

Tab 1	CS/SB 510 by EE, Brodeur; (Compare to CS/H 00301) Financial Disclosures for Local Officers					
Tab 2	SB 518 by Brodeur; (Similar to H 01555) Residential Home Protection					
302086	D	S	RCS	CA, Brodeur	Delete everything after	01/19 08:29 AM
Tab 3	SB 614 by Garcia; (Similar to CS/H 00721) Authorization of Restrictions Concerning Dangerous Dogs					
Tab 4	SB 644 by Brodeur; (Similar to CS/H 00423) Building Inspection Services					
501904	D	S	WD	CA, Brodeur	Delete everything after	01/12 07:47 AM
775516	D	S		CA, Brodeur	Delete everything after	01/11 08:45 AM
Tab 5	SB 690 by Rodriguez; (Identical to H 00691) Resilience-related Advisory Committees					
Tab 6	SB 704 by Harrell; (Similar to H 00479) Substance Abuse Service Providers					
Tab 7	CS/SB 754 by TR, Gainer (CO-INTRODUCERS) Hooper; (Identical to CS/H 00223) Mobile Home Registration Periods					
Tab 8	SB 838 by Wright (CO-INTRODUCERS) Polsky, Hooper; (Identical to H 00557) Fire Investigators					
Tab 9	SB 990 by Diaz; (Similar to H 00867) Towing Vehicles					
Tab 10	SB 1150 by Rodriguez; (Identical to H 00495) Tax Exemption for Affordable Housing					
469878	A	S	RCS	CA, Rodriguez	Delete everything after	01/19 08:30 AM
Tab 11	SB 1190 by Boyd; (Identical to H 00785) Two-way Radio Communication Enhancement Systems					
Tab 12	SB 1194 by Boyd; (Similar to CS/H 00777) Local Tax Referenda Requirements					
199732	A	S	RCS	CA, Boyd	Delete L.207 - 215.	01/19 08:31 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Bradley, Chair
Senator Garcia, Vice Chair

MEETING DATE: Tuesday, January 18, 2022

TIME: 3:30—5:00 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Bradley, Chair; Senator Garcia, Vice Chair; Senators Baxley, Brodeur, Cruz, Farmer, Hooper, Hutson, and Polsky

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 510 Ethics and Elections / Brodeur (Similar H 301)	Financial Disclosures for Local Officers; Requiring specified local officers to file a full and public disclosure of financial interests, etc. EE 11/30/2021 Fav/CS CA 01/12/2022 Not Considered CA 01/18/2022 Favorable RC	Favorable Yeas 7 Nays 0
2	SB 518 Brodeur (Similar H 1555)	Residential Home Protection; Revising conditions under which a local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property; specifying when a tree poses an unacceptable risk, etc. CA 01/18/2022 Fav/CS GO RC	Fav/CS Yeas 7 Nays 0
3	SB 614 Garcia (Similar CS/H 721)	Authorization of Restrictions Concerning Dangerous Dogs; Authorizing certain housing authorities to adopt certain ordinances, rules, or policies relating to dangerous dogs; removing an exemption for local ordinances adopted before a specified date which pertain to dogs that have bitten or attacked persons or domestic animals, etc. CA 01/18/2022 Not Considered AG RC	Not Considered

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 18, 2022, 3:30—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 644 Brodeur (Similar CS/H 423)	Building Inspection Services; Revising eligibility requirements for a person applying to become certified as a building code inspector or plans examiner; revising the special conditions or requirements that the Florida Building Code Administrators and Inspectors Board may impose on provisional certificates; requiring the board to authorize, by rule, the transfer of a partial completion of an internship program between private entities; requiring the local jurisdiction to provide access to certain documents to a private provider, contractor, and owner; providing that a certificate of occupancy or certificate of completion is automatically granted and issued, and the permit application closed, under certain circumstances, etc. CA 01/12/2022 Not Considered CA 01/18/2022 Not Considered RI RC	Not Considered
5	SB 690 Rodriguez (Identical H 691)	Resilience-related Advisory Committees; Authorizing specified resilience-related advisory committees to conduct public meetings and workshops by means of communications media technology; providing that use of such technology by a committee member constitutes that member's presence at such meeting or workshop; requiring that such technology allow the public to audibly communicate, etc. CA 01/18/2022 Favorable EN RC	Favorable Yeas 7 Nays 0
6	SB 704 Harrell (Similar H 479)	Substance Abuse Service Providers; Requiring service provider applicants to include the names and locations of certain recovery residences in their license application; requiring service providers to record specified information in the Department of Children and Families' Provider Licensure and Designations System after a specified date; providing civil penalties; prohibiting certified recovery residence administrators from actively managing more than a specified number of residents; requiring service providers to return an individual's personal effects upon the individual's discharge, etc. CF 11/30/2021 Favorable CA 01/18/2022 Favorable RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 18, 2022, 3:30—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/SB 754 Transportation / Gainer (Identical CS/H 223)	Mobile Home Registration Periods; Revising the registration and registration renewal periods for a mobile home owned by a natural person; requiring the Department of Highway Safety and Motor Vehicles, beginning on a specified date, to give customers the option to renew their registrations on their dates of birth in certain years; specifying permissible renewal periods for such renewals, etc. TR 12/01/2021 Fav/CS CA 01/18/2022 Favorable RC	Favorable Yeas 7 Nays 0
8	SB 838 Wright (Identical H 557)	Fire Investigators; Revising the definition of the term "firefighter" to include full-time, Florida-certified fire investigators for the purpose of expanding eligibility for certain cancer treatment benefits to include such investigators, etc. BI 12/01/2021 Favorable CA 01/18/2022 Favorable AP	Favorable Yeas 7 Nays 0
9	SB 990 Diaz (Similar H 867)	Towing Vehicles; Prohibiting investigating agencies from releasing motor vehicles towed to an agency's storage facility until certain proof of payment is presented to the agency; specifying that investigating agencies that do not obtain proof of payment must pay certain charges within a specified timeframe; prohibiting towing companies from releasing vehicles owned by rental car companies which are towed under certain circumstances, to the person who rented the vehicle unless the rental car company appoints the person as its agent, etc. CA 01/18/2022 Favorable TR RC	Favorable Yeas 7 Nays 0
10	SB 1150 Rodriguez (Identical H 495)	Tax Exemption for Affordable Housing; Authorizing counties and municipalities to adopt ordinances to grant ad valorem tax exemptions to certain property owners whose properties are used for the governmental or public purpose of providing affordable housing to certain persons or families; providing conditions for such exemptions; specifying procedures that apply to persons if property is transferred for other purposes; specifying that an exemption improperly granted by a property appraiser to a person will not be assessed a penalty or interest, etc. CA 01/18/2022 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 18, 2022, 3:30—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1190 Boyd (Identical H 785)	Two-way Radio Communication Enhancement Systems; Authorizing the use of two-way radio communication enhancement systems to comply with certain radio signal strength requirements in the Florida Fire Prevention Code; specifying that such systems or equivalent systems are not required in certain apartment buildings, etc. CA 01/18/2022 Favorable BI RC	Favorable Yeas 5 Nays 2
12	SB 1194 Boyd (Similar CS/H 777)	Local Tax Referenda Requirements; Requiring referenda elections related to tourist development taxes, tourist impact taxes, and children's services and independent special district property taxes to be held on the day of a general election; requiring referenda elections related to increases in county and municipal ad valorem tax millages to be held on the day of a general election; requiring referenda elections related to local option fuel taxes to be held on the day of a general election, etc. CA 01/18/2022 Fav/CS FT AP	Fav/CS Yeas 7 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 510

INTRODUCER: Ethics and Elections Committee and Senator Brodeur

SUBJECT: Financial Disclosures for Local Officers

DATE: January 3, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rey	Roberts	EE	Fav/CS
2.	Hackett	Ryon	CA	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 510 requires the following local officers to file full and public disclosure of financial interests pursuant to the Florida Constitution:¹

- Mayors.
- City commissioners.
- Elected members of a city council; town council; village council; or other governing body of a city, town, or village.
- City, county, town, or village managers.

The bill revises the definition of “local officers” to conform to the changes proposed in the bill.

This bill will take effect on January 1, 2023.

II. Present Situation:

The Florida Constitution requires all elected constitutional officers, candidates for such offices, and statewide elected officers, to file a full and public disclosure of their financial interest.² Other public officers, candidates, and public employees may be required to file a full and public disclosure of their financial interests as determined by law.³

¹ Fla. Const., art. II, s. 8(a) (2021).

² Fla. Const., art. II, ss. 8(a) and 8(i)(2) (2021).

³ Fla. Const., art. II, s. 8(a) (2021).

Pursuant to the Constitution, the term “full and public disclosure of financial interests” means the reporting individual must disclose his or her net worth and the value of each asset and liability in excess of \$1,000.⁴ The disclosure must be accompanied by either a sworn statement with this information or a copy of the reporting individual’s most recent federal income tax return.⁵ Pursuant to general law, the Commission on Ethics (Commission) has created by rule CE Form 6 to be used to make the required full and public financial disclosure.⁶

According to the Commission, and as articulated in the form, individuals holding the following positions must file CE Form 6: governor; lieutenant governor; cabinet members; legislators; state attorneys; public defenders; clerks of circuit courts; sheriffs; tax collectors; property appraisers; supervisors of elections; county commissioners; elected superintendents of schools; district school board members; Jacksonville City Council members (including the mayor); compensation claims judges; Duval County superintendent of schools; Florida Housing Finance Corporation Board members; Florida Prepaid College Board members; and each expressway authority, transportation authority (except the Jacksonville Transportation Authority), bridge authority, or toll authority created pursuant to Chapter 348 or 343, F.S., or any other general law.⁷

Reporting individuals are required to file CE Form 6 annually with the Commission by July 1.⁸ Additionally, candidates for a constitutional officer are required to make a full and public disclosure of their financial interests at the time of qualifying.⁹

Beginning January 1, 2022, all disclosures filed with the Commission must be filed electronically through an electronic filing system created and maintained by the Commission as provided in s. 112.31446, F.S..¹⁰

Statement of Financial Interests (CE Form 1)

While elected local officers¹¹ may have the same spending power as county commissioners and other public officers that are required to file CE Form 6, state law only requires local officers to file CE Form 1, which is a less detailed form of financial disclosure.¹² Elected local officers, municipal officers, and candidates for such offices, must file this form at the time of qualifying and annually by July 1.¹³

Those who are required to file a statement of financial interests pursuant to s. 112.3145, F.S., are required to disclose primary sources of income (other than from his or her public position), secondary sources of income (in certain circumstances), real property (other than a residence or

⁴ Fla. Const., art. II, s. 8(i)(1) (2021).

⁵ Section 112.3144, F.S. (2021), beginning January 1, 2022, individuals required to file full and public disclosure of financial interests may not use federal income tax returns for the purposes of reporting income.

⁶ Rule 34-8.002, F.A.C.

⁷ Rule 34-8.003, F.A.C., http://www.ethics.state.fl.us/Documents/Forms/Form1.html#form_6 (last accessed on 11/19/2021).

⁸ Rule 34-8.002, F.A.C.

⁹ Section 99.061(5), F.S. (2021).

¹⁰ Section 112.3144, F.S. (2021).

¹¹ Section 112.3145(1) (2021).

¹² Section 112.3145(3), F.S. (2021); *see also* Rule 34-8.202, F.A.C.

¹³ Rule 34-8.202, F.A.C.

vacation home in Florida), intangible personal property, liabilities, and interests in specified businesses.¹⁴ The law permits a filer to report the required interest based upon one of two thresholds. First, the filer may report all interests which exceed certain dollar thresholds depending on the type of asset.¹⁵ Alternatively, the filer may calculate whether an interest is required to be reported based upon whether that interest exceeds a specified percentage of his or her net worth. This is referred to as the “comparative (percentage) threshold.” Because the law permits a filer to choose which threshold he or she is going to use, the CE Form 1 promulgated by the Commission requires the filer to identify the threshold used by checking a box. The statute does not expressly require this designation on the CE Form 1. The CE Form 1 is due July 1. A grace period is provided until September 1 of each year.¹⁶

A candidate for an office subject to the CE Form 1 filing requirement must file a CE Form 1 with his or her qualifying papers.¹⁷ If the candidate qualifies prior to the annual CE Form 1 filing deadline, the CE Form 1 that is filed with the candidate’s qualifying papers will satisfy the annual disclosure requirement.¹⁸ If the candidate qualifies after the annual CE Form 1 filing deadline, the candidate must file a copy of the CE Form 1 with the qualifying officer.¹⁹ General law also requires an individual subject to the CE Form 1 filing requirement to file a final disclosure statement within 60 day after leaving his or her public position.²⁰ The final disclosure must cover the period between January 1 of the year in which the person leaves and the last day of office or employment, unless the person takes another public position for which a CE Form 1 or CE Form 6 is required within the 60-day period, or if the person is otherwise required to file CE Form 1.²¹

Beginning January 1, 2023, all statements filed with the Commission must be filed electronically through an electronic filing system that is created and maintained by the commission as provided in s. 112.31446, F.S.²²

III. Effect of Proposed Changes:

The bill requires the following local officers to file the more detailed CE Form 6 annually, beginning with the 2022 filing year: mayors; city commissioners; elected members of a city council, town council, village council, or other governing body of a city, town or village; and city, county, town, or village managers.

The bill excludes the local officers listed above from being required to file CE Form 1.

The bill takes effect January 1, 2023.

¹⁴ Section 112.3145(3), F.S. (2021).

¹⁵ See Florida Commission on Ethics, Statement of Financial Interests (Form 1), available at http://www.ethics.state.fl.us/Documents/Forms/Form%201_2020i.pdf?cp=20211215 (last visited December 15, 2021).

