of household goods and
 68 accessorial services.

69 (10) "Moving broker" or "broker" means a person who, for
 70 compensation, arranges with a registered mover for loading,
 71 transporting or shipping, or unloading of ~~for another person to~~
 72 ~~load, transport or ship, or unload~~ household goods as part of a
 73 household move or who, for compensation, refers a shipper to a
 74 registered mover by telephone, postal or electronic mail,
 75 ~~Internet website, or other means.~~

76 Section 2. Present paragraph (b) of subsection (1) of
 77 section 507.02, Florida Statutes, is redesignated as paragraph
 78 (c), and a new paragraph (b) is added to that subsection, to
 79 read:

80 507.02 Construction; intent; application.—

81 (1) This chapter shall be construed liberally to:

82 (b) Establish the law of this state governing the brokering
 83 of moves of household goods by moving brokers.

84 Section 3. Subsections (1), (2), (5), (6), (7), (9), and
 85 (11) of section 507.03, Florida Statutes, are amended, and
 86 subsections (12) and (13) are added to that section, to read:

87 507.03 Registration.—

21-00170A-24

2024304

88 (1) Each mover and moving broker must register with the
 89 department, providing its legal business and trade name, mailing
 90 address, and business locations; the full names, addresses, and
 91 telephone numbers of its owners, ~~or~~ corporate officers, and
 92 directors and the Florida agent of the corporation; a statement
 93 whether it is a domestic or foreign corporation, its state and
 94 date of incorporation, its charter number, and, if a foreign
 95 corporation, the date it registered with the Department of
 96 State; the date on which the mover or moving broker registered
 97 its fictitious name if the mover or moving broker is operating
 98 under a fictitious or trade name; the name of all other
 99 corporations, business entities, and trade names through which
 100 each owner of the mover or moving broker operated, was known, or
 101 did business as a mover or moving broker within the preceding 5
 102 years; and proof of the insurance or alternative coverages
 103 required under s. 507.04.

104 (2) A certificate evidencing proof of registration shall be
 105 issued by the department and must be prominently displayed in
 106 the mover's or moving broker's primary place of business.

107 (5) (a) Each estimate or contract of a mover ~~or moving~~
 108 ~~broker~~ must include the phrase "... (NAME OF FIRM) ... is
 109 registered with the State of Florida as a Mover ~~or Moving~~
 110 ~~Broker~~. Fla. Mover Registration No."

111 (b) Any document from a moving broker must include the
 112 phrase "... (NAME OF FIRM) ... is registered with the State of
 113 Florida as a Moving Broker. Fla. Moving Broker Registration No.
 114"

115 (6) (a) Each advertisement of a mover ~~or moving broker~~ must
 116 include the phrase "Fla. Mover Reg. No." or "Fla. IM No.

21-00170A-24

2024304

....." Each of the mover's vehicles must clearly and conspicuously display a sign on the driver's side door which includes at least one of these phrases in lettering of at least 1.5 inches in height.

(b) Each advertisement of a moving broker must include the phrase "Fla. Moving Broker Reg. No. (NAME OF MOVING BROKER)... is a moving broker. ... (NAME OF MOVING BROKER)... is paid by a shipper to arrange, or offer to arrange, the transportation of property by a registered mover."

(7) A registration is not valid for any mover or moving broker transacting business at any place other than that designated in the mover's or moving broker's application, unless the department is first notified in writing before any change of location. A registration issued under this chapter is not assignable, and the mover or moving broker may not conduct business under more than one name except as registered. A mover or moving broker desiring to change its registered name or location or designated agent for service of process at a time other than upon renewal of registration must notify the department of the change.

(9) The department shall deny or refuse to renew the registration of a mover or a moving broker or deny a registration or renewal request by any of the mover's or moving broker's directors, officers, owners, or general partners if the mover or moving broker has not satisfied a civil penalty or administrative fine for a violation of s. 507.07(10) ~~s. 507.07(9)~~.

(11) ~~At the request of the department,~~ Each moving broker shall provide the department with a complete list of the

21-00170A-24

2024304

registered movers that the moving broker has contracted or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, ~~and~~ e-mail address, and registration number and the name of each mover's owners, corporate officers, and directors ~~owner or other principal~~. A moving broker must notify the department of any changes to the provided information. The department shall publish and maintain on its website a list of all moving brokers and the registered movers each moving broker is contracted with.

(12) A person required to register pursuant to this section may not operate as or hold itself out to be a mover or moving broker without first registering with the department pursuant to this section.

(13) The department must immediately issue a cease and desist order to a person upon finding that the person is operating as a mover or a moving broker without registering pursuant to this section. In addition, and notwithstanding the availability of any administrative relief under chapter 120, the department may seek from the appropriate circuit court an immediate injunction prohibiting the person from operating in this state until the person complies with this section and pays a civil penalty not to exceed \$5,000 and court costs.

Section 4. Present subsections (3), (4), and (5) of section 507.04, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, a new subsection (3) is added to that section, and subsection (1) and present subsections (4) and (5) of that section are amended, to read:

507.04 Required insurance coverages; liability limitations;

21-00170A-24

2024304__

valuation coverage.—

(1) LIABILITY INSURANCE.—

(a)1. Except as provided in paragraph (b), each mover operating in this state must maintain current and valid liability insurance coverage of at least \$10,000 per shipment for the loss or damage of household goods resulting from the negligence of the mover or its employees or agents.

2. The mover must provide the department with evidence of liability insurance coverage before the mover is registered with the department under s. 507.03. All insurance coverage maintained by a mover must remain in effect throughout the mover's registration period. A mover's failure to maintain insurance coverage in accordance with this paragraph constitutes an immediate threat to the public health, safety, and welfare.

(b) A mover that operates two or fewer vehicles, in lieu of maintaining the liability insurance coverage required under paragraph (a), may, ~~and each moving broker must,~~ maintain one of the following alternative coverages:

1. A performance bond in the amount of \$50,000 ~~\$25,000~~, for which the surety of the bond must be a surety company authorized to conduct business in this state; or

2. A certificate of deposit in a Florida banking institution in the amount of \$50,000 ~~\$25,000~~.

(c) A moving broker must maintain one of the following coverages:

1. A performance bond in the amount of \$50,000, for which the surety of the bond must be a surety company authorized to conduct business in this state; or

2. A certificate of deposit in a Florida banking

21-00170A-24

2024304__

institution in the amount of \$50,000.

The original bond or certificate of deposit must be filed with the department and must designate the department as the sole beneficiary. The department must use the bond or certificate of deposit exclusively for the payment of claims to consumers who are injured by the fraud, misrepresentation, breach of contract, misfeasance, malfeasance, or financial failure of the mover or moving broker or by a violation of this chapter by the mover or moving broker. Liability for these injuries may be determined in an administrative proceeding of the department or through a civil action in a court of competent jurisdiction. However, claims against the bond or certificate of deposit must only be paid, in amounts not to exceed the determined liability for these injuries, by order of the department in an administrative proceeding. The bond or certificate of deposit is subject to successive claims, but the aggregate amount of these claims may not exceed the amount of the bond or certificate of deposit.

(3) REGISTRATION SUSPENSION.—The department must immediately suspend a mover's or moving broker's registration if the mover or moving broker fails to maintain the performance bond or certificate of deposit required under subsection (1) or the insurance required under subsection (2), and the mover or moving broker must immediately cease operating as a mover or moving broker in this state. In addition, and notwithstanding the availability of any administrative relief pursuant to chapter 120, the department may seek from a circuit court an immediate injunction prohibiting the mover or moving broker from operating in this state until the mover or moving broker

21-00170A-24

2024304

233 complies with subsections (1) and (2) and pays a civil penalty
 234 not to exceed \$5,000 and court costs.

235 (5)(4) LIABILITY LIMITATIONS; VALUATION RATES.—A mover may
 236 not limit its liability for the loss or damage of household
 237 goods to a valuation rate that is less than 60 cents per pound
 238 per article. A provision of a contract for moving services is
 239 void if the provision limits a mover's liability to a valuation
 240 rate that is less than the minimum rate under this subsection.
 241 If a mover limits its liability for a shipper's goods, the mover
 242 must disclose the limitation, including the valuation rate, to
 243 the shipper in writing at the time that the estimate and
 244 contract for services are executed and before any moving or
 245 accessorial services are provided. The disclosure must also
 246 inform the shipper of the opportunity to purchase valuation
 247 coverage if the mover offers that coverage under subsection (6)
 248 (5).

249 (6)(5) VALUATION COVERAGE.—A mover may offer valuation
 250 coverage to compensate a shipper for the loss or damage of the
 251 shipper's household goods that are lost or damaged during a
 252 household move. If a mover offers valuation coverage, the
 253 coverage must indemnify the shipper for at least the minimum
 254 valuation rate required under subsection (5) (4). The mover must
 255 disclose the terms of the coverage to the shipper in writing at
 256 the time that the estimate and contract for services are
 257 executed and before any moving or accessorial services are
 258 provided. The disclosure must inform the shipper of the cost of
 259 the valuation coverage, the valuation rate of the coverage, and
 260 the opportunity to reject the coverage. If valuation coverage
 261 compensates a shipper for at least the minimum valuation rate

21-00170A-24

2024304

262 required under subsection (5) (4), the coverage satisfies the
 263 mover's liability for the minimum valuation rate.

264 Section 5. Section 507.05, Florida Statutes, is amended to
 265 read:

266 507.05 Estimates and contracts for service.—Before
 267 providing any moving or accessorial services, an estimate and a
 268 contract and estimate must be prepared by a registered mover and
 269 provided to a prospective shipper in writing, and the shipper,
 270 the mover, and, if applicable, the moving broker must sign or
 271 electronically acknowledge and date the estimate and contract.
 272 At a minimum, the estimate and contract for service must be
 273 signed and dated by the shipper and the mover, and must include:

274 (1) The name, telephone number, and physical address where
 275 the mover's and, if applicable, the moving broker's employees
 276 are available during normal business hours.

277 (2) The date the estimate and contract were or estimate is
 278 prepared by the mover and the any proposed date or dates of the
 279 shipper's household move, including, but not limited to,
 280 loading, transportation, shipment, and unloading of household
 281 goods and accessorial services.

282 (3) The name and address of the shipper, the addresses
 283 where the articles are to be picked up and delivered, and a
 284 telephone number where the shipper may be reached.

285 (4) The name, telephone number, and physical address of the
 286 any location where the household goods will be held pending
 287 further transportation, including situations in which where the
 288 mover retains possession of household goods pending resolution
 289 of a fee dispute with the shipper.

290 (5) An itemized breakdown and description and total of all

21-00170A-24

2024304

costs and services for loading, transportation or shipment, unloading, and accessorial services to be provided during a household move or storage of household goods, including the fees of a moving broker, if used.

(6) Acceptable forms of payment, which must be clearly and conspicuously disclosed to the shipper on the binding estimate and the contract for services. A mover must ~~shall~~ accept at least a minimum of two of the three following forms of payment:

(a) Cash, cashier's check, money order, or traveler's check;

(b) Valid personal check, showing upon its face the name and address of the shipper or authorized representative; or

(c) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

A mover must clearly and conspicuously disclose to the shipper in the estimate and contract for services the forms of payments the mover will accept, including the forms of payment described in paragraphs (a)-(c).

Section 6. Section 507.056, Florida Statutes, is created to read:

507.056 Moving brokers; services.—

(1) A moving broker may only arrange with a registered mover for the loading, transportation or shipment, or unloading of household goods as part of a household move or refer a shipper to a registered mover. Moving brokers may not give a verbal estimate or prepare a written estimate or contract for services which sets forth the total costs and describes the basis of those costs relating to a shipper's household move,

21-00170A-24

2024304

including, but not limited to, the loading, transportation or shipment, or unloading of household goods and accessorial services.

(2) Before providing any service to a prospective shipper, a moving broker must disclose to the shipper that the broker may only arrange, or offer to arrange, the transportation of property by a registered mover. A moving broker's fees may not include the cost of the shipper's household move, including, but not limited to, the loading, transportation or shipment, or unloading of household goods and accessorial services. Any document provided to a shipper by a moving broker must include all of the following:

(a) The name of the moving broker and the moving broker's registration number.

(b) The following statement displayed at the top of the document: "... (Name of Moving Broker) ... is not a mover. ... (Name of Moving Broker) ... is paid by the shipper to arrange, or offer to arrange, the transportation of property by a registered mover. The moving broker's fees do not include the cost of the shipper's household move, including, but not limited to, the loading, transportation or shipment, or unloading of household goods and accessorial services."

(c) The name, telephone number, and physical address where the moving broker's employees are available during normal business hours.

(d) An itemized breakdown, description, and total of all fees the moving broker charges to arrange with a registered mover for the loading, transportation or shipment, or unloading of household goods as part of a household move or to refer the

21-00170A-24

2024304__

shipper to a registered mover.

(e) A list of all of the registered movers the moving broker has contracted with or is affiliated with, advertises on behalf of, arranges moves for, or refers shippers to, including each mover's complete name, address, telephone number, e-mail address, and Florida Intrastate Registration Number and the name of each mover's owners, corporate officers, and directors.

(f) A list of acceptable forms of payment, which must include all of the forms of payment listed in at least two of the following subparagraphs:

1. Cash, cashier's check, money order, or traveler's check.

2. Valid personal check, showing upon its face the name and address of the shipper or authorized representative.

3. Valid credit card, including, but not limited to, Visa or MasterCard.

Section 7. Present subsections (8) and (9) of section 507.07, Florida Statutes, are redesignated as subsections (9) and (10), respectively, and a new subsection (8) is added to that section, to read:

507.07 Violations.—It is a violation of this chapter:

(8) For a moving broker to provide an estimate or enter into a contract or agreement for moving, loading, shipping or transporting, or unloading services with a shipper which was not prepared and electronically acknowledged or signed by a mover who is registered with the department pursuant to this chapter.

Section 8. Section 507.09, Florida Statutes, is amended to read:

507.09 Administrative remedies; penalties.—

(1) The department may enter an order doing one or more of

21-00170A-24

2024304__

the following if the department finds that a mover or moving broker, or a person employed or contracted by a mover or moving broker, has violated or is operating in violation of this chapter or the rules or orders issued pursuant to this chapter:

(a) Issuing a notice of noncompliance under s. 120.695.

(b) Imposing an administrative fine in the Class II category pursuant to s. 570.971 for each act or omission. However, the department must impose an administrative fine in the Class IV category for each violation of s. 507.07(10) ~~s. 507.07(9)~~ if the department does not seek a civil penalty for the same offense.

(c) Directing that the person cease and desist specified activities.

(d) Refusing to register or revoking or suspending a registration.

(e) Placing the registrant on probation, subject to the conditions specified by the department.

(2) The department, upon notification and subsequent written verification by a law enforcement agency, a court, a state attorney, or the Department of Law Enforcement, must immediately suspend a registration or the processing of an application for a registration if the registrant, applicant, or officer or director of the registrant or applicant is formally charged with a crime involving fraud, theft, larceny, embezzlement, or fraudulent conversion or misappropriation of property or a crime arising from conduct during a movement of household goods until final disposition of the case or removal or resignation of that officer or director.

(3) The administrative proceedings that ~~which~~ could result

21-00170A-24

2024304__

in the entry of an order imposing any of the penalties specified in subsection (1) or subsection (2) are governed by chapter 120.

~~(4)(3)~~ The department may adopt rules under ss. 120.536(1) and 120.54 to administer this chapter.

Section 9. Subsection (2) of section 507.10, Florida Statutes, is amended to read:

507.10 Civil penalties; remedies.—

(2) The department may seek a civil penalty in the Class II category pursuant to s. 570.971 for each violation of this chapter. However, the department must seek a civil penalty in the Class IV category for each violation of s. 507.07(10) ~~s.~~ ~~507.07(9)~~ if the department does not impose an administrative fine for the same offense.

Section 10. Subsection (1) of section 507.11, Florida Statutes, is amended to read:

507.11 Criminal penalties.—

(1) The refusal of a mover or a mover's employee, agent, or contractor to comply with an order from a law enforcement officer to relinquish a shipper's household goods after the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper or after the officer determines that the mover did not produce a signed or electronically acknowledged binding estimate or contract for service and, if applicable, amendments to the contract for services reflecting the price adjustment signed by the shipper upon which demand is being made for payment, is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Page 15 of 16

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

21-00170A-24

2024304__

A mover's compliance with an order from a law enforcement officer to relinquish goods to a shipper is not a waiver or finding of fact regarding any right to seek further payment from the shipper.

Section 11. This act shall take effect July 1, 2024.

Page 16 of 16

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

1/31/2024

Meeting Date

FISCAL POLICY

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 304

Bill Number or Topic

Amendment Barcode (if applicable)

Name Gloria Pugh Professional Movers Association of Florida

Phone 850-877-7131

Address 319 Ross Road

Email gloria@amwatmovers.com

Street

TLH

City

FL

State

32305

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

01-31-2024

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 304

Bill Number or Topic

Amendment Barcode (if applicable)

Name E. Ivonne Fernandez Phone 954-850-7262

Address 215 S Monroe Street - 601 Email ifernandez@aarp.org

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

AARP

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 328

INTRODUCER: Fiscal Policy Committee; Community Affairs Committee; and Senator Calatayud and others

SUBJECT: Affordable Housing

DATE: February 2, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Hunter</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 328 amends various provisions of the Live Local Act (act), passed during the 2023 Regular Session, which made substantial changes and additions to affordable housing related programs and policies at both the state and local level.

As it pertains to the act's preemption of certain local zoning and land use regulations to expedite the development of affordable housing, the bill:

- Preempts a local government's "floor area ratio" for qualifying developments.
- Modifies the height preemption provisions to address situations where a qualifying development is adjacent to single family parcels.
- Prohibits qualifying developments within one-quarter mile of a military installation from utilizing the act's administrative approval process and exempts certain airport impacted areas from the act's provisions.
- Clarifies that a local government's "currently allowed" density, height, and floor area ratio does not include any bonuses, variances, or other special exceptions provided in their regulations.
- Requires developments authorized under the act to be treated as a conforming use even after expiration of the development's affordability period and after the expiration of the applicable statutes.
- Modifies parking reduction requirements for qualifying developments located near certain transportation facilities.

- Requires local governments to publish on its website a policy containing procedures and expectations for the administrative approval of qualifying developments.
- Clarifies that only the affordable units in a qualifying development must be rental units.
- Requires a qualifying development within a transit-oriented development or area to be mixed-use residential.
- Clarifies provisions concerning local government bonuses for height, density, and floor area ratio for qualifying developments.

As it pertains to the act's ad valorem tax exemptions for newly constructed multifamily developments, the bill makes the following changes:

- Requires 10 units, rather than 70 units, to be set aside for income-limited persons and families in Florida Keys to qualify for the exemption.
- Clarifies that the Florida Housing Finance Corporation's (FHFC) duties are ministerial in certifying eligibility for exemption, while local property appraisers maintain authority to grant tax exemptions.
- Outlines the method for property appraisers to determine values of tax exempt units.

The bill also aligns certain provisions of the local option property tax exemption with the exemption for newly constructed developments for consist application of the law.

Finally, the bill appropriates \$100 million in non-recurring funds from the General Revenue Fund to the FHFC to administer the Florida Hometown Hero Program and makes one programmatic change, and expands the authority for the FHFC to preclude developers from participating in its programs for certain violations.

The bill takes effect upon becoming a law.

II. Present Situation:

Affordable Housing

One major goal at all levels of government is to ensure that citizens have access to affordable housing. Housing is considered affordable when it costs less than 30 percent of a family's gross income. A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "extremely cost burdened."

What makes housing "affordable" is a decrease in monthly rent so that income eligible households can pay less for the housing than it would otherwise cost at "market rate."¹ Lower monthly rent payment is a result of affordable housing financing that comes with an enforceable agreement from the developer to restrict the rent that can be charged based on the size of the household and the number of bedrooms in the unit.² The financing of affordable housing is made possible through government programs such as the federal Low-Income Housing Tax Credit Program and the Florida's State Apartment Incentive Loan program.³

¹ The Florida Housing Coalition, *Affordable Housing in Florida*, p. 3, available at: <https://flhousing.org/wp-content/uploads/2022/07/Affordable-Housing-in-Florida.pdf> (last visited Jan. 6, 2024).

² *Id.*

³ *Id.*

Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels. These levels are published annually by the U.S. Department of Housing and Urban Development for every county and metropolitan area.⁴ Florida Statutes categorizes the levels of household income as follows:

- Extremely low income – households at or below 30% AMI;⁵
- Very low income – households at or below 50% AMI;⁶
- Low income – households at or below 80% AMI;⁷ and
- Moderate income – households at or below 120% AMI.⁸

Florida Housing Finance Corporation

The Florida Housing Finance Corporation (FHFC) is a public-private entity created by the Legislature in 1997 to assist in providing a range of affordable housing opportunities for Floridians.⁹ The FHFC is a corporation held by the state and housed within the Department of Commerce (department). The FHFC is a separate budget entity and its operations are not subject to control, supervision, or direction by the department.¹⁰

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

The FHFC may preclude an applicant or an affiliate from participation in any of its programs under certain circumstances if the applicant or affiliate has:¹¹

- Made a material misrepresentation or engaged in fraudulent actions in connection with any corporation program.
- Been convicted or found guilty of, or entered a plea of guilty or no contest to, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds.
- Been excluded from any federal funding program related to the provision of housing.
- Been excluded from any Florida procurement programs.
- Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution.
- Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the corporation in the construction, operation, or management of one or more developments funded through a corporation program.

⁴ U.S. Department of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas – Click Here for FY 2023 IL Documentation*, available at <https://www.huduser.gov/portal/datasets/il.html#2021> (last visited Jan. 8, 2024).

⁵ Section 420.0004(9), F.S.

⁶ Section 420.0004(17), F.S.

⁷ Section 420.0004(11), F.S.

⁸ Section 420.0004(12), F.S.

⁹ Chapter 97-167, Laws of Fla. From 1980 through 1997, the former Florida Housing Finance Agency, placed within the former Department of Community Affairs, performed similar duties.

¹⁰ Section 420.504(1), F.S.

¹¹ Section 420.518(1)(a-f), F.S.

Zoning and Land Use Preemption for Affordable Developments

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.¹² All development, both public and private, and all development orders¹³ approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.¹⁴ The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels¹⁵ within that range are decided by a more detailed, implementing zoning map.¹⁶

The Live Local Act (act)¹⁷ preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential¹⁸ rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.¹⁹ To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% AMI, for a period of at least 30 years.

Additionally, the local government may not restrict the density²⁰ of qualifying developments below the highest allowed density on land within its jurisdiction where residential development is allowed, and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

An application for a development must be administratively approved and no further action is required from the governing body of the local government if the development satisfies the local government's land development regulations for multifamily in areas zoned for such use and is otherwise consistent with the jurisdiction's comprehensive plan.

¹² Section 163.3167(2), F.S.

¹³ "Development order" means any order granting, denying, or granting with conditions an application for a development permit. See s. 163.3164(15), F.S. "Development permit" includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. See s. 163.3164(16), F.S.

¹⁴ Section 163.3194(3), F.S.

¹⁵ When local governments make changes to their zoning regulations or comprehensive plans some structures may no longer be in compliance with the newly approved zoning and may be deemed a "nonconforming use." A nonconforming use or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.

¹⁶ Richard Grosso, A Guide to Development Order "Consistency" Challenges Under Florida Statutes Section 163.3215, 34 J. Envtl. L. & Litig. 129, 154 (2019) citing *Brevard Cty. v. Snyder*, 627 So. 2d 469, 475 (Fla. 1993).

¹⁷ The "Live Local Act", Ch. 2023-17, Laws of Fla., made various changes to affordable housing related programs and policies at the state and local levels, including zoning and land use preemptions favoring affordable housing, funding for state affordable housing programs, and tax provisions intended to incentivize affordable housing development.

¹⁸ For mixed-use residential, at least 65 percent of the total square footage must be used for residential purposes.

¹⁹ See ss. 125.01055(7) and 166.04151(7), F.S.

²⁰ "Density" means an objective measurement of the number of people or residential units allowed per unit of land, such as residents or employees per acre, *see* s. 163.3164(12), F.S. While the act expressly preempted density, it did not address intensity. Intensity is often measured in terms of floor area ratio (FAR). FAR is the measurement of a building's floor area in relation to the parcel or lot that the structure is built on. For a general overview of FAR, *see*: Metropolitan Council, Local Planning Handbook, *Calculating Floor Area Ratio*, available at: <https://metro council.org/Handbook/Files/Resources/Fact-Sheet/LAND-USE/How-to-Calculate-Floor-Area-Ratio.aspx> (last visited Jan. 5, 2024).

A local government must consider reducing parking requirements for these developments if they are located within one-half mile of a major transit stop, as such term is the local government's land development code, and the major transit stop is accessible from the development.

These provisions do not apply to recreational and commercial working waterfronts in industrial areas, and only mixed-use residential developments must be authorized under these provisions in areas where commercial or industrial capacity is exceptionally limited.

The act specifically requires that except as otherwise provided in the act, a qualifying development must comply with all applicable state and local laws and regulations.

These provisions are effective until October 1, 2033.

Live Local Ad Valorem Property Tax Exemptions

The ad valorem tax²¹ or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts based on the taxable value of property as of January 1 of each year.²² The Florida Constitution allows the Legislature to exempt from ad valorem taxation portions of property that are used predominantly for educational, literary, scientific, religious or charitable purposes.²³ The Legislature has implemented these exemptions and set forth criteria to determine whether property is entitled to an exemption.²⁴

Property Tax Exemption for Newly Constructed Developments

The Live Local Act established a new ad valorem tax exemption for owners of newly constructed multifamily rental developments who use a portion of the development to provide affordable housing.²⁵ Eligible property includes units in a newly constructed multifamily development containing more than 70 units dedicated to housing natural persons or families below certain income thresholds. However, units subject to an agreement with FHFC are not eligible for the exemption.

“Newly constructed” is defined as an improvement substantially completed within 5 years before the property owner's first application for this exemption. The units must be occupied by such individuals or families and rent limited so as to provide affordable housing at either the 80 or 120 percent AMI threshold. Rent for such units also may not exceed 90 percent of the fair market value rent as determined by a rental market study.

²¹ For an in depth review of ad valorem taxation and the specific taxes discussed herein, *see* Florida Senate Committee on Appropriations, *Bill Analysis and Fiscal Impact Statement, CS/SB 102 (2023)* pages 30-34, Feb. 24, 2023, available at <https://flsenate.gov/Session/Bill/2023/102/Analyses/2023s00102.ap.PDF> (last visited Jan. 7, 2024).

²² Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

²³ FLA. CONST. art. VII, s. 3(a).

²⁴ Section 196.196, F.S.

²⁵ Section 196.1978(3), F.S.

Qualified property used to provide affordable housing at the 80 to 120 percent AMI threshold receives an exemption of 75 percent of the assessed value of the affordable units, while such property providing affordable housing up to the 80 percent AMI threshold receives a complete ad valorem tax exemption for the affordable units.

To receive this exemption, a property owner must submit an application by March 1 to the property appraiser, accompanied by a certification notice from the FHFC. To receive a FHFC certification, a property owner must submit a request on a form including the most recent market study, which must have been conducted by an independent certified general appraiser in the preceding 3 years; a list of units for which the exemption is sought; the rent amount received for each unit, and a sworn statement restricting the property for a period of not less than 3 years to provide affordable housing.

The certification process is administered within the FHFC. Their responsibilities include publishing the deadline for submission, reviewing each request, sending certification notices to both the successful property owner and appropriate property appraiser, notifying unsuccessful property owners with reasons for denial.

This exemption first applied to the 2024 tax roll and will expire on December 31, 2059.

Local Option Property Tax Exemption

Section 196.1979, F.S., authorizes the governing body of a county or municipality to adopt by ordinance an ad valorem tax exemption for certain property used for providing affordable housing. Portions of property eligible for such an exemption must be utilized to house persons or families meeting the extremely-low- or very-low-income limits specified in s. 420.0004, F.S., be contained in a multifamily project of at least 50 units where at least 20 percent are reserved for affordable housing, and have rent set such that it provides affordable housing to people in the target income bracket, or no higher than 90 percent of the fair market rent value as determined by a rental market study, whichever is less.

In adopting this exemption, a local government may choose to offer either or both an exemption for two income groups: those earning up to 30 percent AMI and those earning between 30 to 60 percent AMI. The value of the exemption is up to 75 percent of the assessed value of each unit if less than 100 percent of the multifamily project's units are used to provide affordable housing, or up to 100 percent of the assessed value if 100 percent of the project's units are used to provide affordable housing.

An ordinance authorizing this exemption must expire before the fourth January 1 after adoption, however the governing body may adopt a new ordinance renewing the exemption.

Florida Hometown Hero Program

The Live Local Act established in statute the Florida Hometown Hero Program,²⁶ a homeownership assistance program administered by the FHFC. Under the program, eligible first time homebuyers have access to zero-interest loans to reduce the amount of down payment and

²⁶ Section 420.5096, F.S.

closing costs by a minimum of \$10,000 and up to 5 percent of the first mortgage loan, not exceeding \$35,000. Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by the FHFC. Repayments for loans made under this program must be retained within the program to make additional loans.

Such loans are available to those first-time homebuyers²⁷ seeking first mortgages whose family incomes do not exceed 150 percent of the state or local AMI, whichever is greater, and is employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals, of 35 hours or more per week.

The Live Local Act appropriated \$100 million in non-recurring funds to the FHFC to implement the Florida Hometown Hero Program for the 2023-2034 fiscal year.²⁸ The FHFC obligated the full appropriation by August 22, 2023, assisting over 6,400 families and leveraging approximately \$2 billion in first mortgages.²⁹

III. Effect of Proposed Changes:

Live Local Zoning and Land Use Preemption

Sections 1 and 2 of the bill amend ss. 125.01055 and 166.04151, F.S., respectively, to modify certain provisions pertaining to the zoning and land use preemption for approving affordable multifamily rental developments.

The bill preempts counties and municipalities on “floor area ratio” for qualifying developments. As such, a local government may not restrict the floor area ratio of a proposed development below the highest currently allowed floor area ratio on any land within the locality’s jurisdiction where development is allowed. The bill clarifies that the term floor area ratio includes floor lot ratio.

The bill changes height entitlements to provide that if a proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, a local government may restrict the height of the proposed development to 150 percent of the tallest building on property within one-quarter mile of the proposed development or 3 stories, whichever is higher.

The bill clarifies that the highest currently allowed density, height, or floor area ratio does not include the density, height, or floor area ratio of any development authorized under the act or the density, height, or floor area ratio of any development which has received any bonus, variance, or other special exception as provided in the local government’s land development regulations as incentives for development.

²⁷ The requirement to be a first-time homebuyer does not apply to those qualifying as servicemembers or veterans.

²⁸ Chapter 2013-17, s. 44, Laws of Fla.

²⁹ See Florida Senate Committee on Community Affairs, *Presentation by the Florida Housing Finance Corporation on its implementation of the Live Local Act (SB 102 – 2023 Regular Session)*, Nov. 7, 2023, available at https://www.flsenate.gov/Committees/Show/CA/MeetingPacket/5940/10486_MeetingPacket_5940_2.pdf (last visited Jan. 8, 2024).

The bill modifies the parking reduction requirements for qualifying developments by requiring local governments to reduce parking requirements by 20 percent if the development:

- Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; and
- Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.

A local government must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area.

The bill further requires a qualifying development within a transit-oriented development or area to be mixed-use residential and to otherwise comply with requirements of the local government's regulations applicable to the transit-oriented development except for use, height, density, and floor area ratio.

The bill precludes a proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2), F.S., from being approved administratively, and requires counties and cities to publish on their website a policy containing procedures and expectations for the administrative approval of qualifying developments.

The bill provides that nothing in the act precludes a local government from granting a bonus, variance, conditional use, or other special exception for height, density, or floor area ratio in addition to the required entitlements. It also provides that nothing precludes a qualifying development from received a bonus for density, height, or floor area ratio pursuant to local ordinance or regulation if the development satisfies the conditions to receive the bonus except for any condition that conflicts with the act.

The bill additionally provides that qualifying developments must be treated as a conforming use after expiration of the development's affordability period of at least 30 years and after the sunset of ss. 125.01055(7) and 166.04151(7), F.S., on October 1, 2033. However, if at any point during the development's affordability period the development violates the affordability requirement, the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

Section 6 of the bill amends s. 333.03, F.S., to identify certain airport-impact areas where the land use preemption provisions of the act do not apply. Specifically, ss. 125.01055(7) and 166.04151(7), F.S., do not apply to proposed developments:

- Near a runway within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the

runway for a distance of 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan.

- Within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government.
- A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation.

Live Local Ad Valorem Property Tax Exemptions

Section 3 of the bill amends s. 196.1978, F.S., to make the following changes to the ad valorem tax exemption for newly constructed developments:

- Requires fewer units in developments located in the Florida Keys³⁰ to be set aside for income-limited persons and families (10 instead of 70). This acknowledges the stricter land development regulations for that area as compared to the rest of the state.
- Clarifies that FHFC duties are ministerial while property appraisers maintain the ultimate authority to grant exemptions.
- Outlines the method for property appraisers to determine values of exempted units in a manner that is similar to other exemptions in statute.

Section 4 of the bill amends the local option property tax exemption in s. 196.1979, F.S., to align certain administrative procedures with the exemption in s. 196.1978, F.S., for consistency in implementation among property appraisers and local governments. Specifically, the bill clarifies that the exemption applies to individual units, clarifies what is part of the value of a unit for calculating the exemption, clarifies that property appraisers maintain the authority to grant the exemption, and revises deadlines to ensure consistency with the property tax administration calendar.

Section 5 of the bill provides that these changes are intended to be remedial and clarifying in nature and apply retroactively to January 1, 2024.

Florida Hometown Hero Program

Section 8 of the bill amends s. 420.5096, F.S., to remove the requirement that borrowers provide documentation to the FHFC that their full-time employment or self-employment status equates to 35 hours or more per week.

Section 10 of the bill appropriates \$100 million in nonrecurring funds from the General Revenue Fund to the FHFC to implement the Florida Hometown Hero Program.

Precluding Participation in FHFC Programs

Section 9 of the bill amends s. 420.518, F.S., to expand the authority for the FHFC to preclude developers and sponsors from participating in its programs for certain violations, which include:

³⁰ As provided in the bill, "...an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code..." refers to the City of Key West and the Florida Keys Area, which includes unincorporated Monroe County and the municipalities of Layton, Islamorada, Marathon and Key Colony Beach.

- Being debarred from participation in federal housing programs by the U.S. Department of Housing and Urban Development; and
- Materially or repeatedly violating any condition imposed by the corporation in connection with the administration of the FHFC, including a land use restriction agreement, an extended use agreement, or any other financing or regulatory agreement with the FHFC.

Section 7 of the bill amends s. 420.507, F.S., to conform to the changes provided in section 9.

Effective Date

Section 11 provides that the bill shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact,³¹ which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.³²

The Revenue Estimating Conference has not reviewed the portions of the bill related to the ad valorem tax exemption on newly constructed affordable housing developments, which lowers the minimum number of affordable units in a development from 70 units to 10 units in order to qualify for the exemption. If the bill does qualify as a mandate, in order to be binding upon cities and counties the bill must be approved by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³¹ FLA. CONST. art. VII, s. 18(d).

³² An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See FLA. SENATE COMM. ON CMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact* (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

With the funding of the Florida Hometown Hero Program, Floridians who are first-time homebuyers will have access to zero-interest loans to help pay for their down payment and closing costs.

C. Government Sector Impact:

The bill amends the ad valorem tax exemption on newly constructed affordable housing to provide a reduction in required units in areas of critical state concern. To the extent that this change attracts further development or alters administration of the exemption, local governments may see a negative impact.

The bill appropriates \$100 million in non-recurring funds from the General Revenue Fund to the Florida Housing Finance Corporation to implement the Florida Hometown Hero Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.01055, 166.04151, 196.1978, 196.1979, 333.03, 420.507, 420.5096, and 420.518

This bill creates undesignated section of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Fiscal Policy on January 31, 2024:

The CS makes the following changes to the bill:

- Restores the directive for local governments to approve qualifying developments in industrial areas.
- Specifies that for qualifying developments, a local government cannot restrict the floor area ratio below the highest currently allowed floor area ratio on land where any development is allowed, as opposed to residential parcels only.
- Provides that floor area ratio includes floor lot ratio.
- Restores current law, entitling qualifying developments to highest currently allowed height within “one mile.”
- Modifies height preemption provisions in situations where a qualifying development is adjacent to single family parcels.
- Modifies parking provisions to require local governments to reduce parking requirements by “20 percent.”
- Adds an additional qualifier for the parking reduction provision, requiring a qualifying development to have available parking within 600 feet of the development.
- Provides that local government are not precluded from granting a bonus, variance, or other special exception for height, density, or floor area ratio in addition to the required entitlements in the law.
- Provides that qualifying developments are not precluded from receiving bonuses for height, density, or floor area ratio for which they qualify.
- Modifies the provisions exempting certain airport impacted areas from the Live Local land use preemption provisions.
- Removes reference to “substantial rehabilitation” for purposes of the property tax exemption for newly constructed affordable housing developments.
- Amends administrative provisions for the local option property tax exemption.

CS by Community Affairs on January 9, 2024:

The CS makes the following changes to the bill:

- Changes a percentage relating to height entitlements from 125% to 135%.
- Clarifies that the non-restricted units in qualifying developments may be offered for sale or for rent, but maintains that the affordable units must be rental units.
- Requires a qualifying development within a transit-oriented development or area to be mixed-use residential.
- Requires counties and cities to publish on its website a policy containing procedures and expectations for the administrative approval of qualifying developments.
- Modifies parking reduction requirements for certain qualifying developments.
- Expands the authority for the FHFC to preclude developers from participating in its programs for certain violations.
- Changes the title of the bill to Affordable Housing.
- Clarifies that the bill does not preclude a proposed development from receiving a density, height, or floor area ratio bonus upon satisfying requirements to receive such bonus.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



720816

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/31/2024	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete lines 80 - 505
and insert:
residential as allowable uses in any area zoned for commercial,
industrial, or mixed use if at least 40 percent of the
residential units in a proposed multifamily ~~rental~~ development
are rental units that, for a period of at least 30 years, are
affordable as defined in s. 420.0004. Notwithstanding any other
law, local ordinance, or regulation to the contrary, a county



720816

may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed density on any unincorporated land in the county where residential development is allowed under the county's land development regulations. The currently allowed density does not include the density of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below the highest currently allowed floor area ratio on any unincorporated land in the county where development is allowed under the county's land development regulations. The currently allowed floor area ratio does not include the floor area ratio of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for floor area ratio provided in the county's land development regulations as an incentive for development. For purposes of this subsection, the term floor area ratio includes floor lot ratio.

(d)1.~~(e)~~ A county may not restrict the height of a proposed



720816

development authorized under this subsection below the highest currently allowed height for a commercial or residential ~~building development~~ located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. The currently allowed height does not include the height of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on property within one-quarter mile of the proposed development or 3 stories, whichever is higher.

(e) ~~(d)~~ A proposed development authorized under this subsection must be administratively approved and no further action by the board of county commissioners is required if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and



720816

expectations for administrative approval pursuant to this subsection.

(f)1.(e) A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-quarter ~~one-half~~ mile of a ~~major~~ transit stop, as defined in the county's land development code, and the ~~major~~ transit stop is accessible from the development.

2. A county must reduce parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; and

b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.

3. A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).

4. For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g)(f) For proposed multifamily developments in an



720816

unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(h) A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the county, must be mixed-use residential and otherwise comply with requirements of the county's regulations applicable to the transit-oriented development or area except for use, height, density, and floor area ratio as provided in this subsection or as otherwise agreed to by the county and the applicant for the development.

(i)~~(g)~~ Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations. Nothing in this subsection precludes a county from granting a bonus, variance, conditional use, or other special exception for height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

(j)~~(h)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(k)~~(i)~~ This subsection expires October 1, 2033.

(8) Any development authorized under paragraph (7)(a) must



720816

be treated as a conforming use even after the expiration of subsection (7) and the development's affordability period as provided in paragraph (7) (a), notwithstanding the county's comprehensive plan, future land use designation, or zoning. If at any point during the development's affordability period the development violates the affordability period requirement provided in paragraph (7) (a), the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

Section 2. Subsection (7) of section 166.04151, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

166.04151 Affordable housing.—

(7) (a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily ~~rental~~ development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A municipality may not restrict the density of a



720816

proposed development authorized under this subsection below the highest currently allowed density on any land in the municipality where residential development is allowed under the municipality's land development regulations. The currently allowed density does not include the density of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below the highest currently allowed floor area ratio on any land in the municipality where development is allowed under the municipality's land development regulations. The currently allowed floor area ratio does not include the floor area ratio of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term floor area ratio includes floor lot ratio.

(d) 1. ~~(e)~~ A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential building development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. The currently allowed height does not include the height of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for height



720816

provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on property within one-quarter mile of the proposed development or 3 stories, whichever is higher.

(e)~~(d)~~ A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1.~~(e)~~ A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-quarter ~~one-half~~ mile of a ~~major~~ transit stop, as defined in the municipality's land development code, and the ~~major~~ transit stop



720816

is accessible from the development.

2. A municipality must reduce parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features.

b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.

3. A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (h).

4. For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g) ~~(f)~~ A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial or industrial use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial or industrial use only if the proposed multifamily development is mixed-use residential.

(h) A proposed development authorized under this subsection



720816

which is located within a transit-oriented development or area, as recognized by the municipality, must be mixed-use residential and otherwise comply with requirements of the municipality's regulations applicable to the transit-oriented development or area except for use, height, density, and floor area ratio as provided in this subsection or as otherwise agreed to by the municipality and the applicant for the development.

(i)~~(g)~~ Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations. Nothing in this subsection precludes a municipality from granting a bonus, variance, conditional use, or other special exception to height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.

(j)~~(h)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(k)~~(i)~~ This subsection expires October 1, 2033.

(8) Any development authorized under paragraph (7)(a) must be treated as a conforming use even after the expiration of subsection (7) and the development's affordability period as provided in paragraph (7)(a), notwithstanding the municipality's comprehensive plan, future land use designation, or zoning. If at any point during the development's affordability period the development violates the affordability period requirement provided in paragraph (7)(a), the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated



720816

as a nonconforming use.

Section 3. Amendments made in this act to ss. 125.01055 and 166.04151, Florida Statutes, are prospective in application. A proposed development that meets the present requirements of ss. 125.01055(7) and 166.04151(7), Florida Statutes, for which an application, written request, or notice of intent to utilize such provisions was submitted to and accepted by the county or municipality, as applicable, prior to the effective date of this act shall be processed under the provisions of ss. 125.01055(7) and 166.04151(7), Florida Statutes, as they existed at the time of submittal.

Section 4. Subsection (3) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(3)(a) As used in this subsection, the term:

1. "Corporation" means the Florida Housing Finance Corporation.

2. "Newly constructed" means an improvement to real property which was substantially completed within 5 years before the date of an applicant's first submission of a request for a certification notice ~~or an application for an exemption~~ pursuant to this subsection ~~section, whichever is earlier~~.

3. "Substantially completed" has the same meaning as in s. 192.042(1).

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions meet all of the following conditions:



720816

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d).~~+~~

2.a. Are within a newly constructed multifamily project that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); or

b. Are within a newly constructed multifamily project in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, which contains more than 10 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d). ~~and~~

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of paragraph (1) ~~(m)~~, whichever is less.

(c) If a unit that in the previous year received ~~qualified~~ ~~for~~ the exemption under this subsection and was occupied by a tenant is vacant on January 1, the vacant unit is eligible for the exemption if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this subsection and a reasonable effort is made to lease the unit to eligible persons or families.

(d)1. The property appraiser shall exempt:

a. Seventy-five percent of the assessed value of the units



720816

in multifamily projects that meet the requirements of this subsection and are ~~Qualified property~~ used to house natural persons or families whose annual household income is greater than 80 percent but not more than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; and, ~~must receive an ad valorem property tax exemption of 75 percent of the assessed value.~~

~~b.2. From ad valorem property taxes the units in multifamily projects that meet the requirements of this subsection and are ~~Qualified property~~ used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, is exempt from ad valorem property taxes.~~

2. When determining the value of a unit for purposes of applying an exemption pursuant to this paragraph, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

(e) To be eligible to receive an exemption under this subsection, a property owner must submit an application on a form prescribed by the department by March 1 for the exemption, accompanied by a certification notice from the corporation to the property appraiser. The property appraiser shall review the application and determine whether the applicant meets all of the



720816

requirements of this subsection and is entitled to an exemption.
A property appraiser may request and review additional
information necessary to make such determination. A property
appraiser may grant an exemption only for a property for which
the corporation has issued a certification notice and which the
property appraiser determines is entitled to an exemption.

(f) To receive a certification notice, a property owner
must submit a request to the corporation ~~for certification~~ on a
form provided by the corporation which includes all of the
following:

1. The most recently completed rental market study meeting
the requirements of paragraph (1) ~~(m)~~.

2. A list of the units for which the property owner seeks
an exemption.

3. The rent amount received by the property owner for each
unit for which the property owner seeks an exemption. If a unit
is vacant and qualifies for an exemption under paragraph (c),
the property owner must provide evidence of the published rent
amount for each vacant unit.

4. A sworn statement, under penalty of perjury, from the
applicant restricting the property for a period of not less than
3 years to housing persons or families who meet the income
limitations under this subsection.

(g) The corporation shall review the request for a
certification notice and certify whether a property ~~that~~ meets
the ~~eligibility~~ criteria of paragraphs (b) and (c) ~~this~~
~~subsection~~. A determination by the corporation regarding a
request for a certification notice does not constitute a grant
of an exemption pursuant to this subsection or final agency



720816

action pursuant to chapter 120.

1. If the corporation determines that the property meets the ~~eligibility~~ criteria ~~for an exemption under this subsection~~, the corporation must send a certification notice to the property owner and the property appraiser.

2. If the corporation determines that the property does not meet the ~~eligibility~~ criteria, the corporation must notify the property owner and include the reasons for such determination.

(h) The corporation shall post on its website the deadline to submit a request for a certification notice. The deadline must allow adequate time for a property owner to submit a timely application for exemption to the property appraiser.

~~(i) The property appraiser shall review the application and determine if the applicant is entitled to an exemption. A property appraiser may grant an exemption only for a property for which the corporation has issued a certification notice.~~

~~(j)~~ If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this subsection was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property



720816

owner improperly receiving the exemption may not be assessed a penalty or interest.

(j)~~(k)~~ Units subject to an agreement with the corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 are not eligible for this exemption.

(k)~~(l)~~ Property receiving an exemption pursuant to s. 196.1979 is not eligible for this exemption.

(l)~~(m)~~ A rental market study submitted as required by subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser as defined in s. 475.611 may issue a rental market study. The certified general appraiser must be independent of the property owner who requests the rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(m)~~(n)~~ The corporation may adopt rules to implement this section.

(n)~~(o)~~ This subsection first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 5. Paragraph (b) of subsection (1), subsection (2), paragraphs (d), (f), and (l) of subsection (3), and subsection



720816

(5) of section 196.1979, Florida Statutes, are amended, present subsections (6) and (7) are redesignated as subsections (8) and (9), respectively, and new subsections (6) and (7) are added to that section, to read:

196.1979 County and municipal affordable housing property exemption.—

(1)

(b) Qualified property may receive an ad valorem property tax exemption of:

1. Up to 75 percent of the assessed value of each residential unit used to provide affordable housing if fewer than 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

2. Up to 100 percent of the assessed value of each residential unit used to provide affordable housing if 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

(2) If a residential unit that in the previous year received ~~qualified for~~ the exemption under this section and was occupied by a tenant is vacant on January 1, the vacant unit may qualify for the exemption under this section if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this section and a reasonable effort is made to lease the unit to eligible persons or families.

(3) An ordinance granting the exemption authorized by this section must:



720816

(d) Require the local entity to verify and certify property that meets the requirements of the ordinance as qualified property and forward the certification to the property owner and the property appraiser. If the local entity denies the application for certification exemption, it must notify the applicant and include reasons for the denial.

(f) Require the property owner to submit an application for exemption, on a form prescribed by the department, accompanied by the certification of qualified property, to the property appraiser no later than the deadline specified in s. 196.011 March 1.

(1) Require the county or municipality to post on its website a list of ~~certified~~ properties receiving the exemption for the purpose of facilitating access to affordable housing.

(5) An ordinance adopted under this section must expire before the fourth January 1 after adoption; however, the board of county commissioners or the governing body of the municipality may adopt a new ordinance to renew the exemption. The board of county commissioners or the governing body of the municipality shall deliver a copy of an ordinance adopted under this section to the department and the property appraiser within 10 days after its adoption, but no later than January 1 of the year such exemption will take effect. If the ordinance expires or is repealed, the board of county commissioners or the governing body of the municipality must notify the department and the property appraiser within 10 days after its expiration or repeal, but no later than January 1 of the year the repeal or expiration of such exemption will take effect.

(6) The property appraiser shall review each application



720816

for exemption and determine whether the applicant meets all of the requirements of this section and is entitled to an exemption. A property appraiser may request and review additional information necessary to make such determination. A property appraiser may grant an exemption only for a property for which the local entity has certified as qualified property and which the property appraiser determines is entitled to an exemption.

(7) When determining the value of a unit for purposes of applying an exemption pursuant to this section, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

Section 6. The amendments made by this act to ss. 196.1978, and 196.1979, Florida Statutes, are intended to be remedial and clarifying in nature and apply retroactively to January 1, 2024.

Section 7. Present subsection (5) of section 333.03, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to any of the following:

(a) A proposed development near a runway within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan.

(b) A proposed development within any airport noise zone



720816

identified in the federal land use compatibility table or in a
land-use zoning or airport noise regulation adopted by the local
government.

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

And the title is amended as follows:

Delete lines 3 - 61

and insert:

125.01055 and 166.04151, F.S.; clarifying application;
prohibiting counties and municipalities, respectively,
from restricting the floor area ratio of certain
proposed developments under certain circumstances;
providing that the density, floor area ratio, or
height of certain developments, bonuses, variances, or
other special exceptions are not included in the
calculation of the currently allowed density, floor
area ratio, or height by counties and municipalities,
respectively; authorizing counties and municipalities,
respectively, to restrict the height of proposed
developments under certain circumstances; prohibiting
the administrative approval by counties and
municipalities, respectively, of a proposed
development within a specified proximity to a military
installation; requiring counties and municipalities,
respectively, to maintain a certain policy on their
websites; requiring counties and municipalities,
respectively, to consider reducing parking
requirements under certain circumstances; requiring
counties and municipalities, respectively, to reduce



720816

or eliminate parking requirements for certain proposed mixed-use developments that meet certain requirements; defining the term "major transportation hub"; providing certain requirements for developments located within a transit-oriented development or area; making technical changes; providing requirements for developments authorized as a transit-oriented development or area; clarifying that a county or municipality, respectively, is not precluded from granting additional exceptions; revising applicability; authorizing specified developments to be treated as a conforming use; amending s. 196.1978, F.S.; revising the definition of the term "newly constructed"; revising conditions for when multifamily projects are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption; making technical changes; requiring property appraisers to make certain exemptions from ad valorem property taxes; providing the method for determining the value of a unit for certain purposes; requiring property appraisers to review certain applications and make certain determinations; authorizing property appraisers to request and review additional information; authorizing property appraisers to grant exemptions only under certain conditions; revising requirements for property owners seeking a certification notice from the Florida Housing Finance Corporation; providing that a certain determination by the corporation does not constitute



720816

an exemption; conforming provisions to changes made by
the act; amending s. 196.1979, F.S.; revising the
value to which a certain ad valorem property tax
exemption applies; revising a condition of eligibility
for vacant residential units to qualify for a certain
ad valorem property tax exemption; making technical
changes; revising the deadline for an application for
exemption; revising deadlines by which boards and
governing bodies must deliver or notify the Department
of Revenue of the adoption, repeal, or expiration, of
certain ordinances; requiring property appraisers to
review certain applications and make certain
determinations; authorizing property appraisers to
request and review additional information; authorizing
property appraisers to grant exemptions only under
certain conditions; providing the method for
determining the value of a unit for certain purposes;
providing for retroactive application;



143920

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Calatayud) recommended the following:

Senate Substitute for Amendment (720816) (with title amendment)

Delete lines 80 - 505

and insert:

residential as allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily ~~rental~~ development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other



143920

law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A county may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed density on any unincorporated land in the county where residential development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any development that met the requirements of this subsection or the density of any development which has received any bonus, variance, or other special exception for density provided in the county's land development regulations as an incentive for development.

