

<b>Tab 1</b>	<b>SB 158</b> by <b>Polsky</b> ; (Identical to H 00029) Value of Motor Vehicles Exempt from Legal Process					
<b>Tab 2</b>	<b>CS/SB 346</b> by <b>MS, Ingoglia (CO-INTRODUCERS) Yarborough, Collins</b> ; (Identical to CS/H 00357) Special Observances					
<b>Tab 3</b>	<b>CS/SB 602</b> by <b>EN, DiCeglie</b> ; (Identical to CS/H 00321) Release of Balloons					
<b>Tab 4</b>	<b>SB 660</b> by <b>DiCeglie</b> ; (Similar to H 00273) Public Records/Animal Shelter or Animal Control Agency					
<b>Tab 5</b>	<b>SB 742</b> by <b>Grall</b> ; (Compare to CS/H 00705) Public Works Projects					
660332	A	S	RCS	CA, Grall	btw L.26 - 27:	01/24 12:13 PM
191412	A	S	RCS	CA, Grall	Delete L.38 - 39:	01/24 12:13 PM
<b>Tab 6</b>	<b>SB 770</b> by <b>Martin</b> ; (Similar to H 00927) Improvements to Real Property					
959872	D	S	RS	CA, Martin	Delete everything after	01/24 01:45 PM
673866	SD	S	RCS	CA, Martin	Delete everything after	01/24 01:45 PM
<b>Tab 7</b>	<b>SB 812</b> by <b>Ingoglia</b> ; (Similar to CS/H 00665) Expedited Approval of Residential Building Permits					
380702	D	S	RCS	CA, Ingoglia	Delete everything after	01/24 03:16 PM
<b>Tab 8</b>	<b>SB 958</b> by <b>Martin (CO-INTRODUCERS) Perry</b> ; (Similar to H 00505) Local Government Employees					
<b>Tab 9</b>	<b>SJR 976</b> by <b>Perry</b> ; (Similar to H 01511) Reduction of Assessed Value					
<b>Tab 10</b>	<b>SB 978</b> by <b>Perry</b> ; (Similar to H 01513) Reduction of Assessed Value					
<b>Tab 11</b>	<b>SB 1150</b> by <b>Perry</b> ; (Similar to H 00791) Development Permits and Orders					
<b>Tab 12</b>	<b>SB 1322</b> by <b>Ingoglia</b> ; (Identical to H 01141) Millage Rates					
<b>Tab 13</b>	<b>SB 1526</b> by <b>Avila</b> ; (Similar to H 01647) Local Regulation of Nonconforming or Unsafe Structures					
<b>Tab 14</b>	<b>SB 1720</b> by <b>Rodriguez</b> ; (Identical to H 01407) Marine Encroachment on Military Operations					
<b>Tab 15</b>	<b>SB 1766</b> by <b>Rodriguez</b> ; (Identical to H 00749) Flood Damage Prevention					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMUNITY AFFAIRS**  
**Senator Calatayud, Chair**  
**Senator Osgood, Vice Chair**

**MEETING DATE:** Monday, January 22, 2024

**TIME:** 4:00—6:00 p.m.

**PLACE:** James E. "Jim" King, Jr Committee Room, 401 Senate Building

**MEMBERS:** Senator Calatayud, Chair; Senator Osgood, Vice Chair; Senators Baxley, Berman, Bradley, Brodeur, Martin, and Pizzo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 158</b> Polsky (Identical H 29)	Value of Motor Vehicles Exempt from Legal Process; Increasing the value of a motor vehicle owned by a natural person which is exempt from legal process, etc.  JU 01/09/2024 Favorable CA 01/22/2024 Favorable RC	Favorable Yeas 8 Nays 0
2	<b>CS/SB 346</b> Military and Veterans Affairs, Space, and Domestic Security / Ingoglia (Identical CS/H 357)	Special Observances; Designating each November as "Veterans Appreciation Month"; authorizing the Governor to issue a proclamation with specified information, etc.  MS 01/09/2024 Fav/CS CA 01/22/2024 Favorable RC	Favorable Yeas 8 Nays 0
3	<b>CS/SB 602</b> Environment and Natural Resources / DiCeglie (Identical CS/H 321)	Release of Balloons; Revising a prohibition on the release of certain balloons to delete a specified timeframe and number of balloons; deleting an exemption from such prohibition for certain biodegradable or photodegradable balloons; providing that a person who violates the prohibition commits the noncriminal infraction of littering, etc.  EN 01/10/2024 Fav/CS CA 01/22/2024 Favorable FP	Favorable Yeas 8 Nays 0
4	<b>SB 660</b> DiCeglie (Similar H 273)	Public Records/Animal Shelter or Animal Control Agency; Providing an exemption from public records requirements for records held by an animal shelter or animal control agency operated by a local government which contain certain information pertaining to persons with legal custody of an animal; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.  AG 01/10/2024 Favorable CA 01/22/2024 Favorable RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Monday, January 22, 2024, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 742</b> Grall (Similar S 594, Compare CS/H 705)	Public Works Projects; Revising the definition of the term “public works project” to include activities paid for with local funds; revising applicability of a provision that prohibits the state or a political subdivision that contracts for a public works project from taking certain actions, etc.  CA 01/22/2024 Fav/CS GO RC	Fav/CS Yeas 6 Nays 2
6	<b>SB 770</b> Martin (Similar H 927)	Improvements to Real Property; Authorizing a residential or commercial property owner to apply to a qualifying improvement program for funding to finance an improvement and to enter into a financing agreement with the local government, subject to a local government ordinance or resolution regarding the program; authorizing the local government or program administrator to consider certain evidence and the statements by the property owner regarding his or her income in confirming the property owner’s ability to pay; prohibiting wind-resistance improvements in certain buildings or facilities in a financing agreement between a local government and a residential property owner, etc.  CA 01/22/2024 Fav/CS FP	Fav/CS Yeas 8 Nays 0
7	<b>SB 812</b> Ingoglia (Similar CS/H 665, Compare CS/H 267, S 684)	Expedited Approval of Residential Building Permits; Requiring certain governing bodies, by a date certain, to create a program to expedite the process for issuing residential building permits before a final plat is recorded; requiring certain governing bodies, by a date certain, to update their programs to conform to the Florida Building Code; requiring a local building official and a local governing body to mail a signed, certified letter with specified information to the Department of Business and Professional Regulation and the Department of Commerce, respectively, after the governing body creates the program, etc.  CA 01/22/2024 Fav/CS RI RC	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Monday, January 22, 2024, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 958</b> Martin (Similar H 505, Compare H 1083)	Local Government Employees; Revising the base salary used to calculate the compensation of county tax collectors; defining the term "tax collector employee"; providing that tax collector employees are eligible to receive specified monetary benefits from the state for adopting children within the child welfare system; revising the base salary used to calculate the compensation of district school superintendents, etc.  CA 01/22/2024 Favorable AHS FP	Favorable Yeas 8 Nays 0
9	<b>SJR 976</b> Perry (Similar HJR 1511, Compare H 1513, Linked S 978)	Reduction of Assessed Value; Proposing amendments to the State Constitution to allow counties to reduce the assessed value of a homestead property for the portions of such property used as living quarters for the property owner's parent or grandparent who is 62 years of age or older and to remove current provisions limiting the exemption to increases in assessments resulting from construction or reconstruction of such living quarters and limiting the amount of such exemption, etc.  CA 01/22/2024 Favorable FT AP	Favorable Yeas 8 Nays 0
10	<b>SB 978</b> Perry (Similar H 1513, Compare HJR 1511, Linked SJR 976)	Reduction of Assessed Value; Revising the requirements for property owners to receive a reduction in assessed value of certain homestead properties; revising the maximum value of such reduction; specifying the method for assessing property when conditions are no longer met to receive such reduction, etc.  CA 01/22/2024 Favorable FT AP	Favorable Yeas 8 Nays 0
11	<b>SB 1150</b> Perry (Similar H 791)	Development Permits and Orders; Requiring counties and municipalities, respectively, to meet specified requirements regarding the minimum information necessary for certain zoning applications; revising required duties that a county or municipality, respectively, must perform upon receipt of an application for approval of a development permit; revising timeframes for processing certain applications for approvals of development permits or development orders, etc.  CA 01/22/2024 Favorable JU RC	Favorable Yeas 7 Nays 1



**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Monday, January 22, 2024, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
12	<b>SB 1322</b> Ingoglia (Similar CS/H 1195, S 1202, Identical H 1141)	Millage Rates; Prohibiting any increase in the millage rate from going into effect until it has been approved by a specified vote, etc.  CA 01/22/2024 Favorable FT AP	Favorable Yeas 5 Nays 3
13	<b>SB 1526</b> Avila (Similar H 1647)	Local Regulation of Nonconforming or Unsafe Structures; Designating the "Resiliency and Safe Structures Act"; prohibiting local governments from prohibiting, restricting, or preventing the demolition of certain structures unless necessary for public safety; authorizing local governments to review demolition permit applications only for a specified purpose; prohibiting additional local land development regulations or public hearings, etc.  CA 01/16/2024 Temporarily Postponed CA 01/22/2024 Favorable EN RC	Favorable Yeas 6 Nays 2
14	<b>SB 1720</b> Rodriguez (Identical H 1407)	Marine Encroachment on Military Operations; Requiring local governments to cooperate with certain major military installations and ranges to encourage compatible land use in associated areas, etc.  CA 01/22/2024 Favorable MS RC	Favorable Yeas 8 Nays 0
15	<b>SB 1766</b> Rodriguez (Identical H 749)	Flood Damage Prevention; Citing this act as the "Flood Damage Prevention Act of 2024"; providing specified maximum voluntary freeboard requirements for new construction and substantial improvements to existing construction; prohibiting voluntary freeboard from being used in the calculation of the maximum allowable height for certain construction; requiring the Florida Building Commission to develop and adopt by rule minimum freeboard requirements by a specified date and to incorporate such requirements into the next edition of the Florida Building Code, etc.  CA 01/22/2024 Favorable EN RC	Favorable Yeas 8 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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 158

INTRODUCER: Senator Polsky

SUBJECT: Value of Motor Vehicles Exempt from Legal Process

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	<b>Favorable</b>
2.	Hackett	Ryon	CA	<b>Favorable</b>
3.			RC	

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## I. Summary:

SB 158 increases from \$1,000 to \$5,000, the maximum value of a debtor's motor vehicle that is exempt from attachment, garnishment, or other legal process. The \$1,000 amount was established in 1993 and has not been increased since then.

The bill takes effect July 1, 2024.

## II. Present Situation:

The Florida Constitution protects a homestead, used as a residence, and personal property that does not exceed \$1,000, from the forced sale by creditors.<sup>1</sup> The purpose of the homestead exemption is a matter of public policy - to maintain the home as a shelter for a family and prevent the family from becoming dependent on public assistance.<sup>2</sup>

In a similar manner, the Florida Statutes protect certain assets from the claims of creditors. Chapter 222 exempts, or protects, the following items:

- A life insurance policy.<sup>3</sup>
- The cash surrender value of a life insurance policy and the proceeds of an annuity contract.<sup>4</sup>
- Disability income benefits.<sup>5</sup>
- Pension money and funds placed in certain tax-exempt accounts.<sup>6</sup>

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<sup>1</sup> FLA. CONST. art. X, s. 4.

<sup>2</sup> 28A Fla. Jur. 2d Homesteads s. 3. (2023).

<sup>3</sup> Section 222.13(1), F.S.

<sup>4</sup> Section 222.14, F.S.

<sup>5</sup> Section 222.18, F.S.

<sup>6</sup> Section 222.21, F.S.

- Assets held in qualified tuition programs, health savings and medical savings accounts, Coverdell education savings accounts, which are also known as an educational IRA, and hurricane savings accounts.<sup>7</sup>
- Certain wages, unless the person has agreed in writing to waive the exemption.<sup>8</sup>
- Personal property when properly inventoried and filed with a court.<sup>9</sup>
- Professionally prescribed health aids for the debtor or his or her dependent.<sup>10</sup>
- Items exempted under the federal Bankruptcy Reform Act of 1978 including a social security benefit, unemployment compensation, or a local public assistance benefit; a veterans' benefit; a disability, illness, or unemployment benefit; alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and his or her dependent; and payments under a stock bonus, pension, profit-sharing, annuity, or similar plan under specified circumstances.<sup>11</sup>
- A debtor's interest in a single motor vehicle which does not exceed \$1,000 in value.<sup>12</sup>

### III. Effect of Proposed Changes:

The bill increases the value of an exempt motor vehicle from \$1,000 to \$5,000. This \$1,000 limit was placed in statute in 1993 and has not been increased since.<sup>13</sup>

According to the U.S. Bureau of Labor Statistics Consumer Price Index Inflation Calculator,<sup>14</sup> \$1,000 in October 1993 is the equivalent of \$2,107.42 in November 2023.

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.

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<sup>7</sup> Section 222.22, F.S.

<sup>8</sup> Section 222.11, F.S.

<sup>9</sup> Section 222.061, F.S.

<sup>10</sup> Section 222.25, F.S.

<sup>11</sup> Section 222.201, F.S. and 11 U.S. Code s. 522(d)(10).

<sup>12</sup> Section 222.25(1), F.S.

<sup>13</sup> Chapter 93-256, s. 3, Laws of Fla.

<sup>14</sup> U.S. Bureau of Labor Statistics, CPI Inflation Calculator, [https://www.bls.gov/data/inflation\\_calculator.htm](https://www.bls.gov/data/inflation_calculator.htm) (last visited on Jan. 4, 2024).

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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 222.25 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 Polsky

30-00419-24

2024158\_\_

A bill to be entitled

An act relating to the value of motor vehicles exempt from legal process; amending s. 222.25, F.S.; increasing the value of a motor vehicle owned by a natural person which is exempt from legal process; providing an effective date.

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

Section 1. Subsection (1) of section 222.25, Florida Statutes, is amended to read:

222.25 Other individual property of natural persons exempt from legal process.—The following property is exempt from attachment, garnishment, or other legal process:

(1) A debtor's interest, not to exceed \$5,000 ~~\$1,000~~ in value, in a single motor vehicle as defined in s. 320.01(1) ~~s. 320.01~~.

Section 2. This act shall take effect July 1, 2024.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Governmental Oversight and Accountability, *Vice Chair*  
Appropriations  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Criminal Justice  
Environment and Natural Resources  
Ethics and Elections

### SELECT COMMITTEE:

Select Committee on Resiliency

### SENATOR TINA SCOTT POLSKY

30th District

January 12, 2024

Chair Alexis Calatayud  
Committee on Community Affairs  
315 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Calatayud,

I respectfully request that you place SB 158, relating to Value of Motor Vehicles Exempt from Legal Process, on the agenda of the Committee on Community Affairs, at your earliest convenience.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Tina S. Polsky", with a stylized flourish at the end.

Senator Tina S. Polsky  
Florida Senate, District 30

cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

### REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Governmental Oversight and Accountability, *Vice Chair*  
Appropriations  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Criminal Justice  
Environment and Natural Resources  
Ethics and Elections

### SELECT COMMITTEE:

Select Committee on Resiliency

### SENATOR TINA SCOTT POLSKY

30th District

January 22, 2024

Chair Alexis Calatayud  
Committee on Community Affairs  
315 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Chair Calatayud,

I respectfully request that you allow SB 158, relating to Value of Motor Vehicles Exempt from Legal Process, to be presented by Community Affairs Committee member Senator Berman, at today's meeting of the Community Affairs Committee.

Should you have any questions or concerns, please feel free to contact me or my office. Thank you in advance for your consideration.

Kindest Regards,

A handwritten signature in dark ink, appearing to read "Tina S. Polsky", with a stylized flourish at the end.

Senator Tina S. Polsky  
Florida Senate, District 30

cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

### REPLY TO:

- ☐ 5301 North Federal Highway, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- ☐ 220 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 346

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Ingoglia and others

SUBJECT: Special Observances

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Proctor	MS	<b>Fav/CS</b>
2.	Hunter	Ryon	CA	<b>Favorable</b>
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 346 designates the month of November each year as Veterans Appreciation Month, as a replacement in law to Veterans Week. The Governor may annually issue a proclamation designating Veterans Appreciation Month and encourage counties, municipalities, public schools, and state residents to observe the occasion through providing special programs and events to honor veterans.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Legal Holidays and Observances**

Examples of legal holidays are New Year's Day (January 1), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).<sup>1</sup>

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<sup>1</sup> Section 683.01, F.S.



In addition to legal holidays, special observances are recognized and observed by the state. Special observance days include Law Enforcement Memorial Day<sup>2</sup>, Arbor Day<sup>3</sup>, and Law Day and Law Week<sup>4</sup>.

### **Veterans Recognition Days**

The legal holiday of Veterans' Day is annually celebrated November 11.<sup>5</sup> In addition to the one-day holiday, the 2023 Legislature enacted as a special observance a Veterans Week.<sup>6</sup> Veterans Week begins with the Sunday preceding November 11 of each year. If November 11 is on a Sunday, Veterans Week begins that day. If the Governor proclaims a Veterans Week, public officials, schools, private organizations, and state residents are called upon to mark the observance by honoring veterans who answered the call in war and peace.<sup>7</sup>

### **Veterans in Florida**

#### ***Population***

Ranked lower than only California and Texas for number of veteran residents, Florida has the third largest population of veterans in the nation.<sup>8</sup> In excess of 1.4 million veterans reside in Florida. The number of veterans in Florida represents 12 percent of the state's population of persons who are at least 18 years old.<sup>9</sup>

#### ***Medal of Honor Recipients***

The highest military decoration awarded by the U.S. government, the Medal of Honor is bestowed by the President on behalf of Congress.<sup>10</sup> The Medal of Honor is conferred only upon members of the U.S. Armed Forces who distinguish themselves through "conspicuous gallantry and intrepidity at the risk of his or her life above and beyond the call of duty."<sup>11</sup>

According to the Congressional Medal of Honor Society, 24 Medal of Honor recipients have been accredited to Florida.<sup>12</sup>

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<sup>2</sup> Section 683.115, F.S.

<sup>3</sup> Section 683.04, F.S.

<sup>4</sup> Section 683.22, F.S.

<sup>5</sup> Section 683.01(1)(q), F.S.

<sup>6</sup> Section 683.1474, F.S.; s 4, ch. 2023-162, Laws of Fla.

<sup>7</sup> Section 683.1475(2), F.S.

<sup>8</sup> Florida Dep't of Veterans Affairs, *FDVA - Our Veterans*, available at <https://www.floridavets.org/our-veterans/> (last visited Jan. 17, 2023).

<sup>9</sup> *Id.*

<sup>10</sup> U.S. Dep't of Defense, *Honors for Valor*, available at <https://www.defense.gov/Multimedia/Experience/honors-for-valor/> (last visited Jan. 17, 2023).

<sup>11</sup> *Id.*

<sup>12</sup> Congressional Medal of Honor Society, *The Recipients*, available at <https://www.cmoHS.org/recipients/overview> (last visited Jan. 17, 2023).

**III. Effect of Proposed Changes:**

CS/SB 346 amends s. 683.1475, F.S., to replace Veterans Week with a Veterans Appreciation Month. Veterans Appreciation Month will run the full month of November. In support of this month, the Governor may annually issue a proclamation designating Veterans Appreciation Month and encourage counties, municipalities, public schools, and state residents to observe the occasion through providing special programs and events to honor veterans.

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:**

None.

**C. Government Sector Impact:**

As local entities are encouraged but not required to celebrate Veteran Appreciation Month with activities and events, a fiscal impact is not expected

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 683.1475 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 Military and Veterans Affairs, Space, and Domestic Security on January 9, 2024:**

- Provides in law for a Veterans Appreciation Month as a replacement for Veterans Week; and
- Authorizes the Governor to annually proclaim a Veterans Appreciation Month and encourage local entities and state residents to observe the occasion through special programming and events.

**B. Amendments:**

None.

**By** the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senators Ingoglia and Yarborough

583-01979-24

2024346c1

A bill to be entitled  
An act relating to special observances; amending s.  
683.1475, F.S.; designating each November as "Veterans  
Appreciation Month"; authorizing the Governor to issue  
a proclamation with specified information; providing  
an effective date.

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

Section 1. Section 683.1475, Florida Statutes, is amended  
to read:

683.1475 Veterans Appreciation Month ~~Week~~.—

(1) The month of November of each year is designated as  
"Veterans Appreciation Month." ~~week beginning with the Sunday~~  
~~preceding November 11 of each year is designated as "Veterans~~  
~~Week."~~ ~~If November 11 falls on a Sunday, "Veterans Week" begins~~  
~~on that day.~~

(2) The Governor may ~~annually~~ issue a proclamation annually  
designating the month ~~week~~ of November ~~11~~ as Veterans  
Appreciation Month ~~Week~~ and encouraging counties,  
municipalities, public schools, and residents of this state to  
observe the occasion by creating special programs and events to  
show appreciation for the veterans who have served ~~calling upon~~  
~~public officials, schools, private organizations, and all~~  
~~residents of the state to commemorate Veterans Week and honor~~  
~~the men and women who answered the call during times of war and~~  
~~peace to protect and preserve the treasured freedom of all~~  
~~citizens of the United States.~~

Section 2. This act shall take effect July 1, 2024.



## THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

Senator Blaise Ingoglia  
11<sup>th</sup> District

### COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

### SELECT COMMITTEE:

Select Committee on Resiliency

### JOINT COMMITTEE:

Joint Administrative Procedures  
Committee, *Alternating Chair*

January 10, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

### Re: SB 346 Special Observances

Chair Calatayud,

SB 346 has been referred to the Community Affairs as its second committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia", with a stylized flourish extending to the right.

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administration Assistant

The Florida Senate

**APPEARANCE RECORD**

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

1-22-24

Meeting Date

SB0346

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Chanté Jones, AARP FL

Phone

850.272.0551

Address

215 S Monroe St 603

Email

Cejones@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 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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 602

INTRODUCER: Environment and Natural Resources Committee and Senator DiCeglie

SUBJECT: Release of Balloons

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	<b>Fav/CS</b>
2.	Hunter	Ryon	CA	<b>Favorable</b>
3.			FP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 602 prohibits the intentional release of balloons inflated with a gas that is lighter than air. To effect this change, the bill removes language allowing the intentional release of fewer than 10 balloons within a 24-hour period. The bill also removes an exemption for the intentional release of biodegradable or photodegradable balloons.

The bill provides that the intentional release of balloons is punishable under the Florida Litter Law. The bill also revises the definitions of “dump” and “litter” in the Florida Litter Law.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Florida Fish and Wildlife Conservation Commission**

The Florida Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state’s fish and wildlife resources.<sup>1</sup> FWC is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.<sup>2</sup> Under Article IV, Section 9 of the Florida Constitution, FWC has the authority to

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> *Id.*; see also s. 379.102(1), F.S.

exercise the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.<sup>3</sup>

### **Balloon Litter**

Balloons released to celebrate special occasions eventually deflate and end up in streams, rivers, and oceans where they create hazardous conditions for wildlife.<sup>4</sup> Balloons are among the top ten types of debris found during coastal cleanups.<sup>5</sup> Balloon litter is especially deadly for marine life. Marine animals easily mistake balloons or balloon fragments for food and, once ingested, balloons can cause nutrition loss, internal injury, starvation, and death.<sup>6</sup> String or ribbon attached to balloons may entangle marine life, causing injury, illness, and suffocation.<sup>7</sup>

### ***Release of Balloons***

In the State of Florida, it is unlawful for any person, firm, or corporation to intentionally release, organize the release, or intentionally cause to be released within a 24-hour period 10 or more balloons inflated with a gas that is lighter than air. Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons will be released.<sup>8</sup>

Certain additional balloon releases are allowed under the law, including:

- Balloons released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes;
- Hot air balloons that are recovered after launching;
- Balloons released indoors; or
- Balloons that are either biodegradable or photodegradable, as determined by the rule of FWC, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments.<sup>9</sup>

There has not yet been a balloon that FWC recognizes as meeting exemption requirements for biodegradability or photo degradability.<sup>10</sup>

Any person who violates the prohibition against intentional balloon releases is guilty of a noncriminal infraction and punishable by a fine of \$250.<sup>11</sup>

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<sup>3</sup> FLA. CONST. art. IV, s. 9.

<sup>4</sup> Ocean Conservation Society, *Be Balloon Aware*, <https://www.oceanconservation.org/be-balloon-aware/> (last visited Jan. 17, 2024).

<sup>5</sup> *Id.*

<sup>6</sup> National Oceanic and Atmospheric Administration, Marine Debris Program, *What Goes Up, Must Come Down*, <https://blog.marinedebris.noaa.gov/index.php/what-goes-must-come-down/> (last visited Jan. 17, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> Section 379.233(4), F.S.

<sup>9</sup> Section 379.233(2), F.S.

<sup>10</sup> Jess Melkun, FWC, *Release of balloons* (email on file with the Senate Committee on Environment and Natural Resources).

<sup>11</sup> Section 379.233(3), F.S.



## Florida Litter Law

The Florida Litter Law provides that, unless otherwise authorized by law or permit, it is unlawful to dump<sup>12</sup> litter<sup>13</sup> in or on any:

- Public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers or areas lawfully provided therefor;
- Freshwater lake, river, canal, or stream or tidal or coastal water of the state, including canals;
- Water control district property or canal right-of-way, unless the district board of directors or the district manager or his or her designee has given prior consent; or
- Private property, unless the owner has given prior consent and unless the dumping of such litter by such person will not cause a public nuisance or otherwise be in violation of any other state or local law, rule, or regulation.<sup>14</sup>

Amount of Litter	Penalty
≤ 15 pounds or ≤ 27 cubic feet	Noncriminal infraction, punishable by a civil penalty of \$150
> 15 pounds, but ≤ 500 pounds or > 27 cubic feet, but ≤ 100 cubic feet	First-degree misdemeanor, punishable by imprisonment for up to one year and a \$1,000 fine
> 500 pounds or > 100 cubic feet	Third-degree felony, punishable by imprisonment for up to five years and a \$5,000 fine

The penalties for dumping litter typically correspond with the amount of litter discarded.<sup>15</sup> The following table shows the penalties associated with the amount of litter dumped.

### III. Effect of Proposed Changes:

**Section 1** amends s. 379.233, F.S., which provides that it is unlawful to intentionally release, organize the release of, or intentionally cause to be released balloons inflated with a gas that is lighter than air. The bill deletes language allowing the intentional release of fewer than 10 balloons within a 24-hour period. The bill removes the exemption allowing the intentional release of biodegradable or photodegradable balloons which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments.

The bill provides that a person who intentionally releases balloons in violation of the law commits a noncriminal littering infraction. Current statutory language provides that the person is

<sup>12</sup> “Dump” means to dump, throw, discard, place, deposit, drain, discharge, or dispose of. Section 403.413(2), F.S.

<sup>13</sup> “Litter” means any personal property; garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; pharmaceutical of any kind; tire; household item; shed; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part, including a truck, trailer, or motor home; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, but excluding permitted, regulated, or authorized drainage, pumping, or runoff of surface water or stormwater. Section 403.413(2), F.S.

<sup>14</sup> Section 403.413(4), F.S.

<sup>15</sup> Section 403.413(6), F.S.

guilty of a noncriminal infraction. The bill provides that a violation is punishable under the Florida Litter Law.

The bill removes language allowing any person to petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.

**Section 2** amends s. 403.413, F.S., to revise the following definitions in the Florida Litter Law:

- “Dump,” by adding intentionally release;
- “Litter,” by adding balloon.

**Section 3** reenacts s. 403.4135(1), F.S., for the purpose of incorporating the amendment made by this bill to the Florida Litter Law in a reference thereto.

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:

None.

**C. Government Sector Impact:**

There is currently a \$250 fine that is deposited into the fine and forfeiture fund of the clerk of court for the county where the infraction occurred. The bill changes the infraction to a littering violation, which has a civil penalty of \$150, of which \$50 is deposited into the Solid Waste Management Trust Fund in the Department of Environmental Protection (DEP). Thus, the bill may cause an indeterminate negative fiscal impact to local governments for the reduction in penalties and an indeterminate positive fiscal impact to DEP.<sup>16</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 379.233 and 403.413 of the Florida Statutes.

This bill reenacts 403.4135(1) 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 Environment and Natural Resources on January 10, 2024:**

The CS restores the term “personal property” in the definition of litter.

**B. Amendments:**

None.

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

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<sup>16</sup> Florida Fish and Wildlife Conservation Commission, *2024 Agency Legislative Bill Analysis: SB 602*, 3-4 (on file with the Senate Committee on Environment and Natural Resources).

**By** the Committee on Environment and Natural Resources; and  
Senator DiCeglie

592-02016-24

2024602c1

A bill to be entitled  
An act relating to the release of balloons; amending  
s. 379.233, F.S.; revising a prohibition on the  
release of certain balloons to delete a specified  
timeframe and number of balloons; deleting an  
exemption from such prohibition for certain  
biodegradable or photodegradable balloons; providing  
that a person who violates the prohibition commits the  
noncriminal infraction of littering; revising the  
penalty for such violation; deleting a provision  
authorizing petitions to enjoin the release of  
balloons under certain circumstances; amending s.  
403.413, F.S.; revising the definitions of the terms  
"dump" and "litter"; reenacting s. 403.4135(1), F.S.,  
relating to litter receptacles, to incorporate the  
amendment made to s. 403.413, F.S., in a reference  
thereto; providing an effective date.

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

Section 1. Subsections (2), (3), and (4) of section  
379.233, Florida Statutes, are amended to read:

379.233 Release of balloons.—

(2) It is unlawful for any person, firm, or corporation to  
intentionally release, organize the release of, or intentionally  
cause to be released ~~within a 24-hour period 10 or more~~ balloons  
inflated with a gas that is lighter than air except for any of  
the following:

(a) Balloons released by a person on behalf of a

592-02016-24

2024602c1

governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.†

(b) Hot air balloons ~~that are~~ recovered after launching.†

(c) Balloons released indoors; ~~or~~

~~(d) Balloons that are either biodegradable or photodegradable, as determined by rule of the Fish and Wildlife Conservation Commission, and which are closed by a hand-tied knot in the stem of the balloon without string, ribbon, or other attachments. In the event that any balloons are released pursuant to the exemption established in this paragraph, the party responsible for the release shall make available to any law enforcement officer evidence of the biodegradability or photodegradability of said balloons in the form of a certificate executed by the manufacturer. Failure to provide said evidence shall be prima facie evidence of a violation of this act.~~

(3) Any person who violates subsection (2) commits is ~~guilty of~~ a noncriminal littering infraction, punishable as ~~provided in s. 403.413(6) (a) by a fine of \$250.~~

~~(4) Any person may petition the circuit court to enjoin the release of 10 or more balloons if that person is a citizen of the county in which the balloons are to be released.~~

Section 2. Paragraphs (d) and (f) of subsection (2) of section 403.413, Florida Statutes, are amended to read:

403.413 Florida Litter Law.—

(2) DEFINITIONS.—As used in this section:

(d) "Dump" means to dump, throw, discard, place, deposit, drain, discharge, ~~or~~ dispose of, or intentionally release.

(f) "Litter" means any personal property; garbage; rubbish; trash; refuse; can; bottle; box; container; paper; balloon;

592-02016-24

2024602c1

59 tobacco product; pharmaceutical of any kind; tire; household  
60 item; shed; appliance; mechanical equipment or part; building or  
61 construction material; tool; machinery; wood; motor vehicle or  
62 motor vehicle part, including a truck, trailer, or motor home;  
63 vessel; aircraft; farm machinery or equipment; sludge from a  
64 waste treatment facility, water supply treatment plant, or air  
65 pollution control facility; or substance in any form resulting  
66 from domestic, industrial, commercial, mining, agricultural, or  
67 governmental operations, but excluding permitted, regulated, or  
68 authorized drainage, pumping, or runoff of surface water or  
69 stormwater.

70 Section 3. For the purpose of incorporating the amendment  
71 made by this act to section 403.413, Florida Statutes, in a  
72 reference thereto, subsection (1) of section 403.4135, Florida  
73 Statutes, is reenacted to read:

74 403.4135 Litter receptacles.—

75 (1) DEFINITIONS.—As used in this section “litter” and  
76 “vessel” have the same meanings as provided in s. 403.413.

77 Section 4. This act shall take effect July 1, 2024.



**THE FLORIDA SENATE**  
**SENATOR NICK DICEGLIE**  
District 18

Kathleen Passidomo  
President of the Senate

Dennis Baxley  
President Pro Tempore

January 16, 2024

Dear Chair Calatayud,

I respectfully request that **SB 602: Release of Balloons** be placed on the agenda of the Community Affairs Committee at your earliest convenience. If my office can be of any assistance to the committee please do not hesitate to contact me at [DiCeglie.Nick@flsenate.gov](mailto:DiCeglie.Nick@flsenate.gov) or (850) 487-5018. Thank you for your consideration.

Sincerely,

Nick DiCeglie

State Senator, District 18

*Proudly Serving Pinellas County*

Transportation Committee, Chair ~ Banking and Insurance Committee, Vice Chair ~  
Fiscal Policy Committee ~ Judiciary Committee ~

Rules Committee ~ Joint Legislative Auditing Committee

1-22-24 4 pm

Meeting Date

CA 401 sob

Committee

The Florida Senate

# APPEARANCE RECORD

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

602

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

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:

**SIERRA CLUB 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 \(flsenate.gov\)](#)

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The Florida Senate

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1/22/2024  
Meeting Date

602  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Emma Haydocy

Phone 786 572 7051

Address 227 Pueblo St  
Street

Email ehaydocy@sunrider.org

Tavernier FL 37070  
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: Sunrider Foundation

☐ 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

1/22/2024

**APPEARANCE RECORD**

0602

Meeting Date

**Community Affairs**

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Lorena Holley**

Phone **8504431173**

Address **227 S. Adams Street**

Email **Lorena@FRF.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 Retail Federation**

☐ 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 \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

1-22-24

Meeting Date

SB 602

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Catherine Uden

Phone 951 261 5438

Address 1120 Lyndree St

Street

Email

Hollywood FL

City

State

33019

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:

Oceana

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 \(flsenate.gov\)](#)

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The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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SB 602

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Street

City

State

Zip

Email

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 \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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1/22/24

Meeting Date

Comm Aff

Committee

602

Bill Number or Topic

Amendment Barcode (if applicable)

Name Beth Alvi

Phone 850-222-1098

Address 308 N Monroe St  
Street

Email beth.alvi@andubon.org

Tall  
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:

Andubon 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 \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

1-22-24

Meeting Date

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602

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Steve Rosenberg

Phone (954) 812-4229

Address 9178 NW. 50<sup>th</sup> Ct.

Email stevenrinda@hotmail.com

Street

Coral Springs, FL

City

State

33067

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:

Surfrider Foundation

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 \(flsenate.gov\)](#)

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SB 602

Bill Number or Topic

Amendment Barcode (if applicable)

1/22/24

Meeting Date

Community Affairs

Committee

Name Kate MacFall

Phone 850 508-1001

Address 1206 Walter Dr.

Street

Email KMacfall@hsos.org

Tallah

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:

Humane Society of the United States

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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 660

INTRODUCER: Senator DiCeglie

SUBJECT: Public Records/Animal Shelter or Animal Control Agency

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Burse	Becker	AG	<b>Favorable</b>
2.	Hunter	Ryon	CA	<b>Favorable</b>
3.			RC	

---

## **I. Summary:**

SB 660 provides an exemption from public records requirements for records containing certain information pertaining to persons with legal custody of an animal from an animal shelter or animal control agency operated by a local government. The bill provides a statement of public necessity.

The public records exemption would stand repealed on October 2, 2029, unless it is reenacted by the Legislature under the Open Government Sunset Review Act.

This act shall take effect July 1, 2024.

## **II. Present Situation:**

### **Access to Public Records - Generally**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*



legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, ch. 119, F.S., provides requirements for public records held by executive agencies.

### **Executive Agency Records – The Public Records Act**

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>5</sup>

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”<sup>7</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>10</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>11</sup>

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<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2022-2024) and Rule 14.1, *Rules of the Florida House of Representatives*, (2022-2024).

<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

<sup>5</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.07(1)(a), F.S.

<sup>9</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>10</sup> FLA. CONST. art. I, s. 24(c).