¹⁶ Section 112.3145(8)(c), F.S. (2021).

¹⁷ Section 112.3145(2)(a), F.S. (2021).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Section 112.3145(2)(b), F.S. (2021).

²¹ *Id.*

²² Section 112.3145(2)(b), F.S. (2021).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires mayors; city commissioners; elected members of a city council; town council; village council; or other governing body of a city, town or village; and city, county, town, or village managers to file the more detailed CE Form 6 in lieu of the currently required CE 1. The expense to the Commission associated with mailing these individuals a CE Form 6 instead of a CE Form 1 is indeterminate, but likely insignificant and can be absorbed by current resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 112.3144 and 112.3145 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 Ethics and Elections on November 30, 2021:

The CS excludes mayors; city commissioners; elected members of a city council; town council; village council; or other governing body of a city, town or village; and city, county, town, or village managers from the term “local officer” as used in s.

112.3145(2)(b), F.S., which addresses their obligation to file a CE Form 1. The aforementioned “local officers” must still comply with the other obligations in s. 112.3145, F.S.

B. Amendments:

By the Committee on Ethics and Elections; and Senator Brodeur

582-01371-22

2022510c1

A bill to be entitled

An act relating to financial disclosures for local officers; amending s. 112.3144, F.S.; requiring specified local officers to file a full and public disclosure of financial interests; amending s. 112.3145, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Paragraph (d) is added to subsection (1) of section 112.3144, Florida Statutes, to read:

112.3144 Full and public disclosure of financial interests.—

(1)

(d) The following local officers must comply with the financial disclosure requirements of s. 8, Art. II of the State Constitution and this section:

1. Mayors.

2. City commissioners.

3. Elected members of a city council; town council; village council; or other governing body of a city, town, or village.

4. City, county, town, or village managers.

Section 2. Paragraph (b) of subsection (2) of section 112.3145, Florida Statutes, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(2)

(b) Each state or local officer, except local officers

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582-01371-22

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specified in s. 112.3144(1)(d), and each specified state employee shall file a statement of financial interests no later than July 1 of each year. Each state officer, local officer, and specified state employee shall file a final statement of financial interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period. Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days after ~~from~~ the date of appointment or, in the case of a specified state employee, after ~~from~~ the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file before ~~prior to~~ confirmation hearings or within 30 days after ~~from~~ the date of appointment, whichever comes first.

Section 3. This act shall take effect January 1, 2023.

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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: CS/SB 518

INTRODUCER: Community Affairs Committee and Senator Brodeur

SUBJECT: Private Property Rights to Prune, Trim, and Remove Trees

DATE: January 20, 2022

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 518 amends a provision in current law prohibiting a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree presents a danger to persons or property.

The bill adds certain qualifiers and definitions to provide clarity in the operation of the existing provision. Specifically, the bill defines "documentation" as an onsite tree risk assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). Documentation must be signed by a arborist certified by the International Society of Arboriculture (ISA) or Florida licensed landscape architect. The bill also defines "residential property" as a single-family detached building located on an existing lot, actively used for single-family residential purposes, and which is either an existing conforming use or a legally recognized nonconforming use following the local jurisdiction's applicable land development regulations.

The bill requires a property owner to possess documentation that a tree poses an “unacceptable risk” to persons or property before engaging in tree pruning, trimming, or removal. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as defined by Best Management Practices - Tree Risk Assessment, Second Edition (2017).

The bill takes effect on July 1, 2022.

II. Present Situation:

Home Rule Powers and Preemption

The Florida Constitution

The Florida Constitution establishes and describes the duties, powers, structure, function, and limitations of government in Florida. Article VIII, section 1 of the Florida Constitution, endows counties and municipalities the power of self-government or home rule power. Under the home rule power, local governments have broad authority to exercise the state's sovereign police powers and legislate on any matter that is not inconsistent with the federal and state constitution and laws.

Counties

A county without a charter has such power of self-government as provided by general or special law and may enact county ordinances not inconsistent with general law.¹ Counties operating under county charters have all the powers of local self-government not inconsistent with general law or with special law approved by a vote of the electors.² General law authorizes counties "the power to carry on county government"³ and to "perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law."⁴

Municipalities

Municipalities may be established or abolished, and their charters amended by general or special law. Municipalities have governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, and render municipal services. They may exercise any of these powers for municipal purposes except as otherwise provided by law.⁵ Chapter 166, F.S., also known as the Municipal Home Rule Powers Act,⁶ acknowledges these constitutional grants of police powers and better defines municipal powers of self-government.⁷ Chapter 166, F.S., provides municipalities with broad home rule powers to act in a manner not inconsistent with the Florida Constitution, general and special law, and a charter for the county in which the municipality is located.⁸

¹ FLA. CONST. art. VIII, s. 1(f).

² *Id.* at (g).

³ Section 125.01(1), F.S.

⁴ *Id.* at (w).

⁵ FLA. CONST. art. VIII, s. 2.

⁶ Section 166.011, F.S.

⁷ Florida House of Representatives, Publications, *The Local Government Formation Manual 2017-2018*, p. 16, available at: <http://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2017&DocumentType=General Publications&FileName=2017-2018 Local Government Formation Manual Final Pub.pdf> (last visited Dec. 9, 2021).

⁸ Section 166.021(4), F.S.

State Preemption

Although local governments have broad home rule powers, the state legislature may preempt this self-government power and preclude local governments from exercising legislative authority in particular areas of law.⁹ Florida law recognizes two types of preemption: express and implied.

Express preemption requires a specific legislative statement; it cannot be implied or inferred.¹⁰ In cases where the Legislature expressly preempts an area or forbids local governments from certain actions, there is no problem with ascertaining what the Legislature intended.¹¹ On the other hand, implied preemption is found where the local legislation would present the danger of conflicting with the state's pervasive regulatory scheme.¹² Preemption of a local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area to the state, and there are strong public policy reasons for doing so.¹³ In cases determining the validity of ordinances enacted in the face of express and implied state preemption, the effect has been to find such ordinances null, void, and unenforceable.¹⁴

Local Tree Pruning, Trimming, and Removal Regulations

Florida counties and municipalities have the home rule power to enact ordinances related to tree removal and management. These ordinances regulate how private property owners manage the landscape on their private property. Tree management ordinances address various aspects of land use, including the species used in a given area. Some such ordinances require a property owner to receive a permit or pay a fee before pruning, trimming, or removing a tree from their private property.

For example, in Broward County, removing any historical tree¹⁵ without first obtaining approval from the Board of County Commissioners is prohibited. Broward County also outlaws removing any tree without first obtaining a tree removal license from the Environmental Protection and Growth Management Department.¹⁶ Furthermore, municipalities within Broward County have enforced their tree preservation regulations in addition to Broward County's tree regulations.¹⁷

⁹ Wolf, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

¹⁰ See *City of Hollywood v. Mulligan*, 934 So.2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So.3d 309 (Fla. 2008).

¹¹ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So.3d 880, 886 (Fla. 2010).

¹² See *GLA & Assocs. Inc. v. City of Boca Raton*, 855 So. 2d 278, 282 (Fla. 4th DCA 2003).

¹³ *Id.*

¹⁴ *Thomas v. State*, 614 So.2d 468, 470 (Fla.1993); *Hillsborough County v. Fla. Rest. Ass'n*, 603 So.2d 587, 591 (Fla. 2d DCA 1992) (“If [a county] has enacted such an inconsistent ordinance, the ordinance must be declared null and void.”)

¹⁵ Ch. 27, art. XIV, s. 404, Broward County Code of Ordinances (2018), defines a “historical tree” as a particular tree or group of trees, which has historical value because of its unique relationship to the history of the region, state, nation or world as designated by the Board of County Commissioners.

¹⁶ *Id.* at s. 405. Nuisance trees are exempt from the prohibitions in the tree preservation ordinances. *Id.* at 406. A “nuisance tree” is defined to be one of 10 identified trees including the *Schinus terebinthifolius* (Brazilian pepper tree/Florida holly). *Id.* at 404.

¹⁷ *Id.* at s. 407. Municipalities may regulate exclusively within their jurisdictions upon certification by Broward County with some exceptions.

Similarly, Orange County requires a permit or authorization to remove a protected tree¹⁸ unless an exception applies. The law does not restrict tree trimming or maintenance but encourages property owners to practice proper trimming habits that avoided the need for "severe" trimming of any tree.¹⁹ Municipalities within Orange County are also allowed to provide tree regulations within their jurisdictions.²⁰

Section 163.045, F.S. – Tree Pruning, Trimming, or Removal on Residential Property

During the 2019 Regular Session, the Legislature created s. 163.045, F.S., which prohibits local governments from requiring "a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property." Additionally, a local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.²¹ These 2019 provisions do not apply to the exercise of authority for mangrove protection pursuant to ss. 403.9321-403.9333, F.S.²²

The subject matter of s. 163.045, F.S., has been the subject of litigation on several occasions since its enactment. Courts have grappled with the statute's express language and whether local governments maintain some residual authority to regulate tree management on private property.²³

Tree Risk Assessment Standards

In 2017, the International Society of Arboriculture (ISA) and the American National Standard Institute (ANSI) produced the first national standards to address tree risk assessment. The ANSI standards represent the industry criteria for performing tree care operations. The standards can be used for general familiarity with professional requirements and preparation of tree care contract specifications. These standards are published in Best Management Practices - Tree Risk

¹⁸ Protected trees are native trees in certain zones and include Red maple, Red buckeye, and Pignut hickory trees. *See* Ch. 15, Art. VIII, ss. 283 and 301(e), Orange County Code of Ordinances (2018).

¹⁹ Ch. 15, Art. VIII, s. 278, Orange County Code of Ordinances (2018).

²⁰ *Id.*

²¹ Section 163.045(2), F.S.

²² *Id.* at (3). Florida has three native species of mangrove trees growing along its coastline, which can be harmed or killed if not trimmed properly. The "1996 Mangrove Trimming and Preservation Act" (Act) requires the Department of Environment Protection (DEP) to regulate the trimming and alteration of mangroves statewide, except where DEP has delegated its authority to local governments that meet certain requirements and request such delegation. The Act prohibits mangrove trimming or alteration without a permit issued by DEP or a delegated local government, unless the trimming or alteration falls within certain exceptions. *See* Florida Department of Environmental Protection, *Mangrove Trimming Guidelines for Homeowners*, "Introduction," 4, available at https://floridadep.gov/sites/default/files/Mangrove-Homeowner-Guide-sm_0.pdf (last visited Dec 9, 2021).

²³ *See Vickery v. City of Pensacola*, 2020 WL 1190558, No. 1D19-4344 (Fla. 1st DCA 2020)(Appellate Brief, file Feb. 5, 2020) (Appealing from a Circuit Court of Escambia County injunction on the removal of a tree); *see also Schuh v. City of St. Petersburg*, 2019 WL 10784582, No. 18-007493-CI. (Fla.Cir.Ct. 6th Jud.Cir., Pinellas County)(Plaintiffs alleged that before altering their landscape in any way—including pruning, trimming, or removing trees—the City requires notification, an application, and approval in violation of s. 163.045, F.S.).

Assessment, Second Edition.²⁴ The stated purpose of Best Management Practices - Tree Risk Assessment, Second Edition is to serve as a guide for arborists to assess tree risk as accurately and consistently as possible, to evaluate that risk, and to recommend measures that achieve an acceptable level of risk.²⁵

Best Management Practices - Tree Risk Assessment, Second Edition covers topics arborists should include in tree risk assessments including:²⁶

- Risk Assessment Basics
- Levels and Scope of Tree Risk Assessment
- Assessing Targets, Sites, and Trees
- Tree Risk Categorization
- Risk Mitigation: Preventive and Remedial Actions
- Risk Reporting
- Tree Related Conflicts That Can Be a Source of Risk
- Loads on Trees
- Structural Defects and Conditions That Affect Likelihood of Failure
- Response Growth
- Description of Selected Types of Advanced Tree Risk Assessments

III. Effect of Proposed Changes:

The bill amends s. 163.045, F.S., to provide a specific definition of "documentation." Under the bill, the documentation a property owner must possess prior to tree pruning, trimming, or removal is an onsite tree risk assessment performed in accordance with the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017). Such documentation must be signed by an arborist certified by the International Society of Arboriculture (ISA) or Florida licensed landscape architect.

The bill also provides a specific definition of "residential property." Under this definition, the protections provided by s. 163.045, F.S., only apply to a single-family, detached building located on a lot actively used for single-family residential purposes, and which is either an existing conforming use or a legally recognized nonconforming use under the local jurisdiction's applicable land development regulations.

Before a residential property owner may prune, trim, or remove a tree pursuant to s. 163.045, F.S., the bill requires a certified arborist and a Florida licensed landscape architect to certify that a tree poses "an unacceptable risk" to persons or property. A tree poses an unacceptable risk to persons or property if removal is the only means of practically mitigating the risk below moderate, Best Management Practices - Tree Risk Assessment, Second Edition (2017).

The bill takes effect July 1, 2022.

²⁴ See ISA, Best Management Practices - Tree Risk Assessment, Second Edition (2017), available at: <https://www.isa-arbor.com/store/product/324> (last visited Jan. 19, 2022).

²⁵ *Id.*

²⁶ *Id.*

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:

Local governments may avoid future legal costs associated with potential lawsuits filed to challenge a local government's implementation of s. 163.045, F.S., due to the specificity provided in the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 163.045 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 18, 2022:

The CS modifies the definitions of “documentation” and “residential property” and changes the title of the bill from “an act relating to residential home protection” to “an act relating to private property rights to prune, trim, and remove trees.”

- B. **Amendments:**

None.