(c) A county may not restrict the floor area ratio of a proposed development authorized under this subsection below the highest currently allowed floor area ratio on any unincorporated land in the county where development is allowed under the county's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area ratio" does not include the floor area ratio of any development that met the requirements of this subsection or the floor area ratio of any development which has received any bonus, variance, or other special exception for floor area ratio provided in the



143920

county's land development regulations as an incentive for development. For purposes of this subsection, the term floor area ratio includes floor lot ratio.

(d)1.(e) A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential building development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the term "highest currently allowed height" does not include the height of any development that met the requirements of this subsection or the height of any development which has received any bonus, variance, or other special exception for height provided in the county's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the county may restrict the height of the proposed development to 150 percent of the tallest building on property within one-quarter mile of the proposed development or 3 stories, whichever is higher.

(e)(d) A proposed development authorized under this subsection must be administratively approved and no further action by the board of county commissioners is required if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include,



143920

but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1.(e) A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-quarter ~~one-half~~ mile of a ~~major~~ transit stop, as defined in the county's land development code, and the ~~major~~ transit stop is accessible from the development.

2. A county must reduce parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features; and

b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.

3. A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (h).



143920

4. For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(g)~~(f)~~ For proposed multifamily developments in an unincorporated area zoned for commercial or industrial use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial or industrial use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(h) A proposed development authorized under this subsection which is located within a transit-oriented development or area, as recognized by the county, must be mixed-use residential and otherwise comply with requirements of the county's regulations applicable to the transit-oriented development or area except for use, height, density, and floor area ratio as provided in this subsection or as otherwise agreed to by the county and the applicant for the development.

(i)~~(g)~~ Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(j)1. Nothing in this subsection precludes a county from granting a bonus, variance, conditional use, or other special exception for height, density, or floor area ratio in addition to the height, density, and floor area ratio requirements in this subsection.



143920

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection.

(k) ~~(h)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(l) ~~(i)~~ This subsection expires October 1, 2033.

(8) Any development authorized under paragraph (7)(a) must be treated as a conforming use even after the expiration of subsection (7) and the development's affordability period as provided in paragraph (7)(a), notwithstanding the county's comprehensive plan, future land use designation, or zoning. If at any point during the development's affordability period the development violates the affordability period requirement provided in paragraph (7)(a), the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

Section 2. Subsection (7) of section 166.04151, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

166.04151 Affordable housing.—

(7)(a) A municipality must authorize multifamily and mixed-use residential as allowable uses in any area zoned for



143920

commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily ~~rental~~ development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a municipality may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A municipality may not restrict the density of a proposed development authorized under this subsection below the highest currently allowed density on any land in the municipality where residential development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed density" does not include the density of any development that met the requirements of this subsection or the density of any development which has received any bonus, variance, or other special exception for density provided in the municipality's land development regulations as an incentive for development.

(c) A municipality may not restrict the floor area ratio of a proposed development authorized under this subsection below the highest currently allowed floor area ratio on any land in the municipality where development is allowed under the municipality's land development regulations. For purposes of this paragraph, the term "highest currently allowed floor area



143920

ratio" does not include the floor area ratio of any development that met the requirements of this subsection or the floor area ratio of any development which has received any bonus, variance, or other special exception for floor area ratio provided in the municipality's land development regulations as an incentive for development. For purposes of this subsection, the term floor area ratio includes floor lot ratio.

(d) 1. ~~(e)~~ A municipality may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential building development located in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher. For purposes of this paragraph, the "highest currently allowed height" does not include the height of any development that met the requirements of this subsection or the height of any development which has received any bonus, variance, or other special exception for height provided in the municipality's land development regulations as an incentive for development.

2. If the proposed development is adjacent to, on two or more sides, a parcel zoned for single-family residential use that is within a single-family residential development with at least 25 contiguous single-family homes, the municipality may restrict the height of the proposed development to 150 percent of the tallest building on property within one-quarter mile of the proposed development or 3 stories, whichever is higher.

(e) ~~(d)~~ A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development



143920

regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(f)1.~~(e)~~ A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-quarter ~~one-half~~ mile of a ~~major~~ transit stop, as defined in the municipality's land development code, and the ~~major~~ transit stop is accessible from the development.

2. A municipality must reduce parking requirements by 20 percent for a proposed development authorized under this subsection if the development:

a. Is located within one-half mile of a major transportation hub that is accessible from the proposed development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features.

b. Has available parking within 600 feet of the proposed development which may consist of options such as on-street parking, parking lots, or parking garages available for use by residents of the proposed development.



143920

243 3. A municipality must eliminate parking requirements for a
244 proposed mixed-use residential development authorized under this
245 subsection within an area recognized by the municipality as a
246 transit-oriented development or area, as provided in paragraph
247 (h).

248 4. For purposes of this paragraph, the term "major
249 transportation hub" means any transit station, whether bus,
250 train, or light rail, which is served by public transit with a
251 mix of other transportation options.

252 (g)~~(f)~~ A municipality that designates less than 20 percent
253 of the land area within its jurisdiction for commercial or
254 industrial use must authorize a proposed multifamily development
255 as provided in this subsection in areas zoned for commercial or
256 industrial use only if the proposed multifamily development is
257 mixed-use residential.

258 (h) A proposed development authorized under this subsection
259 which is located within a transit-oriented development or area,
260 as recognized by the municipality, must be mixed-use residential
261 and otherwise comply with requirements of the municipality's
262 regulations applicable to the transit-oriented development or
263 area except for use, height, density, and floor area ratio as
264 provided in this subsection or as otherwise agreed to by the
265 municipality and the applicant for the development.

266 (i)~~(g)~~ Except as otherwise provided in this subsection, a
267 development authorized under this subsection must comply with
268 all applicable state and local laws and regulations.

269 (j)1. Nothing in this subsection precludes a municipality
270 from granting a bonus, variance, conditional use, or other
271 special exception to height, density, or floor area ratio in



143920

addition to the height, density, and floor area ratio requirements in this subsection.

2. Nothing in this subsection precludes a proposed development authorized under this subsection from receiving a bonus for density, height, or floor area ratio pursuant to an ordinance or regulation of the jurisdiction where the proposed development is located if the proposed development satisfies the conditions to receive the bonus except for any condition which conflicts with this subsection.

(k)~~(h)~~ This subsection does not apply to:

1. Airport-impacted areas as provided in s. 333.03.

2. Property defined as recreational and commercial working waterfront in s. 342.201(2)(b) in any area zoned as industrial.

(l)~~(i)~~ This subsection expires October 1, 2033.

(8) Any development authorized under paragraph (7)(a) must be treated as a conforming use even after the expiration of subsection (7) and the development's affordability period as provided in paragraph (7)(a), notwithstanding the municipality's comprehensive plan, future land use designation, or zoning. If at any point during the development's affordability period the development violates the affordability period requirement provided in paragraph (7)(a), the development must be allowed a reasonable time to cure such violation. If the violation is not cured within a reasonable time, the development must be treated as a nonconforming use.

Section 3. Subsection (3) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(3)(a) As used in this subsection, the term:



143920

1. "Corporation" means the Florida Housing Finance Corporation.

2. "Newly constructed" means an improvement to real property which was substantially completed within 5 years before the date of an applicant's first submission of a request for a certification notice ~~or an application for an exemption~~ pursuant to this subsection ~~section, whichever is earlier~~.

3. "Substantially completed" has the same meaning as in s. 192.042(1).

(b) Notwithstanding ss. 196.195 and 196.196, portions of property in a multifamily project are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption if such portions meet all of the following conditions:

1. Provide affordable housing to natural persons or families meeting the income limitations provided in paragraph (d). ~~+~~

2.a. Are within a newly constructed multifamily project that contains more than 70 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d); or

b. Are within a newly constructed multifamily project in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code, which contains more than 10 units dedicated to housing natural persons or families meeting the income limitations provided in paragraph (d). ~~and~~

3. Are rented for an amount that does not exceed the amount as specified by the most recent multifamily rental programs income and rent limit chart posted by the corporation and



143920

derived from the Multifamily Tax Subsidy Projects Income Limits published by the United States Department of Housing and Urban Development or 90 percent of the fair market value rent as determined by a rental market study meeting the requirements of paragraph (1) ~~(m)~~, whichever is less.

(c) If a unit that in the previous year received ~~qualified~~ ~~for~~ the exemption under this subsection and was occupied by a tenant is vacant on January 1, the vacant unit is eligible for the exemption if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this subsection and a reasonable effort is made to lease the unit to eligible persons or families.

(d)1. The property appraiser shall exempt:

a. Seventy-five percent of the assessed value of the units in multifamily projects that meet the requirements of this subsection and are ~~Qualified property~~ used to house natural persons or families whose annual household income is greater than 80 percent but not more than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; ~~and, must receive an ad valorem property tax exemption of 75 percent of the assessed value.~~

b.2. From ad valorem property taxes the units in multifamily projects that meet the requirements of this subsection and are ~~Qualified property~~ used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not



143920

within a metropolitan statistical area, within the county in which the person or family resides, ~~is exempt from ad valorem property taxes.~~

2. When determining the value of a unit for purposes of applying an exemption pursuant to this paragraph, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

(e) To be eligible to receive an exemption under this subsection, a property owner must submit an application on a form prescribed by the department by March 1 for the exemption, accompanied by a certification notice from the corporation to the property appraiser. The property appraiser shall review the application and determine whether the applicant meets all of the requirements of this subsection and is entitled to an exemption. A property appraiser may request and review additional information necessary to make such determination. A property appraiser may grant an exemption only for a property for which the corporation has issued a certification notice and which the property appraiser determines is entitled to an exemption.

(f) To receive a certification notice, a property owner must submit a request to the corporation ~~for certification~~ on a form provided by the corporation which includes all of the following:

1. The most recently completed rental market study meeting the requirements of paragraph (1) ~~(m)~~.

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each



143920

unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under paragraph (c), the property owner must provide evidence of the published rent amount for each vacant unit.

4. A sworn statement, under penalty of perjury, from the applicant restricting the property for a period of not less than 3 years to housing persons or families who meet the income limitations under this subsection.

(g) The corporation shall review the request for a certification notice and certify whether a property ~~that~~ meets the ~~eligibility~~ criteria of paragraphs (b) and (c) this subsection. A determination by the corporation regarding a request for a certification notice does not constitute a grant of an exemption pursuant to this subsection or final agency action pursuant to chapter 120.

1. If the corporation determines that the property meets the ~~eligibility~~ criteria ~~for an exemption under this subsection~~, the corporation must send a certification notice to the property owner and the property appraiser.

2. If the corporation determines that the property does not meet the ~~eligibility~~ criteria, the corporation must notify the property owner and include the reasons for such determination.

(h) The corporation shall post on its website the deadline to submit a request for a certification notice. The deadline must allow adequate time for a property owner to submit a timely application for exemption to the property appraiser.

~~(i) The property appraiser shall review the application and determine if the applicant is entitled to an exemption. A property appraiser may grant an exemption only for a property~~



143920

~~for which the corporation has issued a certification notice.~~

~~(j)~~ If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this subsection was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property owner improperly receiving the exemption may not be assessed a penalty or interest.

(j)~~(k)~~ Units subject to an agreement with the corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 are not eligible for this exemption.

(k)~~(l)~~ Property receiving an exemption pursuant to s. 196.1979 is not eligible for this exemption.

(l)~~(m)~~ A rental market study submitted as required by subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market value rent of each unit for which a property owner seeks an exemption. Only a certified general appraiser as defined in s. 475.611 may issue a rental market study. The certified general



143920

appraiser must be independent of the property owner who requests the rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(m) ~~(n)~~ The corporation may adopt rules to implement this section.

(n) ~~(o)~~ This subsection first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 4. Paragraph (b) of subsection (1), subsection (2), paragraphs (d), (f), and (l) of subsection (3), and subsection (5) of section 196.1979, Florida Statutes, are amended, present subsections (6) and (7) are redesignated as subsections (8) and (9), respectively, and new subsections (6) and (7) are added to that section, to read:

196.1979 County and municipal affordable housing property exemption.—

(1)

(b) Qualified property may receive an ad valorem property tax exemption of:

1. Up to 75 percent of the assessed value of each residential unit used to provide affordable housing if fewer than 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

2. Up to 100 percent of the assessed value of each



143920

residential unit used to provide affordable housing if 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

(2) If a residential unit that in the previous year received ~~qualified for~~ the exemption under this section and was occupied by a tenant is vacant on January 1, the vacant unit may qualify for the exemption under this section if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this section and a reasonable effort is made to lease the unit to eligible persons or families.

(3) An ordinance granting the exemption authorized by this section must:

(d) Require the local entity to verify and certify property that meets the requirements of the ordinance as qualified property and forward the certification to the property owner and the property appraiser. If the local entity denies the application for certification ~~exemption~~, it must notify the applicant and include reasons for the denial.

(f) Require the property owner to submit an application for exemption, on a form prescribed by the department, accompanied by the certification of qualified property, to the property appraiser no later than the deadline specified in s. 196.011 ~~March 1~~.

(1) Require the county or municipality to post on its website a list of ~~certified~~ properties receiving the exemption for the purpose of facilitating access to affordable housing.

(5) An ordinance adopted under this section must expire



143920

before the fourth January 1 after adoption; however, the board of county commissioners or the governing body of the municipality may adopt a new ordinance to renew the exemption. The board of county commissioners or the governing body of the municipality shall deliver a copy of an ordinance adopted under this section to the department and the property appraiser within 10 days after its adoption, but no later than January 1 of the year such exemption will take effect. If the ordinance expires or is repealed, the board of county commissioners or the governing body of the municipality must notify the department and the property appraiser within 10 days after its expiration or repeal, but no later than January 1 of the year the repeal or expiration of such exemption will take effect.

(6) The property appraiser shall review each application for exemption and determine whether the applicant meets all of the requirements of this section and is entitled to an exemption. A property appraiser may request and review additional information necessary to make such determination. A property appraiser may grant an exemption only for a property for which the local entity has certified as qualified property and which the property appraiser determines is entitled to an exemption.

(7) When determining the value of a unit for purposes of applying an exemption pursuant to this section, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

Section 5. The amendments made by this act to ss. 196.1978, and 196.1979, Florida Statutes, are intended to be remedial and



143920

clarifying in nature and apply retroactively to January 1, 2024.

Section 6. Present subsection (5) of section 333.03, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to any of the following:

(a) A proposed development near a runway within one-quarter of a mile laterally from the runway edge and within an area that is the width of one-quarter of a mile extending at right angles from the end of the runway for a distance of 10,000 feet of any existing airport runway or planned airport runway identified in the local government's airport master plan.

(b) A proposed development within any airport noise zone identified in the federal land use compatibility table or in a land-use zoning or airport noise regulation adopted by the local government.

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

And the title is amended as follows:

Delete lines 3 - 61

and insert:

125.01055 and 166.04151, F.S.; clarifying application; prohibiting counties and municipalities, respectively, from restricting the floor area ratio of certain proposed developments under certain circumstances; providing that the density, floor area ratio, or height of certain developments, bonuses, variances, or other special exceptions are not included in the



143920

calculation of the currently allowed density, floor area ratio, or height by counties and municipalities, respectively; authorizing counties and municipalities, respectively, to restrict the height of proposed developments under certain circumstances; prohibiting the administrative approval by counties and municipalities, respectively, of a proposed development within a specified proximity to a military installation; requiring counties and municipalities, respectively, to maintain a certain policy on their websites; requiring counties and municipalities, respectively, to consider reducing parking requirements under certain circumstances; requiring counties and municipalities, respectively, to reduce or eliminate parking requirements for certain proposed mixed-use developments that meet certain requirements; defining the term "major transportation hub"; providing certain requirements for developments located within a transit-oriented development or area; making technical changes; providing requirements for developments authorized as a transit-oriented development or area; clarifying that a county or municipality, respectively, is not precluded from granting additional exceptions; clarifying that a proposed development is not precluded from receiving a bonus for density, height, or floor area ratio if specified conditions are satisfied; authorizing specified developments to be treated as a conforming use; amending s. 196.1978, F.S.; revising the



143920

definition of the term "newly constructed"; revising conditions for when multifamily projects are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption; making technical changes; requiring property appraisers to make certain exemptions from ad valorem property taxes; providing the method for determining the value of a unit for certain purposes; requiring property appraisers to review certain applications and make certain determinations; authorizing property appraisers to request and review additional information; authorizing property appraisers to grant exemptions only under certain conditions; revising requirements for property owners seeking a certification notice from the Florida Housing Finance Corporation; providing that a certain determination by the corporation does not constitute an exemption; conforming provisions to changes made by the act; amending s. 196.1979, F.S.; revising the value to which a certain ad valorem property tax exemption applies; revising a condition of eligibility for vacant residential units to qualify for a certain ad valorem property tax exemption; making technical changes; revising the deadline for an application for exemption; revising deadlines by which boards and governing bodies must deliver or notify the Department of Revenue of the adoption, repeal, or expiration, of certain ordinances; requiring property appraisers to review certain applications and make certain



143920

620 determinations; authorizing property appraisers to
621 request and review additional information; authorizing
622 property appraisers to grant exemptions only under
623 certain conditions; providing the method for
624 determining the value of a unit for certain purposes;
625 providing for retroactive application;

By the Committee on Community Affairs; and Senator Calatayud

578-01993-24

2024328c1

1 A bill to be entitled
2 An act relating to affordable housing; amending ss.
3 125.01055 and 166.04151, F.S.; deleting a provision
4 related to the authorization of multifamily and mixed-
5 use residential development uses in any area zoned for
6 industrial use; prohibiting counties and
7 municipalities, respectively, from restricting the
8 floor area ratio of certain proposed developments
9 under certain circumstances; providing that the
10 density or floor area ratio of certain developments,
11 bonuses, variances, or other special exceptions are
12 not included in the calculation of the currently
13 allowed density or floor area ratio by counties and
14 municipalities, respectively; revising prohibitions
15 relating to counties' and municipalities' restrictions
16 of the height of certain proposed developments,
17 respectively; authorizing counties and municipalities,
18 respectively, to restrict the height of proposed
19 developments under certain circumstances; providing
20 that certain factors may not be taken into account in
21 the calculation of the currently allowed height;
22 prohibiting the administrative approval by counties
23 and municipalities, respectively, of a proposed
24 development within a specified proximity to a military
25 installation; requiring counties and municipalities,
26 respectively, to maintain a certain policy on their
27 websites; requiring counties and municipalities,
28 respectively, to consider reducing parking
29 requirements under certain circumstances; requiring

Page 1 of 22

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

578-01993-24

2024328c1

30 counties and municipalities, respectively, to reduce
31 or eliminate parking requirements for certain proposed
32 mixed-use developments that meet certain requirements;
33 defining the term "major transportation hub";
34 providing certain requirements for developments
35 located within a transit-oriented development or area;
36 making technical changes; providing requirements for
37 developments authorized as a transit-oriented
38 development or area; revising applicability;
39 authorizing specified developments to be treated as a
40 conforming use; amending s. 196.1978, F.S.; revising
41 the definition of the term "newly constructed";
42 defining the term "substantial rehabilitation";
43 revising conditions for when multifamily projects are
44 considered property used for a charitable purpose and
45 are eligible to receive an ad valorem property tax
46 exemption; making technical changes; requiring
47 property appraisers to make certain exemptions from ad
48 valorem property taxes; providing the method for
49 determining the value of a unit for certain purposes;
50 requiring property appraisers to review certain
51 applications and make certain determinations;
52 authorizing property appraisers to request and review
53 additional information; authorizing property
54 appraisers to grant exemptions only under certain
55 conditions; revising requirements for property owners
56 seeking a certification notice from the Florida
57 Housing Finance Corporation; providing that a certain
58 determination by the corporation does not constitute

Page 2 of 22

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

578-01993-24

2024328c1

an exemption; specifying requirements for a market value analysis; conforming provisions to changes made by the act; providing for retroactive application; amending s. 333.03, F.S.; excluding certain proposed developments from specified airport zoning provisions; amending s. 420.507, F.S.; revising the enumerated powers of the Florida Housing Finance Corporation; amending s. 420.5096, F.S.; making technical changes; amending s. 420.518, F.S.; specifying conditions under which the Florida Housing Finance Corporation may preclude applicants from corporation programs; providing an appropriation; providing an effective date.

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

Section 1. Subsection (7) of section 125.01055, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

125.01055 Affordable housing.—

(7) (a) A county must authorize multifamily and mixed-use residential as allowable uses in any area zoned for commercial, ~~industrial~~, or mixed use if at least 40 percent of the residential units in a proposed multifamily ~~rental~~ development are rental units that, for a period of at least 30 years, are affordable as defined in s. 420.0004. Notwithstanding any other law, local ordinance, or regulation to the contrary, a county may not require a proposed multifamily development to obtain a zoning or land use change, special exception, conditional use

578-01993-24

2024328c1

approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under this subsection. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

(b) A county may not restrict the density or floor area ratio of a proposed development authorized under this subsection below the highest currently allowed density or floor area ratio on any unincorporated land in the county where residential development is allowed under the county's land development regulations. The currently allowed density or floor area ratio does not include the density or floor area ratio of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for density or floor area ratio provided in the county's land development regulations as an incentive for development.

(c) A county may not restrict the height of a proposed development authorized under this subsection below the highest currently allowed height for a commercial or residential building development located in its jurisdiction within one-quarter ~~1~~ mile of the proposed development or 3 stories, whichever is higher. If the height of each building on property adjacent to the proposed development is 3 stories or less, the county may restrict the height of the proposed development to 135 percent of the tallest building on property adjacent to the proposed development or 3 stories, whichever is higher. The currently allowed height does not include the height of any development that meets the requirements of this subsection or any bonus, variance, or other special exception for height

578-01993-24

2024328c1

provided in the county's land development regulations as an incentive for development.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the board of county commissioners is required if the development satisfies the county's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each county shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(e) 1. A county must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-quarter ~~one-half~~ mile of a ~~major~~ transit stop, as defined in the county's land development code, and the ~~major~~ transit stop is accessible from the development.

2. A county must reduce parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transportation hub that is accessible from the development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features.

578-01993-24

2024328c1

3. A county must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the county as a transit-oriented development or area, as provided in paragraph (g).

4. For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(f) For proposed multifamily developments in an unincorporated area zoned for commercial ~~or industrial~~ use which is within the boundaries of a multicounty independent special district that was created to provide municipal services and is not authorized to levy ad valorem taxes, and less than 20 percent of the land area within such district is designated for commercial ~~or industrial~~ use, a county must authorize, as provided in this subsection, such development only if the development is mixed-use residential.

(g) A development authorized under this section which is located within a transit-oriented development or area, as recognized by the county, must be mixed-use residential and otherwise comply with requirements of the county's regulations applicable to the transit-oriented development or area except for use, height, density, and floor area ratio as provided in this section or as otherwise agreed to by the county and the applicant for the development.

(h) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(i) ~~(h)~~ This subsection does not apply to airport-impacted

578-01993-24

2024328c1

175 ~~areas as provided in s. 333.03 property defined as recreational~~
 176 ~~and commercial working waterfront in s. 342.201(2)(b) in any~~
 177 ~~area zoned as industrial.~~

178 ~~(j)(i)~~ This subsection expires October 1, 2033.

179 (8) Any development authorized under paragraph (7)(a) must
 180 be treated as a conforming use even after the expiration of
 181 subsection (7) and the development's affordability period as
 182 provided in paragraph (7)(a), notwithstanding the county's
 183 comprehensive plan, future land use designation, or zoning. If
 184 at any point during the development's affordability period the
 185 development violates the affordability period requirement
 186 provided in paragraph (7)(a), the development must be allowed a
 187 reasonable time to cure such violation. If the violation is not
 188 cured within a reasonable time, the development must be treated
 189 as a nonconforming use.

190 Section 2. Subsection (7) of section 166.04151, Florida
 191 Statutes, is amended, and subsection (8) is added to that
 192 section, to read:

193 166.04151 Affordable housing.—

194 (7)(a) A municipality must authorize multifamily and mixed-
 195 use residential as allowable uses in any area zoned for
 196 commercial, ~~industrial~~, or mixed use if at least 40 percent of
 197 the residential units in a proposed multifamily ~~rental~~
 198 development are rental units that, for a period of at least 30
 199 years, are affordable as defined in s. 420.0004. Notwithstanding
 200 any other law, local ordinance, or regulation to the contrary, a
 201 municipality may not require a proposed multifamily development
 202 to obtain a zoning or land use change, special exception,
 203 conditional use approval, variance, or comprehensive plan

578-01993-24

2024328c1

204 amendment for the building height, zoning, and densities
 205 authorized under this subsection. For mixed-use residential
 206 projects, at least 65 percent of the total square footage must
 207 be used for residential purposes.

208 (b) A municipality may not restrict the density or floor
 209 area ratio of a proposed development authorized under this
 210 subsection below the highest currently allowed density or floor
 211 area ratio on any land in the municipality where residential
 212 development is allowed under the municipality's land development
 213 regulations. The currently allowed density or floor area ratio
 214 does not include the density or floor area ratio of any
 215 development that meets the requirements of this subsection or
 216 any bonus, variance, or other special exception for density or
 217 floor area ratio provided in the municipality's land development
 218 regulations as an incentive for development.

219 (c) A municipality may not restrict the height of a
 220 proposed development authorized under this subsection below the
 221 highest currently allowed height for a commercial or residential
 222 building development located in its jurisdiction within one-
 223 quarter ~~±~~ mile of the proposed development or 3 stories,
 224 whichever is higher. If the height of each building on property
 225 adjacent to the proposed development is 3 stories or less, the
 226 municipality may restrict the height to 135 percent of the
 227 tallest building on property adjacent to the proposed
 228 development or 3 stories, whichever is higher. The currently
 229 allowed height does not include the height of any development
 230 that meets the requirements of this subsection or any bonus,
 231 variance, or other special exception for height provided in the
 232 municipality's land development regulations as an incentive for

578-01993-24

2024328c1

development.

(d) A proposed development authorized under this subsection must be administratively approved and no further action by the governing body of the municipality is required if the development satisfies the municipality's land development regulations for multifamily developments in areas zoned for such use and is otherwise consistent with the comprehensive plan, with the exception of provisions establishing allowable densities, height, and land use. Such land development regulations include, but are not limited to, regulations relating to setbacks and parking requirements. A proposed development located within one-quarter mile of a military installation identified in s. 163.3175(2) may not be administratively approved. Each municipality shall maintain on its website a policy containing procedures and expectations for administrative approval pursuant to this subsection.

(e) 1. A municipality must consider reducing parking requirements for a proposed development authorized under this subsection if the development is located within one-quarter ~~one-half~~ mile of a ~~major~~ transit stop, as defined in the municipality's land development code, and the ~~major~~ transit stop is accessible from the development.

2. A municipality must reduce parking requirements for a proposed development authorized under this subsection if the development is located within one-half mile of a major transportation hub that is accessible from the development by safe, pedestrian-friendly means, such as sidewalks, crosswalks, elevated pedestrian or bike paths, or other multimodal design features.

578-01993-24

2024328c1

3. A municipality must eliminate parking requirements for a proposed mixed-use residential development authorized under this subsection within an area recognized by the municipality as a transit-oriented development or area, as provided in paragraph (g).

4. For purposes of this paragraph, the term "major transportation hub" means any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

(f) A municipality that designates less than 20 percent of the land area within its jurisdiction for commercial ~~or industrial~~ use must authorize a proposed multifamily development as provided in this subsection in areas zoned for commercial ~~or industrial~~ use only if the proposed multifamily development is mixed-use residential.

(g) A development authorized under this section which is located within a transit-oriented development or area, as recognized by the municipality, must be mixed-use residential and otherwise comply with requirements of the municipality's regulations applicable to the transit-oriented development or area except for use, height, density, and floor area ratio as provided in this section or as otherwise agreed to by the municipality and the applicant for the development.

(h) Except as otherwise provided in this subsection, a development authorized under this subsection must comply with all applicable state and local laws and regulations.

(i) ~~(h)~~ This subsection does not apply to airport-impacted areas as provided in s. 333.03 ~~property defined as recreational and commercial working waterfront in s. 342.201(2) (b) in any~~

578-01993-24

2024328c1

291 ~~area zoned as industrial.~~

292 ~~(j)(i)~~ This subsection expires October 1, 2033.

293 (8) Any development authorized under paragraph (7)(a) must
 294 be treated as a conforming use even after the expiration of
 295 subsection (7) and the development's affordability period as
 296 provided in paragraph (7)(a), notwithstanding the municipality's
 297 comprehensive plan, future land use designation, or zoning. If
 298 at any point during the development's affordability period the
 299 development violates the affordability period requirement
 300 provided in paragraph (7)(a), the development must be allowed a
 301 reasonable time to cure such violation. If the violation is not
 302 cured within a reasonable time, the development must be treated
 303 as a nonconforming use.

304 Section 3. Subsection (3) of section 196.1978, Florida
 305 Statutes, is amended to read:

306 196.1978 Affordable housing property exemption.—

307 (3)(a) As used in this subsection, the term:

308 1. "Corporation" means the Florida Housing Finance
 309 Corporation.

310 2. "Newly constructed" means an improvement or the
 311 substantial rehabilitation of an existing improvement to real
 312 property which was substantially completed within 5 years before
 313 the date of an applicant's first submission of a request for a
 314 certification notice or an application for an exemption pursuant
 315 to this subsection ~~section, whichever is earlier.~~

316 3. "Substantially completed" has the same meaning as in s.
 317 192.042(1).

318 4. "Substantial rehabilitation" means the repair or
 319 restoration of a unit which increases the market value of such

578-01993-24

2024328c1

320 unit by at least 40 percent.

321 (b) Notwithstanding ss. 196.195 and 196.196, portions of
 322 property in a multifamily project are considered property used
 323 for a charitable purpose and are eligible to receive an ad
 324 valorem property tax exemption if such portions meet all of the
 325 following conditions:

326 1. Provide affordable housing to natural persons or
 327 families meeting the income limitations provided in paragraph
 328 (d). ~~+~~

329 2.a. Are within a newly constructed multifamily project
 330 that contains more than 70 units dedicated to housing natural
 331 persons or families meeting the income limitations provided in
 332 paragraph (d); or
 333 b. Are within a newly constructed multifamily project in an
 334 area of critical state concern, as designated by s. 380.0552 or
 335 chapter 28-36, Florida Administrative Code, which contains more
 336 than 10 units dedicated to housing natural persons or families
 337 meeting the income limitations provided in paragraph (d). ~~and~~

338 3. Are rented for an amount that does not exceed the amount
 339 as specified by the most recent multifamily rental programs
 340 income and rent limit chart posted by the corporation and
 341 derived from the Multifamily Tax Subsidy Projects Income Limits
 342 published by the United States Department of Housing and Urban
 343 Development or 90 percent of the fair market value rent as
 344 determined by a rental market study meeting the requirements of
 345 paragraph (1) ~~(m)~~, whichever is less.

346 (c) If a unit that in the previous year received qualified
 347 ~~for~~ the exemption under this subsection and was occupied by a
 348 tenant is vacant on January 1, the vacant unit is eligible for

578-01993-24

2024328c1

the exemption if the use of the unit is restricted to providing affordable housing that would otherwise meet the requirements of this subsection and a reasonable effort is made to lease the unit to eligible persons or families.

(d)1. The property appraiser shall exempt:

a. Seventy-five percent of the assessed value of the units in multifamily projects that meet the requirements of this subsection and are ~~Qualified property~~ used to house natural persons or families whose annual household income is greater than 80 percent but not more than 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides; and, must receive an ad valorem property tax exemption of 75 percent of the assessed value.

b.2- From ad valorem property taxes the units in multifamily projects that meet the requirements of this subsection and are ~~Qualified property~~ used to house natural persons or families whose annual household income does not exceed 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area or, if not within a metropolitan statistical area, within the county in which the person or family resides, is exempt from ad valorem property taxes.

2. When determining the value of a unit for purposes of applying an exemption pursuant to this paragraph, the property appraiser must include in such valuation the proportionate share of the residential common areas, including the land, fairly attributable to such unit.

578-01993-24

2024328c1

(e) To be eligible to receive an exemption under this subsection, a property owner must submit an application on a form prescribed by the department by March 1 for the exemption, accompanied by a certification notice from the corporation to the property appraiser. The property appraiser shall review the application and determine whether the applicant meets all of the requirements of this subsection and is entitled to an exemption. A property appraiser may request and review additional information necessary to make such determination. A property appraiser may grant an exemption only for a property for which the corporation has issued a certification notice and which the property appraiser determines is entitled to an exemption.

(f) To receive a certification notice, a property owner must submit a request to the corporation ~~for certification~~ on a form provided by the corporation which includes all of the following:

1. The most recently completed rental market study meeting the requirements of paragraph (1) ~~(m)~~.

2. A list of the units for which the property owner seeks an exemption.

3. The rent amount received by the property owner for each unit for which the property owner seeks an exemption. If a unit is vacant and qualifies for an exemption under paragraph (c), the property owner must provide evidence of the published rent amount for each vacant unit.

4. If the units for which the property owner seeks an exemption have been substantially rehabilitated but have not been certified previously by the corporation pursuant to paragraph (g), a market value analysis meeting the requirements

578-01993-24

2024328c1

of paragraph (m) demonstrating that the units meet the definition of substantial rehabilitation in subparagraph (a)4. After receiving an initial certification notice for substantially rehabilitated units, a property owner is not required to submit a new market value analysis when requesting certification notices for subsequent years.

5. A sworn statement, under penalty of perjury, from the applicant restricting the property for a period of not less than 3 years to housing persons or families who meet the income limitations under this subsection.

(g) The corporation shall review the request for a certification notice and certify whether a property ~~that~~ meets the eligibility criteria of paragraphs (b) and (c) ~~this subsection~~. A determination by the corporation regarding a request for a certification notice does not constitute a grant of an exemption pursuant to this subsection or final agency action pursuant to chapter 120.

1. If the corporation determines that the property meets the eligibility criteria ~~for an exemption under this subsection~~, the corporation must send a certification notice to the property owner and the property appraiser.

2. If the corporation determines that the property does not meet the eligibility criteria, the corporation must notify the property owner and include the reasons for such determination.

(h) The corporation shall post on its website the deadline to submit a request for a certification notice. The deadline must allow adequate time for a property owner to submit a timely application for exemption to the property appraiser.

(i) ~~The property appraiser shall review the application and~~

578-01993-24

2024328c1

~~determine if the applicant is entitled to an exemption. A property appraiser may grant an exemption only for a property for which the corporation has issued a certification notice.~~

~~(j)~~ If the property appraiser determines that for any year during the immediately previous 10 years a person who was not entitled to an exemption under this subsection was granted such an exemption, the property appraiser must serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and that property must be identified in the notice of tax lien. Any property owned by the taxpayer and situated in this state is subject to the taxes exempted by the improper exemption, plus a penalty of 50 percent of the unpaid taxes for each year and interest at a rate of 15 percent per annum. If an exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the property owner improperly receiving the exemption may not be assessed a penalty or interest.

~~(j)~~ ~~(k)~~ Units subject to an agreement with the corporation pursuant to chapter 420 recorded in the official records of the county in which the property is located to provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 are not eligible for this exemption.

~~(k)~~ ~~(l)~~ Property receiving an exemption pursuant to s. 196.1979 is not eligible for this exemption.

~~(l)~~ ~~(m)~~ A rental market study submitted as required by subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market value rent of each unit for which a property owner seeks an

578-01993-24

2024328c1

exemption. Only a certified general appraiser as defined in s. 475.611 may issue a rental market study. The certified general appraiser must be independent of the property owner who requests the rental market study. In preparing the rental market study, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought. A rental market study must have been completed within 3 years before submission of the application.

(m) A market value analysis submitted as required by subparagraph (f)4. must identify the change in the market value of the unit attributable to the rehabilitation of the unit, expressed as a percentage of the market value before the rehabilitation, for each unit that has undergone rehabilitation. Only a certified general appraiser as defined in s. 475.611 may issue a market value analysis. The certified general appraiser must be independent of the property owner who requests the market value analysis. In preparing the market value analysis, a certified general appraiser shall comply with the standards of professional practice pursuant to part II of chapter 475 and use comparable property within the same geographic area and of the same type as the property for which the exemption is sought.

(n) The corporation may adopt rules to implement this section.

(o) This subsection first applies to the 2024 tax roll and is repealed December 31, 2059.

Section 4. The amendments made by this act to s. 196.1978, Florida Statutes, are intended to be remedial and clarifying in

578-01993-24

2024328c1

nature and apply retroactively to January 1, 2024.

Section 5. Present subsection (5) of section 333.03, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

333.03 Requirement to adopt airport zoning regulations.—

(5) Sections 125.01055(7) and 166.04151(7) do not apply to any of the following:

(a) A proposed development within 10,000 feet of the nearest point of any existing airport runway or planned airport runway identified in the local government's airport master plan.

(b) A proposed development within any airport noise zone identified in the federal land use compatibility table.

(c) A proposed development that exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation adopted pursuant to this section.

Section 6. Subsection (35) 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:

(35) To preclude any applicant, sponsor, or affiliate of an applicant or sponsor from further participation in any of the corporation's programs as provided in s. 420.518, ~~any applicant or affiliate of an applicant which has made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program.~~

Section 7. Subsection (3) of section 420.5096, Florida

578-01993-24

2024328c1

Statutes, is amended to read:

420.5096 Florida Hometown Hero Program.—

(3) For loans made available pursuant to s.

420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families who have household incomes that do not exceed 150 percent of the state median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; must be a first-time homebuyer and a Florida resident; and must be employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals, ~~of 35 hours or more per week.~~ The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty servicemember of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, or a veteran.

Section 8. Section 420.518, Florida Statutes, is amended to read:

420.518 Preclusion from participation in corporation programs ~~Fraudulent or material misrepresentation.—~~

(1) An applicant, a sponsor, or an affiliate of an applicant or a sponsor may be precluded from participation in any corporation program if the applicant or affiliate of the applicant has:

(a) Made a material misrepresentation or engaged in fraudulent actions in connection with any corporation program.

(b) Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the

578-01993-24

2024328c1

financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

(c) Been excluded from any federal funding program related to the provision of housing, including debarment from participation in federal housing programs by the United States Department of Housing and Urban Development.

(d) Been excluded from any federal or Florida procurement programs.

(e) Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution.

(f) Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the corporation in the construction, operation, or management of one or more developments funded through a corporation program.

(g) Materially or repeatedly violated any condition imposed by the corporation in connection with the administration of a corporation program, including a land use restriction agreement, an extended use agreement, or any other financing or regulatory agreement with the corporation.

(2) Upon a determination by the board of directors of the corporation that an applicant or affiliate of the applicant be precluded from participation in any corporation program, the board may issue an order taking any or all of the following actions:

(a) Preclude such applicant or affiliate from applying for

578-01993-24 2024328c1

581 funding from any corporation program for a specified period. The
582 period may be a specified period of time or permanent in nature.
583 With regard to establishing the duration, the board shall
584 consider the facts and circumstances, inclusive of the
585 compliance history of the applicant or affiliate of the
586 applicant, the type of action under subsection (1), and the
587 degree of harm to the corporation's programs that has been or
588 may be done.

589 (b) Revoke any funding previously awarded by the
590 corporation for any development for which construction or
591 rehabilitation has not commenced.

592 (3) Before any order issued under this section can be
593 final, an administrative complaint must be served on the
594 applicant, affiliate of the applicant, or its registered agent
595 that provides notification of findings of the board, the
596 intended action, and the opportunity to request a proceeding
597 pursuant to ss. 120.569 and 120.57.

598 (4) Any funding, allocation of federal housing credits,
599 credit underwriting procedures, or application review for any
600 development for which construction or rehabilitation has not
601 commenced may be suspended by the corporation upon the service
602 of an administrative complaint on the applicant, affiliate of
603 the applicant, or its registered agent. The suspension shall be
604 effective from the date the administrative complaint is served
605 until an order issued by the corporation in regard to that
606 complaint becomes final.

607 Section 9. For the 2024-2025 fiscal year, from the funds
608 received and deposited into the General Revenue Fund from the
609 state's allocation from the federal Coronavirus State Fiscal

578-01993-24 2024328c1

610 Recovery Fund created under the American Rescue Plan Act of
611 2021, Pub. L. No. 117-2, the sum of \$100 million in nonrecurring
612 funds is appropriated to the State Housing Trust Fund for use by
613 the Florida Housing Finance Corporation to implement the Florida
614 Hometown Hero Program established in s. 420.5096, Florida
615 Statutes.

616 Section 10. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Fiscal Policy

Committee

328

Bill Number or Topic

143920

Amendment Barcode (if applicable)

Name

Courtney Mooney

Phone

772-201-6531

Address

100 S Monroe

Street

Email

Cmooney@flcounties.org

Tallahassee FL

City

State

32301

Zip

The Amendment

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL Association
of Counties

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

328

Bill Number or Topic

143920

Amendment Barcode (if applicable)

Fiscal Policy

Committee

Name

JOFFA STARZICKY

Phone

850 224 1000

Address

100 E Colony Ave

Street

Email

JOFFA.STARZICKY@flsenate.gov

DH

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

WANDOVER HOUSING PARTNERS

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SR 328

Bill Number or Topic

Amendment Barcode (if applicable)

1/31/24
Meeting Date
Fiscal Policy
Committee

Name Murphy Kennedy Giering Phone (407) 232-3820

Address 200 S Monroe St Email murphykg@floridarealtors.org
Street

Tallahassee FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Realtors

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

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

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

S-001 (08/10/2021)

01-31-2024

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 328

Bill Number or Topic

Amendment Barcode (if applicable)

Name E. Ivonne Fernandez Phone 954-850-7262

Address 215 S Monroe Street - 601 Email ifernandez@aarp.org
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

AARP

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

S B 328

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Bryan Eastman

Phone

850 933-1524

Address

621 NW 12th Ave

Email

EastmanB@CityofGainesville.org

Street

Gainesville FL

32601

City

State

Zip

Speaking:

☐ For

☐ Against

☒ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 514

INTRODUCER: Senate Committee on Banking and Insurance and Senator Boyd

SUBJECT: Mortgage Brokering

DATE: January 29, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Moody</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 514 expands the list of loan originators, mortgage brokers, and mortgage lenders who are exempted from regulation under ch. 494, F.S., to include a bona fide nonprofit organization and its employees in certain circumstances.

The bill provides that for an organization to be a “bona fide nonprofit organization,” the Office of Financial Regulation (“OFR”) must apply criteria and processes established by rule to determine whether the organization satisfies a list of factors that must be met, including that the organization that is exempt from federal income tax under s. 501(c)(3), I.R.C., promotes affordable housing or provides homeownership education or similar services, conducts its activities in a manner that serves public or charitable purposes, and that meets other specified criteria.

The OFR must determine whether the loan terms are consistent with loan origination in a public or charitable context, rather than a commercial context. The OFR must periodically examine the books and activities of the organization and revoke its status as a bona fide nonprofit organization if the specified criteria do not continue to be met.

The bill provides the Financial Services Commission (“Commission”) with rulemaking authority to prescribe criteria and processes for the OFR to determine whether an organization satisfies the requirements of a bona fide nonprofit organization.

The bill is effective July 1, 2024.

II. Present Situation:

The 2008 financial crisis began when losses on mortgage-related financial assets caused large financial firms to experience financial distress, ultimately resulting in significant decreases in the value of the United States housing market and the United States economy entering into a severe recession that would ultimately be labeled the “Great Recession.”¹ In response, the United States Congress enacted the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (S.A.F.E. Act) (12 U.S.C. s. 5101-5116), to reduce fraud and regulatory burden, enhance consumer protection, and increase uniformity.²

The S.A.F.E. Act

Enacted on July 30, 2008, the S.A.F.E. Act establishes minimum standards for the licensing and registration of state-licensed mortgage loan originators, and mandates a nationwide licensing and registration system for residential mortgage loan originators. In 2009, Florida adopted this requirement for loan originators in s. 494.00312, F.S.³ Florida also adopted parallel requirements for persons (employers, businesses, and individuals) who are applicants for licenses as mortgage brokers and mortgage lenders, exceeding the federal requirement. States are allowed to provide for exemptions from the S.A.F.E. Act to bona fide nonprofit organization or its employees if, under criteria and pursuant to processes established by the state, the state supervisory authority determines that the organization:⁴

- Has the status of a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code of 1986;
- Promotes affordable housing or provides homeownership education, or similar services;
- Conducts its activities in a manner that serves public or charitable purposes, rather than commercial purposes;
- Receives funding and revenue and charges fees in a manner that does not incentivize it or its employees to act other than in the best interests of its clients;
- Compensates its employees in a manner that does not incentivize employees to act other than in the best interests of its clients;
- Provides or identifies for the borrower residential mortgage loans with terms favorable to the borrower⁵ and comparable to mortgage loans and housing assistance provided under government housing assistance programs; and
- Meets other standards that the state determines are appropriate.

¹John Weinberg, *The Great Recession and Its Aftermath*, Federal Reserve History (Nov. 22, 2013). <https://www.federalreservehistory.org/essays/great-recession-and-its-aftermath> (last visited January 10, 2024).

² 12 U.S.C. s. 5101.

³ See Ch. 2009-241, L.O.F.

⁴ 18 C.F.R. s. 1008.103(e)(7)(ii).

⁵ A state must determine that the terms are consistent with loan origination in a public or charitable context, rather than a commercial context, for residential mortgage loans to have terms that are favorable to the borrower. 12 C.F.R. 1008.103(e)(7)(iv).

Under the S.A.F.E. Act, the state must periodically review the books and activities of the bona fide nonprofit organization it determines is a bona fide nonprofit organization and revoke its status if the organization does not continue to meet the above criteria.⁶

State Regulation of Non-Depository Mortgage Business

The OFR regulates state-chartered banks, credit unions, other financial institutions, as well as finance companies, and the securities industry.⁷ The OFR's Division of Consumer Finance licenses and regulates various aspects of the non-depository financial services industries, including individuals and businesses engaged in the mortgage business.

Under ch. 494, F.S., the OFR licenses and regulates the following individuals and businesses:

- A **loan originator**, who, directly or indirectly, solicits or offers to solicit a mortgage loan, accepts or offers to accept an application for a mortgage loan, negotiates or offers to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiates or offers to negotiate the sale of an existing mortgage loan to a noninstitutional investor for compensation or gain. The term includes an individual who is required to be licensed as a loan originator under the S.A.F.E. Act. The term does not include an employee of a mortgage broker or mortgage lender whose duties are limited to physically handling a completed application form or transmitting a completed application form to a lender on behalf of a prospective borrower.⁸
- A **mortgage broker**, who conducts loan originator activities through one or more licensed loan originators employed by the mortgage broker or as independent contractors to the mortgage broker.⁹
- A **mortgage lender**, who makes a mortgage loan or services a mortgage loan for others, or, for compensation or gain, directly or indirectly, sells or offers to sell a mortgage loan to a noninstitutional investor.¹⁰ A mortgage lender may act as a mortgage broker.¹¹

Exemptions

The following persons are exempt from loan originator, mortgage broker and mortgage lender regulations under ch. 494, F.S.:¹²

- Any person operating exclusively as a registered loan originator¹³ in accordance with the S.A.F.E. Act.

⁶ 12 C.F.R. s. 1008.103(e)(7)(iii).

⁷ Section 20.121(3)(a)2. and (d), F.S. The OFR is housed within the Financial Services Commission (commission). The commission, comprised of the Governor and Cabinet, appoints the OFR Commissioner. The commission is a separate budget entity under the Department of Financial Services (DFS), and is not subject to the control or supervision by the DFS.

⁸ Section 494.001(18), F.S.

⁹ Section 494.001(23), F.S.

¹⁰ Section 494.001(24), F.S.

¹¹ Section 494.0073, F.S.

¹² Section 494.00115(1), F.S.

¹³ Section 494.001(31), F.S., defines a "registered loan originator" as "a loan originator who is employed by a depository institution, by a subsidiary that is owned and controlled by a depository institution and regulated by a federal banking agency, or by an institution regulated by the Farm Credit Administration, and who is registered with and maintains a unique identifier through the [Nationwide Mortgage Licensing System and Registry]." A registered loan originator must comply with federal registration requirements rather than the loan originator licensing requirements under ch. 494, F.S.

- A depository institution; certain regulated subsidiaries owned and controlled by a depository institution; or institutions regulated by the Farm Credit Administration.
- The Federal National Mortgage Association; the Federal Home Loan Mortgage Corporation; any agency of the Federal Government; any state, county, or municipal government; or any quasi-governmental agency that acts in such capacity under the specific authority of the laws of any state or the United States.
- An attorney licensed in this state who negotiates the terms of a mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client.
- A person involved solely in the extension of credit relating to the purchase of a timeshare plan.
- A person who performs only real estate brokerage activities and is licensed or registered in this state under part I of ch. 475, F.S., unless the person is compensated by a lender, a mortgage broker, or other loan originator or by an agent of such lender, mortgage broker, or other loan originator.

The following persons are exempt from the mortgage lender licensing requirements of ch. 494, F.S.:¹⁴

- A person acting in a fiduciary capacity conferred by the authority of a court.
- A person who, as a seller of his or her own real property, receives one or more mortgages in a purchase money transaction.
- A person who acts solely under contract and as an agent for federal, state, or municipal agencies for the purpose of servicing mortgage loans.
- A person who makes only nonresidential mortgage loans and sells loans only to institutional investors.
- An individual making or acquiring a mortgage loan using his or her own funds for his or her own investment, and who does not hold himself or herself out to the public as being in the mortgage lending business.
- An individual selling a mortgage that was made or purchased with that individual's funds for his or her own investment, and who does not hold himself or herself out to the public as being in the mortgage lending business.

A securities dealer, investment advisor, or associated person registered under ch. 517, F.S., is exempt from regulation as a loan originator or mortgage broker under ch. 494, F.S., if specified criteria are met.¹⁵

There is no exemption under current Florida law for bona fide nonprofit organizations and its employees. However, there are a few jurisdictions that have adopted exemptions for nonprofit organizations.¹⁶

¹⁴ Section 494.00115(3), F.S.

¹⁵ Section 494.00115(2), F.S.

¹⁶ Examples of other jurisdictions that have an exemption relating to nonprofit organizations include Ohio, Georgia, and Indiana. *See* Ohio Rev. Code s. 1322.01(AA)(2)(g); O.C.G.A. s. 7-1-1001(a)(18); and IN Code s. 24-4.4-1-202. Colorado exempts mortgage loan originators of self-help housing organizations, or employees or volunteers of self-help housing organizations, from licensing and other regulatory requirements. C.R.S. s. 12-10-709.

Powers and Duties of the Commission and OFR

The OFR is responsible for the administration and enforcement of ch. 494., F.S., relating to loan originators and mortgage brokers.¹⁷ The Commission has discretion to adopt rules to administer the chapter, including, but not limited to, rules relating to compliance with specified requirements of the S.A.F.E. Mortgage Licensing Act of 2008.¹⁸ Current law does not specifically authorize the Commission to adopt rules to prescribe the criteria and processes that must be used by the OFR to determine whether an organization is and remains a bona fide nonprofit organization.