<sup>11</sup> *Id.* See, e.g., *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

General exemptions from the public records requirements are contained in the Public Records Act.<sup>12</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>13</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.<sup>14</sup> Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.<sup>15</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act<sup>16</sup> (the act) prescribes a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>19</sup>

The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup>

An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>21</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>22</sup> or

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<sup>12</sup> See, e.g., s. 119.071(1)(a), F.S. (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>13</sup> See, e.g., s. 213.053(2)(a), F.S. (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>14</sup> See *Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

<sup>15</sup> *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

<sup>16</sup> Section 119.15, F.S.

<sup>17</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>18</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>19</sup> Section 119.15(3), F.S.

<sup>20</sup> Section 119.15(6)(b), F.S.

<sup>21</sup> Section 119.15(6)(b)1., F.S.

<sup>22</sup> Section 119.15(6)(b)2., F.S.

- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

In examining an exemption, the act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption. The act requires the Legislature to consider the following specific questions in such a review:<sup>24</sup>

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>25</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>26</sup>

### **Public or Private Animal Agencies Public Records**

Currently, the records of a public animal shelter, humane organization, or animal control agency operated by a humane society must be made available to the public pursuant to provisions in chapter 119, F.S.<sup>27</sup> The disposition of all animals taken in by a public or private animal shelter, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision, divided into species. These data must include dispositions by:

- Adoption;
- Reclamation by owner;
- Death in kennel;
- Euthanasia at the owner's request;
- Transfer to another public or private animal shelter, humane organization, or animal control agency operated by a humane society or by a county, municipality, or other incorporated political subdivision;
- Euthanasia;
- Released in field/Trapped, Neutered, Released (TNR);
- Lost in care/missing animals or records; and
- Ending inventory/shelter count at end of the last day of the month<sup>28</sup>.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

<sup>24</sup> Section 119.15(6)(a), F.S.

<sup>25</sup> *See generally* s. 119.15, F.S.

<sup>26</sup> Section 119.15(7), F.S.

<sup>27</sup> Section 823.15(2)(b), F.S.

<sup>28</sup> Section 823.15(2)(a)2., F.S.

### III. Effect of Proposed Changes:

**Section 1** amends s. 823.15, F.S., to revise requirement language related to the adoption of animals and public records. The bill creates a public record exemption for the personal information of persons who foster, adopt, or otherwise receive legal custody of an animal from an animal shelter or animal control agency. The public records exemption would stand repealed on October 2, 2029, unless it is reenacted by the Legislature under the Open Government Sunset Review Act.

**Section 2** provides a statement of public necessity which is to shield those seeking to adopt and foster animals from the potential stalking, harassment and intimidation from the animals' previous owners. The bill also provides that the need to protect the personal information of those seeking to adopt and foster animals overrides the state's public policy of open government.

**Section 3** provides that this act shall take effect July 1, 2024.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

##### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill creates an exemption, thus, the bill requires a two-thirds vote to be enacted.

##### **Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. This bill creates an exemption, thus, the bill require a two-thirds vote to be enacted.

##### **Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The exemption in the bill does not appear to be broader than necessary to accomplish the purpose of the law.

#### 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:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 823.15 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 DiCeglie

18-00276A-24

2024660\_\_

A bill to be entitled

An act relating to public records; amending s. 823.15, F.S.; providing an exemption from public records requirements for records held by an animal shelter or animal control agency operated by a local government which contain certain information pertaining to persons with legal custody of an animal; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (7) is added to section 823.15, Florida Statutes, to read:

823.15 Public or private animal agencies; sterilization required for dogs and cats released; recordkeeping requirements; microchipping; public records exemption.—

(7) The personal identifying information of persons who foster, adopt, or otherwise receive legal custody of an animal from an animal shelter or animal control agency operated by a county, municipality, or other incorporated political subdivision in any record relating to the animal and held by the shelter or agency are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

18-00276A-24

2024660\_\_

30       Section 2. The Legislature finds that it is a public  
31 necessity that the personal identifying information of persons  
32 who foster, adopt, or otherwise receive legal custody of an  
33 animal from an animal shelter or animal control agency operated  
34 by a county, municipality, or other incorporated political  
35 subdivision in any record relating to the animal and held by the  
36 shelter or agency be made exempt from s. 119.07(1), Florida  
37 Statutes, and s. 24(a), Article I of the State Constitution. The  
38 Legislature finds that, as reflected in s. 823.15(1), Florida  
39 Statutes, it is an important public policy of the state to  
40 encourage the fostering, adoption, and transfer of animals and  
41 to reduce euthanasia rates for animals in animal shelters and  
42 animal control agencies. Although such shelters and agencies are  
43 motivated to find new homes or placements for animals in their  
44 custody, potential fosterers and adopters and other persons  
45 considering receiving legal custody of animals may become  
46 discouraged from fostering, adopting, or receiving legal custody  
47 of the animals if the prior owners who lost or surrendered legal  
48 custody of the animals, or who did not reclaim the animals  
49 within the applicable time periods, can obtain their personal  
50 identifying information and attempt to regain legal custody of  
51 the animals from such persons. The Legislature finds that the  
52 stalking, harassment, and intimidation of animal fosterers,  
53 adopters, and other persons receiving legal custody of animals  
54 by prior animal owners, as well as prior animal owners' theft of  
55 animals from such persons, are threats to public safety and  
56 welfare and to the sanctity of private property, the family, and  
57 the home. The Legislature further finds that the need to protect  
58 the personal identifying information of animal fosterers,

18-00276A-24

2024660\_\_

59 adopters, and other persons receiving legal custody of animals  
60 is sufficiently compelling to override the state's public policy  
61 of open government and that the protection of such information  
62 cannot be accomplished without this exemption.

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



The Florida Senate

**APPEARANCE RECORD**

11/22/24

Meeting Date

660

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Kasey Denny

Phone 9544956333

Address 301 N Olive Ave

Street

Email kdenny@pbcgov.org

West Palm Beach FL 33401

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:

Palm Beach  
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)

The Florida Senate

**APPEARANCE RECORD**

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

1/22/24

Meeting Date

Community Affairs

Committee

SB 660

Bill Number or Topic

Public Records

Amendment Barcode (if applicable)

Name Kate MacFall

Phone 850 508-1001

Address 1206 Walter Dr.

Street

Email kmacfall@hsus.org

Tallahassee

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:

Humane Society of the United States

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

1/22/24  
Meeting Date

660  
Bill Number or Topic

CA  
Committee

Amendment Barcode (if applicable)

Name JENNIFER HOBGOOD Phone 850 445 5245

Address 3548 Cangrove Rd Email j.hobgood@aspca.org  
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:

ASPCA

☐ 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

1/22/24

Meeting Date

Comm Aff

Committee

6660

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Diana Ferguson

Phone

850-681-6788

Address

119 S Monroe St

Street

Email

dferguson@tututiger-  
tclerica.com

Tamp

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 Animal Control 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

11/22/23

Meeting Date

Community Affairs  
Committee

SB 660

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Maeie Codina

Phone

913-269-7173

Address

4370 Old Saint Augustine Rd

Street

Tallahassee

City

FL

State

32311

Zip

Email

mjcodina5@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:

Animal Law Section of the Florida Bar

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)

**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 742

INTRODUCER: Community Affairs and Senator Grall

SUBJECT: Public Works Projects

DATE: January 24, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Fav/CS</b>
2.			GO	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 742 revises the circumstances under which certain governmental actions are prohibited for the procurement of a “public works project.”

A “public works project” consists of the construction, maintenance, repair, renovation, remodeling, or improvement of certain infrastructure projects owned in whole or in part by any political subdivision.

Current law prohibits the state or any political subdivision from imposing certain requirements on contractors for public works projects paid for with any **state-appropriated** funds. The bill expands this provision to also include public works projects paid for with any **local** funds.

The bill does, however, maintain the ability for municipalities and counties to preclude certain contractors from bidding on a public works project based on the geographic location of the contractor’s headquarters or offices, if the project is paid solely with local funds.

The bill also specifies that the term “public works project” does not include the provision of goods, services, or work incidental to the public works project in certain instances.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Public Works Projects

A public works project is an activity that is paid for with any state-appropriated funds and that 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 political subdivision.<sup>1</sup>

### *Prohibited Governmental Actions Related to Public Works Projects*

Except as required by federal or state law, the state or any political subdivision<sup>2</sup> that contracts for a public works project paid for with any state-appropriated funds may not:

- Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid on a public works project or the residences of employees of such contractor, subcontractor, or material supplier or carrier;
- Require a contractor, subcontractor, or material supplier or carrier engaged in the project to:
  - Pay employees a predetermined amount of wages or prescribe any wage rate;
  - Provide employees a specified type, amount, or rate of employee benefits;
  - Control, limit, or expand staffing; or
  - Recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, or material supplier or carrier from submitting a bid on the project if such individual is able to perform the work described and is qualified, licensed, or certified as required by state law.<sup>3</sup>

The foregoing governmental actions are prohibited only for public works projects paid for with any amount of state-appropriated funds. These restrictions do not apply to locally-funded public works projects.

Prior to July 1, 2023, the state or a political subdivision could impose the otherwise prohibited requirements on contractors for state-funded public works projects, up to \$1 million. However, in 2023, the Legislature removed the \$1 million cap and prohibited such actions for public works projects using any amount of state appropriated funds.<sup>4</sup>

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<sup>1</sup> Section 255.0992(1)(b)

<sup>2</sup> “Political subdivision” means 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, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, board, public corporation, institution of higher education, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works. See s. 255.0992(1)(a), F.S.

<sup>3</sup> Section 255.0992, F.S.

<sup>4</sup> Ch. 2023-134, Laws of Fla.

### **III. Effect of Proposed Changes:**

The bill amends s. 255.0992, F.S., to revise the definition of “public works project” to include all projects paid for with **local** or state funds, rather than just projects that include state funding. This change prevents the state or political subdivision from imposing the prohibited governmental actions for public works projects paid for with any amount of local funds.

The bill does, however, maintain the ability for municipalities and counties to preclude certain contractors from bidding on a public works project based on the geographic location of the contractor’s headquarters or offices, for such public works projects paid solely with local funds.

The bill also specifies that the term “public works project” does not include the provision of goods, services, or work incidental to the public works project, such as the provision of security services, janitorial services, landscaping services, maintenance services, transportation services, or other services that do not require a construction contracting license or involve supplying or carrying construction materials for a public works project.

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 prohibition on certain predetermined wage, benefits, and staffing requirements may result in a positive fiscal impact for contractors.

**C. Government Sector Impact:**

The change to the definition of “public works project” may lower costs for local public construction projects by prohibiting certain actions by a local government such as imposing predetermined wage and benefit requirements on potential contractors.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 255.0992 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 Community Affairs on January 22, 2023:**

The committee substitute:

- Specifies that the term “public works project” does not include the provision of goods, services, or work incidental to the public works project in certain instances.
- Applies the exception allowing local governments to prevent a vendor from bidding based on a contractor's geographic location to municipalities and counties only, rather than all political subdivisions.

**B. Amendments:**

None.



660332

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
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	.	
	.	

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The Committee on Community Affairs (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 26 and 27

insert:

The term does not include the provision of goods, services, or work incidental to the public works project, such as the provision of security services, janitorial services, landscaping services, maintenance services, transportation services, or other services that do not require a construction contracting license or involve supplying or carrying construction materials



660332

11 for a public works project.

12

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

14 And the title is amended as follows:

15       Delete lines 4 - 5

16 and insert:

17       "public works project"; revising applicability of a



191412

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Grall) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 38 - 39  
and insert:  
county or municipality that contracts for a public works project  
for which the county or municipality is the sole source of

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

And the title is amended as follows:

Delete line 8



191412

11 and insert:  
12 from taking certain actions under specified  
13 circumstances; providing an effective

By Senator Grall

29-01436-24

2024742\_\_

A bill to be entitled  
An act relating to public works projects; amending s.  
255.0992, F.S.; revising the definition of the term  
"public works project" to include activities paid for  
with local funds; revising applicability of a  
provision that prohibits the state or a political  
subdivision that contracts for a public works project  
from taking certain actions; providing an effective  
date.

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

Section 1. Paragraph (b) of subsection (1) and paragraph  
(a) of subsection (2) of section 255.0992, Florida Statutes, are  
amended to read:

255.0992 Public works projects; prohibited governmental  
actions.—

(1) As used in this section, the term:

(b) "Public works project" means an activity that is paid  
for with any local or state-appropriated funds and that 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 political subdivision.

(2) Except as required by federal or state law, the state  
or any political subdivision that contracts for a public works  
project may not take the following actions:

29-01436-24

2024742\_\_

(a) Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid on a public works project or the residences of employees of such contractor, subcontractor, or material supplier or carrier. This paragraph does not apply to a political subdivision that contracts for a public works project for which the political subdivision is the sole source of funding.

Section 2. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** December 18, 2023

---

I respectfully request that **Senate Bill #742**, relating to Public Works Projects, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink that reads "Erin K. Grall".

---

Senator Erin Grall  
Florida Senate, District 29



The Florida Senate

**APPEARANCE RECORD**

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

11/24/24

Meeting Date

Senate Community

Committee

SB 742

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Laura Munoz

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.

5-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

1/22/24  
Meeting Date  
Community Affairs  
Committee

SB 742  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Yenisbel Vilorio Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

\_\_\_\_\_  
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:

Six Action

☐ 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-29-24

SB 742

Meeting Date

Bill Number or Topic

Community Affairs

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

Committee

Amendment Barcode (if applicable)

Name

KRAIG HEIBRANK

Phone

850-566-9824

Address

245 S. Monroe St. #550

Email

khebrank@carltonfields.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:

National Utility Contractors

☐

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

Assoc. of FL

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

11/22/24

Meeting Date

Community Affairs

Committee

742

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Marty Cassini

Phone

954-357-7575

Address

100 S. Andrews Ave

Email

mcassini@brown.org

Street

Fort Lauderdale FL 33301

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)

Jan. 22, 2024  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

742  
Bill Number or Topic

\_\_\_\_\_  
Committee

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name Johnny A Green Phone 813-767-8865

Address 10427 Fuller Ridge Email JohnnyA10green@ICohd  
Street

Riverview FL 33578  
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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

1-22-24

Meeting Date

742

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Willie Kitchin

Phone

813 323-3943

Address

1309 E Laura St

Email

mrwckitchin69@gmail.com

Street

Plant City FLA

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 \(flisenate.gov\)](#)

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

1/22/24

Meeting Date

Community Affairs

Committee

742 - Public Workers

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chad Kunde

Phone (850) 766-7896

Address 136 S Brancough St

Email ckunde@flcmember.com

Street

Tallahassee

City

State

FL 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:

Florida Chamber of  
Commerce

☐ 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 27 2024  
Meeting Date

Community Affairs  
Committee

SB 742

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sara Seleski

Phone 352 514 1568

Address 48 SE Sedona Cir  
Street

Email Sarashe said@gmail.com

Stuart  
City

FL  
State

34994  
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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

Jan 22, 2024

Meeting Date

SB 742

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Valerie Chuchman

Phone \_\_\_\_\_

Address 708 W. Hiawatha St

Email \_\_\_\_\_

Street

Tampa

City

FL

State

33604

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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1/22/24  
Meeting Date

Community Affairs  
Committee

SB 742  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Elizabeth Frankfeld Phone 727-4

Address 9129 Moonlit Meadows Loop Email \_\_\_\_\_  
Street

Riverview FL 33578  
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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

SB 742

Bill Number or Topic

Amendment Barcode (if applicable)

1/22/2024  
Meeting Date

Community Affairs  
Committee

Name Heather Fox

Phone \_\_\_\_\_

Address 1517 W Clinton St  
Street

Email \_\_\_\_\_

Tampa  
City

FL  
State

33604  
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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 742

Bill Number or Topic

Amendment Barcode (if applicable)

1/22/2024

Meeting Date

Community Affairs

Committee

Name

Emily Griest

Phone

Address

2010 E. Palm Avenue Unit 15201

Email

Street

Tampa

FL

33605

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1-22-24  
Meeting Date  
Community Affairs  
Committee

SB742  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Allan Dyer-Shapiro  
Address 21563 Bernich Run  
Esco FL 33928  
City State Zip

Phone 239 248 1957  
Email allan.dyer.shapiro@yahoo.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 \(flsenote.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1-22-24

Meeting Date

Com Affairs

Committee

SB 742

Bill Number or Topic

Amendment Barcode (if applicable)

Name Caitie Walters

Phone

Address

Email

Street

Cocoa

City

FL

State

32927

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

HB 742

255-0992

Bill Number or Topic

660332/19

Amendment Barcode (if applicable)

Meeting Date

1/22/24  
Community Affairs

Committee

Name

Soraya Marles

Phone

305 788 3268

Address

15896 SW 55 Terr

Email

Soraya@jastdoors.com

Street

Miami FL 33185

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 \(flsenote.gov\)](#)

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

1-22-2024

Meeting Date

Community Affairs

Committee

SB 742

Bill Number or Topic

660332 / 191412

Amendment Barcode (if applicable)

Name DOROTHY BROWN-ALFARO

Phone 786 486-2377

Address 11820 MIRAMAR PKWY #227

Street

Email DORCAX@Bellsouth.net

MIRAMAR

City

FL

State

33025

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

HB 742

~~2550992~~

1/22/2024

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ISMAILIA RASHID

Phone

786-402-5285

Address

P.O. Box 370248

Email

CSBE Association Inc@gmail.com

Street

Miami

City

FL

State

33127

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

01/22/24

Meeting Date

Community Affairs

Committee

SB 742

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jackson Oberlin K

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:

Florida  
Rising



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 742

Bill Number or Topic

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

Amendment Barcode (if applicable)

1/22/2024  
Meeting Date

Senate Community Affairs  
Committee

Name Tim Adams

Phone 407 760 9526

Address 30526 Saint Andrews Blvd

Email thetimadams@hotmail.com

Street

Sorrento

FL

32776

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 the Senator or Senate Professional Staff conducting the meeting)

1/22/24

*Meeting Date*

742

*Bill Number (if applicable)*

Topic Public Works Projects

*Amendment Barcode (if applicable)*

Name Adam Basford

Job Title VP Government Affairs

Address 516 N Adams St

Phone 850.224.7173

*Street*

Tallahassee

FL

32301

Email abasford@aif.com

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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

S-001 (10/14/14)

The Florida Senate

# APPEARANCE RECORD

1/22

Meeting Date

SB 742

Bill Number or Topic

Comm. Affairs

Committee

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

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-224-6926

Address 135 S. Monroe  
Street

Email \_\_\_\_\_

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:

Florida AFL-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

Deliver both copies of this form to  
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SB742  
Bill Number or Topic

1/22/24  
Meeting Date  
Community Affairs  
Committee

Name Cheyne Seleski Phone (561) 254-9123

Address 48 SE Sedona Circle Unit 102 Email CSeleski@gmail.com  
Street

Stuart FL 34994  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

<input checked="" type="checkbox"/> I am appearing without compensation or sponsorship.	<input type="checkbox"/> I am a registered lobbyist, representing:	<input type="checkbox"/> I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:
-----------------------------------------------------------------------------------------	--------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

11/22/24

Meeting Date

Community Affairs

Committee

742

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

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jscala@fl-counties.com

Street

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:

Florida Association of Counties

☐

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

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

SB 742

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

BRIAN NATHAN

Phone

813-326-1002

Address

7201 BEASLEY ROAD

Email

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Street

TAMPA

FL

33615

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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

11/22/24

Meeting Date

Comm Affairs

Committee

742

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Eileen Higgins

Phone

305-375-5924

Address

111 NW 1st St

Email

ehiggins@miamidade.gov

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Miami

City

FL

State

33132

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:

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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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 770

INTRODUCER: Community Affairs Committee and Senator Martin

SUBJECT: Improvements to Real Property

DATE: January 24, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

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 governments<sup>1</sup> 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.<sup>2</sup>

Through a PACE program, a property owner<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> However, it is the local government that enters into a financing agreement directly with the property owner.<sup>6</sup> In 2012, the Legislature expanded the definition of "local government" to allow a partnership of local governments formed pursuant to the Florida Interlocal Cooperation Act<sup>7</sup> to enter into a financing agreement wherein the partnership, as a separate legal entity, imposes the PACE assessment.<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup>

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<sup>1</sup> "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.

<sup>2</sup> 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).

<sup>3</sup> 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).

<sup>4</sup> Section 163.08(2)(b), F.S.

<sup>5</sup> Section 163.08(6), F.S.

<sup>6</sup> Section 163.08(8), F.S.

<sup>7</sup> Section 163.01(7), F.S.

<sup>8</sup> Chapter 2012-117, L.O.F.

<sup>9</sup> Section 163.08(13), F.S.

<sup>10</sup> 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,<sup>11</sup> 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,<sup>12</sup> 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,<sup>13</sup> 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.<sup>14</sup>

### ***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.<sup>15</sup>

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<sup>11</sup> Section 163.08(2)(b)1., F.S.

<sup>12</sup> Section 163.08(2)(b)2., F.S.

<sup>13</sup> Section 163.08(2)(b)3., F.S.

<sup>14</sup> Section 163.08(10), F.S.

<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup>

### **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.<sup>18</sup> Such priority has influenced Fannie Mae and Freddie Mac to refuse the purchase of loans with existing PACE-based tax assessments,<sup>19</sup> and properties encumbered with PACE obligations are not eligible for Federal Housing Administration insured financing.<sup>20</sup> However, priority lien position protects local governments, who are authorized to take on debt for the financing they provide.<sup>21</sup> Advocates also state that the priority lien position enables local governments to offer competitive interest rates, ranging from approximately 6 to 9 percent.<sup>22</sup>

### ***Consumer Financial Protection Bureau Steps***

In 2018, the United States Congress directed the Consumer Financial Protection Bureau (CFPB) to promulgate regulations regarding PACE financing.<sup>23</sup> 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.<sup>24</sup>

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,

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<sup>16</sup> Section 163.08(11), F.S.

<sup>17</sup> Section 163.08(12), F.S.

<sup>18</sup> 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).

<sup>19</sup> 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).

<sup>20</sup> "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).

<sup>21</sup> Section 163.08(7), F.S.

<sup>22</sup> *AboutPACE*, Florida PACE Funding Agency, available at <https://floridapace.gov/about-pace/> (last visited Jan. 10, 2024).

<sup>23</sup> Section 307, Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law No 115-174 (May 24, 2018).

<sup>24</sup> 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](https://files.consumerfinance.gov/f/documents/cfpb_anpr_residential-property-assessed-clean-energy-financing.pdf) (last visited Jan. 10, 2024).

and assessments.<sup>25</sup> In making such a determination, the creditor must verify and consider specific factors including the consumer's income, assets, and existing debt obligations.<sup>26</sup> 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."<sup>27</sup>

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,<sup>28</sup> 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.<sup>29</sup>

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.<sup>30</sup> 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.<sup>31</sup>

## **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, long-term care facilities, and government commercial property.

<sup>25</sup> Id., citing TILA section 129C(a), 15 U.S.C. 1639c(a).

<sup>26</sup> Id.

<sup>27</sup> 7 TILA section 129B(a)(2), 15 U.S.C. 1639b(a)(2).

<sup>28</sup> California, Florida, and Missouri are the only three states offering PACE financing on residential property.

<sup>29</sup> 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).

<sup>30</sup> Assembly Bill 1284 (Dababneh, Chap 475, Stats. 2017) – California Financing Law: Property Assessed Clean Energy program: program administrators.

<sup>31</sup> 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.

### **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 removes solar energy production improvements for residential property, and 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.

### ***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 exceeding \$5,000, the property owner has obtained 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 significantly increase the original cost of the qualifying improvement, 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 5 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,<sup>32</sup> 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 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.

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.)

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<sup>32</sup> Art. 1, S. 10, U.S. CONST.

**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.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
01/24/2024	.	
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The Committee on Community Affairs (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:



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(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, and government commercial property.

(2) "Government commercial property" means real property owned by a local government and leased to a nongovernmental lessee. The term does not include residential property.

(3) "Local government" means a county or a municipality.

(4) "Nongovernmental lessee" means a person or an entity other than a local government which leases government commercial property.

(5) "Property owner" means the owner or owners of record of real property within the jurisdiction of the local government. 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 the local government:

(a) For improvements on residential property:

1. Repairing, replacing, or improving 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.





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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 windows or doors.

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.

(b) For improvements on commercial property:

1. Repairing, replacing, or improving 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.



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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; 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 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.

4. Replacing windows or doors, including garage doors, with energy-efficient windows or doors.

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. Installing energy controls or energy recovery systems.

10. Installing electric vehicle charging equipment.

11. Installing efficient lighting equipment or any other improvements necessary to achieve a sustainable building rating or compliance with a national model green building code.



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(7) "Qualifying improvement contractor" means a licensed or registered contractor who has been approved to participate by a local government pursuant to s. 163.083 to install or otherwise perform work to make qualifying improvements on residential property or commercial property financed pursuant to a program adopted by the local government under s. 163.081 or s. 163.082.

(8) "Residential property" means real property zoned as 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 CREATION AND LOCAL GOVERNMENT AUTHORITY.—

(a) A local government that elects to administer a program for financing qualifying improvements to residential property within its jurisdiction must adopt by ordinance or resolution a program that, at a minimum, meets the requirements of this section. Pursuant to this section or as otherwise provided by law or pursuant to a local government's home rule power, a local government may enter into an interlocal agreement providing for a partnership between one or more local governments for the purpose of financing qualifying improvements to residential property located within the jurisdiction of the local governments party to the agreement. A local government may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(b) A local government may levy non-ad valorem assessments



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to facilitate repayment of financing qualifying improvements.  
Costs incurred by the local government 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 local government agree.

(c) A local government 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 the local government may  
apply to the local government to finance a qualifying  
improvement. The local government may only enter into a  
financing agreement with the property owner.

(3) FINANCING AGREEMENTS.—

(a) Before entering into a financing agreement, the local  
government 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:



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156        1. There are sufficient resources to complete the project.

157        2. The estimated benefit to the owner from the project  
158 during the financing period is equal to or greater than the cost  
159 of the project, including interest and fees. The estimated  
160 benefit must take into account anticipated reduced utility  
161 costs, any potential insurance savings, and any increase in the  
162 value of the residential property due to the improvements as  
163 compared to the total financing cost.

164        3. The total amount of any non-ad valorem assessment for a  
165 residential property under this section does not exceed 20  
166 percent of the just value of the property as determined by the  
167 property appraiser. The total amount may exceed this limitation  
168 upon written consent of the holders or loan servicers of any  
169 mortgage encumbering or otherwise secured by the residential  
170 property.

171        4. The combined mortgage-related debt and total amount of  
172 any non-ad valorem assessments under the program for the  
173 residential property does not exceed 97 percent of the just  
174 value of the property as determined by the property appraiser.

175        5. The financing agreement does not utilize a negative  
176 amortization schedule, a balloon payment, or prepayment fees or  
177 finances other than nominal administrative costs. Capitalized  
178 interest included in the original balance of the assessment  
179 financing agreement does not constitute negative amortization.

180        6. The residential property is located within the  
181 geographic boundaries of the local government.

182        7. All property taxes and any other assessments, including  
183 non-ad valorem assessments, levied on the same bill as the  
184 property taxes are current and have not been delinquent for the



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preceding 3 years, or the property owner's period of ownership,  
whichever is less.

8. There are no outstanding fines or fees related to zoning  
or code enforcement violations issued by the local government.

9. There are no involuntary liens, including, but not  
limited to, construction liens on the residential property.

10. 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.

11. The property owner is current on all mortgage debt on  
the property and has had no more than one late payment exceeding  
30 days during the 12 months immediately preceding the  
application date.

12. 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.

13. The residential property is not subject to an existing  
home equity conversion mortgage or reverse mortgage product.

14. 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  
local government 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.

15. The total estimated annual payment amount for all



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financing agreements entered into under this section on the  
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.

16. The property owner has obtained estimates from at least  
two unaffiliated, competitive entities for the qualifying  
improvement to be financed.

(b) Before entering into a financing agreement, the local  
government must ascertain the status of 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 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 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.

(d) When a proposed change order on a project will  
significantly increase the cost of the original project or  
significantly expand the scope of the original project, before



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the change order may be executed, the local government 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.  
The financing agreement and any contract for the qualifying  
improvements must include provisions for change orders that meet  
the requirements of this paragraph.

(e) A financing agreement may not be entered into if the  
total cost of the qualifying improvement 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 local  
government 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;





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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 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



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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 local government must conduct an oral, recorded telephone call with the property owner during which the local government 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 local government. 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 local government within 5 business days after signing the financing agreement without any



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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 local government 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 located within the jurisdiction of a local government that has placed 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



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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 local government 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 CREATION AND LOCAL GOVERNMENT AUTHORITY.—

(a) A local government that elects to administer a program for financing qualifying improvements to commercial property within its jurisdiction shall adopt by ordinance or resolution a program that, at a minimum, meets the requirements of this section. Pursuant to this section or as otherwise provided by law or pursuant to a local government's home rule power, a local government may enter into an interlocal agreement providing for



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a partnership between one or more local governments for the purpose of financing qualifying improvements to commercial property located within the jurisdiction of the local governments party to the agreement. A local government may contract with one or more third-party administrators to implement the program as provided in s. 163.084.

(b) A local government may levy non-ad valorem assessments to facilitate repayment of financing qualifying improvements. Costs incurred by the local government 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 local government agree.

(c) A local government 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 local government may apply to the local government to finance a qualifying improvement. The local government may only enter into a financing agreement with a property owner. However, if the



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commercial property is leased from the government, then the lessee may apply to finance a qualifying improvement if the nongovernmental lessee provides the local government 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 local government 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 estimated benefit to the owner from the project during the financing period is equal to or greater than the cost of the project, including interest and fees. The estimated benefit must take into account anticipated reduced utility costs, any potential insurance savings, and any increase in the value of the commercial property due to the improvements as compared to the total financing cost.

3. 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.

4. The combined mortgage-related debt and total amount of



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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.

5. 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.

6. The commercial property is located within the geographic boundaries of the local government.

7. All property taxes and any other assessments, including non-ad valorem assessments, levied on the same bill as the property taxes are current.

8. There are no involuntary liens greater than \$5,000, including, but not limited to, construction liens on the commercial property.

9. 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.

10. The property owner is current on all mortgage debt on the commercial property.

11. 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 local government shall determine the useful life of a qualifying improvement using established standards, including certification criteria from government agencies or nationally recognized



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standards and testing organizations.

12. The property owner or nongovernmental lessee is not currently the subject of a bankruptcy proceeding.

(b) Before entering into a financing agreement, the local government shall determine the status of 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 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) When a proposed change order on a project will significantly increase the cost of the original project or significantly expand the scope of the original project, before the change order may be executed, the local government 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





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nongovernmental lessee. The financing agreement and any contract for the qualifying improvements must include provisions for change orders that meet the requirements of this paragraph.

(e) A financing agreement may not be entered into if the total cost of the qualifying improvement 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.—In addition to the requirements in subsection (3), a financing agreement may not be approved unless the local government first provides, including through electronic means, a written 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



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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;

(i) 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; and

(j) 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) NOTICE TO LIENHOLDERS AND SERVICERS.—

(a) 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 commercial 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 local government. 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 not enforceable. This paragraph does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an



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amount necessary to pay the annual assessment.

(b) Before entering into a financing agreement with a property owner, the local government 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) CANCELLATION.—A property owner or nongovernmental lessee may cancel a financing agreement on a form established by the local government 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 must be submitted for recording in the public records of the county within which the commercial property is located by the local government 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 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



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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 located within the jurisdiction of a local government that has placed 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.

(9) DISBURSEMENTS.—Before disbursing final funds to a qualifying improvement contractor for a qualifying improvement on commercial property, the local government 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 4. Section 163.083, Florida Statutes, is created to read:

163.083 Qualifying improvement contractors.—



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(1) A local government shall establish a process to approve contractors for participation in a program adopted by the local government pursuant to s. 163.081 or s. 163.082. 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 local government a written statement in a form approved by the local government 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, either directly or through an affiliate, may not be approved as a qualifying improvement contractor.

(3) A local government 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



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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.

Section 5. Section 163.084, Florida Statutes, is created to read:

163.084 Third-party administrator for local government financing qualifying improvements programs.—

(1) A local government may contract with one or more for-profit or nonprofit entities to administer a program adopted by the local government pursuant to s. 163.081 or s. 163.082 on behalf of and at the discretion of the local government. The third-party administrator must be independent of the local government and have no conflicts of interest between managers or owners of the third-party administrator and local government 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 local government. However, only the local government may levy or administer non-ad valorem assessments.

(2) The local government may require the third-party administrator to provide a statement in the financing agreement that it is subject to approval and submit a financing agreement to the local government for approval prior to recording, in which case recording is required within 5 business days after



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local government approval.

(3) A local government may not contract with a third-party administrator that has been prohibited from serving as a third-party administrator for another local government 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.

(4) The local government 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 local government, and the contract with the local government. If the local government 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 local government, the local government shall provide the third-party administrator with notice of the violation and may, as set forth by the local government in its 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.

(5) A local government may terminate the agreement with a third-party administrator, as set forth by the local government in its adopted ordinance or resolution or the contract with the



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third-party administrator, if the local government makes finding that:

(a) The third-party administrator has violated the contract with the local government. 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 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.

(6) Any recorded financing agreements at the time of termination or suspension by the local government shall continue.

Section 4. Section 163.085, Florida Statutes, is created to read:





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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 local government or qualifying  
improvement contractor 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  
require repayment of the financial obligation.

(b) Make any representation as to the tax deductibility of  
a non-ad valorem assessment. A local government or qualifying  
improvement contractor may encourage a property owner or  
nongovernmental lessee to seek the advice of a tax professional  
regarding tax matters related to assessments.

(2) A local government 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 local government unless the



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contractor is approved by the local government to participate in the program and is in good standing with the local government.

(4) A local government may not provide any payment, fee, or kickback to a qualifying improvement contractor for referring property owners or nongovernmental lessees to the local government. However, a local government 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 local government may reimburse a qualifying improvement contractor or third-party administrator 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 or s. 163.082 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) or s. 163.082(3)(d).

(7) A local government 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 local government may offer programs or promotions that provide reduced fees or interest rates if the reduced fees or interest rates are reflected in the



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financing agreements and are not provided to the property owner or nongovernmental lessee as cash consideration.

Section 5. 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 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 5-business-day period pursuant to s. 163.081(6) or s. 163.082(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 local government, third-party administrator, or qualifying improvement contractor approved or obtained funding through fraudulent means and in violation of s. 163.081, s. 163.082, s. 163.083, s. 163.084, s. 163.085, or this section for qualifying improvements on the residential property or



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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 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



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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 qualifying improvement.

Section 6. 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 local government that elects 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:

(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.



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(d) A summary of all reported complaints received by the local government 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 local government program, 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 local government, and third-party administrator if applicable, must post the most recent report on its website.