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



302086

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 163.045, Florida Statutes, is amended to
read:

163.045 Tree pruning, trimming, or removal on residential
property.—

(1) For purposes of this section, the term:

(a) "Documentation" means an onsite assessment performed in



302086

11 accordance with the tree risk assessment procedures outlined in
12 Best Management Practices - Tree Risk Assessment, Second Edition
13 (2017) by an arborist certified by the International Society of
14 Arboriculture (ISA) or a Florida licensed landscape architect
15 and signed by the certified arborist or licensed landscape
16 architect.

17 (b) "Residential property" means a single-family, detached
18 building located on a lot that is actively used for single-
19 family residential purposes and that is either a conforming use
20 or a legally recognized nonconforming use in accordance with the
21 local jurisdiction's applicable land development regulations.

22 (2) A local government may not require a notice,
23 application, approval, permit, fee, or mitigation for the
24 pruning, trimming, or removal of a tree on a residential
25 property if the property owner possesses ~~obtains~~ documentation
26 from an arborist certified by the ~~ISA~~ International Society of
27 Arboriculture or a Florida licensed landscape architect that the
28 tree poses an unacceptable risk ~~presents a danger~~ to persons or
29 property. A tree poses an unacceptable risk if removal is the
30 only means of practically mitigating its risk below moderate, as
31 determined by the tree risk assessment procedures outlined in
32 Best Management Practices - Tree Risk Assessment, Second Edition
33 (2017).

34 (3)~~(2)~~ A local government may not require a property owner
35 to replant a tree that was pruned, trimmed, or removed in
36 accordance with this section.

37 (4)~~(3)~~ This section does not apply to the exercise of
38 specifically delegated authority for mangrove protection
39 pursuant to ss. 403.9321-403.9333.



302086

Section 2. This act shall take effect July 1, 2022.

===== 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 private property rights to prune,
trim, and remove trees; amending s. 163.045, F.S.;
defining terms; revising conditions under which a
local government may not require a notice,
application, approval, permit, fee, or mitigation for
the pruning, trimming, or removal of a tree on
residential property; specifying when a tree poses an
unacceptable risk; providing an effective date.

By Senator Brodeur

9-00555-22

2022518__

A bill to be entitled

An act relating to residential home protection; amending s. 163.045, F.S.; defining terms; revising conditions under which a local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property; specifying when a tree poses an unacceptable risk; providing an effective date.

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

Section 1. Section 163.045, Florida Statutes, is amended to read:

163.045 Tree pruning, trimming, or removal on residential property.—

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

(a) "Documentation" means an onsite assessment performed by an arborist certified by the International Society of Arboriculture (ISA) or a registered landscape architect licensed under part II of chapter 481 in accordance with tree risk assessment processes and guidelines established by the ISA, the American National Standards Institute (ANSI), or the International Organization for Standardization and signed by the certified arborist or registered landscape architect.

(b) "Residential property" means an existing single-family, detached building located on an existing lot of record, actively used for single-family residential purposes, and which is either an existing conforming use or a legally recognized nonconforming

9-00555-22

2022518__

use in accordance with the local jurisdiction's applicable land development regulations.

(2) A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner ~~possesses~~ obtains documentation from an arborist certified by the ~~ISA International Society of Arboriculture~~ or a registered Florida-licensed landscape architect licensed under part II of chapter 481 that the tree poses an unacceptable risk ~~presents a danger~~ to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as defined by the ANSI A300 (Part 9)-2017 tree risk assessment standards, using a 2-year timeframe.

~~(3)(2)~~ A local government may not require a property owner to replant a tree that was pruned, trimmed, or removed in accordance with this section.

~~(4)(3)~~ This section does not apply to the exercise of specifically delegated authority for mangrove protection pursuant to ss. 403.9321-403.9333.

Section 2. This act shall take effect July 1, 2022.

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 614

INTRODUCER: Senator Garcia

SUBJECT: Authorization of Restrictions Concerning Dangerous Dogs

DATE: January 13, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Pre-meeting
2.			AG	
3.			RC	

I. Summary:

SB 614 makes two changes to Florida’s “Dangerous Dogs” law. First, the bill incorporates “public housing authorities” into the statute that authorizes counties and municipalities to address safety and welfare concerns caused by attacks on persons or domestic animals by dogs by ordinance, provided such regulation is not specific to the breed of the dog. Thus, the bill authorizes a public housing authority to enact a rule or a policy to address dangerous dogs, but such rule or policy may not be breed specific. This change effectively nullifies any existing restrictions imposed by housing authorities pertaining to specific breeds of dogs on housing authority property.

Second, the bill removes the grandfather provision in statute, which allows local governments to enforce dog breed-specific regulations, if the ordinance enacting such regulations was adopted before October 1, 1990. This change effectively nullifies Miami-Dade County’s regulations and restrictions on owners of “pit bull dogs.”

The bill takes effect October 1, 2022.

II. Present Situation:

Dangerous Dogs

Part II of ch. 767, F.S., outlines the state’s “Dangerous Dogs” provisions, originally enacted in 1990.¹ The Legislature found that “dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of the owners to confine and properly train and control their dogs; that existing laws

¹ Ch. 90-180, L.O.F.

inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements on the owners of dangerous dogs.”²

A “dangerous dog” is defined as a dog that:

- Has aggressively bitten, attacked, endangered or inflicted severe injury on a person on public or private property;
- Has more than one time severely injured or killed a domestic animal while the dog is off the owner’s property; or
- Has, when unprovoked, chased or approached a person in public in a menacing fashion, or with an attitude of attack.³

Process for Classification of Dogs as Dangerous

An animal control officer or employee is typically the person who would investigate an incident involving a dog. In areas unserved by an animal control authority, the sheriff assumes the duties required of an animal control officer.⁴

Upon receiving a report of a potentially dangerous dog, the animal control authority must investigate the incident, interview the owner, and require a sworn affidavit from any person who seeks to have a dog classified as dangerous.⁵ An animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held.⁶ A dog that is being investigated as a dangerous dog that is not impounded with the animal control authority must be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation.⁷

The animal control authority may not declare a dog as dangerous if:

- The injured person was unlawfully on the property, or if lawfully on the property was tormenting, abusing, or assaulting the dog or its owner or a family member; or
- The dog was protecting a person within the immediate vicinity of the dog from an unjustified attack or assault.⁸

After investigating, the animal control authority must initially determine whether sufficient cause exists to classify the dog as dangerous and if sufficient cause is found, provide the owner an opportunity for a hearing before making a final determination regarding the classification or penalty.⁹ The animal control authority must provide written notice of sufficient cause and

² Section 767.10, F.S.

³ Section 767.11(1), F.S., requires an appropriate authority to document a dog as a dangerous dog. Section 767.11(2), F.S., further defines what is meant by “unprovoked” as that the victim whom while acting peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog. A severe injury is any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery. Section 767.11(3), F.S.

⁴ Section 767.11(5) and (6), F.S.

⁵ Section 767.12(1), F.S.

⁶ Section 767.12(1)(a), F.S.

⁷ Section 767.12(1)(b), F.S.

⁸ Section 767.12(2)(a-b), F.S.

⁹ Section 767.12(3), F.S.

proposed penalty to the owner by registered mail, certified hand delivery, or service in conformity with how service of process is made.

The owner has 7 calendar days from receiving the notice to file a written request for a hearing. The hearing officer must hold the hearing as soon as possible, no more than 21 calendar days, and no sooner than 5 days after receiving the request for hearing.¹⁰ If a hearing is not timely requested the authority's determination becomes final.

Local Government Regulation of Dangerous Dogs

Current law authorizes local governments to place further restrictions and additional requirements on owners of dogs that have bitten or attacked persons or domestic animals.¹¹ However, no local regulation may be breed-specific, or lessen the provisions of ch. 767, F.S., unless the regulation was adopted prior to October 1, 1990.¹² Breed-specific regulation is a term used for laws and ordinances that seek to reduce dog attacks on humans and other animals by regulating or banning a specific breed of dog.¹³ Florida is one of twenty-one states that prohibit local governments from enacting breed specific ordinances.¹⁴

Because of the 1990 grandfather provision, Miami-Dade County¹⁵ and the City of Sunrise¹⁶ are known to be the only two local governments in Florida with breed specific ordinances currently in effect. Miami-Dade's ordinance provides that pit bull dogs should be banned from purchase, from being brought into Miami-Dade County, or otherwise acquired and regulated due to unique history, nature and characteristics which require special regulation. The county defines "pit bull dog" with reference to the descriptions given by the American Kennel Club and the United Kennel Club. In 2012, Miami-Dade County held a referendum to gauge public opinion on keeping the ordinance in place. Over 63 percent of voters chose to keep the county's regulation of pit bull dogs in place.¹⁷

Public Housing Authorities

The federal government has created programs to provide housing assistance to lower-income households since the 1930s. Public housing developments which provide low-rent opportunities are generally owned and operated by the local public housing authorities (PHAs) in each state and subsidized and regulated by the federal government. Families are eligible to live in public housing if they are low-income¹⁸ but 40 percent of public housing units that become available in

¹⁰ Section 767.12(3), F.S.

¹¹ Section 767.14, F.S.

¹² Section 767.14, F.S.

¹³ What Is Breed-Specific Legislation?, ASPCA, available at: <https://www.asPCA.org/improving-laws-animals/public-policy/what-breed-specific-legislation> (last visited Dec. 27, 2021).

¹⁴ What Is Breed-Specific Legislation? ASPCA, available at: <https://www.asPCA.org/improving-laws-animals/public-policy/what-breed-specific-legislation> (last visited Dec. 27, 2021).

¹⁵ Ord. No. 89-22, § 2, 4-4-89

¹⁶ Ord. No. 251-A, § 2(4-17), 5-2-89

¹⁷ Official election records available at <https://enr.electionsfl.org/DAD/3042/Summary/> (last visited Dec. 27, 2021).

¹⁸ Low income is defined as earning at or below 80% of area median income for these purposes, Congressional Research Service, Overview of Federal Housing Assistance Programs and Policy, available at: <https://crsreports.congress.gov/product/pdf/RL/RL34591> (last visited Dec. 27, 2021).

a year must be given to families that are extremely low-income.¹⁹ Families living in public housing typically are required to pay 30 percent of their adjusted income toward rent.

PHAs receive several streams of funding from United States Department of Housing and Urban Development (HUD) to help make up the difference between what tenants pay in rent and what it costs to maintain public housing.²⁰ PHAs receive operating funds and capital funds through a formula allocation process; operating funds are used for management, administration and day-to-day costs of running a housing development, and capital funds are used for modernization needs (i.e., replacing a roof or heating and cooling system).²¹ Most PHAs own and manage the public housing developments themselves, but some contract with private management companies or transfer ownership to a private subsidiary or another entity that operates the development under public housing rules.²²

There are 99 active HUD-registered PHAs in Florida,²³ of which 91 are special districts.²⁴ PHAs are created pursuant to Florida law at municipal, county, and regional levels, and become active through resolution by the applicable governing body. The powers of each authority are vested in housing authority commissioners and action may be taken upon a majority vote of the commissioners.²⁵ Housing authorities have the power to:

- Acquire, lease, and operate housing projects.
- Provide for the construction, reconstruction, improvement, alteration, or repair of any housing project.
- Lease or rent dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project.
- Invest funds held in reserves or sinking funds.²⁶

Pet Regulation in Public Housing Authorities

HUD regulations permit public housing tenants to own common household pets.²⁷ However, HUD allows local PHAs to enforce reasonable restrictions on the types of common household pets allowed in their rules and policies.²⁸ A tenant in public housing must maintain each pet responsibly, in accordance with relevant state and local public health, animal control and anti-cruelty laws, and in accordance with the policies established in the PHA's Annual Plan.²⁹

¹⁹ Extremely low income is defined as earning at or below the greater of 30% of area median income or the federal poverty guidelines. Congressional Research Service, Overview of Federal Housing Assistance Programs and Policy, *available at*: <https://crsreports.congress.gov/product/pdf/RL/RL34591> (last visited Jan. 11, 2022).

²⁰ *Id.*

²¹ *Id.*

²² Center on Budget and Policy Priorities, Policy Basics: Public Housing, *available at*: <https://www.cbpp.org/research/public-housing> (last visited Jan. 13, 2022).

²³ HUD, Public Housing Authority Contact Information, *available at*: https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_FL.pdf (last visited Jan. 11, 2022).

²⁴ Florida Department of Economic Opportunity, *Official List of Special Districts Online*, *available at*: <http://specialdistrictreports.floridajobs.org/webreports/sumfunctionlist.aspx> (last visited Jan. 11, 2022).

²⁵ *Id.*

²⁶ Section 421.08, F.S.

²⁷ See HUD Public Housing Occupancy Guidebook, Pet Ownership in Public Housing, December 2020, *available at*: <https://www.hud.gov/sites/dfiles/PIH/documents/PHOGPetOwnership.pdf> (last visited Jan. 13, 2022).

²⁸ 24 CFR § 5.318(a); § 960.707(b)

²⁹ 24 CFR § 960.707(a)

A PHA's reasonable requirements for pet policies in general occupancy developments may include but are not limited to tenant and pet density; size, weight, and type of pets; pet fees and deposits; pet care and handling; and pet registration. PHAs have discretion to consider additional factors if reasonable and consistent with state or local law.³⁰

Currently, some PHAs include provisions in their policies prohibiting pets based on breed, behavior, or training of the pet.³¹ However, some regulations based on breed do not depend on a finding that the pet is vicious or dangerous. Additionally, the definition of "dangerous dog" under Florida law is not uniformly applied in all PHA policies.³²

III. Effect of Proposed Changes:

The bill amends s. 767.14, F.S., to authorize PHAs to adopt rules or policies imposing restrictions or further requirements on owners of dogs deemed dangerous, as defined by Florida law, as long as such requirements are not specific to breed. This provision is current law for local governments. This change effectively nullifies any existing restrictions imposed by housing authorities pertaining to specific breeds of dogs for housing authority tenants.