Licensing

Under ch. 494, F.S., these licensees are subject to:

- Requirements for the maintenance of books and records relating to the licensee's compliance with the chapter, with regard to expenses paid by the licensee on behalf of the borrower, and relating to its advertisements.¹⁹
- Investigations and examinations by the OFR.²⁰
- The OFR's enforcement authority, such as injunctions, cease and desist orders, suspension or revocation of licensure, and administrative fines.²¹

In order to obtain a license as a mortgage loan originator, an individual must:²²

- Be at least 18 years of age and have a high school diploma or its equivalent;
- Complete a 20-hour prelicensing class;²³
- Pass a written test;²⁴
- Submit an application form;
- Submit nonrefundable application fees totaling \$215;
- Submit fingerprints, the cost of which is borne by the applicant; and
- Authorize access to his or her credit report, the cost of which is borne by the applicant.

In order to obtain a license as a mortgage broker, a person must:²⁵

- Submit an application form, which must designate a qualified principal loan originator;
- Submit nonrefundable application fees totaling \$525;
- Submit fingerprints for each of the applicant's control persons,²⁶ the cost of which is borne by the person subject to the background check; and

¹⁷ Section 494.0011(1), F.S.

¹⁸ Section 494.0011(2), F.S.

¹⁹ Sections 494.0016 and 494.00165(2), F.S.

²⁰ Section 494.0012, F.S.

²¹ Sections 494.0013, 494.0014, and 494.00255, F.S.

²² Section 494.00312, F.S.

²³ The cost of prelicensing courses may vary by course provider, but one such course provider charges \$349 for the required 20-hour course. See MortgageEducation.com, Mortgage Loan Originator Courses, <https://www.mortgage-education.com/StatePage.aspx?StateCode=FL> (last visited December 20, 2023).

²⁴ The cost of written test is \$110. See Nationwide Multistate Licensing System & Registry, Uniform State Test (UST) Implementation Information, [Public - SAFE MLO Testing FAQ \(csbs.org\)](https://www.nmls.org/Public-SAFE-MLO-Testing-FAQ) (last visited December 20, 2023).

²⁵ Section 494.00321, F.S.

²⁶ "Control persons" is defined in s. 494.001(7), F.S., to mean, in part, "an individual, partnership, corporation, trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise."

- Authorize access to the credit reports on each of the applicant's control persons, the cost of which is borne by the applicant.

In order to obtain licensure as a mortgage lender, a person must:²⁷

- Submit an application form, which must designate a qualified principal loan originator;
- Submit nonrefundable application fees totaling \$600;
- Submit fingerprints for each of the applicant's control persons, the cost of which is borne by the person subject to the background check;
- Submit a copy of the applicant's financial audit report for the most recent fiscal year, which must document that the applicant has a net worth of at least \$63,000 if the applicant is not seeking a servicing endorsement, or at least \$250,000 if the applicant is seeking a servicing endorsement; and
- Authorize access to the credit reports of each of the applicant's control persons, the cost of which is borne by the applicant.

A mortgage loan originator, broker, and lender license is subject to annual renewal by December 31, and must meet specified criteria to be eligible for renewal.²⁸

Examinations and Investigations

The OFR has the authority to conduct an investigation of any person who the OFR has reason to believe has violated or is about to violate ch. 494, F.S.²⁹ The OFR also has authority to conduct intermittent examinations of any licensee or other person under the provisions of ch. 494, F.S.

Violations

The OFR has statutory authority to impose disciplinary actions against any person who engages in specified conduct,³⁰ such as:

- Failure to disburse funds in compliance with agreements;³¹
- Fraud, misrepresentation, deceit, negligence, or incompetence in any mortgage financing transaction;³² and
- Consistently and materially underestimating maximum closing costs.³³

The disciplinary actions the OFR may take include, for instance, suspension, revocation, or denial of a license, or the imposition of a fine of up to \$25,000 for each count or separate offense.³⁴

²⁷ Section 494.00611, F.S.

²⁸ Sections 494.00312(7), 494.00321(7), and 494.00611(10), F.S.

²⁹ Section 494.0012, F.S.

³⁰ Section 494.00255(2), F.S.

³¹ Section 494.00255(1)(c), F.S.

³² Section 494.00255(1)(d), F.S.

³³ Section 494.00255(1)(e), F.S.

³⁴ Section 494.00255(2), F.S.

Any person who knowingly acts as a loan originator, mortgage broker, or mortgage lender without a current and active license issued pursuant to ch. 494, F.S., commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.³⁵

Any person who violates any provisions of ch. 494, F.S., in which the total value of money and property unlawfully obtained exceeds \$50,000 and there are five or more victims, commits a felony of the first degree, punishable as provided in ss. 775.082, 775.083, or 775.084, F.S.³⁶

Habitat for Humanity, a Florida Nonprofit Organization

Habitat for Humanity of Florida (“Habitat”) was incorporated in 2009 as a nonprofit organization and provides affordable housing for communities in Florida.³⁷ Individuals who purchase homes built through Habitat must comply with a rigorous qualification process, complete financial and homeowner education courses, contribute physically to the construction of the home, undergo background screening, and meet minimum financial requirements (e.g. monthly mortgage payments may not be greater than thirty percent of the borrower’s monthly income).³⁸ Habitat staff are not compensated to incentivize them to refer any borrowers to lenders or loan products that are not affordable or in the borrower’s best interests.³⁹ A summary comparing current Florida law requirements and the Habitat qualified loan originator requirements are below:⁴⁰

<u>State of Florida</u> <u>Mortgage Loan Originator</u>	<u>Habitat Qualified Loan Originator</u>
Complete 20 hours of approved education courses, of which a minimum of 2 hours must cover the provisions of Florida law and rules. ⁴¹	Complete 17 courses provided in partnership by Habitat, the American Bankers Association, and an additional Florida-specific course which covers Florida law and rules.
Pass national and state testing requirements. ⁴²	Testing not required.
Pass state and federal background checks. ⁴³	Pass state and federal background checks.
Authorize and pass a credit check. ⁴⁴	Authorize and pass a credit check.

On August 12, 2010, the OFR issued a nonbinding informal legal opinion to Habitat which concludes that the organization’s affiliates and their staff are outside the scope of the S.A.F.E.

³⁵ Section 494.0018(1), F.S.

³⁶ Section 494.0018(2), F.S.

³⁷ Habitat, *Habitat for Humanity of Florida Milestones*, available at: [Florida History — Habitat for Humanity Florida \(habitatflorida.org\)](https://www.habitatflorida.org/florida-history-habitat-for-humanity-florida) (last visited Jan. 2, 2024); Habitat, *How Habitat Works*, available at: [How Habitat Works — Habitat for Humanity Florida \(habitatflorida.org\)](https://www.habitatflorida.org/how-habitat-works-habitat-for-humanity-florida) (last visited Jan. 2, 2024).

³⁸ Habitat for Humanity of Florida White Paper, *Habitat for Humanity & the SAFE Act Exemption* (on file with the Senate Committee on Banking and Insurance).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Section 494.00312(2)(b), F.S.

⁴² Section 494.00312(2)(c), F.S.

⁴³ Section 494.00312(2)(f), F.S.

⁴⁴ Section 494.00312(2)(g).

Act definition of loan originator that has been codified in Florida law.⁴⁵ The OFR determined that Habitat's employees are not acting for "compensation or gain" based largely on Habitat's requirement of "no profit mortgages" and on several factors relating to its pricing and fees policies.⁴⁶

III. Effect of Proposed Changes:

Section 2 of the bill adds s. 494.00115(g) to exempt a bona fide nonprofit organization and its employees from the regulations under ch. 494, F.S. This exemption is substantially similar to the exemption permitted under the S.A.F.E. Act except that the exemption in the bill also covers the bona fide organization (not only the employee of such organization).

The bill establishes an exemption from regulation under ch. 494, F.S., for:

- A bona fide nonprofit organization; and
- An employee of the bona fide nonprofit organization who acts as a loan originator only with respect to his or her work duties to the bona fide nonprofit organization and who acts as a loan originator only with respect to residential mortgage loans with terms that are favorable to the borrower.

For an organization to be a "bona fide nonprofit organization," the OFR must determine, pursuant to criteria and processes established by rule, whether the organization satisfies all of the following factors:

- Has the status of a tax-exempt organization under s. 501(c)(3), I.R.C.
- Promotes affordable housing or provides homeownership education or similar services.
- Conducts its activities in a manner that serves public or charitable purposes rather than commercial purposes.
- Receives funding and revenue and charges fees in a manner that does not incentivize it or its employees to act other than in the best interests of its clients.
- Compensates its employees in a manner that does not incentivize employees to act other than in the best interests of its clients.
- Provides or identifies for the borrower residential mortgage loans with terms favorable to the borrower and comparable to mortgage loans and housing assistance provided under government housing assistance programs. For residential mortgage loans to be deemed to have terms that are favorable to the borrower, the OFR must determine that the terms are consistent with loan origination in a public or charitable context, rather than a commercial context.

This exemption provides the OFR with authority to periodically examine the books and activities of an organization it determines is a bona fide nonprofit organization and allows the OFR to revoke its status as a bona fide organization if it does not continue to meet the specified criteria set out in the paragraph above.

⁴⁵ Letter from the OFR to Lori Harris, Executive Director, Habitat for Humanity of Florida, *Habitat for Humanity of Florida – Request for Legal Opinion OFR Case No. 0868-FR-3/10* (on file with the Senate Committee on Banking and Insurance).

⁴⁶ *Id.*

Section 1 of the bill expands the Commission’s rulemaking authority under s. 494.0011(2)(b), F.S., relating to compliance with the S.A.F.E. Act, to prescribe criteria and processes for determining whether an organization is and remains a bona fide nonprofit organization for the purpose of determining whether the organization and its employees acting as loan originators may be exempt from regulation under ch. 494, F.S.

Section 3 of the bill provides for an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Employees of entities that meet the criteria for the exemption under SB 542 should benefit financially by not having to pay costs associated with licensure requirements under ch. 494.0115, F.S. The total number of nonprofit organizations that are eligible for the exemption is unclear.

C. Government Sector Impact:

The OFR reports that it has not identified any fiscal impact that would result from the proposed legislation.⁴⁷

⁴⁷ The OFR, 2024 *Agency Legislative Bill Analysis Florida Office of Financial Regulation*, Dec. 22, 2023, (on file with the Senate Committee on Banking and Insurance).

VI. Technical Deficiencies:**VII. Related Issues:**

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 494.0011 and 494.00115.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Banking and Insurance Committee on January 16, 2024:

- Confirms the provisions of the bill to the S.A.F.E. Act exemption for bona fide nonprofit organizations' employees from loan originator and mortgage broker regulation;
- Clarifies the conditions under which an employee may be exempt from the S.A.F.E. Act regulations adopted in Florida law;
- Provides that the OFR must determine whether an organization is a bona fide nonprofit organization based on specified factors;
- Requires the OFR to determine that the terms of the loan are consistent with loan origination in public or charitable context, rather than a commercial context;
- Requires the OFR to periodically examine the books and activities of the organization and revoke its status if the organization does not continue to meet the requirements; and
- Provides the Commission with rulemaking authority to prescribe criteria and processes required for the OFR to make the determinations regarding bona fide nonprofit organizations.

B. Amendments:

None.

By the Committee on Banking and Insurance; and Senator Boyd

597-02162-24

2024514c1

A bill to be entitled

An act relating to mortgage brokering; amending s. 494.0011, F.S.; authorizing the Financial Services Commission to adopt rules prescribing criteria and processes for determining whether an organization is a bona fide nonprofit organization for a specified purpose; amending s. 494.00115, F.S.; providing exemptions from regulation under ch. 494, F.S., for bona fide nonprofit organizations and certain employees of a bona fide nonprofit organization that meet specified criteria; requiring the Office of Financial Regulation to make a specified determination; requiring the office to make certain a determination related to the terms of residential mortgage loans originated by such employees; requiring the office to periodically examine the books and activities of a bona fide nonprofit organization and to revoke its status in certain circumstances; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 494.0011, Florida Statutes, is amended to read:

494.0011 Powers and duties of the commission and office.—

(2) The commission may adopt rules to administer parts I, II, and III of this chapter, including rules:

(b) Relating to compliance with the S.A.F.E. Mortgage Licensing Act of 2008, including rules to:

Page 1 of 4

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

597-02162-24

2024514c1

1. Require loan originators, mortgage brokers, mortgage lenders, and branch offices to register through the registry.
 2. Require the use of uniform forms that have been approved by the registry, and any subsequent amendments to such forms if the forms are substantially in compliance with the provisions of this chapter. Uniform forms that the commission may adopt include, but are not limited to:
 - a. Uniform Mortgage Lender/Mortgage Broker Form, MU1.
 - b. Uniform Mortgage Biographical Statement & Consent Form, MU2.
 - c. Uniform Mortgage Branch Office Form, MU3.
 - d. Uniform Individual Mortgage License/Registration & Consent Form, MU4.
 3. Require the filing of forms, documents, and fees in accordance with the requirements of the registry.
 4. Prescribe requirements for amending or surrendering a license or other activities as the commission deems necessary for the office's participation in the registry.
 5. Prescribe procedures that allow a licensee to challenge information contained in the registry.
 6. Prescribe procedures for reporting violations of this chapter and disciplinary actions on licensees to the registry.
 7. Prescribe criteria and processes for determining whether an organization is and remains a bona fide nonprofit organization for the purpose of determining whether the organization and its employees acting as loan originators may be exempt from regulation under this chapter pursuant to s. 494.00115.
- Section 2. Present subsections (3), (4), and (5) of section

Page 2 of 4

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

597-02162-24

2024514c1

494.00115, Florida Statutes, are redesignated as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to that section, to read:

494.00115 Exemptions.—

(3)(a) As provided in this subsection, a bona fide nonprofit organization and an employee of a bona fide nonprofit organization who acts as a loan originator only with respect to his or her work duties to the bona fide nonprofit organization, and who acts as a loan originator only with respect to residential mortgage loans with terms that are favorable to the borrower, are exempt from regulation under this chapter.

1. For an organization to be considered a bona fide nonprofit organization under this subsection, the office must determine, pursuant to criteria and processes established by rule, that the organization satisfies all of the following criteria:

a. Has the status of a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code of 1986.

b. Promotes affordable housing or provides homeownership education or similar services.

c. Conducts its activities in a manner that serves public or charitable purposes rather than commercial purposes.

d. Receives funding and revenue and charges fees in a manner that does not incentivize it or its employees to act other than in the best interests of its clients.

e. Compensates its employees in a manner that does not incentivize employees to act other than in the best interests of its clients.

f. Provides or identifies for the borrower residential

597-02162-24

2024514c1

mortgage loans with terms favorable to the borrower and comparable to mortgage loans and housing assistance provided under government housing assistance programs.

2. For residential mortgage loans to be deemed under this section to have terms that are favorable to the borrower, the office must determine that the terms are consistent with loan origination in a public or charitable context, rather than a commercial context.

(b) The office must periodically examine the books and activities of an organization that it determines is a bona fide nonprofit organization and revoke its status as a bona fide nonprofit organization if it does not continue to meet the criteria specified in paragraph (a).

Section 3. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

514

Bill Number or Topic

Amendment Barcode (if applicable)

1/31/24

Meeting Date

Fiscal Policy

Committee

Name

Chris Dawson

Phone

407 8438880

Address

301 E. Pine St., Ste. 1400

Street

Orlando

FL

32801

City

State

Zip

Email

chris.dawson@gray-robinson.com

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Habitat for Humanity of
Hillsborough County

☐

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

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

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

S-001 (08/10/2021)

1/31/24

Meeting Date

Fiscal Policy

Committee

Name Robert Stuart

Address 301 S Bronough St, Suite 600

Street

Tallahassee

City

FL

State

32301

Zip

The Florida Senate

APPEARANCE RECORD

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

514

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 850-577-9090

Email robert.stuart@gray-robinson.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Habitat for Humanity of Florida

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 544

INTRODUCER: Health Policy Committee and Senator Hutson and others

SUBJECT: Swimming Lesson Voucher Program

DATE: January 29, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	Fav/CS
2.	Gerbrandt	McKnight	AHS	Favorable
3.	Looke	Yeatman	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 544 creates s. 514.073, F.S., to establish the Swimming Lesson Voucher Program within the Department of Health (DOH) to increase water safety by offering vouchers for swimming lessons to families with an income of up to 200 percent of the federal poverty level that have one or more children four years of age or younger. The bill requires the DOH to establish eligibility criteria for the vouchers, contract with a network of swimming lesson vendors to ensure availability, and to establish methods for members of the public to apply for vouchers.

The bill appropriates \$500,000 in nonrecurring general revenue to the DOH to fund the program. The DOH may incur costs related to workload. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

II. Present Situation:

The Danger of Drowning

Drowning is one of the leading causes of accidental death among children. For all ages, the current annual global estimate is 295,000 drowning deaths, although this figure is thought to underreport fatal drowning, in particular boating and disaster related drowning mortality.

Drowning disproportionately impacts children and young people, with over half of all drowning deaths occurring among people younger than 25 years old. In many countries, children under five years of age record the highest rate of fatal and non-fatal drowning, with incidents commonly occurring in swimming pools and bathtubs in high income countries and in bodies of water in and around a home in low income contexts.¹

Drowning Deaths in Florida

Drowning deaths in Florida have consistently ranged between 350 and 500 deaths per year in the state from 2003 to present. Data from 2022 shows that most counties suffered less than 10 deaths from drowning in that year, but many highly populated and coastal counties suffered from a much higher rate of drowning.² For example, Broward County had 46 drowning deaths in 2022, Miami-Dade had 30, Hillsborough had 33, and Palm Beach had 42.³

Formal Swimming Lessons and Drowning Prevention

Learning to swim has been found to be an effective drowning prevention strategy and has been proposed by the World Health Organization as one of ten key strategies for global drowning prevention. Participation in formal swimming lessons has been shown to reduce drowning risk among children aged 1-19 years, and a recent review of evidence suggests that teaching aquatic competencies to young children causes no increased risk, particularly when combined with the additional drowning prevention strategies of supervision, restricting access to water and caregiver training in cardiopulmonary resuscitation (CPR).⁴ Swimming lessons have been found to be particularly effective in protecting children age 0-4 from drowning with one study showing that formal swimming lessons were associated with an 88 percent reduction in the risk for drowning for that population.⁵

III. Effect of Proposed Changes:

The bill creates the Swimming Lesson Voucher Program (program) within the Department of Health (DOH). The purpose of the program is to increase water safety in Florida by offering vouchers for swimming lessons at no cost to families at or below 200 percent of the FPL and who have at least one child aged four or younger. The bill requires the DOH to:

- Contract with and establish a network of swimming lesson vendors that will accept the vouchers offered by the program. The bill specifies that the DOH must attempt to contract with at least one swimming lesson vendor in each county. Additionally, the bill requires that

¹ Peden AE, Franklin RC. Learning to Swim: An Exploration of Negative Prior Aquatic Experiences among Children. *Int J Environ Res Public Health*. 2020 May 19;17(10):3557. doi: 10.3390/ijerph17103557. PMID: 32438661; PMCID: PMC7277817. Available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7277817/>. (Last visited Jan. 11, 2024).

² Florida Health Charts, Deaths from Unintentional Drowning, available at <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=Death.DataViewer&cid=0105>, (last visited Jan 10, 2024).

³ *Id.*

⁴ *Supra*, note. 2

⁵ Brenner RA, Taneja GS, Haynie DL, Trumble AC, Qian C, Klinger RM, Klebanoff MA. Association between swimming lessons and drowning in childhood: a case-control study. *Arch Pediatr Adolesc Med*. 2009 Mar;163(3):203-10. doi: 10.1001/archpediatrics.2008.563. PMID: 19255386; PMCID: PMC4151293.

any vendor that offers swimming lessons at a public pool that is owned or maintained by a county or municipality must participate in the program.

- Establish a method for members of the public to apply for vouchers and for determining the applicant's eligibility. The bill requires the DOH to establish eligibility criteria including, but not limited to:
 - The age of each child for whom a voucher is being sought, which can be no more than four years of age;
 - The family's income level up to 200 percent of the FPL; and
 - The family's address of residency in Florida.
- Subject to a specific appropriation, issue vouchers to eligible applicants

The bill appropriates \$500,000 in nonrecurring general revenue to the DOH to fund the program. The bill also authorizes the DOH to seek grants or other public or private funding for the program and requires the DOH to adopt rules to implement the program.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact on families seeking swimming lessons for children who qualify for vouchers under the program.

C. Government Sector Impact:

The bill appropriates \$500,000 in nonrecurring general revenue to the Department of Health (DOH) to fund the program.

The DOH may incur a significant negative impact due to the bill's provisions requiring the DOH to develop an application review process and maintain a network of swimming lesson vendors in each county. It is unclear if these costs can be absorbed within current resources. The DOH has not submitted a fiscal impact analysis at the time of this publication.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 514.073 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Policy on January 16, 2024:**

The CS adds a \$500,000 nonrecurring appropriation from general revenue to the DOH to fund the program.

B. Amendments:

None.

By the Committee on Health Policy; and Senators Hutson, Berman,
and Book

588-02171-24

2024544c1

A bill to be entitled

An act relating to the Swimming Lesson Voucher Program; creating s. 514.073, F.S.; creating the program within the Department of Health for a specified purpose; requiring the department to contract with and establish a network of swimming lesson vendors to participate in the program; requiring the department to attempt to secure a vendor in each county; requiring certain vendors to participate in the program if requested by the department; requiring the department to establish an application process; specifying eligibility criteria for the program; providing that the program is subject to specific appropriation; authorizing the department to seek grants or other public and private funding for the program; requiring the department to adopt rules; providing an appropriation; providing an effective date.

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

Section 1. Section 514.073, Florida Statutes, is created to read:

514.073 Swimming Lesson Voucher Program.—

(1) There is created within the department the Swimming Lesson Voucher Program. The purpose of the program is to increase water safety in this state by offering vouchers for swimming lessons at no cost to families with an income of no more than 200 percent of the federal poverty level who have one

Page 1 of 3

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

588-02171-24

2024544c1

or more children 4 years of age or younger.

(2) The department shall do all of the following to implement the program:

(a) Contract with and establish a network of swimming lesson vendors that will accept the vouchers offered by the program in exchange for providing swimming lessons. To ensure that the swimming lessons are available throughout this state, the department must attempt to secure at least one such vendor in each county. Any swimming lesson vendor that offers swimming lessons at a public pool that is owned or maintained by a county or municipality must, if requested by the department, participate in the program.

(b) Establish a method for members of the public to apply for swimming lesson vouchers and for determining an applicant's eligibility. The department shall establish eligibility criteria necessary for a family to receive one or more vouchers from the program, including, but not limited to, the following:

1. The age of each child for whom a voucher is being sought, who may be no more than 4 years of age.

2. The family income level, which may be up to 200 percent of the federal poverty level.

3. The family's address of residency in this state.

(c) Subject to specific appropriation, issue vouchers to eligible applicants.

(3) The department may seek grants or other public or private funding for the program.

(4) The department shall adopt rules to implement the program.

Section 2. For the 2024-2025 fiscal year, the sum of

Page 2 of 3

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

588-02171-24

2024544c1

59 \$500,000 in nonrecurring funds is appropriated from the General
60 Revenue Fund to the Department of Health to fund the Swimming
61 Lesson Voucher Program established by this act.
62 Section 3. This act shall take effect July 1, 2024.

1/31/2024

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 544

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jessica Cimijotti**

Phone **850-222-5052**

Address **106 N Bronough St**

Email **jcimijotti@floridataxwatch.org**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 674

INTRODUCER: Senator Boyd

SUBJECT: United States-produced Iron and Steel in Public Works Projects

DATE: January 29, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2. <u>Harmsen</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 674 requires a governmental entity that contracts for a public works project or for the purchase of materials for a public works project to require that any iron or steel product that will be permanently incorporated into the project be produced in the United States.

The bill waives this contract requirement if the governmental entity determines that any of the following apply:

- The iron or steel products required are not produced in the United States in sufficient quantities, are not reasonably available, or are of an unsatisfactory quality;
- The use will increase the total cost of the project by more than 20 percent; or
- Compliance is inconsistent with the public interest.

A governmental entity may allow a minimal use of foreign iron or steel materials in the project, if they are ancillary to the primary product and the cost of the materials does not exceed 0.10 percent of the total contract cost, or \$2,500, whichever is greater.

These provisions do not apply to contracts procured by the Florida Department of Transportation that are subject to the federal Buy America requirements.

The bill requires the Department of Management Services to develop guidelines and procedures by rule to implement the bill.

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

The bill takes effect July 1, 2024.

II. Present Situation:

United States Steel

China is the largest global producer of steel, and makes approximately 55 percent of the world's crude steel output.¹ The U.S. ranks fourth, behind China, India, and Japan, and produces 4.5 percent of the world's crude steel output.²

Steel produced in the U.S. is relatively more expensive compared to its global competitors³ for several reasons; the primary cause is that restrictions on steel imports into the U.S. create a more narrow market. However, the U.S. has trade agreements that allow a specified amount of duty-free steel to enter the U.S. from the EU, Japan, and the United Kingdom.⁴ Additionally, the U.S.-Mexico-Canada Agreement allows steel mill products to move throughout the three countries duty-free.⁵ In 2022, the U.S. imported approximately 30 million net tons of finished steel products.⁶ In 2021, Canada accounted for 47 percent, and Mexico for 46 percent, of total imports. China accounts for approximately 2 percent of imports.⁷

Additionally, the U.S. market has transitioned to harder-to-make steel products, which ultimately incentivizes exporting those higher quality (and higher priced) items, and importing less sophisticated products, such as ingots and rebar.⁸ In 2022, the U.S. exported 8 million net tons of steel product.⁹

The price of steel has been relatively volatile in recent years, due largely to supply chain issues. The chart below represents the price for specific steel commodities over the last 6 years.¹⁰

¹ These figures represent monthly steel outputs for September 2023. U.S. Department of Commerce, International Trade Administration, U.S. *Steel Executive Summary: July- September 2023*, 5, <https://www.trade.gov/data-visualization/us-steel-executive-summary#:~:text=From%20August%202023%20to%20September,to%202.0%20million%20metric%20tons.&text=In%20September%202023%2C%20capacity%20utilization,from%2076.6%25%20in%20August%202023>. (last visited Jan. 8, 2024).

² *Id.*

³ In September 2023, U.S. price per metric ton of hot rolled band (a global benchmark for the price of steel) was \$753, compared to Europe's \$665, and China's \$453. *Id.* at 4.

⁴ CONGRESSIONAL RESEARCH SERVICE, Christopher Watson, *Domestic Steel Manufacturing: Overview and Prospects*, 6 (May 17, 2022) <https://crsreports.congress.gov/product/pdf/R/R47107> (last visited Jan. 8, 2024).

⁵ THE HILL, Sylvan Lane, *Canada, Mexico lift tariffs on US goods after Trump Scraps Steel, Aluminum Levies* (May 20, 2019), <https://thehill.com/policy/finance/444581-canada-mexico-lift-tariffs-on-us-goods-after-trump-scraps-steel-aluminum/> (last visited Mar. 14, 2023). See also, CONGRESSIONAL RESEARCH SERVICE, Christopher Watson, *Import Monitoring Systems: Steel and Aluminum* (Mar. 29, 2023), <https://crsreports.congress.gov/product/pdf/IF/IF12363> (last visited Jan. 8, 2024).

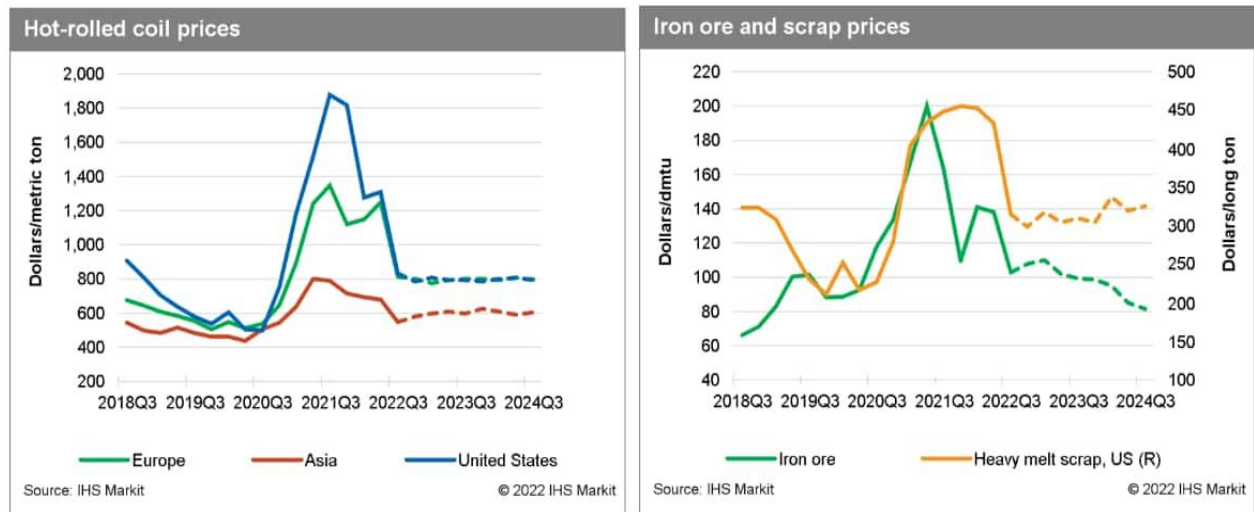
⁶ AMERICAN IRON AND STEEL INSTITUTE, *Finished Steel Imports up 11% in 2022* (Jan. 26, 2023), <https://www.steel.org/wp-content/uploads/2023/01/IMP2212.pdf> (last visited Jan. 8, 2024).

⁷ Watson, *supra* note 4 at 4.

⁸ Watson, *supra* note 4 at 7.

⁹ OECD, *Steel Market Developments: Q4 2022*, 21 <https://www.oecd.org/industry/ind/steel-market-developments-Q4-2022.pdf> (last visited Mar. 14, 2023).

¹⁰ John Anton, S&P GLOBAL MARKET INTELLIGENCE, *Steel Price Forecast and Steel Market Outlook: Prices Soften on Weaker Steel Demand Outlook* (<https://www.spglobal.com/marketintelligence/en/mi/solutions/steel-forecast.html>) (last visited Jan. 8, 2024).



Federal Provisions

A suite of federal laws and rules require federal agencies that procure specific goods, products, and materials, and other entities that use federal financial assistance, to give preference to those goods, products, and materials manufactured primarily in the United States.¹¹

Buy American Act of 1933

The Buy American Act (BAA)¹² of 1933 requires federal agencies to purchase domestic end products and use domestic construction materials in any contract valued at more than \$10,000. For purposes of the BAA, iron or steel products are considered domestic if the cost of the domestic components within the iron or steel product constitute at least 95 percent of the total cost of the product.¹³

Under the BAA, a federal agency may purchase a foreign-made product if it determines that the domestic product will cost unreasonably more.¹⁴ A price for an end product that is not a critical item and that does not contain critical components is unreasonable under the BAA if the domestic offer is not the lowest offer after applying the following domestic preference price offsets:¹⁵

- 20 percent added to the low offer for end products, if the lowest domestic offer is from a large business;
- 30 percent added to the low offer for end products, if the lowest domestic offer is from a small business; or
- 20 percent added to the low offer for construction materials.

¹¹ General Services Administration, Made in America.gov, *Frequently Asked Questions: Are Buy America and Buy American the Same?*, <https://www.madeinamerica.gov/> (last visited Jan. 8, 2024).

¹² BAA, 41 U.S.C. §§8301-8305.

¹³ 41 U.S.C. §8302(c)(1) and 48 C.F.R. §25.003. This definition differs from that which applies to the subsequent Build America, Buy America Act.

¹⁴ D. Carpenter and B. Murrill, Congressional Research Service, *The Buy American Act and Other Federal Procurement Domestic Content Restrictions* (Nov. 8, 2022), available at <https://crsreports.congress.gov/product/pdf/R/R46748> (last visited Jan. 8, 2024).

¹⁵ 48 C.F.R. §25.106

Other exceptions to the BAA apply when:¹⁶

- The procurement of domestic goods, or the use of domestic construction materials is “impracticable” or “inconsistent with the public interest”;
- Domestic end products or construction materials are unavailable “insufficient and reasonably available commercial quantities and of a satisfactory quality”;
- The contracting officer determines that the cost of domestic end products or construction materials would be “unreasonable”; or
- The items are procured for use outside the United States.

Build America, Buy America Act

The Build America, Buy America Act¹⁷ (BABA), enacted as part of the Infrastructure Investment and Jobs Act of 2021, amends the Build American Act and related Buy America provisions. BABA requires that all infrastructure projects that use federal financial assistance programs use iron and steel that is produced in the United States; this includes public works projects taken on by state or local governments and even private entities that receive federal funds for the project.¹⁸

BABA defines iron or steel products produced in the United States as those made, through all of their manufacturing processes (from melting through application of coatings), in the United States.¹⁹ If American made iron or steel will increase the total cost of the project by more than 25 percent, then an award may be given to a bid that uses foreign iron or steel.²⁰ This price preference does not apply in pre- and post-disaster or emergency response expenditures, or in cases in which a treaty or WTO agreement allows the use of a foreign product.

Florida Construction Contracts

The Department of Management Services (DMS) manages projects throughout the state, including new construction, renovations, and consulting services for various public works projects. The Bureau of Building Construction (Bureau), within the DMS, oversees public building construction statewide. The Bureau is also responsible for managing fixed capital outlay funds appropriated by the Legislature and for overseeing the repair and renovation of DMS-managed facilities.²¹

¹⁶ 48 C.F.R. §25.202

¹⁷ Pub. L. 117-58, Title IX (Nov. 15, 2021), available at <https://www.hud.gov/sites/dfiles/GC/documents/Build%20America,%20Buy%20America%20Act%20Provisions.pdf> (last visited Jan. 8, 2024).

¹⁸ See, Christopher Watson, Congressional Research Service, *OMB Issues Final Guidance on “Buy America” Domestic Preference Requirements* (Aug. 24, 2023), available at <https://crsreports.congress.gov/product/pdf/IN/IN12230> (last visited Jan. 8, 2024). See also, Office of Management and Budget, *Memorandum regarding Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure*, M-24-02, 4 (Oct. 25, 2023), available at <https://www.whitehouse.gov/wp-content/uploads/2023/10/M-24-02-Buy-America-Implementation-Guidance-Update.pdf> (last visited Jan. 8, 2024).

¹⁹ Pub. L. 117-58, Title IX, s. 70912.

²⁰ 2 C.F.R. §184.7

²¹ DMS, *Building Construction*, https://www.dms.myflorida.com/business_operations/real_estate_development_and_management/building_construction (last visited Jan. 8, 2024).

Chapter 255, F.S., specifies the procedures required in the procurement of construction services for public property and publicly owned buildings. Section 255.29, F.S., authorizes the DMS to adopt rules for bidding on building construction contracts. These rules must establish the procedures to:

- Determine the qualifications and responsibility of potential bidders prior to advertising for and receiving bids for building construction contracts;
- Award each state agency construction project to the lowest qualified bidder;
- Negotiate for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state; and
- Enter into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.²²

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.²³ The solicitation of competitive bids or proposals for such state construction projects must be publicly advertised in the Florida Administrative Register (FAR) for at least 21 days prior to the bid opening. If the project is expected to cost more than \$500,000, the advertisement must be published for 30 days in the FAR, and at least one time, at least 30 days prior to bid opening, in a newspaper of general circulation in the county where the project is located.²⁴

A county, municipality, special district, or other political subdivision that seeks to construct or improve a public building must competitively award each project estimated to cost more than \$300,000.²⁵ Like state construction project procurements, these county and municipality procurements are subject to publishing requirements.²⁶

Chapter 337, F.S., governs contracts entered into by the Florida Department of Transportation (FDOT). FDOT has authority to enter into contracts for the construction and maintenance of all State Highway or State Park systems' roads, rest areas, weigh stations, parking areas, supporting facilities, and any associated building.²⁷ The FDOT must certify as qualified any bidders for a construction contract, road, bridge, or public construction project that exceeds \$250,000 in cost.²⁸ The certification process ensures that the bidders have professional and financial competence by evaluating them "with respect to the equipment, past record, experience, financial resources, and organizational personnel of the applicant necessary to perform the specific class of work for which the person seeks certification."²⁹

²² See Rule 60D-5.001-60D-5.010, F.A.C.

²³ Section 255.0525, F.S.

²⁴ Section 255.0525(1), F.S.

²⁵ Section 255.20, F.S.

²⁶ See, s. 255.0525(2), F.S., which requires a project of \$200,000 or more to be advertised in a newspaper of general circulation in the county where the project is located at least **21** days prior to bid opening, and at least 5 days prior to any prebid conference. If the project will cost more than \$500,000, it must be advertised in a newspaper of general circulation in the county where the project is located for at least **30** days prior to bid opening, and 5 days prior to any prebid conference.

²⁷ Section 337.11, F.S.

²⁸ Section 337.14(1), F.S.

²⁹ *Id.*

III. Effect of Proposed Changes:

Section 1 creates s. 255.0993, F.S., to require a governmental entity that contracts for a public works project or for the purchase of materials for a public works project to require, by terms incorporated into the contract, that any iron or steel product that will be used permanently in the project be produced in the United States.

Governmental entities are exempt from this requirement if the administering governmental entity determines that:

- Iron or steel products that are produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality;
- The use of U.S. produced iron or steel will increase the total cost of the project by more than 20 percent; or
- It is inconsistent with public interest to comply with the requirement.

Therefore, a project manager that agrees to use domestically produced iron or steel in its public works project may be awarded the contract even though its bid is up to 20 percent higher than the next lowest bid which does not use domestic iron or steel.

It is not clear at what point the administering governmental entity must decide to waive the requirement to use U.S. iron or steel product based on the above factors, although it would likely vary depending on the type of procurement used.

Additionally, a project may use a minimal amount of foreign steel and iron materials if the materials are incidental or ancillary to the primary product and are not separately identified in the project's specifications, or if the cost of those materials does not exceed .10 percent of the total contract cost, or \$2,500—whichever is greater.

Electrical components, equipment, systems, and appurtenances (including supports, covers, shielding, and other appurtenances that are related to the electrical system and that are necessary for operation or concealment) are not considered iron or steel products for purposes of this bill. However, electrical transmission and distribution poles *are* considered iron and steel products.

Public works projects subject to this pricing preference include any activity that is paid for with state-appropriated funds or state funds administered by a governmental entity, which consists of construction, maintenance, repair, renovation, remodeling, or improvement of the following: a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof that is owned, in whole or in part, by a governmental entity.

For purposes of this bill, a “governmental entity” is the state, or any of its offices, boards, bureaus, commissions, departments, branches, divisions, or institutions, and any separate agency or unit of local government that is created or established by law or ordinance, and those entities’ officers. Therefore, any county, city, town, municipality, school district, taxing district, water management district, higher education institution, and other public agency or body is a “governmental entity.”

The bill also defines iron or steel “produced in the United States” as that which undergoes all of its manufacturing processes,³⁰ from initial melting through application of coatings, in the United States. Mere assembly and any metallurgical process to refine steel additives are not considered manners of production under this bill.

The bill requires the DMS to develop guidelines and procedures by rule to implement the bill.

The bill does not apply to contracts procured by the FDOT that are subject to the federal Buy America requirements of 23 C.F.R. s. 635.410.³¹ Additionally, the bill states that it must be applied consistent with, and not construed to impair, the state’s obligations under any international agreement.

Section 2 makes a legislative finding that the bill fulfills an important state interest.

Section 3 provides that the bill will take effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides, in pertinent part, that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless:”

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated, including state and local governments.

The bill requires a county or municipality that enters into a contract for a public works project to select bidders that agree to use iron or steel products that are produced in the United States, and pay up to 20 percent more of the total cost of the project for that preference. To the extent that a local government uses any amount of state funds, and pays for the remaining portion of the project with its own funds, this requirement could increase the local government’s costs.

³⁰ The term “manufacturing process” is also defined by the bill as the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product that is functionally different from a finished product produced only by assembling materials or elements into a product without applying such a process.

³¹ 23 C.F.R. s. 635.410 requires highway construction projects that use federal aid to either (1) include no permanently incorporated steel or iron materials, or use all U.S.-manufactured iron or steel; (2) use a state contract provision that requires the use of domestic materials and products to the same, or greater extent as this section; (3) Require all bidders to submit a bid that uses domestic steel and iron materials and clearly state that the contract will be awarded to the bidder who submits the lowest bid using domestic steel and iron, unless the bid exceeds the lowest total bid based on using foreign steel and iron by more than 25 percent; or (4) Use only a minimal amount of foreign steel and iron, the total of which does not exceed 0.1 percent of the contract cost or \$2,500, whichever is greater. This provision also includes waivers.

The bill applies to all similarly situated governmental entities in the State of Florida, including state agencies, school districts, universities, and colleges. Section 2 of the bill contains a legislative finding that the bill fulfills an important state interest. Thus, the bill appears to be binding on counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The requirement to buy American steel could increase the cost of some projects, such as building highway bridges and procuring transit railcars and buses. This may result in fewer projects being undertaken.³²

A private contractor that use iron or steel products that are produced in the United States may be able to seek higher payments for its work on a public works project, whether or not the materials cost more than foreign iron or steel. This may open the field to smaller contractors that require a larger margin to cover their costs on potential public works projects.

C. Government Sector Impact:

The cost to state and local governments is indeterminate. These costs, however, may be significant because the bill requires government entities to enter into contracts for public works projects using American-produced iron or steel that may be up to 20 percent more expensive than a lower bid that uses foreign-produced iron or steel. This 20 percent cost

³² See, M. Platzer and W. Mallett, Congressional Research Service, *Effects of Buy America on Transportation Infrastructure and U.S. Manufacturing*, p. 1 (July 2, 2019), <https://crsreports.congress.gov/product/pdf/R/R44266> (last visited Jan. 8, 2024).

differential relates to the overall cost of contract inputs, not solely to the iron and steel inputs.

There may be additional workload relating to the documentation of and research related to application of a waiver from the requirement to use US iron or steel in construction projects. This workload will likely be absorbed within current resources.

VI. Technical Deficiencies:

The bill appears to contemplate application of its price preference to FDOT contracts that use state funds (a similar price preference is currently in place for highway projects that use federal funds). However, this preference contradicts s. 337.11(4), F.S., which requires the FDOT to award construction and maintenance work for contracts over \$250,000 to the lowest responsible bidder, or the lowest evaluated responsible bidder in the instance of a time-plus-money contract. For clarity, the Legislature may consider including the price preference in s. 337.11, F.S., as well.

VII. Related Issues:

It is unclear how the governmental entity will determine whether the use of domestic steel increases the cost of the total project by 20 percent or more. One possibility would be to draft the procurement for construction services to allow bidders to submit two bids—one that uses U.S. steel, and one that uses foreign steel. Alternatively, the solicitation could allow bidders to specify which type of steel they are using in their bid, and then the contract manager (if enough bids that use domestic and foreign steel are submitted) could compare the costs prior to moving on to the next phase of the bid or negotiation process.

The federal Office of Management and Budget requires an agency that approves a waiver from BABA price preference requirements to demonstrate its due diligence of its determination by documenting the following:

- List of iron or steel item(s), manufactured products, and construction material(s) proposed to be excepted from Buy America requirements, including name, cost, country(ies) of origin (if known), and relevant Product and Service Code (PSC) and North American Industry Classification System (NAICS) code for each.
- A description of efforts made (e.g., market research, industry outreach, etc.) by the Federal awarding agency and, in the case of a project or award specific waiver, by the recipient, in an attempt to avoid the need for a waiver. Such a description may cite, if applicable, the absence of any Buy America-compliant bids received in response to a solicitation.
- Market research, where applicable, should include relevant details, including who conducted the market research, when it was conducted, sources that were used, and the methods used to conduct the research.
- Anticipated impact if no waiver is issued.³³

³³ Memorandum regarding Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure, *supra* note 18.

VIII. Statutes Affected:

This bill substantially amends section 255.0993 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Boyd

20-00757-24

2024674__

A bill to be entitled

An act relating to United States-produced iron and steel in public works projects; creating s. 255.0993, F.S.; defining terms; requiring governmental entities to include a requirement in certain contracts that certain iron or steel products be produced in the United States; providing exceptions; authorizing the minimal use of foreign steel and iron materials in certain circumstances; exempting specified products from the requirement; providing construction; requiring the Department of Management Services to adopt rules for specified purposes; providing applicability; providing a declaration of important state interest; providing an effective date.

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

Section 1. Section 255.0993, Florida Statutes, is created to read:

255.0993 Public works projects; United States-produced iron and steel products.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Governmental entity" means the state, or any office, board, bureau, commission, department, branch, division, or institution thereof, or a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, a town, or other municipality; or a department, a commission, an authority, a school district, a taxing

Page 1 of 4

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

20-00757-24

2024674__

district, a water management district, a board, a public corporation, an institution of higher education, or other public agency or body thereof authorized to expend public funds for the construction, maintenance, repair, renovation, remodeling, or improvement of public works.

(b) "Iron or steel product" means any product made primarily of iron or steel, including, but not limited to, lined or unlined pipes and fittings; bars and rods; wire, wire ropes, and link chains; forgings; grating and drainage products; access covers, hatches, manhole covers, and other castings; hydrants; electric transmission and distribution poles; tanks; flanges; pipe clamps and restraints; valves; structural steel and other steel mill products; materials made primarily of iron and steel within precast concrete; and other construction materials made primarily of iron or steel.

(c) "Manufacturing process" means the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product functionally different from a finished product produced merely from assembling materials or elements into a product without applying such a process.

(d) "Produced in the United States" means that, with respect to iron and steel, all manufacturing processes, from initial melting through application of coatings, occur in the United States, other than metallurgical processes to refine steel additives.

(e) "Public works project" means an activity paid for with any state-appropriated funds or state funds administered by a

Page 2 of 4

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

20-00757-24

2024674__

governmental entity which consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof owned in whole or in part by any governmental entity.

(2) UNITED STATES-PRODUCED IRON AND STEEL REQUIREMENT.—

(a) Notwithstanding any other law, a governmental entity entering into a contract for a public works project or for the purchase of materials for a public works project must include in the contract a requirement that any iron or steel product permanently incorporated in the project be produced in the United States.

(b) Paragraph (a) does not apply if the governmental entity administering the funds for a public works project or the purchase of materials for a public works project solely determines that any of the following applies:

1. Iron or steel products produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality.

2. The use of iron or steel products produced in the United States will increase the total cost of the project by more than 20 percent.

3. Complying with paragraph (a) is inconsistent with the public interest.

(c) When steel and iron materials are used in a public works project, paragraph (a) does not prevent a minimal use of foreign steel and iron materials if:

Page 3 of 4

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

20-00757-24

2024674__

1. Such materials are incidental or ancillary to the primary product and are not separately identified in the project specifications; and

2. The cost of such materials does not exceed one-tenth of 1 percent of the total contract cost or \$2,500, whichever is greater. For purposes of this subparagraph, the cost of such materials is that shown to be the value of the iron or steel products as they are delivered to the project.

(d) Electrical components, equipment, systems, and appurtenances, including supports, covers, shielding, and other appurtenances related to an electrical system, necessary for operation or concealment, except transmission and distribution poles, are not considered iron or steel products and are exempt from the requirements of paragraph (a).

(3) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent with, and may not be construed to impair, the state's obligations under any international agreement.

(4) RULEMAKING.—The Department of Management Services shall develop guidelines and procedures by rule to implement this section.

(5) APPLICABILITY.—This section does not apply to contracts procured by the Department of Transportation subject to the Buy America requirements of 23 C.F.R. s. 635.410.

Section 2. The Legislature determines and declares that this act fulfills an important state interest.

Section 3. This act shall take effect July 1, 2024.

Page 4 of 4

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

The Florida Senate

APPEARANCE RECORD

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

1-31-24

Meeting Date

FISCAL Policy

Committee

674

Bill Number or Topic

Amendment Barcode (if applicable)

Name Todd Provost

Phone 407-717-9409

Address 12625 Bay Breeze Ct
Street

Email tprovost@bawbaw.org

Clermont
City

FL
State

34711
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

1-31-24

Meeting Date

Fiscal Policy

Committee

SB 674

Bill Number or Topic

Name Mindy R BOLDON

Amendment Barcode (if applicable)

Phone 352-678-8665

Address 6114 35th Ave W

Email mboldon@me.com

Street

Bradenton FL 34209

City

State

Zip

Speaking:

☒ For

☐

Against

☐

Information

OR

Waive Speaking:

☒ In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/2024

Meeting Date

Fiscal Policy

Committee

0674

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dylan Owens

Phone

561 386 7393

Address

6783 Dockweed Rd.

Street

Email

Lake Worth

City

FL

State

33449

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

FISCAL POLICY

Committee

SB 674 AS STAFF

Bill Number or Topic

Amendment Barcode (if applicable)

Name

KEVIN DALY

Phone

239 822 3362

Address

15360 SONOMA DR #206

Street

Email

Kbdaly@gmail.com

FOUNT MYERS

City

FL

State

33908

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Jan 31, 2024

Meeting Date

SB 674 Sten

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Arlease Williams

Phone 239-878-9270

Address 3341 Thomas St

Email

Street

Fort Myers FL 33916

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/2024

Meeting Date

Fiscal Policy

Committee

SB 0674

Bill Number or Topic

Amendment Barcode (if applicable)

Name Christine Derry

Phone 772 807 0866

Address 2913 SW Bridge St

Street

Email ccivrocco685@yahoo.com

Port St Lucie FL

City

State

34953

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Jan 31 '24

Meeting Date

Fiscal Policy

Committee

SB 0674

Bill Number or Topic

Amendment Barcode (if applicable)

Name Charla S Fox

Phone 239-940-5095

Address 6627 Kestrel Cir

Street

Email charlasfox@aol.com

Ft Myers

City

FL

State

33966

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-31-24
Meeting Date

0674
Bill Number or Topic

Committee _____

Amendment Barcode (if applicable) _____

Name Bryan Porter

Phone 386-682-8243

Address 29961 N.E. 135th St.
Street

Email Bp179@yahoo.com

Salt Springs Fl 32134
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

SB674

Bill Number or Topic

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name

GUENDA ABICHT (PRONOUNCED ABBOTT)

Phone

786-376-1181

Address

4305 SW 98 AVE.

Email

GUENDA.ABICHT@GMAIL.COM

Street

MIAMI

City

FL

State

33165

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

1-31-24

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 674

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Eric Gosnell

Phone 321-749-5845

Address 4682 TALBOT BLVD.