Section 7. 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.; requiring a local government that  
administers a program for financing qualifying  
improvements for residential and commercial property  
to meet certain requirements; authorizing a local  
government to enter into an interlocal agreement and



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to contract with third-party administrators to  
implement the program; authorizing a local government  
to levy non-ad valorem assessments for a certain  
purpose; authorizing a local government to incur debt  
for the purpose of providing financing for qualifying  
improvements; authorizing the record owner of the  
residential property to apply to the local government  
to finance a qualifying improvement; requiring the  
local government to make certain findings before  
entering into a financing agreement; requiring the  
local government to ascertain certain financial  
information from the property owner before entering  
into a financing agreement; requiring certain  
documentation; requiring the local government to  
perform certain tasks if a proposed change order will  
significantly impact an improvement project in certain  
ways; requiring certain financing agreement and  
contract provisions for change orders; prohibiting a  
financing agreement from being entered into under  
certain circumstances; requiring the local government  
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 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  
information; requiring that proof of such notice be



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provided to the local government; providing that a certain acceleration provision in an agreement between the property owner and mortgagor or lienholder is unenforceable; providing that the holder or loan servicer retain certain authority; requiring the local government to receive the written consent of certain lienholders on commercial property; authorizing a 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 residential properties offered for sale which have assessments on them for qualifying improvements; requiring the local government to confirm that certain conditions are met before disbursing final funds to a qualifying improvement contractor; creating s. 163.083, F.S.; requiring a local government to establish a process for the approval of a qualifying improvement contractor to install qualifying improvements unless certain conditions are met; prohibiting a third-party administrator from approval as a qualifying improvement contractor; requiring the local government to monitor qualifying improvement contractors and enforce certain penalties for a finding of violation; creating s. 163.084, F.S.; authorizing the local government to contract with for-profit and non-profit entities to administer the program; prohibiting for-profit and non-profit entities from levying or





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administering non-ad valorem assessments; authorizing the local government to require the third-party administrator to provide a certain statement in the financing agreement; requiring recording of the financing agreement within a specified timeframe; prohibiting a local government from contracting with a third-party administrator under certain circumstances; requiring the local government to include in its contract with the third-party administrator the right to perform annual reviews of the administrator; authorizing the local government to take certain actions if the local government finds that the third-party administrator has committed a violation of its contract; authorizing a local government to terminate an agreement with a third-party administrator under certain circumstances; providing for the continuation of certain financing agreements after the termination or suspension of the third-party administrator administering the program; creating s. 163.085, F.S.; requiring that, in communicating with the property owner or nongovernmental lessee, the local government or qualifying improvement contractor comply with certain requirements; prohibiting the local government from disclosing certain financing information to a qualifying improvement contractor; prohibiting a qualifying improvement contractor from making certain advertisements or solicitations; providing exceptions; prohibiting a local government from providing certain payments, fees, or kickbacks to a qualifying



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997 improvement contractor; authorizing a local government  
998 to reimburse a qualifying improvement contractor for  
999 certain expenses; prohibiting a local government from  
1000 providing certain financial information to a  
1001 qualifying improvement contractor; prohibiting a  
1002 qualifying improvement contractor from providing  
1003 certain prices for a qualifying improvement; requiring  
1004 a contract between a property owner or nongovernmental  
1005 lessee and a qualifying improvement contractor to  
1006 include certain provisions; prohibiting a local  
1007 government from providing any cash payment or anything  
1008 of material value to a property owner or  
1009 nongovernmental lessee which is explicitly conditioned  
1010 on a financing agreement; creating s. 163.086, F.S.;  
1011 prohibiting a recorded financing agreement from being  
1012 removed from attachment to a property under certain  
1013 circumstances; providing for the unenforceability of a  
1014 financing agreement under certain circumstances;  
1015 providing provisions for when a qualifying improvement  
1016 contractor initiates work on an unenforceable  
1017 contract; providing that a qualifying improvement  
1018 contractor may retrieve chattel or fixtures delivered  
1019 pursuant to an unenforceable contract if certain  
1020 conditions are met; providing that an unenforceable  
1021 contract will remain unenforceable under certain  
1022 circumstances; creating s. 163.087, F.S.; requiring a  
1023 local government that administers a program for  
1024 financing a qualifying improvement to post on its  
1025 website an annual report; specifying requirements for



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1026       the report; requiring the auditor general to conduct  
1027       an operational audit of each local government program;  
1028       providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
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The Committee on Community Affairs (Martin) recommended the following:

**Senate Substitute for Amendment (959872) (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



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term:

(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; a long-term care or assisted living facility; real property owned by a nonprofit; 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:



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(a) For improvements on residential property:

1. Repairing, replacing, or improving 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. 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 windows or doors.

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.



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(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 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



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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 residential or multifamily residential and composed of four or fewer dwelling units.





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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 collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early



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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 percent of the just value of the property as determined by the property appraiser. The total amount may exceed this limitation



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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.

9. The property owner is current on all mortgage debt on the residential property.



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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 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 estimated to cost \$5,000 or more, the property owner has obtained estimates from at least two unaffiliated, registered qualifying improvement contractors for the qualifying improvement to be financed.

(b) Before entering into a financing agreement, the property 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



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243 been recorded. The failure to disclose information related to  
244 not yet recorded financing agreements does not invalidate a  
245 financing agreement or any obligation thereunder, even if the  
246 total financed amount of the qualifying improvement exceeds the  
247 amount that would otherwise be authorized under this section.  
248 The existence of a prior qualifying improvement non-ad valorem  
249 assessment or a prior financing agreement is not evidence that  
250 the financing agreement under consideration is affordable or  
251 meets other program requirements.

252 (c) Findings satisfying paragraphs (a) and (b) must be  
253 documented, including supporting evidence relied upon, and  
254 provided to the property owner prior to a financing agreement  
255 being approved and recorded.

256 (d) A property owner and the program administrator may  
257 agree to include in the financing agreement provisions for  
258 allowing change orders necessary to complete the qualifying  
259 improvement. Any financing agreement or contract for qualifying  
260 improvements which includes such provisions must meet the  
261 requirements of this paragraph. If a proposed change order on a  
262 qualifying improvement will significantly increase the original  
263 cost of the qualifying improvement or significantly expand the  
264 scope of the qualifying improvement, before the change order may  
265 be executed which would result in an increase in the amount  
266 financed through the program administrator for the qualifying  
267 improvement, the program administrator must notify the property  
268 owner, provide an updated written disclosure form as described  
269 in subsection (4) to the property owner, and obtain written  
270 approval of the change from the property owner.

271 (e) A financing agreement may not be entered into if the



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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 costs of the non-ad valorem assessment, including program fees;

8. The estimated due date of the first payment that



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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 call with the property owner during which the program administrator must confirm each finding or disclosure required



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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 records of the county within which the residential property is located by the program administrator within 10 business days





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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  
qualifying improvement contractor for a qualifying improvement  
on residential property, the program administrator shall confirm



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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 jurisdiction of the local governments party to the agreement. A program administrator may contract with one or more third-party



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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 property owner. However, a nongovernmental lessee may apply to finance a qualifying improvement if the nongovernmental lessee



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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-



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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 evidence that the financing agreement under consideration is affordable or meets other program requirements.



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(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 document or included with other disclosures or forms, a financing estimate and disclosure to the property owner or



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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 otherwise be secured by the property at the time the financing agreement is executed.



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(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 to contact the property appraiser's office to learn more about this and other assessments that may be





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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.

(b) Comply with all applicable federal, state, and local laws and regulations, including obtaining and maintaining any



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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 status or that are suspended or terminated from participation in the program.



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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 with the third-party administrator the right to perform annual reviews of the administrator to confirm compliance with ss.



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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  
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



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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 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;



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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 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-



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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  
may 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 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



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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 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 5-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 s. 163.081, s. 163.082, s. 163.083, s. 163.084, s. 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





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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 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.



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(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 program administrator related to the program, including the



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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.

===== 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



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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 assessments for a certain purpose; 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 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; 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



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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 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; creating s. 163.083, F.S.; requiring a  
county or municipality to establish or approve a



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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 program; prohibiting a third-party administrator from registration as a qualifying improvement contractor; requiring the program administrator to monitor qualifying improvement contractors, enforce certain penalties for a finding of violation, and post certain information online; creating s. 163.084, F.S.; authorizing the program administrator to contract with entities to administer an authorized program; providing certain requirements for a third-party administrator; prohibiting a program administrator from contracting with a third-party administrator under certain circumstances; requiring the program administrator to include in its contract with the third-party administrator the right to perform annual reviews of the administrator; authorizing the program administrator to take certain actions if the program administrator finds that the third-party administrator has committed a violation of its contract; authorizing a program administrator to terminate an agreement with a third-party administrator under certain circumstances; providing for the continuation of certain financing agreements after the termination or suspension of the third-party administrator; creating s. 163.085, F.S.; requiring that, in communicating with the property owner or nongovernmental lessee, the



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997 program administrator, qualifying improvement  
998 contractor, or third-party administrator comply with  
999 certain requirements; prohibiting the program  
1000 administrator or third-party administrator from  
1001 disclosing certain financing information to a  
1002 qualifying improvement contractor; prohibiting a  
1003 qualifying improvement contractor from making certain  
1004 advertisements or solicitations; providing exceptions;  
1005 prohibiting a program administrator or third-party  
1006 administrator from providing certain payments, fees,  
1007 or kickbacks to a qualifying improvement contractor;  
1008 authorizing a program administrator or third-party  
1009 administrator to reimburse a qualifying improvement  
1010 contractor for certain expenses; prohibiting a  
1011 qualifying improvement contractor from providing  
1012 different prices for a qualifying improvement;  
1013 requiring a contract between a property owner or  
1014 nongovernmental lessee and a qualifying improvement  
1015 contractor to include certain provisions; prohibiting  
1016 a program administrator, third-party administrator, or  
1017 qualifying improvement contractor from providing any  
1018 cash payment or anything of material value to a  
1019 property owner or nongovernmental lessee which is  
1020 explicitly conditioned on a financing agreement;  
1021 creating s. 163.086, F.S.; prohibiting a recorded  
1022 financing agreement from being removed from attachment  
1023 to a property under certain circumstances; providing  
1024 for the unenforceability of a financing agreement  
1025 under certain circumstances; providing provisions for



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1026       when a qualifying improvement contractor initiates  
1027       work on an unenforceable contract; providing that a  
1028       qualifying improvement contractor may retrieve chattel  
1029       or fixtures delivered pursuant to an unenforceable  
1030       contract if certain conditions are met; providing that  
1031       an unenforceable contract will remain unenforceable  
1032       under certain circumstances; creating s. 163.087,  
1033       F.S.; requiring a program administrator authorized to  
1034       administer a program for financing a qualifying  
1035       improvement to post on its website an annual report;  
1036       specifying requirements for the report; requiring the  
1037       auditor general to conduct an operational audit of  
1038       each authorized program; providing an effective date.



By Senator Martin

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A bill to be entitled

An act relating to improvements to real property; amending s. 163.08, F.S.; revising legislative findings and intent; defining terms and revising definitions; authorizing a residential or commercial property owner to apply to a qualifying improvement program for funding to finance an improvement and to enter into a financing agreement with the local government, subject to a local government ordinance or resolution regarding the program; requiring the local government to perform annual reviews of the program administrator to confirm compliance with the qualifying improvement program; providing certain consequences for a substantial violation by a program administrator; authorizing a local government to incur debt for the purpose of providing financing for qualifying improvements; authorizing a local government to enter into a financing agreement with the property owner to finance or refinance a qualifying improvement; providing that the financing agreement for government commercial property must meet specified conditions; revising and specifying public recording requirements for assessment financing agreements and notices of lien; providing that a financing agreement for a residential property may not be approved unless the local government, or the program administrator acting on its behalf, determines that certain conditions are met; providing that a financing agreement for a commercial property may not

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30 be approved unless the local government, or the  
31 program administrator acting on its behalf, reasonably  
32 determines that specified conditions have been met;  
33 requiring the local government or program  
34 administrator to use specified information and records  
35 to determine whether the property owner has the  
36 ability to pay the annual non-ad valorem assessment;  
37 authorizing the local government or program  
38 administrator to consider certain evidence and the  
39 statements by the property owner regarding his or her  
40 income in confirming the property owner's ability to  
41 pay; authorizing a reduction in the annual assessment  
42 payment under certain circumstances; providing that a  
43 property owner's failure to disclose certain  
44 information does not invalidate a financing agreement;  
45 requiring the use of generally accepted underwriting  
46 criteria for businesses in determining a property  
47 owner's ability pay, under certain circumstances;  
48 specifying certain requirements for a local government  
49 or program administrator that offers a qualifying  
50 improvement program for residential properties;  
51 requiring the local government or program  
52 administrator to perform certain tasks if a change  
53 order or proposed change order significantly impacts  
54 an improvement project in certain ways; requiring the  
55 local government or program administrator to include  
56 certain statements in a written disclosure form to the  
57 property owner, which the property owner must agree to  
58 in writing; requiring the local government or program

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59 administrator to provide a printed electronic  
60 cancellation form to the residential property owner by  
61 a certain date; requiring an oral, recorded telephone  
62 call with the residential property owner to review the  
63 details of the financing agreement; authorizing a  
64 residential real property owner, under certain  
65 circumstances and within a certain timeframe, to  
66 cancel a financing agreement without financial  
67 penalty; providing that certain contracts are  
68 unenforceable and prohibiting a qualifying improvement  
69 contractor from initiating work under such contracts;  
70 specifying certain requirements if a qualifying  
71 improvement contractor initiates work on a residential  
72 property under an unenforceable contract; providing a  
73 procedure that must be followed if a qualifying  
74 improvement contractor has delivered chattel or  
75 fixtures to a residential property pursuant to an  
76 unenforceable contract; authorizing a residential  
77 property owner to retain such chattel or fixtures in a  
78 certain circumstance; providing that an otherwise  
79 unenforceable contract is enforceable under certain  
80 circumstances; prohibiting wind-resistance  
81 improvements in certain buildings or facilities in a  
82 financing agreement between a local government and a  
83 residential property owner; authorizing the execution  
84 of a financing agreement for qualifying improvements  
85 before the issuance of a certain certificate or  
86 certain evidence; authorizing progress payments before  
87 completion of a qualifying improvement on a commercial

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property if the property owner provides certain information; providing that a financing agreement with a commercial property owner may cover resiliency improvements in certain buildings or facilities requiring certain work to be performed by properly certified or registered contractors; revising the limit for a residential property's combined mortgage-related debt and total non-ad valorem assessments funded; providing construction; requiring the local government or program administrator to have received the written consent of the holders or loan servicers of certain mortgages at a specified time; requiring the property owner to provide written notice within a specified timeframe to the holders or servicers of any existing mortgages; revising the seller's disclosure statements for residential and commercial properties offered for sale which have assessments on them for qualifying improvements; prohibiting certain items in a financing agreement for residential property; prohibiting a local government or program administrator from enrolling a qualifying improvement contractor that contracts with residential property owners to install qualifying improvements unless certain conditions are met; requiring a local government or program administrator to maintain a process to enroll new qualifying improvement contractors which includes certain factors; requiring the local government or program administrator to monitor qualifying improvement contractors and enforce

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certain sanctions on unscrupulous behavior;  
prohibiting a program administrator from being  
enrolled as a qualifying improvement contractor;  
requiring the local government or program  
administrator to confirm that certain work or service  
has been completed before disbursing final funds to  
the contractor; prohibiting a local government or  
program administrator from disclosing maximum  
financing amounts to certain persons; requiring that,  
in communicating with residential property owners, the  
local government, program administrator, or qualifying  
improvement contractor comply with certain marketing  
and communications guidelines; prohibiting such  
entities from certain communication and making certain  
statements; prohibiting a qualifying improvement  
contractor from advertising the availability of  
assessment financing agreements unless certain  
exceptions apply; prohibiting a local government or  
program administrator from providing certain payments,  
fees, or kickbacks; authorizing a local government or  
program administrator to provide information or  
services to a qualifying improvement contractor to  
facilitate certain installations; authorizing a local  
government or program administrator to reimburse a  
qualifying improvement contractor or third party for  
certain expenses; prohibiting a local government or  
program administrator from providing certain financial  
information to a qualifying improvement contractor;  
prohibiting a qualifying improvement contractor from

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providing certain prices for a qualifying improvement;  
prohibiting a local government or program  
administrator from providing any cash payment or  
anything of material value to a residential property  
owner which is explicitly conditioned on a financing  
agreement; authorizing a local government or program  
administrator to offer certain programs or promotions;  
requiring a local government or program administrator  
to conduct regular reviews of qualifying improvement  
contractors to confirm their compliance with  
requirements; requiring each local government and  
program administrator to develop and implement certain  
policies and procedures; requiring a local government  
that has authorized a residential program to post on  
its website an annual report; specifying requirements  
for the report; authorizing a local government or  
program administrator that offers a qualifying  
improvement program for residential property to  
finance improvements on commercial property if certain  
requirements are met; deleting construction; providing  
an effective date.

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

Section 1. Section 163.08, Florida Statutes, is amended to  
read:

163.08 Supplemental authority for improvements to real  
property.—

(1) (a) In chapter 2008-227, Laws of Florida, the

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Legislature amended the energy goal of the state comprehensive plan to provide, in part, that the state shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors and reduce atmospheric carbon dioxide by promoting an increased use of renewable energy resources. That act also declared it the public policy of the state to play a leading role in developing and instituting energy management programs that promote energy conservation, energy security, and the reduction of greenhouse gases. In addition to establishing policies to promote the use of renewable energy, the Legislature provided for a schedule of increases in energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. In chapter 2008-191, Laws of Florida, the Legislature adopted new energy conservation and greenhouse gas reduction comprehensive planning requirements for local governments. In the 2008 general election, the voters of this state approved a constitutional amendment authorizing the Legislature, by general law, to prohibit consideration of any change or improvement made for the purpose of improving a property's resistance to wind damage or the installation of a renewable energy source device in the determination of the assessed value of residential real property.

(b) The Legislature finds that all energy-consuming-improved properties that are not using energy conservation strategies contribute to the burden affecting all improved property resulting from fossil fuel energy production. Improved property that has been retrofitted with energy-related qualifying improvements receives the special benefit of

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alleviating the property's burden from energy consumption. All improved properties not protected from wind damage by wind resistance qualifying improvements contribute to the burden affecting all improved property resulting from potential wind damage. An improved commercial property constructed or that has been retrofitted with qualifying improvements and an improved residential property retrofitted with wind resistance-qualifying improvements receive receives the special benefit of reducing the properties' property's burden from potential wind damage. Further, the installation and operation of qualifying improvements not only benefit the affected properties for which the improvements are made, but also assist in fulfilling the goals of the state's energy and hurricane mitigation policies. Residential properties that do not use advanced technologies for wastewater removal contribute to the water quality problems affecting this state, particularly in coastal areas. Improved residential property that has been retrofitted with an advanced onsite sewage treatment and disposal system or that has been converted to central sewerage significantly improves the quality of water that may enter streams, lakes, rivers, aquifers, or coastal areas.

(c) In order to make qualifying improvements more affordable and assist property owners who wish to undertake such improvements, the Legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance.

(d)~~(e)~~ The Legislature determines that the actions authorized under this section, including, but not limited to, the financing of qualifying improvements through the execution



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of financing agreements and the related imposition of voluntary assessments are reasonable and necessary to serve and achieve a compelling state interest and are necessary for the prosperity and welfare of the state and its property owners and inhabitants.

(2) As used in this section, the term:

(a) "Commercial property" means real property, other than residential property, which will be or has been improved by a qualifying improvement. The term includes, but is not limited to, the following:

1. A multifamily residential property composed of five or more dwelling units;

2. A commercial real property;

3. An industrial building or property;

4. An agricultural property;

5. A nonprofit-owned property;

6. A long-term care facility, including a nursing home or an assisted living facility; or

7. A government commercial property.

(b) "Facility" means all or any portion of a building, structure, or site improvement, element, or pedestrian or vehicular route located on a site as defined in s. 202 of the 2020 Florida Building Code.

(c) "Government commercial property" means real property owned by a local government and leased to a nongovernmental lessee when the usage by the lessee meets the definition of commercial property.

(d)~~(a)~~ "Local government" means a county, a municipality, a dependent special district as defined in s. 189.012, or a

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separate legal entity created pursuant to s. 163.01(7).

(e) "Nongovernmental lessee" means a person or an entity other than a local government which leases government commercial property.

(f) "Program administrator" means an entity, including, but not limited to, a for-profit or not-for-profit entity, with which a local government has contracted to administer a qualifying improvement program.

(g) "Qualifying improvement contractor" means an independent contractor who has been enrolled under a qualifying improvement program to install or otherwise perform work on qualifying improvements on residential property which are financed through the program.

(h) "Qualifying improvement program" means a program established by a local government, alone or in partnership with other local governments or a program administrator, to finance qualifying improvements on residential or commercial real property.

(i) ~~(b)~~ "Qualifying improvement": improvement

1. For residential property, includes any:

a. ~~1.~~ Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of windows; installation of energy controls or energy recovery systems; installation of electric

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vehicle charging equipment; and installation of efficient lighting equipment.

b.2. Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources: hydrogen, solar energy, geothermal energy, bioenergy, and wind energy.

c.3. Wind resistance improvement, which includes, but is not limited to:

(I)~~a.~~ Improving the strength of the roof deck attachment;

(II)~~b.~~ Creating a secondary water barrier to prevent water intrusion;

(III)~~c.~~ Installing wind-resistant shingles;

(IV)~~d.~~ Installing gable-end bracing;

(V)~~e.~~ Reinforcing roof-to-wall connections;

(VI)~~f.~~ Installing storm shutters; or

(VII)~~g.~~ Installing opening protections.

d. Wastewater improvement, which includes, but is not limited to:

(I) Removing, replacing, or improving an onsite sewage treatment and disposal system with a secondary or advanced onsite sewage treatment and disposal system or technology;

(II) Replacing or converting an onsite sewage treatment and disposal system to a central sewerage system or distributed sewerage system, including, but not limited to, installing a sewer lateral and any components necessary to connect the onsite sewage treatment and disposal system or the building's plumbing to a central sewerage system or distributed sewerage system; or

(III) Performing any removal, repairs, or modifications to

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an onsite sewage treatment and disposal system, including any repair, modification, or replacement of a system required under a local ordinance enacted pursuant to ss. 381.0065 and 381.00651.

e. Flood and water damage mitigation and resiliency improvement, which includes, but is not limited to, projects and installation for:

(I) Raising a structure above the base flood elevation to reduce flood damage;

(II) Constructing a flood diversion apparatus or seawall improvement that includes seawall repairs and seawall replacements;

(III) Purchasing flood-damage-resistant building materials;

(IV) Making electrical, mechanical, plumbing, or other system improvements that reduce flood damage; or

(V) Making other improvements that qualify for reductions in flood insurance premiums.

2. For commercial property, includes any:

a. Energy conservation and efficiency improvement, which is a measure designed to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of windows; installation of 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

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sustainable building rating or compliance with a national model green building code.

b. Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources: hydrogen, solar energy, geothermal energy, bioenergy, or wind energy.

c. Resiliency improvement, which includes, but is not limited to:

(I) Improving the strength of the roof deck attachment;

(II) Creating a secondary water barrier to prevent water intrusion;

(III) Installing wind-resistant shingles;

(IV) Installing gable-end bracing;

(V) Reinforcing roof-to-wall connections;

(VI) Installing storm shutters;

(VII) Installing opening protections;

(VIII) Creating or improving stormwater and flood resiliency, including shoreline improvements; or

(IX) Making any other 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.

(j) "Residential property" means a residential real property composed of four or fewer dwelling units which has been or will be improved by a qualifying improvement.

(3) A local government may levy non-ad valorem assessments to fund qualifying improvements.

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(4) Subject to a local government ordinance or resolution authorizing a local government to offer a qualifying improvement program for residential property or a qualifying improvement program for commercial property in that county or municipality, a residential or commercial property owner located in that county or municipality may apply to the appropriate qualifying improvement program ~~local government~~ for funding to finance a qualifying improvement and enter into a financing agreement with the local government. Costs incurred by the local government for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment must ~~shall~~ be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), is ~~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 in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and local government agree.

(5) Pursuant to this section or as otherwise provided by law or pursuant to a local government's home rule power, a local government may enter into a partnership with one or more local governments for the purpose of providing and financing qualifying improvements.

(6) A qualifying improvement program may be administered by a for-profit entity or a not-for-profit organization on behalf of and at the discretion of the local government. The local

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government must include in any contract with the program administrator the right to perform annual reviews of the program administrator to confirm compliance with qualifying improvement programs for residential properties. In the event the local government determines that there is a substantial violation by a program administrator, the local government must provide the program administrator with notice of the violation and place the program administrator in a probationary program.

(7) A local government may incur debt for the purpose of providing financing for qualifying ~~such~~ improvements, which debt is payable from revenues received from the improved property, or any other available revenue source authorized by law.

(8) (a) A local government may enter into a financing agreement to finance or refinance a qualifying improvement only with the record owner of the affected property. For government commercial property, the financing agreement must be executed by the nongovernmental lessee with the written consent of the governmental lessor. Evidence of such consent must be provided to the local government. The financing agreement with the nongovernmental lessee must provide that the nongovernmental lessee is the only party obligated to pay the assessment.

(b) Any financing agreement entered into pursuant to this section or a summary memorandum of such agreement must ~~shall~~ be submitted for recording ~~recorded~~ in the public records of the county within which the property is located by the sponsoring unit of local government within 10 ~~5~~ days after execution of the agreement. The recorded agreement provides ~~shall provide~~ constructive notice that the non-ad valorem assessment to be levied on the property constitutes a lien of equal dignity to

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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.

(9) (a) Before entering into A financing agreement for a residential property may not be approved unless, the local government, or a program administrator acting on its behalf, determines, based on a review of public records derived from a commercially accepted source, and the statements and records of the property owner or the property owner's credit reports, ~~shall reasonably determine that~~ all of the following conditions have been met:

1. All property taxes and any other assessments levied on the same bill as property taxes are current ~~paid~~ and have not been delinquent for the preceding 3 years or the property owner's period of ownership, whichever is less.~~.~~

2. That There are no involuntary liens, including, but not limited to, construction liens on the property.~~.~~

3. There are ~~that~~ no notices of default or other evidence of property-based debt delinquency which have been recorded during the preceding 3 years or the property owner's period of ownership, whichever is less.~~.~~ ~~and that~~

4. The property owner is current on all mortgage debt on the property.

5. The property owner agrees in writing to receive the disclosure statements required by paragraph (11) (c).

6. The property is within the geographic boundaries of the



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applicable qualifying improvement program.

7. The term of the financing agreement does not exceed:

a. For a single qualifying improvement, the estimated useful life of the qualifying improvement.

b. For multiple qualifying improvements, the lesser of:

(I) Thirty years; or

(II) The greater of either the weighted average estimated useful life of all qualifying improvements being financed or the estimated useful life of the qualifying improvements to which the greatest portion of funds is disbursed. The local government or program administrator, as applicable, shall determine the useful life of a qualifying improvement using established third-party standards, including certification criteria from government agencies or nationally recognized standards and testing organizations.

8. The property owner is not currently the subject of bankruptcy proceedings.

9. The property is not subject to an existing home equity conversion mortgage or a reverse mortgage product.

10. The property is not a residential property gifted to a homeowner for free by a nonprofit entity as may be disclosed by the property owner. The failure of a property owner to disclose the gift does not invalidate a financing agreement or any obligation thereunder.

11. For qualifying improvements for solar energy, the property owner has obtained estimates from at least two unaffiliated, competitive entities, one of which is a qualifying improvement contractor, for the qualifying improvement to be financed. This requirement may be waived by the property owner

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494 through a separately signed written disclosure.

495 12. The local government or program administrator, as  
496 applicable, has asked if the property owner has obtained or  
497 sought to obtain additional qualifying improvements on the same  
498 property which have not yet been recorded. The failure of a  
499 property owner to disclose such information does not invalidate  
500 a financing agreement or any obligation thereunder, even if the  
501 total financed amount of the qualifying improvement exceeds the  
502 amount that would otherwise be authorized under paragraph  
503 (15) (a). The existence of a prior qualifying improvement non-ad  
504 valorem assessment or a prior financing agreement is not  
505 evidence that the financing agreement under consideration is  
506 affordable or meets other program requirements.

507 (b) A financing agreement for a commercial property may not  
508 be approved unless the local government, or the program  
509 administrator acting on its behalf, determines, based on a  
510 review of public records derived from a commercially accepted  
511 source and the statements and records of the property owner,  
512 that all of the following conditions have been met:

513 1. All property taxes and any other assessments levied on  
514 the same bill as the property taxes are current.

515 2. There are no involuntary liens greater than \$10,000,  
516 including, but not limited to, construction liens, on the  
517 property.

518 3. No notices of default or other evidence of property-  
519 based debt delinquency have been recorded and not released  
520 during the preceding 3 years or the property owner's period of  
521 ownership, whichever is less.

522 4. The property owner is current on all mortgage debt on

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the property.

(10) In addition to reviewing public records derived from a commercially accepted source, the statements and records of the property owner, or the property owner's credit reports, and before a local government or program administrator, as applicable, approves the financing of a qualifying improvement on residential property, the local government or program administrator must use information contained in the property owner's application, commercially accepted third-party records, or an automated verification system to determine whether the property owner has the ability to pay the annual non-ad valorem assessment for the qualifying improvement. The local government or program administrator, as applicable, must review the property owner's household income. To do so, the program administrator shall, at a minimum, use the underwriting requirements specified in subsection (9), confirm that the property owner is not in bankruptcy, and determine that the total estimated annual payment amount for all financing agreements funded under this section on the property does not exceed 10 percent of the property owner's annual household income. In reviewing the property owner's ability to pay, the local government or program administrator, as applicable, when determining the household income:

(a) May include the income of any persons who reside on the property but who are not property owners;

(b) May consider statements by the property owner regarding the property owner's income, but income may not be confirmed solely by such statements;

(c) May not consider the equity in the property that will

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552 secure the non-ad valorem assessment; and

553 (d) May confirm income by use of any of the following:

554 1. Information or income models gathered from and prepared  
555 by reputable third parties which provide commercially acceptable  
556 evidence of the property owner's household income.

557 2. Federal and state tax returns.

558 3. Statements prepared by a certified public accountant.

559 4. Bank statements.

560 5. Credit reports.

561 6. Retirement accounts.

562 7. Social security statements.

563 8. Trust documents.

564 9. Any other reputable sources of financial information.

565 (e) If a court or tribunal determines, by clear and  
566 convincing evidence, that the program administrator's  
567 determination of the property owner's ability to pay was not  
568 objectively reasonable based on the information provided by the  
569 property owner, the annual assessment payment must be reduced by  
570 an amount that is within the property owner's ability to pay.  
571 This paragraph does not require or authorize the administrator  
572 to reduce the amount owed on the assessment.

573 (f) The failure of a property owner to disclose public  
574 records, statements, or a credit report does not invalidate a  
575 financing agreement or any obligation thereunder, even if the  
576 total estimated annual payment amount exceeds the amount that  
577 would otherwise be authorized under this subsection.

578 (g) In determining the property owner's ability to pay the  
579 estimated annual assessment amount, when either annual household  
580 income is not applicable to a commercial property specified in

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subsection (25) or the ownership of residential property is vested in a corporate entity or form, if the estimated amount of financing is less than \$750,000, the local government or program administrator, as applicable, must use generally accepted underwriting criteria for businesses.

(11) Each local government or program administrator that offers a qualifying improvement program for residential properties shall:

(a) Develop a written disclosure form, which may be presented in electronic format, which must be provided to a residential property owner before he or she executes the financing agreement and which contains the key terms of the agreement, including:

1. A description of the qualifying improvement;
2. The estimated total financed amount, including the itemized cost of the qualifying improvement, ancillary work, program fees, and prepaid interest, if any;
3. The annual non-ad valorem assessment process and estimated annual payment schedule;
4. The estimated amount of the annual non-ad valorem assessment;
5. The term of the total financed amount;
6. The interest rate for the financed amount;
7. The estimated annual percentage rate;
8. The total estimated annual costs that the residential property owner will be required to pay under the assessment contract, including program fees;
9. The total estimated average monthly equivalent amount of funds that the residential property owner would have to save in

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order to pay the annual costs of the non-ad valorem assessment,  
including program fees; and

10. The estimated due date of the residential property  
owner's first property tax payment that includes the non-ad  
valorem assessment.

(b) When a change order or proposed change order on a  
project significantly increases the cost of the original project  
or significantly expands the scope of the original project,  
notify the property owner, confirm the change with the property  
owner, and provide an updated written disclosure form as  
described in paragraph (a) to the property owner.

(c) Include the following statements verbatim and in the  
following order in the written disclosure form, each of which  
must be individually agreed to in writing by the property owner:

1. "I understand that if I sell or refinance the property,  
I may be required to pay off the outstanding financed amount as  
a condition of the sale or the refinance of the property." This  
statement must be in at least 24-point boldfaced type.

2. "I understand that the annual non-ad valorem assessment  
will be paid when property taxes are paid and will result in a  
lien being placed on my property."

3. "I understand that the annual non-ad valorem assessment  
will be added to my property tax bill and that if I pay my  
property taxes through my mortgage payment using an escrow  
account, I must notify my mortgage lender."

4. "I understand that if I fail to pay the annual non-ad  
valorem assessment, I may incur penalties and fees and the local  
government may issue a tax certificate that might result in the  
loss of my property."

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639       5. "I understand that any potential utility or insurance  
640 savings are not guaranteed and will not reduce the annual non-ad  
641 valorem assessment or total assessment amount."

642       6. "I understand that I have 5 days to cancel the financing  
643 agreement and that this 5-day period expires at midnight on the  
644 5th business day after I sign the agreement."

645       7. "I understand that the local government, program  
646 administrator, or qualifying improvement contractor does not  
647 provide tax advice and that I should seek professional tax  
648 advice if I have questions regarding tax credits, tax  
649 deductibility, or other tax impacts of the qualifying  
650 improvement or the assessment contract."

651       8. "I understand that I cannot be assessed a penalty if I  
652 prepay the outstanding financed amount."

653       (d) Provide a printed or electronic cancellation form to  
654 the residential property owner no later than the date that the  
655 property owner signs the financing agreement. The cancellation  
656 form must allow the property owner to cancel the contract within  
657 the 5-day period specified in subparagraph (c)6.

658       (e) Before a notice to proceed is issued, conduct, with at  
659 least one residential property owner or an individual who is not  
660 affiliated or associated with the local government, program  
661 administrator, or qualifying improvement contractor and who is  
662 legally authorized to act on behalf of the property owner, an  
663 oral, recorded telephone call, during which the local government  
664 or program administrator must use plain language. The local  
665 government or program administrator, as applicable, shall ask  
666 the residential property owner or authorized representative if  
667 he or she would like to communicate primarily in a language

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other than English. A local government or program administrator, as applicable, may not leave a voicemail for the residential property owner or authorized representative to satisfy this requirement. A local government or program administrator, as applicable, as part of this telephone call, must confirm with the residential property owner or authorized representative all of the following:

1. That at least one residential property owner has access to a copy of the financing agreement and financing estimates and disclosures.

2. The qualifying improvement that is being financed.

3. The total estimated annual costs that the residential property owner will have to pay under the financing agreement, including program fees.

4. The total estimated average monthly equivalent amount of funds that the residential property owner would have to save in order to pay the annual costs of the non-ad valorem assessment, including program fees.

5. The estimated due date of the residential property owner's first property tax payment that includes the non-ad valorem assessment.

6. The term of the financing agreement.

7. That payments for the financing agreement will cause the residential property owner's annual tax bill to increase and that payments will be made through an additional annual non-ad valorem assessment on the property and will be paid either directly to the county tax collector's office as part of the total annual secured property tax bill or may be paid through the residential property owner's mortgage escrow account.



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697       8. That the qualifying residential property owner has  
698 disclosed whether he or she has received or is seeking  
699 additional non-ad valorem assessments and has disclosed all  
700 other assessments or special taxes that are or are projected to  
701 be placed on the property.

702       9. That the property will be subject to a lien during the  
703 term of the financing agreement and that the obligations under  
704 the agreement may be required to be paid in full before the  
705 residential property owner sells or refinances the property.

706       10. That any potential utility or insurance savings are not  
707 guaranteed and will not reduce the annual non-ad valorem  
708 assessment or total assessment amount.

709       11. That the local government, program administrator, or  
710 qualifying improvement contractor does not provide tax advice  
711 and that the residential property owner should seek professional  
712 tax advice if he or she has questions regarding tax credits, tax  
713 deductibility, or other tax impacts of the qualifying  
714 improvement or the financing agreement.

715       (12) (a) A residential property owner may cancel a financing  
716 agreement within 5 business days after signing the financing  
717 agreement without being assessed a financial penalty by the  
718 local government or program administrator, as applicable.

719       (b) A contract to sell or install a qualifying improvement  
720 that is related to an application for financing in a qualifying  
721 improvement program for a residential property is unenforceable,  
722 and a qualifying improvement contractor may not begin work under  
723 such a contract, if the property owner applied for, accepted,  
724 and canceled a qualifying improvement financing agreement within  
725 the 5-business-day right-to-cancel period set forth in paragraph

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726 (a).

727 (c) If a qualifying improvement contractor has initiated  
728 work on a residential property under a contract deemed  
729 unenforceable under this subsection, the qualifying improvement  
730 contractor:

731 1. May not receive compensation for that work under the  
732 financing agreement.

733 2. Must restore the property to its original condition at  
734 no cost to the property owner.

735 3. Must immediately return any money, property, and other  
736 consideration given by the property owner. If the property owner  
737 provided any property and the qualifying improvement contractor  
738 does not or cannot return it, the qualifying improvement  
739 contractor must immediately return the fair market value of the  
740 property or its value as designated in the contract, whichever  
741 is greater.