The bill also removes a provision that exempts local ordinances adopted before October 1, 1990 from the prohibition on enacting ordinances that are specific to certain breeds of dogs. This change nullifies any breed-specific local government ordinances currently in place.

The bill takes effect on October 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ 7 24 CFR § 960.707

³¹ See e.g., Tampa Housing Authority, <https://www.thafl.com/Departments/Real-Estate-Development/library/PHA-PLAN.pdf> (last visited Jan. 3, 2022) (forbidding "Pit bull, Rottweiler, German Shepherd, Chow, Doberman Pinscher or any species considered vicious, intimidating, or kept for the purpose of training for fighting or wagering of bets"); St. Petersburg Housing Authority, https://www.stpeteha.org/plugins/show_image.php?id=1912 (last visited Jan. 3, 2022) (prohibiting "any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs . . . certain breeds may be prohibited at the discretion of [St. Petersburg Housing Authority]"); Key West Housing Authority, https://www.kwha.org/egov/documents/1614973714_73249.pdf (last visited Jan. 3, 2022) (prohibiting "vicious or intimidating pets. Dog breeds including pitbull, rottweiler, Doberman, are considered vicious or intimidating breeds").

³² See s. 767.11(1), F.S.

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 767.14 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 Garcia

37-00747B-22

2022614__

A bill to be entitled

An act relating to the authorization of restrictions concerning dangerous dogs; amending s. 767.14, F.S.; authorizing certain housing authorities to adopt certain ordinances, rules, or policies relating to dangerous dogs; removing an exemption for local ordinances adopted before a specified date which pertain to dogs that have bitten or attacked persons or domestic animals; providing an effective date.

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

Section 1. Section 767.14, Florida Statutes, is amended to read:

767.14 Additional local restrictions authorized.—This act does not limit any local government or housing authority created by or pursuant to s. 421.04, s. 421.27, or s. 421.28 from adopting an ordinance, a rule, or a policy to address the safety and welfare concerns caused by attacks on persons or domestic animals, placing further restrictions or additional requirements on owners of dogs that have bitten or attacked persons or domestic animals, or developing procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed and that the provisions of this act are not lessened by such additional regulations or requirements. ~~This section does not apply to any local ordinance adopted prior to October 1, 1990.~~

Section 2. This act shall take effect October 1, 2022.

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 644

INTRODUCER: Senator Brodeur

SUBJECT: Building Inspection Services

DATE: January 4, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Pre-meeting
2.			RI	
3.			RC	

I. Summary:

SB 644 provides a number of revisions relating to building inspectors and plans reviewers licensure requirements and workforce availability. The bill also makes changes relating to transparency and efficiency for private providers and building officials under the alternative plans review and inspection process.

The bill makes the following changes pertaining to building inspector and plans examiner licensure:

- Provides that a person may sit for the building inspector or plans examiner licensure test by completing a 4-year internship with a private entity and under the direct supervision of a licensed building official.
- Requires the Building Code Administrators and Inspectors Board (BCAIB) to create a rule establishing that partial completion of an internship program may be transferred between local governments or private entities.
- Prohibits the BCAIB from issuing a provisional license with a special condition or requirement that such licensee be employed by a municipality, county, or other local government agency.

As it relates to private providers, the bill specifies that if a person uses a private provider, the local government must provide equal access to all permitting and inspection documents and reports to the private provider, the owner, and the contractor. It also defines the “reasonable administrative fee” a local government may charge for using a private provider as the actual cost incurred.

Finally, the bill provides that if a local building official does not provide a notice of deficiencies within two business days, the building permit is closed and the local building official must provide the permit applicant with the written certificate of occupancy or certificate of completion within 10 days after it has been automatically granted and considered issued.

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.¹

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 Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³

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.⁴

The Florida Building 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,⁵ 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.⁶

¹ 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 (last visited Nov. 11, 2021).

² *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited on Nov. 11, 2021).

³ *Id.*

⁴ Section 553.72(1), F.S.

⁵ 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 Dec 2, 2021).

⁶ Sections 553.73, and 553.74, F.S.

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.⁷

Every local government must enforce the Building Code and issue building permits.⁸ 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.⁹

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.¹⁰ Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections is considered completed or closed.¹¹

Building Code Administrators and Inspectors and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the Florida Building Code Administrators and Inspectors Board (BCAIB) within DBPR. The BCAIB consists of nine members appointed by the Governor and subjected to confirmation by the Senate.¹²

A building code administrator, otherwise known as a building official, is a local government employee or a person contracted by a local government who supervises building code activities, including plans review, enforcement, and inspection.¹³

A building code inspector (inspector) inspects construction that requires permits to determine compliance with the Building Code and state accessibility laws. Inspectors are divided into several different categories. An inspector's ability to practice is limited to the category or categories the inspector has been licensed. The inspector categories are:¹⁴

- Building inspector
- Coastal construction inspector
- Commercial electrical inspector
- Residential electrical inspector
- Mechanical inspector

⁷ Section 553.72, F.S.

⁸ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

⁹ Sections 125.56(4)(a), 553.79(1), F.S.

¹⁰ Section 110 Seventh edition of the Florida Building Code (Building).

¹¹ Doug Wise, *Closing Inactive & Excluded Building Permits*, Palm Beach County Planning, Zoning & Building Department, Building Division, available at: <http://discover.pbcgov.org/pzb/building/BuildingCodes/PBO-126%20%E2%80%93%20Closing%20Inactive%20and%20Excluded%20Building%20Permits.pdf> (last visited Dec 2, 2021).

¹² Section 468.605, F.S.

¹³ Section 468.603(2), F.S.

¹⁴ Section 468.603(5), F.S.

- Plumbing inspector
- Residential inspector
- Electrical inspector

During the 2020 Regular Session, the Legislature renamed the “one and two family dwelling inspector” to the “residential inspector” and expanded the scope of practice to include inspecting one-family, two-family, or three-family residences, and accessory use structures in connection therewith, for compliance with the building, plumbing, mechanical, accessibility, and electrical codes.¹⁵

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for building permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes. A plans examiner’s ability to practice is limited to the category or categories the plans examiner has been licensed. The plans examiner categories are:¹⁶

- Building plans examiner
- Plumbing plans examiner
- Mechanical plans examiner
- Electrical plans examiner

The BCAIB may also create voluntary certificates that licensed inspectors and plans examiners may obtain. A voluntary certificate is a limited certificate that allows a licensed inspector or plans examiner to inspect or examine plans for additional categories. Voluntary certificates are not available to people who are not licensed as an inspector, plans examiner, or construction contractor. The BCAIB has created the following voluntary certificates:¹⁷

- Residential pool inspector
- Commercial pool inspector
- Roofing inspector
- Modular inspector
- Modular plans examiner
- Residential plans examiner

In order to sit for the plans examiner or inspector exam a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:¹⁸

- Have 4 years of combined relevant experience;
- Have 3 years of combined postsecondary education and relevant experience;
- Have 3 years of combined technical education and relevant experience;
- Complete an approved cross-training program and have at least 2 years of experience;
- Hold a standard certificate issued by the BCAIB or a firesafety inspector license; and
 - Have at least 4 years of relevant experience as an inspector or plans examiner;

¹⁵ Chapter 2020-160, s. 19, Laws of Fla.

¹⁶ Section 468.603(8), F.S.

¹⁷ See s. 468.609(10), F.S.; Fla. Admin. Code R. 61G19-6.016 (2021)

¹⁸ Section 468.609(2), F.S.

- Have a minimum of 3 years of experience in firesafety inspection, or firesafety plan review and completed a training program of not less than 100 hours in the new category sought;
- Complete an approved training program of not less than 200 hours in inspection or plans review except for one-family and two-family dwelling training programs, which may not be less than 500 hours; or
- Complete a 4-year internship certification program.

Internship Programs

After the recession in 2008, Florida experienced a shortage of inspectors, plans examiners, and building officials on account of many of them being laid off. In at least one county, the shortage forced the local building board to rehire retired inspectors.¹⁹

In response to the shortage, during the 2017 Regular Session, the Legislature created the 4-year internship program as an additional way to obtain licensure as a plans examiner or inspector.²⁰ A person may sit for the plans examiner or inspector exam in all categories if the person is at least 18 years of age, is of good moral character, and completes an internship program. The requirements of the internship program are:²¹

- Completing a 4-year internship as an inspector or plans examiner while employed full-time by a local government, under the direct supervision of a building official. Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year;
- Passing an ICC administered examination in the license category sought;
- Passing the principles and practice examination before completing the internship program;
- Passing a BCAIB-approved 40-hour code training course in the license category sought before completing the internship; and
- Obtaining a favorable recommendation from the supervising building official after completion of the internship.

Current law requires the BCAIB to establish by rule that partial completion of the internship program may be transferred between jurisdictions.²²

Currently, the 4-year internship program only applies to a person employed full-time by a local government, and does not apply if the person is employed full-time with a private entity that provides building inspection and/or plans review services.

¹⁹ James Sullivan, Charles Kibert, Andriel Fenner, & Shirley Morque, *Florida Construction Workforce Taskforce: Address training issues among building code inspectors to increase the number qualified inspectors*, (March 9, 2017) available at: <http://www.cce.ufl.edu/wp-content/uploads/2016/12/6-Florida-Construction-Workforce-Taskforce-Address-training-issues-among-building-code-inspectors-to-increase-the-number-qualified-1.pdf> (last visited Dec 2, 2021).

²⁰ Chapter 2017-149, s. 5, Laws of Fla.

²¹ Section 468.609(2), F.S.

²² Section 468.609(10), F.S.

Provisional Licensure

A person who is qualified to sit for the building official, plans examiner, or inspector exam but has not taken the exam may be granted a provisional certificate by the BCAIB. A provisional certificate allows a person to engage in the duties of a building official, inspector, or plans examiner. Provisional licenses are valid for two years, but may be renewed by the BCAIB for just cause. A provisional license is not valid for more than three years. However, an applicant who is obtaining licensure as an inspector or plans examiner through an internship may apply to the BCAIB for a provisional certificate that is valid for the duration of the internship.²³

The BCAIB may issue provisional certificates with special conditions or requirements including conditions or requirements relating to the place of employment of the applicant, the supervision of the applicant on a consulting or advisory basis, or any other conditions the BCAIB deem necessary to protect the public safety and health.²⁴

Private Providers

In 2002, s. 553.791, F.S., was created 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. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.²⁵

If an owner or contractor opts to use a private provider, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.²⁶

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider, but it may charge a "reasonable administrative fee."²⁷ However, current law does not specify what a "reasonable administrative" fee is.

A building official may audit a private provider to ensure the private provider has reviewed the building plans and is performing the required inspections. A building official may deny a building permit or a request for a certificate of completion if the building construction or plans do not comply with the Building Code. A building official may also issue a stop work order at any time if he or she determines any condition of the construction poses an immediate threat to public safety and welfare.²⁸

²³ Section 468.609, F.S.; Fla. Admin. Code R. 61G19-6.012 (2018)

²⁴ *Id.*

²⁵ Section 553.791(1)(n) and (3), F.S.

²⁶ Section 553.791(2)(b), F.S.

²⁷ *Id.*

²⁸ Section 553.791(1), (14), and (19), F.S.

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.²⁹

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.³⁰ Upon receipt of a building permit application from a private provider, a building official has 20 business days to grant or deny the permit. Denying a permit automatically tolls the remaining 20 business days.³¹

Before a private provider performs building inspections, he or she must notify the building official of each inspection the business day before the inspection. 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.³²

A private provider must post records of every inspection, including the results of the inspections, electronically or on the jobsite and provide the records to the local building official within two business days of posting the records.³³

Upon completion of all required inspections, a private provider must give the building official a record of all the inspections, a request for a certificate of occupancy, and a sworn statement indicating compliance with the Building Code. Upon receipt, the building official has two business days to issue the certificate of completion or provide the permit applicant a notice of deficiencies.³⁴

If the local building official does not provide a notice of the deficiencies within two business days, the request for a certificate of occupancy is deemed granted, and the local building official must issue the certificate of occupancy the next business day.³⁵

III. Effect of Proposed Changes:

Building Inspector and Plans Examiner Licensure

The bill amends s. 468.609 F.S., to expand licensing opportunities for building inspectors and plans examiners, by allowing a person to sit for the certification test upon completion of a 4-year full-time internship as an inspector or plans examiner with a *private entity*. Current law allows such for internships with a local government. To be eligible, the private entity must conduct the

²⁹ Section 553.791(4)-(5), F.S.

³⁰ Section 553.791(6), F.S.

³¹ Section 553.791(7), F.S.

³² Section 553.791(9) and (18), F.S.

³³ Section 553.791(11), F.S.

³⁴ Section 553.791(11)-(13), F.S.

³⁵ *Id.*

same or similar services as a local government and the person holding the internship must be under the direct supervision of a licensed building official.

The bill also directs the BCAIB to create a rule establishing that partial completion of an internship program may be transferred between jurisdictions or private entities. The bill provides that “private entity” has the same meaning as provided in s. 553.5141(1)(f), F.S.³⁶

The bill addresses the special conditions or requirements the BCAIB may impose when issuing provisional certificates for building officials, plans examiners, and building inspectors. The BCAIB may continue to impose special conditions or requirements to protect the public safety and health, but it may not require an applicant to be employed by a municipality, county, or other local government agency.

The bill corrects a scrivener’s error by renaming the “one-family and two-family dwelling” training program to the “residential” training program to conform to changes made during the 2020 Regular Session.³⁷

Alternative Plans Review and Inspection

The bill amends s. 553.791 F.S., to provide that if an owner or contractor retains a private provider for plans review or inspection services, the local government must provide equal access to all permitting and inspection documents and reports to the private provider, the owner, and the contractor.