Email ericg6@bellsouth.net

Street

Cocoa

City

FL

State

32926

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/2024

Meeting Date

SB674

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Michael Grenon

Phone

321-452-8207

Address

112 Sea Breeze Cir.
Street

Email

reds87@bellsouth.net

Merritt Island
City

FL
State

32953
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-31-2024

Meeting Date

Fiscal Policy

Committee

SB674

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Shannon Carson

Phone

407-719-7003

Address

12219 Coral Reef Drive

Street

Email

Orlando

City

FL

State

32826

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 0674

Bill Number or Topic

1/31/2024

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Bretchen Robinson

Phone

520-576-6706

Address

520 Ramona Lane

Street

Email

pallas77gr@gmail.com

Orlando

City

FL

State

32805

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31
Meeting Date
Fiscal Policy
Committee

674
Bill Number or Topic

Amendment Barcode (if applicable)

Name Clark Smith

Phone 250-251-3215

Address 123 Santa Adams St
Street

Email csmith@TheSmithingCorp.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/2024

Meeting Date

Fiscal Policy

Committee

SB 674

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kevin Shupe

Phone (904) 400-1545

Address 3411 Cutting Ct
Street

Email Loshupe435@outlook.com

Middleburg
City

FL
State

32068
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-31-2024

Meeting Date

Fiscal Policy

Committee

674

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Jennifer Kenny

Phone 321-277-9385

Address 1917 Quail Ridge Ct. #1901

Street

Email jken606@yahoo.com

Cocoa

City

FL

State

32926

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

31 Jan 2024

Meeting Date

Fiscal Policy

Committee

674

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Stranburg

Phone 813-767-9667

Address 107 E College Ave

Email cstranburg@afphg.org

Street

Tallahassee FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Americans for
Prosperity

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

01/31/24

Meeting Date

FISCAL POLICY

Committee

SB 674 J.S. Steer

Bill Number or Topic

Amendment Barcode (if applicable)

Name CHASE MITCHELL

Phone (850) 413-4938

Address 400 S MONROE ST
Street

Email CHASE.MITCHELL@MYFLORIDA
CFO.com

TALLAHASSEE FL 32399
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

CFO JIMMY PATRONIS

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SIB 674

Bill Number or Topic

Amendment Barcode (if applicable)

1/31/24
Meeting Date

Fiscal Policy
Committee

Name Laron Lindsey

Phone 251 583 8359

Address 112 S Broad St
Street

Email _____

Mobile AL 36602
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24
Meeting Date
Fiscal Policy
Committee

SB 674
Bill Number or Topic

Amendment Barcode (if applicable)

Name Justin Peacock Phone (850) 566-6181

Address 20569 County Rd 68 W Email _____
Street

Robertsdale AL 36567
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 674

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

1-31-2024

Fiscal Policy

Committee

Name Kameron Brown

Phone _____

Address 1008 Redbud Ave

Email _____

Street

Tallahassee

FL

32303

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/31/24

Meeting Date

SB 674

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Dr. Rich Templin

Phone

Address

133 S. Monroe

Email

Street

Tallahassee

City

FL

State

32304

Zip

Speaking:



☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Florida AFC-CIO



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-31-24

Meeting Date

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

~~HB 13674~~ 13674

Bill Number or Topic

~~Appropriations~~ Fiscal

Committee

Amendment Barcode (if applicable)

Name Guillermo Lopez

Phone (772) 834-6705

Address 228 NE Main St.

Email G Lopez5281@gmail.com

Street

P.S.L

City

FL

State

34983

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-31-24

Meeting Date

SB 274

Bill Number or Topic

FISCAL POLICY

Committee

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

Amendment Barcode (if applicable)

Name

JAVIER AGUILAR

Phone

561 231 4900

Address

2284 49TH D N

Street

Email

JAGUILAR341@gmail.com

WPB

City

FL 33417

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 694

INTRODUCER: Senators Perry and Rouson

SUBJECT: Florida Seal of Fine Arts Program

DATE: January 29, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Sabitsch	Bouck	ED	Favorable
2. Gray	Elwell	AED	Favorable
3. Sabitsch	Yeatman	FP	Favorable

I. Summary:

SB 694 establishes the Florida Seal of Fine Arts Program to recognize high school graduates who have met specified criteria in fine arts by having an appropriate Seal of Fine Arts (seal) affixed to the student's high school diploma. Specifically, the bill:

- Establishes the program beginning with the 2024-2025 school year.
- Sets criteria for earning the seal and permits the Department of Education (DOE) to adopt additional criteria.
- Sets requirements for the Commissioner of Education (commissioner) to prepare the seal and provide to school districts a rubric for implementation.
- Sets requirements for school districts including; maintaining records to identify students earning the seal, reporting to the commissioner, affixing the seal to the student's diploma, and indicating on the student's transcript that the seal was earned by the student.
- Prohibits fees associated with the seal.

This bill could have a fiscal impact to the DOE. See section V.

The bill takes effect on July 1, 2024.

II. Present Situation:

The Arts and Florida Students

Florida brings the arts to students in a variety of ways; from promoting an Arts Education Month¹ to enacting arts-related legislation such as:

¹ Florida Department of Education (FDOE), *Memorandum, Arts Education Month* (2022), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-9476/dps-2022-13.pdf> (last visited Jan. 9, 2024).

- Requiring each school board to provide courses and instruction in the arts for all students, and requiring students to take one credit in fine or performing arts, speech and debate, or practical arts to meet graduation requirements.²
- Establishing the annual art in the capitol competition as a statewide visual arts competition for all public, private, and home education students in grades six through eight.³
- Requiring the Commissioner of Education to annually publish a fine arts report that includes:
 - Student access to and participation in fine arts courses, including visual arts, music, dance, and theatre courses;
 - The number and certification status of educators providing instruction in fine arts courses;
 - Classroom space equipped for fine arts instruction; and
 - The manner in which schools are providing the core curricular content for fine arts established in the state academic standards.⁴

During the 2021-2022 school year, all Florida districts enrolled students in a fine arts course. Statewide 61 percent (1,736,659) of all students enrolled in a fine arts course as follows:

- Visual Arts comprising 47 percent of enrollments;
- Music comprising 47 percent of enrollments;
- Theatre comprising 4 percent of enrollments; and
- Dance comprising 2 percent of enrollments.⁵

Florida Seal of Biliteracy Program

The Florida Seal of Biliteracy Program (program) was established in 2016. The program recognizes high school graduates who attain a high level of competency in listening, speaking, reading, and writing in one or more foreign languages in addition to English, and offers two seals: gold and silver.⁶

To earn the gold or silver seal of biliteracy, a Florida high school student who has earned a standard high school diploma must:

- Earn four foreign language course credits in the same foreign language with a cumulative 3.0 GPA or higher;
- Achieve a qualifying scores on a foreign language assessment with the gold seal requiring higher qualifying scores as determined by the State Board of Education (SBE); or
- Satisfy alternative requirements as determined by the SBE.⁷

² Sections 1003.42(1) and 1003.4282(3), F.S.

³ Section 1003.49965, F.S.

⁴ Section 1003.4995, F.S.

⁵ Florida Department of Education, *2021-2022 Fine Arts Report*, <https://www.fldoe.org/academics/standards/subject-areas/fine-arts/> (last visited January10, 2024).

⁶ Section 1003.432, F.S.

⁷ Rule 6A-1.09951, F.A.C.

Standard High School Diploma Designations

Florida also offers other designations on the standard high school diploma including a “Scholar” designation and an “Industry Scholar” designation. These two designations are not in the form of a seal attached to the diploma.

In order to earn the Scholar designation a students must:

- Earn one credit in Algebra II or an equally rigorous course.
- Pass the statewide Biology I End-Of-Course (EOC) assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous.
- Pass the statewide Geometry EOC assessment.
- Pass the statewide U.S. History EOC assessment or alternate.
- Earn two credits in the same foreign language.
- Earn at least one elective credit in an Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or a dual enrollment course.

In order to earn the Industry Scholar designation a student must attain one or more industry certifications.⁸

III. Effect of Proposed Changes:

The bill creates s. 1003.4321, F.S., to establish the Florida Seal of Fine Arts Program within the DOE beginning with the 2024-2025 school year. The program is established to recognize high school graduates who have met exemplary benchmarks in fine arts coursework and have demonstrated an exemplary level of proficiency in the performing or visual arts.

The seal will be awarded to high school students who have earned a standard diploma and meet the following requirements:

- Completes three year-long courses or three sequential courses in dance, music, theatre or the visual arts with a grade of “A” in each of the three courses.
- Meets any two of the following requirements:
 - Completes a fine arts International Baccalaureate, Advanced Placement, dual enrollment, or honors course in dance, music, theatre or the visual arts with a grade of “B” or higher.
 - Participates in a district or statewide organization’s juried event as a selected student participant for two or more years.
 - Records as least 25 volunteer hours of arts-related community service in his or her community and make a comprehensive presentation of his or her experience.
 - Receives district, state, or national recognition for the creation of an original work of art, which is defined as “a musical or theatrical composition, visual artwork, or choreographed routine or performance.”

The bill allows the DOE to establish additional criteria for awarding of the seal.

The bill directs the Commissioner of Education to do the following:

- Prepare and provide to each district an appropriate seal for the diploma.

⁸ Section 1003.4285, F.S.

- Provide each district with a rubric to implement the program.

The bill directs each school district to do the following:

- Maintain records of students who have earned the Seal of Fine Arts.
- Report to the DOE the number of students who have met the requirement to earn the seal.
- Affix the appropriate seal to the diploma of students who have earned the seal.

The bill prohibits districts or the DOE from charging a fee associated with the seal.

The bill requires the DOE adopt rules to administer the program.

The bill takes effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOE may incur a cost to provide the seal for diplomas. However, the department should be able to absorb such costs within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1003.4321 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Perry

9-00720-24

2024694

A bill to be entitled

An act relating to the Florida Seal of Fine Arts Program; creating s. 1003.4321, F.S.; establishing the program within the Department of Education; providing the purpose of the program; specifying eligibility requirements for the awarding of the Seal of Fine Arts; defining the term "work of art"; authorizing the State Board of Education to adopt additional criteria for the award of the seal; requiring the Commissioner of Education and school districts to perform specified duties to administer the program; prohibiting a school district or the department from charging a fee for the seal; requiring the state board to adopt rules; providing an effective date.

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

Section 1. Section 1003.4321, Florida Statutes, is created to read:

1003.4321 Florida Seal of Fine Arts Program for high school graduates.—

(1) The Florida Seal of Fine Arts Program is established within the Department of Education to recognize high school graduates who have met exemplary benchmarks in fine arts coursework.

(2) The purpose of the program is to encourage students to develop an exemplary level of proficiency in the performing or visual arts.

(3) (a) Beginning with the 2024-2025 school year, the Seal

9-00720-24

2024694

of Fine Arts shall be awarded to a high school student who has earned a standard high school diploma; successfully completed at least three year-long courses in dance, music, theatre, or the visual arts with a grade of "A" or higher in each course or earned three sequential course credits in such courses with a grade of "A" or higher in each course; and meets a minimum of two of the following requirements:

1. Successfully completes a fine arts International Baccalaureate, Advanced Placement, dual enrollment, or honors course in the subjects listed in this paragraph with a grade of "B" or higher.

2. Participates in a district or statewide organization's juried event as a selected student participant for 2 or more years.

3. Records at least 25 volunteer hours of arts-related community service in his or her community and presents a comprehensive presentation on his or her experiences.

4. Meets the requirements of a portfolio-based program identifying the student as an exemplary practitioner of the fine arts.

5. Receives district, state, or national recognition for the creation and submission of an original work of art. For purposes of this subparagraph, the term "work of art" means a musical or theatrical composition, visual artwork, or choreographed routine or performance.

(b) The State Board of Education may establish additional criteria for the award of the Seal of Fine Arts.

(4) The Commissioner of Education shall do all of the following:

9-00720-24

2024694__

59 (a) Prepare for and provide to each school district an
60 appropriate seal to be affixed to a student's diploma indicating
61 that the student has been awarded the Seal of Fine Arts.

62 (b) Provide appropriate benchmarks in rubric form which are
63 necessary for a school district to successfully implement the
64 program.

65 (5) Each school district shall do all of the following:

66 (a) Maintain appropriate records to identify a student who
67 has met the requirements to receive the Seal of Fine Arts.

68 (b) Provide the Commissioner of Education with the number
69 of students who have met the requirements to receive the Seal of
70 Fine Arts.

71 (c) Affix the appropriate insignia to the student's diploma
72 and indicate on the student's transcript that he or she has
73 earned the Seal of Fine Arts.

74 (6) A school district or the department may not charge a
75 fee for the Seal of Fine Arts.

76 (7) The State Board of Education shall adopt rules to
77 administer this section, including, but not limited to, all of
78 the following:

79 (a) A process created in rubric form to confirm a student's
80 successful completion of the requirements in subsection (3).

81 (b) Any additional requirements a student must meet to be
82 awarded the Seal of Fine Arts.

83 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

MISCA Policy

Committee

SB 694

Bill Number or Topic

Amendment Barcode (if applicable)

Name TONY CARVALHO

Phone 850 766-6932

Address 124 W. JEFFERSON ST

Street

Email TONY@CHGMAIL.COM

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

CENTER FOR FINE ARTS EDUCATION
FLORIDA MUSIC EDUCATION ASSOCIATION

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 770

INTRODUCER: Fiscal Policy Committee; Community Affairs Committee and Senator Martin

SUBJECT: Improvements to Real Property

DATE: January 31, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Fav/CS
2.	<u>Hackett</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 770 substantially amends a program authorized in current law, commonly known as the “Property Assessed Clean Energy” or “PACE” program, which allows property owners to make qualifying improvements to real property and finance the cost through annual non-ad valorem tax assessments. Qualifying improvements are those that enhance energy efficiency, renewable energy, wind resistance, and newly added by the bill wastewater treatment, flood and water damage mitigation, and sustainable building improvements.

The bill enhances certain protections for consumers entering into PACE contracts, and oversight for contractors that install improvements. The bill expands the universe of improvements this financing may be utilized to install. The bill updates the legislative intent of the PACE statute to reflect the expanded scope of the program, and introduces definitions used to clarify the language of the statute.

The bill does not affect state or local revenues.

The bill takes effect July 1, 2024.

II. Present Situation:

PACE in Florida

In 2010, the Legislature authorized local governments¹ to fund property owners making qualifying improvements and to establish a financing agreement for the repayment of such costs through annual non-ad valorem property tax assessments. Although Florida's law does not use the terms "PACE" or "Property Assessed Clean Energy," it is generally understood that s. 163.08, F.S., is Florida's PACE program.²

Through a PACE program, a property owner³ may apply to a local government for funding to enhance energy conservation and efficiency improvements, such as energy-efficient HVAC systems, replacement of windows, electric vehicle charging equipment, and efficient lighting equipment; renewable energy improvements utilizing hydrogen, solar, geothermal, and wind energy; and wind resistance improvements such as wind-resistant shingles, gable-end bracing, storm shutters, and opening protections.⁴

PACE programs in Florida are formed by local governments and operate typically in partnership with several localities pursuant to an interlocal agreement. Additionally, PACE programs in Florida can be operated by a third-party PACE administrator, which is either a for-profit or not-for-profit entity acting on behalf of the local government.⁵ However, it is the local government that enters into a financing agreement directly with the property owner.⁶ In 2012, the Legislature expanded the definition of "local government" to allow a partnership of local governments formed pursuant to the Florida Interlocal Cooperation Act⁷ to enter into a financing agreement wherein the partnership, as a separate legal entity, imposes the PACE assessment.⁸

At least 30 days before entering into the financing agreement, the property owner must provide notice to any mortgage holder or loan servicer of the intent to enter into the agreement, the maximum amount to be financed, and the maximum annual assessment.⁹ The law provides that an acceleration clause for "payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement ... is not enforceable." However, the mortgage holder or loan servicer may increase the required monthly escrow by an amount necessary to pay for the qualifying improvement.¹⁰

¹ "Local government" means a county, municipality, a dependent special district as defined in s. 189.012, F.S., or a separate legal entity created pursuant to s. 163.01(7), F.S.

² See generally Erin Deady, *Property Assessed Clean Energy: Is There Finally a Clear Path to Success?* Florida Bar Journal Vol. 90, No. 6, June 2016, pg. 114, available at <https://www.floridabar.org/the-florida-bar-journal/property-assessed-clean-energy-is-there-finally-a-clear-path-to-success/> (last visited Jan. 10, 2024).

³ While nationally it is common to separate PACE programs into residential and commercial programs, Florida Statutes do not differentiate based on the nature of the property. See United States Office of State and Community Energy Programs, *Property Assessed Clean Energy Programs*, available at <https://www.energy.gov/scep/slsc/property-assessed-clean-energy-programs> (last visited Jan. 10, 2024).

⁴ Section 163.08(2)(b), F.S.

⁵ Section 163.08(6), F.S.

⁶ Section 163.08(8), F.S.

⁷ Section 163.01(7), F.S.

⁸ Chapter 2012-117, L.O.F.

⁹ Section 163.08(13), F.S.

¹⁰ Section 163.08(15), F.S.

Qualifying Improvements

The types of projects PACE financing may fund are referred to as “qualifying improvements.” A local government may not offer PACE financing for any project not included in the statutory definition of qualifying improvements. As provided in current law, qualifying improvements include the following:

- Energy conservation and efficiency improvements,¹¹ to include:
 - Air sealing;
 - Installation of insulation;
 - Installation of energy efficient HVAC systems;
 - Building modifications which increase the use of daylight;
 - Replacement of windows;
 - Installation of energy controls or energy recovery systems;
 - Installation of electric vehicle charging equipment; and
 - Installation of efficient lighting equipment.
- Renewable energy improvements,¹² which means installation of any system in which the electrical, mechanical, or thermal energy is produced from a method utilizing hydrogen, solar energy, geothermal energy, bioenergy, or wind energy.
- Wind resistance improvements,¹³ to include
 - Improving the strength of the roof deck attachment;
 - Creating a secondary water barrier to prevent water intrusion;
 - Installing wind-resistant shingles;
 - Installing gable-end bracing;
 - Reinforcing roof-to-wall connections;
 - Installing storm shutters; and
 - Installing opening protections.

Wind resistance improvements applied to buildings under new construction do not qualify for PACE financing.¹⁴

Florida PACE Consumer Protections

Current law provides that, before entering into a financing agreement, the local government must reasonably determine that:

- All property taxes and other assessments are current and have been paid for the preceding 3 years;
- There are no involuntary liens including construction liens;
- There are no notices of default or other evidence of property-based debt delinquency recorded and not released in the preceding 3 years; and
- The property owner is current on all mortgage debt on the property.¹⁵

¹¹ Section 163.08(2)(b)1., F.S.

¹² Section 163.08(2)(b)2., F.S.

¹³ Section 163.08(2)(b)3., F.S.

¹⁴ Section 163.08(10), F.S.

¹⁵ Section 163.08(9), F.S.

Further, any work requiring a license to make a qualifying improvement must be performed by a properly certified or registered contractor.¹⁶ The total amount of PACE assessments for any property may not exceed 20 percent of the property's market value, unless an energy audit determines that the savings from the qualifying improvement equals or exceeds the repayment amount of the non-ad valorem assessment.¹⁷

Consumer Protections for Residential PACE Financing Generally

Concerns have arisen about issues consumers may face regarding residential PACE financing. Because the PACE financing is structured as a tax assessment instead of a loan, PACE programs historically have not been required to provide homeowners with the same disclosures about the financing costs that traditional lenders must provide.

Additionally, the tax liens for PACE financing take priority over other lien-holders, including the property's mortgage holder.¹⁸ Such priority has influenced Fannie Mae and Freddie Mac to refuse the purchase of loans with existing PACE-based tax assessments,¹⁹ and properties encumbered with PACE obligations are not eligible for Federal Housing Administration insured financing.²⁰ However, priority lien position protects local governments, who are authorized to take on debt for the financing they provide.²¹ Advocates also state that the priority lien position enables local governments to offer competitive interest rates, ranging from approximately 6 to 9 percent.²²

Consumer Financial Protection Bureau Steps

In 2018, the United States Congress directed the Consumer Financial Protection Bureau (CFPB) to promulgate regulations regarding PACE financing.²³ The CFPB has issued advance notices of proposed rulemaking in order to apply the Truth in Lending Act's ability-to-repay requirements, currently in place for residential mortgage loans, to PACE financing.²⁴

The existing federal ability-to-repay requirements prohibit creditors from making a residential mortgage loan unless the creditor makes a reasonable and good faith determination based on verified and documented information that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan according to its terms, and all applicable taxes, insurance,

¹⁶ Section 163.08(11), F.S.

¹⁷ Section 163.08(12), F.S.

¹⁸ Debra Gruszecki, INLAND: Realtors Offer Word of Warning About Solar Financing Program," Jan. 19, 2015, The Press-Enterprise, available at <https://www.pe.com/2015/01/19/inland-realtors-offer-word-of-warning-about-solar-financing-program/> (last visited Jan. 10, 2024).

¹⁹ FHFA, *Statement of the Federal Housing Finance Agency on Certain Super-Priority Liens* (Dec. 22, 2014), available at <https://safeguardproperties.com/statement-of-the-federal-housing-finance-agency-on-certain-super-priority-liens/> (last visited Jan. 10, 2024).

²⁰ "ML 2017-18: Property Assessed Clean Energy (PACE)," December 7, 2017, U.S. Department of Housing and Urban Development, available at <https://www.hud.gov/sites/dfiles/OCHCO/documents/17-18ml.pdf> (last accessed Jan. 10, 2024).

²¹ Section 163.08(7), F.S.

²² *AboutPACE*, Florida PACE Funding Agency, available at <https://floridapace.gov/about-pace/> (last visited Jan. 10, 2024).

²³ Section 307, Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law No 115-174 (May 24, 2018).

²⁴ Advance Notice of Proposed Rulemaking on Residential Property Assessed Clean Energy Financing, Docket No. CFPB-2019-0011, available at https://files.consumerfinance.gov/f/documents/cfpb_anpr_residential-property-assessed-clean-energy-financing.pdf (last visited Jan. 10, 2024).

and assessments.²⁵ In making such a determination, the creditor must verify and consider specific factors including the consumer's income, assets, and existing debt obligations.²⁶ The Truth in Lending Act's stated purpose is "to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive, or abusive."²⁷

The CFPB's regulations on residential PACE financing are still in development and have not been finalized at this time.

California's Consumer Protection Measures

California, one of the three states currently offering residential PACE financing,²⁸ has taken measures to protect consumers independent of federal regulation. In 2016, California's law changed to require PACE programs to provide mortgage-level disclosures and to conduct live recorded calls with homeowners to confirm financing terms and obligations.²⁹

In 2017, California legislation required that PACE program administrators be licensed by the California Department of Financial Protection and Innovation, provided oversight for contractors and third party solicitors, and authorized the same department to bring enforcement actions against PACE administrators and contractors. The law also required that a PACE administrator thoroughly determine the property owner's ability to repay the loan before approving a financing contract.³⁰ In 2021 California took further action specifically to protect senior citizens being solicited at home, criminalizing transactions that are part of a pattern in violation of specific PACE consumer protections.³¹

III. Effect of Proposed Changes:

The bill substantially amends Florida's PACE program in s. 163.08, F.S. The bill splits the current statute into multiple statutes in sequence to define key terms, amend the types of qualifying improvements, impose new consumer protections, extend participation in the program to lessees of government property, and enact new PACE contractor oversight and accountability provisions.

Definitions (Section 1)

The bill amends s. 163.08, F.S., to solely provide definitions for the following terms:

- "Commercial property" means real property other than residential, including multifamily residential, commercial, industrial, agricultural, nonprofit-owned, and government commercial property.

²⁵ Id., citing TILA section 129C(a), 15 U.S.C. 1639c(a).

²⁶ Id.

²⁷ 7 TILA section 129B(a)(2), 15 U.S.C. 1639b(a)(2).

²⁸ California, Florida, and Missouri are the only three states offering PACE financing on residential property.

²⁹ James Reed, "Consumer Protections for PACE Now Written into State Law," Orange County Register, October 7, 2016, available at <https://www.ocregister.com/2016/10/07/consumer-protections-for-pace-now-written-into-state-law/> (last visited Jan. 10, 2024).

³⁰ Assembly Bill 1284 (Dababneh, Chap 475, Stats. 2017) – California Financing Law: Property Assessed Clean Energy program: program administrators.

³¹ Assembly Bill 790 (Quirk-Silva, Chap 589, Stats. 2021) – Consumer Legal Remedies Act.

- “Government commercial property” means property owned by a local government and leased to a nongovernmental lessee for commercial usage.
- “Nongovernmental lessee” means a person or entity other than a local government which leases government commercial property.
- “Program administrator” means a county, municipality, a dependent special district, or a separate legal entity created by interlocal agreement.
- “Property owner” means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owners provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property except for a nongovernmental lessee.
- “Qualifying improvement contractor” means an independent contractor enrolled in a program to install or otherwise work on qualifying improvements on residential property.
- “Qualifying improvement program” is a program established by a local government or local governments to finance PACE improvements.
- “Residential property” means a residential property of four or fewer dwelling units which is or will be improved by a qualifying improvement.
- “Third-party administrator” means an entity under contract with a program administrator to administer a program authorized by a county or municipality on behalf of and at the discretion of the program administrator.

Amendment of Qualified Improvements

The bill amends the definition of “qualifying improvements” to expand the universe of the types of projects a local government’s PACE program may finance. Significantly, the bill expands roof-related improvements to any repairing, replacing, or improving a roof.

The bill adds the following qualifying improvements for both residential and commercial property:

- Waste system improvements, which includes the replacement or improvement of an onsite sewage treatment and disposal system with an advanced system of the same type, or replacement with a central sewage system.
- Flood and water damage mitigation, including:
 - Raising a structure above the base flood elevation to reduce flood damage;
 - Building or repairing a flood diversion apparatus;
 - Utilizing flood damage resistant building materials;
 - Using electrical, mechanical, plumbing, or other system improvements to reduce flood damage; and
 - Qualifying for reductions in flood insurance premiums.
- Resiliency improvements, including:
 - Replacing windows or doors with energy-efficient windows or doors;
 - Installing energy-efficient heating, cooling, or ventilation systems;
 - Replacing or installing insulation;
 - Replacing or installing energy-efficient water heaters; and
 - Installing and affixing a permanent generator.

For commercial property, the bill additionally includes:

- Building modification to increase the use of daylight;
- Installation of electric vehicle charging equipment;
- Installation of efficient lighting equipment;
- Any improvements necessary to achieve a sustainable building rating or compliance with a national model green building code;
- Renewable energy improvements; and
- Water conservation efficiency improvements.

Ordinances Governing PACE Programs

Section 2 of the bill creates s. 163.081, F.S., to provide that a program administrator may only offer a program for financing qualifying improvements to residential property within the jurisdiction of a county or municipality which has authorized by ordinance or resolution the administration of the program. A county or municipality may enter into an interlocal agreement to partner with other local governments for the purpose of facilitating these programs, and a program administrator may contract with one or more third-party administrators to implement the program.

A program administrator may levy non-ad valorem assessments and incur debt for the purpose of providing financing for qualifying improvements. The tax collector administers payments on financing and remits payment to the program administrator, less costs not exceeding 2% of the amount collected.

Consumer Protection Measures

To account for recent consumer protection concerns regarding PACE financing nationwide, the bill provides regulations aimed at mitigating these concerns and ensuring consumers are well-informed of their obligations before entering into a PACE financing agreement.

Specifically, the bill provides that, a financing agreement for residential property may not be approved unless determinations have been made that:

- There are sufficient resources to complete the project;
- The total amount of non-ad valorem assessments for a residential property does not exceed 20 percent of the just value of the property without written consent of any outstanding mortgage holders;
- All property taxes and other assessments are current and have not been delinquent for the preceding 3 years or the owner's period of ownership, if less than 3 years;
- There are no involuntary liens, including construction liens on the residential property;
- There are no notices of default or other evidence of property-based debt delinquency recorded in the preceding 3 years;
- The property owner is current on all mortgage debt on the residential property;
- The term of the financing agreement does not exceed the useful life of the qualifying improvement, or for multiple improvements does not exceed the lesser of 20 years or the weighted average estimated useful life of improvements;
- The property is not subject to an existing home equity conversion mortgage or reverse mortgage product;

- The property owner has not been subject to a bankruptcy proceeding within the last 5 years unless it was discharged or dismissed more than 2 years before application for financing;
- The total estimated annual payment amount for all such financing agreements on residential property does not exceed 10 percent of the property owner's annual household income;
- For improvements to onsite sewage treatment and disposal systems, the property owner has taken advantage of local government funding programs;
- For improvements exceeding \$10,000, the property owner has been advised to obtain estimates from at least two unaffiliated, competitive entities; and
- The owner has been asked if they have obtained or sought to obtain additional qualifying improvements on the same property which have not been recorded.

Section 3, which separates requirements for commercial properties by creating s. 163.082, F.S., provides a similar list of requirements. The requirements do not include the assessment amount ratio to household income or the requirement to obtain two estimates, and simply require that the applicant not currently be subject to bankruptcy proceedings.

A property owner and program administrator may agree to include in a financing agreement provisions allowing for change orders necessary to complete the qualifying improvement. If a proposed change order will increase the original cost of the qualifying improvement by more than 20%, the program administrator must notify the property owner and obtain written approval before proceeding.

Financing agreements may not be entered into if the total cost, including fees and interest, is less than \$2,500. A financing agreement may also not be entered into for qualifying improvements in buildings or facilities under new construction or construction for which a certificate of occupancy has not been issued.

Before or concurrent with entering into a residential PACE financing agreement, the PACE administrator must provide a financing estimate and disclosure to the property owner that includes:

- The total amount estimated to be funded including program fees and capitalized interest;
- The estimated annual PACE assessment;
- The term of the PACE assessment;
- The interest charged and estimated annual percentage rate;
- A description of the qualifying improvement;
- A disclosure that if the property owner sells or refinances the property, the property owner may be required to pay off the full amount owed under each PACE financing agreement;
- A disclosure that the PACE assessment will be collected alongside other property taxes, and will result in a lien on the property a lien on the property during the term of the agreement; and
- A disclosure that failure to pay the PACE assessment may result in penalties and fees, along with the issuance of a tax certificate that could result in the property owner losing the real property;
- A disclosure that the owner has 3 days to cancel the financing agreement;
- A disclosure that any potential utility or insurance savings are not guaranteed and will not reduce the annual or total assessments due;

- A disclosure that a local government, program administrator, or contractor does not provide tax advice, and that professional tax advice should be sought for questions regarding tax impacts; and
- A disclosure that the property owner cannot be assessed a prepayment penalty.

The program administrator must also conduct a recorded telephone call with the property owner to confirm the above.

The bill provides that before entering into a PACE agreement for residential properties, the local government or program administrator must provide written notice to current mortgage holders or loan servicers encumbering the property. The bill provides that a provision in any agreement which allows for acceleration of payment of the mortgage solely as a result of entering into such a financing agreement is unenforceable.

The bill provides timelines for the recording of liens, notice due to subsequent purchasers of residential property subject to such liens, and requirements prior to the final disbursement of funds to contractors.

PACE Contractor Oversight

Section 4 creates 163.083, F.S., to provide that a county or municipality must establish a process, or approve a process established by a program administrator, to register contractors for participation in a PACE program. A contractor may not be so registered unless the administrator makes a reasonable effort to review the contractor's professional standing. This includes reviewing the appropriate licensure, permits, and registrations required for its business operations. Additionally, the administrator must obtain the contractor's written agreement that the contractor will act in accordance with all applicable laws to include advertising and marketing laws and regulations.

Further, the bill requires a program administrator to maintain a process to enroll new contractors and conduct reviews of contractors' good standing, procedures for notice and imposition of penalties for violations of law and policy, and a website providing information on enrolled contractors..

Section 5 creates s. 163.084, F.S., to provide regulations on program administrators. A program administrator may not provide a contractor with any payment, fee, or kickback in exchange for referring business relating to a specific assessment financing agreement.

A program administrator must develop and implement policies and procedures for responding, tracking, and resolving questions and complaints. It must also have a process for monitoring contractors with regard to performance and compliance with program policies, and implement policies for suspending, terminating, and reinstating contractors based on violations of program policies or unscrupulous behavior. The program administrator must conduct regular reviews of contractors to confirm ongoing compliance with oversight regulations.

Section 6 creates s. 163.085, F.S., to provide certain requirements related to advertisement and solicitation for financing qualifying improvements. A contractor should not present a different

price for a qualifying improvement on residential real property financed by a PACE financing agreement than the contractor would otherwise present were the improvement not financed by PACE.

Program administrators and contractors may not suggest that PACE financing is a government assistance program, that qualifying improvements are free or that PACE is a free program, or that utilizing PACE financing does not require the homeowner to repay the financial obligation. A program administrator or contractor may not make representations as to the tax deductibility of a PACE financing agreement on residential real property. They may only encourage a property owner to seek the advice of a tax professional.

Section 7 creates s. 163.086, F.S., to provide regulations related to unenforceable financing agreements. A property owner may cancel the PACE financing agreement within five business days after signing the contract, without financial penalty. The local government must provide at the time of contracting a cancellation form. The bill provides direction for instances where an agreement is canceled or found unenforceable after a contractor has either initiated work or delivered chattel or fixtures to a residential property under the contract.

Section 8 creates s. 163.087, F.S., to provide that a program administrator must post on its website a report annually showing the number of improvements funded, the aggregate, average, and median dollar amounts of annual non-ad valorem assessments, the number of defaulted non-ad valorem assessments, and a summary of property owner complaints including the third-party administrator, qualifying improvement contractors, and resolution of each.

The bill requires the Auditor General to conduct an operational audit of each PACE program at by September 1, 2027, and at least every 24 months thereafter.

Section 9 provides that the bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with them as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The bill does not create or raise state taxes or fees. Therefore, the requirements of Article VII, s. 19 of the Florida Constitution do not apply.

E. Other Constitutional Issues:

The bill provides that a provision in any agreement which allows for acceleration of payment of the mortgage solely as a result of entering into such a financing agreement is unenforceable. This provision may implicate the contracts clause,³² which prohibits states from passing any law that would impair the obligation of contracts.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The bill does not affect state or local revenue.

B. Private Sector Impact:

Property owners who live within a jurisdiction that offers PACE financing will see the benefit of increased consumer protections.

C. Government Sector Impact:

PACE programs are designed to be budget-neutral for local governments. As such, no government sector impact is expected for the provisions of the bill related directly to PACE programs. The provision requiring tax collectors to cap administrative fees at 2% of the total collected may affect certain local governments to the extent that they currently charge higher fees.

The bill requires the Auditor General to audit every PACE program by 2027 and every 24 months thereafter.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 163.08 of the Florida Statutes.

³² Art. 1, S. 10, U.S. CONST.

This bill creates sections 163.081, 163.082, 163.083, 163.084, 163.085, 163.086, and 163.087 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on January 31, 2024:

The committee substitute:

- Removes reference to long-term care or assisted living facilities.
- Adds renewable energy improvements for eligible residential property improvements.
- Defines third-party administrator.
- Provides that a program administrator must compensate the tax collector for the actual cost of collecting assessments, not to exceed 2 percent of the amount collected.
- Requires a residential property owner to have taken advantage of local funding for onsite sewage treatment and disposal system improvements.
- Requires notice to a residential property owner of best practices regarding seeking separate estimates for work over \$10,000, rather than requiring two estimates for work over \$5,000.
- Revises the cancellation period to 3 days, from 5.
- Defines significant increase in proposed change orders to mean greater than 20 percent.
- Makes various grammatical, structural, and conforming definitional changes.

CS by Community Affairs on January 22, 2024:

The committee substitute makes substantial changes throughout the bill. Specifically the CS:

- Separates provisions in current law and the previous language of the bill into separate sections of law.
- Contains separate procedures and duties for residential and commercial PACE programs.
- Removes authority for financing residential solar energy improvements.
- Revises references to local governments and program administrators.
- Requires the Auditor General to audit PACE programs.

B. Amendments:

None.



692964

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 163.08, Florida Statutes, is amended to
read:

(Substantial rewording of section. See
s. 163.08, F.S., for present text.)

163.08 Definitions.—As used in ss. 163.081-163.087, the
term:



692964

(1) "Commercial property" means real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is composed of five or more dwelling units; government commercial property; and real property used for commercial, industrial, or agricultural purposes.

(2) "Government commercial property" means real property owned by a local government and leased to a nongovernmental lessee for commercial use. The term does not include residential property.

(3) "Nongovernmental lessee" means a person or an entity other than a local government which leases government commercial property.

(4) "Program administrator" means a county, a municipality, a dependent special district as defined in s. 189.012, or a separate legal entity created pursuant to s. 163.01(7).

(5) "Property owner" means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property, except for a nongovernmental lessee.

(6) "Qualifying improvement" means the following permanent improvements located on real property within the jurisdiction of an authorized financing program:

(a) For improvements on residential property:

1. Repairing, replacing, or improving a central sewerage



692964

system, converting an onsite sewage treatment and disposal system to a central sewerage system, or, if no central sewerage system is available, removing, repairing, replacing, or improving an onsite sewage treatment and disposal system to an advanced system or technology.

2. Repairing, replacing, or improving a roof, including improvements that strengthen the roof deck attachment; create a secondary water barrier to prevent water intrusion; install wind-resistant shingles or gable-end bracing; or reinforce roof-to-wall connections.

3. Providing flood and water damage mitigation and resiliency improvements, prioritizing repairs, replacement, or improvements that qualify for reductions in flood insurance premiums, including raising a structure above the base flood elevation to reduce flood damage; constructing a flood diversion apparatus, drainage gate, or seawall improvement, including seawall repairs and seawall replacements; purchasing flood-damage-resistant building materials; or making electrical, mechanical, plumbing, or other system improvements that reduce flood damage.

4. Replacing windows or doors, including garage doors, with energy-efficient, impact-resistant, wind-resistant, or hurricane windows or doors or installing storm shutters.

5. Installing energy-efficient heating, cooling, or ventilation systems.

6. Replacing or installing insulation.

7. Replacing or installing energy-efficient water heaters.

8. Installing and affixing a permanent generator.

9. Providing a renewable energy improvement, including the



692964

installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses solar, geothermal, bioenergy, wind, or hydrogen.

(b) For installing or constructing improvements on commercial property:

1. Waste system improvements, which consists of repairing, replacing, improving, or constructing a central sewerage system, converting an onsite sewage treatment and disposal system to a central sewerage system, or, if no central sewerage system is available, removing, repairing, replacing, or improving an onsite sewage treatment and disposal system to an advanced system or technology.

2. Making resiliency improvements, which includes but is not limited to:

a. Repairing, replacing, improving, or constructing a roof, including improvements that strengthen the roof deck attachment;

b. Creating a secondary water barrier to prevent water intrusion;

c. Installing wind-resistant shingles or gable-end bracing; or

d. Reinforcing roof-to-wall connections.

e. Providing flood and water damage mitigation and resiliency improvements, prioritizing repairs, replacement, or improvements that qualify for reductions in flood insurance premiums, including raising a structure above the base flood elevation to reduce flood damage; creating or improving stormwater and flood resiliency, including flood diversion apparatus, drainage gates, or shoreline improvements; purchasing flood-damage-resistant building materials; or making any other



692964

improvements necessary to achieve a sustainable building rating or compliance with a national model resiliency standard and any improvements to a structure to achieve wind or flood insurance rate reductions, including building elevation.

3. Energy conservation and efficiency improvements, which are measures to reduce consumption through efficient use or conservation of electricity, natural gas, propane, or other forms of energy, including but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modification to increase the use of daylight; window replacement; windows; energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of efficient lighting equipment; or any other improvements necessary to achieve a sustainable building rating or compliance with a national model green building code.

4. Renewable energy improvements, including the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses solar, geothermal, bioenergy, wind, or hydrogen.

5. Water conservation efficiency improvements, which are measures to reduce consumption through efficient use or conservation of water.

(7) "Qualifying improvement contractor" means a licensed or registered contractor who has been registered to participate by a program administrator pursuant to s. 163.083 to install or otherwise perform work to make qualifying improvements on residential property financed pursuant to a program authorized under s. 163.081.



692964

(8) "Residential property" means real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.

(9) "Third-party administrator" means an entity under contract with a program administrator pursuant to s. 163.084 to administer a program authorized by a county or municipality pursuant to s. 163.081 or s. 163.082 on behalf of and at the discretion of the program administrator.

Section 2. Section 163.081, Florida Statutes, is created to read:

163.081 Financing qualifying improvements to residential property.—

(1) RESIDENTIAL PROPERTY PROGRAM AUTHORIZATION.—

(a) A program administrator may only offer a program for financing qualifying improvements to residential property within the jurisdiction of a county or municipality if the county or municipality has authorized by ordinance or resolution the program administrator to administer the program for financing qualifying improvements to residential property. The authorized program must, at a minimum, meet the requirements of this section.

(b) Pursuant to this section or as otherwise provided by law or pursuant to a county's or municipality's home rule power, a county or municipality may enter into an interlocal agreement providing for a partnership between one or more local governments for the purpose of facilitating a program to finance qualifying improvements to residential property located within the jurisdiction of the local governments that are party to the agreement.



692964

(c) An authorized program administrator may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(d) An authorized program administrator may levy non-ad valorem assessments to facilitate repayment of financing qualifying improvements. Costs incurred by the program administrator for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 of each year in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and program administrator agree. The program administrator shall only compensate the tax collector for the actual cost of collecting non-ad valorem assessments, not to exceed 2 percent of the amount collected and remitted.

(e) A program administrator may incur debt for the purpose of providing financing for qualifying improvements, which debt is payable from revenues received from the improved property or any other available revenue source authorized by law.

(2) APPLICATION.—The owner of record of the residential property within the jurisdiction of an authorized program may apply to the authorized program administrator to finance a



692964

185 qualifying improvement. The program administrator may only enter
186 into a financing agreement with the property owner.

187 (3) FINANCING AGREEMENTS.—

188 (a) Before entering into a financing agreement, the program
189 administrator must make each of the following findings based on
190 a review of public records derived from a commercially accepted
191 source and the property owner's statements, records, and credit
192 reports:

193 1. There are sufficient resources to complete the project.

194 2. The total amount of any non-ad valorem assessment for a
195 residential property under this section does not exceed 20
196 percent of the just value of the property as determined by the
197 property appraiser. The total amount may exceed this limitation
198 upon written consent of the holders or loan servicers of any
199 mortgage encumbering or otherwise secured by the residential
200 property.

201 3. The combined mortgage-related debt and total amount of
202 any non-ad valorem assessments under the program for the
203 residential property does not exceed 97 percent of the just
204 value of the property as determined by the property appraiser.

205 4. The financing agreement does not utilize a negative
206 amortization schedule, a balloon payment, or prepayment fees or
207 finances other than nominal administrative costs. Capitalized
208 interest included in the original balance of the assessment
209 financing agreement does not constitute negative amortization.

210 5. All property taxes and any other assessments, including
211 non-ad valorem assessments, levied on the same bill as the
212 property taxes are current and have not been delinquent for the
213 preceding 3 years, or the property owner's period of ownership,



692964

whichever is less.

6. There are no outstanding fines or fees related to zoning or code enforcement violations issued by a county or municipality, unless the qualifying improvement will remedy the zoning or code violation.

7. There are no involuntary liens, including, but not limited to, construction liens on the residential property.

8. No notices of default or other evidence of property-based debt delinquency have been recorded and not released during the preceding 3 years or the property owner's period of ownership, whichever is less.

9. The property owner is current on all mortgage debt on the residential property.

10. The property owner has not been subject to a bankruptcy proceeding within the last 5 years unless it was discharged or dismissed more than 2 years before the date on which the property owner applied for financing.

11. The residential property is not subject to an existing home equity conversion mortgage or reverse mortgage product.

12. The term of the financing agreement does not exceed the weighted average useful life of the qualified improvements to which the greatest portion of funds disbursed under the assessment contract is attributable, not to exceed 20 years. The program administrator shall determine the useful life of a qualifying improvement using established standards, including certification criteria from government agencies or nationally recognized standards and testing organizations.

13. The total estimated annual payment amount for all financing agreements entered into under this section on the



692964

residential property does not exceed 10 percent of the property owner's annual household income. Income must be confirmed using reasonable evidence and not solely by a property owner's statement.

14. If the qualifying improvement is for the conversion of an onsite sewage treatment and disposal system to a central sewerage system, the property owner has utilized all available local government funding for such conversions and is unable to obtain financing for the improvement on more favorable terms through a local government program designed to support such conversions.

(b) Before entering into a financing agreement, the program administrator must determine if there are any current financing agreements on the residential property and if the property owner has obtained or sought to obtain additional qualifying improvements on the same property which have not yet been recorded. The existence of a prior qualifying improvement non-ad valorem assessment or a prior financing agreement is not evidence that the financing agreement under consideration is affordable or meets other program requirements.

(c) Findings satisfying paragraphs (a) and (b) must be documented, including supporting evidence relied upon, and provided to the property owner prior to a financing agreement being approved and recorded. The program administrator must retain the documentation for the duration of the financing agreement.

(d) If the qualifying improvement is estimated to cost \$10,000 or more, before entering into a financing agreement the program administrator must advise the property owner in writing



692964

that the best practice is to obtain estimates from more than one unaffiliated, registered qualifying improvement contractors for the qualifying improvement and notify the property owner in writing of the advertising and solicitation requirements of s. 163.085.

(e) A property owner and the program administrator may agree to include in the financing agreement provisions for allowing change orders necessary to complete the qualifying improvement. Any financing agreement or contract for qualifying improvements which includes such provisions must meet the requirements of this paragraph. If a proposed change order on a qualifying improvement will increase the original cost of the qualifying improvement by 20 percent or more or will expand the scope of the qualifying improvement by more than 20 percent, before the change order may be executed which would result in an increase in the amount financed through the program administrator for the qualifying improvement, the program administrator must notify the property owner, provide an updated written disclosure form as described in subsection (4) to the property owner, and obtain written approval of the change from the property owner.

(f) A financing agreement may not be entered into if the total cost of the qualifying improvement, including program fees and interest, is less than \$2,500.

(g) A financing agreement may not be entered into for qualifying improvements in buildings or facilities under new construction or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.



692964

(4) DISCLOSURES.—

(a) In addition to the requirements in subsection (3), a financing agreement may not be approved unless the program administrator first provides, including via electronic means, a written financing estimate and disclosure to the property owner which includes all of the following, each of which must be individually acknowledged in writing by the property owner:

1. The estimated total amount to be financed, including the total and itemized cost of the qualifying improvement, program fees, and capitalized interest, if any;

2. The estimated annual non-ad valorem assessment;

3. The term of the financing agreement and the schedule for the non-ad valorem assessments;

4. The interest charged and estimated annual percentage rate;

5. A description of the qualifying improvement;

6. The total estimated annual costs that will be required to be paid under the assessment contract, including program fees;

7. The total estimated average monthly equivalent amount of funds that would need to be saved in order to pay the annual costs of the non-ad valorem assessment, including program fees;

8. The estimated due date of the first payment that includes the non-ad valorem assessment;

9. A disclosure that the financing agreement may be canceled within 3 business days after signing the financing agreement without any financial penalty for doing so;

10. A disclosure that the property owner may repay any remaining amount owed, at any time, without penalty or



692964

imposition of additional prepayment fees or fines other than
nominal administrative costs;

11. A disclosure that if the property owner sells or
refinances the residential property, the property owner may be
required by a mortgage lender to pay off the full amount owed
under each financing agreement under this section;

12. A disclosure that the assessment will be collected
along with the property owner's property taxes, and will result
in a lien on the property from the date the financing agreement
is recorded;

13. A disclosure that potential utility or insurance
savings are not guaranteed, and will not reduce the assessment
amount; and

14. A disclosure that failure to pay the assessment may
result in penalties, fees, including attorney fees, court costs,
and the issuance of a tax certificate that could result in the
property owner losing the property and a judgment against the
property owner, and may affect the property owner's credit
rating.

(b) Prior to the financing agreement being approved, the
program administrator must conduct an oral, recorded telephone
call with the property owner during which the program
administrator must confirm each finding or disclosure required
in subsection (3) and this section.

(5) NOTICE TO LIENHOLDERS AND SERVICERS.—At least 5
business days before entering into a financing agreement, the
property owner must provide to the holders or loan servicers of
any existing mortgages encumbering or otherwise secured by the
residential property a written notice of the owner's intent to



692964

enter into a financing agreement together with the maximum amount to be financed, including the amount of any fees and interest, and the maximum annual assessment necessary to repay the total. A verified copy or other proof of such notice must be provided to the program administrator. A provision in any agreement between a mortgagor or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is unenforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to pay the annual assessment.

(6) CANCELLATION.—A property owner may cancel a financing agreement on a form established by the program administrator within 3 business days after signing the financing agreement without any financial penalty for doing so.

(7) RECORDING.—Any financing agreement approved and entered into pursuant to this section, or a summary memorandum of such agreement, shall be submitted for recording in the public records of the county within which the residential property is located by the program administrator within 10 business days after execution of the agreement and the 3-day cancelation period. The recorded agreement must provide constructive notice that the non-ad valorem assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation. A notice of lien for the full amount of the financing may be recorded in the public



692964

records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.

(8) SALE OF RESIDENTIAL PROPERTY.—At or before the time a seller executes a contract for the sale of any residential property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which must be set forth in the contract or in a separate writing:

QUALIFYING IMPROVEMENTS.—The property being purchased is subject to an assessment on the property pursuant to s. 163.081, Florida Statutes. The assessment is for a qualifying improvement to the property and is not based on the value of the property. You are encouraged to contact the property appraiser's office to learn more about this and other assessments that may be provided by law.

(9) DISBURSEMENTS.—Before disbursing final funds to a qualifying improvement contractor for a qualifying improvement on residential property, the program administrator shall confirm that the applicable work or service has been completed or, as applicable, that the final permit for the qualifying improvement has been closed with all permit requirements satisfied or a certificate of occupancy or similar evidence of substantial completion of construction or improvement has been issued.



692964

(10) CONSTRUCTION.—This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.

Section 3. Section 163.082, Florida Statutes, is created to read:

163.082 Financing qualifying improvements to commercial property.—

(1) COMMERCIAL PROPERTY PROGRAM AUTHORIZATION.—

(a) A program administrator may only offer a program for financing qualifying improvements to commercial property within the jurisdiction of a county or municipality if the county or municipality has authorized by ordinance or resolution the program administrator to administer the program for financing qualifying improvements to commercial property. The authorized program must, at a minimum, meet the requirements of this section.

(b) Pursuant to this section or as otherwise provided by law or pursuant to a county's or municipality's home rule power, a county or municipality may enter into an interlocal agreement providing for a partnership between one or more local governments for the purpose of facilitating a program for financing qualifying improvements to commercial property located within the jurisdiction of the local governments that are party to the agreement.

(c) A program administrator may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(d) An authorized program administrator may levy non-ad



692964

valorem assessments to facilitate repayment of financing or
refinancing qualifying improvements. Costs incurred by the
program administrator for such purpose may be collected as a
non-ad valorem assessment. A non-ad valorem assessment shall be
collected pursuant to s. 197.3632 and, notwithstanding s.
197.3632(8)(a), is not subject to discount for early payment.
However, the notice and adoption requirements of s. 197.3632(4)
do not apply if this section is used and complied with, and the
intent resolution, publication of notice, and mailed notices to
the property appraiser, tax collector, and Department of Revenue
required by s. 197.3632(3)(a) may be provided on or before
August 15 of each year in conjunction with any non-ad valorem
assessment authorized by this section, if the property
appraiser, tax collector, and program administrator agree. The
program administrator shall only compensate the tax collector
for the actual cost of collecting non-ad valorem assessments,
not to exceed 2 percent of the amount collected and remitted.

(e) A program administrator may incur debt for the purpose
of providing financing for qualifying improvements, which debt
is payable from revenues received from the improved property or
any other available revenue source authorized by law.

(2) APPLICATION.—The owner of record of the commercial
property within the jurisdiction of the authorized program may
apply to the program administrator to finance a qualifying
improvement and enter into a financing agreement with the
program administrator to make such improvement. The program
administrator may only enter into a financing agreement with a
property owner. However, a nongovernmental lessee may apply to
finance a qualifying improvement if the nongovernmental lessee



692964

provides the program administrator with written consent of the
government lessor. Any financing agreement with the
nongovernmental lessee must provide that the nongovernmental
lessee is the only party obligated to pay the assessment.

(3) FINANCING AGREEMENTS.—

(a) Before entering into a financing agreement, the program
administrator must make each of the following findings based on
a review of public records derived from a commercially accepted
source and the statements, records, and credit reports of the
commercial property owner or nongovernmental lessee:

1. There are sufficient resources to complete the project.

2. The total amount of any non-ad valorem assessment for a
commercial property under this section does not exceed 20
percent of the just value of the property as determined by the
property appraiser. The total amount may exceed this limitation
upon written consent of the holders or loan servicers of any
mortgage encumbering or otherwise secured by the commercial
property.

3. The combined mortgage-related debt and total amount of
any non-ad valorem assessments under the program for the
commercial property does not exceed 97 percent of the just value
of the property as determined by the property appraiser.