742 (d) If the qualifying improvement contractor has delivered  
743 chattel or fixtures to the residential property pursuant to a  
744 contract deemed unenforceable under this subsection, the  
745 qualifying improvement contractor has 90 days after the date on  
746 which the contract was executed to retrieve the chattel or  
747 fixtures, provided that:

748 1. The qualifying improvement contractor has fulfilled the  
749 requirements of subparagraphs (c)2. and 3.

750 2. The chattel and fixtures can be removed at the  
751 qualifying improvement contractor's expense without damaging the  
752 property owner's property.

753 (e) If a qualifying improvement contractor fails to comply  
754 with this subsection, the residential property owner may retain

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any chattel or fixtures provided pursuant to a contract deemed unenforceable under this subsection.

(f) A contract that is otherwise unenforceable under this subsection remains enforceable if the residential property owner waives his or her right to cancel the contract or cancels the financing agreement under paragraph (a) but allows the qualifying improvement contractor to proceed with the installation of the qualifying improvement.

~~(13)(10)~~ To constitute an improvement to a building or facility, a qualifying improvement must ~~shall~~ be affixed to a building or facility that is part of the property ~~and shall constitute an improvement to the building or facility~~ or a fixture attached to the building or facility.

(a) A financing ~~An~~ agreement between a local government and a residential ~~qualifying~~ property owner may not cover wind-resistance 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.

(b) A financing agreement may be executed for qualifying improvements in the construction of a commercial property before a certificate of occupancy or similar evidence of substantial completion of new construction or improvement is issued.

Progress payments, or payments made before completion, are allowed for commercial properties, provided that the property owner subsequently provides, upon request for a final progress payment disbursement, written verification to the local government confirming that the qualifying improvements are completed and operating as intended. A financing agreement with

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a commercial property owner may cover resiliency 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.

~~(14) (11)~~ Any work requiring a license under any applicable law to make a qualifying improvement must ~~shall~~ be performed by a contractor properly certified or registered pursuant to ~~part I or part II of~~ chapter 489.

~~(15) (a) (12) (a)~~ Without the consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the residential property:

1. The total amount of any non-ad valorem assessment for a residential property under this section may not exceed 20 percent of the fair market ~~just~~ value of the property ~~as determined by the county property appraiser.~~

2. The combined mortgage-related debt and total amount of any non-ad valorem assessments funded under this section for residential property may not exceed 97 percent of the fair market value of the residential property. The failure of a property owner to disclose information set forth in paragraph (9) (a) does not invalidate a financing agreement or any obligation thereunder, even if the total financed amount of the qualifying improvements exceeds the amount that would otherwise be authorized under this paragraph. For purposes of this paragraph, fair market value may be determined using third-party valuations based on reputable methodologies.

(b) Before entering into a financing agreement with the owner of a commercial property, except those commercial

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properties specified in subsection (25), the local government or program administrator, as applicable, must have received the written consent of the current holders or loan servicers of any mortgage that encumbers or is otherwise secured by the property or that will otherwise be secured by the property at the time the financing agreement is executed by the local government or program administrator ~~notwithstanding paragraph (a), a non-ad valorem assessment for a qualifying improvement defined in subparagraph (2)(b)1. or subparagraph (2)(b)2. that is supported by an energy audit is not subject to the limits in this subsection if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the non-ad valorem assessment.~~

~~(16)(13)~~ At least 30 days before entering into a financing agreement, the property owner shall provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the property a written notice of the owner's intent to enter into a financing agreement together with the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount. A verified copy or other proof of such notice must ~~shall~~ be provided to the local government or program administrator, as applicable. A provision in any agreement between a mortgagee 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 not enforceable. This subsection does not limit the authority of the holder or

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loan servicer to increase the required monthly escrow by an amount necessary to ~~annually~~ pay the annual ~~qualifying~~ ~~improvement~~ assessment.

~~(17)-(14)~~ At or before the time a seller ~~purchaser~~ executes a contract for the sale ~~and purchase~~ of any 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 ~~shall~~ be set forth in the contract or in a separate writing.÷

(a) For residential property:

QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, ADVANCED TECHNOLOGIES FOR WASTEWATER REMOVAL, OR WIND RESISTANCE.—The property being purchased is located within the jurisdiction of a local government that has placed an assessment on the property pursuant to s. 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, advanced technologies for wastewater removal, or wind resistance, and is not based on the value of the property. You are encouraged to contact the county property appraiser's office to learn more about this and other assessments that may be provided by law.

(b) For a commercial property:

QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, OR RESILIENCY.—The property being purchased is located within the jurisdiction of a local government that has placed an assessment on the property pursuant to s. 163.08, Florida

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Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, or resiliency, and is not based on the value of the property. You are encouraged to contact the county property appraiser's office to learn more about this and other assessments that may be provided for by law.

(18) A financing agreement authorized under this section on residential property may not include any of the following:

(a) A negative amortization schedule. Capitalized interest included in the original balance of the financing agreement does not constitute negative amortization.

(b) A balloon payment.

(c) Prepayment fees, other than nominal administrative costs.

(19) For residential property, a local government or program administrator:

(a) May not enroll a qualifying improvement contractor who contracts with residential property owners to install qualifying improvements unless:

1. The local government or program administrator, as applicable, determines that the qualifying improvement contractor maintains in good standing an appropriate license from the state, if applicable, as well as any other permits, licenses, or registrations required for engaging in its business in the jurisdiction in which it operates and maintains all state-required bond and insurance coverage.

2. The local government or program administrator, as applicable, obtains the qualifying improvement contractor's

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900 written agreement that the qualifying improvement contractor  
901 will comply with all applicable laws, including applicable  
902 advertising and marketing laws and rules and the requirements of  
903 this section.

904 (b) Must maintain a process to enroll new qualifying  
905 improvement contractors which includes review of the following  
906 for each contractor:

- 907 1. Relevant work or project history.  
908 2. Financial and reputational background checks.  
909 3. The contractor's status on the Better Business Bureau  
910 platform or other online platform that tracks contractor  
911 reviews.

912 (c) Must establish and maintain a process for monitoring  
913 qualifying improvement contractors with regard to performance  
914 and compliance with program policies and must implement policies  
915 for suspending, reinstating, and terminating qualifying  
916 improvement contractors based on violations of program policies  
917 or unscrupulous behavior. A program administrator, either  
918 directly or through an affiliate, may not be enrolled as a  
919 qualifying improvement contractor.

920 (20) (a) Before disbursing final funds to a qualifying  
921 improvement contractor for a qualifying improvement on  
922 residential property, the local government or program  
923 administrator, as applicable, must confirm that the applicable  
924 work or service has been completed or that the final permit for  
925 the qualifying improvement has been closed with all permit  
926 requirements satisfied.

927 (b) A local government or program administrator, as  
928 applicable, may not disclose the maximum financing amount for



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which a residential property owner is eligible to a qualifying improvement contractor or to a third party engaged in soliciting financing agreements financed pursuant to this section.

(21) When communicating with residential property owners, a local government, program administrator, or qualifying improvement contractor may not:

(a) Suggest or imply:

1. That a non-ad valorem assessment authorized under this section 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 this section is free or provided at no cost; or

3. That the financing of a qualifying improvement using the program authorized pursuant to this section does not require the property owner to repay the financial obligation.

(b) Make any representation as to the tax deductibility of a non-ad valorem assessment on residential property. A local government, program administrator, or qualifying improvement contractor, or a third party engaged in marketing on behalf of such entities, may encourage a property owner to seek the advice of a tax professional regarding tax matters related to assessments.

(22) (a) A qualifying improvement contractor may not advertise the availability of financing agreements for, or solicit residential property owners on behalf of, the local government or program administrator unless:

1. The qualifying improvement contractor maintains the appropriate registration or certification from the Construction

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958 Industry Licensing Board or any other permit, license, or  
959 registration required to conduct business in the jurisdiction in  
960 which it operates, and provides proof of having the required  
961 bond and insurance coverage amounts.

962 2. The local government or program administrator, as  
963 applicable, obtains the qualifying improvement contractor's  
964 written agreement that the qualifying improvement contractor  
965 will comply with applicable laws and rules and qualifying  
966 improvement program policies and procedures, including those on  
967 advertising and marketing.

968 (b) A local government or program administrator may not  
969 provide any payment, fee, or kickback to a qualifying  
970 improvement contractor for referring financing business relating  
971 to a specific financing agreement on a residential property.  
972 However, a local government or program administrator may provide  
973 information or services to a qualifying improvement contractor  
974 to facilitate the installation of a qualifying improvement for a  
975 property owner.

976 (c) A local government or program administrator may  
977 reimburse a qualifying improvement contractor or third party for  
978 its expenses in advertising and marketing campaigns and  
979 materials.

980 (d) A local government or program administrator may not  
981 provide to a qualifying improvement contractor any information  
982 that discloses the amount of funds for which a property owner is  
983 eligible for qualifying improvements or the amount of equity in  
984 a property.

985 (e) For residential properties, a qualifying improvement  
986 contractor may not provide a different price for a qualifying

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improvement financed under this section than the price that the qualifying improvement contractor would otherwise provide if the qualifying improvement was not being financed through an assessment financing agreement.

(f) A local government or program administrator may not provide any direct cash payment or other thing of material value to a residential property owner which is explicitly conditioned upon the property owner entering into a financing agreement. However, a local government or program administrator may offer programs or promotions 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 owners as cash consideration.

(g) A local government or program administrator must conduct regular reviews of qualifying improvement contractors to confirm ongoing compliance with this subsection. If the local government or program administrator determines that there is a substantial violation by a qualifying improvement contractor, the local government or program administrator must provide the contractor with notice of the violation and place the contractor in a probationary program.

(23) Each local government and program administrator must develop and implement policies and procedures for responding to, tracking, and resolving questions and complaints about its qualifying improvement program for residential properties.

(24) Each local government that has authorized a qualifying improvement program for residential properties shall post on its website an annual report for the period ending December 31 each year containing the following information:

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1016 (a) The number of qualifying improvements funded.

1017 (b) The aggregate, average, and median dollar amounts of  
1018 annual non-ad valorem assessments and the total number of non-ad  
1019 valorem assessments that funded qualifying improvements.

1020 (c) The percentage, number, and dollar value of non-ad  
1021 valorem assessments that funded qualifying improvements,  
1022 aggregated by the following category types: energy efficiency,  
1023 renewable energy, wind resistance, residential property  
1024 wastewater, commercial property resiliency, and other commercial  
1025 property qualifying improvements.

1026 (d) The number of defaulted non-ad valorem assessments,  
1027 including the total number and defaulted amount, the number and  
1028 dates of missed payments, the total number of parcels in default  
1029 and the years in default, and the percentage of defaults by  
1030 total assessments.

1031 (e) A summary of all reported complaints received by the  
1032 local government and its program administrators related to  
1033 authorized qualifying improvements programs, including the  
1034 resolution of each complaint.

1035 (f) The estimated number of jobs created.

1036 (g) The number and percentage of homeowners 60 years of age  
1037 or older participating in a qualifying improvement program. This  
1038 report must be posted no later than April 1 of the year  
1039 following the calendar year covered by the report.

1040 (25) Each local government or program administrator that  
1041 offers a qualifying improvement program for residential  
1042 properties may finance qualifying improvements on commercial  
1043 property if the estimated amount of financing on the commercial  
1044 property does not exceed \$750,000, subject to paragraph (10) (g).

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~~(15) A provision in any agreement between a local government and a public or private power or energy provider or other utility provider is not enforceable to limit or prohibit any local government from exercising its authority under this section.~~

~~(16) 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 2. This act shall take effect July 1, 2024.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Criminal Justice, *Chair*  
Appropriations  
Appropriations Committee on Criminal and Civil Justice  
Appropriations Committee on Health and Human Services  
Community Affairs  
Environment and Natural Resources  
Ethics and Elections

### SELECT COMMITTEE:

Select Committee on Resiliency

### SENATOR JONATHAN MARTIN

33rd District

January 3, 2024

The Honorable Alexis Calatayud  
Senate Community Affairs Committee, Chair  
315 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

### RE: SB 770, Improvements to Real Property

Dear Chair Calatayud:

Please allow this letter to serve as my respectful request to place SB 770, relating to Improvements to Real Property, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin", with a stylized flourish at the end.

Jonathan Martin  
Senate District 33

Cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

#### REPLY TO:

- ☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- ☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

**APPEARANCE RECORD**

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

11/22/24

Meeting Date

Community Affairs

Committee

770

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

(850) 487-0697

Address

100 S Monroe

Email

jscala@flcounties.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:

Florida Association of Counties

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

1-22-24

Meeting Date

Comm Affairs

Committee

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

170

Bill Number or Topic

673866

Amendment Barcode (if applicable)

Name Rebecca O'Hara

Phone 222 9684

Address PO Box 1757

Email roharag@flcities.com

Street

Tallah 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:

Fla League of Cities

☐ 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**

January 22, 2024  
Meeting Date

Community Affairs  
Committee

SB 770  
Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Gina Rotunno

Phone (727) 409-4783

Address 1001 Thomasville Rd.  
Street

Email gina.rotunno@  
floridabankers.com

Tallahassee, FL, 33201  
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 Bankers  
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**

SB 770

1-22-24

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

673866

Amendment Barcode (if applicable)

Name Chanté Jones, AARP FL

Phone 850. 272.0351

Address 215 S Monroe St 603

Email Cejones@aarp.org

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 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

1/22/2024

Meeting Date

770

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Matthew Choy

Phone

561-386-3451

Address

Street

Email

Mchoy@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)

**APPEARANCE RECORD**1/22/2024

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meetingSB 770

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Mark ScheffelPhone 303-523-3497Address 6303 Blue Lagoon Dr

Street

Email Mark.Scheffel@ygrene.comMiami

City

FL

State

33156

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:Ygrene Energy Fund☐ 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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 812

INTRODUCER: Community Affairs Committee and Senator Ingoglia

SUBJECT: Expedited Approval of Residential Building Permits

DATE: January 24, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Fav/CS</b>
2.			RI	
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 812 requires counties that have 75,000 residents or more and municipalities that have 30,000 residents or more to create a process to expedite the issuance of building permits based on a preliminary plat and to issue the number or percentage of building permits requested by an applicant, under certain circumstances, by October 1, 2024. A local government must update its expedited building permit program with certain increased percentages by December 31, 2027.

The bill allows an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in the preliminary plat before the final plat is approved by the local government. The bill also requires all local governments to create a master building permit process.

The bill allows an applicant to use a private provider to review a preliminary plat and to obtain a building permit for each residential building or structure.

The bill provides that vested rights may be formed in a preliminary plat, under certain circumstances.

The bill takes effect upon becoming law.

## II. Present Situation:

### The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>1</sup>

In 1992 Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.<sup>2</sup> The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>3</sup>

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,<sup>4</sup> the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.<sup>5</sup>

### Platting

In Florida law, "plat" means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable state requirements and of any local ordinances.<sup>6</sup> Generally, platting is required whenever a developer wishes to subdivide a large piece of property into smaller

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<sup>1</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 18, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> Section 553.72(1), F.S.

<sup>4</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 18, 2024).

<sup>5</sup> Section 553.73(7)(a), F.S.

<sup>6</sup> Section 177.031(14), F.S.

parcels and tracts. These smaller areas become the residential lots, streets and parks of a new residential sub-division.<sup>7</sup>

State law establishes consistent minimum requirements for the establishment of plats, and local governing bodies have the power to regulate and control the platting of lands.<sup>8</sup> Prior to approval by the appropriate governing body, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper who is either employed by or under contract to the local governing body.<sup>9</sup>

Before a plat is offered for recording with the clerk of the circuit court, it must be approved by the appropriate governing body, and evidence of such approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation.<sup>10</sup>

Jurisdiction over plat approval is as follows:<sup>11</sup>

- When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

Every plat of a subdivision offered for recording must have certain information, including providing:<sup>12</sup>

- The name of the plat in bold legible letters, and the name of the subdivision, professional surveyor and mapper or legal entity, and street and mailing address on each sheet.
- The section, township, and range immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.
- The dedications and approvals by the surveyor and mapper and local governing body, and the circuit court clerk's certificate and the professional surveyor and mapper's seal and statement.
- All section lines and quarter section lines occurring within the subdivision. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.

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<sup>7</sup> Harry W. Carls, Florida Condo & HOA Law Blog, May 17, 2018, *Why is a Plat so Important?*, <https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/> (last visited Jan. 18, 2024).

<sup>8</sup> Section 177.011, F.S.

<sup>9</sup> Section 177.081(1), F.S.

<sup>10</sup> Section 177.071(1) F.S.

<sup>11</sup> Section 177.071(1), F.S.

<sup>12</sup> Section 177.091, F.S.

- Location, width, and names of all streets, waterways, or other rights-of-way.
- Location and width of proposed easements and existing easements identified in the title opinion or property information report must be shown on the plat or in the notes or legend, and their intended use.
- All lots numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.
- Sufficient survey data to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat.
- Designated park and recreation parcels.
- All interior excepted parcels clearly indicated and labeled “Not a part of this plat.”
- The purpose of all areas dedicated clearly indicated or stated on the plat.
- That all platted utility easements must provide that such easements are also easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services interferes with the facilities and services of an electric, telephone, gas, or other public utility.

### **Preliminary Plat Approval**

Many local governments around the state have a process to approve a preliminary plat before approving a final plat. Generally, a preliminary plat is a technical, graphic representation of a proposed development, including plans for streets, utilities, drainage, easements, and lot lines, for a proposed subdivision. If a preliminary plat is required, it is generally a prerequisite for a final plat approval and the submission of any property improvement plans or permit applications.<sup>13</sup>

Generally, a preliminary plat approval is approval of the development plan, and a final plat approval is approval of a finalized development plan; engineering plans, if required; and documents confirming the parties with a property interest; which is then recorded with the clerk of the circuit court.<sup>14</sup>

Based on a preliminary plat approval, some local governments allow a developer to commence construction before the plat is finalized. For example, the City of Jacksonville, Village of Royal Palm Beach, and the City of Tallahassee allow for a preliminary plat approval process.<sup>15</sup>

In Jacksonville, the Planning and Development Department (Department) of the City of Jacksonville, upon request of an applicant, may allow up to 50 percent of the lots within a

<sup>13</sup> For examples, see City of Zephyrhills Code of Ordinances s. 11.03.02.01; Palm Beach County Code of Ordinances Art. 11., Ch. A.; Seminole County, SEMINOLE COUNTY PLANNING & DEVELOPMENT DIVISION, Subdivision Application, <https://www.seminolecountyfl.gov/core/fileparse.php/3307/urlt/SUBDIVISION-05-2023.ADA.pdf> (last visited Jan. 18, 2024).

<sup>14</sup> Advance Surveying & Engineering, *An In-Depth Look At Preliminary and Final Plats*, <https://www.advsur.com/2019/07/an-in-depth-look-at-preliminary-and-final-plats/> (last visited Jan. 18, 2024).

<sup>15</sup> City of Jacksonville Code of Ordinances s. 654-109, Village of Royal Palm Beach Code of Ordinances s. 22-22, City of Tallahassee Code of Ordinances s. 9-92.



proposed subdivision to be developed, but not occupied, based on a preliminary plat approval so long as the developer or owner meets the following conditions for construction:<sup>16</sup>

- Prior to Civil Plans submittal to the Department, the developer must submit the development proposal to Jacksonville Electric Authority (JEA) for review.
- Once JEA has granted preliminary approval, the Department will review the preliminary site plan, the preliminary and final engineering plans for the required improvements, and the sheet identifying the lots being requested for home construction prior to platting as approved by JEA. The Department reserves the right to deny authorization for development on a specific lot or lots to protect City interests.
- The developer or owner must provide a guarantee for required improvements and warranty of title.
- A Certificate of Occupancy may not be issued until the final plat is approved by JEA and the Department and recorded in the current public records of Duval County, Florida.
- Approval of the preliminary plat and required supplemental material are valid for 12 months from the date of approval. If the final plat is not submitted to and approved during the 12-month period, the conditional approvals are null and void.<sup>17</sup>

### ***Vested Rights in Property Based on a Plat***

In general, vested rights<sup>18</sup> form when a property owner or developer acquires real property rights that cannot be taken by governmental regulation.<sup>19</sup> Property owners or developers who do not have vested rights will be subject to subsequently enacted land regulations, while subsequently enacted land regulations do not apply to the property owners or developers who are determined to have vested rights.<sup>20</sup>

Florida common law provides that vested rights in a property may be established if a property owner or developer has:<sup>21</sup>

- In good faith reliance,
- Upon some act or omission of government,
- Made such a substantial change in position or has incurred such extensive obligations and expenses,
- That it would make it highly inequitable to interfere with the acquired right.

<sup>16</sup> City of Jacksonville Code of Ordinances s. 654-139(d).

<sup>17</sup> City of Jacksonville Code of Ordinances s. 654-109(b).

<sup>18</sup> Florida courts have used the concepts of vested rights and equitable estoppel interchangeably in deciding fault in property rights cases. Equitable estoppel, in this instance, means focusing on whether it would be inequitable or fair to allow a local government to deny prior conduct or position on building or development decisions. Robert M. Rhodes and Cathy M. Sellers, *Equitable Estoppel and Vested Rights in Land Use*, The Florida Bar, II Florida Environmental and Land Use Law 8, (1994).

<sup>19</sup> *Id.*; Heeter, *Zoning Estoppel: Application of the Principles of Equitable Estoppel and Vested Rights to Zoning Disputes*, Urb.L. Ann. 63, 64-65 (1971).

<sup>20</sup> *Monroe County v. Ambrose*, 866 So.2d 707, 712 (Fla. 3d DCA 2003); Kristin Melton, de la Parte & Gilbert P.A., *When are Rights Vested in a Platted Development?*, 2016, <https://www.dgfirm.com/email/2016summer/article2.html#:~:text=Florida%20common%20law%20provides%20that,it%20would%20make%20it%20highly> (last visited Jan. 18, 2024).

<sup>21</sup> *Monroe County*, 866 So.2d at 710.

Recordation of a final plat with the clerk of the circuit court alone is not sufficient to establish vested rights<sup>22</sup> in the land development regulations in existence at that time.<sup>23</sup> Instead, the property owner or developer must take meaningful steps towards development of the property, such as applying for development permits or expending certain monies,<sup>24</sup> to constitute a substantial change in position or be considered extensive obligations and expenses towards development of the property in reliance on some action by the local government.<sup>25</sup>

Additionally, a property owner or developer may obtain vested rights in both a local government-approved preliminary plat and a final plat, as long as expenditures or a substantial change have been made by the property owner or developer based on such preliminary plat or plat.<sup>26</sup>

### **Private Providers**

In 2002, s. 553.791, F.S., was enacted to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

Private providers are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's license.<sup>27</sup>

When a property owner or a contractor elects to use a private provider, he or she must notify the building official, on a form adopted by the Florida Building Commission, at the time of the permit application or no less than two business days before the first or next scheduled inspection.<sup>28</sup> A private provider who approves building plans must sign a sworn affidavit that the plans comply with the Building Code and the private provider is authorized to review the plans.<sup>29</sup>

A local building official may visit a building site as often as necessary to ensure the private provider is performing the required inspections. Construction work on a building may continue as long as the private provider passes each inspection and the private provider gives proper notice of each inspection to the building official.<sup>30</sup>

### **III. Effect of Proposed Changes:**

The bill requires the governing body of certain municipalities and counties to create:

- A two-step application process for the adoption of a preliminary plat and for a final plat in order to expedite the issuance of building permits related to such plats. The application must allow an applicant to identify the percentage of planned homes, that the governing body must

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<sup>22</sup> *Id.*

<sup>23</sup> Melton, *supra*, at 42.

<sup>24</sup> *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 573 (Fla. 2d DCA 1975).

<sup>25</sup> *Id.*; Melton, *supra*, at 42.

<sup>26</sup> *The Florida Companies v. Orange County*, 411 So.2d 1008, 1011 (Fla. 5th DCA 1982)

<sup>27</sup> Section 553.791(1)(n) and (3), F.S.

<sup>28</sup> Section 553.791(4)-(5), F.S.

<sup>29</sup> Section 553.791(6), F.S.

<sup>30</sup> Section 553.791(9) and (18), F.S.

issue for the residential subdivision or planned community indicated in the preliminary plat. The governing body must maximize its administrative processes to expedite the review and approval of applications, plats, and plans.

- A master building permit process consistent with existing master building permit application requirements for applicants seeking multiple building permits for residential subdivisions or planned communities.
  - The bill provides that a master building permit issued pursuant to this requirement is valid for 3 consecutive years after its issuance or until the adoption of a new Building Code, whichever is earlier. After a new Building Code is adopted, the applicant may apply for a new master building permit, which, upon approval, is valid for 3 consecutive years.

The bill requires the governing body to issue the number or percentage of building permits requested by an applicant, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

- The governing body has approved a preliminary plat for each residential subdivision or planned community.
- The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, gas, water, and wastewater utilities.
- The applicant holds a valid performance bond for up to 130 percent of the necessary utilities, roads, and stormwater improvements that have not been completed upon submission of the application. For purposes of master planned communities,<sup>31</sup> a valid performance bond is required on a phase-by-phase basis.

By October 1, 2024, the bill requires a governing body of a county that has 75,000 residents or more and a governing body of a municipality that has 30,000 residents or more to create a program to expedite the process for issuing building permits for residential subdivisions or planned communities before a final plat is recorded with the clerk of the circuit court.

Such expedited process must include an application for an applicant to identify the percentage of planned homes, or the number of building permits, that the governing body must issue for the residential subdivision or planned community, not to exceed 50 percent of the residential subdivision or planned community. However, such a local government may issue building permits that exceed 50 percent of the residential subdivision or planned community.

By December 31, 2027, the bill requires such governing bodies to update its expedited process to contain an application that allows an applicant to request an increased percentage of up to 75 percent of building permits for planned homes that the local governing body must issue for the residential subdivision or planned community. However, such a local government may issue building permits that exceed 75 percent of the residential subdivision or planned community.

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<sup>31</sup> “Planned unit development” or “master planned community” means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. S. 163.3202(5)(b), F.S.

If a governing body had a program in place before July 1, 2023, to expedite the building permit process, the bill requires such governing body to only update their program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision or planned community. However, such a local government may issue building permits that exceed 50 percent of the residential subdivision or planned community.

The bill exempts Monroe County from the provisions which require the governing body to create a program to issue a certain percentage of permits pursuant to a preliminary plat.

The bill allows an applicant to use a private provider to review a preliminary plat and to obtain a building permit for each residential building or structure.

The bill allows a governing body to work with appropriate local government agencies to issue an address and a temporary parcel identification number for lot lines and lot sizes based on the metes and bounds of the plat contained in an application.

The bill allows an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

The bill prohibits an applicant from obtaining a final certificate of occupancy for each residential structure or building for which a building permit is issued until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

The bill requires an applicant to indemnify and hold harmless the governing body and its agents and employees from damages accruing and directly related to the issuance of a building permit for a residential building or structure located in the residential subdivision or planned community before the approval and recording of the final plat by the governing body. This includes damage resulting from fire, flood, construction defects, and bodily injury. However, such indemnification does not extend to governmental action that infringe on the applicant's vested rights.

An applicant has a vested right in a preliminary plat that has been approved with conditions by a governing entity, if all of the following conditions are met:

- The applicant relies in good faith on the approved preliminary plat, and
- The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

Upon the establishment of an applicant's vested rights a governing body may not make substantive changes to the preliminary plat without the applicant's written consent.

The bill provides the following definitions:

- "Applicant" means a homebuilder or developer that files an application with the local governing body to identify the percentage of planned homes, or the number of building permits, that the local governing body must issue for the residential subdivision or planned community.

- "Final plat" means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.
- "Preliminary plat" means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains required land boundary information.
- "Local building official" has the same meaning as in s. 553.791(1), F.S.
- "Plans" means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

The bill takes effect upon becoming 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:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The streamlined platting processes in the bill may expedite some single family residential development across the state.

C. Government Sector Impact:

This bill could impact local governments to the extent they may have to hire more employees to meet the prescribed timeframes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 177.073 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 Community Affairs on January 22, 2024:**

The committee substitute makes the following changes:

- Revises the vested rights provisions by removing certain requirements by a local governing body. Also the CS clarifies that an applicant must commence construction and continue to develop the property in good faith in order to obtain vested rights.
- Requires the governing body to obtain written consent of the applicant before it may make substantive changes to the preliminary plat upon establishment of an applicant's vested rights.  
Requires the applicant to indemnify and hold harmless local governing body from certain liability related to the improvement of property. However, such indemnification does not extend to governmental action that infringe on vested rights.
- Changes dates relating to when a governing body must allow an applicant to obtain certain percentages of permits.
- Exempts Monroe County from the provisions which require the governing body to issue a certain percentage of permits pursuant to a preliminary plat.
- Provides that a master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is earlier, instead of later.
- Requires an applicant for permits pursuant to a preliminary plat to provide a copy of the approved plat to gas utilities.
- Removes provisions requiring reporting to the Department of Business and Professional Regulation and the Department of Commerce.
- Clarifies language and corrects grammatical errors.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
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	.	

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The Committee on Community Affairs (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 177.073, Florida Statutes, is created to  
read:

177.073 Expedited approval of residential building permits  
before a final plat is recorded.—

(1) As used in this section, the term:

(a) "Applicant" means a homebuilder or developer who files



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11 an application with the local governing body to identify the  
12 percentage of planned homes, or the number of building permits,  
13 that the local governing body must issue for a residential  
14 subdivision or planned community.

15 (b) "Final plat" means the final tracing, map, or site plan  
16 presented by the subdivider to a governing body for final  
17 approval, and, upon approval by the appropriate governing body,  
18 is submitted to the clerk of the circuit court for recording.

19 (c) "Local building official" has the same meaning as in s.  
20 553.791(1).

21 (d) "Plans" means any building plans, construction plans,  
22 engineering plans, or site plans, or their functional  
23 equivalent, submitted by an applicant for a building permit.

24 (e) "Preliminary plat" means a map or delineated  
25 representation of the subdivision of lands that is a complete  
26 and exact representation of the residential subdivision or  
27 planned community and contains any additional information needed  
28 to be in compliance with the requirements of this chapter.

29 (2) (a) By October 1, 2024, the governing body of a county  
30 that has 75,000 residents or more and the governing body of a  
31 municipality that has 30,000 residents or more shall create a  
32 program to expedite the process for issuing building permits for  
33 residential subdivisions or planned communities in accordance  
34 with the Florida Building Code and this section before a final  
35 plat is recorded with the clerk of the circuit court. The  
36 expedited process must include an application for an applicant  
37 to identify the percentage of planned homes, not to exceed 50  
38 percent of the residential subdivision or planned community, or  
39 the number of building permits that the governing body must





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issue for the residential subdivision or planned community. This paragraph does not:

1. Restrict the governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

2. Apply to a county subject to s. 380.0552.

(b) A governing body that had a program in place before July 1, 2023, to expedite the building permit process, need only update their program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision or planned community in order to comply with this section. This paragraph does not restrict a governing body from issuing more than 50 percent of the building permits for the residential subdivision or planned community.

(c) By December 31, 2027, the governing body of a county that has 75,000 residents or more and the governing body of a municipality that has 30,000 residents or more shall update its program to expedite the process for issuing building permits for residential subdivisions or planned communities in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must include an application for an applicant to identify the percentage of planned homes, not to exceed 75 percent of the residential subdivision or planned community, or the number of building permits that the governing body must issue for the residential subdivision or planned community. This paragraph does not:

1. Restrict the governing body from issuing more than 75 percent of the building permits for the residential subdivision



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69 or planned community.

70 2. Apply to a county subject to s. 380.0552.

71 (3) A governing body shall create:

72 (a) A two-step application process for the adoption of a  
73 preliminary plat, inclusive of any plans, in order to expedite  
74 the issuance of building permits under this section. The  
75 application must allow an applicant to identify the percentage  
76 of planned homes or the number of building permits that the  
77 governing body must issue for the residential subdivision or  
78 planned community.

79 (b) A master building permit process consistent with s.  
80 553.794 for applicants seeking multiple building permits for  
81 residential subdivisions or planned communities. For purposes of  
82 this paragraph, a master building permit is valid for 3  
83 consecutive years after its issuance or until the adoption of a  
84 new Florida Building Code, whichever is earlier. After a new  
85 Florida Building Code is adopted, the applicant may apply for a  
86 new master building permit, which, upon approval, is valid for 3  
87 consecutive years.

88 (4) An applicant may use a private provider consistent with  
89 s. 553.791 to expedite the application process as described in  
90 this section.

91 (5) A governing body may work with appropriate local  
92 government agencies to issue an address and a temporary parcel  
93 identification number for lot lines and lot sizes based on the  
94 metes and bounds of the plat contained in the application.

95 (6) The governing body must issue the number or percentage  
96 of building permits requested by an applicant in accordance with  
97 the Florida Building Code and this section, provided the



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residential buildings or structures are unoccupied and all of  
the following conditions are met:

(a) The governing body has approved a preliminary plat for  
each residential subdivision or planned community.

(b) The applicant provides proof to the governing body that  
the applicant has provided a copy of the approved preliminary  
plat, along with the approved plans, to the relevant electric,  
gas, water, and wastewater utilities.

(c) The applicant holds a valid performance bond for up to  
130 percent of the necessary improvements, as defined in s.  
177.031(9), that have not been completed upon submission of the  
application under this section. For purposes of a master planned  
community as defined in s. 163.3202(5)(b), a valid performance  
bond is required on a phase-by-phase basis.

(7)(a) An applicant may contract to sell, but may not  
transfer ownership of, a residential structure or building  
located in the residential subdivision or planned community  
until the final plat is approved by the governing body and  
recorded in the public records by the clerk of the circuit  
court.

(b) An applicant may not obtain a final certificate of  
occupancy for each residential structure or building for which a  
building permit is issued until the final plat is approved by  
the governing body and recorded in the public records by the  
clerk of the circuit court.

(8) For purposes of this section, an applicant has a vested  
right in a preliminary plat that has been approved by a  
governing body if all of the following conditions are met:

(a) The applicant relies in good faith on the approved



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preliminary plat or any amendments thereto.

(b) The applicant incurs obligations and expenses, commences construction of the residential subdivision or planned community, and is continuing in good faith with the development of the property.

(9) Upon the establishment of an applicant's vested rights in accordance with subsection (8), a governing body may not make substantive changes to the preliminary plat without the applicant's written consent.

(10) An applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or damages resulting from the issuance of a building permit or the construction, reconstruction, or improvement or repair of a residential building or structure, including any associated utilities, located in the residential subdivision or planned community. Additionally, an applicant must indemnify and hold harmless the local government, its governing body, its employees, and its agents from liability or disputes resulting from the issuance of a certificate of occupancy for a residential building or structure that is constructed, reconstructed, improved, or repaired before the approval and recordation of the final plat of the qualified project. This indemnification includes, but is not limited to, any liability and damage resulting from wind, fire, flood, construction defects, bodily injury, and any actions, issues, or disputes arising out of a contract or other agreement between the developer and a utility operating in the residential subdivision or planned community. However, this indemnification does not extend to governmental actions that infringe on the



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applicant's vested rights.

Section 2. This act shall take effect upon becoming a law.

===== 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 expedited approval of residential building permits; creating s. 177.073, F.S.; providing definitions; requiring certain governing bodies, by a date certain, to create a program to expedite the process for issuing residential building permits before a final plat is recorded; requiring the expedited process to include a certain application; requiring certain governing bodies to update its program in a specified manner; providing applicability; requiring a governing body to create certain processes for purposes of the program; authorizing applicants to use a private provider to expedite the process for certain building permits; authorizing a governing body to issue addresses and temporary parcel identification numbers for specified purposes; requiring a governing body to issue a specified number or percentage of building permits requested in an application when certain conditions are met; setting forth certain conditions for applicants who apply to the program; providing that an applicant has a vested right in an approved



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185 preliminary plat when certain conditions are met;  
186 prohibiting a governing body from making substantive  
187 changes to a preliminary plat without written consent;  
188 requiring an applicant to indemnify and hold harmless  
189 certain entities and persons; providing an exception;  
190 providing an effective date.