The bill provides that the “reasonable administrative fee” a local government charges for using a private provider must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.

Finally, the bill clarifies that if a local building official does not provide a notice of deficiencies within two business days, the request for a certificate of occupancy is “automatically” granted and considered issued the next business day. Also, the building permit is closed at that time and the local building official must provide the permit applicant with the written certificate of occupancy or certificate of completion within 10 days after it has been automatically granted and considered issued.

The bill provides for an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁶ “Private entity” means any nongovernmental entity, such as a corporation, partnership, company or nonprofit organization, any other legal entity, or any natural person.

³⁷ See ch. 2020-160, s. 19, Laws of Fla.

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 provide for more availability of building inspectors and plans reviewers by providing additional opportunities for persons to qualify for licensure, which may also reduce construction costs and delays.

C. Government Sector Impact:

The bill may increase costs to local governments by requiring equal access to records for private providers, owners, and contractors under the alternative plans review and inspection process, however, any costs are likely minimal.

Additionally, the bill may result in a slight reduction of revenues to local governments by limiting the amount of an administrative fee a local government may charge when a permit holder uses the services of a private provider.

The Department of Business and Professional Regulation expects minimal impact to the agency, which can be absorbed with existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.603, 468.609, 553.791.

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

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

None.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/12/2022	.	
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The Committee on Community Affairs (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (9) is added to section 468.603,
Florida Statutes, to read:

468.603 Definitions.—As used in this part:

(9) "Private provider" has the same meaning as in s.
553.791(1)(n).

Section 2. Paragraph (c) of subsection (2), paragraphs (c)



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and (d) of subsection (7), and paragraph (b) of subsection (10) of section 468.609, Florida Statutes, are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 4 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the board or a firesafety inspector license issued under ~~pursuant to~~ chapter 633, with a minimum of 3 years' verifiable full-time experience in firesafety inspection or firesafety plan review, and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the



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certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs. The board must ~~shall~~ accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement must ~~shall~~ include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the board must ~~shall~~ accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

6. Currently holds a standard certificate issued by the board or a firesafety inspector license issued under ~~pursuant to~~



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chapter 633 and:

a. Has at least 4 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 4 years' verifiable full-time experience as a firesafety inspector licensed under ~~pursuant to~~ chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for residential ~~one-family and two-family dwelling~~ training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the board. The board shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category; or

7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner while also employed full-time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. A person may also complete the internship certification program while employed full-time by a private provider or a private provider's firm that performs the services of a building code inspector or plans examiner, while under the direct supervision of the private provider who must be a certified building official or a person licensed as an engineer under chapter 471 or an architect under chapter 481.

Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce



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the requirement to no less than 1 year.

b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.

c. Has passed the principles and practice examination before completing the internship certification program.

d. Has passed a board-approved 40-hour code training course in the certification category sought before completing the internship certification program.

e. Has obtained a favorable recommendation from the supervising building official, engineer, or architect after completion of the internship certification program.

(7)

(c) The board shall provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements ~~relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters~~ as the board deems ~~may deem~~ necessary to protect the public safety and health. The board may not place a special condition or requirement on a provisional certificate with respect to the requirement of employment by a municipality, county, or other local government agency.

(d) A person may perform the duties of a plans examiner or building code inspector for 120 days if a provisional certificate application has been submitted if such person is under the direct supervision of a person licensed as a ~~certified~~ building code administrator under this part ~~who holds a standard~~



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127 ~~certification~~ and who has found such person qualified for a
128 provisional certificate. Direct supervision and the
129 determination of qualifications may also be provided by a
130 building code administrator who holds a limited or provisional
131 certificate in a county having a population of fewer than 75,000
132 and in a municipality located within such county.

133 (10)

134 (b) The board shall by rule establish:

135 1. Reciprocity of certification with any other state that
136 requires an examination administered by the International Code
137 Council.

138 2. That an applicant for certification as a building code
139 inspector or plans examiner may apply for a provisional
140 certificate valid for the duration of the internship period.

141 3. That partial completion of an internship program is
142 transferable among jurisdictions, private providers, and firms
143 of private providers ~~may be transferred between jurisdictions~~ on
144 a form prescribed by the board.

145 4. That an applicant may apply for a standard certificate
146 on a form prescribed by the board upon successful completion of
147 an internship certification program.

148 5. That an applicant may apply for a standard certificate
149 at least 30 days but ~~and~~ no more than 60 days before completing
150 the internship certification program.

151 6. That a building code inspector or plans examiner who has
152 standard certification may seek an additional certification in
153 another category by completing an additional nonconcurrent 1-
154 year internship program in the certification category sought and
155 passing an examination administered by the International Code



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Council and a board-approved 40-hour code training course.

Section 3. Paragraph (b) of subsection (2) and subsection (13) of section 553.791, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

553.791 Alternative plans review and inspection.—

(2)

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

(c) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor.

(13) No more than 2 business days after receipt of a



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request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion is automatically ~~shall be deemed~~ granted and deemed ~~the certificate of occupancy or certificate of completion shall be issued as of~~ by the local building official on the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. After the expiration of the 10-day period, the permit is deemed closed. If the local building official determines the applicant failed to adhere to this subsection, the local building official may rescind the certificate of occupancy or certificate of completion within 30 days after its issuance and must provide written notice to the permit applicant and private provider, as applicable, as well as the fee owner of the rescinded certificate. The notice must include specific reasons for rescinding the certificate and detail how the certificate can be reinstated. The permit must then be reopened, and the private provider shall have the opportunity to cure any deficiencies and resubmit the application for certificate of occupancy or certificate of completion ~~To resolve any identified~~



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~~deficiencies, the applicant may elect to dispute the
deficiencies pursuant to subsection (14) or to submit a
corrected request for a certificate of occupancy or certificate
of completion.~~

Section 4. This act shall take effect July 1, 2022.

===== 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 building inspection services;
amending s. 468.603, F.S.; defining the term "private
provider"; amending s. 468.609, F.S.; revising
eligibility requirements for a person applying to
become certified as a building code inspector or plans
examiner; revising the special conditions or
requirements that the Florida Building Code
Administrators and Inspectors Board may impose on
provisional certificates; revising circumstances under
which a person may perform the duties of a plans
examiner or building code inspector for a specified
period; revising a requirement for the board's rules
relating to the transferability of a partial
completion of an internship program; amending s.
553.791, F.S.; specifying the required basis for a
certain administrative fee charged by local
jurisdictions relating to building inspections by
private providers; requiring the local jurisdiction to



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243 provide access to certain documents to a private
244 provider, owner, and contractor; providing that a
245 certificate of occupancy or certificate of completion
246 is automatically granted and issued under certain
247 circumstances; requiring the local building official
248 to provide a written certificate of occupancy or
249 certificate of completion within a specified time;
250 providing construction; specifying and revising
251 procedures and requirements if the local building
252 official determines the applicant failed to adhere to
253 certain requirements; providing an effective date.



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LEGISLATIVE ACTION

Senate

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House

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (9) is added to section 468.603,
Florida Statutes, to read:

468.603 Definitions.—As used in this part:

(9) "Private provider" has the same meaning as in s.
553.791(1)(n).

Section 2. Paragraph (c) of subsection (2), paragraphs (c)



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and (d) of subsection (7), and paragraph (b) of subsection (10) of section 468.609, Florida Statutes, are amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 4 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the board or a firesafety inspector license issued under ~~pursuant to~~ chapter 633, with a minimum of 3 years' verifiable full-time experience in firesafety inspection or firesafety plan review, and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the



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certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs. The board must ~~shall~~ accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement must ~~shall~~ include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the board must ~~shall~~ accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

6. Currently holds a standard certificate issued by the board or a firesafety inspector license issued under ~~pursuant to~~



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chapter 633 and:

a. Has at least 4 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 4 years' verifiable full-time experience as a firesafety inspector licensed under ~~pursuant to~~ chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for residential ~~one-family and two-family dwelling~~ training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the board. The board shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category; or

7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner while also employed full-time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. A person may also complete the internship certification program while employed full-time by a private provider or a private provider's firm that performs the services of a building code inspector or plans examiner, while under the direct supervision of the private provider who must be a certified building official or a person licensed as an engineer under chapter 471 or an architect under chapter 481.

Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce



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the requirement to no less than 1 year.

b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.

c. Has passed the principles and practice examination before completing the internship certification program.

d. Has passed a board-approved 40-hour code training course in the certification category sought before completing the internship certification program.

e. Has obtained a favorable recommendation from the supervising building official, engineer, or architect after completion of the internship certification program.

(7)

(c) The board shall provide for appropriate levels of provisional certificates and may issue these certificates with such special conditions or requirements ~~relating to the place of employment of the person holding the certificate, the supervision of such person on a consulting or advisory basis, or other matters~~ as the board deems ~~may deem~~ necessary to protect the public safety and health. The board may not place a special condition or requirement on a provisional certificate with respect to the requirement of employment by a municipality, county, or other local government agency.

(d) A person may perform the duties of a plans examiner or building code inspector for 120 days if a provisional certificate application has been submitted if such person is under the direct supervision of a person licensed as a ~~certified~~ building code administrator under this part ~~who holds a standard~~



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certification and who has found such person qualified for a provisional certificate. Direct supervision and the determination of qualifications may also be provided by a building code administrator who holds a limited or provisional certificate in a county having a population of fewer than 75,000 and in a municipality located within such county.

(10)

(b) The board shall by rule establish:

1. Reciprocity of certification with any other state that requires an examination administered by the International Code Council.

2. That an applicant for certification as a building code inspector or plans examiner may apply for a provisional certificate valid for the duration of the internship period.

3. That partial completion of an internship program is transferable among jurisdictions, private providers, and firms of private providers ~~may be transferred between jurisdictions~~ on a form prescribed by the board.

4. That an applicant may apply for a standard certificate on a form prescribed by the board upon successful completion of an internship certification program.

5. That an applicant may apply for a standard certificate at least 30 days but ~~and~~ no more than 60 days before completing the internship certification program.

6. That a building code inspector or plans examiner who has standard certification may seek an additional certification in another category by completing an additional nonconcurrent 1-year internship program in the certification category sought and passing an examination administered by the International Code



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Council and a board-approved 40-hour code training course.

Section 3. Subsection (25) is added to section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

(25) (a) A local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish any single-family residential structure located in a coastal high hazard area, moderate flood zone, or special flood hazard area according to Flood Insurance Rate Maps produced by the Federal Emergency Management Agency in support of the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code, as amended, or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided that such permit otherwise complies with all applicable Florida Building Code requirements.

(b) Demolition permits sought pursuant to this subsection may be reviewed only administratively for compliance with the Florida Building Code and may not be subject to any additional land development regulations or a public hearing as a requisite to issuance. In the event of such demolition, a local government may not impose additional regulatory requirements on the new single-family residential structure constructed in place of the demolished structure which would not otherwise be applicable to a similarly situated, vacant parcel; nor may the local government otherwise penalize the owner for such demolition.

(c) This subsection does not apply to any structure designated on the National Register of Historic Places; to any



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privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022; or to any privately owned single-family residential structure designated historic with the consent of its owner subsequent to such date.

Section 4. Paragraph (b) of subsection (2) and subsection (13) of section 553.791, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

553.791 Alternative plans review and inspection.—

(2)

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

(c) If an owner or contractor retains a private provider for purposes of plans review or building inspection services,



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the local jurisdiction must provide equal access to all
permitting and inspection documents and reports to the private
provider, owner, and contractor.

(13) No more than 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion is ~~automatically shall be deemed~~ granted and deemed ~~the certificate of occupancy or certificate of completion shall be issued as of~~ by the local building official on the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. After the expiration of the 10-day period, the permit is deemed closed. If the local building official determines the applicant failed to adhere to this subsection, the local building official may rescind the certificate of occupancy or certificate of completion within 30 days after its issuance and must provide written notice to the permit applicant and private provider, as applicable, as well as the fee owner of the rescinded certificate. The notice must include specific reasons for rescinding the certificate and detail how the certificate can be



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reinstated. The permit must then be reopened, and the private provider shall have the opportunity to cure any deficiencies and resubmit the application for certificate of occupancy or certificate of completion ~~To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (14) or to submit a corrected request for a certificate of occupancy or certificate of completion.~~

Section 5. This act shall take effect July 1, 2022.

===== 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 building inspections; amending s. 468.603, F.S.; defining the term "private provider"; amending s. 468.609, F.S.; revising eligibility requirements for a person applying to become certified as a building code inspector or plans examiner; revising the special conditions or requirements that the Florida Building Code Administrators and Inspectors Board may impose on provisional certificates; revising circumstances under which a person may perform the duties of a plans examiner or building code inspector for a specified period; revising a requirement for the board's rules relating to the transferability of a partial completion of an internship program; amending s. 553.79, F.S.;



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prohibiting local laws, ordinances, or regulations that prohibit or restrict a private property owner's ability to obtain a building permit to demolish a single-family residential structure located in certain flood zones if certain conditions are met; specifying restrictions on a local government's review of such demolition permits and on certain actions by the local government relating to the demolition; providing applicability; amending s. 553.791, F.S.; specifying the required basis for a certain administrative fee charged by local jurisdictions relating to building inspections by private providers; requiring the local jurisdiction to provide access to certain documents to a private provider, owner, and contractor; providing that a certificate of occupancy or certificate of completion is automatically granted and issued under certain circumstances; requiring the local building official to provide a written certificate of occupancy or certificate of completion within a specified time; providing construction; specifying and revising procedures and requirements if the local building official determines the applicant failed to adhere to certain requirements; providing an effective date.