4. All property taxes and any other assessments, including
non-ad valorem assessments, levied on the same bill as the
property taxes are current.

5. There are no involuntary liens greater than \$5,000,
including, but not limited to, construction liens on the
commercial property.

6. No notices of default or other evidence of property-



692964

based debt delinquency have been recorded and not been released during the preceding 3 years or the property owner's period of ownership, whichever is less.

7. The property owner is current on all mortgage debt on the commercial property.

8. The term of the financing agreement does not exceed the weighted average useful life of the qualified improvements to which the greatest portion of funds disbursed under the assessment contract is attributable, not to exceed 30 years. The program administrator shall determine the useful life of a qualifying improvement using established standards, including certification criteria from government agencies or nationally recognized standards and testing organizations.

9. The property owner or nongovernmental lessee is not currently the subject of a bankruptcy proceeding.

(b) Before entering into a financing agreement, the program administrator shall determine if there are any current financing agreements on the commercial property and whether the property owner or nongovernmental lessee has obtained or sought to obtain additional qualifying improvements on the same property which have not yet been recorded. The existence of a prior qualifying improvement non-ad valorem assessment or a prior financing agreement is not evidence that the financing agreement under consideration is affordable or meets other program requirements.

(c) Findings satisfying paragraphs (a) and (b) must be documented, including supporting evidence relied upon, and provided to the property owner or nongovernmental lessee prior to a financing agreement being approved and recorded. The program administrator must retain the documentation for the



692964

duration of the financing agreement.

(d) A property owner or nongovernmental lessee and the program administrator may agree to include in the financing agreement provisions for allowing change orders necessary to complete the qualifying improvement. Any financing agreement or contract for qualifying improvements which includes such provisions must meet the requirements of this paragraph. If a proposed change order on a qualifying improvement will increase the original cost of the qualifying improvement by 20 percent or more or will expand the scope of the qualifying improvement by 20 percent or more, before the change order may be executed which would result in an increase in the amount financed through the program administrator for the qualifying improvement, the program administrator must notify the property owner or nongovernmental lessee, provide an updated written disclosure form as described in subsection (4) to the property owner or nongovernmental lessee, and obtain written approval of the change from the property owner or nongovernmental lessee.

(e) A financing agreement may not be entered into if the total cost of the qualifying improvement, including program fees and interest, is less than \$2,500.

(4) DISCLOSURES.—In addition to the requirements in subsection (3), a financing agreement may not be approved unless the program administrator provides, whether on a separate document or included with other disclosures or forms, a financing estimate and disclosure to the property owner or nongovernmental lessee which includes all of the following:

(a) The estimated total amount to be financed, including the total and itemized cost of the qualifying improvement,



692964

program fees, and capitalized interest, if any;

(b) The estimated annual non-ad valorem assessment;

(c) The term of the financing agreement and the schedule
for the non-ad valorem assessments;

(d) The interest charged and estimated annual percentage
rate;

(e) A description of the qualifying improvement;

(f) The total estimated annual costs that will be required
to be paid under the assessment contract, including program
fees;

(g) The estimated due date of the first payment that
includes the non-ad valorem assessment; and

(h) A disclosure that the property owner or nongovernmental
lessee may repay any remaining amount owed, at any time, without
penalty or imposition of additional prepayment fees or fines
other than nominal administrative costs.

(5) CONSENT OF LIENHOLDERS AND SERVICERS.—Before entering
into a financing agreement with a property owner, the program
administrator must have received the written consent of the
current holders or loan servicers of any mortgage that encumbers
or is otherwise secured by the commercial property or that will
otherwise be secured by the property at the time the financing
agreement is executed.

(6) RECORDING.—Any financing agreement approved and entered
into pursuant to this section or a summary memorandum of such
agreement must be submitted for recording in the public records
of the county within which the commercial property is located by
the program administrator within 10 business days after
execution of the agreement. The recorded agreement must provide



692964

constructive notice that the non-ad valorem assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation. A notice of lien for the full amount of the financing may be recorded in the public records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.

(7) SALE OF COMMERCIAL PROPERTY.—At or before the time a seller executes a contract for the sale of any commercial property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which must be set forth in the contract or in a separate writing:

QUALIFYING IMPROVEMENTS.—The property being purchased is subject to an assessment on the property pursuant to s. 163.082, Florida Statutes. The assessment is for a qualifying improvement to the property and is not based on the value of the property. You are encouraged to contact the property appraiser's office to learn more about this and other assessments that may be provided for by law.

(8) COMPLETION CERTIFICATE.—Upon disbursement of all financing and completion of installation of qualifying improvements financed, the program administrator shall file with the applicable county or municipality a certificate that the



692964

qualifying improvements have been installed and are in good working order.

(9) CONSTRUCTION.—This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.

Section 4. Section 163.083, Florida Statutes, is created to read:

163.083 Qualifying improvement contractors.—

(1) A county or municipality shall establish a process, or approve a process established by a program administrator, to register contractors for participation in a program authorized by a county or municipality pursuant to s. 163.081. A qualifying improvement contractor may only perform such work that the contractor is appropriately licensed, registered, and permitted to conduct. At the time of application to participate and during participation in the program, contractors must:

(a) Hold all necessary licenses or registrations for the work to be performed which are in good standing. Good standing includes no outstanding complaints with the state or local government which issues such licenses or registrations.

(b) Comply with all applicable federal, state, and local laws and regulations, including obtaining and maintaining any other permits, licenses, or registrations required for engaging in business in the jurisdiction in which it operates and maintaining all state-required bond and insurance coverage.

(c) File with the program administrator a written statement in a form approved by the county or municipality that the contractor will comply with applicable laws and rules and



692964

649 qualifying improvement program policies and procedures,
650 including those on advertising and marketing.

651 (2) A third-party administrator or a program administrator,
652 either directly or through an affiliate, may not be registered
653 as a qualifying improvement contractor.

654 (3) A program administrator shall establish and maintain:

655 (a) A process to monitor qualifying improvement contractors
656 for performance and compliance with requirements of the program
657 and must conduct regular reviews of qualifying improvement
658 contractors to confirm that each qualifying improvement
659 contractor is in good standing.

660 (b) Procedures for notice and imposition of penalties upon
661 a finding of violation, which may consist of placement of the
662 qualifying improvement contractor in a probationary status that
663 places conditions for continued participation, suspension, or
664 termination from participation in the program.

665 (c) An easily accessible page on its website that provides
666 information on the status of registered qualifying improvement
667 contractors, including any imposed penalties, and the names of
668 any qualifying improvement contractors currently on probationary
669 status or that are suspended or terminated from participation in
670 the program.

671 Section 5. Section 163.084, Florida Statutes, is created to
672 read:

673 163.084 Third-party administrator for financing qualifying
674 improvements programs.—

675 (1) (a) A program administrator may contract with one or
676 more third-party administrators to administer a program
677 authorized by a county or municipality pursuant to s. 163.081 or



692964

s. 163.082 on behalf of and at the discretion of the program administrator.

(b) The third-party administrator must be independent of the program administrator and have no conflicts of interest between managers or owners of the third-party administrator and program administrator managers, owners, officials, or employees with oversight over the contract. The contract must provide for the entity to administer the program according to the requirements of s. 163.081 or s. 163.082 and the ordinance or resolution adopted by the county or municipality authorizing the program. However, only the program administrator may levy or administer non-ad valorem assessments.

(2) A program administrator may not contract with a third-party administrator that, within the last 3 years, has been prohibited from serving as a third-party administrator for another program administrator for program or contract violations or has been found by a court of competent jurisdiction to have violated state or federal laws related to the administration of ss. 163.081-163.086 or a similar program in another jurisdiction.

(3) The program administrator must include in any contract with the third-party administrator the right to perform annual reviews of the administrator to confirm compliance with ss. 163.081-163.086, the ordinance or resolution adopted by the county or municipality, and the contract with the program administrator. If the program administrator finds that the third-party administrator has committed a violation of ss. 163.081-163.086, the adopted ordinance or resolution, or the contract with the program administrator, the program



692964

administrator shall provide the third-party administrator with notice of the violation and may, as set forth in the adopted ordinance or resolution or the contract with the third-party administrator:

(a) Place the third-party administrator in a probationary status that places conditions for continued operations.

(b) Impose any fines or sanctions.

(c) Suspend the activity of the third-party administrator for a period of time.

(d) Terminate the agreement with the third-party administrator.

(4) A program administrator may terminate the agreement with a third-party administrator, as set forth by the county or municipality in its adopted ordinance or resolution or the contract with the third-party administrator, if the program administrator makes a finding that:

(a) The third-party administrator has violated the contract with the program administrator. The contract may set forth substantial violations that may result in contract termination and other violations that may provide for a period of time for correction before the contract may be terminated.

(b) The third-party administrator, or an officer, a director, a manager or a managing member, or a control person of the third-party administrator, has been found by a court of competent jurisdiction to have violated state or federal laws related to the administration a program authorized of the provisions of ss. 163.081-163.086 or a similar program in another jurisdiction within the last 5 years.

(c) Any officer, director, manager or managing member, or



692964

control person of the third-party administrator has been convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication has been withheld, a crime related to administration of a program authorized of the provisions of ss. 163.081-163.086 or a similar program in another jurisdiction within the last 10 years.

(d) An annual performance review reveals a substantial violation or a pattern of violations by the third-party administrator.

(5) Any recorded financing agreements at the time of termination or suspension by the program administrator shall continue.

Section 6. Section 163.085, Florida Statutes, is created to read:

163.085 Advertisement and solicitation for financing qualifying improvements programs under s. 163.081 or s. 163.082.—

(1) When communicating with a property owner or a nongovernmental lessee, a program administrator, qualifying improvement contractor, or third-party administrator may not:

(a) Suggest or imply:

1. That a non-ad valorem assessment authorized under s. 163.081 or s. 163.082 is a government assistance program;

2. That qualifying improvements are free or provided at no cost, or that the financing related to a non-ad valorem assessment authorized under s. 163.081 or s. 163.082 is free or provided at no cost; or

3. That the financing of a qualifying improvement using the program authorized pursuant to s. 163.081 or s. 163.082 does not



692964

require repayment of the financial obligation.

(b) Make any representation as to the tax deductibility of a non-ad valorem assessment. A program administrator, qualifying improvement contractor, or third-party administrator may encourage a property owner or nongovernmental lessee to seek the advice of a tax professional regarding tax matters related to assessments.

(2) A program administrator or third-party administrator may not provide to a qualifying improvement contractor any information that discloses the amount of financing for which a property owner or nongovernmental lessee is eligible for qualifying improvements or the amount of equity in a residential property or commercial property.

(3) A qualifying improvement contractor may not advertise the availability of financing agreements for, or solicit program participation on behalf of, the program administrator unless the contractor is registered by the program administrator to participate in the program and is in good standing with the program administrator.

(4) A program administrator or third-party administrator may not provide any payment, fee, or kickback to a qualifying improvement contractor for referring property owners or nongovernmental lessees to the program administrator or third-party administrator. However, a program administrator or third-party administrator may provide information to a qualifying improvement contractor to facilitate the installation of a qualifying improvement for a property owner or nongovernmental lessee.

(5) A program administrator or third-party administrator



692964

may not reimburse a qualifying improvement contractor for its expenses in advertising and marketing campaigns and materials.

(6) A qualifying improvement contractor may not provide a different price for a qualifying improvement financed under s. 163.081 than the price that the qualifying improvement contractor would otherwise provide if the qualifying improvement was not being financed through a financing agreement. Any contract between a property owner or nongovernmental lessee and a qualifying improvement contractor must clearly state all pricing and cost provisions, including any process for change orders which meet the requirements of s. 163.081(3)(d).

(7) A program administrator, qualifying improvement contractor, or third-party administrator may not provide any direct cash payment or other thing of material value to a property owner or nongovernmental lessee which is explicitly conditioned upon the property owner or nongovernmental lessee entering into a financing agreement. However, a program administrator or third-party administrator may offer programs or promotions on a non-discriminatory basis that provide reduced fees or interest rates if the reduced fees or interest rates are reflected in the financing agreements and are not provided to the property owner or nongovernmental lessee as cash consideration.

Section 7. Section 163.086, Florida Statutes, is created to read:

163.086 Unenforceable financing agreements for qualifying improvements programs under s. 163.081 or s. 163.082; attachment; fraud.—

(1) A recorded financing agreement may not be removed from



692964

attachment to a residential property or commercial property if
the property owner or nongovernmental lessee fraudulently
obtained funding pursuant to s. 163.081 or s. 163.082.

(2) A financing agreement may not be enforced, and a
recorded financing agreement may be removed from attachment to a
residential property or commercial property and deemed null and
void, if:

(a) The property owner or nongovernmental lessee applied
for, accepted, and canceled a financing agreement within the 3-
business-day period pursuant to s. 163.081(6). A qualifying
improvement contractor may not begin work under a canceled
contract.

(b) A person other than the property owner or
nongovernmental lessee obtained the recorded financing
agreement. The court may enter an order which holds that person
or persons personally liable for the debt.

(c) The program administrator, third-party administrator,
or qualifying improvement contractor approved or obtained
funding through fraudulent means and in violation of ss.
163.081-163.085, or this section for qualifying improvements on
the residential property or commercial property.

(3) If a qualifying improvement contractor has initiated
work on residential property or commercial property under a
contract deemed unenforceable under this section, the qualifying
improvement contractor:

(a) May not receive compensation for that work under the
financing agreement.

(b) Must restore the residential property or commercial
property to its original condition at no cost to the property



692964

owner or nongovernmental lessee.

(c) Must immediately return any funds, property, and other consideration given by the property owner or nongovernmental lessee. If the property owner or nongovernmental lessee provided any property and the qualifying improvement contractor does not or cannot return it, the qualifying improvement contractor must immediately return the fair market value of the property or its value as designated in the contract, whichever is greater.

(4) If the qualifying improvement contractor has delivered chattel or fixtures to residential property or commercial property pursuant to a contract deemed unenforceable under this section, the qualifying improvement contractor has 90 days after the date on which the contract was executed to retrieve the chattel or fixtures, provided that:

(a) The qualifying improvement contractor has fulfilled the requirements of paragraphs (3) (a) and (b).

(b) The chattel and fixtures can be removed at the qualifying improvement contractor's expense without damaging the residential property or commercial property.

(5) If a qualifying improvement contractor fails to comply with this section, the property owner or nongovernmental lessee may retain any chattel or fixtures provided pursuant to a contract deemed unenforceable under this section.

(6) A contract that is otherwise unenforceable under this section remains enforceable if the property owner or nongovernmental lessee waives his or her right to cancel the contract or cancels the financing agreement pursuant to s. 163.081(6) or s. 163.082(6) but allows the qualifying improvement contractor to proceed with the installation of the



692964

qualifying improvement.

Section 8. Section 163.087, Florida Statutes, is created to read:

163.087 Reporting for financing qualifying improvements programs under s. 163.081 or s. 163.082.—

(1) Each program administrator that is authorized to administer a program for financing qualifying improvements to residential property or commercial property under s. 163.081 or s. 163.082 shall post on its website an annual report within 45 days after the end of its fiscal year containing the following information from the previous year for each program authorized under s. 163.081 or s. 163.082:

(a) The number and types of qualifying improvements funded.

(b) The aggregate, average, and median dollar amounts of annual non-ad valorem assessments and the total number of non-ad valorem assessments collected pursuant to financing agreements for qualifying improvements.

(c) The total number of defaulted non-ad valorem assessments, including the total defaulted amount, the number and dates of missed payments, and the total number of parcels in default and the length of time in default.

(d) A summary of all reported complaints received by the program administrator related to the program, including the names of the third-party administrator, if applicable, and qualifying improvement contractors and the resolution of each complaint.

(2) The Auditor General must conduct an operational audit of each program authorized under s. 163.081 or s. 163.082, including any third-party administrators, for compliance with



692964

the provisions of ss. 163.08-163.086 and any adopted ordinance at least once every 24 months. The Auditor General may stagger evaluations such that a portion of all programs are evaluated in 1 year; however, every program must be evaluated at least once by September 1, 2027. Each program administrator, and third-party administrator if applicable, must post the most recent report on its website.

Section 9. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to improvements to real property;
amending s. 163.08, F.S.; deleting provisions relating
to legislative findings and intent; defining terms and
revising definitions; creating ss. 163.081 and
163.082, F.S.; allowing a program administrator to
offer a program for financing qualifying improvements
for residential or commercial property when authorized
by a county or municipality; requiring an authorized
program administrator that administers an authorized
program to meet certain requirements; authorizing a
county or municipality to enter into an interlocal
agreement to implement a program; authorizing a
program administrator to contract with third-party
administrators to implement the program; authorizing a
program administrator to levy non-ad valorem



692964

assessments for a certain purpose; providing for compensation for tax collectors for actual costs incurred to collect non-ad valorem assessments; authorizing a program administrator to incur debt for the purpose of providing financing for qualifying improvements; authorizing the owner of the residential property or commercial property or certain nongovernmental lessees to apply to the program administrator to finance a qualifying improvement; requiring the program administrator to make certain findings before entering into a financing agreement; requiring the program administrator to ascertain certain financial information from the property owner or nongovernmental lessee before entering into a financing agreement; requiring certain documentation; requiring an advisement and notification for certain qualifying improvements; requiring certain financing agreement and contract provisions for change orders under certain circumstances; prohibiting a financing agreement from being entered into under certain circumstances; requiring the program administrator to provide certain information before a financing agreement may be approved; requiring an oral, recorded telephone call with the residential property owner to confirm findings and disclosures before the approval of a financing agreement; requiring the residential property owner to provide written notice to the holder or loan servicer of his or her intent to enter into a financing agreement as well as other financial



692964

information; requiring that proof of such notice be provided to the program administrator; providing that a certain acceleration provision in an agreement between the residential property owner and mortgagor or lienholder is unenforceable; providing that the lienholder or loan servicer retains certain authority; requiring the program administrator to receive the written consent of certain lienholders on commercial property; authorizing a residential property owner, under certain circumstances and within a certain timeframe, to cancel a financing agreement without financial penalty; requiring recording of the financing agreement in a specified timeframe; creating the seller's disclosure statements for properties offered for sale which have assessments on them for qualifying improvements; requiring the program administrator to confirm that certain conditions are met before disbursing final funds to a qualifying improvement contractor for qualifying improvements on residential property; requiring a program administrator to submit a certain certificate to a county or municipality upon final disbursement and completion of qualifying improvements on commercial property; creating s. 163.083, F.S.; requiring a county or municipality to establish or approve a process for the registration of a qualifying improvement contractor to install qualifying improvements; requiring certain conditions for a qualifying improvement contractor to participate in a



692964

997 program; prohibiting a third-party administrator from
998 registering as a qualifying improvement contractor;
999 requiring the program administrator to monitor
1000 qualifying improvement contractors, enforce certain
1001 penalties for a finding of violation, and post certain
1002 information online; creating s. 163.084, F.S.;
1003 authorizing the program administrator to contract with
1004 entities to administer an authorized program;
1005 providing certain requirements for a third-party
1006 administrator; prohibiting a program administrator
1007 from contracting with a third-party administrator
1008 under certain circumstances; requiring the program
1009 administrator to include in its contract with the
1010 third-party administrator the right to perform annual
1011 reviews of the administrator; authorizing the program
1012 administrator to take certain actions if the program
1013 administrator finds that the third-party administrator
1014 has committed a violation of its contract; authorizing
1015 a program administrator to terminate an agreement with
1016 a third-party administrator under certain
1017 circumstances; providing for the continuation of
1018 certain financing agreements after the termination or
1019 suspension of the third-party administrator; creating
1020 s. 163.085, F.S.; requiring that, in communicating
1021 with the property owner or nongovernmental lessee, the
1022 program administrator, qualifying improvement
1023 contractor, or third-party administrator comply with
1024 certain requirements; prohibiting the program
1025 administrator or third-party administrator from



692964

1026 disclosing certain financing information to a
1027 qualifying improvement contractor; prohibiting a
1028 qualifying improvement contractor from making certain
1029 advertisements or solicitations; providing exceptions;
1030 prohibiting a program administrator or third-party
1031 administrator from providing certain payments, fees,
1032 or kickbacks to a qualifying improvement contractor;
1033 authorizing a program administrator or third-party
1034 administrator to reimburse a qualifying improvement
1035 contractor for certain expenses; prohibiting a
1036 qualifying improvement contractor from providing
1037 different prices for a qualifying improvement;
1038 requiring a contract between a property owner or
1039 nongovernmental lessee and a qualifying improvement
1040 contractor to include certain provisions; prohibiting
1041 a program administrator, third-party administrator, or
1042 qualifying improvement contractor from providing any
1043 cash payment or anything of material value to a
1044 property owner or nongovernmental lessee which is
1045 explicitly conditioned on a financing agreement;
1046 creating s. 163.086, F.S.; prohibiting a recorded
1047 financing agreement from being removed from attachment
1048 to a property under certain circumstances; providing
1049 for the unenforceability of a financing agreement
1050 under certain circumstances; providing provisions for
1051 when a qualifying improvement contractor initiates
1052 work on an unenforceable contract; providing that a
1053 qualifying improvement contractor may retrieve chattel
1054 or fixtures delivered pursuant to an unenforceable



692964

1055 contract if certain conditions are met; providing that
1056 an unenforceable contract will remain unenforceable
1057 under certain circumstances; creating s. 163.087,
1058 F.S.; requiring a program administrator authorized to
1059 administer a program for financing a qualifying
1060 improvement to post on its website an annual report;
1061 specifying requirements for the report; requiring the
1062 auditor general to conduct an operational audit of
1063 each authorized program; providing an effective date.

By the Committee on Community Affairs; and Senator Martin

578-02372-24

2024770c1

1 A bill to be entitled
 2 An act relating to improvements to real property;
 3 amending s. 163.08, F.S.; deleting provisions relating
 4 to legislative findings and intent; defining terms and
 5 revising definitions; creating ss. 163.081 and
 6 163.082, F.S.; allowing a program administrator to
 7 offer a program for financing qualifying improvements
 8 for residential or commercial property when authorized
 9 by a county or municipality; requiring an authorized
 10 program administrator that administers an authorized
 11 program to meet certain requirements; authorizing a
 12 county or municipality to enter into an interlocal
 13 agreement to implement a program; authorizing a
 14 program administrator to contract with third-party
 15 administrators to implement the program; authorizing a
 16 program administrator to levy non-ad valorem
 17 assessments for a certain purpose; authorizing a
 18 program administrator to incur debt for the purpose of
 19 providing financing for qualifying improvements;
 20 authorizing the owner of the residential property or
 21 commercial property or certain nongovernmental lessees
 22 to apply to the program administrator to finance a
 23 qualifying improvement; requiring the program
 24 administrator to make certain findings before entering
 25 into a financing agreement; requiring the program
 26 administrator to ascertain certain financial
 27 information from the property owner or nongovernmental
 28 lessee before entering into a financing agreement;
 29 requiring certain documentation; requiring certain

Page 1 of 36

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

578-02372-24

2024770c1

30 financing agreement and contract provisions for change
 31 orders if the property owner or nongovernmental lessee
 32 and program administrator agree to allow change orders
 33 to complete a qualifying improvement; prohibiting a
 34 financing agreement from being entered into under
 35 certain circumstances; requiring the program
 36 administrator to provide certain information before a
 37 financing agreement may be approved; requiring an
 38 oral, recorded telephone call with the residential
 39 property owner to confirm findings and disclosures
 40 before the approval of a financing agreement;
 41 requiring the residential property owner to provide
 42 written notice to the holder or loan servicer of his
 43 or her intent to enter into a financing agreement as
 44 well as other financial information; requiring that
 45 proof of such notice be provided to the program
 46 administrator; providing that a certain acceleration
 47 provision in an agreement between the residential
 48 property owner and mortgagor or lienholder is
 49 unenforceable; providing that the lienholder or loan
 50 servicer retains certain authority; requiring the
 51 program administrator to receive the written consent
 52 of certain lienholders on commercial property;
 53 authorizing a residential property owner, under
 54 certain circumstances and within a certain timeframe,
 55 to cancel a financing agreement without financial
 56 penalty; requiring recording of the financing
 57 agreement in a specified timeframe; creating the
 58 seller's disclosure statements for properties offered

Page 2 of 36

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

578-02372-24

2024770c1

59 for sale which have assessments on them for qualifying
 60 improvements; requiring the program administrator to
 61 confirm that certain conditions are met before
 62 disbursing final funds to a qualifying improvement
 63 contractor for qualifying improvements on residential
 64 property; requiring a program administrator to submit
 65 a certain certificate to a county or municipality upon
 66 final disbursement and completion of qualifying
 67 improvements; creating s. 163.083, F.S.; requiring a
 68 county or municipality to establish or approve a
 69 process for the registration of a qualifying
 70 improvement contractor to install qualifying
 71 improvements; requiring certain conditions for a
 72 qualifying improvement contractor to participate in a
 73 program; prohibiting a third-party administrator from
 74 registering as a qualifying improvement contractor;
 75 requiring the program administrator to monitor
 76 qualifying improvement contractors, enforce certain
 77 penalties for a finding of violation, and post certain
 78 information online; creating s. 163.084, F.S.;
 79 authorizing the program administrator to contract with
 80 entities to administer an authorized program;
 81 providing certain requirements for a third-party
 82 administrator; prohibiting a program administrator
 83 from contracting with a third-party administrator
 84 under certain circumstances; requiring the program
 85 administrator to include in its contract with the
 86 third-party administrator the right to perform annual
 87 reviews of the administrator; authorizing the program

Page 3 of 36

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

578-02372-24

2024770c1

88 administrator to take certain actions if the program
 89 administrator finds that the third-party administrator
 90 has committed a violation of its contract; authorizing
 91 a program administrator to terminate an agreement with
 92 a third-party administrator under certain
 93 circumstances; providing for the continuation of
 94 certain financing agreements after the termination or
 95 suspension of the third-party administrator; creating
 96 s. 163.085, F.S.; requiring that, in communicating
 97 with the property owner or nongovernmental lessee, the
 98 program administrator, qualifying improvement
 99 contractor, or third-party administrator comply with
 100 certain requirements; prohibiting the program
 101 administrator or third-party administrator from
 102 disclosing certain financing information to a
 103 qualifying improvement contractor; prohibiting a
 104 qualifying improvement contractor from making certain
 105 advertisements or solicitations; providing exceptions;
 106 prohibiting a program administrator or third-party
 107 administrator from providing certain payments, fees,
 108 or kickbacks to a qualifying improvement contractor;
 109 authorizing a program administrator or third-party
 110 administrator to reimburse a qualifying improvement
 111 contractor for certain expenses; prohibiting a
 112 qualifying improvement contractor from providing
 113 different prices for a qualifying improvement;
 114 requiring a contract between a property owner or
 115 nongovernmental lessee and a qualifying improvement
 116 contractor to include certain provisions; prohibiting

Page 4 of 36

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

578-02372-24

2024770c1

117 a program administrator, third-party administrator, or
 118 qualifying improvement contractor from providing any
 119 cash payment or anything of material value to a
 120 property owner or nongovernmental lessee which is
 121 explicitly conditioned on a financing agreement;
 122 creating s. 163.086, F.S.; prohibiting a recorded
 123 financing agreement from being removed from attachment
 124 to a property under certain circumstances; providing
 125 for the unenforceability of a financing agreement
 126 under certain circumstances; providing provisions for
 127 when a qualifying improvement contractor initiates
 128 work on an unenforceable contract; providing that a
 129 qualifying improvement contractor may retrieve chattel
 130 or fixtures delivered pursuant to an unenforceable
 131 contract if certain conditions are met; providing that
 132 an unenforceable contract will remain unenforceable
 133 under certain circumstances; creating s. 163.087,
 134 F.S.; requiring a program administrator authorized to
 135 administer a program for financing a qualifying
 136 improvement to post on its website an annual report;
 137 specifying requirements for the report; requiring the
 138 auditor general to conduct an operational audit of
 139 each authorized program; providing an effective date.
 140
 141 Be It Enacted by the Legislature of the State of Florida:
 142
 143 Section 1. Section 163.08, Florida Statutes, is amended to
 144 read:
 145 (Substantial rewording of section. See

578-02372-24

2024770c1

146 s. 163.08, F.S., for present text.)
 147 163.08 Definitions.—As used in ss. 163.081-163.087, the
 148 term:
 149 (1) "Commercial property" means real property other than
 150 residential property. The term includes, but is not limited to,
 151 a property zoned multifamily residential which is composed of
 152 five or more dwelling units; a long-term care or assisted living
 153 facility; real property owned by a nonprofit; government
 154 commercial property; and real property used for commercial,
 155 industrial, or agricultural purposes.
 156 (2) "Government commercial property" means real property
 157 owned by a local government and leased to a nongovernmental
 158 lessee for commercial use. The term does not include residential
 159 property.
 160 (3) "Nongovernmental lessee" means a person or an entity
 161 other than a local government which leases government commercial
 162 property.
 163 (4) "Program administrator" means a county, a municipality,
 164 a dependent special district as defined in s. 189.012, or a
 165 separate legal entity created pursuant to s. 163.01(7).
 166 (5) "Property owner" means the owner or owners of record of
 167 real property. The term includes real property held in trust for
 168 the benefit of one or more individuals, in which case the
 169 individual or individuals may be considered as the property
 170 owner or owners, provided that the trustee provides written
 171 consent. The term does not include persons renting, using,
 172 living, or otherwise occupying real property, except for a
 173 nongovernmental lessee.
 174 (6) "Qualifying improvement" means the following permanent

578-02372-24

2024770c1

175 improvements located on real property within the jurisdiction of
 176 an authorized financing program:

177 (a) For improvements on residential property:

178 1. Repairing, replacing, or improving a central sewerage
 179 system, converting an onsite sewage treatment and disposal
 180 system to a central sewerage system, or, if no central sewerage
 181 system is available, removing, repairing, replacing, or
 182 improving an onsite sewage treatment and disposal system to an
 183 advanced system or technology.

184 2. Repairing, replacing, or improving a roof, including
 185 improvements that strengthen the roof deck attachment; create a
 186 secondary water barrier to prevent water intrusion; install
 187 wind-resistant shingles or gable-end bracing; or reinforce roof-
 188 to-wall connections.

189 3. Providing flood and water damage mitigation and
 190 resiliency improvements, prioritizing repairs, replacement, or
 191 improvements that qualify for reductions in flood insurance
 192 premiums, including raising a structure above the base flood
 193 elevation to reduce flood damage; constructing a flood diversion
 194 apparatus, drainage gate, or seawall improvement, including
 195 seawall repairs and seawall replacements; purchasing flood-
 196 damage-resistant building materials; or making electrical,
 197 mechanical, plumbing, or other system improvements that reduce
 198 flood damage.

199 4. Replacing windows or doors, including garage doors, with
 200 energy-efficient windows or doors.

201 5. Installing energy-efficient heating, cooling, or
 202 ventilation systems.

203 6. Replacing or installing insulation.

578-02372-24

2024770c1

204 7. Replacing or installing energy-efficient water heaters.

205 8. Installing and affixing a permanent generator.

206 (b) For installing or constructing improvements on
 207 commercial property:

208 1. Waste system improvements, which consists of repairing,
 209 replacing, improving, or constructing a central sewerage system,
 210 converting an onsite sewage treatment and disposal system to a
 211 central sewerage system, or, if no central sewerage system is
 212 available, removing, repairing, replacing, or improving an
 213 onsite sewage treatment and disposal system to an advanced
 214 system or technology.

215 2. Making resiliency improvements, which includes but is
 216 not limited to:

217 a. Repairing, replacing, improving, or constructing a roof,
 218 including improvements that strengthen the roof deck attachment;

219 b. Creating a secondary water barrier to prevent water
 220 intrusion;

221 c. Installing wind-resistant shingles or gable-end bracing;
 222 or

223 d. Reinforcing roof-to-wall connections.

224 e. Providing flood and water damage mitigation and
 225 resiliency improvements, prioritizing repairs, replacement, or
 226 improvements that qualify for reductions in flood insurance
 227 premiums, including raising a structure above the base flood
 228 elevation to reduce flood damage; creating or improving
 229 stormwater and flood resiliency, including flood diversion
 230 apparatus, drainage gates, or shoreline improvements; purchasing
 231 flood-damage-resistant building materials; or making any other
 232 improvements necessary to achieve a sustainable building rating

578-02372-24

2024770c1

or compliance with a national model resiliency standard and any improvements to a structure to achieve wind or flood insurance rate reductions, including building elevation.

3. Energy conservation and efficiency improvements, which are measures to reduce consumption through efficient use or conservation of electricity, natural gas, propane, or other forms of energy, including but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modification to increase the use of daylight; window replacement; windows; energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of efficient lighting equipment; or any other improvements necessary to achieve a sustainable building rating or compliance with a national model green building code.

4. Renewable energy improvements, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses solar, geothermal, bioenergy, wind, or hydrogen.

5. Water conservation efficiency improvements, which are measures to reduce consumption through efficient use or conservation of water.

(7) "Qualifying improvement contractor" means a licensed or registered contractor who has been registered to participate by a program administrator pursuant to s. 163.083 to install or otherwise perform work to make qualifying improvements on residential property financed pursuant to a program authorized under s. 163.081.

(8) "Residential property" means real property zoned as

578-02372-24

2024770c1

residential or multifamily residential and composed of four or fewer dwelling units.

Section 2. Section 163.081, Florida Statutes, is created to read:

163.081 Financing qualifying improvements to residential property.—

(1) RESIDENTIAL PROPERTY PROGRAM AUTHORIZATION.—

(a) A program administrator may only offer a program for financing qualifying improvements to residential property within the jurisdiction of a county or municipality if the county or municipality has authorized by ordinance or resolution the program administrator to administer the program for financing qualifying improvements to residential property. The authorized program must, at a minimum, meet the requirements of this section. Pursuant to this section or as otherwise provided by law or pursuant to a county's or municipality's home rule power, a county or municipality may enter into an interlocal agreement providing for a partnership between one or more local governments for the purpose of facilitating a program to finance qualifying improvements to residential property located within the jurisdiction of the local governments party to the agreement. A program administrator may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(b) An authorized program administrator may levy non-ad valorem assessments to facilitate repayment of financing qualifying improvements. Costs incurred by the program administrator for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be

578-02372-24

2024770c1

collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 of each year in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and program administrator agree.

(c) A program administrator may incur debt for the purpose of providing financing for qualifying improvements, which debt is payable from revenues received from the improved property or any other available revenue source authorized by law.

(2) APPLICATION.—The owner of record of the residential property within the jurisdiction of an authorized program may apply to the authorized program administrator to finance a qualifying improvement. The program administrator may only enter into a financing agreement with the property owner.

(3) FINANCING AGREEMENTS.—

(a) Before entering into a financing agreement, the program administrator must review the residential property owner's public records derived from a commercially accepted source and the property owner's statements, records, and credit reports and make each of the following findings:

1. There are sufficient resources to complete the project.

2. The total amount of any non-ad valorem assessment for a residential property under this section does not exceed 20

578-02372-24

2024770c1

percent of the just value of the property as determined by the property appraiser. The total amount may exceed this limitation upon written consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the residential property.

3. The combined mortgage-related debt and total amount of any non-ad valorem assessments under the program for the residential property does not exceed 97 percent of the just value of the property as determined by the property appraiser.

4. The financing agreement does not utilize a negative amortization schedule, a balloon payment, or prepayment fees or fines other than nominal administrative costs. Capitalized interest included in the original balance of the assessment financing agreement does not constitute negative amortization.

5. All property taxes and any other assessments, including non-ad valorem assessments, levied on the same bill as the property taxes are current and have not been delinquent for the preceding 3 years, or the property owner's period of ownership, whichever is less.

6. There are no outstanding fines or fees related to zoning or code enforcement violations issued by a county or municipality, unless the qualifying improvement will remedy the zoning or code violation.

7. There are no involuntary liens, including, but not limited to, construction liens on the residential property.

8. No notices of default or other evidence of property-based debt delinquency have been recorded and not released during the preceding 3 years or the property owner's period of ownership, whichever is less.

578-02372-24

2024770c1

349 9. The property owner is current on all mortgage debt on
 350 the residential property.

351 10. The property owner has not been subject to a bankruptcy
 352 proceeding within the last 5 years unless it was discharged or
 353 dismissed more than 2 years before the date on which the
 354 property owner applied for financing.

355 11. The residential property is not subject to an existing
 356 home equity conversion mortgage or reverse mortgage product.

357 12. The term of the financing agreement does not exceed the
 358 weighted average useful life of the qualified improvements to
 359 which the greatest portion of funds disbursed under the
 360 assessment contract is attributable, not to exceed 20 years. The
 361 program administrator shall determine the useful life of a
 362 qualifying improvement using established standards, including
 363 certification criteria from government agencies or nationally
 364 recognized standards and testing organizations.

365 13. The total estimated annual payment amount for all
 366 financing agreements entered into under this section on the
 367 residential property does not exceed 10 percent of the property
 368 owner's annual household income. Income must be confirmed using
 369 reasonable evidence and not solely by a property owner's
 370 statement.

371 14. If the qualifying improvement is estimated to cost
 372 \$5,000 or more, the property owner has obtained estimates from
 373 at least two unaffiliated, registered qualifying improvement
 374 contractors for the qualifying improvement to be financed.

375 (b) Before entering into a financing agreement, the
 376 property administrator must determine if there are any current
 377 financing agreements on the residential property and if the

578-02372-24

2024770c1

378 property owner has obtained or sought to obtain additional
 379 qualifying improvements on the same property which have not yet
 380 been recorded. The failure to disclose information related to
 381 not yet recorded financing agreements does not invalidate a
 382 financing agreement or any obligation thereunder, even if the
 383 total financed amount of the qualifying improvement exceeds the
 384 amount that would otherwise be authorized under this section.
 385 The existence of a prior qualifying improvement non-ad valorem
 386 assessment or a prior financing agreement is not evidence that
 387 the financing agreement under consideration is affordable or
 388 meets other program requirements.

389 (c) Findings satisfying paragraphs (a) and (b) must be
 390 documented, including supporting evidence relied upon, and
 391 provided to the property owner prior to a financing agreement
 392 being approved and recorded.

393 (d) A property owner and the program administrator may
 394 agree to include in the financing agreement provisions for
 395 allowing change orders necessary to complete the qualifying
 396 improvement. Any financing agreement or contract for qualifying
 397 improvements which includes such provisions must meet the
 398 requirements of this paragraph. If a proposed change order on a
 399 qualifying improvement will significantly increase the original
 400 cost of the qualifying improvement or significantly expand the
 401 scope of the qualifying improvement, before the change order may
 402 be executed which would result in an increase in the amount
 403 financed through the program administrator for the qualifying
 404 improvement, the program administrator must notify the property
 405 owner, provide an updated written disclosure form as described
 406 in subsection (4) to the property owner, and obtain written

578-02372-24

2024770c1

approval of the change from the property owner.

(e) A financing agreement may not be entered into if the total cost of the qualifying improvement, including program fees and interest, is less than \$2,500.

(f) A financing agreement may not be entered into for qualifying improvements in buildings or facilities under new construction or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.

(4) DISCLOSURES.—

(a) In addition to the requirements in subsection (3), a financing agreement may not be approved unless the program administrator first provides, including via electronic means, a written financing estimate and disclosure to the property owner which includes all of the following:

1. The estimated total amount to be financed, including the total and itemized cost of the qualifying improvement, program fees, and capitalized interest, if any;

2. The estimated annual non-ad valorem assessment;

3. The term of the financing agreement and the schedule for the non-ad valorem assessments;

4. The interest charged and estimated annual percentage rate;

5. A description of the qualifying improvement;

6. The total estimated annual costs that will be required to be paid under the assessment contract, including program fees;

7. The total estimated average monthly equivalent amount of funds that would need to be saved in order to pay the annual

578-02372-24

2024770c1

costs of the non-ad valorem assessment, including program fees;

8. The estimated due date of the first payment that includes the non-ad valorem assessment;

9. A disclosure that the financing agreement may be canceled within 5 business days after signing the financing agreement without any financial penalty for doing so;

10. A disclosure that the property owner may repay any remaining amount owed, at any time, without penalty or imposition of additional prepayment fees or fines other than nominal administrative costs;

11. A disclosure that if the property owner sells or refinances the residential property, the property owner may be required by a mortgage lender to pay off the full amount owed under each financing agreement under this section;

12. A disclosure that the assessment will be collected along with the property owner's property taxes, and will result in a lien on the property from the date the financing agreement is recorded;

13. A disclosure that potential utility or insurance savings are not guaranteed, and will not reduce the assessment amount; and

14. A disclosure that failure to pay the assessment may result in penalties, fees, including attorney fees, court costs, and the issuance of a tax certificate that could result in the property owner losing the property and a judgment against the property owner, and may affect the property owner's credit rating.

(b) Prior to the financing agreement being approved, the program administrator must conduct an oral, recorded telephone

578-02372-24

2024770c1

call with the property owner during which the program administrator must confirm each finding or disclosure required in subsection (3) and this section.

(5) NOTICE TO LIENHOLDERS AND SERVICERS.—At least 30 days before entering into a financing agreement, the property owner must provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the residential property a written notice of the owner's intent to enter into a financing agreement together with the maximum amount to be financed, including the amount of any fees and interest, and the maximum annual assessment necessary to repay the total. A verified copy or other proof of such notice must be provided to the program administrator. A provision in any agreement between a mortgagor or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is unenforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to pay the annual assessment.

(6) CANCELLATION.—A property owner may cancel a financing agreement on a form established by the program administrator within 5 business days after signing the financing agreement without any financial penalty for doing so.

(7) RECORDING.—Any financing agreement approved and entered into pursuant to this section, or a summary memorandum of such agreement, shall be submitted for recording in the public

578-02372-24

2024770c1

records of the county within which the residential property is located by the program administrator within 10 business days after execution of the agreement. The recorded agreement must provide constructive notice that the non-ad valorem assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation. A notice of lien for the full amount of the financing may be recorded in the public records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.

(8) SALE OF RESIDENTIAL PROPERTY.—At or before the time a seller executes a contract for the sale of any residential property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which must be set forth in the contract or in a separate writing:

QUALIFYING IMPROVEMENTS.—The property being purchased is subject to an assessment on the property pursuant to s. 163.081, Florida Statutes. The assessment is for a qualifying improvement to the property and is not based on the value of the property. You are encouraged to contact the property appraiser's office to learn more about this and other assessments that may be provided by law.

(9) DISBURSEMENTS.—Before disbursing final funds to a

578-02372-24

2024770c1

qualifying improvement contractor for a qualifying improvement on residential property, the program administrator shall confirm that the applicable work or service has been completed or, as applicable, that the final permit for the qualifying improvement has been closed with all permit requirements satisfied or a certificate of occupancy or similar evidence of substantial completion of construction or improvement has been issued.

(10) CONSTRUCTION.—This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.

Section 3. Section 163.082, Florida Statutes, is created to read:

163.082 Financing qualifying improvements to commercial property.—

(1) COMMERCIAL PROPERTY PROGRAM AUTHORIZATION.—

(a) A program administrator may only offer a program for financing qualifying improvements to commercial property within the jurisdiction of a county or municipality if the county or municipality has authorized by ordinance or resolution the program administrator to administer the program for financing qualifying improvements. The authorized program must, at a minimum, meet the requirements of this section. Pursuant to this section or as otherwise provided by law or pursuant to a county's or municipality's home rule power, a county or municipality may enter into an interlocal agreement providing for a partnership between one or more local governments for the purpose of facilitating a program for financing qualifying improvements to commercial property located within the

578-02372-24

2024770c1

jurisdiction of the local governments party to the agreement. A program administrator may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(b) An authorized program administrator may levy non-ad valorem assessments to facilitate repayment of financing or refinancing qualifying improvements. Costs incurred by the program administrator for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), is not subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 of each year in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and program administrator agree.

(c) A program administrator may incur debt for the purpose of providing financing for qualifying improvements, which debt is payable from revenues received from the improved property or any other available revenue source authorized by law.

(2) APPLICATION.—The owner of record of the commercial property within the jurisdiction of the authorized program may apply to the program administrator to finance a qualifying improvement and enter into a financing agreement with the program administrator to make such improvement. The program administrator may only enter into a financing agreement with a

578-02372-24

2024770c1

property owner. However, a nongovernmental lessee may apply to finance a qualifying improvement if the nongovernmental lessee provides the program administrator with written consent of the government lessor. Any financing agreement with the nongovernmental lessee must provide that the nongovernmental lessee is the only party obligated to pay the assessment.

(3) FINANCING AGREEMENTS.—

(a) Before entering into a financing agreement, the program administrator must make each of the following findings based on a review of public records derived from a commercially accepted source and the statements, records, and credit reports of the commercial property owner or nongovernmental lessee:

1. There are sufficient resources to complete the project.

2. The total amount of any non-ad valorem assessment for a commercial property under this section does not exceed 20 percent of the just value of the property as determined by the property appraiser. The total amount may exceed this limitation upon written consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the commercial property.

3. The combined mortgage-related debt and total amount of any non-ad valorem assessments under the program for the commercial property does not exceed 97 percent of the just value of the property as determined by the property appraiser.

4. All property taxes and any other assessments, including non-ad valorem assessments, levied on the same bill as the property taxes are current.

5. There are no involuntary liens greater than \$5,000, including, but not limited to, construction liens on the

578-02372-24

2024770c1

commercial property.

6. No notices of default or other evidence of property-based debt delinquency have been recorded and not been released during the preceding 3 years or the property owner's period of ownership, whichever is less.

7. The property owner is current on all mortgage debt on the commercial property.

8. The term of the financing agreement does not exceed the weighted average useful life of the qualified improvements to which the greatest portion of funds disbursed under the assessment contract is attributable, not to exceed 30 years. The program administrator shall determine the useful life of a qualifying improvement using established standards, including certification criteria from government agencies or nationally recognized standards and testing organizations.

9. The property owner or nongovernmental lessee is not currently the subject of a bankruptcy proceeding.

(b) Before entering into a financing agreement, the program administrator shall determine if there are any current financing agreements on the commercial property and whether the property owner or nongovernmental lessee has obtained or sought to obtain additional qualifying improvements on the same property which have not yet been recorded. The failure to disclose information related to not yet recorded financing agreements does not invalidate a financing agreement or any obligation thereunder, even if the total financed amount of the qualifying improvement exceeds the amount that would otherwise be authorized under this section. The existence of a prior qualifying improvement non-ad valorem assessment or a prior financing agreement is not

578-02372-24

2024770c1

evidence that the financing agreement under consideration is affordable or meets other program requirements.

(c) Findings satisfying paragraphs (a) and (b) must be documented, including supporting evidence relied upon, and provided to the property owner or nongovernmental lessee prior to a financing agreement being approved and recorded.

(d) A property owner or nongovernmental lessee and the program administrator may agree to include in the financing agreement provisions for allowing change orders necessary to complete the qualifying improvement. Any financing agreement or contract for qualifying improvements which includes such provisions must meet the requirements of this paragraph. If a proposed change order on a qualifying improvement will significantly increase the original cost of the qualifying improvement or significantly expand the scope of the qualifying improvement, before the change order may be executed which would result in an increase in the amount financed through the program administrator for the qualifying improvement, the program administrator must notify the property owner or nongovernmental lessee, provide an updated written disclosure form as described in subsection (4) to the property owner or nongovernmental lessee, and obtain written approval of the change from the property owner or nongovernmental lessee.

(e) A financing agreement may not be entered into if the total cost of the qualifying improvement, including program fees and interest, is less than \$2,500.

(4) DISCLOSURES.—In addition to the requirements in subsection (3), a financing agreement may not be approved unless the program administrator provides, whether on a separate

578-02372-24

2024770c1

document or included with other disclosures or forms, a financing estimate and disclosure to the property owner or nongovernmental lessee which includes all of the following:

(a) The estimated total amount to be financed, including the total and itemized cost of the qualifying improvement, program fees, and capitalized interest, if any;

(b) The estimated annual non-ad valorem assessment;

(c) The term of the financing agreement and the schedule for the non-ad valorem assessments;

(d) The interest charged and estimated annual percentage rate;

(e) A description of the qualifying improvement;

(f) The total estimated annual costs that will be required to be paid under the assessment contract, including program fees;

(g) The total estimated average monthly equivalent amount of funds that would need to be saved in order to pay the annual costs of the non-ad valorem assessment, including program fees;

(h) The estimated due date of the first payment that includes the non-ad valorem assessment; and

(i) A disclosure that the property owner or nongovernmental lessee may repay any remaining amount owed, at any time, without penalty or imposition of additional prepayment fees or fines other than nominal administrative costs.

(5) CONSENT OF LIENHOLDERS AND SERVICERS.—Before entering into a financing agreement with a property owner, the program administrator must have received the written consent of the current holders or loan servicers of any mortgage that encumbers or is otherwise secured by the commercial property or that will

578-02372-24

2024770c1

otherwise be secured by the property at the time the financing agreement is executed.

(6) RECORDING.—Any financing agreement approved and entered into pursuant to this section or a summary memorandum of such agreement must be submitted for recording in the public records of the county within which the commercial property is located by the program administrator within 10 business days after execution of the agreement. The recorded agreement must provide constructive notice that the non-ad valorem assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation. A notice of lien for the full amount of the financing may be recorded in the public records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.

(7) SALE OF COMMERCIAL PROPERTY.—At or before the time a seller executes a contract for the sale of any commercial property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which must be set forth in the contract or in a separate writing:

QUALIFYING IMPROVEMENTS.—The property being purchased is subject to an assessment on the property pursuant to s. 163.082, Florida Statutes. The assessment is for a qualifying improvement to the property and is not based on the value of the property. You are encouraged

578-02372-24

2024770c1

to contact the property appraiser's office to learn more about this and other assessments that may be provided for by law.

(8) COMPLETION CERTIFICATE.—Upon disbursement of all financing and completion of installation of qualifying improvements financed, the program administrator shall file with the applicable county or municipality a certificate that the qualifying improvements have been installed and are in good working order.

(9) CONSTRUCTION.—This section is additional and supplemental to county and municipal home rule authority and not in derogation of such authority or a limitation upon such authority.

Section 4. Section 163.083, Florida Statutes, is created to read:

163.083 Qualifying improvement contractors.—

(1) A county or municipality shall establish a process, or approve a process established by a program administrator, to register contractors for participation in a program authorized by a county or municipality pursuant to s. 163.081. A qualifying improvement contractor may only perform such work that the contractor is appropriately licensed, registered, and permitted to conduct. At the time of application to participate and during participation in the program, contractors must:

(a) Hold all necessary licenses or registrations for the work to be performed which are in good standing. Good standing includes no outstanding complaints with the state or local government which issues such licenses or registrations.

578-02372-24

2024770c1

(b) Comply with all applicable federal, state, and local laws and regulations, including obtaining and maintaining any other permits, licenses, or registrations required for engaging in business in the jurisdiction in which it operates and maintaining all state-required bond and insurance coverage.

(c) File with the program administrator a written statement in a form approved by the county or municipality that the contractor will comply with applicable laws and rules and qualifying improvement program policies and procedures, including those on advertising and marketing.

(2) A third-party administrator or a program administrator, either directly or through an affiliate, may not be registered as a qualifying improvement contractor.

(3) A program administrator shall establish and maintain:
 (a) A process to monitor qualifying improvement contractors for performance and compliance with requirements of the program and must conduct regular reviews of qualifying improvement contractors to confirm that each qualifying improvement contractor is in good standing.

(b) Procedures for notice and imposition of penalties upon a finding of violation, which may consist of placement of the qualifying improvement contractor in a probationary status that places conditions for continued participation, payment of fines or sanctions, suspension, or termination from participation in the program.

(c) An easily accessible page on its website that provides information on the status of registered qualifying improvement contractors, including any imposed penalties, and the names of any qualifying improvement contractors currently on probationary

578-02372-24

2024770c1

status or that are suspended or terminated from participation in the program.