By Senator Ingoglia

11-00173B-24

2024812\_\_

A bill to be entitled

An act relating to expedited approval of residential building permits; creating s. 177.073, F.S.; defining terms; requiring certain governing bodies, by a date certain, to create a program to expedite the process for issuing residential building permits before a final plat is recorded; providing requirements for such program; providing an exception and construction; requiring certain governing bodies, by a date certain, to update their programs to conform to the Florida Building Code; providing construction; requiring a governing body to create certain processes for purposes of the program; specifying the length of time a master building permit is valid; authorizing applicants to use a private provider for certain reviews; authorizing a governing body to issue addresses and temporary parcel identification numbers for specified purposes; requiring a governing body to issue a specified number or percentage of building permits requested in an application when certain conditions are met; setting forth certain conditions for applicants who apply to the program; providing that an applicant has a vested right in an approved preliminary plat when certain conditions are met; requiring a local building official and a local governing body to mail a signed, certified letter with specified information to the Department of Business and Professional Regulation and the Department of Commerce, respectively, after the governing body

11-00173B-24

2024812\_\_

creates the program; providing an effective date.

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

Section 1. Section 177.073, Florida Statutes, is created to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.-

(1) As used in this section, the term:

(a) "Applicant" means a homebuilder or developer that files an application with the local governing body to identify the percentage of planned homes that the local governing body must issue for the residential subdivision or planned community.

(b) "Final plat" means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.

(c) "Local building official" has the same meaning as in s. 553.791(1).

(d) "Plans" means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

(e) "Preliminary plat" means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains any additional information needed to be in compliance with the requirements of this chapter.

(2) (a) By August 15, 2024, the governing body of a county that has 75,000 residents or more and the governing body of a



11-00173B-24

2024812\_\_

59 municipality that has 30,000 residents or more shall create a  
60 program to expedite the process for issuing building permits for  
61 residential subdivisions or planned communities in accordance  
62 with the Florida Building Code and this section before a final  
63 plat is recorded with the clerk of the circuit court. The  
64 expedited process must include an application for an applicant  
65 to identify the percentage of planned homes that the governing  
66 body must issue for the residential subdivision or planned  
67 community, not to exceed 50 percent of the residential  
68 subdivision or planned community. This subsection does not  
69 restrict a local government from issuing building permits that  
70 exceed 50 percent of the residential subdivision or planned  
71 community.

72 (b) A governing body that had a program in place before  
73 July 1, 2023, to expedite the building permit process, need only  
74 update its program to approve an applicant's written application  
75 to issue up to 50 percent of the building permits for the  
76 residential subdivision or planned community in order to comply  
77 with this section. This paragraph does not prohibit a governing  
78 body from issuing more than 50 percent of the building permits  
79 for a residential subdivision or planned community. This  
80 subsection does not restrict a local government from issuing  
81 building permits that exceed 50 percent of the residential  
82 subdivision or planned community.

83 (c) By December 31, 2028, the governing body of a county  
84 that has 75,000 residents or more and the governing body of a  
85 municipality that has 30,000 residents or more shall update its  
86 program to expedite the process for issuing building permits for  
87 residential subdivisions or planned communities in accordance

11-00173B-24

2024812\_\_

with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court. The expedited process must contain an application for an applicant to identify the percentage, up to 75 percent, of planned homes that the local governing body must issue for the residential subdivision or planned community. This subsection does not restrict a local government from issuing building permits that exceed 75 percent of the residential subdivision or planned community.

(3) A governing body shall create:

(a) A two-step application process that includes the adoption of a preliminary plat and a final plat in order to expedite the issuance of building permits under this section. The application must allow an applicant to identify the percentage of planned homes that the governing body must issue for the residential subdivision or planned community. The governing body shall maximize its administrative processes to expedite the review and approval of applications, plats, and plans submitted under this section.

(b) A master building permit process consistent with s. 553.794(3) for applicants seeking multiple building permits for residential subdivisions or planned communities. For purposes of this paragraph, a master building permit is valid for 3 consecutive years after its issuance or until the adoption of a new Florida Building Code, whichever is later. After a new Florida Building Code is adopted, the applicant may apply for a new master building permit, which, upon approval, is valid for 3 consecutive years.

(4) An applicant may use a private provider consistent with

11-00173B-24

2024812\_\_

117 s. 553.791 to review a preliminary plat and building permit for  
118 each residential building or structure.

119 (5) A governing body may work with appropriate local  
120 government agencies to issue an address and a temporary parcel  
121 identification number for lot lines and lot sizes based on the  
122 metes and bounds of the plat contained in the application.

123 (6) If an applicant requests a certain number or percentage  
124 of building permits in his or her application, the governing  
125 body must issue the number or percentage requested in accordance  
126 with the Florida Building Code, provided the residential  
127 buildings or structures are unoccupied and all of the following  
128 conditions are met:

129 (a) The governing body has approved a preliminary plat for  
130 each residential building or structure.

131 (b) The applicant provides proof to the governing body that  
132 the applicant has provided a copy of the approved preliminary  
133 plat, along with the approved plans, to the relevant electric,  
134 water, and wastewater utilities.

135 (c) The applicant holds a valid performance bond for up to  
136 130 percent of the necessary utilities, roads, and stormwater  
137 improvements that have not been completed upon submission of the  
138 application under this section. For purposes of master planned  
139 communities, as defined in s. 163.3202(5)(b), a valid  
140 performance bond is required on a phase-by-phase basis.

141 (7) (a) An applicant may contract to sell, but may not  
142 transfer ownership of, a residential structure or building  
143 located in the residential subdivision or planned community  
144 until the final plat is approved by the governing body and  
145 recorded in the public records by the clerk of the circuit

11-00173B-24

2024812\_\_

146 court.

147 (b) An applicant may not obtain a final certificate of  
148 occupancy with respect to each residential structure or building  
149 for which a building permit is issued until the final plat is  
150 approved by the governing body and recorded in the public  
151 records by the clerk of the circuit court.

152 (c) An applicant must indemnify and hold harmless the  
153 governing body and its agents and employees from damages  
154 accruing and directly related to the issuance of a building  
155 permit for a residential building or structure located in the  
156 residential subdivision or planned community before the approval  
157 and recording of the final plat by the governing body. This  
158 includes damage resulting from fire, flood, construction  
159 defects, and bodily injury.

160 (8) For purposes of this section, an applicant has a vested  
161 right in a preliminary plat that has been approved by a  
162 governing body if all of the following conditions are met:

163 (a) The applicant relies in good faith on the approved  
164 preliminary plat.

165 (b) The applicant substantially changes his or her  
166 position, including making improvements pursuant to s.  
167 177.031(9), or incurs other obligations and expenses.

168 (c) Any change by the governing body and its agents and  
169 employees from a cause of action directly related to the  
170 issuance of a building permit would constitute an inequitable  
171 interference in the approved preliminary plat.

172 (9) After a governing body creates the program required  
173 under this section, the local building official shall send by  
174 certified mail, return receipt requested, to the Department of

11-00173B-24

2024812\_\_

175 Business and Professional Regulation a signed, certified letter  
176 indicating that the program has been established. The letter  
177 must contain a brief explanation of the program, including how  
178 the program expedites the process of issuing building permits  
179 for residential subdivisions or planned communities before the  
180 final plat is recorded.

181 (10) After a governing body creates the program required  
182 under this section, the local governing body shall send by  
183 certified mail, return receipt requested, to the Department of  
184 Commerce a signed, certified letter indicating that the program  
185 has been established. The letter must contain a brief  
186 explanation of the program, including how the program expedites  
187 the process of issuing building permits for residential  
188 subdivisions or planned communities before the final plat is  
189 recorded.

190 Section 2. This act shall take effect upon becoming a law.



# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

Senator Blaise Ingoglia  
11<sup>th</sup> District

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures  
Committee, *Alternating Chair*

January 9, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

## Re: SB 812 Expedited Approval of Residential Building Permits

Chair Calatayud,

SB 812 has been referred to the Community Affairs as its first committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping loop at the end.

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administration Assistant

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
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1/22/24

Meeting Date

8/2

Bill Number or Topic

CA

Committee

Amendment Barcode (if applicable)

Name

Edward Briggs

Phone

850 933 5994

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:

Highland Homes

☐

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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22 Jan 2024

812

Meeting Date

Bill Number or Topic

Community Affairs

Committee

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Meeting Date

1/23/24

Committee

Community Affairs

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Bill Number or Topic

D72

Amendment Barcode (if applicable)

Name

Kathleen Crothead

Phone

239-677-6625

Address

326 W Marin Ave

Email

Kcrothead@cap.fl.com

Street

Punta Gorda FL

33950

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

January 22, 2024

**APPEARANCE RECORD**

SB 812

Meeting Date

Bill Number or Topic

Community Affairs

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

Committee

Amendment Barcode (if applicable)

Name Tiffany Garling - Florida Chamber of Commerce

Phone 850-661-3339

Address 136 S. Bronough Street  
Street

Email tgarling@flchamber.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:

Florida Chamber of Commerce

☐ 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 \(flsenate.gov\)](#)*

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The Florida Senate

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SB 812

Bill Number or Topic

1/22/24

Meeting Date

Comm. Affairs

Committee

Amendment Barcode (if applicable)

Name John Hodgison

Phone 706-593-6955

Address 11226 Beeswing Pl

Street

Email jhodgison@gmail.com

Riverview

City

FL

State

33578

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 \(flsenate.gov\)](#)

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The Florida Senate

# APPEARANCE RECORD

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01/22/24

Meeting Date

SB 812

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name JOHN ABNER

Phone 352-630-2602

Address 510 N Baker St  
Street

Email abnerj@cityofmonticello.com

Monticello  
City

FL  
State

32757  
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 \(flsenate.gov\)](#)

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1/22/2024  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 812  
Bill Number or Topic

Deliver both copies of this form to  
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Committee  
Name Ashley Ong  
Address 401 S. Park Ave  
Winter Park, FL 32789  
City State Zip

Amendment Barcode (if applicable)  
Phone 4075993670  
Email aong@cityofwinterpark.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 \(flsenate.gov\)](#)

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The Florida Senate

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1/22/24

Meeting Date

Community Affairs

Committee

812

Bill Number or Topic

Amendment Barcode (if applicable)

Name JEFF SCALA

Phone (850) 487-0697

Address 100 S Monroe

Email jscala@fl-counties.com

Street

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:

Florida 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 \(flsenate.gov\)](#)

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The Florida Senate

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1/22/24

Meeting Date

Comm. Affairs

Committee

812

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Charles Chapman

Phone

863-234-8983

Address

301 S Bronough St

Street

Email

cchapman@flcities.com

City

Tallahassee

State

FL

Zip

32301

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 \(flsenate.gov\)](#)

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1/22/24  
Meeting Date

Comm Affairs  
Committee

812  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins - 1000 Friends of Florida Phone 852-273-5055

Address 308 N Monroe St Email kdinkins@1000fof.org  
Street

Tallahassee FL 32314  
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:  
1000 Friends 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 \(flsenate.gov\)](#)

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Meeting Date

Community Affairs

Committee

812

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Sergio Ascunce

Phone

786-546-4879

Address

13805 SW 26 ST.

Email

sergio.ascunce@miamidadob.gov

Street

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

1/22/2024

Meeting Date

Community Affairs

Committee

812

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name **Remberto Leiseca**

Phone **904-261-3327**

Address **PO Box 17197**

Email **ron@rjlassoc.com**

Street

**Fernandina Beach**

**FL**

**32035**

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 \(flsenate.gov\)](#)

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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 Community Affairs

---

BILL: SB 958

INTRODUCER: Senator Martin

SUBJECT: Local Government Employees

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	<b>Favorable</b>
2.			AHS	
3.			FP	

---

## I. Summary:

SB 958 raises by \$5,000 the statutory base salary rates for tax collectors and district school superintendents. The bill also:

- Provides that tax collector employees who adopt children from the child welfare system are eligible for a one-time, lump-sum monetary benefit;
- Provides that a county tax collector may budget for and pay a hiring or retention bonus if such expenditure is approved; and
- Provides that a district school board may contract with the county tax collector for a tax collector employee to administer road tests for driver licensure on school grounds at one or more schools within the district.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Compensation of County Officials

Article II, s. 5(c), of the Florida Constitution provides that “the powers, duties, compensation and method of payment of state and county officers shall be fixed by law.”<sup>1</sup> Chapter 145, F.S., articulates legislative intent to provide uniform compensation of county officials that have substantially equal duties and responsibilities.<sup>2</sup> Chapter 145, F.S., outlines the salary schedules for specified county officials “based on a classification of counties according to each county’s population.”<sup>3</sup>

---

<sup>1</sup> FLA. CONST. art. II, s. 5(c).

<sup>2</sup> Section 145.011(3), F.S.

<sup>3</sup> Section 145.011(4), F.S.

The salary schedules for the following county officers are provided respectively in ss. 145.031-145.11, F.S.: board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, and tax collector (see below). Each county officer receives a salary of the amount indicated in the schedule, based on the population of the officer's county. Additional compensation is made "for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate."<sup>4</sup>

The statutory salary provisions apply to all designated officers in all counties, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in ch. 67-1320, L.O.F., (i.e., Duval County).<sup>5</sup> The adoption of a charter provides the county's electors with a mechanism to fundamentally alter the form of county government and the status of constitutional officers.

### Salary Computation Methodology and Formula

Computation of a county official's salary begins by determining the following figures provided in the statutory salary schedules for county officials, outlined in ss.145.031-145.11, F.S.:

- The relevant population group number for the elected officer, based on the county's population range;
- The official's relevant base salary and group rate according to his or her prescribed salary schedule; and
- The difference between the county's population estimate and the minimum group rate.<sup>6</sup>

After determining these figures, the following computation formula is then used to calculate the county official's salary:<sup>7</sup>

$$\text{Salary} = [\text{Base Salary} + (\text{Population above Group Minimum} \times \text{Group Rate})] \times \text{Initial Factor} \times \text{Certified Annual Factor} \times \text{Certified Cumulative Annual Factor}$$

Section 145.19(1), F.S., defines the terms "annual factor," "cumulative annual factor," and "initial factor," as follows:

- *Annual Factor* means 1 plus the lesser of either: 1) the average percentage increase in the salaries of state career service employees for the current fiscal year as determined by the Department of Management Services or as provided in the General Appropriations Act; or 2) 7 percent.
- *Cumulative Annual Factor* means the product of all annual factors certified under this act prior to the fiscal year for which salaries are being calculated.

<sup>4</sup> Sections 145.031, 145.051, 145.071, 145.09, 145.10 and 145.11, F.S.

<sup>5</sup> Section 145.011, F.S.

<sup>6</sup> Office of Economic and Demographic Research, *Salaries of Elected County Constitutional Officers and School District Officials for Fiscal Year 2022-23*, at 4. (Sept. 2022) available at <http://edr.state.fl.us/Content/local-government/reports/finsal22.pdf> (last visited Jan. 14, 2024).

<sup>7</sup> *Id.*

- *Initial Factor* means a factor of 1.292, which is the product, rounded to the nearest thousandth, of an earlier cost-of-living increase factor authorized by Chapter 73-173, Laws of Florida, and intended by the Legislature to be preserved in adjustments to salaries made prior to the enactment of Chapter 76-80, Laws of Florida, multiplied by the annual increase factor authorized by Chapter 79-327, Laws of Florida.

In 2022, the Office of Economic and Demographic Research provided the following sample computation:

Sample Computation of Salary <sup>8</sup>
Officer: Alachua County Clerk of Court, Property Appraiser, Supervisor of Elections, and Tax Collector
2021 Population Estimate: 284,607
Group Number Minimum (IV): 200,000
Corresponding Base Salary (Group IV): \$30,175
Corresponding Group Rate (Group IV): \$0.01575
Initial Factor: 1.292
Certified Annual Factor: 1.0700
Certified Cumulative Annual Factor: 3.6524

**Salary** = [\$30,175 + [(284,607-200,000) x 0.01575]] x 1.292 x 1.0700 x 3.6524 = \$159,089

### Salary Schedules for County Officials <sup>9</sup>

Elected County Constitutional Officers	Population Group Numbers	County Population Range		Base Salary	Group Rate
		Minimum	Maximum		
-Clerk of Circuit Court	I	-0-	49,999	\$21,250	\$0.07875
-Supervisor of Elections	II	50,000	99,999	\$24,400	\$0.06300
-County Comptroller	III	100,000	199,999	\$27,550	\$0.02625
-Property Appraiser	IV	200,000	399,999	\$30,175	\$0.01575
-Tax Collector	V	400,000	999,999	\$33,325	\$0.00525
<i>ss. 145.051, 145.09, 145.10, and 145.11, F.S.</i>	VI	1,000,000		\$36,475	\$0.00400
-Sheriff <sup>10</sup>	I	-0-	49,999	\$28,350	\$0.07875
<i>s.145.071, F.S</i>	II	50,000	99,999	\$31,500	\$0.06300
	III	100,000	199,999	\$34,650	\$0.02625
	IV	200,000	399,999	\$37,275	\$0.01575
	V	400,000	999,999	\$40,425	\$0.00525
	VI	1,000,000		\$43,575	\$0.00400

### Compensation of Elected District School Superintendents

District school superintendents may be either an elected position or one employed by the district school board.<sup>11</sup> Elected district school superintendents are compensated as provided by s.

<sup>8</sup> *Id.*

<sup>9</sup> Sections 145.031(1), 145.051(1), 145.071(1), 145.09(1), 145.10(1) and 145.11(1), F.S.

<sup>10</sup> Sheriff salary base rates were raised by \$5,000 by the Legislature in 2022. *See* ch. 2022-23, Laws of Fla.

<sup>11</sup> FLA. CONST., art. IX, s. 5.

1004.47, F.S., which mirrors precisely the compensation schemes and base salary rates for County Constitutional Officers other than the Sheriff, discussed above.

### **Bonuses and Severance Pay Prohibited**

Section 215.425, F.S., prohibits state employers from paying extra compensation after a service has been rendered or a contract made unless such compensation is allowed by a law enacted by two-thirds of the members elected to each house of the Legislature.

### **Florida Law Enforcement Recruitment Bonus Payment Program**

In 2022, the Legislature established the Law Enforcement Recruitment Bonus Payment Program, which administers one-time bonus payments of up to \$5,000 to newly employed officers in Florida, subject to legislative appropriation.<sup>12</sup> This program expires on July 1, 2025.

### **Adoption Benefits**

Section 409.1664, F.S., provides a one-time, lump-sum monetary benefit to a qualifying adoptive employee,<sup>13</sup> veteran, or servicemember who adopts a child within Florida's child welfare system<sup>14</sup> of \$10,000 for adopting a child who has special needs<sup>15</sup> or \$5,000 for adopting a child who does not have special needs. A Florida law enforcement officer may receive a similar benefit, of \$25,000 for adopting a child who has special needs and \$10,000 for adopting a child who does not have special needs.

Adoption benefits are awarded on a first-come, first-served basis and subject to appropriation.<sup>16</sup> To obtain the adoption benefit, a qualifying adoptive employee must apply to his or her agency head or to his or her school director. A veteran or servicemember must apply directly to the Department of Children and Families to receive the benefit, while a law enforcement officer must apply to the Florida Department of Law Enforcement.<sup>17</sup>

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 145.11, F.S., to raise the salary base rates for tax collectors by \$5,000.

**Section 4** amends s. 1001.47, F.S., to raise the salary base rates for district school superintendents by \$5,000.

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<sup>12</sup> Section 445.08, F.S.

<sup>13</sup> "Qualifying adoptive employee" means a full-time or part-time employee of a state agency, a charter school, or the Florida Virtual School, who is not an independent contractor and who adopts a child within the child welfare system pursuant to ch 63, F.S. Section 409.1664(1)(b), F.S.

<sup>14</sup> "Child within the child welfare system" means a special needs child and any other child who was removed from the child's caregiver due to abuse or neglect and whose permanent custody has been awarded to the department or to a licensed child-placing agency. Section 409.166(2)(c), F.S.

<sup>15</sup> For purposes of the adoption benefit program, a child who has special needs is a child whose permanent custody has been awarded to the Department of Children and Families or to a licensed child-placing agency and who has established significant emotional ties with his or her foster parents or is not likely to be adopted. Section 409.166(2), F.S.

<sup>16</sup> Section 409.1664(2)(c) and (3), F.S.

<sup>17</sup> Section 409.1664(3), F.S.

The table below reflects salary adjustments made by the bill:

Elected County Officials	Population Group #	County Population Range		Current Law Base Salary	Base Salary Under Bill
		Minimum	Maximum		
Tax Collectors and District School Superintendents	I	-0-	49,999	\$21,250	\$26,250
	II	50,000	99,999	\$24,400	\$29,400
	III	100,000	199,999	\$27,550	\$32,550
	IV	200,000	399,999	\$30,175	\$35,175
	V	400,000	999,999	\$33,325	\$38,325
	VI	1,000,000		\$36,475	\$41,475

**Section 2** amends s. 409.1664, F.S., to add tax collector employees who are domiciled in Florida and who adopt children on or after July 1, 2024, as eligible for the one-time, lump-sum monetary benefit.

The benefit is \$25,000 for adopting a child who has special needs and \$10,000 for adopting a child who does not have special needs. The bill requires a tax collector employee to apply to the Florida Department of Children and Families to obtain the adoption benefit.

**Section 3** creates s. 445.09, F.S., to provide that, notwithstanding any other law, a county tax collector may budget for and pay a hiring or retention bonus if such expenditure is approved by the department of Revenue in the respective budgets of the property appraiser and the tax collector.

**Section 5** amends s. 1003.48, F.S., to provide that a district school board may contract with the county tax collector for a tax collector employee to administer road tests for driver licensure on school grounds at one or more schools within the district.

**Section 6** provides the bill takes effect July 1, 2024.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill salaries for constitutional officers will rise. The mandate requirement does not apply to laws having an insignificant impact,<sup>18</sup> which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.<sup>19</sup>

Fiscal impact on local governments from this bill are indeterminate at this time. If costs imposed by through raising the base rate of compensation for certain elected county officials exceed \$2.3 million, the mandates provisions may apply. If the bill does qualify

<sup>18</sup> FLA. CONST. art. VII, s. 18(d).

<sup>19</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 14, 2024).

as a mandate, in order to be binding upon counties, the bill must contain a finding of important state interest and 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.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Tax collectors and district school superintendents will have higher salaries under the bill. While the base rate increases by \$5,000, actual salaries will increase by a larger amount due to calculations involved in setting those salaries. As the effect of base statutory salaries vary per county based on population and chartered status, the cumulative fiscal impact of the bill is indeterminate at this time.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 145.11, 409.1664, 1001.47, and 1003.48 of the Florida Statutes.



This bill creates section 445.09, 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.

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

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By Senator Martin

33-00777-24

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A bill to be entitled  
An act relating to local government employees;  
amending s. 145.11, F.S.; revising the base salary  
used to calculate the compensation of county tax  
collectors; amending s. 409.1664, F.S.; defining the  
term "tax collector employee"; providing that tax  
collector employees are eligible to receive specified  
monetary benefits from the state for adopting children  
within the child welfare system; authorizing tax  
collector employees to apply for the monetary benefits  
if certain conditions are met; requiring such  
employees to apply to the Department of Children and  
Families to obtain the benefits; revising  
construction; authorizing the department to adopt  
specified rules; creating s. 445.09, F.S.; authorizing  
specified tax collectors to budget for and pay  
specified bonuses to employees, pending a specified  
approval; amending s. 1001.47, F.S.; revising the base  
salary used to calculate the compensation of district  
school superintendents; making a technical change;  
amending s. 1003.48, F.S.; authorizing district school  
boards to contract with a county tax collector's  
office to administer road tests on school grounds at  
one or more schools within the district; providing an  
effective date.

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

Section 1. Subsection (1) of section 145.11, Florida

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Statutes, is amended to read:

145.11 Tax collector.—

(1) Each tax collector shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I			<u>\$26,250</u>	
	-0-	49,999	<del>\$21,250</del>	\$0.07875
II			<u>29,400</u>	
	50,000	99,999	<del>24,400</del>	0.06300
III			<u>32,550</u>	
	100,000	199,999	<del>27,550</del>	0.02625
IV			<u>35,175</u>	
	200,000	399,999	<del>30,175</del>	0.01575
V			<u>38,325</u>	
	400,000	999,999	<del>33,325</del>	0.00525

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VI

41,475

1,000,000

~~36,475~~

0.00400

Section 2. Section 409.1664, Florida Statutes, is amended to read:

409.1664 Adoption benefits for qualifying adoptive employees of state agencies, veterans, servicemembers, ~~and~~ law enforcement officers, and tax collector employees.—

(1) As used in this section, the term:

(a) "Child within the child welfare system" has the same meaning as provided in s. 409.166(2).

(b) "Law enforcement officer" has the same meaning as provided in s. 943.10(1).

(c) "Qualifying adoptive employee" means a full-time or part-time employee of a state agency, a charter school established under s. 1002.33, or the Florida Virtual School established under s. 1002.37, who is not an independent contractor and who adopts a child within the child welfare system pursuant to chapter 63 on or after July 1, 2015. The term includes instructional personnel, as defined in s. 1012.01, who are employed by the Florida School for the Deaf and the Blind, and includes other-personal-services employees who have been continuously employed full time or part time by a state agency for at least 1 year.

(d) "Servicemember" has the same meaning as in s. 250.01(19).

(e) "State agency" means a branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions, a state university or Florida College

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System institution as defined in s. 1000.21, a school district unit as defined in s. 1001.30, or a water management district as defined in s. 373.019.

(f) "Tax collector employee" means an employee of an office of the county tax collector in this state.

(g) "Veteran" has the same meaning as in s. 1.01(14).

(2) A qualifying adoptive employee, veteran, or servicemember who adopts a child within the child welfare system who is difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of \$10,000 per such child, subject to applicable taxes. A law enforcement officer or tax collector employee who adopts a child within the child welfare system who is difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of \$25,000 per such child, subject to applicable taxes. A qualifying adoptive employee, veteran, or servicemember who adopts a child within the child welfare system who is not difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of \$5,000 per such child, subject to applicable taxes. A law enforcement officer or tax collector employee who adopts a child within the child welfare system who is not difficult to place as described in s. 409.166(2)(d)2. is eligible to receive a lump-sum monetary benefit in the amount of \$10,000 per each such child, subject to applicable taxes. A qualifying adoptive employee of a charter school or the Florida Virtual School may retroactively apply for the monetary benefit provided in this subsection if such employee was employed by a charter school or the Florida Virtual School when he or she

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102 adopted a child within the child welfare system pursuant to  
103 chapter 63 on or after July 1, 2015. A veteran or servicemember  
104 may apply for the monetary benefit provided in this subsection  
105 if he or she is domiciled in this state and adopts a child  
106 within the child welfare system pursuant to chapter 63 on or  
107 after July 1, 2020. A law enforcement officer may apply for the  
108 monetary benefit provided in this subsection if he or she is  
109 domiciled in this state and adopts a child within the child  
110 welfare system pursuant to chapter 63 on or after July 1, 2022.  
111 A tax collector employee may apply for the monetary benefit  
112 provided in this subsection if he or she is domiciled in this  
113 state and adopts a child within the child welfare system under  
114 chapter 63 on or after July 1, 2024.

115 (a) Benefits paid to a qualifying adoptive employee who is  
116 a part-time employee must be prorated based on the qualifying  
117 adoptive employee's full-time equivalency at the time of  
118 applying for the benefits.

119 (b) Monetary benefits awarded under this subsection are  
120 limited to one award per adopted child within the child welfare  
121 system.

122 (c) The payment of a lump-sum monetary benefit for adopting  
123 a child within the child welfare system under this section is  
124 subject to a specific appropriation to the department for such  
125 purpose.

126 (3) A qualifying adoptive employee must apply to his or her  
127 agency head, or to his or her school director in the case of a  
128 qualifying adoptive employee of a charter school or the Florida  
129 Virtual School, to obtain the monetary benefit provided in  
130 subsection (2). A veteran, ~~or~~ servicemember, or tax collector

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131 employee must apply to the department to obtain the benefit. A  
132 law enforcement officer must apply to the Department of Law  
133 Enforcement to obtain the benefit. Applications must be on forms  
134 approved by the department and must include a certified copy of  
135 the final order of adoption naming the applicant as the adoptive  
136 parent. Monetary benefits shall be approved on a first-come,  
137 first-served basis based upon the date that each fully completed  
138 application is received by the department.

139 (4) This section does not preclude a qualifying adoptive  
140 employee, veteran, servicemember, ~~or~~ law enforcement officer, or  
141 tax collector employee from receiving adoption assistance for  
142 which he or she may qualify under s. 409.166 or any other  
143 statute that provides financial incentives for the adoption of  
144 children.

145 (5) Parental leave for a qualifying adoptive employee must  
146 be provided in accordance with the personnel policies and  
147 procedures of his or her employer.

148 (6) The department may adopt rules to administer this  
149 section. The rules may provide for an application process such  
150 as, but not limited to, an open enrollment period during which  
151 qualifying adoptive employees, veterans, servicemembers, ~~or~~ law  
152 enforcement officers, or tax collector employees may apply for  
153 monetary benefits under this section.

154 (7) The Chief Financial Officer shall disburse a monetary  
155 benefit to a qualifying adoptive employee upon the department's  
156 submission of a payroll requisition. The Chief Financial Officer  
157 shall transfer funds from the department to a state university,  
158 a Florida College System institution, a school district unit, a  
159 charter school, the Florida Virtual School, or a water

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management district, as appropriate, to enable payment to the qualifying adoptive employee through the payroll systems as long as funds are available for such purpose.

(8) To receive an approved monetary benefit under this section, a veteran or servicemember must be registered as a vendor with the state.

(9) Each state agency shall develop a uniform procedure for informing employees about this benefit and for assisting the department in making eligibility determinations and processing applications. Any procedure adopted by a state agency is valid and enforceable if the procedure does not conflict with the express terms of this section.

Section 3. Section 445.09, Florida Statutes, is created to read:

445.09 Bonuses for employees of tax collectors.-  
Notwithstanding any other law, a county tax collector may budget for and pay a hiring or retention bonus to an employee if such expenditure is approved by the Department of Revenue in the respective budget of the tax collector.

Section 4. Section 1001.47, Florida Statutes, is amended to read:

1001.47 District school superintendent; salary.-

(1) Each elected district school superintendent shall receive as salary the amount indicated pursuant to this section. However, a district school board, by majority vote, may approve a salary in excess of the amount specified in this section.

(2) Each elected district school superintendent shall receive a base salary, the amounts indicated in this subsection, based on the population of the county the elected superintendent



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serves. In addition, compensation shall be made for population increments over the minimum for each population group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate. The product of such calculation shall be added to the base salary to determine the adjusted base salary. Laws that increase the base salary provided in this subsection shall contain provisions on no other subject.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	<u>\$26,250</u> <del>\$21,250</del>	\$0.07875
II	50,000	99,999	<u>29,400</u> <del>24,400</del>	0.06300
III	100,000	199,999	<u>32,550</u> <del>27,550</del>	0.02625
IV	200,000	399,999	<u>35,175</u> <del>30,175</del>	0.01575
V	400,000	999,999	<u>38,325</u> <del>33,325</del>	0.00525

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		<u>41,475</u>	
VI	1,000,000	<del>36,475</del>	0.00400

(3) The adjusted base salaries of elected district school superintendents shall be increased annually as provided for in s. 145.19. Any salary previously paid to elected superintendents, including the salary calculated for fiscal years 2002-2003 and 2003-2004, which was consistent with chapter 145 and s. 230.303, Florida Statutes (2001), is hereby ratified and validated.

(4) (a) There shall be an additional \$2,000 per year special qualification salary paid by district school boards for each elected district school superintendent who has met the certification requirements established by the Department of Education. Any elected district school superintendent who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year.

(b) In order to qualify for the special qualification salary provided by paragraph (a), the elected district school superintendent must complete the requirements established by the Department of Education within 6 years after first taking office.

(c) After an elected district school superintendent meets the requirements of paragraph (a), in order to remain certified the district school superintendent shall thereafter be required to complete each year a course of continuing education as prescribed by the Department of Education.

(5) (a) The Department of Education shall provide a

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leadership development and performance compensation program for elected district school superintendents, comparable to chief executive officer development programs for corporate executive officers, to include:

1. A content-knowledge-and-skills phase consisting of: creative leadership models and theory, demonstration of effective practice, simulation exercises and personal skills practice, and assessment with feedback, taught in a professional training setting under the direction of experienced, successful trainers.

2. A competency-acquisition phase consisting of on-the-job application of knowledge and skills for a period of not less than 6 months following the successful completion of the content-knowledge-and-skills phase. The competency-acquisition phase shall be supported by adequate professional technical assistance provided by experienced trainers approved by the department. Competency acquisition shall be demonstrated through assessment and feedback.

(b) Upon the successful completion of both phases and demonstrated successful performance, as determined by the department, an elected district school superintendent shall be issued a Chief Executive Officer Leadership Development Certificate, and the department shall pay an annual performance salary incentive of not less than \$3,000 nor more than \$7,500 based upon his or her performance evaluation.

(c) An elected district school superintendent's eligibility to continue receiving the annual performance salary incentive is contingent upon his or her continued performance assessment and follow-up ~~followup~~ training prescribed by the department.

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(6) Notwithstanding the provisions of this section and s. 145.19, elected district school superintendents may reduce their salary rate on a voluntary basis.

Section 5. Section 1003.48, Florida Statutes, is amended to read:

1003.48 Instruction in operation of motor vehicles; road tests.—

(1) A course of study and instruction in the safe and lawful operation of a motor vehicle shall be made available by each district school board to students in the secondary schools in the state. The secondary school shall provide preferential enrollment to a student who is in the custody of the Department of Children and Families if the student maintains appropriate progress as required by the school. As used in this section, the term "motor vehicle" has the same meaning as in s. 320.01(1)(a) and includes motorcycles and mopeds. Instruction in motorcycle or moped operation may be limited to classroom instruction. The course may not be made a part of, or a substitute for, any of the minimum requirements for graduation.

(2) In order to make such a course available to any secondary school student, the district school board may use any one of the following procedures or any combination thereof:

(a) Use instructional personnel employed by the district school board.

(b) Contract with a commercial driving school licensed under chapter 488.

(c) Contract with an instructor certified under chapter 488.

(3) District school boards shall earn funds on full-time

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equivalent students at the appropriate basic program cost factor, regardless of the method by which such courses are offered.

(4) For the purpose of financing the driver education program in the secondary schools, there shall be levied an additional 50 cents per year to the driver license fee required by s. 322.21. The additional fee shall be promptly remitted to the Department of Highway Safety and Motor Vehicles, which shall transmit the fee to the Chief Financial Officer to be deposited in the General Revenue Fund.

(5) The district school board shall prescribe standards for the course required by this section and for instructional personnel directly employed by the district school board. A certified instructor or licensed commercial driving school is sufficiently qualified and is not required to meet any standards in lieu of or in addition to those prescribed under chapter 488.

(6) District school boards may contract with the county tax collector for a tax collector employee to administer road tests on school grounds at one or more schools within the district.

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



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Criminal Justice, *Chair*  
Appropriations  
Appropriations Committee on Criminal and Civil Justice  
Appropriations Committee on Health and Human Services  
Community Affairs  
Environment and Natural Resources  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## SENATOR JONATHAN MARTIN

33rd District

January 9, 2024

The Honorable Alexis Calatayud  
Senate Community Affairs Committee, Chair  
315 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

## RE: SB 958: Local Government Employees

Dear Chair Calatayud:

Please allow this letter to serve as my respectful request to place SB 958, relating to Local Government Employees, on the next committee agenda.

Your kind consideration of this request is greatly appreciated. Please feel free to contact my office for any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin", with a stylized flourish at the end.

Jonathan Martin  
Senate District 33

Cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

## REPLY TO:

- ☐ 2000 Main Street, Suite 401, Fort Myers, Florida 33901 (239) 338-2570
- ☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

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**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

**APPEARANCE RECORD**

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

1/22/24

Meeting Date

Community Affairs

Committee

958

Bill Number or Topic

Amendment Barcode (if applicable)

Name Tim Qualls

Phone 850-222-7206

Address 216 S. Monroec St

Email TQualls@YULAW.NET

Street

Tally

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:

Florida Tax Collectors 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

1/22/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
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SB 958

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Bill Montford** Phone \_\_\_\_\_

Address Florida Association of District Email \_\_\_\_\_  
Street

School Superintendents (FADSS)  
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 Community Affairs

---

BILL: SJR 976

INTRODUCER: Senator Perry

SUBJECT: Reduction of Assessed Value

DATE: January 19, 2024

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
2. _____	_____	<u>FT</u>	_____
3. _____	_____	<u>AP</u>	_____

---

## **I. Summary:**

SJR 976 proposes an amendment to the Florida Constitution to permit a county to provide ad valorem tax relief to portions of homestead property utilized for the purpose of providing living quarters for parents or grandparents. Currently the Florida Constitution permits a reduction in assessed value only where a property has been improved in order to provide such housing.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025.