By Senator Brodeur

9-00831-22

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1 A bill to be entitled
 2 An act relating to building inspection services;
 3 amending s. 468.603, F.S.; defining the term "private
 4 entity"; amending s. 468.609, F.S.; revising
 5 eligibility requirements for a person applying to
 6 become certified as a building code inspector or plans
 7 examiner; revising the special conditions or
 8 requirements that the Florida Building Code
 9 Administrators and Inspectors Board may impose on
 10 provisional certificates; revising qualifications of a
 11 building code administrator who may directly supervise
 12 certain persons performing duties of a plans examiner
 13 or building code inspector under certain
 14 circumstances; requiring the board to authorize, by
 15 rule, the transfer of a partial completion of an
 16 internship program between private entities; amending
 17 s. 553.791, F.S.; specifying a requirement for the
 18 basis of the administrative fee that a local
 19 jurisdiction may charge when an owner or a contractor
 20 hires a private provider for inspection services;
 21 requiring the local jurisdiction to provide access to
 22 certain documents to a private provider, contractor,
 23 and owner; providing that a certificate of occupancy
 24 or certificate of completion is automatically granted
 25 and issued, and the permit application closed, under
 26 certain circumstances; requiring the local building
 27 official to provide a written certificate of occupancy
 28 or certificate of completion within a specified time;
 29 providing an effective date.

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

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30
 31 Be It Enacted by the Legislature of the State of Florida:
 32
 33 Section 1. Subsection (9) is added to section 468.603,
 34 Florida Statutes, to read:
 35 468.603 Definitions.—As used in this part:
 36 (9) "Private entity" has the same meaning as in s.
 37 553.5141(1)(f).
 38 Section 2. Paragraph (c) of subsection (2), paragraphs (c)
 39 and (d) of subsection (7), and paragraph (b) of subsection (10)
 40 of section 468.609, Florida Statutes, are amended to read:
 41 468.609 Administration of this part; standards for
 42 certification; additional categories of certification.—
 43 (2) A person may take the examination for certification as
 44 a building code inspector or plans examiner pursuant to this
 45 part if the person:
 46 (c) Meets eligibility requirements according to one of the
 47 following criteria:
 48 1. Demonstrates 4 years' combined experience in the field
 49 of construction or a related field, building code inspection, or
 50 plans review corresponding to the certification category sought;
 51 2. Demonstrates a combination of postsecondary education in
 52 the field of construction or a related field and experience
 53 which totals 3 years, with at least 1 year of such total being
 54 experience in construction, building code inspection, or plans
 55 review;
 56 3. Demonstrates a combination of technical education in the
 57 field of construction or a related field and experience which
 58 totals 3 years, with at least 1 year of such total being

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59 experience in construction, building code inspection, or plans
60 review;

61 4. Currently holds a standard certificate issued by the
62 board or a firesafety inspector license issued under ~~pursuant to~~
63 chapter 633, with a minimum of 3 years' verifiable full-time
64 experience in firesafety inspection or firesafety plan review,
65 and has satisfactorily completed a building code inspector or
66 plans examiner training program that provides at least 100 hours
67 but not more than 200 hours of cross-training in the
68 certification category sought. The board shall establish by rule
69 criteria for the development and implementation of the training
70 programs. The board must ~~shall~~ accept all classroom training
71 offered by an approved provider if the content substantially
72 meets the intent of the classroom component of the training
73 program;

74 5. Demonstrates a combination of the completion of an
75 approved training program in the field of building code
76 inspection or plan review and a minimum of 2 years' experience
77 in the field of building code inspection, plan review, fire code
78 inspections and fire plans review of new buildings as a
79 firesafety inspector certified under s. 633.216, or
80 construction. The approved training portion of this requirement
81 must ~~shall~~ include proof of satisfactory completion of a
82 training program that provides at least 200 hours but not more
83 than 300 hours of cross-training that is approved by the board
84 in the chosen category of building code inspection or plan
85 review in the certification category sought with at least 20
86 hours but not more than 30 hours of instruction in state laws,
87 rules, and ethics relating to professional standards of

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88 practice, duties, and responsibilities of a certificateholder.
89 The board shall coordinate with the Building Officials
90 Association of Florida, Inc., to establish by rule the
91 development and implementation of the training program. However,
92 the board must ~~shall~~ accept all classroom training offered by an
93 approved provider if the content substantially meets the intent
94 of the classroom component of the training program;

95 6. Currently holds a standard certificate issued by the
96 board or a firesafety inspector license issued under ~~pursuant to~~
97 chapter 633 and:

98 a. Has at least 4 years' verifiable full-time experience as
99 an inspector or plans examiner in a standard certification
100 category currently held or has a minimum of 4 years' verifiable
101 full-time experience as a firesafety inspector licensed under
102 ~~pursuant to~~ chapter 633.

103 b. Has satisfactorily completed a building code inspector
104 or plans examiner classroom training course or program that
105 provides at least 200 but not more than 300 hours in the
106 certification category sought, except for residential ~~one-family~~
107 ~~and two-family dwelling~~ training programs, which must provide at
108 least 500 but not more than 800 hours of training as prescribed
109 by the board. The board shall establish by rule criteria for the
110 development and implementation of classroom training courses and
111 programs in each certification category; or

112 7.a. Has completed a 4-year internship certification
113 program as a building code inspector or plans examiner while
114 also employed full-time by a municipality, county, or other
115 governmental jurisdiction, under the direct supervision of a
116 certified building official, or by a private entity that

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117 conducts the same or similar services as a municipality, county,
 118 or other governmental jurisdiction, while under the direct
 119 supervision of a person licensed as a building code
 120 administrator under this part. Proof of graduation with a
 121 related vocational degree or college degree or of verifiable
 122 work experience may be exchanged for the internship experience
 123 requirement year-for-year, but may reduce the requirement to no
 124 less than 1 year.

125 b. Has passed an examination administered by the
 126 International Code Council in the certification category sought.
 127 Such examination must be passed before beginning the internship
 128 certification program.

129 c. Has passed the principles and practice examination
 130 before completing the internship certification program.

131 d. Has passed a board-approved 40-hour code training course
 132 in the certification category sought before completing the
 133 internship certification program.

134 e. Has obtained a favorable recommendation from the
 135 supervising building official after completion of the internship
 136 certification program.

137 (7)

138 (c) The board shall provide for appropriate levels of
 139 provisional certificates and may issue these certificates with
 140 such special conditions or requirements ~~relating to the place of~~
 141 ~~employment of the person holding the certificate, the~~
 142 ~~supervision of such person on a consulting or advisory basis, or~~
 143 ~~other matters~~ as the board deems may deem necessary to protect
 144 the public safety and health. The board may not place a special
 145 condition or requirement on a provisional certificate with

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146 respect to the requirement of employment by a municipality,
 147 county, or other local government agency.

148 (d) A person may perform the duties of a plans examiner or
 149 building code inspector for 120 days if a provisional
 150 certificate application has been submitted if such person is
 151 under the direct supervision of a person licensed as a certified
 152 building code administrator under this part ~~who holds a standard~~
 153 ~~certification~~ and who has found such person qualified for a
 154 provisional certificate. Direct supervision and the
 155 determination of qualifications may also be provided by a
 156 building code administrator who holds a limited or provisional
 157 certificate in a county having a population of fewer than 75,000
 158 and in a municipality located within such county.

159 (10)

160 (b) The board shall by rule establish:

161 1. Reciprocity of certification with any other state that
 162 requires an examination administered by the International Code
 163 Council.

164 2. That an applicant for certification as a building code
 165 inspector or plans examiner may apply for a provisional
 166 certificate valid for the duration of the internship period.

167 3. That partial completion of an internship program may be
 168 transferred between jurisdictions or private entities on a form
 169 prescribed by the board.

170 4. That an applicant may apply for a standard certificate
 171 on a form prescribed by the board upon successful completion of
 172 an internship certification program.

173 5. That an applicant may apply for a standard certificate
 174 at least 30 days ~~but~~ and no more than 60 days before completing

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the internship certification program.

6. That a building code inspector or plans examiner who has standard certification may seek an additional certification in another category by completing an additional nonconcurrent 1-year internship program in the certification category sought and passing an examination administered by the International Code Council and a board-approved 40-hour code training course.

Section 3. Paragraph (b) of subsection (2) and subsection (13) of section 553.791, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

553.791 Alternative plans review and inspection.—

(2)

(b) If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

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(c) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must provide equal access to all permitting and inspection documents and reports to the private provider, owner, and contractor.

(13) No more than 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion is automatically ~~shall be deemed~~ granted and considered the ~~certificate of occupancy or certificate of completion shall be issued as of~~ by the local building official on the next business day, and the permit is closed. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (14) or to submit a corrected request for a certificate of occupancy or certificate of completion.

Section 4. This act shall take effect July 1, 2022.

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 690

INTRODUCER: Senator Rodriguez

SUBJECT: Resilience-related Advisory Committees

DATE: January 13, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Favorable
2.			EN	
3.			RC	

I. Summary:

SB 690 permits certain resilience-related advisory committees to conduct public meetings and workshops by means of communications media technology pursuant to the rules of the Administrative Procedures Act. The bill provides that an advisory committee member who participates in a meeting or workshop by means of communications media technology is deemed to be present at such meeting or workshop.

The bill also provides notice requirements and audible communication requirements for such meetings. Additionally, it clarifies that other public meetings laws must be liberally construed for such meetings.

The bill takes effect upon becoming a law.

II. Present Situation:

Open Meetings Law

The Florida Constitution provides that the public has a right to access governmental meetings.¹ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.² This applies to the meetings of any collegial body of the executive branch of state government, counties, municipalities, school districts, or special districts.³

¹ FLA CONST., art. I, s. 24(b).

² *Id.*

³ FLA CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law,”⁴ or the “Sunshine Law,”⁵ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.⁶ The board or commission must provide the public reasonable notice of such meetings.⁷ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.⁸ Minutes of a public meeting must be promptly recorded and open to public inspection.⁹ Failure to abide by public meetings requirements will invalidate any resolution, rule or formal action adopted at a meeting.¹⁰ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.¹¹

Administrative Procedure Act

The Administrative Procedure Act (APA)¹² outlines a comprehensive administrative process by which agencies exercise the authority granted by the Legislature while offering citizen involvement. The process subjects state agencies to a uniform procedure in enacting rules and issuing orders and allows citizens to challenge an agency’s decision.¹³

The term “agency” is defined in s. 120.52(1), F.S., as:

- The Governor, each state officer and state department, and each departmental unit described in s. 20.04, F.S.;¹⁴
- The Board of Governors of the State University System;
- The Commission on Ethics;
- The Fish and Wildlife Conservation Commission;
- A regional water supply authority;
- A regional planning agency;
- A multicounty special district, but only if a majority of its governing board is comprised of non-elected persons;
- Educational units;
- Each entity described in chs. 163 (Intergovernmental Programs), 373 (Water Resources), 380 (Land and Water Management), and 582 (Soil and Water Conservation), F.S., and s. 186.504 (regional planning councils), F.S.;

which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

⁴ *Times Pub. Co. v. Williams*, 222 So. 2d 470, 472 (Fla. 2d DCA 1969).

⁵ *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693, 695 (Fla. 1969).

⁶ Section 286.011(1)-(2), F.S.

⁷ *Id.*

⁸ Section 286.011(6), F.S.

⁹ Section 286.011(2), F.S.

¹⁰ Section 286.011(1), F.S.

¹¹ Section 286.011(3), F.S. Penalties include a fine of up to \$500 or a second degree misdemeanor.

¹² *See* ch. 120, F.S.

¹³ Joint Administrative Procedures Committee, *A Primer on Florida’s Administrative Procedure Act*, available at <http://www.japc.state.fl.us/Documents/Publications/PocketGuideFloridaAPA.pdf> (last visited Dec 3, 2021).

¹⁴ Section 20.04, F.S., specifies the structure of the executive branch of state government.

- Each officer and governmental entity in the state having statewide jurisdiction or jurisdiction in more than one county; and
- Each officer and governmental entity in the state having jurisdiction in one county or less than one county, to the extent they are expressly made subject to the act by general or special law or existing judicial decisions.¹⁵

Use of Electronic Media and Public Meetings

Section 120.54(5)(b)2, F.S., requires the Administration Commission¹⁶ to create uniform rules of procedure for state agencies to use when conducting public meetings, hearings or workshops, including procedures for conducting meetings in person and by means of communications media technology.¹⁷ Unless otherwise authorized by the Legislature, these procedures for communications media technology apply only to state agencies and not to local boards or commissions.

The Office of Attorney General has opined that only state agencies can conduct meetings and vote via communications media technology, thus rejecting a school board's request to conduct board meetings via electronic means.¹⁸ The Attorney General reasoned that s. 120.54(5)(b)2, F.S., limits its terms only to uniform rules that apply to state agencies.¹⁹ The Attorney General reasoned that a similar rationale is not applicable to local boards and commissions even though it may be convenient and save money since the representation on these boards and commissions are local thus, "such factors would not by themselves appear to justify or allow the use of electronic media technology in order to assemble the members for a meeting."²⁰

Local entities authorized under current law to conduct meetings and vote by means of communications media technology include regional planning councils (RPCs)²¹ and certain entities created by an interlocal agreement.²²

¹⁵ The definition of agency does not include a municipality or legal entity created solely by a municipality and expressly excludes certain legal entities or organizations found in chs. 343, 348, and 361, F.S., and ss. 339.175 and 163.01(7), F.S.

¹⁶ Section 14.202, F.S. The Administration Commission is composed of the Governor and the Cabinet (The Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture compose the Cabinet. Section 20.03(1), F.S.).

¹⁷ Section 120.54(5)(b)2, F.S. The term "communications media technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available.