Section 5. Section 163.084, Florida Statutes, is created to read:

163.084 Third-party administrator for financing qualifying improvements programs.—

(1) (a) A program administrator may contract with one or more entities to administer a program authorized by a county or municipality pursuant to s. 163.081 or s. 163.082 on behalf of and at the discretion of the program administrator.

(b) The third-party administrator must be independent of the program administrator and have no conflicts of interest between managers or owners of the third-party administrator and program administrator managers, owners, officials, or employees with oversight over the contract. The contract must provide for the entity to administer the program according to the requirements of s. 163.081 or s. 163.082 and the ordinance or resolution adopted by the county or municipality authorizing the program. However, only the program administrator may levy or administer non-ad valorem assessments.

(2) A program administrator may not contract with a third-party administrator that, within the last 3 years, has been prohibited from serving as a third-party administrator for another program administrator for program or contract violations or has been found by a court of competent jurisdiction to have violated state or federal laws related to the administration of ss. 163.081-163.086 or a similar program in another jurisdiction.

(3) The program administrator must include in any contract

578-02372-24

2024770c1

813 with the third-party administrator the right to perform annual
 814 reviews of the administrator to confirm compliance with ss.
 815 163.081-163.086, the ordinance or resolution adopted by the
 816 county or municipality, and the contract with the program
 817 administrator. If the program administrator finds that the
 818 third-party administrator has committed a violation of ss.
 819 163.081-163.086, the adopted ordinance or resolution, or the
 820 contract with the program administrator, the program
 821 administrator shall provide the third-party administrator with
 822 notice of the violation and may, as set forth in the adopted
 823 ordinance or resolution or the contract with the third-party
 824 administrator:

825 (a) Place the third-party administrator in a probationary
 826 status that places conditions for continued operations.

827 (b) Impose any fines or sanctions.

828 (c) Suspend the activity of the third-party administrator
 829 for a period of time.

830 (d) Terminate the agreement with the third-party
 831 administrator.

832 (4) A program administrator may terminate the agreement
 833 with a third-party administrator, as set forth by the county or
 834 municipality in its adopted ordinance or resolution or the
 835 contract with the third-party administrator, if the program
 836 administrator makes a finding that:

837 (a) The third-party administrator has violated the contract
 838 with the program administrator. The contract may set forth
 839 substantial violations that may result in contract termination
 840 and other violations that may provide for a period of time for
 841 correction before the contract may be terminated.

578-02372-24

2024770c1

842 (b) The third-party administrator, or an officer, a
 843 director, a manager or a managing member, or a control person of
 844 the third-party administrator, has been found by a court of
 845 competent jurisdiction to have violated state or federal laws
 846 related to the administration a program authorized of the
 847 provisions of ss. 163.081-163.086 or a similar program in
 848 another jurisdiction within the last 5 years.

849 (c) Any officer, director, manager or managing member, or
 850 control person of the third-party administrator has been
 851 convicted of, or has entered a plea of guilty or nolo contendere
 852 to, regardless of whether adjudication has been withheld, a
 853 crime related to administration of a program authorized of the
 854 provisions of ss. 163.081-163.086 or a similar program in
 855 another jurisdiction within the last 10 years.

856 (d) An annual performance review reveals a substantial
 857 violation or a pattern of violations by the third-party
 858 administrator.

859 (5) Any recorded financing agreements at the time of
 860 termination or suspension by the program administrator shall
 861 continue.

862 Section 6. Section 163.085, Florida Statutes, is created to
 863 read:

864 163.085 Advertisement and solicitation for financing
 865 qualifying improvements programs under s. 163.081 or s.
 866 163.082.—

867 (1) When communicating with a property owner or a
 868 nongovernmental lessee, a program administrator, qualifying
 869 improvement contractor, or third-party administrator may not:

870 (a) Suggest or imply:

578-02372-24

2024770c1

871 1. That a non-ad valorem assessment authorized under s.
 872 163.081 or s. 163.082 is a government assistance program;
 873 2. That qualifying improvements are free or provided at no
 874 cost, or that the financing related to a non-ad valorem
 875 assessment authorized under s. 163.081 or s. 163.082 is free or
 876 provided at no cost; or
 877 3. That the financing of a qualifying improvement using the
 878 program authorized pursuant to s. 163.081 or s. 163.082 does not
 879 require repayment of the financial obligation.
 880 (b) Make any representation as to the tax deductibility of
 881 a non-ad valorem assessment. A program administrator, qualifying
 882 improvement contractor, or third-party administrator may
 883 encourage a property owner or nongovernmental lessee to seek the
 884 advice of a tax professional regarding tax matters related to
 885 assessments.
 886 (2) A program administrator or third-party administrator
 887 may not provide to a qualifying improvement contractor any
 888 information that discloses the amount of financing for which a
 889 property owner or nongovernmental lessee is eligible for
 890 qualifying improvements or the amount of equity in a residential
 891 property or commercial property.
 892 (3) A qualifying improvement contractor may not advertise
 893 the availability of financing agreements for, or solicit program
 894 participation on behalf of, the program administrator unless the
 895 contractor is registered by the program administrator to
 896 participate in the program and is in good standing with the
 897 program administrator.
 898 (4) A program administrator or third-party administrator
 899 may not provide any payment, fee, or kickback to a qualifying

578-02372-24

2024770c1

900 improvement contractor for referring property owners or
 901 nongovernmental lessees to the program administrator or third-
 902 party administrator. However, a program administrator or third-
 903 party administrator may provide information to a qualifying
 904 improvement contractor to facilitate the installation of a
 905 qualifying improvement for a property owner or nongovernmental
 906 lessee.
 907 (5) A program administrator or third-party administrator
 908 may reimburse a qualifying improvement contractor for its
 909 expenses in advertising and marketing campaigns and materials.
 910 (6) A qualifying improvement contractor may not provide a
 911 different price for a qualifying improvement financed under s.
 912 163.081 than the price that the qualifying improvement
 913 contractor would otherwise provide if the qualifying improvement
 914 was not being financed through a financing agreement. Any
 915 contract between a property owner or nongovernmental lessee and
 916 a qualifying improvement contractor must clearly state all
 917 pricing and cost provisions, including any process for change
 918 orders which meet the requirements of s. 163.081(3)(d).
 919 (7) A program administrator, qualifying improvement
 920 contractor, or third-party administrator may not provide any
 921 direct cash payment or other thing of material value to a
 922 property owner or nongovernmental lessee which is explicitly
 923 conditioned upon the property owner or nongovernmental lessee
 924 entering into a financing agreement. However, a program
 925 administrator or third-party administrator may offer programs or
 926 promotions that provide reduced fees or interest rates if the
 927 reduced fees or interest rates are reflected in the financing
 928 agreements and are not provided to the property owner or

578-02372-24

2024770c1

929 nongovernmental lessee as cash consideration.

930 Section 7. Section 163.086, Florida Statutes, is created to
931 read:

932 163.086 Unenforceable financing agreements for qualifying
933 improvements programs under s. 163.081 or s. 163.082;
934 attachment; fraud.—

935 (1) A recorded financing agreement may not be removed from
936 attachment to a residential property or commercial property if
937 the property owner or nongovernmental lessee fraudulently
938 obtained funding pursuant to s. 163.081 or s. 163.082.

939 (2) A financing agreement may not be enforced, and a
940 recorded financing agreement may be removed from attachment to a
941 residential property or commercial property and deemed null and
942 void, if:

943 (a) The property owner or nongovernmental lessee applied
944 for, accepted, and canceled a financing agreement within the 5-
945 business-day period pursuant to s. 163.081(6). A qualifying
946 improvement contractor may not begin work under a canceled
947 contract.

948 (b) A person other than the property owner or
949 nongovernmental lessee obtained the recorded financing
950 agreement. The court may enter an order which holds that person
951 or persons personally liable for the debt.

952 (c) The program administrator, third-party administrator,
953 or qualifying improvement contractor approved or obtained
954 funding through fraudulent means and in violation of ss.
955 163.081-163.085, or this section for qualifying improvements on
956 the residential property or commercial property.

957 (3) If a qualifying improvement contractor has initiated

578-02372-24

2024770c1

958 work on residential property or commercial property under a
959 contract deemed unenforceable under this section, the qualifying
960 improvement contractor:

961 (a) May not receive compensation for that work under the
962 financing agreement.

963 (b) Must restore the residential property or commercial
964 property to its original condition at no cost to the property
965 owner or nongovernmental lessee.

966 (c) Must immediately return any funds, property, and other
967 consideration given by the property owner or nongovernmental
968 lessee. If the property owner or nongovernmental lessee provided
969 any property and the qualifying improvement contractor does not
970 or cannot return it, the qualifying improvement contractor must
971 immediately return the fair market value of the property or its
972 value as designated in the contract, whichever is greater.

973 (4) If the qualifying improvement contractor has delivered
974 chattel or fixtures to residential property or commercial
975 property pursuant to a contract deemed unenforceable under this
976 section, the qualifying improvement contractor has 90 days after
977 the date on which the contract was executed to retrieve the
978 chattel or fixtures, provided that:

979 (a) The qualifying improvement contractor has fulfilled the
980 requirements of paragraphs (3)(a) and (b).

981 (b) The chattel and fixtures can be removed at the
982 qualifying improvement contractor's expense without damaging the
983 residential property or commercial property.

984 (5) If a qualifying improvement contractor fails to comply
985 with this section, the property owner or nongovernmental lessee
986 may retain any chattel or fixtures provided pursuant to a

578-02372-24

2024770c1

contract deemed unenforceable under this section.

(6) A contract that is otherwise unenforceable under this section remains enforceable if the property owner or nongovernmental lessee waives his or her right to cancel the contract or cancels the financing agreement pursuant to s. 163.081(6) or s. 163.082(6) but allows the qualifying improvement contractor to proceed with the installation of the qualifying improvement.

Section 8. Section 163.087, Florida Statutes, is created to read:

163.087 Reporting for financing qualifying improvements programs under s. 163.081 or s. 163.082.—

(1) Each program administrator that is authorized to administer a program for financing qualifying improvements to residential property or commercial property under s. 163.081 or s. 163.082 shall post on its website an annual report within 45 days after the end of its fiscal year containing the following information from the previous year for each program authorized under s. 163.081 or s. 163.082:

(a) The number and types of qualifying improvements funded.

(b) The aggregate, average, and median dollar amounts of annual non-ad valorem assessments and the total number of non-ad valorem assessments collected pursuant to financing agreements for qualifying improvements.

(c) The total number of defaulted non-ad valorem assessments, including the total defaulted amount, the number and dates of missed payments, and the total number of parcels in default and the length of time in default.

(d) A summary of all reported complaints received by the

578-02372-24

2024770c1

program administrator related to the program, including the names of the third-party administrator, if applicable, and qualifying improvement contractors and the resolution of each complaint.

(2) The Auditor General must conduct an operational audit of each program authorized under s. 163.081 or s. 163.082, including any third-party administrators, for compliance with the provisions of ss. 163.08-163.086 and any adopted ordinance at least once every 24 months. The Auditor General may stagger evaluations such that a portion of all programs are evaluated in 1 year; however, every program must be evaluated at least once by September 1, 2027. Each program administrator, and third-party administrator if applicable, must post the most recent report on its website.

Section 9. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

SB 770

Bill Number or Topic

092964

Amendment Barcode (if applicable)

1/31/24

Meeting Date

Fiscal Policy

Committee

Name

Leah Wiggs

Phone

~~450 570~~ ?

Address

Street

Email

Lwiggs@renewfinancial.com

City

State

Zip

Speaking:



For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

Renew Financial



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31

Meeting Date

Fiscal Policy

Committee

SB 770

Bill Number or Topic

692964

Amendment Barcode (if applicable)

Name

Mark Schulte

Phone

303-523-3497

Address

6303 Blue Lagoon Dr

Street

Email

MARK-Schulte@gmail.com

Miami

City

FL

State

33126

Zip

Speaking:

☒ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 770

Bill Number or Topic

1/31/24

Meeting Date

S Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Jared Grigas

Phone (850) 322-0224

Address 100 S Monroe St

Street

Email jgrigas@fl-counties.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL. Assoc. of Counties

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Fiscal Policy

Committee

Strike all 770

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tim Qualls

Phone 850 222 7206

Address 216 S. Monroe
Street

Email TQualls@yular.net

Tally
City

FL
State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Florida Tax Collectors Assn

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

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

S-001 (08/10/2021)

01-31-2024

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 770

Bill Number or Topic

Amendment Barcode (if applicable)

Name E. Ivonne Fernandez Phone 954-850-7262

Address 215 S Monroe Street - 601 Email ifernandez@aarp.org

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

AARP

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1698

INTRODUCER: Agriculture Committee and Senator Burton

SUBJECT: Food and Hemp Products

DATE: January 29, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Becker</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1698 makes a number of changes to s. 581.217, F.S., the State Hemp Program.

The bill modifies the definition of “attractive to children” to include containers displaying toys, novel shapes, animations, promotional characters, licensed characters, or other features that specifically target children, or, for hemp extracted intended for inhalation, the addition of any flavoring. It revises the definition of “hemp” and “hemp extract” and provides a definition of “total delta-9-tetrahydrocannabinol concentration.”

The bill adds requirements for the manufacture, delivery, hold, and offer for sale to the regulation of the distribution and sale of hemp extract. It specifies that if a batch is sold at retail that it must meet the new requirements for total delta-9-tetrahydrocannabinol concentration limits. It also requires such products to be sold in a container that includes the toll-free telephone number for the national Poison Control Help line.

The bill clarifies that hemp extract may only be sold to *or procured by* a business in this state if that business is properly permitted. A business or food establishment may not possess hemp extract products that are attractive to children.

The bill prohibits the department from granting permission to remove or use, except for disposal, hemp extract products subject to a stop-sale order which are attractive to children until the department determines that the hemp extract products comply with state law.

The bill prohibits an event organizer from promoting, advertising, or facilitating an event where hemp extract products sold that do not comply with general law or are sold by a business that is not properly permitted.

Before an event where hemp extract products are sold or marketed, an event organizer must provide the department with a list of the businesses selling or marketing hemp extract products at the event and verify that each business is only selling hemp products from an approved source. The event organizer must ensure that each participating business is properly permitted.

The bill takes effect July 1, 2024.

II. Present Situation:

Industrial Hemp

Industrial hemp is a *Cannabis sativa* plant (cannabis) that has been cultivated for approximately 10,000 years as a fiber and grain crop. It is used for textiles, building materials, seed oil, and essential oil.¹

Cannabis

Cannabis is a Schedule I controlled substance.² It is a felony of the third degree³ to sell, manufacture, deliver, or possess with intent to sell, manufacture, or deliver, cannabis in Florida.⁴

As a controlled substance in chapter 893, F.S., “cannabis” is defined to mean: all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” as defined in s. 381.986, F.S., if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986, F.S., [the Compassionate Medical Cannabis Act of 2014], hemp as defined in s. 581.217, F.S., [the state hemp program], or industrial hemp as defined in s. 1004.4473, F.S., [industrial hemp pilot projects].⁵

Medical Marijuana

On November 4, 2016, Amendment 2 was approved by the electors and is codified in Article X, section 29, of the Florida Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

- Qualifying patients medically using marijuana in compliance with the amendment;
- Physicians, solely for issuing physician certifications with reasonable care and in compliance with the amendment; and

¹ See University of Florida, *UF/IFAS Industrial Hemp Pilot Project* at: <https://programs.ifas.ufl.edu/hemp/> (last visited January 22, 2024).

² Section 893.03(1)(c)7., F.S.

³ Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed 5 years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed \$5,000.

⁴ Section 893.13(1)(a)2., F.S.

⁵ Section 893.02(3), F.S.

- Medical marijuana treatment centers (MMTCs), their agents, and employees for actions or conduct under the amendment and in compliance with rules promulgated by the Florida Department of Health.

Subsequently, the Legislature passed SB 8-A in Special Session A of 2017.⁶ The bill revised the Compassionate Medical Cannabis Act of 2014⁷ in s. 381.986, F.S., to implement Article X, section 29 of the Florida Constitution.

The term medical marijuana includes two distinct forms of the plant genus *Cannabis*:

- Marijuana without any limitation or restriction on the percentage of THC;⁸ and
- “Low-THC cannabis” in which the percentage of THC is limited to 0.8 percent or less and has more than 10 percent of cannabidiol⁹ weight for weight.¹⁰

The Coalition for Medical Marijuana Research and Education located at the H. Lee Moffitt Cancer Center and Research Institute, Inc., is authorized to conduct medical marijuana research and education.¹¹

A MMTC and a qualified patient or caregiver are specifically exempt from the criminal prohibition against the possession of cannabis.¹²

2014 Federal Farm Bill and State Industrial Hemp Pilot Programs

The Agricultural Improvement Act of 2014 (2014 Farm Bill) defined industrial hemp and allowed state departments of agriculture or universities to grow and produce industrial hemp as part of research or pilot programs. Specifically, the law allowed universities and state departments of agriculture to grow or cultivate industrial hemp if:

- The industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- The growing or cultivating of industrial hemp is allowed under the laws of the state in which such institution of higher education or state department of agriculture is located and such research occurs.¹³

The 2014 Farm Bill defines “industrial hemp” to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether

⁶ Chapter 2017-232, Laws of Fla.

⁷ Chapter 2014-157, Laws of Fla.

⁸ THC, or tetrahydrocannabinol, is the main active ingredient in cannabis and is responsible for most of the psychological effects of cannabis.

⁹ Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC. See Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: <https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despite-what-you-may-think-cbd-is-not-weed> (last visited January 22, 2024).

¹⁰ See s. 381.986(1)(e) and (f), F.S.

¹¹ Section 1004.4351, F.S.

¹² See s. 381.986(14), F.S.

¹³ Agricultural Improvement Act of 2014, Pub. L. No. 113-79, s. 7606, 128 Stat. 912 (2014) (codified at 7 U.S.C. s. 5940).

growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.¹⁴

Section 1004.4473, F.S., authorizes the Florida Department of Agriculture and Consumer Services (department) to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, any land grant university in the state that has a college of agriculture, and any Florida College System institution or state university that has an established agriculture, engineering, or pharmacy program.¹⁵ The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The department has adopted a rule addressing safety, compliance, and accountability and other concerns.¹⁶

2018 Federal Farm Bill

In the Agricultural Improvement Act of 2018 (2018 Farm Bill), the U.S. Congress legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.¹⁷ The 2018 Farm Bill defines "hemp" to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.¹⁸

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the United States Secretary of Agriculture and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be produced;
- Testing methods for determining THC concentration levels of hemp;
- Methods for effective disposal of noncompliant products;
- Enforcement procedures;
- Inspection procedures; and
- Certification procedures for the persons authorized to produce hemp producers, test hemp products, inspect hemp producers, and enforce the provisions of the state or tribal plan.¹⁹

¹⁴ *Id.*

¹⁵ Section 1004.4473(2)(a), F.S.

¹⁶ Fla. Admin. Code R. 5B-57.013 (2018).

¹⁷ Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 12619, 132 Stat. 409 (2018) (codified at 21 U.S.C 802(16)).

¹⁸ Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639o).

¹⁹ Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639p).

State Hemp Program

The state hemp program was created within the Department of Agriculture and Consumer Services (department) to regulate the cultivation of hemp in Florida.²⁰

Section 581.217(3)(e), F.S., defines the term “hemp” to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exemption of hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.

Section 581.217(3)(f), F.S., defines the term “hemp extract” to mean “a substance or compound intended for ingestion, containing more than trace amounts of cannabinoid, or for inhalation which is derived from or contains hemp and which does not contain other controlled substances.” The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.²¹ Products that are intended for inhalation and contain hemp extract may not be sold in this state to a person who is under 21 years of age.²²

The department was required to seek federal approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture (USDA) in accordance with the 2018 Farm Bill within 30 days of adopting rules.²³ A license is required to cultivate hemp²⁴ and to obtain a license, a person must apply to the department and submit a full set of fingerprints.²⁵ A person seeking to cultivate hemp must provide the department with a legal land description and GPS coordinates of where the hemp will be cultivated.²⁶ The department must deny an application under certain circumstances.²⁷

Distribution and Retail Sale of Hemp Extract

Hemp extract may only be distributed and sold in this state if the product has a certificate of analysis prepared by an independent testing laboratory that states:

- The hemp extract is the product of a batch tested by the independent testing laboratory;
- The batch contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a random sample of the batch;
- The batch does not contain contaminants unsafe for human consumption; and

²⁰ See s. 581.217, F.S.

²¹ Section 581.219(3)(f), F.S.

²² Section 581.217(7)(d), F.S.

²³ Section 581.217(4), F.S.

²⁴ Section 581.217(5)(a), F.S.

²⁵ Section 581.217(5)(b), F.S.

²⁶ Section 581.217(5)(d), F.S.

²⁷ Section 581.217(5)(e), F.S.

- The batch was processed in a facility that meets certain human health or food safety requirements.²⁸

Additionally, hemp extract may only be distributed or sold in a container that includes:

- A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract batch by an independent testing laboratory;
- The batch number;
- The Internet address of a website where batch information may be obtained;
- The expiration date; and
- The number of milligrams of each marketed cannabinoid per serving.²⁹

Such container must:

- Be suitable to contain products for human consumption;
- Be composed of materials designed to minimize exposure to light;
- Mitigate exposure to high temperatures;
- Not be attractive to children; and³⁰
- Be compliant with the United States Poison Prevention Packaging Act of 1970.³¹

III. Effect of Proposed Changes:

CS/SB 1698 makes a number of changes to s. 581.217, F.S., the State Hemp Program.

Definitions

The bill modifies the definition of “attractive to children” to include containers displaying toys, novel shapes, animations, promotional characters, licensed characters, or other features that specifically target children, or, for hemp extracted intended for inhalation, the addition of any flavoring. It revises the definition of “hemp” to outline that hemp extract may not exceed 0.3 percent total delta-9-tetrahydrocannabinol concentration on a wet-weight basis or exceed 2 milligrams per serving and 10 milligrams per container on a wet-weight basis, whichever is less.

The bill revises the definition of “hemp extract” to prohibit it from containing synthetic or naturally occurring versions of controlled substances listed in s. 893.03, F.S., such as delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol acetate, tetrahydrocannabiphorol, and tetrahydrocannabivarin. It also creates a definition for “total delta-9-tetrahydrocannabinol concentration” to mean a concentration calculated as: $[\text{delta-9-tetrahydrocannabinol}] + (0.877 \times [\text{delta-9-tetrahydrocannabinolic acid}])$.

²⁸ Section 581.217(7)(a), F.S.

²⁹ Id.

³⁰ Section 581.217(3)(a), F.S., defines “attractive to children” to mean manufactured in the shape of humans, cartoons or animals; manufactured in a form that bears any reasonable resemblance to an existing candy product that is familiar to the public as a widely distributed, branded food product such that a product could be mistaken for the branded product, especially by children, or containing color additives.

³¹ Section 581.217(7)(a), F.S.

Distribution and Sale of Hemp Extract

The bill adds requirements for the manufacture, delivery, hold, and offer for sale to the regulation of the distribution and sale of hemp extract. It specifies that if a batch is sold at retail that it must meet the new requirements for total delta-9-tetrahydrocannabinol concentration limits. It also requires such products to be sold in a container that includes the toll-free telephone number for the national Poison Control Help line.

The bill clarifies that hemp extract may only be sold to *or procured by* a business in this state if that business is properly permitted. A business or food establishment may not possess hemp extract products that are attractive to children.

The bill prohibits the department from granting permission to remove or use, except for disposal, hemp extract products subject to a stop-sale order which are attractive to children until the department determines that the hemp extract products comply with state law.

The bill prohibits an event organizer from promoting, advertising, or facilitating an event where:

- Hemp extract products that do not comply with general law, including hemp extract products that are not from an approved source are sold or marketed; or
- Hemp extract products are sold or marketed by businesses that are not properly permitted by this section and chapter 500.

Before an event where hemp extract products are sold or marketed, an event organizer must provide the department with a list of the businesses selling or marketing hemp extract products at the event and verify that each business is only selling hemp products from an approved source. The event organizer must ensure that each participating business is properly permitted.

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There are additional requirements for businesses that manufacture, distribute, or sell products containing hemp extract. Event organizers have additional requirements to ensure businesses participating in the event meet certain requirements.

C. Government Sector Impact:

The department could incur increased costs to ensure compliance with the changes set forth in the bill.

The Florida Department of Law Enforcement estimates the bill will have a total fiscal impact on their department of \$2,972,519, of which \$2,028,092 is nonrecurring. This is mostly for Salaries and Benefits, Operating Capital Outlay, and Contracted Services.³²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 581.217 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on January 23, 2024:

The committee substitute adds a requirement that hemp extract must be sold in a container that includes the toll-free telephone number for the national Poison Help line.

³² Florida Department of Law Enforcement Agency Analysis on file with the Senate Agriculture Committee.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Agriculture; and Senator Burton

575-02409-24

20241698c1

A bill to be entitled

An act relating to food and hemp products; amending s. 581.217, F.S.; revising legislative findings; revising definitions; defining the term "total delta-9-tetrahydrocannabinol concentration"; providing conditions for the manufacture, delivery, hold, offer for sale, distribution, or sale of hemp extract; prohibiting businesses and food establishments from possessing hemp extract products that are attractive to children; prohibiting the Department of Agriculture and Consumer Services from granting permission to remove or use certain hemp extract products until it determines that such hemp extract products comply with state law; prohibiting event organizers from promoting, advertising, or facilitating certain events; requiring organizers of certain events to provide a list of certain vendors to the department, verify that vendors are only selling hemp products from approved sources, and ensure that such vendors are properly permitted; providing for administrative fines; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2), paragraphs (a), (e), and (f) of subsection (3), and subsection (7) of section 581.217, Florida Statutes, are amended, and paragraph (h) is added to subsection (3) of that section, to read:

581.217 State hemp program.—

575-02409-24

20241698c1

(2) LEGISLATIVE FINDINGS.—The Legislature finds that:

(b) Hemp and hemp extract as defined in this section ~~Hemp-~~
~~derived cannabinoids, including, but not limited to,~~
~~cannabidiol,~~ are not controlled substances ~~or adulterants if~~
~~they are in compliance with this section.~~

(3) DEFINITIONS.—As used in this section, the term:

(a) "Attractive to children" means manufactured in the shape of or packaged in containers displaying humans, cartoons, ~~or~~ animals, toys, novel shapes, animations, promotional characters, licensed characters, or other features that specifically target children; manufactured in a form or packaged in a container that bears any reasonable resemblance to an existing candy or snack product that is familiar to the public; manufactured in a form or packaged in a container that bears any reasonable resemblance to a ~~as a widely distributed,~~ branded food product such that the ~~a~~ product could be mistaken for the branded food product, especially by children; ~~or~~ containing any color additives; or, for hemp extract intended for inhalation, the addition of any flavoring.

(e) "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof, whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis, with the exception of hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol concentration on a wet-weight basis or that does not exceed 2 milligrams per serving and 10 milligrams per container on a wet-weight basis, whichever is less.

575-02409-24

20241698c1

(f) "Hemp extract" means a substance or compound intended for ingestion, containing more than trace amounts of a cannabinoid, or for inhalation which is derived from or contains hemp ~~but and which~~ does not contain synthetic or naturally occurring versions of controlled substances listed in s. 893.03, such as delta-8-tetrahydrocannabinol, delta-10-tetrahydrocannabinol, hexahydrocannabinol, tetrahydrocannabinol acetate, tetrahydrocannabiphorol, and tetrahydrocannabivarin. The term does not include synthetic cannabidiol or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.

(h) "Total delta-9-tetrahydrocannabinol concentration" means a concentration calculated as follows: [delta-9-tetrahydrocannabinol] + (0.877 x [delta-9-tetrahydrocannabinolic acid]).

(7) MANUFACTURE, DELIVERY, HOLD, OFFER FOR SALE, DISTRIBUTION, AND RETAIL SALE OF HEMP EXTRACT.—

(a) Hemp extract may only be manufactured, delivered, held, offered for sale, distributed, or ~~and~~ sold in this ~~the~~ state if the product:

1. Has a certificate of analysis prepared by an independent testing laboratory that states:

a. The hemp extract is the product of a batch tested by the independent testing laboratory;

b. The batch contained a total delta-9-tetrahydrocannabinol concentration that did not exceed 0.3 percent pursuant to the testing of a random sample of the batch. However, if the batch is sold at retail, the batch must meet the total delta-9-tetrahydrocannabinol concentration limits set forth in paragraph

575-02409-24

20241698c1

(3) (e) for hemp extract;

c. The batch does not contain contaminants unsafe for human consumption; and

d. The batch was processed in a facility that holds a current and valid permit issued by a human health or food safety regulatory entity with authority over the facility, and that facility meets the human health or food safety sanitization requirements of the regulatory entity. Such compliance must be documented by a report from the regulatory entity confirming that the facility meets such requirements.

2. Is manufactured, delivered, held, offered for sale, distributed, or sold in a container that includes:

a. A scannable barcode or quick response code linked to the certificate of analysis of the hemp extract batch by an independent testing laboratory;

b. The batch number;

c. The Internet address of a website where batch information may be obtained;

d. The expiration date; ~~and~~

e. The number of milligrams of each marketed cannabinoid per serving; and

f. The toll-free telephone number for the national Poison Help line, (800)222-1222.

3. Is manufactured, delivered, held, offered for sale, distributed, or sold in a container that:

a. Is suitable to contain products for human consumption;

b. Is composed of materials designed to minimize exposure to light;

c. Mitigates exposure to high temperatures;

575-02409-24

20241698c1

117 d. Is not attractive to children; and
 118 e. Is compliant with the United States Poison Prevention
 119 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without
 120 regard to provided exemptions.
 121 (b) Hemp extract may only be sold to or procured by a
 122 business in this state if that business is properly permitted as
 123 required by this section. A business or food establishment may
 124 not possess hemp extract products that are attractive to
 125 children.
 126 (c) Hemp extract manufactured, delivered, held, offered for
 127 sale, distributed, or sold in this state is subject to the
 128 applicable requirements of chapter 500, chapter 502, or chapter
 129 580.
 130 (d) Products that are intended for human ingestion or
 131 inhalation and that contain hemp extract, including, but not
 132 limited to, snuff, chewing gum, and other smokeless products,
 133 may not be sold in this state to a person who is under 21 years
 134 of age. A person who violates this paragraph commits a
 135 misdemeanor of the second degree, punishable as provided in s.
 136 775.082 or s. 775.083. A person who commits a second or
 137 subsequent violation of this paragraph within 1 year after the
 138 initial violation commits a misdemeanor of the first degree,
 139 punishable as provided in s. 775.082 or s. 775.083.
 140 (e) Hemp extract possessed, manufactured, delivered, held,
 141 offered for sale, distributed, or sold in violation of this
 142 subsection by an entity regulated under chapter 500 is subject
 143 to s. 500.172 and penalties as provided in s. 500.121. Hemp
 144 extract products found to be mislabeled or attractive to
 145 children are subject to an immediate stop-sale order. The

575-02409-24

20241698c1

146 department may not grant permission to remove or use, except for
 147 disposal, hemp extract products subject to a stop-sale order
 148 which are attractive to children until the department determines
 149 that the hemp extract products comply with state law.
 150 (f)1. An event organizer may not promote, advertise, or
 151 facilitate an event where:
 152 a. Hemp extract products that do not comply with general
 153 law, including hemp extract products that are not from an
 154 approved source as provided in sub-subparagraph (a)1.d, are sold
 155 or marketed; or
 156 b. Hemp extract products are sold or marketed by businesses
 157 that are not properly permitted as required by this section and
 158 chapter 500.
 159 2. Before an event where hemp extract products are sold or
 160 marketed, an event organizer must provide to the department a
 161 list of the businesses selling or marketing hemp extract
 162 products at the event and verify that each business is only
 163 selling hemp products from an approved source. The event
 164 organizer must ensure that each participating business is
 165 properly permitted as required by this section and chapter 500.
 166 3. A person who violates this paragraph is subject to an
 167 administrative fine in the Class III category under s. 570.971
 168 for each violation.
 169 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

1-31-2024

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Pat O'Brien

Phone _____

Address 206 N. Pleasant Rd

Street

Email pobmgmt@gmail.com

Apopka

City

FL

State

32703

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

POB Ventures

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/2024

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Izzy Garbarino**

Phone **850-617-7700**

Address

Street

Email

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL Dept. of Agriculture

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

850 205 9000

Address

119 S. Monroe St,

Email

doug.bell@unhdfirm.com

Street

TLH

City

FL

State

32312

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

Florida Chapter of the American Academy of Pediatrics

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kristen Allen

Phone 850-681-0061

Address 1018 Thomasville Road

Street

Email Kristen.allen@maddi.org

Tallahassee FL 32303

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Mothers Against Drunk Driving

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

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

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

S-001 (08/10/2021)

1/31/24

Meeting Date

The Florida Senate
APPEARANCE RECORD

1698

Bill Number or Topic

Fiscal Policy

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

Committee

Amendment Barcode (if applicable)

Name **Bill Helmich**

Phone **850-251-3126**

Address **303 Johns Drive**

Email **bill@helmichconsulting.com**

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Healthy Alternatives Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/2024

Meeting Date

Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ashley Guy

Phone

245-0287

Address

Street

Tallahassee

FL

32312

City

State

Zip

Email

Tallahassee chd@gmail.com

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

240131

Meeting Date

Heup

Bill Number or Topic

Fiscal

Committee

Amendment Barcode (if applicable)

Name

Devin Alvarez

Phone

303 718 1139

Address

1122 NW 22nd St

Email

devine.alpharex@gmail.com

Street

Gainesville

City

FL

State

32603

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Shai Ortiz

Phone

813 965-1777

Address

108 West Robertson St

Street

Email

shai@siestag.com

Branelan FL

City

State

33511

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Bus Fiscal Policy

Committee

93 1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name

CHRISTOPHER LINGSET

Phone

406 540-2323

Address

3311 Green River Drive

Street

Email

Reno NV 89503

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:

ATTACH



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-31-24

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name Brandon Gomes

Phone 941-900-5117

Address 108 W Robertson ST
Street

Email _____

Brandon
City

FL
State

33511
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-31-2024

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name Pat O'Brien

Phone

Address 206 N. Luke Pleasant Rd

Street

Email pob msmt@gmail.com

Apoph

City

FL

State

32703

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

POB Ventures

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-31-24

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name J.D. McCormick

Phone 407-508-0340

Address 108 E. Jefferson St.
Street

Email jd@americanhealthyalternatives.org

Tallahassee
City

FL
State

32301
Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

1/31/24
Meeting Date

The Florida Senate
APPEARANCE RECORD

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

1698
Bill Number or Topic

Committee _____
Name DR Robert Miller Phone 908-625-4621
Address 811 SE 33RD TERR Email BOB.M@ACTLAB.COM
CAPE CORAL FL 33904
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1698

Bill Number or Topic

Amendment Barcode (if applicable)

01/31/2024

Meeting Date

Fiscal Policy

Committee

Name

VIN SEUDATH

Phone

(813) 334-9311

Address

9529 Lake Park DR.

Email

Kushypies@gmail.com

Street

Thonotosassa FL 33592

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

1/3/124
Meeting Date
Fiscal Policy
Committee

SB1698
Bill Number or Topic
Amendment Barcode (if applicable)

Name Melissa Viller Phone (850) 3548424

Address fe Box 11254 Email melissa@norm/tallahassee.org
Street
FLH FL 32302
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Norm Tallahassee

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

11/31/24
Meeting Date

Fiscal
Committee

SB
1698
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hannah Porter Phone 813 400 5044

Address 6929 Park Dr. Email KushyPies@gmail.com
Street

33692
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

1/31/24

Meeting Date

Fiscal Policy

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 1698

Bill Number or Topic

Amendment Barcode (if applicable)

954 616 9282

Name

Carlos Hermida

Phone

Address

2723 W. Henry Ave

Email

cubancarlhermida@gmail.com

Street

Tampa

City

FL

State

33614

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

1-31

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1698/1613

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Leigh Karns

Phone

305-401-1611

Address

3050 FAIRBANKS FERRY RD

Email

Leighakarns@gmail

Street

HAVANA

City

FL

State

32333

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1698
Bill Number or Topic

1/31/2024
Meeting Date

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Martha Bueno Phone (305) 951-2040

Address Street Email Martha.Bueno@yahoo.com

Miami FL 33175
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

1/31/24
Meeting Date

Fiscal Policy
Committee

1698
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Dan Polberesky
Nemours (Na-mours) Children's

Phone 407-567-0000
Health

Address 6535 Nemours Pkwy
Orlando FL 32328
City State Zip

Email Daniel.Polberesky@nemours.org

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1.31.2024

Meeting Date

Fiscal

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Nodi James

Phone

321 890 9302

Address

1375 Cypress Ave

Street

Email

Nodi@FLCAN.org

Melbourne

City

FL

State

32935

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☒

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

Florida Cannabis Action Network

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

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

S-001 (08/10/2021)

1/31/24

Meeting Date

Fiscal

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dr. Marc Mestre

Phone

305-666-6511

Address

3100 SW 62nd Ave.

Street

Miami

City

FL

State

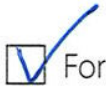
33155

Zip

Email

marcos.mestre@nicklaushealth.org

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

1-31-24

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1698

Bill Number or Topic

Committee

Name Michelle Tolan Phone 727-773-7229

Address 537 Kirkwood Terr N Email Pippy.tolan@gmail.com
St Pete FL 33701
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

01/31/2024

Meeting Date

Fiscal Policy

Committee

SB 1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kassie Stuart

Phone (850) 212 7530

Address 1828 Chardonnay Pl

Street

Email Kstuv313@aol.com

Tallahassee

City

FL

State

32317

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Jan 31 2024

Meeting Date

Fiscal Policy

Committee

1698

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ellen Snelling

Phone 813-731-2696

Address 521 Lantern Circle

Email er.snelling@verizon.net

Street

Tempe Terrace, FL 33617

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1698

1.31.24

Meeting Date

Fiscal

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name CureAlife Yomaira Pinelro

Phone 813.352.8754

Address 7402 N. 56th ST,

Email CureAlifeTamp@gmail.com

Street

Tampa

City

FL

State

33617

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24
Meeting Date
Fiscal Policy
Committee

SB 1698 / HB 1613
Bill Number or Topic

Name Jammie Treadwell Phone 352 771-2318

Address 145 E. 6th Ave #8 Email jammietreadwell@
Street Mt Dora FL 32757 treadwellfarms.com
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1758

INTRODUCER: Fiscal Policy Committee; Children, Families, and Elder Affairs and Senator Brodeur

SUBJECT: Individuals with Disabilities

DATE: January 31, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rao</u>	<u>Tuszynski</u>	<u>CF</u>	Fav/CS
2.	<u>Rao</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

The Agency for Persons with Disabilities (APD) administers services to individuals with developmental disabilities through federally funded Medicaid waiver programs. APD's iBudget program permits individuals to receive home and community-based waiver services and select the services that are best suited for them while living in their home, rather than an institutional setting.

CS/CS/SB 1758 amends multiple sections of law related to the APD to:

- Require the APD to offer care navigation services to clients and their caregivers, including, but not limited to, creating care plans that address immediate, intermediate, and long term needs and goals of the client.
- Modify the application process for APD services, requiring the creation of an online application process and streamlines the timeframes the APD has to determine eligibility.
- Reduce the age requirement of a client's caregiver in pre-enrollment category 4 from 70 years of age to 60 years of age or older. This will allow a higher number of individuals to be included in category 4 of the pre-enrollment prioritization list.
- Require iBudget waiver support coordinators to inform iBudget clients of the option to apply for the CDC+ program when creating family or individual support plans.

The bill transfers the Florida Unique Abilities Partner Program from the Department of Commerce to the Agency for Persons with Disabilities.

The bill requires the Agency for Health Care Administration, the APD, and other stakeholders to develop a plan for a new home and community-based services Medicaid waiver program for clients transitioning to adulthood and requires a report to the Governor, President of the Senate, and Speaker of the House by December 1, 2024 on the progress of this plan.

The bill also appropriates funding to the Agency for Persons with Disabilities for the 2024-2025 fiscal year and has a significant negative fiscal impact on state government. *See* Section V. Fiscal Impact Statement.

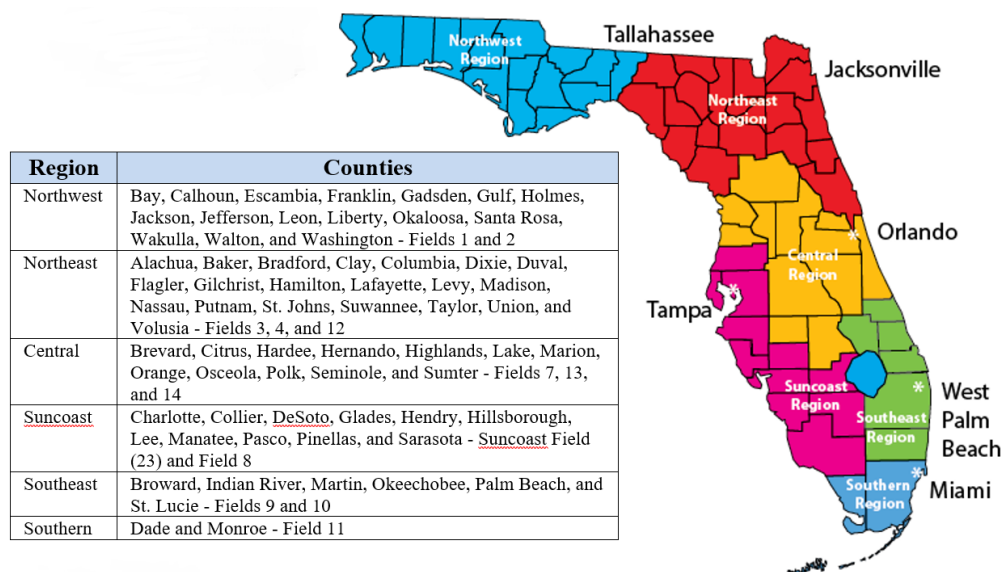
The bill has an effective date of July 1, 2024.

II. Present Situation:

Agency for Persons with Disabilities – Generally

Chapter 393, F.S., identifies the need to provide community-based services and programs for individuals with developmental disabilities that enable individuals to achieve their greatest potential for independent living while reducing the number of individuals in unnecessary institutional placements.¹

The Agency for Persons with Disabilities (APD) provides services to individuals with developmental disabilities and manages Medicaid waivers that provide federally approved services for individuals with developmental disabilities.² Florida has procured waivers of federal Medicaid requirements for the purpose of providing home and community-based (HCBS) services to individuals at risk of institutionalization.³ The HCBS waiver provides services to individuals with developmental disabilities that allow recipients to live in their home or a home-



¹ Section 393.062, F.S.

² Section 20.197, F.S.

³ Rule 59G-13.080(1), F.A.C.

like setting and avoid an institutional setting.⁴ Eligible recipients must meet institutional level of care requirements.⁵ In addition to central headquarters in Tallahassee, the APD operates a total of six regional offices and 14 field offices throughout the state, as detailed below:⁶

iBudget Florida Program

The APD administers Florida's individual budget-based HCBS Waiver, known as iBudget Florida, for individuals with specified developmental disabilities who meet Medicaid eligibility requirements.⁷ The iBudget program allocates available funding to eligible, Medicaid-enrolled clients and provides the client an established budget with the flexibility to choose services within a specified service package that best allows them to live in their community.⁸

The APD began implementation of iBudget Florida on May 1, 2011; the final areas of the state transitioned from the previous tiered waiver system on July 1, 2013.⁹ The iBudget program uses an algorithm, or formula, to set individuals' funding allocations for waiver services.¹⁰ The APD administers the iBudget pursuant to s. 393.0662, F.S.

The APD serves approximately 35,000 individuals through iBudget Florida, contracting with service providers to offer various supports and services to assist individuals to live in their community.¹¹ Examples of waiver services include residential habilitation, behavioral services, personal supports, adult day training, employment services, and occupational and physical therapy.¹²

Section 393.066, F.S., requires the APD to plan, develop, organize, and implement its programs of services and treatment for persons with developmental disabilities to allow clients to live as independently as possible in their own homes or communities.¹³ All elements of community-based services must be made available, and eligibility for these services must be consistent across the state.¹⁴ Services for clients must be purchased rather than provided directly by the APD when more cost-efficient. However, the APD must approve all purchased services.¹⁵

⁴ The Centers for Medicare and Medicaid Services, *Home and Community-Based Services 1915(c)*, available at: <https://www.medicaid.gov/medicaid/home-community-based-services/home-community-based-services-authorities/home-community-based-services-1915c/index.html> (last visited 1/18/24).

⁵ *Id.*; Rule 59G-13.080(1), F.A.C.

⁶ Agency for Persons with Disabilities, *Regional Offices*, available at: <https://apd.myflorida.com/region/> (last visited 1/18/24).

⁷ Section 393.0662, F.S.

⁸ *Id.*

⁹ The Agency for Persons with Disabilities, *Quarterly Report on Agency Services to Floridians with Developmental Disabilities and their Costs: First Quarter Fiscal Year 2022-23*, p. 2, November 15, 2022 available at: <https://apd.myflorida.com/publications/reports/> (last visited 1/18/24).

¹⁰ *Id.*

¹¹ E-mail from Kendall Kelley, APD Legislative Affairs Director, January 19, 2024 (on file with the Senate Committee on Children, Families, and Elder Affairs)

¹² *Supra.* note 9.

¹³ Section 393.066(1), F.S.

¹⁴ *Id.*

¹⁵ Section 393.066, F.S.

Eligibility for iBudget Services

Current Florida law requires the APD to review applications for eligibility of iBudget program services within 60 days after receipt of the signed application. If the applicant is deemed to be in crisis,¹⁶ Florida law requires the APD to review eligibility determination within 45 days.¹⁷ Individuals who are determined to be eligible for the Waiver program are either given a slot in the program or placed on a wait list if the demand exceeds available funding. As of December 2023, there were 21,587 individuals on the waiting list.¹⁸

The APD assigns each waitlisted client to a preenrollment category based on their needs and prioritized in the following decreasing order of priority:¹⁹

- Category 1 – Clients deemed to be in crisis.
- Category 2 – Includes clients in the preenrollment categories who are:
 - From the child welfare system with an open case in the Department of Children and Families' statewide automated child welfare information system and who are either:
 - Transitioning out of the child welfare system into permanency; or
 - At least 18 years but not yet 22 years of age and who need both waiver services and extended foster care services; or
 - At least 18 years but not yet 22 years of age and who withdrew consent to remain in the extended foster care system.
- Category 3 – Includes, but is not limited to, clients:
 - Whose caregiver has a documented condition that is expected to render the caregiver unable to provide care within the next 12 months and for whom a caregiver is required but no alternate caregiver is available;
 - At substantial risk of incarceration or court commitment without supports;
 - Whose documented behaviors or physical needs place them or their caregiver at risk of serious harm and other supports are not currently available to alleviate the situation; or
 - Who are identified as ready for discharge within the next year from a state mental health hospital or skilled nursing facility and who require a caregiver but for whom no caregiver is available or whose caregiver is unable to provide the care needed.
- Category 4 – Includes, but is not limited to, clients whose caregivers are 70 years of age or older and for whom a caregiver is required but no alternate caregiver is available.
- Category 5 – Includes, but is not limited to, clients who are expected to graduate within the next 12 months from secondary school and need support to obtain a meaningful day activity, maintain competitive employment, or pursue an accredited program of postsecondary education to which they have been accepted.
- Category 6 – Clients 21 years of age or older who do not meet the criteria for categories 1-5.
- Category 7 – Clients younger than 21 years of age who do not meet the criteria for categories 1-4.

¹⁶ Rule 65G-1.047, F.A.C. provides that the severity of crisis is determined by risk to the health, safety, and welfare of each applicant relative to other applicants. Rule 65G-11.004 provides a procedure for determining if a client is considered to be in crisis.

¹⁷ Section 393.065, F.S.

¹⁸ *Supra* note 11.

¹⁹ Section 393.065, F.S.

Eligible individuals that meet the criteria for Categories 1 or 2 are directly enrolled onto the iBudget waiver.²⁰ Currently, there is a higher demand for iBudget services than the amount of funding that is available, which means individuals that require services are put on the waitlist for services based on the categorization of their needs. The following table displays the number of individuals in the preenrollemnt categories as of December 2023.²¹

Category	Description	Total Clients
Category 1	Crisis	-
Category 2	Children in Welfare System at the time of permanency or turning 18	-
Category 3	Intensive Needs	210
Category 4	Caregiver Over Age 70	83
Category 5	Transition from School	20
Category 6	Age 21 and Over	12,809
Category 7	Age Under 21	8,464
Grand Total		21,587

The average time a client spends in a preenrollment category is 8.6 years.²² The following chart identifies the length of time clients have been in a preenrollment category.²³

Length of Time in a Preenrollment Category	Percentage of Individuals
Under 5 years	42%
5 –10 years	20%
10+ years	37%

iBudget Waiver Support Coordinators and Family Support Plans

After an individual is deemed eligible for services, the APD is required to consult with the client, if competent, the client's parent or guardian, or, when appropriate, the client advocate to create a family or individual support plan.²⁴ A support plan must be designed to include the most appropriate, least restrictive, and most cost-beneficial environment for the accomplishment of the objectives for client progress, including an appropriate placement in the client's home or community.²⁵

Waiver support coordinators are permitted to review the progress of and annually revise the family or individual support plan upon consultation with the client, the client's parent or

²⁰ Agency for Persons with Disabilities, *SB 1768 Analysis*, p. 2 (on file with the Senate Committee on Children, Families, and Elder Affairs)

²¹ *Supra* note 11.

²² *Supra* note 11.

²³ *Supra* note 11.

²⁴ Section 393.0651, F.S.

²⁵ *Id.*

guardian, or the client advocate.²⁶ Additionally, waiver support coordinators collaborate with the recipient of services and service providers to accommodate the needs of the recipient within the recipient's iBudget services allocation.²⁷

Florida Consumer-Directed Care Plus Program

The Legislature created the Florida Consumer-Directed Care Act in 2002 aimed to increase the choice and control over long-term care services individuals with disabilities receive.²⁸

Authorized by the federal Medicaid State Plan Amendment, the Consumer-Directed Care Plus (CDC+) program permits individuals to choose their providers and to direct the delivery of services as they see fit, within the funds appropriated by the Legislature.²⁹

Consumers are able to use the monthly budget allowance to purchase long-term care services which include, but are not limited to, the following:³⁰

- Personal care.
- Homemaking and chores, including housework, meals, shopping, and transportation.
- Home modifications and assistive devices which may increase the consumer's independence or make it possible to avoid institutional placement.
- Assistance in taking self-administered medication.
- Day care and respite care services, including those provided by nursing home facilities or adult day care facilities.
- Personal care and support services provided in an assisted living facility.

To be eligible for the CDC+ Program, a recipient must:³¹

- Be enrolled in the Individual Budgeting Waiver (also known as the iBudget Waiver);
- Reside in their own family home or the home of a relative; and
- Not be disenrolled from the CDC+ Program due to their mismanagement or inappropriate use of Medicaid funds.

Hope Florida

Hope Florida is a program dedicated to guiding Floridians on an individualized path to prosperity, economic self-sufficiency, and hope. Hope Navigators offer services that identify barriers that individuals face and work with the individual to discover resources and develop a plan to achieve economic self-sufficiency. Through a community approach that utilizes resources from the private sector, faith-based community, nonprofits, and government entities, Hope Navigators can identify the services and resources that are the best fit for the individual.

²⁶ *Id.*

²⁷ Agency for Health Care Administration, *Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook*, available at: <https://apd.myflorida.com/ibudget/rules-regs.htm> (last visited 1/18/24).

²⁸ Chapter 2002-223, Laws of Florida.

²⁹ Section 409.221(4), F.S.; Florida Agency for Health Care Administration, *Federal Waivers*, available at: <https://ahca.myflorida.com/medicaid/medicaid-policy-quality-and-operations/medicaid-policy-and-quality/medicaid-policy/federal-authorities/federal-waivers> (last visited 1/19/24).