## **II. Present Situation:**

### **General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the assessed or “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment

---

<sup>1</sup> 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.

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

limitations, and exemptions to determine the property's "taxable value."<sup>3</sup> Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes<sup>4</sup> and limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>5</sup>

## **Property Tax Exemptions for Homesteads**

### ***Statewide Homestead Exemption***

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>6</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.<sup>7</sup> This exemption does not apply to ad valorem taxes levied by school districts.

**Additional Homestead Exemption for Living Quarters for Parents and Grandparents**  
Counties may provide a reduction in assessed value for living quarters constructed on homestead property for the purpose of providing living quarters for the property owner's or property owner's spouse's parents or grandparents over 62 years of age, commonly referred to as "granny flats."<sup>8</sup> This exemption requires new improvements to a home intended to house parents or grandparents; the use of existing living quarters on a property for such purposes will not trigger the exemption. The assessed value of the property may be reduced by the value resulting from the construction of the granny flat, not exceeding twenty percent of the total assessed value of the property.<sup>9</sup>

## **III. Effect of Proposed Changes:**

The joint resolution proposes an amendment to the Florida Constitution to permit a county to provide ad valorem tax relief to portions of homestead property utilized for the purpose of providing living quarters for parents or grandparents.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025.

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<sup>3</sup> See s. 192.001(2) and (16), F.S.

<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> See FLA. CONST. art. VII, s. 4.

<sup>6</sup> FLA. CONST. art. VII, s. 6(a) and s. 196.031, F.S.

<sup>7</sup> Section 196.031(1)(b), F.S.

<sup>8</sup> FLA. CONST. art. VII, s. 4(f) and s. 193.703, F.S.

<sup>9</sup> Section 193.703(4), F.S.

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

The mandate provisions in Article VII, section 18 of the Florida Constitution, do not apply to joint resolutions.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election<sup>10</sup> held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.<sup>11</sup>

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

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<sup>10</sup> Section 97.021(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

<sup>11</sup> Section 101.161(1), F.S.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,<sup>12</sup> typically paid from non-recurring General Revenue funds.<sup>13</sup> Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement. Beginning in 2020, the summary of such financial information statements was also included as part of the booklets.<sup>14</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This resolution substantially amends section 4, Article VII of the Florida Constitution.

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<sup>12</sup> Pursuant to *Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)*.

<sup>13</sup> *See* Ch. 2022-156, Specific Appropriation 3137, Laws of Fla.

<sup>14</sup> Section 100.371(13)(e)4., F.S. *See also* Ch. 2019-64, s. 3, Laws of Fla.

This resolution also creates a new section in Article XII of the Florida Constitution.

**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.

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

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By Senator Perry

9-00957-24

2024976\_\_

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to allow counties to reduce the assessed value of a homestead property for the portions of such property used as living quarters for the property owner's parent or grandparent who is 62 years of age or older and to remove current provisions limiting the exemption to increases in assessments resulting from construction or reconstruction of such living quarters and limiting the amount of such exemption.

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

That the following amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general

9-00957-24

2024976\_\_

law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

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(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8)a. A person who establishes a new homestead as of January 1 and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of any of the three years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the



9-00957-24

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88 assessed value of the prior homestead as of January 1 of the  
89 year in which the prior homestead was abandoned. Thereafter, the  
90 homestead shall be assessed as provided in this subsection.

91 2. If the just value of the new homestead is less than the  
92 just value of the prior homestead as of January 1 of the year in  
93 which the prior homestead was abandoned, the assessed value of  
94 the new homestead shall be equal to the just value of the new  
95 homestead divided by the just value of the prior homestead and  
96 multiplied by the assessed value of the prior homestead.

97 However, if the difference between the just value of the new  
98 homestead and the assessed value of the new homestead calculated  
99 pursuant to this sub-subparagraph is greater than \$500,000, the  
100 assessed value of the new homestead shall be increased so that  
101 the difference between the just value and the assessed value  
102 equals \$500,000. Thereafter, the homestead shall be assessed as  
103 provided in this subsection.

104 b. By general law and subject to conditions specified  
105 therein, the legislature shall provide for application of this  
106 paragraph to property owned by more than one person.

107 (e) The legislature may, by general law, for assessment  
108 purposes and subject to the provisions of this subsection, allow  
109 counties and municipalities to authorize by ordinance that  
110 historic property may be assessed solely on the basis of  
111 character or use. Such character or use assessment shall apply  
112 only to the jurisdiction adopting the ordinance. The  
113 requirements for eligible properties must be specified by  
114 general law.

115 (f) A county may, in the manner prescribed by general law,  
116 provide for a reduction in the assessed value of homestead

9-00957-24

2024976\_\_

property to the extent of any ~~increase in the assessed~~ value of that property used ~~which results from the construction or reconstruction of the property~~ for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. ~~Such a reduction may not exceed the lesser of the following:~~

~~(1) The increase in assessed value resulting from construction or reconstruction of the property.~~

~~(2) Twenty percent of the total assessed value of the property as improved.~~

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law;

9-00957-24

2024976\_\_

146 however, after the adjustment for any change, addition,  
147 reduction, or improvement, the property shall be assessed as  
148 provided in this subsection.

149 (h) For all levies other than school district levies,  
150 assessments of real property that is not subject to the  
151 assessment limitations set forth in subsections (a) through (d)  
152 and (g) shall change only as provided in this subsection.

153 (1) Assessments subject to this subsection shall be changed  
154 annually on the date of assessment provided by law; but those  
155 changes in assessments shall not exceed ten percent (10%) of the  
156 assessment for the prior year.

157 (2) No assessment shall exceed just value.

158 (3) The legislature must provide that such property shall  
159 be assessed at just value as of the next assessment date after a  
160 qualifying improvement, as defined by general law, is made to  
161 such property. Thereafter, such property shall be assessed as  
162 provided in this subsection.

163 (4) The legislature may provide that such property shall be  
164 assessed at just value as of the next assessment date after a  
165 change of ownership or control, as defined by general law,  
166 including any change of ownership of the legal entity that owns  
167 the property. Thereafter, such property shall be assessed as  
168 provided in this subsection.

169 (5) Changes, additions, reductions, or improvements to such  
170 property shall be assessed as provided for by general law;  
171 however, after the adjustment for any change, addition,  
172 reduction, or improvement, the property shall be assessed as  
173 provided in this subsection.

174 (i) The legislature, by general law and subject to

9-00957-24

2024976\_\_

conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property:

(1) Any change or improvement to real property used for residential purposes made to improve the property's resistance to wind damage.

(2) The installation of a solar or renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

## ARTICLE XII

### SCHEDULE

Reduction of assessed value.—This section and the amendment to Section 4 of Article VII to allow counties to provide a reduction in the assessed value of homestead property for the portions of such property used as living quarters for specified persons shall take effect January 1, 2025.

BE IT FURTHER RESOLVED that the following statement be

9-00957-24

2024976\_\_

placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII

PORTIONS OF HOMESTEAD PROPERTY USED AS LIVING QUARTERS FOR PARENTS AND GRANDPARENTS.—Proposing an amendment to the State Constitution expanding an existing reduction allowing counties to reduce assessed value increases of homestead property resulting from construction or reconstruction of living quarters for the property owner's parent or grandparent who is 62 years of age or older to include a reduction for portions of existing property used for such purpose and eliminating a cap on such reduction. If approved, this amendment shall take effect January 1, 2025.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 4

ARTICLE XII

PORTIONS OF HOMESTEAD PROPERTY USED AS LIVING QUARTERS FOR PARENTS AND GRANDPARENTS.—Proposing an amendment to the State Constitution to authorize counties to provide for a reduction in the assessed value of homestead property equal to the value of the portions of such property used as living quarters for the property owner's parent or grandparent who is 62 years of age or older. The amendment will remove an existing provision that authorizes counties to provide for a reduction in assessed value equal to any increase in value resulting from construction or

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2024976\_\_

233 reconstruction of homestead property to create living quarters  
234 for the property owner's parent or grandparent who is 62 years  
235 of age or older, which reduction is presently capped at twenty  
236 percent of the total assessed value of the property. If  
237 approved, this amendment shall take effect January 1, 2025.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 5, 2024

---

I respectfully request that **Senate Joint Resolution #976**, relating to Reduction of Assessed Value, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

---

Senator Keith Perry  
Florida Senate, District 9

The Florida Senate

**APPEARANCE RECORD**

STR 976

1/22/24

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

Marty Kiar (Florida Association  
of Property Appraisers)

Phone

Address

10971 NW 6<sup>th</sup> Ct

Email

Street

Plantation

FL.

33324

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. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

~~SS~~ SJR 976

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Property Appraisers  
Mike Twitty Association of  
Pinellas County Property Appraiser FL

Phone

Address

4123 Harbor Hills Dr

Email

Street

Largo, FL

State

33770

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

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S-001 (08/10/2021)

The Florida Senate

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1/22/24  
Meeting Date

Community Affairs  
Committee

SB 976/978  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jimmy Cowan Jr

Phone (352) 207-3163

Address 4025 SW 114<sup>TH</sup> Street  
Street

Email JCowan@PA.Marion.FL.US

Ocala  
City

FL  
State

34476  
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:

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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 Community Affairs

---

BILL: SB 978

INTRODUCER: Senator Perry

SUBJECT: Reduction of Assessed Value

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	<b>Favorable</b>
2.			FT	
3.			AP	

---

## **I. Summary:**

SB 978 is linked to SJR 976, which proposes an amendment to the Florida Constitution to permit a county to provide ad valorem tax relief to portions of homestead property utilized for the purpose of providing living quarters for parents or grandparents. Currently the Florida Constitution permits this relief only where a property has been improved in order to provide such housing.

The bill amends the associated statutory provision to make conforming changes, providing that a county may provide for a reduction in the assessed value of homestead property for the portions of property used to provide living quarters for parents and grandparents.

The bill will take effect on the effective date of the constitutional amendment proposed by SJR 976 or a similar joint resolution having substantially the same intent and purpose. If approved by the electors in the next general election in November 2024, the proposed amendment and this bill will take effect on January 1, 2025.

## **II. Present Situation:**

### **General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

January 1 of each year.<sup>1</sup> The property appraiser annually determines the assessed or “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>3</sup> Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes<sup>4</sup> and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.<sup>5</sup>

## **Property Tax Exemptions for Homesteads**

### ***Statewide Homestead Exemption***

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>6</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.<sup>7</sup> This exemption does not apply to ad valorem taxes levied by school districts.

### ***Additional Homestead Exemption for Living Quarters for Parents and Grandparents***

Counties may provide a reduction in assessed value for living quarters constructed on homestead property for the purpose of providing living quarters for the property owner’s or property owner’s spouse’s parents or grandparents over 62 years of age, commonly referred to as “granny flats.”<sup>8</sup> This exemption requires new improvements to a home intended to house parents or grandparents; the use of existing living quarters on a property for such purposes will not trigger the exemption. The assessed value of the property may be reduced by the value resulting from the construction of the granny flat.<sup>9</sup>

---

<sup>1</sup> 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.

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

<sup>3</sup> *See* s. 192.001(2) and (16), F.S.

<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> *See* FLA. CONST. art. VII, s. 4.

<sup>6</sup> FLA. CONST. art VII, s. 6(a) and s. 196.031, F.S.

<sup>7</sup> Section 196.031(1)(b), F.S.

<sup>8</sup> FLA. CONST. art. VII, s. 4(f) and s. 193.703, F.S.

<sup>9</sup> Section 193.703(1), F.S.

**III. Effect of Proposed Changes:**

The bill amends s. 193.703, F.S., to change administration of the additional homestead exemption for living quarters for parents and grandparents which conform with the constitutional amendment proposed by SJR 976. The bill provides that a county may provide for a reduction in the assessed value of homestead property for the portions of property used to provide living quarters for parents and grandparents. The reduction in assessment must apply to a separate, distinct living area, including a second residential dwelling on the same property.

The bill will take effect on the effective date of the constitutional amendment proposed by SJR 976, or a similar joint resolution having substantially the same specific intent and purpose. If approved by the electors in the next general election in November 2024, the proposed amendment and this bill will take effect on January 1, 2025.

**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.

This bill regards exemptions which are implemented by counties at their own discretion. Therefore, the mandates provision likely does not apply.

**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:**

The Revenue Estimating Conference has not reviewed this bill.

**B. Private Sector Impact:**

If the proposed amendment (SJR 976) is approved by 60 percent of voters in November 2024, and local governments implement the exemption, more homeowners utilizing property for housing parents and grandparents may be eligible for the tax exemption.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 193.703 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

9-00874-24

2024978\_\_

A bill to be entitled  
An act relating to reduction of assessed value;  
amending s. 193.703, F.S.; revising the requirements  
for property owners to receive a reduction in assessed  
value of certain homestead properties; revising the  
maximum value of such reduction; specifying the method  
for assessing property when conditions are no longer  
met to receive such reduction; providing a contingent  
effective date.

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

Section 1. Subsections (1) through (4) and (6) of section  
193.703, Florida Statutes, are amended to read:

193.703 Reduction in assessment for living quarters of  
parents or grandparents.—

(1) In accordance with s. 4(f), Art. VII of the State  
Constitution, a county may provide for a reduction in the  
assessed value of homestead property for the portions ~~which~~  
~~results from the construction or reconstruction~~ of the property  
used for the purpose of providing living quarters for one or  
more natural or adoptive parents or grandparents of the owner of  
the property or of the owner's spouse if at least one of the  
parents or grandparents for whom the living quarters are  
provided is at least 62 years of age.

(2) A reduction may be granted under subsection (1) only to  
the owner of homestead property if applicable ~~where the~~  
construction or reconstruction, if any, is consistent with local  
land development regulations.

9-00874-24

2024978\_\_

(3) A reduction in assessment which is granted under this section applies only to a separate, distinct living area, including a second residential dwelling, ~~construction or reconstruction that occurred after the effective date of this section to an existing homestead~~ and applies only during taxable years during which at least one such parent or grandparent maintains his or her primary place of residence in such living quarters within the homestead property of the owner.

(4) Such a reduction in assessment may be granted only upon an application filed annually with the county property appraiser. The application must be made before March 1 of the year for which the reduction is to be granted. If the property appraiser is satisfied that the property is entitled to a reduction in assessment under this section, the property appraiser must ~~shall~~ approve the application, and the value of such living quarters ~~residential improvements~~ shall be excluded from the value of the property for purposes of ad valorem taxation. The value excluded may not exceed the lesser of the following:

(a) The increase in assessed value resulting from construction or reconstruction of the property, if applicable;  
or

(b) Twenty percent of the total assessed value of the property ~~as improved.~~

(6) The property owner shall notify the property appraiser when the property owner no longer qualifies for the reduction in assessed value for living quarters of parents or grandparents, and the previously excluded just value of such living quarters ~~improvements as of the first January 1 after the improvements~~



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2024978\_\_

59 ~~were substantially completed~~ shall be added back to the assessed  
60 value of the property. If such living quarters include  
61 improvements that have not been previously assessed, the just  
62 value of such improvements shall be the value of the  
63 improvements as of the first January 1 after the improvements  
64 were substantially completed.

65       Section 2. This act shall take effect on the effective date  
66 of the amendment to the State Constitution proposed by SJR 976  
67 or a similar joint resolution having substantially the same  
68 specific intent and purpose, if such amendment to the State  
69 Constitution is approved at the next general election or at an  
70 earlier special election specifically authorized by law for that  
71 purpose.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 5, 2024

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I respectfully request that **Senate Bill #978**, relating to Reduction of Assessed Value, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a large, stylized "P" at the end.

---

Senator Keith Perry  
Florida Senate, District 9

The Florida Senate

**APPEARANCE RECORD**

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

1/22/24  
Meeting Date

SB 976/978  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Jimmy Cowan Jr

Phone (352) 207-3163

Address 4025 SW 114<sup>TH</sup> Street  
Street

Email JCowan@PA.Marion.FL.US

Ocala  
City

FL  
State

34476  
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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1150

INTRODUCER: Senator Perry

SUBJECT: Development Permits and Orders

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Favorable</b>
2.			JU	
3.			RC	

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## **I. Summary:**

SB 1150 makes changes to the process of issuing development permits and orders to applicants for municipalities and counties. The bill provides that within 5 business days after receiving an application for approval of a development permit or development order, the municipality or county must confirm receipt of the application, and specifies that all timeframes related to issuing development permits and orders restart if an applicant makes a substantive change to the application.

Additionally, the bill provides a schedule for the refund of application fees that a municipality or county must issue if statutorily-defined timelines for processing development permits and orders are not followed by a local government.

Lastly, the bill provides that a municipality or county must specify in writing the minimum information that must be submitted for certain types of development permits and make such information available to the applicant in certain ways.

This bill takes effect October 1, 2024.

## **II. Present Situation:**

### **The Community Planning Act**

Adopted in 1985, the Local Government Comprehensive Planning and Land Development Regulation Act,<sup>1</sup> also known as Florida's Growth Management Act, was significantly revised in 2011, becoming the Community Planning Act.<sup>2</sup> The Community Planning Act governs how local governments create and adopt their local comprehensive plans.

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<sup>1</sup> See ch. 85-55, s. 1, Laws of Fla.

<sup>2</sup> See ch. 2011-139, s. 17, Laws of Fla.

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.<sup>3</sup> A housing element is required as part of every comprehensive plan in the state. Among other things, the housing element must address “the creation or preservation of affordable housing to minimize the need for additional local services and avoid the concentration of affordable housing units only in specific areas of the jurisdiction.”<sup>4</sup>

Municipalities established after the effective date of the Community Planning Act must adopt a comprehensive plan within three years after the date of incorporation.<sup>5</sup> The county comprehensive plan controls until a municipal comprehensive plan is adopted.<sup>6</sup>

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other housing-related ordinances, which are consistent with and implement their adopted comprehensive plan.<sup>7</sup>

### **Issuing Development Orders and Permits**

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special exceptions, and variances.<sup>8</sup> A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.<sup>9</sup>

Within 30 days after receiving an application for approval of a development permit or development order, a municipality or county must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.<sup>10</sup>

Within 120 days after the municipality or county has deemed the application complete, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the county must approve, approve with conditions, or deny the application for a development permit or development order.<sup>11</sup> Both the applicant and the local government may agree to a reasonable request for an extension of time, particularly in the event of an extraordinary

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<sup>3</sup> Section 163.3161(4), F.S.

<sup>4</sup> Section 163.3177(6)(f) l.g., F.S.

<sup>5</sup> Section 163.3167(3), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 163.3202, F.S.

<sup>8</sup> Section 163.3164(16), F.S.

<sup>9</sup> *See* ss. 125.022, 163.3164(15), and 166.033, F.S.

<sup>10</sup> Sections 125.022(1) and 166.033(1), F.S.

<sup>11</sup> *Id.*

circumstance.<sup>12</sup> An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the county's decision.<sup>13</sup> However, these timeframes do not apply in an area of critical state concern.<sup>14</sup>

When reviewing an application for a development permit or development order, not including building permit applications, a county or municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.<sup>15</sup>

If a county or municipality makes a request for additional information from the applicant and the applicant provides the information within 30 days of receiving the request, the county or the municipality must:

- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 30 days of receiving the information, if the request is the county or municipality's first request.<sup>16</sup>
- Review the additional information and issue a letter to the applicant indicating that the application is complete or specify the remaining deficiencies within 10 days of receiving the additional information, if the request is the county or municipality's second request.<sup>17</sup>
- Deem the application complete within ten days of receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county or municipality's time limitations in writing, if the request is the county or municipality's third request.

Before a third request for information, the applicant must be offered a meeting to attempt to resolve outstanding issues.<sup>18</sup> If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the applicant can request the county or municipality proceed to process the application for approval or denial.<sup>19</sup> If denied, the county or municipality is required to give written notice to the applicant and must provide reference to the applicable legal authority for the denial of the permit.<sup>20</sup>

Once an application is deemed complete, a county or municipality must approve, approve with conditions, or deny the application within 120 days or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing.<sup>21</sup>

### **III. Effect of Proposed Changes:**

The bill amends ss. 125.022 and 166.033, F.S., to make changes to the process of issuing development permits and orders to applicants for counties and municipalities, respectively.

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Sections 125.022(2) and 166.033(2), F.S.

<sup>16</sup> Section 125.022(2)(b) and Section 166.033(2)(b), F.S.

<sup>17</sup> Section 125.022(2)(c) and Section 166(2)(c), F.S.

<sup>18</sup> Sections 125.022(2) and 166.033(2), F.S.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

The bill provides that a municipality or county must issue a refund to an applicant equal to:

- Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.
- Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information upon an initial request.
- Twenty percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information upon a second request.
- Fifty percent of the application fee if the county fails to approve, approve with conditions, or deny the application within 30 days after conclusion of the 120-day or 180-day application completion timeline.
- One hundred percent of the application fee if the county fails to approve, approve with conditions, or deny an application 31 days or more after conclusion of the 120-day or 180-day application completion timeline.

The bill provides that within 5 business days after receiving an application for approval of a development permit or development order, the county must confirm receipt of the application.

The bill specifies that all timeframes related to issuing development permits and orders restart if an applicant makes a “substantive change” to the application, defined in the bill as “an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.”

Lastly, the bill requires municipalities and counties to specify in writing the minimum information that must be submitted in an application for a zoning approval, rezoning approval, subdivision approval, certification, special exception, or variance. A municipality or county must make the minimum information available for inspection and copying at the location where the local government receives applications for development permits and orders, and provide the information to the applicant at a pre-application meeting or post it on the local government’s website.

This 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.

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:

To the extent that local governments do not meet the statutorily-defined timelines for processing development permits and orders, applicants may realize a positive fiscal impact from the associated refund of an application fee.

C. Government Sector Impact:

To the extent that local governments do not meet the statutorily-defined timelines for processing development permits and orders, local governments may realize a negative fiscal impact from the associated refund of an application fee.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 125.022, 166.033, and 163.3164.

**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.

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

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By Senator Perry

9-01494-24

20241150\_\_

A bill to be entitled  
An act relating to development permits and orders;  
amending ss. 125.022 and 166.033, F.S.; requiring  
counties and municipalities, respectively, to meet  
specified requirements regarding the minimum  
information necessary for certain zoning applications;  
revising required duties that a county or  
municipality, respectively, must perform upon receipt  
of an application for approval of a development  
permit; revising timeframes for processing certain  
applications for approvals of development permits or  
development orders; providing that timeframes for  
processing certain applications restart if an  
applicant makes substantive changes to an application;  
providing refund parameters in situations where the  
county or municipality, respectively, fails to meet  
certain timeframes; providing exceptions; amending s.  
163.3164, F.S.; defining the term "substantive  
change"; providing an effective date.

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

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

125.022 Development permits and orders.—

(1) A county must specify in writing the minimum  
information that must be submitted in an application for a  
zoning approval, rezoning approval, subdivision approval,  
certification, special exception, or variance. A county must

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30 make the minimum information available for inspection and  
31 copying at the location where the county receives applications  
32 for development permits and orders, and provide the information  
33 to the applicant at a preapplication meeting or post it on the  
34 county's website.

35 (2) Within 5 business days after receiving an application  
36 for approval of a development permit or development order, the  
37 county shall confirm receipt of the application using contact  
38 information provided by the applicant. Within 30 days after  
39 receiving an application for approval of a development permit or  
40 development order, a county must review the application for  
41 completeness and issue a written notification to the applicant  
42 ~~letter~~ indicating that all required information is submitted or  
43 ~~specify~~ specifying with particularity any areas that are  
44 deficient. If the application is deficient, the applicant has 30  
45 days to address the deficiencies by submitting the required  
46 additional information. For applications that do not require  
47 final action through a quasi-judicial hearing or a public  
48 hearing, the county must approve, approve with conditions, or  
49 deny the application for a development permit or development  
50 order within 120 days after the county has deemed the  
51 application complete. ~~or 180 days~~ For applications that require  
52 final action through a quasi-judicial hearing or a public  
53 hearing, the county must approve, approve with conditions, or  
54 deny the application for a development permit or development  
55 order within 180 days after the county has deemed the  
56 application complete. Both parties may agree in writing to a  
57 ~~reasonable request for~~ an extension of time, particularly in the  
58 event of a force majeure or other extraordinary circumstance. An

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59 approval, approval with conditions, or denial of the application  
60 for a development permit or development order must include  
61 written findings supporting the county's decision. The  
62 timeframes contained in this subsection do not apply in an area  
63 of critical state concern, as designated in s. 380.0552. The  
64 timeframes contained in this subsection shall restart if an  
65 applicant makes a substantive change to the application, as  
66 defined in s. 163.3164.

67 (3) (a) (2) (a) When reviewing an application for a  
68 development permit or development order that is certified by a  
69 professional listed in s. 403.0877, a county may not request  
70 additional information from the applicant more than three times,  
71 unless the applicant waives the limitation in writing.

72 (b) If a county makes a request for additional information  
73 and the applicant submits the required additional information  
74 within 30 days after receiving the request, the county must  
75 review the application for completeness and issue a letter  
76 indicating that all required information has been submitted or  
77 specify with particularity any areas that are deficient within  
78 30 days after receiving the additional information.

79 (c) If a county makes a second request for additional  
80 information and the applicant submits the required additional  
81 information within 30 days after receiving the request, the  
82 county must review the application for completeness and issue a  
83 letter indicating that all required information has been  
84 submitted or specify with particularity any areas that are  
85 deficient within 10 days after receiving the additional  
86 information.

87 (d) Before a third request for additional information, the

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applicant must be offered a meeting to attempt to resolve outstanding issues. If a county makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the county must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the county's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the county, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A county must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph

(3) (b) .

(c) Twenty percent of the application fee if the county fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph

(3) (c) .

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(d) Fifty percent of the application fee if the county fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the county fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A county is not required to issue a refund if the applicant and the county agree to an extension of time, the delay is caused by the applicant or a third party, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)~~(3)~~ When a county denies an application for a development permit or development order, the county shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6)~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7)~~(5)~~ For any development permit application filed with the county after July 1, 2012, a county may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

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146        (8)~~(6)~~ Issuance of a development permit or development  
147 order by a county does not in any way create any rights on the  
148 part of the applicant to obtain a permit from a state or federal  
149 agency and does not create any liability on the part of the  
150 county for issuance of the permit if the applicant fails to  
151 obtain requisite approvals or fulfill the obligations imposed by  
152 a state or federal agency or undertakes actions that result in a  
153 violation of state or federal law. A county shall attach such a  
154 disclaimer to the issuance of a development permit and shall  
155 include a permit condition that all other applicable state or  
156 federal permits be obtained before commencement of the  
157 development.

158        (9)~~(7)~~ This section does not prohibit a county from  
159 providing information to an applicant regarding what other state  
160 or federal permits may apply.

161        Section 2. Section 166.033, Florida Statutes, is amended to  
162 read:

163        166.033 Development permits and orders.—

164        (1) A municipality must specify in writing the minimum  
165 information that must be submitted for an application for a  
166 zoning approval, rezoning approval, subdivision approval,  
167 certification, special exception, or variance. A municipality  
168 must make the minimum information available for inspection and  
169 copying at the location where the municipality receives  
170 applications for development permits and orders, and provide the  
171 information to the applicant at a preapplication meeting or post  
172 it on the municipality's website.

173        (2) Within 5 business days after receiving an application  
174 for approval of a development permit or development order, a

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municipality shall confirm receipt of the application using contact information provided by the applicant. Within 30 days after receiving an application for approval of a development permit or development order, a municipality must review the application for completeness and issue a written notification to the applicant ~~letter~~ indicating that all required information is submitted or specifying with particularity any areas that are deficient. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information. For applications that do not require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 120 days after the municipality has deemed the application complete. ~~, or 180 days~~ For applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order within 180 days after the municipality has deemed the application complete. Both parties may agree in writing to a ~~reasonable request for~~ an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application for a development permit or development order must include written findings supporting the municipality's decision. The timeframes contained in this subsection do not apply in an area of critical state concern, as designated in s. 380.0552 or chapter 28-36, Florida Administrative Code. The timeframes contained in this subsection shall restart if an applicant makes



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a substantive change to the application as defined in s.  
163.3164.

(3) (a) ~~(2) (a)~~ When reviewing an application for a development permit or development order that is certified by a professional listed in s. 403.0877, a municipality may not request additional information from the applicant more than three times, unless the applicant waives the limitation in writing.

(b) If a municipality makes a request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 30 days after receiving the additional information.

(c) If a municipality makes a second request for additional information and the applicant submits the required additional information within 30 days after receiving the request, the municipality must review the application for completeness and issue a letter indicating that all required information has been submitted or specify with particularity any areas that are deficient within 10 days after receiving the additional information.

(d) Before a third request for additional information, the applicant must be offered a meeting to attempt to resolve outstanding issues. If a municipality makes a third request for additional information and the applicant submits the required additional information within 30 days after receiving the

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request, the municipality must deem the application complete within 10 days after receiving the additional information or proceed to process the application for approval or denial unless the applicant waived the municipality's limitation in writing as described in paragraph (a).

(e) Except as provided in subsection (7) ~~(5)~~, if the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the municipality, at the applicant's request, shall proceed to process the application for approval or denial.

(4) A municipality must issue a refund to an applicant equal to:

(a) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the application.

(b) Ten percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 30 days after receiving the additional information pursuant to paragraph (3) (b).

(c) Twenty percent of the application fee if the municipality fails to issue written notification of completeness or written specification of areas of deficiency within 10 days after receiving the additional information pursuant to paragraph (3) (c).

(d) Fifty percent of the application fee if the municipality fails to approve, approves with conditions, or denies the application within 30 days after conclusion of the

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120-day or 180-day timeframe specified in subsection (2).

(e) One hundred percent of the application fee if the municipality fails to approve, approves with conditions, or denies an application 31 days or more after conclusion of the 120-day or 180-day timeframe specified in subsection (2).

A municipality is not required to issue a refund if the applicant and the municipality agree to an extension of time, the delay is caused by the applicant or a third party, or the delay is attributable to a force majeure or other extraordinary circumstance.

(5)~~(3)~~ When a municipality denies an application for a development permit or development order, the municipality shall give written notice to the applicant. The notice must include a citation to the applicable portions of an ordinance, rule, statute, or other legal authority for the denial of the permit or order.

(6)~~(4)~~ As used in this section, the terms "development permit" and "development order" have the same meaning as in s. 163.3164, but do not include building permits.

(7)~~(5)~~ For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit.

(8)~~(6)~~ Issuance of a development permit or development

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order by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition that all other applicable state or federal permits be obtained before commencement of the development.

~~(9)-(7)~~ This section does not prohibit a municipality from providing information to an applicant regarding what other state or federal permits may apply.

Section 3. Present subsections (46) through (52) of section 163.3164, Florida Statutes, are redesignated as subsections (47) through (53), respectively, and a new subsection (46) is added to that section, to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(46) "Substantive change" means an applicant-initiated change of 15 percent or more in the proposed density, intensity, or square footage of a parcel.

Section 4. This act shall take effect October 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

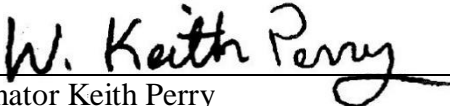
**Subject:** Committee Agenda Request

**Date:** January 9, 2024

---

I respectfully request that **Senate Bill #1150**, relating to Development Permits and Orders, be placed on the:

- ☒ Committee agenda at your earliest possible convenience.
- ☐ Next committee agenda.

  
\_\_\_\_\_  
Senator Keith Perry  
Florida Senate, District 9

The Florida Senate

**APPEARANCE RECORD**

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

1/22/24  
Meeting Date

1150

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Edward Briggs

Phone 850 933 5994

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:

Highland Homes

☐ 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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1322

INTRODUCER: Senator Ingoglia

SUBJECT: Millage Rates

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	<b>Favorable</b>
2.			FT	
3.			AP	

---

## **I. Summary:**

SB 1322 provides that a county, municipality, or independent special district may not increase a previous millage rate unless approved by a two-thirds vote of the membership of the governing body of the county, municipality, or independent special district.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **County, Municipal, and School District Voted Millage**

Local governments, including counties, school districts, and municipalities, have the constitutional authority to levy ad valorem taxes. Special districts may also be given this authority by law.<sup>1</sup>

Governing bodies of counties, municipalities, and other taxing authorities are responsible for determining the millage (tax) rate for the real property for which they are levying the tax.<sup>2</sup> The millage rate is the amount of property tax charged per \$1,000 of taxable property value.<sup>3</sup> County and municipal millages are set forth in four categories:

- General county and municipal nonvoted millage set by the respective governing body;
- County and municipal debt service millage;
- County and municipal voted millage set by the respective governing body as authorized by a vote of the electors; and

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<sup>1</sup> FLA. CONST. art VII, s. 9.

<sup>2</sup> Section 200.065, F.S.

<sup>3</sup> Sumter County Florida, *County Millage Rate Information*, available at <https://www.sumtercountyfl.gov/865/County-Millage-Rate-Information> (last visited Jan. 21, 2022)

- County and municipal dependent special district millage.<sup>4</sup>

County and municipality ad valorem millage is limited to 10 mills, except as approved by voters.<sup>5</sup> County and municipal millage may be increased beyond 10 mills for periods not exceeding 2 years, provided such levy has been approved by majority vote of the qualified electors in the county or municipality voting in an election called by the governing body for that purpose.<sup>6</sup> The referendum to levy voted millage above 10 mills must specify the amount of millage sought to be levied and the purpose for which the proceeds will be expended.<sup>7</sup>

### **Method of Fixing Millage**

After the property appraiser assesses all property in a jurisdiction, the property appraiser certifies to the governing board of the jurisdiction the taxable value of the property within the jurisdiction of the taxing authority. The property appraiser computes a millage rate which would provide the same ad valorem tax revenue for each taxing authority, referred to as the “rolled-back rate.”

The taxing authority must prepare a tentative budget and compute the millage rate necessary to fund the tentative budget. The taxing authority gives public notice and holds hearings regarding a proposed millage rate, and ultimately adopts a proposed millage rate.<sup>8</sup> If the proposed millage exceeds the rolled-back rate, additional notices related to proposed tax increases are required.<sup>9</sup>

### ***Maximum Millage Rate***

In 2007, the Legislature restricted counties’ and municipalities’ ad valorem tax levies, and set a maximum rate which could be levied based on then-current revenues.<sup>10</sup> This maximum millage rate increases each year through a formula based on the growth of per capita Florida personal income.<sup>11</sup> A millage rate up to this maximum rate, or the previous year’s adopted millage rate if higher, may be enacted by simple majority. By super-majority, a taxing authority may levy millage not exceeding 110 percent of this rate; and a higher rate may be authorized either by unanimous vote, three quarters’ vote if the governing body has nine or more members, or if approved by referendum.<sup>12</sup>

## **III. Effect of Proposed Changes:**

The bill amends s. 200.065, F.S., to provide that in each fiscal year the previous millage rate may only be increased if approved by a two-thirds vote of the membership of the governing body of the county, municipality, or independent special district. When increasing millage rate beyond the rolled-back rate, a taxing authority must work through the procedures for a proposed millage

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<sup>4</sup> Section 200.001(1) and (2), F.S.

<sup>5</sup> Sections 200.071 and 200.081, F.S.

<sup>6</sup> Sections 200.091 and 200.101, F.S.

<sup>7</sup> *Id.*

<sup>8</sup> For precise notice, hearing, and advertisement requirements, *see* s. 200.065(2), F.S.

<sup>9</sup> Section 200.065(3), F.S.

<sup>10</sup> Chapter 2007-321, Laws of Fla.

<sup>11</sup> Section 200.065(5), F.S.

<sup>12</sup> *Id.*



rate provided in statute, and ultimately levy millage by resolution or ordinance. This vote would require a two-thirds vote of the membership of the governing body under the bill.

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 identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may create certain scenarios where a local government must revise its budget downward due to inability to raise millage rates.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 200.065 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.