¹⁸ Op. Att'y Gen. Fla. 98-28 (1998).

¹⁹ *Id.* The Attorney General explained that "allowing state agencies and their boards and commissions to conduct meetings via communications media technology under specific guidelines recognizes the practicality of members from throughout the state participating in meetings of the board or commission."

²⁰ *Id.* However, if a quorum of a local board is physically present at the public meeting, a board may allow a member who is unavailable to physically attend the meeting due to extraordinary circumstances such as illness, to participate and vote at the meeting via communications media technology.

²¹ Section 120.525(4), F.S. Chapter 186, F.S., finds that RPCs are comprehensive planning districts of the state, designated as the primary organization to address problems and plan solutions that are of greater-than-local concern or scope and recognized as Florida's multipurpose regional entities in a position to plan for and coordinate intergovernmental solutions to growth-related problems. By statute, the state is divided into 10 RPC regions. Each county must be a member of their respective RPC and municipalities may be members at their option.

²² Section 163.01(18), F.S. (Allowing public agencies located in at least five counties, of which at least three are not contiguous, to conduct public meetings and workshops by means of communications media technology).

Resilience-related Advisory Committees

In 2021, the Legislature authorized the Department of Environmental Protection (DEP), subject to specific legislative appropriation, to provide funding to regional resilience entities that are established by general purpose local governments and whose responsibilities include planning for the resilience needs of communities and coordinating intergovernmental solutions to mitigate adverse impacts of flooding and sea level rise.²³ The DEP is authorized to provide funding to regional resilience entities for the following purposes:

- Providing technical assistance to counties and municipalities.
- Coordinating multijurisdictional vulnerability assessments.
- Developing project proposals to be submitted for inclusion in the statewide resilience plan.²⁴

Local governments who apply for inclusion as a regional resilience entity must have a memorandum of understanding between the members of the entity, or an equivalent, to be eligible to apply.²⁵ According to DEP, seven regional resilience entities have applied for funding from the DEP.

Florida's local governments are at the forefront of preparing for and addressing flooding and sea level rise.²⁶ Generally, every community will need to go through a process of planning and implementing adaptation strategies and projects.²⁷ Florida's coastal local governments must have a coastal management element in their comprehensive plans which advances objectives to protect public safety and coastal resources.²⁸

Many local governments in the state have worked together to form regional resilience entities that vary in size and distance between member governments. Examples of regional resilience entities²⁹ that exist across the state include the Southeast Florida Regional Climate Change

²³ Section 380.093(6), F.S.

²⁴ Section 380.093(6), F.S.

²⁵ See DEP, Office of Resilience & Coastal Protection Resilient Florida, available at <https://frcp.secure-platform.com/a> (last visited Dec. 8, 2021)

²⁶ See *DEP Guidebook*, at I, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Dec 3, 2021).

²⁷ See DEP, *Florida Resilient Coastlines Program Funded Projects*, <https://floridadep.gov/rcp/florida-resilient-coastlines-program/content/florida-resilient-coastlines-program-funded> (last visited Dec 3, 2021).

²⁸ Sections 380.24, 163.3177(6)(g), and 163.3178(2), F.S. Section 380.24, F.S., provides the description of which local governments are subject to these requirements: “[u]nits of local government abutting the Gulf of Mexico or the Atlantic Ocean, or which include or are contiguous to waters of the state where marine species of vegetation listed by rule as ratified in s. 373.4211 constitute the dominant plant community...”

²⁹ DEP, Resilient Florida Grant Program Webinar Presentation, available at <http://publicfiles.dep.state.fl.us/CAMA/FRCP/Resilient%20Florida%207.14.21%20Resources/Resilient%20Florida%20Grant%20Program%20Webinar%20Presentation%20-%20July%2014,%202021.pdf> (last visited Dec. 8, 2021)

Compact,³⁰ East Central Florida Regional Resilience Collaborative,³¹ and the Tampa Bay Regional Resiliency Coalition.³²

The majority of these type of entities follow the boundaries of Florida's RPCs and are often coordinated by the respective RPC. While membership is typically coordinated through county boundaries, resilience entities often seek out member partners from municipalities within the geographic region, as well as businesses, universities, and non-profit organizations.³³ Members of the entities often meet to enact compacts relating to the region's approach to resilience.

Southeast Florida Regional Climate Change Compact

The Southeast Florida Regional Climate Change Compact is a longstanding partnership between Broward, Miami-Dade, Monroe, and Palm Beach Counties executed in January 2010. This entity was formed to engage regional partners to work collaboratively to reduce regional greenhouse gas emissions, implement adaptation strategies, and build climate resilience within member communities and across the Southeast Florida region. Since its inception, the Compact counties have collaborated on mitigation and adaptation strategies, worked to build bipartisan support for climate action, and forged partnerships with stakeholders, including federal, state, and municipal governments and agencies; economic development entities; community-based organizations; and the academic community.³⁴

III. Effect of Proposed Changes:

SB 690 amends s. 286.011, F.S., to authorize resilience-related advisory committees whose membership is composed solely of representatives of four or more counties, when there is at least 200 miles of geographic distance between the county seats of the two most distant counties to conduct public meetings and workshops by means of communications media technology pursuant to the rules of the Administrative Procedures Act. Of the seven regional resilience entities that have applied for funding from DEP, this bill appears to currently apply only to the Southeast Florida Regional Climate Change Compact.

The bill provides that an advisory committee member who participates in a meeting or workshop by means of communications media technology is deemed to be present at such meeting. The bill requires that communications media technology must allow for all persons attending such public

³⁰ Southeast Florida Regional Climate Change Compact, available at: <https://southeastfloridaclimatecompact.org/> (last visited Jan. 12, 2022)

³¹ In 2018, the East Central Florida Regional Planning Council adopted a resolution to convene stakeholders across the region to develop a structure and framework for a regional resilience collaborative. Members include Lake, Orange, Osceola, Volusia, and Brevard counties and 22 member cities. See East Central Florida Regional Resilience Collaborative, available at: <https://www.ecfrpc.org/resiliencycollaborative> (last visited Jan. 10, 2022).

³² The Tampa Bay Regional Resiliency Coalition is comprised of members from Citrus, Hernando, Hillsborough, Manatee, Pasco and Pinellas counties and the 21 municipalities that come together to discuss complex regional issues; develop strategic regional responses for resolving them; and build consensus for setting and accomplishing regional goals. See Tampa Bay Regional Resiliency Coalition, available at: <https://www.tbrpc.org/coalition/> (last visited Jan. 11, 2022).

³³ Tampa Bay Regional Resiliency Coalition, Participate in the Tampa Bay Regional Resiliency Coalition, available at: <https://www.tbrpc.org/coalitionpartner/>

³⁴ Southeast Florida Regional Climate Change Compact, What is the Compact, available at: <https://southeastfloridaclimatecompact.org/about-us/what-is-the-compact/> (last visited Jan. 13, 2022)

meeting or workshop to audibly communicate, as would be allowed if they were physically present.

The bill states that notice for such a meeting or workshop must state whether it will be conducted using communications media technology, how an interested person may participate, and the locations of any facilities where communications media technology will be available.

Additionally it clarifies that other public meetings laws must be liberally construed for such meetings.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Authorizing resilience-related advisory committees to use communication media technology for meeting purposes may save on travel time and cost for these entities.

I. Technical Deficiencies:

None.

II. Related Issues:

None.

III. Statutes Affected:

This bill substantially amends section 286.011 of the Florida Statutes.

IV. 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 Rodriguez

39-00926-22

2022690__

A bill to be entitled

An act relating to resilience-related advisory committees; amending s. 286.011, F.S.; authorizing specified resilience-related advisory committees to conduct public meetings and workshops by means of communications media technology; providing that use of such technology by a committee member constitutes that member's presence at such meeting or workshop; requiring that such technology allow the public to audibly communicate; providing notice requirements for public meetings or workshops conducted by means of communications media technology; providing construction; providing an effective date.

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

Section 1. Subsection (9) is added to section 286.011, Florida Statutes, to read:

286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(9) (a) Notwithstanding any other law to the contrary, resilience-related advisory committees whose membership is composed solely of representatives of four or more counties, when there is at least 200 miles of geographic distance between the county seats of the two most distant counties, may conduct public meetings and workshops by means of communications media technology as defined in s. 120.54(5)(b)2. An advisory committee member who participates in a meeting or workshop by means of communications media technology is deemed to be present at such

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

39-00926-22

2022690__

meeting or workshop. For the purpose of this paragraph, the communications media technology must allow for all persons attending such public meeting or workshop to audibly communicate, as would be allowed if they were physically present.

(b) The notice for such a meeting or workshop must state whether it will be conducted using communications media technology, how an interested person may participate, and the locations of any facilities where communications media technology will be available.

(c) Any other laws applicable to public meetings or workshops conducted by means of communications media technology must be liberally construed in their application to meetings and workshops conducted as provided in this subsection.

Section 2. This act shall take effect upon becoming a law.

Page 2 of 2

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

The Florida Senate
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 704

INTRODUCER: Senator Harrell

SUBJECT: Substance Abuse Service Providers

DATE: January 14, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Cox	CF	Favorable
2.	Hunter	Ryon	CA	Favorable
3.			RC	

I. Summary:

SB 704 makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs and providers, including recovery residences and recovery residence administrators.

The bill requires applicants for substance abuse service provider licensure to include the names and locations of recovery residences the applicant plans to refer patients to or accept patients from in their licensure application.

By July 1, 2022, the bill requires licensed substance abuse service providers to record the names and locations of recovery residences to which the applicant has referred patients, or from which the applicant has accepted patients, in the Provider Licensure and Designations System (PLADS) maintained by the Department of Children and Families (the DCF). Providers must update PLADS with the names and locations of any new recovery residences to which patients have been referred, or from which patients have been received, within 30 business days of referring or receiving patients. The bill subjects providers to a \$1,000 administrative fine for non-compliance beginning on July 1, 2022.

The bill prohibits certified recovery residence administrators from managing more than 50 patients at once without approval from a certification credentialing entity and prohibits management of more than 100 patients without exception. The bill also removes a cap on the number of recovery residences a certified recovery residence administrator can manage at any given time.

The bill requires substance abuse service providers to return an individual's personal effects upon the individual's discharge from treatment.

The bill may have an indeterminate negative fiscal impact to both private substance abuse service providers and state government. See Section V. Fiscal Impact Statement.

The bill is effective upon becoming a law.

II. Present Situation:

Substance abuse is the harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.¹ According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), a diagnosis of substance use disorder (SUD) is based on evidence of impaired control, social impairment, risky use, and pharmacological criteria.² SUD occurs when an individual chronically uses alcohol or drugs, resulting in significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.³ Repeated drug use leads to changes in the brain's structure and function that can make a person more susceptible to developing a substance abuse disorder.⁴ Imaging studies of brains belonging to persons with SUD reveal physical changes in areas of the brain critical to judgment, decision making, learning and memory, and behavior control.⁵

In 2020, approximately 40.3 million people aged 12 or older had a SUD related to corresponding use of alcohol or illicit drugs within the previous year, including 28.3 million people diagnosed with alcohol use disorder (AUD), 18.4 million people diagnosed with drug use disorder, and 6.5 million people diagnosed with both AUD and SUD.⁶ The most common substance abuse disorders in the United States are from the use of alcohol, tobacco, cannabis, opioids, hallucinogens, and stimulants.⁷

The number of drug overdose deaths in the U.S. rose by nearly 29% over a 12-month period ending in April 2021, to an estimated 100,306.⁸ Over 75% of overdose deaths during this period

¹ The World Health Organization, *Mental Health and Substance Abuse*, available at <https://www.who.int/westernpacific/about/how-we-work/programmes/mental-health-and-substance-abuse>; (last visited November 17, 2021); the National Institute on Drug Abuse (NIDA), *The Science of Drug Use and Addiction: The Basics*, available at <https://www.drugabuse.gov/publications/media-guide/science-drug-use-addiction-basics> (last visited November 17, 2021).

² The National Association of Addiction Treatment Providers, *Substance Use Disorder*, available at <https://www.naatp.org/resources/clinical/substance-use-disorder> (last visited November 17, 2021).

³ The Substance Abuse and Mental Health Services Administration (The SAMHSA), *Substance Use Disorders*, <http://www.samhsa.gov/disorders/substance-use> (last visited November 17, 2021).

⁴ The NIDA, *Drugs, Brains, and Behavior: The Science of Addiction*, available at <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction> (last visited November 17, 2021).

⁵ *Id.*

⁶ The SAMHSA, *Key Substance Use and Mental Health Indicators in the United States: Results from the 2020 National Survey on Drug Use and Health*, p. 3, available at https://www.samhsa.gov/data/sites/default/files/reports/rpt35325/NSDUHFFR1PDHTMLFiles2020/2020NSDUHFFR1PD_FW102121.pdf (last visited November 17, 2021).

⁷ The Rural Health Information Hub, *Defining Substance Abuse and Substance Use Disorders*, available at <https://www.ruralhealthinfo.org/toolkits/substance-abuse/1/definition> (last visited November 17, 2021).