³⁰ Section 409.221, F.S.

³¹ Agency for Health Care Administration, *Consumer-Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook*, available at: <https://apd.myflorida.com/cdcplus/participants/> (last visited 1/19/24)/

Florida Unique Abilities Partner Program

In 2016, the Legislature created the Florida Unique Abilities Partner Program within the Department of Commerce.³² The purpose of the program is to recognize business entities that demonstrate a commitment, through employment or support, to the independence of individuals with disabilities.³³

The program allows for a designation as a Florida Unique Abilities Partner based on achievement in at least one of the following:³⁴

- Employment of Individuals who have a disability.
- Contributions to local or national disability organizations.
- Contributions to, or the establishment of, a program that contributes to the independence of individuals who have a disability.

Any entity designated as a partner must recertify annually.³⁵

The Department of Commerce must quarterly provide the Florida Tourism Industry Marketing Corporation with a list of designated partners. The Florida Tourism Industry Marketing Corporation must consider these partners in the development of marketing campaigns, specifically any targeted campaigns for individuals who have a disability or their families.³⁶

The Department of Commerce must annually report to the President of the Senate and the Speaker of the house, at a minimum, the following:³⁷

- The number of applications and nominations received.
- The number of nominations accepted and declined.
- The number of designations awarded.
- Annual certifications.
- The use of information provided under the marketing section.
- Any other information the agency deems deemed necessary to evaluate the program.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 393.064, F.S. to require the APD to offer care navigation services to clients and their caregivers. The participation in this program must be voluntary and part of eligibility or renewal review. The bill provides that the goals of care navigation are to create a seamless network of community resources and supports for the client and the client's family to support the client in daily living, community integration, and achievement of individual goals.

³² Chapter 2016-3, s. 8, Laws of Fla.; codified as s. 413.801, F.S.; the Department of Commerce was named the Department of Economic Opportunity at the time of creation.

³³ Section 413.801(1), F.S.

³⁴ Section 413.801(3), F.S.

³⁵ Section 413.801(5), F.S.

³⁶ Section 413.801(8), F.S.

³⁷ Section 413.801(9), F.S.

The bill provides requirements for care plans, that include, but are not limited to, addressing the immediate, intermediate, and long-term needs of the client to increase well-being and opportunities for education, employment, social engagement, community integration, and caregiver support.

The bill requires the care plan to be integrated with a student's individual education plan (IEP) if the client is a public school student. The bill requires both the care plan and IEP to maximize the attainment of educational and habilitation goals.

The bill removes part of current statute that provides for the APD's role in the development of programs that have the potential to prevent, correct, cure, or reduce the severity of developmental disabilities. This reflects an increased focus on identifying resources individuals with disabilities need, rather than attempting to prevent developmental disabilities.

Section 2 of the bill amends s. 393.065, F.S., to require the APD to develop and implement an online application process for individuals applying for services from the agency. This online application process must, at a minimum:

- Support paperless, electronic submissions with immediate e-mail confirmation to each applicant upon submission.
- Permit an applicant to view the status of his or her application in the online application system, and provide additional information.

The bill requires the APD to maintain a printable paper application on its website and provide applicants with a printed paper application upon request. The bill allows applicants to apply for services through writing to the agency in the region where he or she resides. This change expands the options that applicants have for how they wish to submit their application for services from the APD.

The bill requires the APD to review submitted applications in accordance with federal time standards and changes eligibility determination timelines for individuals in a pre-enrollment category. The bill defines "complete application" as an application submitted to the APD that is signed and dated by the applicant or an individual with legal authority to apply for public benefits on behalf of the applicant. The application must also have all parts filled out and contains documentation of the applicant's diagnosis to be considered a complete application.

The bill requires the following eligibility determination timelines for applicants requesting enrollment in the home and community-based services Medicaid waiver program:

- If the applicant meets the criteria for Category 1,³⁸ the APD is required to make an eligibility determination within 15 calendar days after receipt of a complete application.
- If the applicant meets the criteria for Category 2,³⁹ the APD is required to review the application and make an eligibility determination as soon as practicable after receipt of a complete application.

³⁸ Section 393.065, F.S. includes clients deemed to be in crisis.

³⁹ Section 393.065, F.S. provides that Category 2 includes clients in preenrollment categories who are from the child welfare system with an open case in the Department of Children and Families' statewide automated child welfare information system and who are either: (a) transitioning out of the child welfare system into permanency; or (b) at least 18 years but not yet 22

- If the applicant meets the criteria for Categories 3-7,⁴⁰ the APD is required to make an eligibility determination within 60 days after receipt of a complete application.

The bill requires the client to be informed through verbal contact (with the client or the client's designated caregiver) of any delays in the eligibility determination process or any tolling of the time standards. This verbal contact must be confirmed with a written notice of the delay, the anticipated length of delay, and a contact person for the client.

The bill reduces the age requirement of a client's caregiver in category 4 from 70 years of age to 60 years of age or older. This change expands the number of clients who are eligible for category 4, allowing more individuals to be placed in a higher priority pre-enrollment category.

Section 3 of the bill amends s. 393.0651, F.S., to specify that the APD must provide directly or contract for the development of a family support plan for clients *served by the home and community-based services Medicaid waiver program under s. 393.0662, F.S.* Current law simply states each 'client.' This change recognizes that the APD provides services and supports to many individuals that could be considered clients, but only those receiving services under the HCBS waiver program require a support plan. The bill also specifies that the support plan must be developed within 60 *calendar* days, not just 60 days as currently in statute.

The bill requires the waiver support coordinator to inform the client, the client's parent or guardian, or the client advocate about the CDC+ program established under s. 409.221, F.S., which allows enrolled persons to choose the providers of services and to direct the delivery of services to best meet their long-term care needs.⁴¹

Sections 4 through 6 of the bill creates a type two transfer, as described in s. 20.06(2), F.S., of all powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and any other funds relating to the Florida Unique Abilities Partner Program from the Department of Commerce to the Agency for Persons with Disabilities.

The bill amends ss. 20.60 and 413.801, F.S., to make conforming changes update the entity that administers the Florida Unique Abilities Partner Program from the Department of Commerce to the Agency for Persons with Disabilities.

Section 7 of the bill appropriates, for the 2024-2025 fiscal year, \$16,562,703 in recurring funds from the General Revenue fund and \$22,289,520 in recurring funds from the Operations and Maintenance Trust Fund to the APD in the Home and Community Based Services Waiver category. These funds are appropriated to offer waiver services to the greatest number of individuals eligible.

years of age and who need both waiver services and extended foster care services. Clients who are at least 18 years but not yet 22 years of age and who withdrew consent to remain in extended foster care are also included in Category 2.

⁴⁰ See Section 393.065 for specific eligibility requirements.

⁴¹ Section 409.221, F.S.

Section 8 of the bill requires the AHCA and APD to consult with other stakeholders to develop a comprehensive plan for the administration, finance, and delivery of a new home and community-based services Medicaid waiver program for clients as they transition into adulthood, to avoid future crisis enrollment into the waiver program.

The bill requires the AHCA to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 1, 2024 addressing, at a minimum, all of the following:

- The purpose, rationale, and expected benefits of the new waiver program.
- The proposed eligibility criteria for clients and service packages to be offered through the new waiver program.
- A proposed implementation plan and timeline, including recommendations for the number of clients to be served by the new waiver program at initial implementation, changes over time, and any per-client benefit caps.
- Proposals for how clients will transition onto and off of the new waiver, including, but not limited to, transitions between this new waiver and the home and community-based services waiver.
- The fiscal impact for the implementation year and projections for the subsequent 5 years, determined on an actuarially sound basis.
- An analysis of the availability of services that would be offered under the new waiver program and recommendations to increase availability of such services, if necessary.
- A list of all stakeholders, public and private, who were consulted or contacted as part of developing the plan for the new waiver program.

Section 9 of the bill provides an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate negative fiscal impact on the APD to develop and implement an online application process. This will likely require nonrecurring funds to develop and implement and recurring funds to maintain and operate.

The bill appropriates funding to the Agency for Persons with Disabilities for services and the Agency for Health Care Administration (AHCA) to establish budget authority for Medicaid services: \$16,562,703 in recurring funds from the General Revenue fund and \$22,289,520 in recurring funds from the Operations and Maintenance Trust Fund are appropriated to the APD to the Home and Community Based Services Waiver category.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 20.60, 393.064, 393.065, 393.0651, and 413.801 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy on January 31, 2024:

The CS transfers all powers, duties, and functions of the Florida Unique Abilities Partner Program in s. 413.801, F.S., from the Department of Commerce to the Agency for Persons with Disabilities.

CS by Children, Families, and Elder Affairs on January 23, 2024:

The CS aligns SB 1758 with HB 1271 by making the following changes:

- Requires APD to offer care navigation services to clients and their caregivers, including, but not limited to, creating care plans that address immediate, intermediate, and long term needs and goals of the client.
- Requires AHCA, APD, and other stakeholders to develop a plan for a new home and community-based services Medicaid waiver program for clients transitioning to adulthood and requires a report to the Governor, President of the Senate, and Speaker of the House by December 1, 2024 on the progress of this plan.

B. Amendments:

None.



890114

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Between lines 323 and 324
insert:

Section 4. Type two transfer from the Department of Commerce.—All powers, duties, functions, records, offices, personnel, associated administrative support positions, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and any other funds relating to the



890114

Florida Unique Abilities Partner Program are transferred by a type two transfer, as described in s. 20.06(2), Florida Statutes, from the Department of Commerce to the Agency for Persons with Disabilities.

Section 5. Paragraph (c) of subsection (10) of section 20.60, Florida Statutes, is amended to read:

20.60 Department of Commerce; creation; powers and duties.—

(10) The department shall, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the condition of the business climate and economic development in the state.

(c) The report must incorporate annual reports of other programs, including:

1. A detailed report of the performance of the Black Business Loan Program and a cumulative summary of quarterly report data required under s. 288.714.

2. The Rural Economic Development Initiative established under s. 288.0656.

~~3. The Florida Unique Abilities Partner Program.~~

~~4.~~ A detailed report of the performance of the Florida Development Finance Corporation and a summary of the corporation's report required under s. 288.9610.

~~4.5.~~ Information provided by Space Florida under s. 331.3051 and an analysis of the activities and accomplishments of Space Florida.

Section 6. Section 413.801, Florida Statutes, is amended to read:

413.801 Florida Unique Abilities Partner Program.—



890114

(1) CREATION AND PURPOSE.—The Agency for Persons with Disabilities ~~Department of Economic Opportunity~~ shall establish the Florida Unique Abilities Partner Program to designate a business entity as a Florida Unique Abilities Partner if the business entity demonstrates commitment, through employment or support, to the independence of individuals who have a disability. The agency ~~department~~ shall consult with the Department of Commerce ~~Agency for Persons with Disabilities~~, the Division of Vocational Rehabilitation of the Department of Education, the Division of Blind Services of the Department of Education, and CareerSource Florida, Inc., in creating the program.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Agency Department" means the Agency for Persons with Disabilities ~~Department of Economic Opportunity~~.

(b) "Individuals who have a disability" means persons who have a physical or intellectual impairment that substantially limits one or more major life activities, persons who have a history or record of such an impairment, or persons who are perceived by others as having such an impairment.

(3) DESIGNATION.—

(a) A business entity may apply to the agency ~~department~~ to be designated as a Florida Unique Abilities Partner, based on the business entity's achievements in at least one of the following categories:

1. Employment of individuals who have a disability.
2. Contributions to local or national disability organizations.
3. Contributions to, or the establishment of, a program



890114

that contributes to the independence of individuals who have a disability.

(b) As an alternative to application by a business entity, the agency ~~department~~ must consider nominations from members of the community where the business entity is located. The nomination must identify the business entity's achievements in at least one of the categories provided in paragraph (a).

(c) The name, location, and contact information of the business entity must be included in the business entity's application or nomination.

(d) The agency ~~department~~ shall adopt procedures for the application, nomination, and designation processes for the Florida Unique Abilities Partner Program. Designation as a Florida Unique Abilities Partner does not establish or involve licensure, does not affect the substantial interests of a party, and does not constitute a final agency action. The Florida Unique Abilities Partner Program and designation are not subject to chapter 120.

(4) ELIGIBILITY AND AWARD.—In determining the eligibility for the designation of a business entity as a Florida Unique Abilities Partner, the agency ~~department~~ shall consider, at a minimum, the following criteria:

(a) For a designation based on an application by a business entity, the business entity must certify that:

1. It employs at least one individual who has a disability. Such employees must be residents of this state and must have been employed by the business entity for at least 9 months before the business entity's application for the designation. The agency ~~department~~ may not require the employer to provide



890114

personally identifiable information about its employees;

2. It has made contributions to local and national disability organizations or contributions in support of individuals who have a disability. Contributions may be accomplished through financial or in-kind contributions, including employee volunteer hours. Contributions must be documented by providing copies of written receipts or letters of acknowledgment from recipients or donees. A business entity with 100 or fewer employees must make a financial or in-kind contribution of at least \$1,000, and a business entity with more than 100 employees must make a financial or in-kind contribution of at least \$5,000; or

3. It has established, or has contributed to the establishment of, a program that contributes to the independence of individuals who have a disability. Contributions must be documented by providing copies of written receipts, a summary of the program, program materials, or letters of acknowledgment from program participants or volunteers. A business entity with 100 or fewer employees must make a financial or in-kind contribution of at least \$1,000 in the program, and a business entity with more than 100 employees must make a financial or in-kind contribution of at least \$5,000.

A business entity that applies to the agency ~~department~~ to be designated as a Florida Unique Abilities Partner shall be awarded the designation upon meeting the requirements of this section.

(b) For a designation based upon receipt of a nomination of a business entity:



890114

1. The agency ~~department~~ shall determine whether the nominee, based on the information provided by the nominating person or entity, meets the requirements of paragraph (a). The agency ~~department~~ may request additional information from the nominee.

2. If the nominee meets the requirements, the agency ~~department~~ shall provide notice, including the qualification criteria provided in the nomination, to the nominee regarding the nominee's eligibility to be awarded a designation as a Florida Unique Abilities Partner.

3. The nominee shall be provided 30 days after receipt of the notice to certify that the information in the notice is true and accurate and accept the nomination, to provide corrected information for consideration by the agency ~~department~~ and indicate an intention to accept the nomination, or to decline the nomination. If the nominee accepts the nomination, the agency ~~department~~ shall award the designation. The agency ~~department~~ may not award the designation if the nominee declines the nomination or has not accepted the nomination within 30 days after receiving notice.

(5) ANNUAL CERTIFICATION.—After an initial designation as a Florida Unique Abilities Partner, a business entity must certify each year that it continues to meet the criteria for the designation. If the business entity does not submit the yearly certification of continued eligibility, the agency ~~department~~ shall remove the designation. The business entity may elect to discontinue its designation status at any time by notifying the agency ~~department~~ of such decision.

(6) LOGO DEVELOPMENT.—



890114

156 (a) The agency department, in consultation with members of
157 the disability community, shall develop a logo that identifies a
158 business entity that is designated as a Florida Unique Abilities
159 Partner.

160 (b) The agency department shall adopt guidelines and
161 requirements for the use of the logo, including how the logo may
162 be used in advertising. The agency department may allow a
163 business entity to display a Florida Unique Abilities Partner
164 logo upon designation. A business entity that has not been
165 designated as a Florida Unique Abilities Partner or has elected
166 to discontinue its designated status may not display the logo.

167 (7) WEBSITE.—The agency department shall maintain a website
168 for the program. At a minimum, the website must provide a list
169 of business entities, by county, which currently have the
170 Florida Unique Abilities Partner designation, updated quarterly;
171 information regarding the eligibility requirements for the
172 designation and the method of application or nomination; and
173 best practices for business entities to facilitate the inclusion
174 of individuals who have a disability, updated annually. The
175 website may provide links to the websites of organizations or
176 other resources that will aid business entities to employ or
177 support individuals who have a disability.

178 (8) INTERAGENCY COLLABORATION.—

179 (a) The Department of Commerce ~~Agency for Persons with~~
180 ~~Disabilities~~ shall provide a link on its website to the agency's
181 ~~department's~~ website for the Florida Unique Abilities Partner
182 Program.

183 (b) On a quarterly basis, the agency department shall
184 provide the Florida Tourism Industry Marketing Corporation with



890114

a current list of all businesses that are designated as Florida Unique Abilities Partners. The Florida Tourism Industry Marketing Corporation must consider the Florida Unique Abilities Partner Program in the development of marketing campaigns, and specifically in any targeted marketing campaign for individuals who have a disability or their families.

(c) The agency department and CareerSource Florida, Inc., shall identify employment opportunities posted by business entities that currently have the Florida Unique Abilities Partner designation in the workforce information system under s. 445.011.

(9) REPORT.—

~~(a) By January 1, 2025, and annually thereafter 2017, the agency department shall provide a report on the progress and use of the program to the President of the Senate and the Speaker of the House of Representatives on the status of the implementation of this section, including the adoption of rules, development of the logo, and development of application procedures.~~

~~(b) Beginning in 2017 and each year thereafter, the department's annual report required under s. 20.60 must describe in detail the progress and use of the program. At a minimum, the report must include, for the most recent year, all of the following:~~

~~(a) The number of applications and nominations received.†~~

~~(b) The number of nominations accepted and declined.†~~

~~(c) The number of designations awarded.†~~

~~(d) Annual certifications.†~~

~~(e) The use of information provided under subsection (8).†~~

and



890114

(f) Any other information the agency deems ~~deemed~~ necessary
to evaluate the program.

(10) RULES.—The agency ~~department~~ shall adopt rules to
administer this section.

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

And the title is amended as follows:

Delete line 29

and insert:

individual support plan; providing for a type two
transfer of the Florida Unique Abilities Partner
Program from the Department of Commerce to the Agency
for Persons with Disabilities; amending ss. 20.60 and
413.801, F.S.; conforming provisions to changes made
by the act; providing appropriations;

By the Committee on Children, Families, and Elder Affairs; and
Senator Brodeur

586-02414-24

20241758c1

1 A bill to be entitled
2 An act relating to individuals with disabilities;
3 amending s. 393.064, F.S.; revising provisions related
4 to programs and services provided by the Agency for
5 Persons with Disabilities; requiring the agency,
6 within available resources, to offer voluntary
7 participation care navigation services to clients and
8 their caregivers at specified times; specifying goals
9 and requirements for such care navigation services;
10 specifying requirements for care plans; requiring the
11 integration of care plans with any individual
12 education plans of clients; specifying requirements
13 for such integration; amending s. 393.065, F.S.;
14 requiring the agency to develop and implement an
15 online application process; specifying requirements
16 for the online application process; defining the term
17 "complete application"; revising timeframes within
18 which the agency must make eligibility determinations
19 for services; lowering the age that a caregiver must
20 be for an individual to be placed in a certain
21 preenrollment category; amending s. 393.0651, F.S.;
22 revising which types of clients are eligible for an
23 individual support plan; clarifying the timeframe
24 within which a family or individual support plan must
25 be developed; requiring waiver support coordinators to
26 inform the client, client's parent or guardian, or
27 client's advocate, as appropriate, of certain
28 information when developing or reviewing the family or
29 individual support plan; providing appropriations;

Page 1 of 13

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

586-02414-24

20241758c1

30 requiring the Agency for Health Care Administration
31 and the Agency for Persons with Disabilities, in
32 consultation with other stakeholders, to jointly
33 develop a comprehensive plan for the administration,
34 finance, and delivery of home and community-based
35 services through a new home and community-based
36 services Medicaid waiver program; providing
37 requirements for the waiver program; authorizing the
38 Agency for Health Care Administration to contract with
39 necessary experts to assist in developing the plan;
40 requiring the Agency for Health Care Administration to
41 submit a specified report to the Governor and the
42 Legislature by a specified date; providing an
43 effective date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 393.064, Florida Statutes, is amended to
48 read:

49 393.064 Care navigation ~~Prevention~~.—

50 (1) Within available resources, the agency shall offer to
51 clients and their caregivers care navigation services for
52 voluntary participation at the time of application and as part
53 of any eligibility or renewal review. The goals of care
54 navigation are to create a seamless network of community
55 resources and supports for the client and the client's family as
56 a whole to support a client in daily living, community
57 integration, and achievement of individual goals. Care
58 navigation services must involve assessing client needs and

Page 2 of 13

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

586-02414-24

20241758c1

59 ~~developing and implementing care plans, including, but not~~
 60 ~~limited to, connecting a client to resources and supports. At a~~
 61 ~~minimum, a care plan must address immediate, intermediate, and~~
 62 ~~long-term needs and goals to promote and increase well-being and~~
 63 ~~opportunities for education, employment, social engagement,~~
 64 ~~community integration, and caregiver support. For a client who~~
 65 ~~is a public school student entitled to a free appropriate public~~
 66 ~~education under the Individuals with Disabilities Education Act,~~
 67 ~~I.D.E.A., as amended, the care plan must be integrated with the~~
 68 ~~student's individual education plan (IEP). The care plan and IEP~~
 69 ~~must be implemented to maximize the attainment of educational~~
 70 ~~and habilitation goals give priority to the development,~~
 71 ~~planning, and implementation of programs which have the~~
 72 ~~potential to prevent, correct, cure, or reduce the severity of~~
 73 ~~developmental disabilities. The agency shall direct an~~
 74 ~~interagency and interprogram effort for the continued~~
 75 ~~development of a prevention plan and program. The agency shall~~
 76 ~~identify, through demonstration projects, through program~~
 77 ~~evaluation, and through monitoring of programs and projects~~
 78 ~~conducted outside of the agency, any medical, social, economic,~~
 79 ~~or educational methods, techniques, or procedures that have the~~
 80 ~~potential to effectively ameliorate, correct, or cure~~
 81 ~~developmental disabilities. The agency shall determine the costs~~
 82 ~~and benefits that would be associated with such prevention~~
 83 ~~efforts and shall implement, or recommend the implementation of,~~
 84 ~~those methods, techniques, or procedures which are found likely~~
 85 ~~to be cost-beneficial.~~

86 (2) ~~Prevention Services~~ provided by the agency ~~must~~ shall
 87 include services to high-risk children from 3 to 5 years of age,

586-02414-24

20241758c1

88 and their families, to meet the intent of chapter 411. Except
 89 for services for children from birth to age 3 years which are
 90 the responsibility of the Division of Children's Medical
 91 Services in the Department of Health or part H of the
 92 Individuals with Disabilities Education Act, such services may
 93 include:

94 (a) Individual evaluations or assessments necessary to
 95 diagnose a developmental disability or high-risk condition and
 96 to determine appropriate, individual family and support
 97 services.

98 (b) Early intervention services, including developmental
 99 training and specialized therapies.

100 (c) Support services, such as respite care, parent
 101 education and training, parent-to-parent counseling, homemaker
 102 services, and other services which allow families to maintain
 103 and provide quality care to children in their homes.

104 (3) Other agencies of state government shall cooperate with
 105 and assist the agency, within available resources, in
 106 implementing programs which have the potential to prevent, or
 107 reduce the severity of, developmental disabilities and shall
 108 consider the findings and recommendations of the agency in
 109 developing and implementing agency programs and formulating
 110 agency budget requests.

111 (4) There is created at the developmental disabilities
 112 center in Gainesville a research and education unit. Such unit
 113 shall be named the Raymond C. Philips Research and Education
 114 Unit. The functions of such unit shall include:

115 (a) Research into the etiology of developmental
 116 disabilities.

586-02414-24

20241758c1

(b) Ensuring that new knowledge is rapidly disseminated throughout the agency.

(c) Diagnosis of unusual conditions and syndromes associated with developmental disabilities in clients identified throughout developmental disabilities programs.

(d) Evaluation of families of clients with developmental disabilities of genetic origin in order to provide them with genetic counseling aimed at preventing the recurrence of the disorder in other family members.

(e) Ensuring that health professionals in the developmental disabilities center at Gainesville have access to information systems that will allow them to remain updated on newer knowledge and maintain their postgraduate education standards.

(f) Enhancing staff training for professionals throughout the agency in the areas of genetics and developmental disabilities.

Section 2. Subsection (1) and paragraph (d) of subsection (5) of section 393.065, Florida Statutes, are amended to read:

393.065 Application and eligibility determination.—

(1)(a) The agency shall develop and implement an online application process that, at a minimum, supports paperless, electronic application submissions with immediate e-mail confirmation to each applicant to acknowledge receipt of application upon submission. The online application system must allow an applicant to review the status of a submitted application and respond to provide additional information.

(b) The agency shall maintain access to a printable paper application on its website and, upon request, must provide an applicant with a printed paper application. Paper applications

586-02414-24

20241758c1

~~may~~ Application for services shall be submitted made in writing to the agency, in the region in which the applicant resides.

~~(c) The agency must shall review each submitted application in accordance with federal time standards and make an eligibility determination within 60 days after receipt of the signed application. If, at the time of the application, an applicant is requesting enrollment in the home and community-based services Medicaid waiver program for individuals with developmental disabilities deemed to be in crisis, as described in paragraph (5)(a), the agency shall complete an eligibility determination within 45 days after receipt of the signed application.~~

1.(a) If the agency determines additional documentation is necessary to make an eligibility determination, the agency may request the additional documentation from the applicant.

2.(b) When necessary to definitively identify individual conditions or needs, the agency or its designee must provide a comprehensive assessment.

~~(c) If the agency requests additional documentation from the applicant or provides or arranges for a comprehensive assessment, the agency's eligibility determination must be completed within 90 days after receipt of the signed application.~~

(d)1. For purposes of this paragraph, the term "complete application" means an application submitted to the agency which is signed and dated by the applicant or an individual with legal authority to apply for public benefits on behalf of the applicant, is responsive on all parts of the application, and contains documentation of a diagnosis.

586-02414-24

20241758c1

2. If the applicant requesting enrollment in the home and community-based services Medicaid waiver program for individuals with developmental disabilities is deemed to be in crisis as described in paragraph (5)(a), the agency must make an eligibility determination within 15 calendar days after receipt of a complete application.

3. If the applicant meets the criteria specified in paragraph (5)(b), the agency must review and make an eligibility determination as soon as practicable after receipt of a complete application.

4. If the application meets any of the criteria specified in paragraphs (5)(c)-(g), the agency shall make an eligibility determination within 60 days after receipt of a complete application.

(e) Any delays in the eligibility determination process, or any tolling of the time standard until certain information or actions have been completed, must be conveyed to the client as soon as such delays are known through verbal contact with the client or the client's designated caregiver and confirmed by a written notice of the delay, the anticipated length of delay, and a contact person for the client.

(5) Except as provided in subsections (6) and (7), if a client seeking enrollment in the developmental disabilities home and community-based services Medicaid waiver program meets the level of care requirement for an intermediate care facility for individuals with intellectual disabilities pursuant to 42 C.F.R. ss. 435.217(b)(1) and 440.150, the agency must assign the client to an appropriate preenrollment category pursuant to this subsection and must provide priority to clients waiting for

586-02414-24

20241758c1

waiver services in the following order:

(d) Category 4, which includes, but is not required to be limited to, clients whose caregivers are 60 ~~70~~ years of age or older and for whom a caregiver is required but no alternate caregiver is available.

Within preenrollment categories 3, 4, 5, 6, and 7, the agency shall prioritize clients in the order of the date that the client is determined eligible for waiver services.

Section 3. Section 393.0651, Florida Statutes, is amended to read:

393.0651 Family or individual support plan.—The agency shall provide directly or contract for the development of a family support plan for children ages 3 to 18 years of age and an individual support plan for each client served by the home and community-based services Medicaid waiver program under s. 393.0662. The client, if competent, the client's parent or guardian, or, when appropriate, the client advocate, shall be consulted in the development of the plan and shall receive a copy of the plan. Each plan must include the most appropriate, least restrictive, and most cost-beneficial environment for accomplishment of the objectives for client progress and a specification of all services authorized. The plan must include provisions for the most appropriate level of care for the client. Within the specification of needs and services for each client, when residential care is necessary, the agency shall move toward placement of clients in residential facilities based within the client's community. The ultimate goal of each plan, whenever possible, shall be to enable the client to live a

586-02414-24

20241758c1

dignified life in the least restrictive setting, be that in the home or in the community. The family or individual support plan must be developed within 60 calendar days after the agency determines the client eligible pursuant to s. 393.065(3).

(1) The agency shall develop and specify by rule the core components of support plans.

(2) The family or individual support plan shall be integrated with the individual education plan (IEP) for all clients who are public school students entitled to a free appropriate public education under the Individuals with Disabilities Education Act, I.D.E.A., as amended. The family or individual support plan and IEP must be implemented to maximize the attainment of educational and habilitation goals.

(a) If the IEP for a student enrolled in a public school program indicates placement in a public or private residential program is necessary to provide special education and related services to a client, the local education agency must provide for the costs of that service in accordance with the requirements of the Individuals with Disabilities Education Act, I.D.E.A., as amended. This does not preclude local education agencies and the agency from sharing the residential service costs of students who are clients and require residential placement.

(b) For clients who are entering or exiting the school system, an interdepartmental staffing team composed of representatives of the agency and the local school system shall develop a written transitional living and training plan with the participation of the client or with the parent or guardian of the client, or the client advocate, as appropriate.

586-02414-24

20241758c1

(3) Each family or individual support plan shall be facilitated through case management designed solely to advance the individual needs of the client.

(4) In the development of the family or individual support plan, a client advocate may be appointed by the support planning team for a client who is a minor or for a client who is not capable of express and informed consent when:

(a) The parent or guardian cannot be identified;

(b) The whereabouts of the parent or guardian cannot be discovered; or

(c) The state is the only legal representative of the client.

Such appointment may not be construed to extend the powers of the client advocate to include any of those powers delegated by law to a legal guardian.

(5) The agency shall place a client in the most appropriate and least restrictive, and cost-beneficial, residential facility according to his or her individual support plan. The client, if competent, the client's parent or guardian, or, when appropriate, the client advocate, and the administrator of the facility to which placement is proposed shall be consulted in determining the appropriate placement for the client. Considerations for placement shall be made in the following order:

(a) Client's own home or the home of a family member or direct service provider.

(b) Foster care facility.

(c) Group home facility.

586-02414-24

20241758c1

(d) Intermediate care facility for the developmentally disabled.

(e) Other facilities licensed by the agency which offer special programs for people with developmental disabilities.

(f) Developmental disabilities center.

(6) In developing a client's annual family or individual support plan, the individual or family with the assistance of the support planning team shall identify measurable objectives for client progress and shall specify a time period expected for achievement of each objective.

(7) The individual, family, and support coordinator shall review progress in achieving the objectives specified in each client's family or individual support plan, and shall revise the plan annually, following consultation with the client, if competent, or with the parent or guardian of the client, or, when appropriate, the client advocate. The agency or designated contractor shall annually report in writing to the client, if competent, or to the parent or guardian of the client, or to the client advocate, when appropriate, with respect to the client's habilitative and medical progress.

(8) Any client, or any parent of a minor client, or guardian, authorized guardian advocate, or client advocate for a client, who is substantially affected by the client's initial family or individual support plan, or the annual review thereof, shall have the right to file a notice to challenge the decision pursuant to ss. 120.569 and 120.57. Notice of such right to appeal shall be included in all support plans provided by the agency.

(9) When developing or reviewing a client's family or

586-02414-24

20241758c1

individual support plan, the waiver support coordinator shall inform the client, the client's parent or guardian, or, when appropriate, the client advocate about the consumer-directed care program established under s. 409.221.

Section 4. For the 2024-2025 fiscal year, the sums of \$16,562,703 in recurring funds from the General Revenue Fund and \$22,289,520 in recurring funds from the Operations and Maintenance Trust Fund are appropriated in the Home and Community Based Services Waiver category to the Agency for Persons with Disabilities to offer waiver services to the greatest number of individuals permissible under the appropriation from preenrollment categories 3, 4, and 5, including individuals whose caregiver is age 60 or older in category 4, as provided in s. 393.065, Florida Statutes, as amended by this act.

Section 5. The Agency for Health Care Administration and the Agency for Persons with Disabilities, in consultation with other stakeholders, shall jointly develop a comprehensive plan for the administration, finance, and delivery of home and community-based services through a new home and community-based services Medicaid waiver program. The waiver program shall be for clients transitioning into adulthood and shall be designed to prevent future crisis enrollment into the waiver program authorized under s. 393.0662, Florida Statutes. The Agency for Health Care Administration is authorized to contract with necessary experts to assist in developing the plan. The Agency for Health Care Administration must submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2024, addressing, at a

586-02414-24

20241758c1

minimum, all of the following:

(1) The purpose, rationale, and expected benefits of the new waiver program.

(2) The proposed eligibility criteria for clients and service packages to be offered through the new waiver program.

(3) A proposed implementation plan and timeline, including recommendations for the number of clients to be served by the new waiver program at initial implementation, changes over time, and any per-client benefit caps.

(4) Proposals for how clients will transition onto and off of the new waiver, including, but not limited to, transitions between this new waiver and the waiver established under s. 393.0662, Florida Statutes.

(5) The fiscal impact for the implementation year and projections for the subsequent 5 years, determined on an actuarially sound basis.

(6) An analysis of the availability of services that would be offered under the new waiver program and recommendations to increase availability of such services, if necessary.

(7) A list of all stakeholders, public and private, who were consulted or contacted as part of developing the plan for the new waiver program.

Section 6. This act shall take effect July 1, 2024.

The Florida Senate
APPEARANCE RECORD

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

1/31/28

Meeting Date

Fiscal Policy

Committee

SB 1758

Bill Number or Topic

890114

Amendment Barcode (if applicable)

Name

Christian Harvey

Phone

850-471-0704

Address

5030 Esplanade Way

Street

Tallahassee FL 32399

City

State

Zip

Email

christian.harvey@aptcar.org

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

APD Employee

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/31/24

Meeting Date

Fiscal Policy

Committee

SB 1758

Bill Number or Topic

Amendment Barcode (if applicable)

Name Christian Harvey

Phone 850-591-0804

Address 4030 Esplanade Way

Email christian.harvey@aptcars.org

Street

Tallahassee FL 32399

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

APD Employee

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-31-24

Meeting Date

SB1758

Bill Number or Topic

Senate Finance

Committee

Amendment Barcode (if applicable)

Name

ALAN ABRA MOWITZ

Phone

850-241-3232

Address

2098 MALE Dr.

Email

CEO@ArcFlorida.org

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

The Arc of Florida

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

SB 1758

Bill Number or Topic

1/31/2024

Meeting Date

Committee

Amendment Barcode (if applicable)

Name

Melissa Mazacda

Phone

941 809 3134

Address

1930 Century Oak Dr.

Email

mmazacda@jandmusc.com

Street

Sarasota FL

34241

City

State

Zip

Speaking:

☐

For

☐

Against



Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 7020

INTRODUCER: Judiciary Committee

SUBJECT: Delivery of Notices

DATE: January 29, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Collazo	Cibula		JU Submitted as Committee Bill/FAV
1.	Blizzard	Betta	AEG	Favorable
2.	Collazo	Yeatman	FP	Favorable

I. Summary:

SB 7020 amends the statute defining “registered mail” to expand upon the kinds of delivery services that may be used to comply with statutory registered mail requirements in this state.

The bill explicitly provides that registered mail requirements may be satisfied by using not only services offered by the U.S. Postal Service, but also private delivery services, so long as criteria in the bill are met. The effect of the bill is to eliminate ambiguity as to whether other forms of delivery can also demonstrate compliance with statutory registered mail requirements, and to give persons seeking to comply with those requirements greater flexibility in choosing an acceptable form of delivery.

The bill provides that its amendments are remedial in nature and apply retroactively.

The bill has no fiscal impact on state revenues and expenditures.

The bill takes effect upon becoming a law.

II. Present Situation:

Section 1.01, F.S., defines “registered mail” to include “certified mail with return receipt requested.”¹ The term is significant because the Florida Statutes contain hundreds of references to “registered mail” (and “certified mail” and “return receipt”), which contemplate the use of services traditionally provided by the U.S. Postal Service to confirm that legal documents (e.g. required notice or service of process) have been delivered to an intended recipient.

¹ Section 1.01(11), F.S.

Certified Mail

With respect to the “certified mail” component of registered mail, the U.S. Postal Service will provide the sender (if requested, and for a small fee),² a mailing receipt (PS Form 3800, Certified Mail Receipt) as confirmation that an item was sent. Although certified mail does also require a signature from the recipient, it does not provide the sender a return receipt with proof of signature, unless that service is separately requested (see below).³

The image shows the front and back of PS Form 3800, Certified Mail Receipt. The front (left) is a green and white form with a large 'SAMPLE' watermark. It includes a barcode, the title 'U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only', and fields for 'Certified Mail Fee', 'Extra Services & Fees', 'Total Postage and Fee', and 'Street and Apt. No., or PO Box No.'. The back (right) is a white form with a large 'SAMPLE' watermark. It lists 'Certified Mail service provides the following benefits:' and 'Important Reminders:'. It also includes a barcode and the text 'PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions'.

PS Form 3800, Certified Mail Receipt (front and back)⁴

Return Receipt

With respect to the “return receipt” component of registered mail, the U.S. Postal Service will return to the sender (if requested, and for a small fee),⁵ a green postcard popularly known as a “Green Card” (PS Form 3811, Domestic Return Receipt) signed by the recipient. The purpose of the Green Card is to provide a sender evidence that an item has been delivered to an intended recipient. Return receipt is also available in electronic form only.⁶

The image shows the front and back of PS Form 3811, Domestic Return Receipt. The front (left) is a green and white form with a large 'SAMPLE' watermark. It includes a barcode, the title 'PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt', and fields for 'Article Addressed to:', 'Article Number (Transfer from service label)', and 'Service Type'. The back (right) is a green form with a large 'SAMPLE' watermark. It includes a barcode, the title 'USPS TRACKING #', and fields for 'First-Class Mail Postage & Fees Paid USPS Permit No. G-10' and 'Sender: Please print your name, address, and ZIP+4® in this box*'. It also includes the text 'PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt'.

PS Form 3811, Domestic Return Receipt (front and back)⁷

² The fee for Certified Mail is \$4.35; the fee for Certified Mail Restricted Delivery is \$11.45; the fee for Certified Mail Adult Signature Required is \$11.45; and the fee for Certified Mail Adult Signature Restricted Delivery is \$11.45. U.S. Postal Service, *Notice 123 (Price List)*, July 9, 2023, <https://pe.usps.com/text/dmm300/Notice123.htm>.

³ U.S. Postal Service, *Certified Mail – The Basics*, <https://faq.usps.com/s/article/Certified-Mail-The-Basics> (last visited Jan. 3, 2024).

⁴ *Id.*

⁵ The fee for Return Receipt on a hard copy Green Card is \$3.55, and for Return Receipt in electronic form is \$2.20. U.S. Postal Service, *Notice 123 (Price List)*, July 9, 2023, <https://pe.usps.com/text/dmm300/Notice123.htm>.

⁶ U.S. Postal Service, *Return Receipt – The Basics*, <https://faq.usps.com/s/article/Return-Receipt-The-Basics> (last visited Jan. 3, 2024).

⁷ *Id.*

Traditional Reliance on the U.S. Postal Service

It is unclear from a plain reading of the statutory definition of registered mail whether other forms of delivery, either through the U.S. Postal Service or alternative private delivery services, could also demonstrate compliance with registered mail requirements. For this reason, litigants, contractors, attorneys, and others in this state have traditionally relied upon the U.S. Postal Service certified mail and return receipt services as a kind of “safe harbor” way of satisfying these requirements.

For example, consider a situation where a litigant has delivered a required notice to an opposing party via Federal Express with a signature required; the basic purpose of registered mail requirements, which is to ensure that the recipient actually received the notice on a date certain, has arguably been accomplished. On the other hand, based upon the language in the statute specifically referring to “certified mail with return receipt requested,” the opposing party could argue that the definition of registered mail only contemplates delivery via the U.S. Postal Service, not Federal Express. Accordingly, the argument would be that the delivery of the notice via Federal Express does not demonstrate compliance with statutory requirements and is therefore invalid.

This dynamic exists against the backdrop of a changing landscape for U.S. Postal Service practices. On January 16, 2020, the Postal Regulatory Commission approved a U.S. Postal Service request to eliminate return receipts for merchandise service.⁸ Although the U.S. Postal Service has not yet eliminated return receipts for other kinds of domestic mail such as legal documents, it could choose to do so in the future.

III. Effect of Proposed Changes:

The bill amends the statute defining “registered mail” to expand upon the kinds of delivery services that may be used to comply with statutory registered mail requirements in this state.

Specifically, the bill amends the definition of “registered mail” to explicitly include any delivery service by the U.S. Postal Service or a private delivery service that is regularly engaged in the delivery of documents which provides proof of mailing or shipping and proof of delivery. Proof of delivery must be established by a receipt that is signed by the addressee or other responsible person at the delivery address.

The bill defines “return receipt requested” to include a delivery confirmation service by the U.S. Postal Service or a private delivery service that is regularly engaged in the mailing or shipping of documents and that confirms delivery by receipt that is signed by the addressee or other responsible person at the delivery address.

The effect of the bill is to eliminate ambiguity as to whether other forms of delivery can also demonstrate compliance with statutory registered mail requirements, and to give persons seeking to comply with those requirements greater flexibility in choosing an acceptable form of delivery.

⁸ U.S. Postal Service, *Postal Bulletin* 22546 (May 21, 2020), at 15, <https://about.usps.com/resources/postal-bulletin.htm>.

The bill provides that its amendments to the definition of registered mail are remedial in nature and apply retroactively.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Generally, remedial and procedural laws may be applied retroactively without violating the Florida Constitution, while substantive laws may not be applied retroactively if they abolish or curtail protected rights or impose unconstitutional obligations.⁹ Because the bill clearly provides that it is remedial in nature and intended to apply retroactively, and in any case does not abolish or curtail protected rights or impose unconstitutional obligations, it may be constitutionally applied retroactively.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private delivery services may see increases in revenue associated with greater use of their services by persons seeking to comply with statutory registered mail requirements.

C. Government Sector Impact:

The U.S. Postal Service may see decreases in revenue associated with reduced use of its services by persons seeking to comply with statutory registered mail requirements.

⁹ *Patronis v. United Insurance Company of America*, 299 So. 3d 1152, 1156-57 (Fla. 1st DCA 2020).

State agencies that send out large quantities of mail will have an additional option which may result in a cost savings due to implementation of this bill. For example, the Department of Revenue has requirements in place for issuance of certain child support and tax related documents that are only allowed to be mailed by certified mail.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1.01 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By the Committee on Judiciary

590-01982-24

20247020__

A bill to be entitled

An act relating to the delivery of notices; amending s. 1.01, F.S.; revising the definition of the term "registered mail" for purposes of construction of the Florida Statutes; defining the term "return receipt requested" for purposes of construction of the Florida Statutes; providing for construction and retroactive application; providing an effective date.

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

Section 1. Subsection (11) of section 1.01, Florida Statutes, is amended, and subsection (20) is added to that section, to read:

1.01 Definitions.—In construing these statutes and each and every word, phrase, or part hereof, where the context will permit:

(11) The term words "registered mail" includes include certified mail with return receipt requested. The term also includes any delivery service by the United States Postal Service or a private delivery service that is regularly engaged in the delivery of documents which provides proof of mailing or shipping and proof of delivery. Proof of delivery must be established by a receipt that is signed by the addressee or other responsible person at the delivery address.

(20) The term "return receipt requested" includes a delivery confirmation service by the United States Postal Service or a private delivery service that is regularly engaged in the mailing or shipping of documents and that confirms

Page 1 of 2

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

590-01982-24

20247020__

delivery by receipt that is signed by the addressee or other responsible person at the delivery address.

Section 2. The amendments made by this act to s. 1.01, Florida Statutes, are remedial in nature and apply retroactively.

Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

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

The Florida Senate

APPEARANCE RECORD

1-31-2024

Meeting Date

Fiscal Policy

Committee

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

SB 7020

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Peter Dunbar

Phone

850/214-5100

Address

106 E. College

Street

Email

peterdunbar@joneswalker.com

City

Tallahassee

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Real Property, Probate &
Trust Law Section of the Fla. Bar

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 7028

INTRODUCER: Fiscal Policy Committee; Banking and Insurance Committee

SUBJECT: My Safe Florida Home Program

DATE: January 31, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Thomas</u>	<u>Knudson</u>		BI Submitted as Comm. Bill/Fav.
1.	<u>Thomas</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7028 amends s. 215.5586, F.S., relating to the My Safe Florida Home (MSFH) Program to:

- Allow a subsequent application for a mitigation inspection or mitigation grant only under certain circumstances;
- Provide that an applicant meeting the requirements for a mitigation inspection may receive an inspection even if the applicant is not eligible for a mitigation grant or the applicant does not apply for such grant;
- Require the homeowner to agree to provide information received from the homeowner's insurer identifying the premium discounts realized by the homeowner due to the mitigation improvements funded through the program;
- Provide that the Department of Financial Services (DFS) is not required to maintain a list of participating contractors, but rather, the homeowner must use a properly licensed contractor for the project and the DFS must verify that the contractor performing the work is licensed;
- Revise the list of grant eligible improvements to specify the inclusion of windows and skylights;
- Require the DFS to prioritize the review and approval of inspection applications and grant applications in the following order:
 - First, applications from low-income homeowners who are at least 60 years old;
 - Second, applications from all other low-income homeowners;
 - Third, applications from moderate-income homeowners who are at least 60 years old;
 - Fourth, applications from all other moderate-income homeowners; and
 - Lastly, all other applications;

- Remove the provision authorizing matching grants to local governments and nonprofit entities;
- Remove the provision authorizing grants to a previously inspected existing structure or on a rebuild;
- Require homeowners to finalize construction and request a final inspection, or request an extension, within 1 year after grant approval;
- Authorize the DFS to request additional information from the applicant;
- Revise provisions regarding the distribution of the MSFH Program brochure which provides information on the benefits to homeowners of residential hurricane damage mitigation; and
- Reorganize and rephrase certain provisions within the statute to provide better clarity.

The bill appropriates, for the 2024-2025 fiscal year, \$100 million in nonrecurring funds from the General Revenue Fund to the Department of Financial Services to provide mitigation grants under the MSFH Program and \$7 million for administrative costs related to implementation.

The bill provides an effective date of July 1, 2024.

II. Present Situation:

My Safe Florida Home Program

Background

Following the 2004 and 2005 hurricane seasons, where 2.8 million Florida homeowners suffered more than \$33 billion in insured property damage,¹ 86 percent of the 4.4 million homes in Florida were built prior to the adoption of stronger building codes in 2002, and the average age of a home was 26 years, Florida began to experience a decline in the availability of property insurance and an increase in its cost.² In 2006, the Legislature created the My Safe Florida Home (MSFH) Program³ within the Department of Financial Services (DFS).⁴ The original appropriation for the program was \$250 million for a period not to exceed three years with any unused appropriated funds reverting to the General Revenue Fund on June 30, 2009.⁵

The MSFH Program was created with the intent to provide trained and certified inspectors to perform mitigation inspections for owners of site-built, single-family, residential properties (mitigation inspections), and mitigation grants to eligible applicants, subject to the availability of funds.⁶ The Program was to “develop and implement a comprehensive and coordinated approach for hurricane damage mitigation...”⁷ The Program allowed the DFS to undertake a public outreach and advertising campaign to inform consumers of the availability and benefits of the

¹ Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Committee on Banking and Insurance).

² *Id.*

³ *Id.*

⁴ The Legislature initially established the program as the Florida Comprehensive Hurricane Damage Mitigation Program (ch. 2006-12, L.O.F.) however, the name was subsequently changed in 2007 (ch. 2007-126, L.O.F.).

⁵ Chapter 2006-12 L.O.F.

⁶ Section 215.5586, F.S.

⁷ *Id.*

mitigation inspections and grants.⁸ From its inception to January 30, 2009, the MSFH Program received approximately 425,193 applications, performed more than 391,000 inspections and awarded 39,000 grants. From July 2007 through January 2009, MSFH Program expenditures totaled approximately \$151.9 million.⁹ Funding for the program ceased on June 30, 2009.¹⁰

The DFS requested Risk Management Solutions (RMS) to conduct an impact analysis of the MSFH Program. RMS released a report of the impact analysis of the Program on May 14, 2009 (report).¹¹ In the report, RMS concluded program grants were beneficial to the State of Florida, individual homeowners, and the insurance industry.¹² RMS indicated the predicted reduction in loss as a result of the grant projects completed far exceeded the grant money spent.¹³ The MSFH Program was never repealed from law and additional funding was not provided until May 2022.

2022 Renewal and Funding of the MSFH Program

In May 2022, during Special Session 2022-D, and under a property insurance bill (SB 2-D), the Legislature reestablished the MSFH Program within the DFS to provide financial incentives for Florida residential property owners to obtain free home inspections which identify mitigation measures and provide mitigation grants to retrofit such properties, thereby reducing their vulnerability to hurricane damage and helping decrease the cost of residential property insurance.¹⁴

To implement the renewed MSFH Program, \$150 million in nonrecurring funds from the General Revenue Fund was appropriated to the DFS. The funds were designated for the following purposes:

- \$25 million for hurricane mitigation inspections;
- \$115 million for hurricane mitigation grants;
- Four million dollars for education and consumer awareness;
- One million dollars for public outreach to contractors, real estate brokers, and sales associates; and
- Five million dollars for administrative costs.¹⁵

2023 Legislation and Funding of the MSFH Program

During the 2023 Regular Legislative Session, HB 881 was passed making additional changes to the MSFH program. The bill:

- Provided the MSFH Program may select as a mitigation inspector a licensed home inspector who has completed certain training;

⁸ Section 215.5586(3), F.S.

⁹ Florida Auditor General, *Department of Financial Services, My Safe Florida Home Program, Operational Audit Report No. 2010-074* (Jan. 1010), available at <https://flauditor.gov> (last visited January 8, 2024).

¹⁰ Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Committee on Banking and Insurance).

¹¹ Risk Management Solutions, *Analyzing the Effects of the My Safe Florida Home Program on Florida Insurance Risk*, (May 14, 2009), available at <https://www.ipcc> (last visited January 8, 2024).

¹² *Id.*

¹³ *Id.*

¹⁴ Section 3, ch. 2022-268, L.O.F.

¹⁵ Section 4, ch. 2022-268, L.O.F.

- Provided an inspection under the MSFH Program may only be done on a property for which a homestead exemption has been granted;
- Revised eligibility requirements for mitigation inspections to include townhouses to determine if opening protection mitigation would provide improvements to mitigate hurricane damage;
- Revised eligibility requirements for mitigation grants to include dwellings with an insured value of \$700,000 or less (up from \$500,000 or less) and for opening protection for townhouses when recommended by a hurricane mitigation inspection;
- Deleted the requirement a property eligible for a mitigation grant must be located in the “wind-borne debris region;”
- Increased the amount, from \$5,000 to \$10,000, low-income homeowners may receive from a grant and not have to provide a matching amount;
- Added the Citizens Property Insurance Corporation to the list of entities that may receive Program brochures for redistribution;
- Deleted the requirement contracts valued at one million dollars or more entered into by the Program be reviewed and approved by the Legislative Budget Commission; and
- Required the DFS to develop a quality assurance and reinspection program.

Also, during the 2023 Regular Legislative Session, the Legislature appropriated an additional \$100 million for mitigation grants and \$2,065,000 for operations and administration costs.¹⁶

During Special Session 2023-C, HB 1-C¹⁷ was passed, which included provisions relating to the MSFH Program. The bill:

- Appropriated \$176,170,000 in nonrecurring general revenue for the backlog of 17,617 mitigation grant applications that had been submitted and awaiting funding;
- Appropriated \$5,285,100 in nonrecurring general revenue for administrative costs related to the processing of mitigation grants; and
- Prohibited the DFS from continuing to accept applications or to create a waiting list in anticipation of additional funding absent express authority from the Legislature.