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

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By Senator Ingoglia

11-01092-24

20241322\_\_

1 A bill to be entitled  
2 An act relating to millage rates; amending s. 200.065,  
3 F.S.; prohibiting any increase in the millage rate  
4 from going into effect until it has been approved by a  
5 specified vote; providing an effective date.  
6

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

9 Section 1. Paragraph (c) is added to subsection (5) of  
10 section 200.065, Florida Statutes, to read:

11 200.065 Method of fixing millage.—

12 (5) In each fiscal year:

13 (c) The previous millage rate may only be increased if  
14 approved by a two-thirds vote of the membership of the governing  
15 body of the county, municipality, or independent district.  
16

17 Any unit of government operating under a home rule charter  
18 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State  
19 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
20 State Constitution, which is granted the authority in the State  
21 Constitution to exercise all the powers conferred now or  
22 hereafter by general law upon municipalities and which exercises  
23 such powers in the unincorporated area shall be recognized as a  
24 municipality under this subsection. For a downtown development  
25 authority established before the effective date of the State  
26 Constitution which has a millage that must be approved by a  
27 municipality, the governing body of that municipality shall be  
28 considered the governing body of the downtown development  
29 authority for purposes of this subsection.

11-01092-24

20241322\_\_

30

Section 2. This act shall take effect July 1, 2024.



# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

Senator Blaise Ingoglia  
11<sup>th</sup> District

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures  
Committee, *Alternating Chair*

January 11, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

## Re: SB 1322 Millage Rates

Chair Calatayud,

SB 1322 has been referred to the Community Affairs as its first committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia".

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administration Assistant

## The Florida Senate

## APPEARANCE RECORD

1/22/2024

Meeting Date

1322

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Bob McKee

Phone

850-922-4300

Address

100 S Monroe

Email

bmckee@fl-counties.com

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:

Florida 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 \(flsenate.gov\)](#)

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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1526

INTRODUCER: Senator Avila

SUBJECT: Local Regulation of Nonconforming or Unsafe Structures

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Favorable</b>
2.			EN	
3.			RC	

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**I. Summary:**

SB 1526 creates the Resiliency and Safe Structures Act (Act), providing that a local government may not prohibit, restrict, or prevent the demolition of the following structures for any reason other than public safety:

- Nonconforming structures located within one-half mile of the coastline which are also within zones V, VE, AO, or AE, as identified in the Flood Insurance Rate Map issued by the Federal Emergency Management Agency;
- Any structure determined to be unsafe by a local building official; and
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill provides that a local government must authorize replacement structures to be developed to the maximum height and overall building size authorized by local development regulations. The bill prohibits a local government from imposing certain restrictions and limitations on a replacement structure to be built on the property where a structure was demolished. The bill provides that a local government may review an application for a demolition permit only administratively for compliance with applicable building and safety codes.

The provisions of the bill do not apply to single-family homes or structures individually listed in the National Register of Historic Places.

The bill takes effect upon becoming a law.

## II. Present Situation:

### The Florida Building Code

In 1974, Florida passed legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met.<sup>1</sup> Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.<sup>2</sup>

In 1992, Hurricane Andrew destroyed many structures that were built according to code, demonstrating that Florida's system of local codes was flawed.<sup>3</sup> The Governor appointed a study commission to review the system of local codes and make recommendations for its modernization. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.<sup>4</sup>

The Building Code is updated every three years.<sup>5</sup> The current edition of the Building Code is the 8th edition, which is referred to as the 2023 Florida Building Code. Among other things, the Building Code sets limitations on building height and size.<sup>6</sup> Height restrictions are determined based on the type of construction, occupancy classification, and whether there is an automatic sprinkler system installed throughout the building.<sup>7</sup>

The Florida Building Commission (commission) was statutorily created to implement the Building Code.<sup>8</sup> The commission, which is housed within the Department of Business and Professional Regulation, is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code.<sup>9</sup> The commission reviews International Codes published by the International Code Council,<sup>10</sup> the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.<sup>11</sup>

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<sup>1</sup> Dep't of Community Affairs, *The Florida Building Commission Report to the 2006 Legislature*, 4 (2006), available at [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 10, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; Dep't of Business and Professional Regulation, *Building Code Information System*, <https://floridabuilding.org/c/default.aspx> (last visited Jan 10, 2024).

<sup>5</sup> See Fla. Bldg. Commission, *Florida Building Codes and Effective Dates*, available at [https://www.floridabuilding.org/fbc/Publications/2023\\_Effective\\_Dates.pdf](https://www.floridabuilding.org/fbc/Publications/2023_Effective_Dates.pdf) (last visited Jan 10, 2024).

<sup>6</sup> Int'l Code Council, *2023 Florida Building Code, Building: 8th Edition*, s. 503, available at [https://codes.iccsafe.org/content/FLBC2020P1/chapter-5-general-building-heights-and-areas#FLBC2020P1\\_Ch05\\_Sec502](https://codes.iccsafe.org/content/FLBC2020P1/chapter-5-general-building-heights-and-areas#FLBC2020P1_Ch05_Sec502) (last visited Jan 10, 2024).

<sup>7</sup> *Id.* at s. 504.1.

<sup>8</sup> See section 553.74(1), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to construct safe, sustainable, affordable and resilient structures. ICC, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 10, 2024).

<sup>11</sup> Section 553.73(3), F.S.



Local governments may adopt amendments to the technical provisions of the Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Building Code.<sup>12</sup> A local government must determine there is a need to strengthen the requirements of the Building Code based on a review of local conditions.<sup>13</sup> Such amendments may not introduce a new subject not addressed in the Building Code.<sup>14</sup> Most technical amendments sunset upon adoption of the newest edition of the Building Code, unless adopted into the Building Code.<sup>15</sup>

### **Local Enforcement of the Florida Building Code**

Local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.<sup>16</sup> Every local government must enforce the Building Code and issue building permits.<sup>17</sup> It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit.<sup>18</sup> Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code, including certain building, electrical, plumbing, mechanical, and gas inspections.<sup>19</sup> Construction work may not be done beyond a certain point until it passes an inspection.<sup>20</sup>

### **Demolition Permits**

Under state law, a permit is required to demolish a building.<sup>21</sup> The enforcing agency may revoke any such permit if the demolition is in violation of, or not in conformity with, the provisions of the Florida Building Code.<sup>22</sup> However, an application for a demolition permit may only be reviewed administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code (or local amendments thereto), and any regulations applicable to a similarly situated parcel.<sup>23</sup> A local government may not subject applications to any additional local land development regulations or public hearings or penalize a private property owner for a demolition that is in compliance with the demolition permit.<sup>24</sup> However, a local law, ordinance, or regulation may restrict demolition permits for certain designated historic structures.<sup>25</sup>

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<sup>12</sup> Section 553.73(4)(b), F.S.

<sup>13</sup> Section 553.73(4)(b)1., F.S.

<sup>14</sup> Section 553.73(4)(b)3., F.S.

<sup>15</sup> Section 553.73(4)(e), F.S.

<sup>16</sup> Section 553.72(2), F.S.

<sup>17</sup> Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

<sup>18</sup> Sections 125.56(4)(a) and 553.79(1), F.S.

<sup>19</sup> Int'l Code Council, *2020 Florida Building Code: 7th Edition*, section 110, available at [https://codes.iccsafe.org/content/FLBC2020P1/chapter-1-scope-and-administration#FLBC2020P1\\_Ch01\\_SubCh02](https://codes.iccsafe.org/content/FLBC2020P1/chapter-1-scope-and-administration#FLBC2020P1_Ch01_SubCh02). (last visited Jan. 10, 2023)

<sup>20</sup> *Id.*

<sup>21</sup> Section 553.79(1)(a), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> Section 553.79(25)(b), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> Section 553.79(25)(d), F.S.

- Structure designated on the National Register of Historic Places;<sup>26</sup>
- Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022; or
- Privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.

### National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.<sup>27</sup> The NFIP is administered by the Federal Emergency Management Agency (FEMA) and provides homeowners, business owners, and renters in flood-prone areas the ability to purchase flood insurance protection from the federal government.<sup>28</sup> The general purpose of the NFIP is both to offer primary flood insurance to properties with significant flood risk and to reduce flood risk through the adoption of floodplain management standards. Participation in the NFIP is voluntary.<sup>29</sup> Within participating communities, the federal government makes flood insurance available throughout the community.<sup>30</sup> To join, a community must:

- Complete an application;
- Adopt a resolution of intent to participate and cooperate with FEMA; and
- Adopt and submit a floodplain management ordinance that meets or exceeds the minimum NFIP criteria.<sup>31</sup>

In coordination with participating communities, FEMA develops flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain.<sup>32</sup> While FEMA is largely responsible for the creation of the FIRM, the community itself must pass the map into its local regulations in order for the map to be effective.<sup>33</sup> An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA).<sup>34</sup> The SFHA is intended to distinguish the flood risk zones that have a chance of flooding during a 1-in-100 year flood or greater frequency. This means that properties in the SFHA have a risk of 1 percent or greater risk of flooding every

<sup>26</sup> The National Register of Historic Places is the federal government's official list of historic places in the United States. The National Historic Preservation Act of 1966 authorized the register, which is administered by the National Park Service. In order to be listed on the register the owner of the property must not object. National Park Service, What is the National Register of Historic Places, <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Jan. 10, 2024).

<sup>27</sup> FEMA, *50 Years of the NFIP*, available at [https://www.fema.gov/sites/default/files/2020-05/NFIP\\_50th\\_Final\\_8.5x11\\_Regional\\_Printable.pdf](https://www.fema.gov/sites/default/files/2020-05/NFIP_50th_Final_8.5x11_Regional_Printable.pdf). (last visited Jan. 10, 2024)

<sup>28</sup> Benefits.gov, National Flood Insurance Program (NFIP), available at <https://www.benefits.gov/benefit/435> (last visited Apr. 20, 2024)

<sup>29</sup> FEMA, *Participation in the NFIP*, <https://www.fema.gov/glossary/participation-nfip#:~:text=Participation%20in%20the%20National%20Flood%20Insurance%20Program%20%28NFIP%29,of%20intent%20to%20participate%20and%20cooperate%20with%20FEMA%3B> (last visited Jan. 10, 2024).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> See Congressional Research Service, *Introduction to the National Flood Insurance Program*, 3 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593>. (last visited Jan. 10, 2024)

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

year<sup>35</sup> (and at least a 26 percent chance of flooding over the course of a 30-year mortgage).<sup>36</sup> Flood maps along the coasts show areas at high risk of flooding within the coastal SFHA.<sup>37</sup> The coastal SFHA includes several flood hazard zones:

- Zone V are those areas closest to the shoreline and subject to wave action, high-velocity flow, and erosion during the 100-year flood;<sup>38</sup>
- Zone VE, also known as the coastal high hazard area, is where wave action and fast-moving water can cause extensive damage during a base flood event;<sup>39</sup>
- Zone AE indicates areas that have at least a 1 percent-annual-chance of being flooded, but where wave heights are less than 3 feet;<sup>40</sup>
- Zone AO is used to map areas at risk of shallow flooding during a base (1 percent-annual-chance) flood, where water with average depths of one to three feet flows over sloping ground. On flood maps in coastal communities, Zone AO usually marks areas at risk of flooding from wave overtopping, where waves are expected to wash over the crest of a dune or bluff and flow into the area beyond.<sup>41</sup>

In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.<sup>42</sup>

Key conditions of the NFIP minimum floodplain management standards include, among things, that communities:

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the base flood elevation;
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.<sup>43</sup>

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<sup>35</sup> *Id.*

<sup>36</sup> FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, 6, available at [https://www.fema.gov/sites/default/files/documents/fema\\_coastal-glossary.pdf](https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf) (last visited Jan. 10, 2024)

<sup>37</sup> FEMA, *Features of Flood Insurance Rate Maps in Coastal Areas*, <https://www.fema.gov/flood-maps/coastal/insurance-rate-maps> (last visited Jan. 10, 2024).

<sup>38</sup> FEMA, *Using a Flood Insurance Rate Map (FIRM)*, 1, available at [https://www.flash.org/resources/files/HGCC\\_Fact03.pdf](https://www.flash.org/resources/files/HGCC_Fact03.pdf) (last visited Jan 10, 2024)

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Congressional Research Service, *Introduction to the National Flood Insurance Program* at 10. Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation (FDIC) or the Office of the Comptroller of the Currency.

<sup>43</sup> Congressional Research Service, *Introduction to the National Flood Insurance Program*, 6 (2023), available at <https://crsreports.congress.gov/product/pdf/R/R44593>. (last visited Jan 10, 2023)

### **New Construction Requirements in Coastal Flood Hazard Zones**

For communities participating in the NFIP, FEMA places requirements on any new construction built in flood hazard areas.<sup>44</sup> Generally, new construction in flood-prone areas must be:<sup>45</sup>

- Designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- Constructed with materials resistant to flood damage;
- Constructed by methods and practices that minimize flood damages; and
- Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.<sup>46</sup>

Specific conditions for new construction in coastal flood hazard zones include requiring all new construction to:<sup>47</sup>

- Be located landward of the reach of mean high tide;
- Be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;
- Be elevated on pilings and columns so that the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and
- Have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. Such space may be used only for parking of vehicles, building access, or storage.<sup>48</sup>

### **III. Effect of Proposed Changes:**

The bill contains several whereas clauses providing the following:

- It is of paramount importance to replace older, unsafe, or nonconforming structures that are a threat to life and safety with new, resilient buildings built to contemporary building codes and standards;
- Nonconforming structures that are within one half-mile of the coast and that are also within a coastal special flood hazard area and structures that are ordered to be demolished or that are deemed unsafe by local building officials pose an increased risk of collapse, may affect the integrity or stability of neighboring buildings or structures, and may cause injury to persons or property;

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<sup>44</sup> See 44 C.F.R. § 60.3.

<sup>45</sup> 44 C.F.R. § 60.3(a)(3).

<sup>46</sup> *Id.*

<sup>47</sup> 44 C.F.R. § 60.3(e)(3)-(5).

<sup>48</sup> *Id.*

- Local governmental laws, procedures, and policies that prohibit or limit the demolition of nonconforming or unsafe structures or limit the construction of new resilient structures pose a threat to life and public safety;
- Nonconforming structures that are within one half-mile of the coast and that are also within a coastal special flood hazard area, regardless of whether the structures are deemed unsafe by a local building official or are subject to a demolition order, must be permitted to be demolished and to have replacement structures authorized, allowing owners or developers to enjoy all land use and development rights that would apply to the property without regard to any local restrictions that may restrict future development as a result of the demolition ; and
- To make the application and enforcement of this act uniform throughout this state, the Legislature intends to preempt the regulation of the demolition of certain structures and buildings to the state.

**Section 1** creates s. 553.8991, F.S., which establishes the Resiliency and Safe Structures Act. The bill applies to all of the following structures, unless the structure is individually listed in the National Register of Historic Places or is a single-family home:

- “Nonconforming structures” located within one-half mile of the coastline which are also within zones V, VE, AO, or AE, as identified in the Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
- Any structure determined to be unsafe by a local building official.
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill defines “nonconforming structure” as a structure that does not conform to the requirements for new construction issued by the National Flood Insurance Program.

The bill provides that a “local government”—defined to include any municipality, county, special district, or any other political subdivision of the state—may not prohibit, restrict, or prevent the demolition of any structure identified in this section for any reason other than public safety. A local government may review an application for a demolition permit only administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulation applicable to a similarly situated parcel. The local government may not subject an application to additional local land development regulations or public hearings.

In addition, the bill provides that local governments must authorize “replacement structures” to be developed to the maximum height and overall building size authorized by local development regulations. The bill defines “replacement structure” as a new structure built on a property where a structure was demolished or will be demolished in accordance with this section. A local government may not:

- Limit, for any reason, the development potential of replacement structures below the maximum allowed by local development regulations.
- Require replication of a demolished structure.
- Require the preservation of any element of a demolished structure.
- Impose additional regulatory or building requirements on a replacement structure which would not otherwise be applicable to a similarly situated vacant parcel.

The bill applies prospectively and retroactively to any “law”—defined to include any statute, ordinance, rule, regulation, policy, resolution, code enforcement order, agreement, or other governmental act—that is contrary to the bill or its intent; however, the bill does not apply to s. 553.79(25), F.S., regarding the demolition of single-family residential structures located in certain high-hazard areas and flood zones. The bill must be liberally construed to effectuate its intent.

The bill also includes a preemption provision that prohibits a local government from adopting or enforcing a law that in any way limits the demolition of a qualifying structure or that limits the development of a replacement structure. A local government may not penalize an owner or developer of a replacement structure or otherwise enact laws that defeat the intent of the bill. Any local government law contrary to this section is void.

**Section 2** provides that the act will take 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:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may allow more structures to be demolished and new structures to be built in their places, which would increase construction and development.

**C. Government Sector Impact:**

Local governments may have to expend funds to process a possible increase in demolition permits. However, local governments may collect fees to cover the cost of their expenses to enforce the Building Code, which includes reviewing building permit applications

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 553.8991 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 Avila

39-01119A-24

20241526\_\_

1 A bill to be entitled  
2 An act relating to local regulation of nonconforming  
3 or unsafe structures; creating s. 553.8991, F.S.;  
4 providing a short title; defining terms; providing  
5 applicability; prohibiting local governments from  
6 prohibiting, restricting, or preventing the demolition  
7 of certain structures unless necessary for public  
8 safety; authorizing local governments to review  
9 demolition permit applications only for a specified  
10 purpose; prohibiting additional local land development  
11 regulations or public hearings; requiring that  
12 replacement structures be permitted to be developed in  
13 accordance with applicable development regulations;  
14 prohibiting local governments from taking certain  
15 actions regarding replacement structures; providing  
16 for retroactive application; providing applicability  
17 and construction; preempting regulation of the  
18 demolition or replacement of certain structures to the  
19 state under certain circumstances; providing an  
20 effective date.

21  
22 WHEREAS, it is of paramount importance to replace older,  
23 unsafe, or nonconforming structures that are a threat to life  
24 and safety with new, resilient buildings built to contemporary  
25 building codes and standards, and

26 WHEREAS, nonconforming structures that are within one-half  
27 mile of the coast and that are also within a coastal special  
28 flood hazard area, in addition to any structures that are  
29 ordered to be demolished or that are deemed unsafe by local



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20241526\_\_

building officials, pose an increased risk of collapse, may affect the integrity or stability of neighboring buildings or structures, and may cause injury to persons or property, and

WHEREAS, local governmental laws, procedures, and policies that prohibit or limit the demolition of nonconforming or unsafe structures or limit the construction of new, resilient structures pose a threat to life and public safety, and

WHEREAS, nonconforming structures that are within one-half mile of the coast and that are also within a coastal special flood hazard area, regardless of whether the structures are deemed unsafe by a local building official or are subject to a demolition order, must be permitted to be demolished and to have replacement structures authorized, allowing owners or developers to enjoy all land use and development rights that would apply to the property without regard to any local restrictions that may restrict future development as a result of the demolition, and

WHEREAS, to make the application and enforcement of this act uniform throughout this state, the Legislature intends to preempt the regulation of the demolition of certain structures and buildings to the state, NOW, THEREFORE,

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

Section 1. Section 553.8991, Florida Statutes, is created to read:

553.8991 Resiliency and Safe Structures Act.—

(1) SHORT TITLE.—This section may be cited as the “Resiliency and Safe Structures Act.”

(2) DEFINITIONS.—As used in this section, the term:

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20241526\_\_

59        (a) "Law" means any statute, ordinance, rule, regulation,  
60 policy, resolution, code enforcement order, agreement, or other  
61 governmental act.

62        (b) "Local government" means a municipality, county,  
63 special district, or any other political subdivision of the  
64 state.

65        (c) "Nonconforming structure" means a structure that does  
66 not conform to the requirements for new construction issued by  
67 the National Flood Insurance Program.

68        (d) "Replacement structure" means a new structure built on  
69 a property where a structure was demolished or will be  
70 demolished in accordance with this section.

71        (3) QUALIFYING STRUCTURES AND BUILDINGS.—This section  
72 applies to all of the following structures, unless the structure  
73 is individually listed in the National Register of Historic  
74 Places or is a single-family home:

75        (a) Nonconforming structures located within one-half mile  
76 of the coastline which are also within zones V, VE, AO, or AE,  
77 as identified on the Flood Insurance Rate Map issued by the  
78 Federal Emergency Management Agency.

79        (b) Any structure determined to be unsafe by a local  
80 building official.

81        (c) Any structure ordered to be demolished by a local  
82 government that has proper jurisdiction.

83        (4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local  
84 government may not prohibit, restrict, or prevent the demolition  
85 of any structure identified in subsection (3) for any reason  
86 other than public safety. A local government may review an  
87 application for a demolition permit sought pursuant to this

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20241526\_\_

section only administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulation applicable to a similarly situated parcel. The local government may not subject an application to additional local land development regulations or public hearings.

(5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local government shall authorize replacement structures to be developed to the maximum height and overall building size authorized by local development regulations. A local government may not do any of the following:

(a) Limit, for any reason, the development potential of replacement structures below the maximum allowed by local development regulations.

(b) Require replication of a demolished structure.

(c) Require the preservation of any element of a demolished structure.

(d) Impose additional regulatory or building requirements on a replacement structure which would not otherwise be applicable to a similarly situated vacant parcel.

(6) APPLICATION AND CONSTRUCTION.—This section applies prospectively and retroactively to any law adopted contrary to this section or its intent and must be liberally construed to effectuate its intent. This section does not apply to or affect s. 553.79(25).

(7) PREEMPTION.—A local government may not adopt or enforce a law that in any way limits the demolition of a structure identified in subsection (3) or that limits the development of a replacement structure in violation of subsection (5). A local

39-01119A-24

20241526\_\_

117 government may not penalize an owner or a developer of a  
118 replacement structure for a demolition pursuant to this section  
119 or otherwise enact laws that defeat the intent of this section.  
120 Any local government law contrary to this section is void.

121 Section 2. This act shall take effect upon becoming a law.



**SENATOR Bryan Avila**  
39th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**

Government Oversight and Accountability, Chair  
Appropriations  
Appropriations Committee on Education  
Appropriations Committee of Health and Human  
Services  
Education Pre-K 12  
Ethics and Elections  
Health Policy  
Select Committee on Resiliency  
Joint Select Committee on Collective Bargaining

January 10, 2024

Honorable Senator Alexis Calatayud  
Committee on Community Affairs

Honorable Chair Calatayud:

I respectfully request SB 1526 Local Regulations of Nonconforming or Unsafe Structures be placed on the next committee agenda.

SB 1526 Local Regulation of Nonconforming or Unsafe Structures; Designating the "Resiliency and Safe Structures Act"; prohibiting local governments from prohibiting, restricting, or preventing the demolition of certain structures unless necessary for public safety; authorizing local governments to review demolition permit applications only for a specified purpose; prohibiting additional local land development regulations or public hearings.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

---

Senator Bryan Avila  
Florida Senate, District 39

CC: Elizabeth Ryon, Staff Director  
Tatiana Warden, Committee Administrative Assistant  
Alian Collazo, Legislative Aide

REPLY TO:

- ☐ 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- ☐ 326 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

1/22/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

1526

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

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

Amendment Barcode (if applicable)

Name LENA JUAREZ

Phone 850 212 8330

Address P O BOX 10390

Street

Email lena.e.jej@assoc.com

TALASSEE 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:

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

CITY OF ST. AUGUSTINE

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
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1526

Meeting Date

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Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

City

State

Zip

WAIVE AGAINST

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:

**Miami-Dade County**

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

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1-22-24 4 pm

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CA 401 sob

Committee

The Florida Senate

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1526

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

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:

**SIERRA CLUB FLORIDA**



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

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S-001 (08/10/2021)



January 22, 2024

**APPEARANCE RECORD**

1526...Nonconforming or Unsafe Structures

Meeting Date

Bill Number or Topic

Community Affairs

Deliver both copies of this form to  
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Committee

Amendment Barcode (if applicable)

Name **Mat Forrest**Phone **850-577-0444**Address **201 E. Park Ave.**Email **Mat@ballardpartners.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:

Town of Palm Beach

☐ 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 \(flsenate.gov\)](#)

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The Florida Senate

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SB 1526

Bill Number or Topic

Meeting Date

1/22/24

Committee

Community Affairs

Amendment Barcode (if applicable)

Name

Linda Stevenson

Phone

941-704-9074

Address

3703 4th Ave W

Email

architect@ufl.edu

Street

Bradenton

State

FL

Zip

34205

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:

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The Florida Senate

APPEARANCE RECORD

SENATE 1526

1/22/24

Meeting Date

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name

DAVID SALAY

Phone

305.296.1347

Address

709 GALVESTON LANE

Email

DSALAY@BENDERARCHITECTS.COM

Street

KEY WEST

FL

33040

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

UNLESS AMENDED.

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 \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

SB1526

1/24/24

Meeting Date

Bill Number or Topic

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Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Corion Delaine

Phone

954-558-1843

Address

915 NW 1st Ave

Email

cdelaine13@gmail.com

Street

Miami

FL

33136

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:

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1/22/24  
Meeting Date

1526  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Mark Zubaly Phone 8504430243

Address 6352 Glasgow Drive Email mZubaly@comcast.net  
Street

Tallahassee FL 32312  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

*unless amended*

**PLEASE CHECK ONE OF THE FOLLOWING:**

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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

1/22/24

Meeting Date

COMMUNITY AFFAIRS

Committee

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

1526

Bill Number or Topic

Amendment Barcode (if applicable)

Name

ENNIS DAVIS

Phone

904-219-7499

Address

221 N HOGAN ST #237

Email

ennis@planningcollab.com

Street

JACKSONVILLE FL

32202

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

1/22/24  
Meeting Date

1526  
Bill Number or Topic

Community Affairs  
Committee

Deliver both copies of this form to  
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Amendment Barcode (if applicable)

Name Melissa Wyllie Phone 850 224 8128

Address 906 East Park Ave Email \_\_\_\_\_  
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 Trust for  
Historic Preservation

☐ 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 \(flsenate.gov\)](#)

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5-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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1/22/24  
Meeting Date

SB 1526  
Bill Number or Topic

\_\_\_\_\_  
Committee

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name LAURA MARSE

Phone 561-531-3511

Address 801 S OLIVE AVE  
Street

Email laura@sharp11.org

WEST PALM BEACH FL 33401  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

UNLESS  
ANTENATE!

**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:

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

SB 1526

Bill Number or Topic

Jan 22, 2024

Meeting Date

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Jennifer Wolfe

Phone

(352) 682-6982

Address

1420 E Mallory St

Street

Email

jennymwolfo@gmail.com

Pensacola FL 32503

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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

1/22/2024

Meeting Date

1526

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

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

Amendment Barcode (if applicable)

Name MERCEDES HAROLD

Phone (850) 217-1423

Address 8334 SAND POINT DR S  
Street

Email merci.elena@gmail.com

JACKSONVILLE FL 32244  
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:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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1/22/23

Meeting Date

Community Affairs

Committee

SB 1526

Bill Number or Topic

Amendment Barcode (if applicable)

Name Melissa Dunklin Phone 407-242-2242

Address SSO Terrace Spring Dr Email melidunk@gmail.com

Street

Orlando FL 32828

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

HB SB 1526

Bill Number or Topic

1/22/24

Meeting Date

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Lucian Pita

Phone

305-606-6999

Address

7000 SW 133 St

Email

LPita@FloridaTrust.org

Street

Miami

City

FL

State

33156

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

*unvssg  
amended.*

**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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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01/22/2024

Meeting Date

SB 1526

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Kelly Perkins

Phone 407.415.2323

Address 3054 8th Ave N

Email Kelly.kat.perkins@gmail.com

Street

St. Petersburg

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1/22/24

Meeting Date

Community Affairs

Committee

1526

Bill Number or Topic

Amendment Barcode (if applicable)

Name

David Cruz

Phone

701-3676

Address

P.O. Box 1757

Email

DCRUZ@FLcities.com

Street

Tallahassee 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:

Florida League of Cities

☐

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 1526

Meeting Date

Bill Number or Topic

1/22/24  
COMMUNITY AFFAIRS

Committee

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

Amendment Barcode (if applicable)

Name

JACK L FINGLASS

Phone

202-320-9315

Address

6001 N. BNY RD

Email

JackFing@msn.com

Street

MIAMI BEACH, FL 33140

City

State

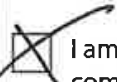
Zip

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:

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

1/22/24

Meeting Date

CommAffairs

Committee

S 1526

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins 1000 Friends of Florida

Phone 850-273-5055

Address 308 N Monroe St

Street

Email kdinkins@1000fof.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:

1000 Friends of FL



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

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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

SB 1526

Bill Number or Topic

JAN 22, 2024  
Meeting Date

Committee

Amendment Barcode (if applicable)

Name JOE SAUNDERS

Phone 407-497-4986

Address 1439 WEST AVE #501  
Street

Email ~~JOE@JOESAUNDERS.VOTE~~  
JOE@JOESAUNDERS.VOTE

MIAMI BEACH FL, 33139  
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:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
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1/22/24  
Meeting Date

1526  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Alex Fernandez

Phone 786-999-5662

Address 1700 Convention Center Dr.  
Street

Email alex@miamibeachfl.gov

Miami Beach FL 33139  
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:

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S-001 (08/10/2021)

1/22/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 1526

Bill Number or Topic

Amendment Barcode (if applicable)

Name George Levesque

Phone 8505779090

Address 301 S Bronough Street

Email glevesque@gray-robinson.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 Chapetr of American  
Institute of Architects

☐ 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 \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

1/22/24

Meeting Date

SB 1526

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

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

Amendment Barcode (if applicable)

Name MICHAEL CORDEN Phone (239) 471-8221

Address 3149 MCGREGOR BLVD. Email MIKECORDEN@GMAIL.COM  
Street

FT. MYERS FL 33901  
City State Zip

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

• UNLESS AMENDED

**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:

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S-001 (08/10/2021)

**APPEARANCE RECORD**

SB1526

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

Email

Street

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:

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S-001 (08/10/2021)

11/22/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1526

Bill Number or Topic

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

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Joel Levine

Phone 516-381-5618

Address 1001 Ocean Dr

Email wb@buckeyeatlantichb.net

Street

Miami Beach FL 33160

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:

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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 Community Affairs

---

BILL: SB 1720

INTRODUCER: Senator Rodriguez

SUBJECT: Marine Encroachment on Military Operations

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Favorable</b>
2.			MS	
3.			RC	

---

## **I. Summary:**

SB 1720 adds various annexes and a range to the list of major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues with local government planning than others.

These include the annexes across Boca Chica Key and Key West as well as the Fleming Bay/Patton Water Drop Zone training range used by the Army Special Forces Underwater Operations School. Naval Air Station Key West associated with Monroe County and Key West is currently on the list, however the annexes and range are not.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Comprehensive Plans and Plan Amendments**

In 1985, the Legislature passed the Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development.<sup>1</sup> A local government's comprehensive plan outlines the needs and locations for future public facilities, including roads, water and wastewater infrastructure, residential neighborhoods, parks, schools, and commercial and industrial developments.<sup>2</sup>

---

<sup>1</sup> Chapter 85-55, Laws of Fla.

<sup>2</sup> Section 163.3177, F.S.

All development, both public and private, and all development orders<sup>3</sup> approved by local governments must be consistent with the local government's comprehensive plan.<sup>4</sup> Among the many components of a comprehensive plan is a land use element designating proposed future general distribution, location, and extent of the uses of land.<sup>5</sup> Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.<sup>6</sup>

The future land use plan and plan amendments must be based upon surveys, studies, and data regarding the area, as applicable, including the compatibility of uses on lands adjacent to or in close proximity to military installations.<sup>7</sup>

In 2011, the Legislature bifurcated the process for approving comprehensive plan amendments.<sup>8</sup> Plan amendments are now placed into either the "Expedited State Review Process" or the "State Coordinated Review Process."<sup>9</sup> The two processes operate in much the same way; however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the Department of Commerce (Commerce), rather than communicated directly to the permitting local government by each individual reviewing agency.

Under both processes, a proposed comprehensive plan or plan amendment must receive a public hearing by the local governing body before it may be transmitted to the state for review. First, the local planning board must hold a public hearing at which it makes a recommendation to the local governing body on adoption of the plan or plan amendment.<sup>10</sup> Then, the local governing body must hold a public hearing to consider transmittal of the proposed plan or plan amendment.<sup>11</sup>

If a majority of the local governing body members present at the hearing approve such transmittal, the plan or amendment must be transmitted within 10 working days to the following state and local governmental entities, known as "reviewing agencies":

- Commerce, designated as the "state land planning agency";<sup>12</sup>
- The appropriate regional planning council;
- The appropriate water management district;
- DEP;
- The Department of State;
- The Department of Transportation;
- The Department of Education, if plan amendments relate to public schools;

---

<sup>3</sup> "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.

<sup>4</sup> Section 163.3194(3), F.S.

<sup>5</sup> Section 163.3177(6)(a), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 163.3177(6)(2)(f)

<sup>8</sup> Chapter 2011-139, s. 17, Laws of Fla.

<sup>9</sup> Section 163.3184(3) and (4), F.S.

<sup>10</sup> Sections 163.3174(4)(a), F.S.

<sup>11</sup> Sections 163.3184(11), F.S.

<sup>12</sup> Section 163.3164(44), F.S.



- **The commanding officer of an affected military installation;**
- The Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, in the case of county plans and plan amendments; and
- The county in which the municipality is located, in the case of municipal plans and plan amendments.<sup>13</sup>

The reviewing agencies and certain other government entities may provide comments to the local government regarding a plan or plan amendment. State agencies may only comment on important state resources and facilities that will be adversely impacted by a plan amendment, if adopted.<sup>14</sup> Comments provided by state agencies must state with specificity how a plan amendment will adversely impact an important state resource or facility and must identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts.<sup>15</sup>

Under the expedited process, these comments must be provided directly to the local government not later than 30 days after receipt of the plan amendment.<sup>16</sup> Alternatively, the state coordinated review requires agencies to provide comments to Commerce.<sup>17</sup> Commerce then has a total of 60 days from receipt to provide the local government with a report containing the state's objections, recommendations, and comments.<sup>18</sup>

After the local government receives the comments made by the reviewing agencies, whether directly from the agencies or through the report issued by Commerce, the local governing body must hold a second public hearing to approve or deny the plan or plan amendment.<sup>19</sup> The second public hearing must be conducted within 180 days after the agency comments are received. Generally, if a local government fails to hold the second public hearing within 180 days after receipt of agency comments, the plan amendment is deemed withdrawn.<sup>20</sup>

### **Exchange of Information between Local Governments and Military Installations**

Section 163.3175, F.S., provides the following legislative findings relating to land use around military installations:

- Incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission;
- Such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation;
- The economic vitality of a community is affected when military operations and missions must relocate because of incompatible urban encroachment; and

<sup>13</sup> Section 163.3184(1)(c) and (3)(b)1., F.S.

<sup>14</sup> Section 163.3184(3)(b)2. and (4)(c), F.S. Commerce has special requirements for providing comments on plans or plan amendments following the state coordinated review process.

<sup>15</sup> *Id.*

<sup>16</sup> Section 163.3184(3)(b)2.

<sup>17</sup> Section 163.3184(4)(c)-(d), F.S.

<sup>18</sup> Section 163.3184(4)(d), F.S.; see Commerce, *State Coordinated Review Amendment Process*, [http://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/comp-plan/statecoordinatedreviewprocessflowchart.pdf?sfvrsn=d6a766b0\\_2](http://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/comp-plan/statecoordinatedreviewprocessflowchart.pdf?sfvrsn=d6a766b0_2) (last visited Jan. 17, 2024).

<sup>19</sup> Section 163.3184(11), F.S.

<sup>20</sup> Section 163.3184(3)(c)1. and (4)(e)1., F.S. This 180-day timeframe may be extended by agreement as long as notice is provided to Commerce and any affected person that provided comments on the plan amendment. Also, an exception exists for developments of regional impact.

Therefore, it is desirable for the local governments in the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.

The section identifies sixteen major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others.<sup>21</sup> It also identifies proximate local governments and requires those local governments to transmit to the commanding officer of the relevant associated installation or installations the following:

- Information relating to proposed changes to the local government's comprehensive plan or land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation; and
- At the request of the commanding officer, copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the local government's comprehensive plan as being in a zone of influence of the military installation.<sup>22</sup>

Each affected local government must provide the military installation an opportunity to review and comment on the proposed changes.<sup>23</sup> The commanding officer or his or her designee may provide to the affected local government advisory comments, data, and analyses on the effect the proposed changes may have on the mission of the military installation.<sup>24</sup> In making a determination on the proposed changes, the affected local government must consider and weigh the strategic mission of the base, public safety, and economic vitality associated with the base's operations, while also respecting private property rights and avoiding undue restrictions on those rights.<sup>25</sup>

All comments on comprehensive plan amendments must be forwarded to the state land planning agency.<sup>26</sup> To facilitate the exchange of information, a representative of a military installation acting on behalf of all military installations within that jurisdiction serves as a nonvoting member of the county's or affected local government's land planning or zoning board.<sup>27</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 163.3175, F.S., to add various annexes and a range to the list of major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues with local government planning than others.

These include the various annexes across Boca Chica Key and Key West as well as the Fleming Bay/Patton Water Drop Zone training range used by the Army Special Forces Underwater Operations School. Naval Air Station Key West associated with Monroe County and Key West is currently on the list, however the annexes and range are not.

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<sup>21</sup> Section 163.3175(2)(a)-(p), F.S.

<sup>22</sup> Section 163.3175(4), F.S.

<sup>23</sup> *Id.*

<sup>24</sup> Section 163.3175(5), F.S.

<sup>25</sup> Section 163.3175(6), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 163.3175(7), F.S.

The bill adds the word “ranges” to installations, in order to conform that the range are added to the list of compatibility and coordination issues with local government planning. Currently, section 163.3175 speaks to the compatibility of military installations only.

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:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 163.3175 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.

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

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By Senator Rodriguez

40-01071A-24

20241720\_\_

A bill to be entitled  
An act relating to marine encroachment on military  
operations; amending s. 163.3175, F.S.;  
requiring local governments to cooperate with certain  
major military installations and ranges to encourage  
compatible land use in associated areas; making  
technical changes; providing an effective date.

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

Section 1. Subsection (2) of section 163.3175, Florida  
Statutes, is amended to read:

163.3175 Legislative findings on compatibility of  
development with military installations; exchange of information  
between local governments and military installations and  
ranges.—

(2) Certain major military installations and ranges, due to  
their mission and activities, have a greater potential for  
experiencing compatibility and coordination issues than others.  
Consequently, this section and ~~the provisions in s.~~

163.3177(6)(a), relating to compatibility of land development  
with military installations, apply to specific affected local  
governments in proximity to and in association with specific  
military installations and ranges, as follows:

(a) Avon Park Air Force Range, associated with Highlands,  
Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring,  
and Frostproof.

(b) Camp Blanding, associated with Clay, Bradford, and  
Putnam Counties.

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(c) Eglin Air Force Base and Hurlburt Field, associated with Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco Bayou, Crestview, Destin, DeFuniak Springs, Fort Walton Beach, Freeport, Laurel Hill, Mary Esther, Niceville, Shalimar, and Valparaiso.

(d) Homestead Air Reserve Base, associated with Miami-Dade County and Homestead.

(e) Jacksonville Training Range Complex, associated with Lake, Marion, Putnam, and Volusia Counties.

(f) MacDill Air Force Base, associated with Tampa.

(g) Naval Air Station Jacksonville, Marine Corps Support Facility-Blount Island, and outlying landing field Whitehouse, associated with Jacksonville.

(h) Naval Air Station Key West, including various annexes across Boca Chica Key and Key West as well as the Fleming Bay/Patton Water Drop Zone training range used by the Army Special Forces Underwater Operations School, associated with Monroe County and Key West.

(i) Naval Support Activity Orlando, including Bugg Spring and Naval Ordnance Test Unit, associated with Orange County and Orlando.

(j) Naval Support Activity Panama City, associated with Bay County, Panama City, and Panama City Beach.

(k) Naval Air Station Pensacola, associated with Escambia County.

(l) Naval Air Station Whiting Field and its outlying landing fields, associated with Santa Rosa and Escambia Counties.

(m) Naval Station Mayport, associated with Atlantic Beach

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20241720\_\_

and Jacksonville.

(n) Patrick Space Force Base and Cape Canaveral Space Force Station, associated with Brevard County and Satellite Beach.

(o) Tyndall Air Force Base, associated with Bay County and Mexico Beach and Parker.

(p) United States Southern Command, associated with Miami-Dade County and Doral.

Section 2. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 11, 2024

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I respectfully request that **Senate Bill #1720**, relating Marine Encroachment on Military Operations, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

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Senator Ana Maria Rodriguez  
Florida Senate, District 40



**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.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1766

INTRODUCER: Senator Rodriguez

SUBJECT: Flood Damage Prevention

DATE: January 19, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Favorable</b>
2.			EN	
3.			RC	

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**I. Summary:**

SB 1766, cited as the “Flood Damage Prevention Act of 2024,” provides that “voluntary freeboard” may not be used in the calculation of the maximum allowable height in the applicable zoning district for certain new and substantially improved structures. In all areas including coastal high-hazard areas, the maximum voluntary freeboard is 10 feet.

Freeboard, in the context of flood elevation requirements, generally refers to elevating a building’s lowest floor above the Base Flood Elevation (BFE) and is usually expressed in terms of feet. The BFE is how high floodwater is likely to rise during a 1-percent-annual-chance flood event (“base flood”) and represents the minimum elevation of construction allowed. Freeboard provides an added margin of safety to address flood modeling and mapping uncertainties and can lead to reductions in flood insurance premiums.

The bill also authorizes a local government to adopt by ordinance minimum freeboard requirements or a maximum voluntary freeboard that exceeds the requirements in the bill or the Florida Building Code.

Lastly, the bill directs the Florida Building Commission to develop and adopt minimum freeboard requirements by November 1, 2024, and incorporate such requirements into the next edition of the Florida Building Code. Beginning January 2029, and every 5 years thereafter, the commission must review the freeboard requirements in the Florida Building Code and make recommendations to the Legislature regarding any necessary revisions to such requirements.

The bill takes effect on July 1, 2024.

## II. Present Situation:

### The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>1</sup>

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.<sup>2</sup>

The Building Code is updated every three years. The current edition of the Building Code is the eighth edition, which is referred to as the 2023 Florida Building Code.<sup>3</sup>

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (act). The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>4</sup>

Local governments may, not more than once every 6 months, adopt amendments to the technical provisions of the Building Code that apply solely within the jurisdiction of such government and that provide for more stringent requirements than those specified in the Building Code.<sup>5</sup> A local government must determine there is a need to strengthen the requirements of the Building Code based on a review of local conditions.<sup>6</sup> Such amendments may not introduce a new subject not addressed in the Building Code.<sup>7</sup> Most technical amendments sunset upon adoption of the newest edition of the Building Code, unless adopted into the Building Code.<sup>8</sup>

The Florida Building Commission (commission) was statutorily created to implement the Building Code. The commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design

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<sup>1</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Jan. 17, 2024).

<sup>2</sup> *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited Jan. 17, 2024).

<sup>3</sup> *Id.*

<sup>4</sup> Section 553.72(1), F.S.

<sup>5</sup> Section 553.73 (4)(b), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Section 553.73(4)(e), F.S.

professionals, contractors, and government experts in various disciplines covered by the Building Code. The commission reviews International Codes published by the International Code Council,<sup>9</sup> the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.<sup>10</sup>

### **Local Enforcement of the Florida Building Code**

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.<sup>11</sup>

Every local government must enforce the Building Code and issue building permits.<sup>12</sup> It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.<sup>13</sup>

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.<sup>14</sup> Construction work may not be done beyond a certain point until it passes an inspection.

### **National Flood Insurance Program**

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.<sup>15</sup> The NFIP is administered by the Federal Emergency Management Agency (FEMA) and provides homeowners, business owners, and renters in flood-prone areas the ability to purchase flood insurance protection from the federal government.<sup>16</sup> The general purpose of the NFIP is both to offer primary flood insurance to properties with significant flood risk, and to reduce flood risk through the adoption of floodplain management standards. Communities volunteer to participate in the NFIP in order to have access to federal flood insurance, and in return are required to adopt minimum floodplain management standards that are described in FEMA regulations.

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<sup>9</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, available at <https://www.iccsafe.org/about/who-we-are/> (last visited Jan. 17, 2024).

<sup>10</sup> Sections 553.73, and 553.74, F.S.

<sup>11</sup> Section 553.72, F.S.

<sup>12</sup> Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

<sup>13</sup> Sections 125.56(4)(a), 553.79(1), F.S.

<sup>14</sup> Section 110 Eighth edition of the Florida Building Code (Building).

<sup>15</sup> FEMA, *50 Years of the NFIP*, available at [https://www.fema.gov/sites/default/files/2020-05/NFIP\\_50th\\_Final\\_8.5x11\\_Regional\\_Printable.pdf](https://www.fema.gov/sites/default/files/2020-05/NFIP_50th_Final_8.5x11_Regional_Printable.pdf) (last visited Jan. 17, 2024).

<sup>16</sup> Benefits.gov, *National Flood Insurance Program (NFIP)*, available at <https://www.benefits.gov/benefit/435> (last visited Jan. 17, 2024).

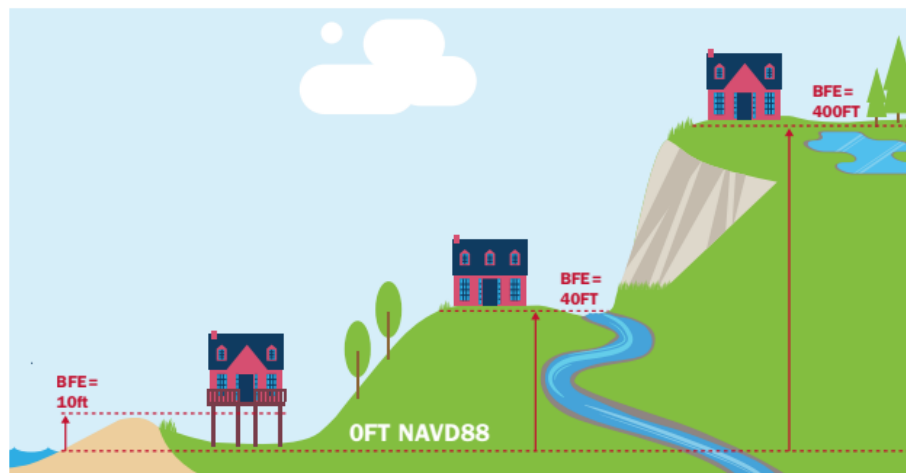
FEMA develops, in coordination with participating communities, flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain. While FEMA is largely responsible for the creation of the FIRM, the community itself must pass the map into its local regulations in order for the map to be effective. An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA). The SFHA is intended to distinguish the flood risk zones that have a chance of flooding during a "1 in 100 year flood" or greater frequency. This means that properties in the SFHA have a risk of 1 percent or greater risk of flooding every year and a one-in-four chance of flooding during a 30-year mortgage. In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.<sup>17</sup>

Key conditions of the NFIP minimum floodplain management standards include, among many other conditions, that communities:

- Require permits for development in the SFHA;
- Require elevation of the lowest floor of all new residential buildings in the SFHA to or above the Base Flood Elevation;
- Restrict development in floodways to prevent increasing the risk of flooding; and
- Require certain construction materials and methods that minimize future flood damage.<sup>18</sup>

### Base Flood Elevation and Freeboard

The Base Flood Elevation (BFE) is how high floodwater is likely to rise during a 1-percent-annual-chance flood event ("base flood").<sup>19</sup> BFEs are measured from a reference point called NAVD88, which is approximately equal to sea level, and vary widely across geographies.<sup>20</sup> The BFE represents the minimum elevation of construction allowed by the NFIP.



Source: FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, p. 6.

<sup>17</sup> Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation (FDIC) or the Office of the Comptroller of the Currency (OCC).

<sup>18</sup> Congressional Research Service, *Introduction to the National Flood Insurance Program* (Updated Dec. 20, 2023), p. 6, available at <https://crsreports.congress.gov/product/pdf/R/R44593> (last visited Jan. 17, 2024).

<sup>19</sup> FEMA, *Coastal Hazards & Flood Mapping: A Visual Guide*, p. 6, available at [https://www.fema.gov/sites/default/files/documents/fema\\_coastal-glossary.pdf](https://www.fema.gov/sites/default/files/documents/fema_coastal-glossary.pdf) (last visited Jan. 10, 2024).

<sup>20</sup> *Id.*

## Freeboard

Freeboard is “an additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with state or community floodplain management regulations.”<sup>21</sup> Freeboard, usually expressed in feet above flood level, helps to compensate for many unknown factors that could contribute to flooding and results in significantly lower flood insurance rates due to lower flood risk.<sup>22</sup> Freeboard is not required by NFIP eligibility standards, but FEMA encourages communities to adopt at least one foot of freeboard.<sup>23</sup>

The Building Code requires all buildings located in a flood hazard area to be built an additional one foot higher.<sup>24</sup> However, many Florida communities adopt requirements for additional elevation above the minimum in the Building Code, ranging from two to five feet above the BFE. Local freeboard requirements are incorporated via technical amendments to the Building Code.<sup>25</sup> Florida Statutes specifically authorizes counties and municipalities to adopt administrative or technical amendment to the Building Code relating to flood resistance in order to implement the NFIP or other incentives.<sup>26</sup> Flood-related local amendments that require a design flood elevation above the BFE are not subject to sunset upon adoption of the newest

### III. Effect of Proposed Changes:

**Section 1** provides that this act may be cited as the “Flood Damage Prevention Act of 2024.”

**Section 2** creates s. 553.845, F.S., regarding flood damage prevention. The bill includes the following findings:

- The state is vulnerable to the adverse effects of flooding resulting from the frequency and intensity of rainfall and an increase in storm surge and sea level rise. These adverse effects pose a significant risk to existing and future structures in the state.
- Public and private investments in our communities are important for economic growth, and protecting all structures from flooding is essential to maintaining resilient communities.
- The mitigation of property damage constitutes a valid and recognized objective of the Florida Building Code.
- It is important to develop a consistent, statewide approach to minimizing flooding in the state to mitigate property damage and encourage continued investment in our communities.
- Minimum freeboard requirements are critical to addressing the devastating effects of flooding, and delaying the adoption and implementation of such requirements constitutes a threat to the health, safety, and welfare of the state.

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<sup>21</sup> FEMA, *Freeboard*, available at <https://www.fema.gov/glossary/freeboard> (last visited Jan. 17, 2024)

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> 8th Edition of the Florida Building Code- Residential 322.2.1, Florida Building Code-Building, Table 2-1 Elevation Requirements.

<sup>25</sup> Wilton Manors, FL. Ordinance No. 2020-004 § 2, 5-26-20, City of Miami Beach Flood Plain Management, Sec. 54-35. - Definitions

<sup>26</sup> Section 553.73 (5) F.S.

The bill provides that the maximum voluntary freeboard for all new construction and substantial improvements to existing construction, whether residential, commercial, industrial, or nonresidential, is ten feet including within a coastal high-hazard area.

The bill defines “freeboard” as the additional height, usually expressed as a factor of safety in feet, above the BFE in determining the level at which a structure’s lowest floor or the bottom of the lowest horizontal structural member must be elevated in accordance with floodplain management regulations and the Florida Building Code. If a BFE is not determined for a structure that is not located in a SFHA as designated by a FIRM issued by FEMA, the term “freeboard” means the highest adjacent grade at the foundation of a structure.

“Voluntary freeboard” means the additional height above the freeboard required by floodplain management regulations and the Florida Building Code. If freeboard is not required by floodplain management regulations and the Florida Building Code, the term “voluntary freeboard” means the additional height above the highest adjacent grade at the foundation of a structure.

The maximum voluntary freeboard for all new construction and substantial improvements to existing construction, whether residential, commercial, industrial, or nonresidential, is TEN feet, including in coastal high-hazard areas. The bill defines “coastal high-hazard area” as a SFHA along the coast, as delineated by a FIRM issued by FEMA that has additional hazards due to wind and wave action.

The bill provides that for all new construction of a residential structure and “substantial improvements”<sup>27</sup> to an existing residential structure, including a manufactured home, or an existing commercial, industrial, or nonresidential structure, voluntary freeboard may not be used in the calculation of the “maximum allowable height” for the structure.<sup>28</sup>

The bill authorizes a local government to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code or established in the bill.

The bill directs the Florida Building Commission to develop and adopt by rule minimum freeboard requirements by November 1, 2024, which must take immediate effect, and incorporate such requirements into the next edition of the Florida Building Code. The bill also provides that, beginning in January 2029, and every five years thereafter, the commission must review the freeboard requirements in the Florida Building Code and make recommendations to the Legislature regarding any necessary revisions to such requirements.

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

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<sup>27</sup> “Substantial improvement” means any repair, reconstruction, rehabilitation, or improvement of a structure when the actual cost of the improvement or repair of the structure to its pre-damage condition equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. See s. 161.54(12) F.S.

<sup>28</sup> The bill defines “maximum allowable height” as the maximum height allowed for a structure in the applicable zoning district.

**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:**

Building owners who incorporate voluntary freeboard may receive flood insurance discounts and also reduce their exposure to flood events.

**C. Government Sector Impact:**

The Florida Building Commission may incur costs to develop and adopt new freeboard requirements. However, these costs can likely be absorbed with existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill provides that, for all new construction of residential structures and substantial improvements to certain existing structures, voluntary freeboard may not be used in the calculation of the maximum allowable height for the structure. However, this provision would be inapplicable to new commercial, industrial, and nonresidential structures.

**VIII. Statutes Affected:**

This bill substantially amends section 553.845 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.

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

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By Senator Rodriguez

40-01713-24

20241766\_\_

A bill to be entitled

An act relating to flood damage prevention; providing a short title; creating s. 553.845, F.S.; providing legislative findings; providing definitions; providing specified maximum voluntary freeboard requirements for new construction and substantial improvements to existing construction; prohibiting voluntary freeboard from being used in the calculation of the maximum allowable height for certain construction; authorizing local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds certain requirements; requiring the Florida Building Commission to develop and adopt by rule minimum freeboard requirements by a specified date and to incorporate such requirements into the next edition of the Florida Building Code; requiring the commission to review the freeboard requirements in the Florida Building Code every 5 years beginning on a specified date and to make certain recommendations to the Legislature; providing an effective date.

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

Section 1. This act may be cited as the "Flood Damage Prevention Act of 2024."

Section 2. Section 553.845, Florida Statutes, is created to read:

553.845 Flood damage prevention.—

(1) The Legislature finds that:

40-01713-24

20241766\_\_

30       (a) The state is vulnerable to the adverse effects of  
31 flooding resulting from the frequency and intensity of rainfall  
32 and an increase in storm surge and sea level rise. These adverse  
33 effects pose a significant risk to existing and future  
34 structures in the state.

35       (b) Public and private investments in our communities are  
36 important for economic growth, and protecting all structures  
37 from flooding is essential to maintaining resilient communities.

38       (c) The mitigation of property damage constitutes a valid  
39 and recognized objective of the Florida Building Code.

40       (d) It is important to develop a consistent, statewide  
41 approach to minimizing flooding in the state to mitigate  
42 property damage and encourage continued investment in our  
43 communities.

44       (e) Minimum freeboard requirements are critical to  
45 addressing the devastating effects of flooding, and delaying the  
46 adoption and implementation of such requirements constitutes a  
47 threat to the health, safety, and welfare of the state.

48       (2) For purposes of this section, the term:

49       (a) "Coastal high-hazard area" means a special flood hazard  
50 area along the coast, as delineated by a Flood Insurance Rate  
51 Map issued by the Federal Emergency Management Agency, which has  
52 additional hazards due to wind and wave action.

53       (b) "Freeboard" means the additional height, usually  
54 expressed as a factor of safety in feet, above the base flood  
55 elevation in determining the level at which a structure's lowest  
56 floor or the bottom of the lowest horizontal structural member  
57 must be elevated in accordance with floodplain management  
58 regulations and the Florida Building Code. If a base flood

40-01713-24

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elevation is not determined for a structure that is not located in a special flood hazard area as designated by a Flood Insurance Rate Map issued by the Federal Emergency Management Agency, the term "freeboard" means the highest adjacent grade at the foundation of a structure.

(c) "Maximum allowable height" means the maximum height allowed for a structure in the applicable zoning district.

(d) "Substantial improvement" has the meaning as in s. 161.54(12).

(e) "Voluntary freeboard" means the additional height above the freeboard required by floodplain management regulations and the Florida Building Code. If freeboard is not required by floodplain management regulations and the Florida Building Code, the term "voluntary freeboard" means the additional height above the highest adjacent grade at the foundation of a structure.

(3)(a) The maximum voluntary freeboard for all new construction and substantial improvements to existing construction, whether residential, commercial, industrial, or nonresidential, is 10 feet.

(b) Within a coastal high-hazard area, the maximum voluntary freeboard for all new construction and substantial improvements to existing construction, whether residential, commercial, industrial, or nonresidential, is 10 feet.

(4) For all new construction of a residential structure and substantial improvements to an existing residential structure, including a manufactured home, or an existing commercial, industrial, or nonresidential structure, voluntary freeboard may not be used in the calculation of the maximum allowable height for the structure.

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88       (5) A local government may adopt by ordinance a minimum  
89 freeboard requirement or a maximum voluntary freeboard that  
90 exceeds the requirements in the Florida Building Code or those  
91 established in this section.

92       (6) The commission shall develop and adopt by rule minimum  
93 freeboard requirements by November 1, 2024, which shall take  
94 immediate effect, and shall incorporate such requirements into  
95 the next edition of the Florida Building Code.

96       (7) Beginning in January 2029, and every 5 years  
97 thereafter, the commission shall review the freeboard  
98 requirements in the Florida Building Code and make  
99 recommendations to the Legislature regarding any necessary  
100 revisions to such requirements.

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

1/22/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

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

SB 1766

Bill Number or Topic

Amendment Barcode (if applicable)

Name George Levesque

Phone 8505779090

Address 301 S Bronough Street

Email glevesque@gray-robinson.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 Chapetr of American  
Institute of Architects

☐ 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**

1/22/2024

1766

Meeting Date

Bill Number or Topic

Community Affairs

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

Committee

Amendment Barcode (if applicable)

Name **Remberto Leiseca**

Phone **904-261-3327**

Address **PO Box 17197**

Email **ron@rjlassoc.com**

Street

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**FL**

**32035**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

# CourtSmart Tag Report

**Room:** SB 401

**Case No.:**

**Type:**

**Caption:** Committee on Community Affairs

**Judge:**

**Started:** 1/22/2024 4:00:34 PM

**Ends:** 1/22/2024 6:05:58 PM

**Length:** 02:05:25

4:00:35 PM	Meeting called to order
4:00:35 PM	Roll Call
4:00:39 PM	Quorum is present
4:01:00 PM	Tab 2 CS/SB 346 by Senator Ingoglia
4:01:09 PM	Senator Ingoglia recognized to explain the bill
4:02:01 PM	Public Testimony recognized
4:02:08 PM	Senator Ingoglia recognized to close bill
4:02:14 PM	Roll Call
4:02:30 PM	Reported Favorably
4:02:35 PM	Tab 7 SB 812 by Senator Ingoglia
4:02:46 PM	Senator Ingoglia recognized to explain the bill
4:03:19 PM	Senator Pizzo recognized for question
4:03:27 PM	Senator Ingoglia recognized for answer
4:03:38 PM	Follow up from Senator Pizzo
4:03:43 PM	Senator Ingoglia recognized for answer
4:03:50 PM	Follow up from Senator Pizzo
4:03:57 PM	Senator Ingoglia recognized for answer
4:04:07 PM	Follow up from Senator Pizzo
4:04:34 PM	Senator Ingoglia recognized for answer
4:05:01 PM	Senator Berman recognized for question
4:05:14 PM	Senator Ingoglia recognized for answer
4:05:26 PM	Follow up from Senator Berman
4:05:34 PM	Senator Ingoglia recognized for answer
4:05:42 PM	Senator Osgood recognized for question
4:06:27 PM	Senator Ingoglia recognized for answer
4:07:01 PM	Take up amendment barcode #380702
4:07:06 PM	Senator Ingoglia recognized to explain amendment, delete all
4:07:36 PM	Senator Pizzo recognized for question
4:07:44 PM	Senator Ingoglia recognized for answer
4:08:16 PM	Senator Ingoglia recognized to waive close
4:08:23 PM	Voice Vote
4:08:30 PM	Take up the amendment
4:08:34 PM	Senator Pizzo recognized for question
4:08:56 PM	Senator Ingoglia recognized for answer
4:09:32 PM	Public Testimony from Remberto Leiseca
4:10:13 PM	Public Testimony from Sergio Ascunce
4:11:23 PM	Senator Pizzo recognized for question
4:11:34 PM	Sergio Ascunce recognized for answer
4:11:58 PM	Follow up from Senator Pizzo
4:12:06 PM	Sergio Ascunce recognized for answer
4:12:11 PM	Public Testimony from Kim Dinkins, 1000 Friends of Florida
4:13:22 PM	Public Testimony from Charlie Chapman
4:13:54 PM	Public Testimony from Jeff Scala, Florida Association of Counties
4:14:36 PM	Senator Pizzo recognized for question
4:14:51 PM	Charlie Chapman recognized for answer
4:15:19 PM	Follow up from Senator Pizzo
4:15:39 PM	Charlie Chapman recognized for answer
4:15:54 PM	Follow up from Senator Pizzo
4:16:01 PM	Answer from Charlie Chapman
4:16:33 PM	Public Testimony recognized
4:16:46 PM	Senator Pizzo recognized for debate
4:17:46 PM	Senator Ingoglia recognized to waive close on bill as amended

4:19:24 PM Roll Call for CS/SB 812  
4:19:48 PM Reported Favorably  
4:19:53 PM Tab 12 SB 1322 by Senator Ingoglia  
4:20:32 PM Senator Pizzo recognized for question  
4:20:41 PM Answer from Senator Ingoglia  
4:21:00 PM Follow up from Senator Pizzo  
4:21:05 PM Senator Ingoglia recognized for answer  
4:21:13 PM Follow up from Senator Pizzo  
4:21:21 PM Senator Ingoglia recognized for answer  
4:21:51 PM Senator Pizzo recognized for question  
4:21:58 PM Senator Ingoglia recognized for answer  
4:22:10 PM Senator Berman recognized for question  
4:22:32 PM Senator Ingoglia recognized for answer  
4:22:54 PM Follow up from Senator Berman  
4:23:16 PM Senator Ingoglia recognized for answer  
4:23:49 PM Follow up from Senator Berman  
4:23:57 PM Senator Ingoglia recognized for answer  
4:24:17 PM Public Testimony from Bob McKee, Florida Association of Counties  
4:26:14 PM Senator Pizzo recognized for debate  
4:27:24 PM Senator Ingoglia recognized to waive close  
4:27:48 PM Roll Call on SB 1322  
4:27:52 PM Reported Favorably  
4:28:08 PM Tab 6 SB 770 by Senator Martin  
4:28:22 PM Senator Martin recognized to explain the bill  
4:31:52 PM Take up amendment barcode #959872  
4:32:10 PM Senator Martin just explained Amendment barcode #673866  
4:32:31 PM Senator Martin recognized to close on amendment  
4:32:39 PM Amendment adopted  
4:32:43 PM Senator Berman recognized for question on bill as amended  
4:33:05 PM Senator Martin recognized for answer  
4:33:33 PM Follow up from Senator Berman  
4:34:01 PM Senator Martin recognized for answer  
4:34:21 PM Vice Chair Osgood recognized for question  
4:35:00 PM Senator Martin recognized for answer  
4:36:24 PM Public Testimony from Mark Scheffel  
4:36:37 PM Public Testimony from Mark Scheffel, Ygrene Energy Fund  
4:38:22 PM Public Testimony from Matthew Choy  
4:38:35 PM Public Testimony recognized  
4:38:58 PM Senator Pizzo recognized for question  
4:39:30 PM Senator Martin waives close  
4:39:36 PM Roll call for CS/SB 770  
4:39:53 PM Reported Favorably  
4:39:57 PM Tab 8 SB 958 by Senator Martin  
4:40:05 PM Senator Martin recognized to explain the bill  
4:41:01 PM Public Testimony recognized  
4:41:11 PM Senator Martin recognized to waive close  
4:41:17 PM Roll Call SB 958  
4:41:27 PM Reported favorably  
4:41:35 PM Tab 3 CS/SB 602 by Senator DiCeglie, presented by Senator Brodeur  
4:42:02 PM Senator Brodeur recognized to explain the bill  
4:42:22 PM Senator Pizzo recognized for question  
4:42:36 PM Senator Brodeur recognized for answer  
4:42:43 PM Follow up from Senator Pizzo  
4:43:20 PM Senator Brodeur recognized for answer  
4:43:43 PM Public Testimony recognized  
4:44:22 PM Senator Brodeur recognized to waive close  
4:44:29 PM Roll call CS/SB 602  
4:44:36 PM Reported favorably  
4:44:45 PM Tab 4 SB 660 by Senator DiCeglie  
4:44:55 PM Senator Brodeur recognized to explain the bill  
4:45:53 PM Public Testimony recognized  
4:46:20 PM Senator Brodeur recognized to waive close



4:46:28 PM	Roll call
4:46:36 PM	Reported favorably
4:46:44 PM	Tab 14 SB 1720 by Senator Rodriguez
4:46:55 PM	Senator Rodriguez recognized to explain the bill
4:47:47 PM	Senator Rodriguez recognized to waive close
4:47:54 PM	Roll call
4:48:03 PM	Reported favorably
4:48:12 PM	Tab 15 SB 1766 by Senator Rodriguez
4:48:19 PM	Senator Rodriguez recognized to explain the bill
4:48:49 PM	Public Testimony from Remberto Leiseca
4:49:15 PM	Public Testimony recognized
4:49:25 PM	Senator Rodriguez recognized to waive close
4:49:33 PM	Roll call
4:49:56 PM	Reported favorably
4:49:59 PM	Tab 9 SJR 976 by Senator Perry
4:50:35 PM	Senator Berman recognized for question
4:50:45 PM	Senator Perry recognized to answer
4:51:19 PM	Public Testimony recognized
4:51:31 PM	Senator Perry recognized to waive close
4:51:39 PM	Roll call
4:51:49 PM	Reported favorably
4:51:57 PM	Tab 10 SB 978 by Senator Perry
4:52:08 PM	Senator Perry recognized to explain the bill
4:52:52 PM	Senator Pizzo recognized for question
4:53:08 PM	Senator Perry recognized for answer
4:53:35 PM	Public testimony recognized
4:53:39 PM	Senator Baxley recognized for debate
4:54:19 PM	Senator Pizzo recognized for comments
4:54:32 PM	Senator Perry recognized to waive close
4:54:39 PM	Roll call
4:54:43 PM	Reported favorably
4:54:57 PM	Tab 11 SB 1150 by Senator Perry
4:55:05 PM	Senator Perry recognized to explain the bill
4:55:42 PM	Public Testimony recognized
4:55:49 PM	Senator Perry recognized to waive close
4:55:58 PM	Roll Call
4:56:11 PM	Reported favorably
4:56:16 PM	Tab 1 SB 158 by Senator Polsky
4:56:25 PM	Senator Berman recognized to present the bill
4:57:25 PM	Senator Berman recognized to waive close
4:57:31 PM	Roll call
4:57:37 PM	Reported favorably
4:57:50 PM	Recess
4:57:59 PM	Recording Paused
4:59:44 PM	Recording Resumed
4:59:46 PM	Tab 13 SB 1526 by Senator Avila
5:00:19 PM	Senator Avila recognized to explain the bill
5:01:09 PM	Senator Pizzo recognized for question
5:01:26 PM	Senator Avila recognized for answer
5:01:52 PM	Public Testimony from Joel Levine
5:03:14 PM	Senator Pizzo recognized for question
5:03:24 PM	Joel Levine recognized for answer
5:03:32 PM	Follow up from Senator Pizzo
5:03:48 PM	Joel Levine recognized for answer
5:04:28 PM	Follow up from Senator Pizzo
5:04:45 PM	Joel Levine recognized for answer
5:05:36 PM	Public Testimony from Daniel Ciraldo
5:08:19 PM	Senator Pizzo recognized for question
5:08:26 PM	Daniel Ciraldo recognized for answer
5:09:29 PM	Follow up from Senator Pizzo
5:10:18 PM	Back and forth
5:12:12 PM	Public Testimony from Micheal

<b>5:14:04 PM</b>	Public Testimony from George Levesque, Florida Chapter of American Institute of Architects
<b>5:14:50 PM</b>	Senator Pizzo recognized for question
<b>5:15:11 PM</b>	George Levesque recognized for answer
<b>5:15:37 PM</b>	Follow up from Senator Pizzo
<b>5:15:46 PM</b>	George Levesque recognized for answer
<b>5:15:56 PM</b>	Public Testimony from Alex Fernandez
<b>5:20:21 PM</b>	Public Testimony from Joe Saunders
<b>5:22:14 PM</b>	Public Testimony from Kim Dinkins, 1000 Friends of Florida
<b>5:22:56 PM</b>	Public Testimony recognized
<b>5:24:09 PM</b>	Senator Baxley recognized for debate
<b>5:26:25 PM</b>	Senator Brodeur recognized for debate
<b>5:27:40 PM</b>	Senator Pizzo recognized for debate
<b>5:31:00 PM</b>	Senator Avila recognized to waive close
<b>5:31:12 PM</b>	Comments from Senator Avila
<b>5:34:13 PM</b>	Roll call
<b>5:34:22 PM</b>	Reported favorably
<b>5:34:39 PM</b>	Tab 5 SB 742 by Senator Grall
<b>5:35:15 PM</b>	Senator Grall recognized to explain the bill
<b>5:35:43 PM</b>	Take up Amendment Barcode #660332
<b>5:36:00 PM</b>	Senator Grall recognized to explain the amendment
<b>5:36:11 PM</b>	Senator Grall recognized to waive close on the amendment
<b>5:36:24 PM</b>	Amendment adopted
<b>5:36:27 PM</b>	Take up amendment barcode #191412
<b>5:36:50 PM</b>	Senator Grall recognized to waive close on the amendment
<b>5:37:00 PM</b>	Amendment adopted
<b>5:37:06 PM</b>	Back on the bill as amended
<b>5:37:12 PM</b>	Senator Berman recognized for question
<b>5:37:38 PM</b>	Senator Grall recognized to answer
<b>5:38:22 PM</b>	Follow up from Senator Berman
<b>5:38:33 PM</b>	Senator Grall recognized for answer
<b>5:39:05 PM</b>	Vice Chair Osgood recognized for question
<b>5:39:13 PM</b>	Senator Grall recognized for answer
<b>5:39:37 PM</b>	Senator Pizzo recognized for question
<b>5:40:11 PM</b>	Senator Grall recognized for answer
<b>5:40:52 PM</b>	Public Testimony from Eileen Higgins
<b>5:42:54 PM</b>	Public Testimony from Brian Nathan, waiving their speaking time
<b>5:43:02 PM</b>	Public Testimony from Jeff Scala
<b>5:45:19 PM</b>	Public Testimony from Daniel Munilla
<b>5:46:36 PM</b>	Senator Pizzo recognized for question
<b>5:46:50 PM</b>	Public Testimony recognized
<b>5:46:59 PM</b>	Public Testimony from Dr. Rich Templin
<b>5:49:31 PM</b>	Public Testimony from Adam Basford
<b>5:50:10 PM</b>	Public Testimony from Tim Adams
<b>5:51:02 PM</b>	Public Testimony Ismailia Rasmio, giving time to Dorothy Brown-Alfaro
<b>5:54:51 PM</b>	Public Testimony from Soraya Marles
<b>5:56:24 PM</b>	Public Testimony recognized
<b>5:57:26 PM</b>	Vice Chair Osgood recognized for debate
<b>5:59:10 PM</b>	Senator Pizzo recognized for debate
<b>6:01:59 PM</b>	Comments from Chair Calatayud
<b>6:02:15 PM</b>	Senator Grall recognized to close on the bill as amended
<b>6:02:26 PM</b>	Comments from Senator Grall
<b>6:04:30 PM</b>	Roll call
<b>6:04:36 PM</b>	Reported favorably
<b>6:05:00 PM</b>	Senator Martin votes in the affirmative on Tabs 3,4,14,15,9,10,11,1,5,13
<b>6:05:23 PM</b>	Senator Bradley votes in the affirmative on tabs 2,7
<b>6:05:38 PM</b>	Senator Osgood moves to adjourn
<b>6:05:43 PM</b>	Meeting adjourned