Hurricane Mitigation Inspections

The MSFH Program provides licensed inspectors to perform inspections for owners of site-built, single-family, residential properties, for which a homestead exemption has been granted, to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property’s vulnerability to hurricane damage. A townhouse as defined in s. 481.203, F.S.,¹⁸ for which a homestead exemption has been granted, may qualify to receive a mitigation inspection to determine if opening protection¹⁹ mitigation would provide improvements to mitigate hurricane damage. The mitigation inspections must include, at a minimum:

- A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage;

¹⁶ SB 2500 (2023); Specific Appropriations 2368A & 2368B, ch. 2023-239, Laws of Fla.

¹⁷ Chapter 2023-349, L.O.F.

¹⁸ “Townhouse” generally means “a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units.” Section 481.203(16), F.S.

¹⁹ Opening protection includes windows, exterior doors, and garage doors. See s. 215.5586(2)(e), F.S.

- A range of cost estimates regarding the recommended mitigation improvements; and
- Information regarding estimated premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.²⁰

The DFS is authorized to contract with “wind certification entities” as vendors to provide such inspections. Each wind certification entity must, at a minimum, meet the following requirements:

- Use hurricane mitigation inspectors who are licensed or certified as:
 - A building inspector under s. 468.607, F.S.;
 - A general, building, or residential contractor under s. 489.111, F.S.;
 - A professional engineer under s. 471.015, F.S.;
 - A professional architect under s. 481.213, F.S.; or
 - A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.
- Use hurricane mitigation inspectors who have also undergone drug testing and a background screening.
- Provide a quality assurance program that includes a reinspection component.²¹

Hurricane Mitigation Grants

The homeowner eligibility requirements for the mitigation grants are:

- The homeowner must have been granted a homestead exemption on the home;
- The home must be a dwelling with an insured value of \$700,000 or less. Low-income homeowners are exempt from this requirement;
- The home must have undergone an acceptable hurricane mitigation inspection;
- The building permit for the initial construction of the home must have been made before January 1, 2008; and
- The homeowner must agree to make the home available for inspection upon completion of the mitigation project.²²

MSFH Program grants must be matched on the basis of one dollar provided by the applicant for two dollars provided by the state, up to a maximum state contribution of \$10,000 toward the actual cost of the mitigation project.²³ Low-income homeowners may receive up to \$10,000 in grant funds without providing matching dollars.²⁴

Program Transparency Requirements

The DFS must submit an annual report of MSFH Program activities to the President of the Senate and the Speaker of the House of Representatives by February 1 of each year. The report must indicate the number of inspections requested, the number of inspections performed, the number of grant applications received, the number and value of grants approved, the estimated

²⁰ Section 215.5586(1)(a), F.S.

²¹ Section 215.5586(1)(b), F.S.

²² Section 215.5586(2)(a), F.S.

²³ Section 215.5586(2)(b), F.S.

²⁴ Section 215.5586(2)(g), F.S.

average annual amount of insurance premium discounts and the total estimated amount of such discounts homeowners received from insurers resulting from the mitigation funded through the Program.²⁵

MSFH Program Implementation

Following the passage of SB 2-D in 2022, the DFS procured a vendor to administer the program. A second solicitation was issued for vendors who could conduct the required home inspections for the program. A third solicitation was issued to enlist contractors who would agree to participate in the program and be placed on a list for homeowners to choose from to complete mitigation work on their home.²⁶ The DFS compiled a list of approved vendors homeowners participating in the MSFH Program could choose for mitigation inspections and mitigation work.²⁷ On November 18, 2022, a web-based application for homeowners to request mitigation inspections and mitigation grant funds went live.²⁸

As of November 28, 2023, the MSFH Program has disbursed \$35,784,376, \$181,060,000 has been obligated but has not yet been disbursed, with \$174,320,000 remaining unobligated. The remaining \$174,320,000 is sufficient funding to eliminate the existing backlog of grant applications.²⁹

MSFH Program Statistics³⁰

Inspections:

- 91,627 home inspections have been completed.
- 9,268 home inspections are either scheduled or are in the process of being scheduled.

Grants:

- 21,540 grants have been approved.
- Over \$216.8 million has been obligated to homeowners who are in various stages of completing work on their homes
- 17,617 grant applications have been submitted and await funding.

Reimbursements:

- 3,897 Homeowners have been sent a check for their grant reimbursements.
- Average disbursement is \$9,183 per homeowner.
- Total disbursements: \$35,784,376

Insurance Premium Discounts Tracked:

- Of the 3,897 homeowners who have completed the process, 1,928 have reported an insurance premium discount.

²⁵ Section 215.5586(9), F.S.

²⁶ Florida Department of Financial Services, *Senate Bill 748 Agency Analysis* (Mar. 3, 2023) (on file with Senate Banking and Insurance Committee.)

²⁷ *Id.*

²⁸ *Id.*

²⁹ Email from Parker Powell, Deputy Director of Legislative Affairs, Department of Financial Services, RE: MSFH Program (Nov. 29, 2023).

³⁰ *Id.*

- Average discount of those reporting is \$981.³¹

III. Effect of Proposed Changes:

Section 1 amends s. 215.5586, F.S., relating to the My Safe Florida Home Program to generally reorganize and rephrase certain portions of s. 215.5586, F.S., to provide better clarity.

The bill revises the inspection and grant application process and the eligibility criteria for inspections, as it:

- Allows a subsequent application for a mitigation inspection or mitigation grant if:
 - The original application was denied or withdrawn because of errors or omissions;
 - The original application was denied or withdrawn because the home did not meet the eligibility criteria at the time of the prior application and the homeowner reasonably believes that home now is eligible for an inspection or grant; or
 - The program's eligibility requirements have changed since the original application date and the applicant reasonably believes that the home is eligible under the new eligibility requirements;
- Provides that an applicant meeting the requirements for a mitigation inspection may receive an inspection of a home even if the applicant is not eligible for a hurricane mitigation grant or the applicant does not apply for such grant;
- Authorizes the DFS to request additional information from the applicant; the application is to be considered withdrawn if the DFS does not receive a response to its request within 60 days; and
- Requires the homeowner to agree to provide information received from the homeowner's insurer identifying the premium discounts realized by the homeowner due to the mitigation improvements funded through the program.

The bill provides that the DFS is not required to maintain a list of participating contractors, but rather, each grant application must include a statement from the homeowner which contains the name and state license number of the intended contractor for the mitigation work. The DFS must electronically verify that the contractor's state license number is accurate and up to date before approving a grant.

The bill revises the criteria for eligible improvements to:

- Include within improvements to "opening protection," exterior doors, garage doors, windows, and skylights; and
- Clarify language authorizing projects for a "secondary water barrier" for a roof to instead refer to a secondary water "resistance" barrier for a roof.

The bill requires the DFS to prioritize the review and approval of inspection applications and grant applications in the following order:

³¹ The discount information typically comes in one of two forms:

1. The homeowner provides a declarations page with the cost of their insurance pre-construction and then an updated declarations page post construction. In this case, the Program will net the two numbers against each other to determine a savings.
2. The homeowner provides an email or other communication from their insurance agent/company stating exactly what the discount will be to their premium based on the work done on the home.

- First, applications from low-income homeowners, as defined in s. 420.0004(11), F.S.,³² who are at least 60 years old;
- Second, applications from all other low-income homeowners, as defined in s. 420.0004(11), F.S.;
- Third, applications from moderate-income homeowners, as defined in s. 420.0004(12), F.S.,³³ who are at least 60 years old and are not low-income homeowners;
- Fourth, applications from all other moderate-income homeowners, as defined in s. 420.0004(12), F.S., who are not low-income homeowners; and
- Lastly, all other applications.

Following an appropriation funding inspections and grants, the DFS must start accepting inspection applications and grant applications no earlier than the effective date of the legislative appropriation, as follows:

- Initially, from low-income applicants who are at least 60 years old;
- From all other low-income applicants beginning 15 days after the program initially starts accepting applications;
- From moderate-income applicants who are at least 60 years old beginning 30 days after the program initially starts accepting applications;
- From all other moderate-income applicants beginning 45 days after the program initially starts accepting applications; and
- From all other applicants, beginning 60 days after the program initially starts accepting applications.

The bill requires, rather than encourages, the Citizens Property Insurance Corporation to distribute to its policyholders the MSFH Program brochure which provides information on the benefits to homeowners of residential hurricane damage mitigation. The bill removes existing language that encourages contractors and real estate licensees to distribute the brochure.

The bill removes existing law authorizing matching grants to:

- Local governments and nonprofit entities; and
- A previously inspected existing structure or on a rebuild.

Section 2 appropriates to the Department of Financial Services, for the 2024-2025 fiscal year, \$100 million to provide mitigation grants under the MSFH Program and \$7 million for

³² Section 420.0004(11), F.S., defines “Low-income persons” to mean “one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.” Section 420.0004(2), F.S., defines “Adjusted gross income” to mean “all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.”

³³ Section 420.0004(12), F.S., defines “Moderate-income persons” to mean “one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.”

administrative costs related to implementation. The appropriated funds are nonrecurring funds from the General Revenue Fund.

The effective date of the bill is July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases the funds available for the MSFH Program, making it possible for more homes to be granted mitigation grants. Homeowners that complete mitigation projects funded by the MSFH Program will receive mitigation credits that reduce the cost of their property insurance.

C. Government Sector Impact:

The bill appropriates to the Department of Financial Services, for the 2024-2025 fiscal year, \$100 million to provide mitigation grants under the MSFH Program and \$7 million for administrative costs related to implementation. The appropriated funds are nonrecurring funds from the General Revenue Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 215.5586.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Fiscal Policy Committee on January 31, 2024:

The committee substitute reorganizes and rewords certain provisions and:

- Adds requirement that the subject property be "owner-occupied;"
- Requires verification that the contractor performing the work is licensed;
- Removes provision authorizing grants to local governments;
- Removes provision authorizing grants to a previously inspected existing structure or on a rebuild;
- Staggers the acceptance of prioritized applications;
- Requires homeowners to finalize construction and request a final inspection, or request an extension, within 1 year after grant approval; and
- Creates a separate provision authorizing the department to request additional information from an applicant.

B. Amendments:

None.



332382

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/31/2024	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete lines 70 - 309
and insert:

(a) To be eligible for a hurricane mitigation inspection
under the program:

1. A home must be a single-family, detached residential
property or a townhouse as defined in s. 481.203;

2. A home must be site-built and owner-occupied; and

3. The homeowner must have been granted a homestead
exemption on the home under chapter 196.



332382

12 (b)1. An application for a hurricane mitigation inspection
13 must contain a signed or electronically verified statement made
14 under penalty of perjury that the applicant has submitted only
15 one inspection application on the home or that the application
16 is allowed under subparagraph 2., and the application must have
17 documents attached which demonstrate that the applicant meets
18 the requirements of paragraph (a).

19 2. An applicant may submit a subsequent hurricane
20 mitigation inspection application for the same home only if:

21 a. The original hurricane mitigation inspection application
22 has been denied or withdrawn because of errors or omissions in
23 the application;

24 b. The original hurricane mitigation inspection application
25 was denied or withdrawn because the home did not meet the
26 eligibility criteria for an inspection at the time of the
27 previous application, and the homeowner reasonably believes the
28 home now is eligible for an inspection; or

29 c. The program's eligibility requirements for an inspection
30 have changed since the original application date, and the
31 applicant reasonably believes the home is eligible under the new
32 requirements.

33 (c) An applicant meeting the requirements of paragraph (a)
34 may receive an inspection of a home under the program without
35 being eligible for a grant under subsection (2) or applying for
36 such grant.

37 (d) Licensed inspectors are to provide home inspections of
38 eligible homes ~~site-built, single-family, residential properties~~
39 ~~for which a homestead exemption has been granted,~~ to determine
40 what mitigation measures are needed, what insurance premium



332382

discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection mitigation as listed in subparagraph (2) (e) 1.

~~paragraph (2) (e)~~ would provide improvements to mitigate hurricane damage.

(e) (b) The department ~~of Financial Services~~ shall contract with wind certification entities to provide hurricane mitigation inspections. The inspections provided to homeowners, at a minimum, must include:

1. A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage.

2. A range of cost estimates regarding the recommended mitigation improvements.

3. Information regarding estimated premium discounts, correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.

(f) (e) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity must, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who are licensed or certified as:

a. A building inspector under s. 468.607;

b. A general, building, or residential contractor under s. 489.111;



332382

c. A professional engineer under s. 471.015;
d. A professional architect under s. 481.213; or
e. A home inspector under s. 468.8314 and who have completed at least 3 hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam.

2. Use hurricane mitigation inspectors who also have undergone drug testing and a background screening. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints must be sent by the department to the Department of Law Enforcement and forwarded to the Federal Bureau of Investigation for processing. The results must be returned to the department for screening. The fingerprints must be taken by a law enforcement agency, designated examination center, or other department-approved entity.

3. Provide a quality assurance program including a reinspection component.

~~(d) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.~~

~~(e) The owner of a site-built, single-family, residential property or townhouse as defined in s. 481.203, for which a~~



332382

~~homestead exemption has been granted, may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).~~

(2) HURRICANE MITIGATION GRANTS.—Financial grants shall be used by homeowners ~~to encourage single-family, site-built, owner-occupied, residential property owners~~ to make improvements recommended by an inspection which increase resistance ~~retrofit their properties to make them less vulnerable to hurricane damage.~~

(a) ~~For~~ A homeowner is to be eligible for a hurricane mitigation grant if all of, the following criteria are ~~must be~~ met:

1. The home must be eligible for an inspection under subsection (1) ~~The homeowner must have been granted a homestead exemption on the home under chapter 196.~~

2. The home must be a dwelling with an insured value of \$700,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.

3. The home must undergo an acceptable hurricane mitigation inspection as provided in subsection (1).

4. The building permit application for initial construction of the home must have been made before January 1, 2008.

5. The homeowner must agree to make his or her home available for inspection once a mitigation project is completed.

6. The homeowner must agree to provide to the department information received from the homeowner's insurer identifying the discounts realized by the homeowner because of the mitigation improvements funded through the program.



332382

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant ~~a single~~ application or that the application is allowed under subparagraph 2., and the application must have ~~attached~~ documents attached demonstrating that the applicant meets the requirements of ~~this~~ paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the home did not meet the eligibility criteria for a grant at the time of the previous application, and the homeowner reasonably believes that the home now is eligible for a grant;
or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is an eligible homeowner under the new requirements.

3. A grant application must include a statement from the homeowner which contains the name and state license number of the contractor that the homeowner acknowledges as the intended contractor for the mitigation work. The program must electronically verify that the contractor's state license number is accurate and up to date before grant approval.

(c) ~~(b)~~ All grants must be matched on the basis of \$1 provided by the applicant for \$2 provided by the state up to a maximum state contribution of \$10,000 toward the actual cost of



332382

the mitigation project, except as provided in paragraph (h).

~~(d)(e) The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors. All hurricane mitigation performed under the program must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors. Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.~~

~~(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.~~

(e) When recommended by a hurricane mitigation inspection, grants for eligible homes may be used for the following improvements:

1. Opening protection, including exterior doors, garage doors, windows, and skylights.

~~2. Exterior doors, including garage doors.~~

~~3. Reinforcing roof-to-wall connections.~~

~~3.4. Improving the strength of roof-deck attachments.~~

~~4.5. Secondary water resistance barrier for roof.~~

(f) When recommended by a hurricane mitigation inspection, grants for townhouses, as defined in s. 481.203, may only be



332382

used for opening protection.

(g) The department may require that improvements be made to all openings, including exterior doors, ~~and~~ garage doors, windows, and skylights, as a condition of reimbursing a homeowner approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph (e) or paragraph (f) ~~(e) or this paragraph.~~

~~(g) Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must be a low-income homeowner as defined in paragraph (h), must have had a homestead exemption for that home before the hurricane, and must be intending to rebuild the home as that homeowner's homestead.~~

(h) Low-income homeowners, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection ~~paragraphs (a), (c), (e), and (g)~~ are eligible for a grant of up to \$10,000 and are not required to provide a matching amount to receive the grant. ~~The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(11) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.~~

(i) 1. The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. The department ~~and~~ may direct hurricane mitigation inspectors to



332382

collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

2. The department shall prioritize the review and approval of such inspection applications and grant applications in the following order:

a. First, applications from low-income persons, as defined in s. 420.0004, who are at least 60 years old;

b. Second, applications from all other low-income persons, as defined in s. 420.0004;

c. Third, applications from moderate-income persons, as defined in s. 420.0004, who are at least 60 years old;

d. Fourth, applications from all other moderate-income persons, as defined in s. 420.0004; and

e. Last, all other applications.

3. The department shall start accepting inspection applications and grant applications no earlier than the effective date of a legislative appropriation funding inspections and grants, as follows:

a. Initially, from applicants prioritized under sub-subparagraph 2.a.;

b. From applicants prioritized under sub-subparagraph 2.b., beginning 15 days after the program initially starts accepting applications;

c. From applicants prioritized under sub-subparagraph 2.c., beginning 30 days after the program initially starts accepting applications;

d. From applicants described in sub-subparagraph 2.d., beginning 45 days after the program initially starts accepting



332382

applications; and

e. From all other applicants, beginning 60 days after the
program initially starts accepting applications.

4. The program may accept a certification directly from a
low-income homeowner or moderate-income homeowner who meets the
requirements of s. 420.0004(11) or (12), respectively, if the
homeowner provides such certification in a signed or
electronically verified statement made under penalty of perjury.

(j) A homeowner who receives a grant shall finalize
construction and request a final inspection, or request an
extension for an additional 6 months, within 1 year after grant
approval. If a homeowner fails to comply with this paragraph,
his or her application is deemed abandoned and the grant money
reverts to the department.

(3) REQUESTS FOR INFORMATION.—The department may request
that an applicant provide additional information. An application
is deemed withdrawn by the applicant if the department does not
receive a response to its request for additional information
within 60 days after the notification of any apparent error or
omission.

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

And the title is amended as follows:

Delete lines 9 - 32

and insert:

application under certain conditions; authorizing
applicants who meet specified requirements to receive
a home inspection under the program without being
eligible for, or applying for, a grant; specifying



332382

eligibility requirements for hurricane mitigation grants; revising application requirements for hurricane mitigation grants; authorizing an applicant to submit a subsequent hurricane mitigation grant application under certain conditions; requiring that a grant application include certain information; deleting and revising provisions relating to the selection of hurricane mitigation inspectors and contractors; deleting the requirement that matching fund grants be made available to certain entities; revising improvements that grants for eligible homes may be used; deleting the authorization to use grants on rebuilds; requiring the Department of Financial Services to develop a process that ensures the most efficient means to collect and verify inspection applications; requiring the department to prioritize the review and approval of inspection and grant applications in a specified order; requiring the department to start accepting inspection and grant applications as specified in the act; requiring homeowners to finalize construction and make certain requests within a specified time; providing that an application is deemed abandoned under certain circumstances; authorizing the department to request certain information; providing that an application is considered withdrawn under certain circumstances;

By the Committee on Banking and Insurance

597-02168-24

20247028__

1 A bill to be entitled
 2 An act relating to the My Safe Florida Home Program;
 3 amending s. 215.5586, F.S.; revising legislative
 4 intent; specifying eligibility requirements for
 5 hurricane mitigation inspections under the program;
 6 specifying requirements for a hurricane mitigation
 7 inspection application; authorizing an applicant to
 8 submit a subsequent hurricane mitigation inspection
 9 application under certain conditions; authorizing the
 10 Department of Financial Services to request certain
 11 information; providing that an application is
 12 considered withdrawn under certain circumstances;
 13 authorizing an applicant to receive a home inspection
 14 under the program without being eligible for a grant
 15 or applying for a grant; specifying eligibility
 16 requirements for hurricane mitigation grants; revising
 17 application requirements for hurricane mitigation
 18 grants; authorizing an applicant to submit a
 19 subsequent hurricane mitigation grant application
 20 under certain conditions; authorizing the department
 21 to request certain information; providing that an
 22 application is considered withdrawn under certain
 23 circumstances; deleting and revising provisions
 24 relating to the selection of hurricane mitigation
 25 inspectors and contractors; authorizing, rather than
 26 requiring, matching fund grants to be made available
 27 to certain entities; revising the improvements for
 28 which grants may be used; requiring the department to
 29 develop a process that ensures the most efficient

Page 1 of 14

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

597-02168-24

20247028__

30 means to collect and verify inspection applications;
 31 requiring the department, for a specified timeframe,
 32 to prioritize applications in a specified order;
 33 revising provisions regarding the development of
 34 brochures; requiring the Citizens Property Insurance
 35 Corporation to distribute such brochures to specified
 36 persons; providing appropriations; providing an
 37 effective date.
 38
 39 Be It Enacted by the Legislature of the State of Florida:
 40
 41 Section 1. Section 215.5586, Florida Statutes, as amended
 42 by section 5 of chapter 2023-349, Laws of Florida, is amended to
 43 read:
 44 215.5586 My Safe Florida Home Program.—There is established
 45 within the Department of Financial Services the My Safe Florida
 46 Home Program. The department shall provide fiscal
 47 accountability, contract management, and strategic leadership
 48 for the program, consistent with this section. This section does
 49 not create an entitlement for property owners or obligate the
 50 state in any way to fund the inspection or retrofitting of
 51 residential property in this state. Implementation of this
 52 program is subject to annual legislative appropriations. It is
 53 the intent of the Legislature that, subject to the availability
 54 of funds, the My Safe Florida Home Program provide licensed
 55 inspectors to perform hurricane mitigation inspections of
 56 eligible homes ~~for owners of site built, single family,~~
 57 ~~residential properties~~ and grants to eligible fund hurricane
 58 mitigation projects on those homes ~~applicants~~. The department

Page 2 of 14

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

597-02168-24 20247028__

shall implement the program in such a manner that the total amount of funding requested by accepted applications, whether for inspections, grants, or other services or assistance, does not exceed the total amount of available funds. If, after applications are processed and approved, funds remain available, the department may accept applications up to the available amount. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation pursuant to ~~that may include the following requirements provided~~ in this section.†

(1) HURRICANE MITIGATION INSPECTIONS.—

(a) To be eligible for an inspection under the program:

1. A home must be a single-family, site-built, detached residential property or a townhouse as defined in s. 481.203; and

2. The homeowner must have been granted a homestead exemption on the home under chapter 196.

(b)1. An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one inspection application on the home or that the application is allowed under subparagraph 2., and must have documents attached to the application which demonstrate that the applicant meets the requirements of paragraph (a).

2. An applicant may submit a subsequent hurricane mitigation inspection application for the same home only if:

a. The original hurricane mitigation inspection application has been denied or withdrawn because of errors or omissions in the application;

597-02168-24 20247028__

b. The original hurricane mitigation inspection application was denied or withdrawn because the home did not meet the eligibility criteria for an inspection at the time of the previous application, and the homeowner reasonably believes the home now is eligible for an inspection; or

c. The program's eligibility requirements for an inspection have changed since the original application date, and the applicant reasonably believes the home is eligible under the new requirements.

3. The department may request that the applicant provide additional information if the application contains apparent errors or omissions. An application is considered withdrawn by the applicant if the department does not receive a response to its request for additional information within 60 days after the department notifies the applicant of any apparent errors or omissions.

(c) An applicant meeting the requirements of this subsection may receive an inspection of a home under the program without being eligible for a grant under subsection (2) or applying for such grant.

(d) Licensed inspectors are to provide home inspections of homes meeting the requirements of this subsection ~~site-built, single-family, residential properties for which a homestead exemption has been granted,~~ to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. An inspector may inspect a townhouse as defined in s. 481.203 to determine if opening protection

597-02168-24 20247028__

117 mitigation as listed in subparagraph (2)(f)1. ~~paragraph (2)(e)~~
 118 would provide improvements to mitigate hurricane damage.
 119 ~~(e)(b)~~ The department of ~~Financial Services~~ shall contract
 120 with wind certification entities to provide hurricane mitigation
 121 inspections. The inspections provided to homeowners, at a
 122 minimum, must include:
 123 1. A home inspection and report that summarizes the results
 124 and identifies recommended improvements a homeowner may take to
 125 mitigate hurricane damage.
 126 2. A range of cost estimates regarding the recommended
 127 mitigation improvements.
 128 3. Information regarding estimated premium discounts,
 129 correlated to the current mitigation features and the
 130 recommended mitigation improvements identified by the
 131 inspection.
 132 (f)(e) To qualify for selection by the department as a wind
 133 certification entity to provide hurricane mitigation
 134 inspections, the entity must, at a minimum, meet the following
 135 requirements:
 136 1. Use hurricane mitigation inspectors who are licensed or
 137 certified as:
 138 a. A building inspector under s. 468.607;
 139 b. A general, building, or residential contractor under s.
 140 489.111;
 141 c. A professional engineer under s. 471.015;
 142 d. A professional architect under s. 481.213; or
 143 e. A home inspector under s. 468.8314 and who have
 144 completed at least 3 hours of hurricane mitigation training
 145 approved by the Construction Industry Licensing Board, which

597-02168-24 20247028__

146 training must include hurricane mitigation techniques,
 147 compliance with the uniform mitigation verification form, and
 148 completion of a proficiency exam.
 149 2. Use hurricane mitigation inspectors who also have
 150 undergone drug testing and a background screening. The
 151 department may conduct criminal record checks of inspectors used
 152 by wind certification entities. Inspectors must submit a set of
 153 fingerprints to the department for state and national criminal
 154 history checks and must pay the fingerprint processing fee set
 155 forth in s. 624.501. The fingerprints must be sent by the
 156 department to the Department of Law Enforcement and forwarded to
 157 the Federal Bureau of Investigation for processing. The results
 158 must be returned to the department for screening. The
 159 fingerprints must be taken by a law enforcement agency,
 160 designated examination center, or other department-approved
 161 entity.
 162 3. Provide a quality assurance program including a
 163 reinspection component.
 164 ~~(d) An application for an inspection must contain a signed~~
 165 ~~or electronically verified statement made under penalty of~~
 166 ~~perjury that the applicant has submitted only a single~~
 167 ~~application for that home.~~
 168 ~~(e) The owner of a site-built, single-family, residential~~
 169 ~~property or townhouse as defined in s. 481.203, for which a~~
 170 ~~homestead exemption has been granted, may apply for and receive~~
 171 ~~an inspection without also applying for a grant pursuant to~~
 172 ~~subsection (2) and without meeting the requirements of paragraph~~
 173 ~~(2)(a).~~
 174 (2) HURRICANE MITIGATION GRANTS.—Financial grants shall be

597-02168-24 20247028__

used ~~by homeowners to encourage single-family, site-built, owner-occupied, residential property owners to make improvements recommended by an inspection which increase resistance retrofit their properties to make them less vulnerable to hurricane damage.~~

(a) ~~For~~ A homeowner ~~is to be~~ eligible for a hurricane mitigation grant if all of, the following criteria are must be met:

1. The home must be eligible for an inspection under subsection (1) ~~The homeowner must have been granted a homestead exemption on the home under chapter 196.~~

2. The home must be a dwelling with an insured value of \$700,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(11), are exempt from this requirement.

3. The home must undergo an acceptable hurricane mitigation inspection as provided in subsection (1).

4. The building permit application for initial construction of the home must have been made before January 1, 2008.

5. The homeowner must agree to make his or her home available for inspection once a mitigation project is completed.

6. The homeowner must agree to provide to the department information received from the homeowner's insurer identifying the discounts realized by the homeowner because of the mitigation improvements funded through the program.

(b)1. An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only one grant a single application or that the application is allowed under subparagraph 2., and must have ~~attached~~ documents attached

597-02168-24 20247028__

demonstrating the applicant meets the requirements of ~~this~~ paragraph (a).

2. An applicant may submit a subsequent grant application if:

a. The original grant application was denied or withdrawn because the application contained errors or omissions;

b. The original grant application was denied or withdrawn because the home did not meet the eligibility criteria for a grant at the time of the previous application, and the homeowner reasonably believes that the home now is eligible for a grant; or

c. The program's eligibility requirements for a grant have changed since the original application date, and the applicant reasonably believes that he or she is an eligible homeowner under the new requirements.

3. The department may request that the applicant provide additional information if the application contains apparent errors or omissions. An application is considered withdrawn by the applicant if the department does not receive a response to its request for additional information within 60 days after the department notifies the applicant of any apparent errors or omissions.

(c)(b) All grants must be matched on the basis of \$1 provided by the applicant for \$2 provided by the state up to a maximum state contribution of \$10,000 toward the actual cost of the mitigation project, except as provided in paragraph (j).

(d)(c) ~~The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors.~~ All hurricane mitigation

597-02168-24

20247028__

performed under the program must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors. ~~Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.~~

~~(e)(d)~~ Matching fund grants may ~~shall~~ also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to eligible homes ~~single-family, site-built, owner-occupied, residential property.~~ The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

~~(f)(e)~~ When recommended by a hurricane mitigation inspection, grants for eligible homes may be used for the following improvements:

1. Opening protection, including exterior doors, garage doors, windows, and skylights.

2. ~~Exterior doors, including garage doors.~~

3. Reinforcing roof-to-wall connections.

3.4. Improving the strength of roof-deck attachments.

4.5. Secondary water resistance barrier for roof.

~~(g)(f)~~ When recommended by a hurricane mitigation inspection, grants for townhouses, as defined in s. 481.203, may only be used for opening protection.

~~(h)~~ The department may require that improvements be made to all openings, including exterior doors, ~~and~~ garage doors,

597-02168-24

20247028__

windows, and skylights, as a condition of reimbursing a homeowner approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under paragraph ~~(f) or paragraph (g) (e) or this paragraph.~~

~~(i)(g)~~ Grants may be used on a previously inspected existing structure or on a rebuild. A rebuild is defined as a site-built, single-family dwelling under construction to replace a home that was destroyed or significantly damaged by a hurricane and deemed unlivable by a regulatory authority. The homeowner must be a low-income homeowner as defined in paragraph ~~(j) (h)~~, must have had a homestead exemption for that home before the hurricane, and must be intending to rebuild the home as that homeowner's homestead.

~~(j)(h)~~ Low-income homeowners, as defined in s. 420.0004(11), who otherwise meet the applicable requirements of this subsection ~~paragraphs (a), (e), (e), and (g)~~ are eligible for a grant of up to \$10,000 and are not required to provide a matching amount to receive the grant. ~~The program may accept a certification directly from a low-income homeowner that the homeowner meets the requirements of s. 420.0004(11) if the homeowner provides such certification in a signed or electronically verified statement made under penalty of perjury.~~

~~(k)1.(i)~~ The department shall develop a process that ensures the most efficient means to collect and verify inspection applications and grant applications to determine eligibility. ~~The department and~~ may direct hurricane mitigation inspectors to collect and verify grant application information or use the Internet or other electronic means to collect information and determine eligibility.

597-02168-24

20247028

291 2. The department, for the first 60 days it accepts
 292 inspection applications and grant applications after any
 293 legislative appropriation funding inspections and grants, must
 294 prioritize the review and approval of such applications in the
 295 following order:
 296 a. First, applications from low-income persons, as defined
 297 in s. 420.0004, who are at least 60 years old;
 298 b. Second, applications from all other low-income persons,
 299 as defined in s. 420.0004;
 300 c. Third, applications from moderate-income persons, as
 301 defined in s. 420.0004, who are at least 60 years old;
 302 d. Fourth, applications from all other moderate-income
 303 persons, as defined in s. 420.0004; and
 304 e. Last, all other applications.
 305 3. The program may accept a certification directly from a
 306 low-income homeowner or moderate-income homeowner who meets the
 307 requirements of s. 420.0004(11) or s. 420.0004(12) if the
 308 homeowner provides such certification in a signed or
 309 electronically verified statement made under penalty of perjury.
 310 (3) EDUCATION, CONSUMER AWARENESS, AND OUTREACH.—
 311 (a) The department may undertake a statewide multimedia
 312 public outreach and advertising campaign to inform consumers of
 313 the availability and benefits of hurricane inspections and of
 314 the safety and financial benefits of residential hurricane
 315 damage mitigation. The department may seek out and use local,
 316 state, federal, and private funds to support the campaign.
 317 (b) The program may develop brochures for distribution to
 318 Citizens Property Insurance Corporation and other licensed
 319 entities or nonprofits that work with the department to educate

Page 11 of 14

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

597-02168-24

20247028

320 the public on the benefits of the program, general contractors,
 321 roofing contractors, and real estate brokers and sales
 322 associates who are licensed under part I of chapter 475 which
 323 provide information on the benefits to homeowners of residential
 324 hurricane damage mitigation. Citizens Property Insurance
 325 Corporation ~~must~~ is encouraged to distribute the brochure to
 326 policyholders of the corporation each year the program is
 327 funded. ~~Contractors are encouraged to distribute the brochures~~
 328 to homeowners at the first meeting with a homeowner who is
 329 considering contracting for home or roof repair or contracting
 330 for the construction of a new home. Real estate brokers and
 331 sales associates are encouraged to distribute the brochure to
 332 clients before the purchase of a home. The brochures may be made
 333 available electronically.
 334 (4) FUNDING.—The department may seek out and leverage
 335 local, state, federal, or private funds to enhance the financial
 336 resources of the program.
 337 (5) RULES.—The department ~~of Financial Services~~ shall adopt
 338 rules pursuant to ss. 120.536(1) and 120.54 to govern the
 339 program; implement the provisions of this section; including
 340 rules governing hurricane mitigation inspections and grants,
 341 mitigation contractors, and training of inspectors and
 342 contractors; and carry out the duties of the department under
 343 this section.
 344 (6) HURRICANE MITIGATION INSPECTOR LIST.—The department
 345 shall develop and maintain as a public record a current list of
 346 hurricane mitigation inspectors authorized to conduct hurricane
 347 mitigation inspections pursuant to this section.
 348 (7) CONTRACT MANAGEMENT.—

Page 12 of 14

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

597-02168-24

20247028__

349 (a) The department may contract with third parties for
 350 grants management, inspection services, contractor services for
 351 low-income homeowners, information technology, educational
 352 outreach, and auditing services. Such contracts are considered
 353 direct costs of the program and are not subject to
 354 administrative cost limits. The department shall contract with
 355 providers that have a demonstrated record of successful business
 356 operations in areas directly related to the services to be
 357 provided and shall ensure the highest accountability for use of
 358 state funds, consistent with this section.

359 (b) The department shall implement a quality assurance and
 360 reinspection program that determines whether initial inspections
 361 and home improvements are completed in a manner consistent with
 362 the intent of the program. The department may use valid random
 363 sampling in order to perform the quality assurance portion of
 364 the program.

365 (8) INTENT.—It is the intent of the Legislature that grants
 366 made to residential property owners under this section shall be
 367 considered disaster-relief assistance within the meaning of s.
 368 139 of the Internal Revenue Code of 1986, as amended.

369 (9) REPORTS.—The department shall make an annual report on
 370 the activities of the program that shall account for the use of
 371 state funds and indicate the number of inspections requested,
 372 the number of inspections performed, the number of grant
 373 applications received, the number and value of grants approved,
 374 and the estimated average annual amount of insurance premium
 375 discounts and total estimated annual amount of insurance premium
 376 discounts homeowners received from insurers as a result of
 377 mitigation funded through the program. The report must be

597-02168-24

20247028__

378 delivered to the President of the Senate and the Speaker of the
 379 House of Representatives by February 1 of each year.

380 Section 2. (1) For the 2024-2025 fiscal year, the sum of
 381 \$100 million in nonrecurring funds is appropriated from the
 382 General Revenue Fund to the Department of Financial Services to
 383 provide mitigation grants pursuant to s. 215.5586(2), Florida
 384 Statutes, under the My Safe Florida Home Program. The department
 385 may not continue to accept applications or to create a waiting
 386 list in anticipation of additional funding unless the
 387 Legislature provides express authority to implement such
 388 actions.

389 (2) For the 2024-2025 fiscal year, the sum of \$7 million in
 390 nonrecurring funds is appropriated from the General Revenue Fund
 391 to the Department of Financial Services for administrative costs
 392 related to implementation of mitigation grants pursuant to s.
 393 215.5586(2), Florida Statutes, under the My Safe Florida Home
 394 Program.

395 Section 3. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

SB 7028

Bill Number or Topic

01/31/24

Meeting Date

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name CHASE MITCHELL

Phone (850) 413-4738

Address 400 S MONROE ST

Street

Email

TALLAHASSEE

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

CFO JIMMY PATRONIS

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

01/31/24

Meeting Date

Fiscal Policy

Committee

7028

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Ashton

Phone 941-773-2112

Address

Street

Email

Jennifer@Ashton-Advocacy.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Association
of Building Inspectors

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

JANUARY 31, 2024

Meeting Date

FISCAL Policy

Committee

SB 7028

Bill Number or Topic

Amendment Barcode (if applicable)

Name TASHA CARTER, INSURANCE CONSUMER ADVOCATE Phone 850-413-2868

Address 200 E. GAINES STREET Email TASHA.CARTER@MYFLORIDA.GOV.COM

Street

Tallahassee

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Office of the Insurance
Consumer Advocate

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

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

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

S-001 (08/10/2021)

01-31-2024

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 7028

Bill Number or Topic

Amendment Barcode (if applicable)

Name E. Ivonne Fernandez Phone 954-850-7262

Address 215 S Monroe Street - 601 Email ifernandez@aarp.org

Street

Tallahassee FL 32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

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

AARP

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Committee on Fiscal Policy

Judge:

Started: 1/31/2024 9:01:29 AM

Ends: 1/31/2024 2:31:41 PM

Length: 05:30:13

9:01:31 AM Chair Hutson calls meeting to order
9:01:39 AM Roll call
9:01:41 AM Quorum is present
9:02:17 AM Pledge of Allegiance
9:02:48 AM Tab 2, SB 174, Veterans' Long Term Care Facilities Admissions by Senator Burgess
9:03:17 AM Senator Burgess explains the bill
9:03:51 AM Senator Hutson recognizes public appearance
9:04:07 AM Debate:
9:04:10 AM Senator Wright
9:04:28 AM Senator Collins
9:06:18 AM Senator Thompson
9:06:23 AM Senator Torres
9:06:48 AM Senator Burgess closes on the bill
9:07:21 AM Roll call
9:08:02 AM Tab 10, SB 694, Florida Seal of Fine Arts Program by Senator Perry, presented by Senator Burgess
9:08:20 AM Chair Hutson recognizes public appearance
9:08:32 AM Senator Burgess explains the bill
9:08:40 AM Senator Burgess closes on the bill
9:08:46 AM Roll call
9:09:19 AM Tab 11, CS/SB 770 Improvements to Real Property by Senator Martin
9:09:58 AM Amendment #692964
9:10:13 AM Senator Martin explains the bill and amendment
9:12:11 AM Questions on the amendment:
9:12:20 AM Senator Berman
9:12:47 AM Senator Martin
9:13:03 AM Senator Berman
9:13:52 AM Chair Hutson recognizes public appearances:
9:14:11 AM Leah Wiggs, Renew Financial
9:14:55 AM Mark Scheffel
9:16:54 AM Senator Rodriguez
9:17:24 AM Mark Scheffel
9:18:55 AM Chair Hutson reports amendment
9:19:14 AM Back on the bill as amended
9:19:22 AM Senator Martin closes on the bill
9:19:38 AM Roll call
9:20:23 AM Tab 4, SB 302 on Dental Services by Senator Boyd
9:20:40 AM Senator Boyd explains the bill
9:21:53 AM Chair Hutson recognizes public appearances
9:22:07 AM Senator Boyd waives close
9:22:15 AM Roll call
9:22:46 AM Tab 7, CS/SB 514 on Mortgage Brokering by Senator Boyd
9:23:13 AM Senator Boyd explains the bill
9:23:27 AM Chair Hutson recognizes public appearances
9:23:38 AM Senator Boyd waives close
9:23:44 AM Roll call
9:24:11 AM Tab 9, SB 674 on United States-produced Iron and Steel in Public Works Projects by Senator Boyd
9:24:36 AM Senator Boyd explains the bill
9:25:23 AM Chair Hutson recognizes public appearance
9:26:13 AM Debate:
9:26:15 AM Senator Torres
9:27:24 AM Senator Boyd waives close
9:27:33 AM Roll call

9:27:46 AM Tab 15, SB 7028, My Safe Florida Home Program by Senator Boyd
9:28:08 AM Senator Boyd explains the bill
9:29:22 AM Amendment #332382 by Boyd
9:29:39 AM Senator Boyd explains the amendment
9:29:53 AM Chair Hutson reports amendment
9:30:08 AM Back on the bill as amended
9:30:14 AM Chair Hutson recognizes public appearances
9:30:30 AM Senator Boyd closes on the bill
9:30:57 AM Roll call
9:31:32 AM Tab 6, CS/SB 328 on Affordable Housing by Senator Calatayud
9:32:08 AM Senator Calatayud explains the bill
9:34:53 AM CS/SB 328 Temporarily Postponed
9:35:13 AM Tab 1, SB 92 Yacht and Ship Brokers' Act by Senator Hooper
9:35:32 AM Senator Hooper explains the bill
9:36:49 AM Questions:
9:36:53 AM Senator Thompson
9:37:37 AM Senator Hooper
9:38:00 AM Chair Hutson recognizes public appearance
9:38:12 AM Senator Hooper waives close
9:38:18 AM Roll call
9:38:47 AM Tab 5, SB 304 Household Moving Services by Senator Hooper
9:39:07 AM Senator Hooper explains the bill
9:40:55 AM Chair Hutson recognizes public appearance
9:41:11 AM Senator Hooper closes on the bill
9:41:24 AM Roll call
9:42:05 AM Back on Tab 6, CS/SB 328 by Senator Calatayud
9:42:23 AM Questions:
9:42:29 AM Senator Berman
9:42:39 AM Chair Hutson
9:42:43 AM Amendment #720816 by Calatayud
9:42:54 AM Substitute Amendment #143920 by Calatayud
9:43:08 AM Senator Calatayud explains the substitute amendment
9:44:13 AM Questions:
9:44:17 AM Senator Berman
9:44:23 AM Senator Calatayud
9:44:50 AM Senator Berman
9:45:41 AM Senator Calatayud
9:46:03 AM Senator Berman
9:46:23 AM Senator Calatayud
9:48:25 AM Senator Berman
9:48:41 AM Senator Calatayud
9:48:48 AM Senator Garcia
9:49:19 AM Senator Calatayud
9:50:13 AM Senator Thompson
9:50:32 AM Senator Calatayud
9:51:08 AM Senator Thompson
9:51:27 AM Senator Calatayud
9:51:33 AM Senator Jones
9:51:46 AM Senator Calatayud
9:52:22 AM Senator Jones
9:52:28 AM Senator Calatayud
9:52:45 AM Senator Jones
9:53:00 AM Senator Calatayud
9:53:29 AM Senator Osgood
9:53:56 AM Senator Calatayud
9:54:29 AM Chair Hutson recognizes public appearance
9:54:44 AM Debate:
9:54:46 AM Senator Stewart
9:55:17 AM Senator Rodriguez
9:55:48 AM Chair Hutson reports amendment
9:55:55 AM Back on the bill as amended
9:56:00 AM Questions:

9:56:06 AM Senator Torres
9:56:19 AM Senator Rodriguez
9:58:05 AM Chair Hutson recognizes public appearance
9:58:36 AM Bryan Easton
10:01:21 AM Debate:
10:01:23 AM Senator Jones
10:02:17 AM Senator Torres
10:04:10 AM Senator Wright
10:05:00 AM Senator Thompson
10:05:58 AM Senator Osgood
10:06:33 AM Senator Calatayud closes on the bill
10:06:53 AM Roll call
10:08:26 AM Tab 14, SB 7020 on Delivery of Notices by Senator Yarborough
10:08:58 AM Senator Yarborough explains the bill
10:09:19 AM Chair Hutson recognizes public appearance
10:09:29 AM Senator Yarborough waives close
10:09:36 AM Roll call
10:10:04 AM Chair Hutson passes the gavel to Vice Chair Stewart
10:10:27 AM Tab 8, CS/SB 544 Swimming Lesson Voucher Program by Senator Hutson
10:10:59 AM Senator Hutson explains the bill
10:11:15 AM Vice Chair Stewart recognizes public appearance:
10:11:26 AM Jessica Cimijotti, Florida Tax Watch
10:12:36 AM Debate:
10:12:39 AM Senator Boyd
10:13:01 AM Senator Berman
10:13:41 AM Senator Rodriguez
10:14:05 AM Senator Hutson closes on the bill
10:14:41 AM Roll call
10:15:15 AM Vice Chair Stewart passes the gavel back to Chair Hutson
10:15:27 AM Tab 3, CS/SB 186 on Neurodegenerative Diseases by Senator Brodeur
10:15:58 AM Senator Brodeur explains the bill
10:16:45 AM Chair Hutson recognizes public appearances
10:17:00 AM Representative Bob Cortes
10:19:02 AM Senator Brodeur closes on the bill
10:19:48 AM Roll call
10:20:18 AM Tab 13, CS/SB 1758 on Individuals with Disabilities by Senator Brodeur
10:20:47 AM Senator Brodeur explains the amendment
10:22:41 AM Amendment #890114 by Brodeur
10:22:53 AM Senator Brodeur explains the amendment
10:23:15 AM Chair Hutson recognizes public appearances
10:23:25 AM Chair Hutson reports amendment
10:23:39 AM Back on the bill as amended
10:23:45 AM Questions:
10:23:48 AM Senator Torres
10:23:58 AM Senator Brodeur
10:24:06 AM Senator Torres
10:24:15 AM Senator Brodeur
10:24:47 AM Chair Hutson recognizes public appearances:
10:25:05 AM Melissa Mazaeda
10:29:26 AM Senator Brodeur closes on the bill
10:30:05 AM Roll call
10:30:49 AM Tab 12, CS/SB 1698 on Food and Hemp products by Senator Burton
10:31:10 AM Senator Burton explains the bill
10:34:39 AM Questions:
10:34:52 AM Senator Jones
10:35:07 AM Senator Burton
10:35:30 AM Senator Jones
10:36:13 AM Senator Burton
10:36:51 AM Senator Jones
10:37:18 AM Senator Burton
10:38:48 AM Senator Jones
10:39:48 AM Senator Burton

10:40:43 AM	Senator Jones
10:41:15 AM	Senator Burton
10:41:48 AM	Senator Jones
10:42:23 AM	Senator Burton
10:42:44 AM	Senator Garcia
10:42:59 AM	Senator Burton
10:44:01 AM	Senator Thompson
10:44:20 AM	Senator Burton
10:45:05 AM	Senator Thompson
10:45:12 AM	Senator Burton
10:45:29 AM	Senator Thompson
10:45:55 AM	Senator Burton
10:46:00 AM	Chair Hutson recognizes public appearance
10:46:50 AM	Jammie Treadwell, Treadwell Farms
10:52:37 AM	Senator Jones
10:53:40 AM	Jammie Treadwill
10:53:50 AM	Yomira Pinelro, CureALife Tampa
10:56:06 AM	Senator Osgood
10:57:18 AM	Yomie Pinelro
10:59:35 AM	Senator Osgood
11:01:24 AM	Yomira Pinelro
11:03:12 AM	Senator Osgood
11:04:04 AM	Senator Simon
11:05:10 AM	Yomira Pinelro
11:06:22 AM	Senator Simon
11:07:07 AM	Yomira Pinelro
11:08:31 AM	Senator Simon
11:08:49 AM	Yomira Pinelro
11:10:18 AM	Senator Mayfield
11:11:09 AM	Yomira Pinelro
11:11:18 AM	Senator Mayfield
11:11:34 AM	Yomira Pinelro
11:12:11 AM	Ellen Snelling
11:16:48 AM	Kassie Stuart
11:17:52 AM	Michele Tolan
11:21:01 AM	Senator Boyd
11:21:44 AM	Michele Tolan
11:22:45 AM	Senator Osgood
11:23:41 AM	Michele Tolan
11:24:09 AM	Senator Osgood
11:24:20 AM	Michele Tolan
11:25:13 AM	Senator Osgood
11:25:27 AM	Senator Garcia
11:26:13 AM	Michele Tolan
11:27:29 AM	Senator Garcia
11:28:04 AM	Senator Yarborough
11:28:33 AM	Michele Tolan
11:29:31 AM	Dr. Mark Mestre, Nicholas Children's Hospital
11:32:02 AM	Senator Boyd
11:32:15 AM	Dr. Mestre
11:32:24 AM	Senator Boyd
11:32:27 AM	Dr. Mestre
11:32:42 AM	Jodi James, Florida Cannabis Action Network
11:39:08 AM	Dr. Dan Polberesky, Nemous Children's Health
11:40:57 AM	Martha Bueno
11:48:28 AM	Senator Garcia
11:49:58 AM	Martha Bueno
11:51:10 AM	Senator Garcia
11:51:54 AM	Martha Bueno
11:52:42 AM	Senator Garcia
11:53:18 AM	Senator Thompson
11:53:32 AM	Martha Bueno

11:55:00 AM	Senator Thompson
11:55:14 AM	Martha Bueno
11:55:22 AM	Chair Hutson
11:55:25 AM	Martha Bueno
11:56:48 AM	Chair Hutson
11:56:52 AM	Senator Jones
11:57:28 AM	Martha Bueno
11:57:33 AM	Senator Jones
11:57:35 AM	Martha Bueno
11:57:41 AM	Senator Jones
11:58:08 AM	Martha Bueno
12:00:02 PM	Senator Jones
12:00:42 PM	Martha Bueno
12:01:43 PM	Senator Torres
12:02:17 PM	Martha Bueno
12:03:39 PM	Senator Osgood
12:06:39 PM	Martha Bueno
12:08:35 PM	Senator Osgood
12:09:14 PM	Martha Bueno
12:09:25 PM	Leigh Karns, Tallulah Regional Manager
12:15:21 PM	Senator Simon
12:15:45 PM	Leigh Karns
12:15:50 PM	Senator Simon
12:15:56 PM	Leigh Karns
12:16:25 PM	Senator Simon
12:16:39 PM	Leigh Karns
12:17:25 PM	Carlos Hermida, Suncoast Normal
12:22:48 PM	Hannah Porter
12:30:19 PM	Melissa Viller, Normal Tallahassee
12:44:28 PM	Vin Seudath, KushyPies
12:50:53 PM	Dr. Robert Miller, Chief Science Officer, ActLab Industries
12:55:22 PM	J.D. McCormick, President of Florida Healthy Alternatives Association
12:59:58 PM	Randy Rembert
1:03:43 PM	Pat O'Brien, POB Ventures
1:06:08 PM	Brandon Gomes
1:08:47 PM	Christopher Lindsay, ATACH
1:11:27 PM	Shai Ortiz
1:24:34 PM	Devin Alvarez
1:33:06 PM	Ashley Guy, Tallulah
1:40:47 PM	Senator Torres
1:40:57 PM	Ashley Guy
1:42:49 PM	Bill Helmich
1:42:59 PM	Debate:
1:43:04 PM	Senator Boyd
1:44:43 PM	Senator Jones
1:49:18 PM	Senator Torres
1:53:28 PM	Senator Collins
1:57:06 PM	Senator Thompson
1:58:39 PM	Senator Osgood
2:05:51 PM	Senator Berman
2:07:53 PM	Senator Stewart
2:09:33 PM	Senator Simon
2:13:27 PM	Senator Garcia
2:16:43 PM	Chair Hutson
2:17:21 PM	Senator Burton closes on the bill
2:29:48 PM	Roll call on CS/SB1698
2:30:30 PM	Chair Hutson reports the bill
2:30:38 PM	Senator Garcia moves to record a missed vote
2:30:53 PM	Senator Mayfield moves to record a missed vote
2:31:07 PM	Senator DiCeglie moves to record a missed vote
2:31:15 PM	Senator Yarborough moves to record a missed vote
2:31:25 PM	Senator Collins move to adjourn

2:31:32 PM Meeting adjourned