⁸ The Center for Disease Control and Prevention, National Center for Health Statistics, *Vital Statistics Rapid Release: Provisional Drug Overdose Death Counts*, available at <https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm> (last visited November 17, 2021).

were attributable to opioids.⁹ Opioid-related deaths increased by 35% over comparative 12-month periods, from approximately 56,064 as of April 2020 to 75,673 in the period ending in April 2021.¹⁰

Substance Abuse Treatment in Florida

In the early 1970s, the federal government enacted laws creating formula grants for states to develop continuums of care for individuals and families affected by substance abuse.¹¹ The laws resulted in separate funding streams and requirements for alcoholism and drug abuse. In response to the laws, the Florida Legislature enacted chs. 396 and 397, F.S., relating to alcohol and drug abuse, respectively.¹² Each of these laws governed different aspects of addiction, and thus had different rules promulgated by the state to fully implement the respective pieces of legislation.¹³ However, because persons with substance abuse issues often do not restrict their misuse to one substance or another, having two separate laws dealing with the prevention and treatment of addiction was cumbersome and did not adequately address Florida's substance abuse problem.¹⁴ In 1993, legislation was adopted to combine chs. 396 and 397, F.S., into a single law, the Hal S. Marchman Alcohol and Other Drug Services Act (Marchman Act).¹⁵

The Marchman Act encourages individuals to seek services on a voluntary basis within the existing financial and space capacities of a service provider.¹⁶ However, denial of addiction is a prevalent symptom of SUD, creating a barrier to timely intervention and effective treatment.¹⁷ As a result, treatment typically must stem from a third party providing the intervention needed for SUD treatment.¹⁸

The DCF administers a statewide system of safety-net services for substance abuse and mental health (SAMH) prevention, treatment, and recovery for children and adults who are otherwise unable to obtain these services. Services are provided based upon state and federally-established priority populations.¹⁹ The DCF provides treatment for SUD through a community-based

⁹ U.S. News and World Report, *CDC Data: Drug Overdose Deaths Top 100k for First Time*, November 17, 2021, available at <https://www.usnews.com/news/health-news/articles/2021-11-17/drug-overdose-deaths-top-100k-over-12-months-for-first-time> (last visited November 17, 2021).

¹⁰ *Id.*

¹¹ The DCF, *Baker Act and Marchman Act Project Team Report for Fiscal Year 2016-2017*, p. 4-5. (on file with the Senate Children, Families, and Elder Affairs Committee).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Chapter 93-39, s. 2, L.O.F., which codified current ch. 397, F.S.

¹⁶ See s. 397.601(1) and (2), F.S. An individual who wishes to enter treatment may apply to a service provider for voluntary admission. Within the financial and space capabilities of the service provider, the individual must be admitted to treatment when sufficient evidence exists that he or she is impaired by substance abuse and his or her medical and behavioral conditions are not beyond the safe management capabilities of the service provider.

¹⁷ Darran Duchene and Patrick Lane, *Fundamentals of the Marchman Act*, Risk RX, Vol. 6 No. 2 (Apr. – Jun. 2006) State University System of Florida Self-Insurance Programs, available at <http://flbog.sip.ufl.edu/risk-rx-article/fundamentals-of-the-marchman-act/> (last visited November 17, 2021) (hereinafter cited as “Fundamentals of the Marchman Act”).

¹⁸ *Id.*

¹⁹ See chs. 394 and 397, F.S.

provider system offering detoxification, treatment, and recovery support for individuals affected by substance misuse, abuse, or dependence.²⁰

- **Detoxification Services:** Detoxification services use medical and clinical procedures to assist individuals and adults as they withdraw from the physiological and psychological effects of substance abuse.²¹
- **Treatment Services:** Treatment services²² include a wide array of assessment, counseling, case management, and support that are designed to help individuals who have lost their abilities to control their substance use on their own and require formal, structured intervention and support.²³
- **Recovery Support:** Recovery support services, including transitional housing, life skills training, parenting skills, and peer-based individual and group counseling, are offered during and following treatment to further assist individuals in their development of the knowledge and skills necessary to maintain their recovery.²⁴

Licensure of Substance Abuse Service Providers

The DCF regulates substance use disorder treatment by licensing individual treatment components under ch. 397, F.S., and Rule 65D-30, F.A.C. Licensed service components include a continuum of substance abuse prevention,²⁵ intervention,²⁶ and clinical treatment services.²⁷

Clinical treatment is a professionally directed, deliberate, and planned regimen of services and interventions that are designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle.²⁸ “Clinical treatment services” include, but are not limited to, the following licensable service components:

- Addictions receiving facility.
- Day or night treatment.
- Day or night treatment with community housing.

²⁰ The DCF, *Treatment for Substance Abuse*, available at <https://www.myflfamilies.com/service-programs/samh/substance-abuse.shtml> (last visited November 17, 2021).

²¹ *Id.*

²² *Id.* Research indicates that persons who successfully complete substance abuse treatment have better post-treatment outcomes related to future abstinence, reduced use, less involvement in the criminal justice system, reduced involvement in the child-protective system, employment, increased earnings, and better health.

²³ *Id.*

²⁴ *Id.*

²⁵ Section 397.311(26)(c), F.S. “Prevention” is defined as “a process involving strategies that are aimed at the individual, family, community, or substance and that preclude, forestall, or impede the development of substance use problems and promote responsible lifestyles”. See also, The DCF, *Substance Abuse: Prevention*, <https://www.myflfamilies.com/service-programs/samh/prevention/index.shtml> (last visited November 17, 2021). Substance abuse prevention is achieved through the use of ongoing strategies such as increasing public awareness and education, community-based processes and evidence-based practices. These prevention programs are focused primarily on youth, and, in recent years, have shifted to the local level, giving individual communities the opportunity to identify their own unique prevention needs and develop action plans in response. This community focus allows prevention strategies to have a greater impact on behavioral change by shifting social, cultural and community environments.

²⁶ Section 397.311(26)(b), F.S. “Intervention” is defined as “structured services directed toward individuals or groups at risk of substance abuse and focused on reducing or impeding those factors associated with the onset or the early stages of substance abuse and related problems.”

²⁷ Section 397.311(26), F.S.

²⁸ Section 397.311(26)(a), F.S.

- Detoxification.
- Intensive inpatient treatment.
- Intensive outpatient treatment.
- Medication-assisted treatment for opiate addiction.
- Outpatient treatment.
- Residential treatment.²⁹

Florida does not license recovery residences; instead, in 2015 the Legislature enacted sections 397.487–397.4872, F.S., which establish voluntary certification programs for recovery residences and recovery residence administrators, implemented by private credentialing entities.³⁰

Application for Licensure

Individuals applying for licensure as substance abuse service providers must submit applications on specified forms provided, and in accordance with rules adopted, by the DCF.³¹ Applications must include, at a minimum:

- Information establishing the name and address of the applicant service provider and its director, and also of each member, owner, officer, and shareholder, if any.
- Information establishing the competency and ability of the applicant service provider and its director to carry out the requirements of ch. 397, F.S.
- Proof satisfactory to the DCF of the applicant service provider’s financial ability and organizational capability to operate in accordance with ch. 397, F.S.
- Proof of liability insurance coverage in amounts set by the DCF by rule.
- Sufficient information to conduct background screening for all owners, directors, chief financial officers, and clinical supervisors as provided in s. 397.4073, F.S.
- Proof of satisfactory fire, safety, and health inspections, and compliance with local zoning ordinances. Service providers operating under a regular annual license shall have 18 months from the expiration date of their regular license within which to meet local zoning requirements. Applicants for a new license must demonstrate proof of compliance with zoning requirements prior to the department issuing a probationary license.
- A comprehensive outline of the proposed services, including sufficient detail to evaluate compliance with clinical and treatment best practices, for:
 - Any new applicant; or
 - Any licensed service provider adding a new licensable service component.
- Proof of the ability to provide services in accordance with the DCF rules.
- Any other information that the DCF finds necessary to determine the applicant’s ability to carry out its duties under this chapter and applicable rules.³²

Adverse Action - Applicant or Licensee

Section 397.401, F.S., prohibits any person or agency from acting as a substance abuse service provider unless the person or agency is licensed or exempt from licensure. Based on a licensure

²⁹ *Id.*

³⁰ Chapter 2015-100, L.O.F.

³¹ Section 397.403(1), F.S.

³² *Id.*

inspection or resulting from a complaint, a provider may be cited for violations of licensure standards and a fine may be imposed. Fines are levied based on the severity and prevalence of the violation and range in amounts per day, per violation, up to a maximum of \$500.³³

Provider Licensure and Designations System

The Provider Licensure and Designations System (PLADS) is a web-based portal operated and maintained by the DCF that allows substance abuse service providers to electronically register and apply for substance abuse license components. PLADS serves as a central location where providers can manage all documentation legally required for obtaining licensure to provide state regulated services. PLADS also allows providers to check their licensure status, track inspections, and respond to corrective action plans.³⁴

Launched on August 14, 2017, PLADS automates the licensure process by allowing providers to submit online applications and receive notifications.³⁵ PLADS allows licensure staff to facilitate workflow movement of documents, store electronic files, and search for reports.³⁶ PLADS also serves as a web-based platform for members of the public to submit complaints regarding individual service providers to the DCF.³⁷ The DCF also uses PLADS as a tool to record legal violations committed by service providers, and to communicate violations discovered during inspections or follow-ups to corrective action plans to service providers.³⁸

Recovery Residences

Recovery residences (also known as “sober homes” or “sober living homes”) are alcohol- and drug-free living environments for individuals in recovery who are attempting to maintain abstinence from alcohol and drugs.³⁹ These residences offer no formal treatment and are, in some cases, self-funded through resident fees.⁴⁰

A recovery residence is defined as “a residential dwelling unit, the community housing component of a licensed day or night treatment facility with community housing, or other form of group housing, which is offered or advertised through any means, including oral, written,

³³ Section 397.415(1)(a), F.S.

³⁴ The DCF, *Licensure and Regulation*, available at <https://www.myflfamilies.com/service-programs/samh/licensure-regulation/> (last visited November 17, 2021).

³⁵ The DCF, *Long Range Program Plan, Fiscal Years 2018-2019 and 2022-2023*, September 30, 2017, p. 47, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=17084&DocType=PDF> (last visited November 17, 2021).

³⁶ *Id.*

³⁷ The DCF Complaint Portal, available at <https://dcfplads.visualvault.com/Public/FLDCF/SAMH/formviewer?formid=665e4dc9-af73-e711-a962-dd47132d4eaa&xcdid=68226190-f21a-e711-8131-0e42c1d38fef&xcid=fb18edf0-c070-e711-950c-48e244f6f348> (last visited November 17, 2021).

³⁸ The DCF, *August 31, 2020 Memorandum: Clarification on Issuing License Fines*, p. 26 available at <http://www.sa15.state.fl.us/stateattorney/SoberHomes/content/attachments/9-16-20Meeting.pdf> (last visited November 17, 2021).

³⁹ The SAMSHA, *Recovery Housing: Best Practices and Suggested Guidelines*, p. 2, available at <https://www.samhsa.gov/sites/default/files/housing-best-practices-100819.pdf> (last visited November 17, 2021).

⁴⁰ However, these homes may mandate or strongly encourage attendance at 12-step groups. The Society for Community Research and Action, *Statement on Recovery Residences: The Role of Recovery Residences in Promoting Long-term Addiction Recovery*, available at <https://www.scra27.org/what-we-do/policy/policy-position-statements/statement-recovery-residences-addiction/> (last visited November 17, 2021).

electronic, or printed means, by any person or entity as a residence that provides a peer-supported, alcohol-free, and drug-free living environment.”⁴¹

Voluntary Certification of Recovery Residences and Administrators in Florida

Florida utilizes voluntary certification programs for recovery residences and recovery residence administrators, implemented by private credentialing entities.⁴² Under the voluntary certification program, the DCF has approved two credentialing entities to design the certification programs and issue certificates: the Florida Association of Recovery Residences certifies the recovery residences and the Florida Certification Board (the FCB) certifies recovery residence administrators.⁴³

Certified Recovery Residence Administrators

Certified recovery residence administrators (CRRAs) are individuals responsible for the overall management of a recovery residence, as well as the supervision of residents and paid or volunteer staff.⁴⁴ Prior to obtaining certification, CRRAs must successfully undergo a level 2 background screening pursuant to ch. 435, F.S.⁴⁵ Additionally, the FCB currently requires CRRAs to:

- Hold at least a high school diploma, GED, or equivalent;
- Undergo 10 hours of on-the-job supervision of the applicant’s performance of related recovery residence administrator, manager, or residential management services within a recovery residence setting;
- Obtain three professional letters of recommendation;
- Pass an exam administered by the FCB;
- Complete 10 hours of continuing education annually; and
- Apply for certification renewal annually.⁴⁶

CRRAs are prohibited from engaging in any of the following activities:

- Failing to adhere to continuing education requirements of the credentialing entity;⁴⁷
- Providing false or misleading information to the credentialing entity at any time;⁴⁸
- Advertising himself or herself to the public as a “certified recovery residence administrator” without first obtaining certification;⁴⁹ and

⁴¹ Section 397.311(38), F.S.

⁴² Sections 397.487–397.4872, F.S.

⁴³ The DCF, *Recovery Residence Administrators and Recovery Residences*, available at <https://www.myflfamilies.com/service-programs/samh/recovery-residence/> (last visited November 17, 2021).

⁴⁴ The Florida Certification Board (The FCB), *Certified Recovery Residence Administrator (CRRAs)*, available at <https://flcertificationboard.org/certifications/certified-recovery-residence-administrator/> (last visited November 17, 2021).

⁴⁵ Section 397.4871(5), F.S.

⁴⁶ The FCB, *Certification Guidelines: Credential Standards and Requirements Table: Certified Recovery Residence Administrator (CRRAs)*, p. 4-5, available at <https://flcertificationboard.org/wp-content/uploads/CRRAs-Standards-and-Requirements-Tables-January-2020.pdf> (last visited November 17, 2021).

⁴⁷ Section 397.4871(6)(a), F.S. CRRAs who violate this provision are subject to revocation of certification at the discretion of the credentialing entity.

⁴⁸ Section 397.4871(6)(c), F.S. CRRAs who violate this provision are subject to mandatory revocation of certification.

⁴⁹ Section 397.4871(7), F.S. CRRAs who violate this provision commit a first degree misdemeanor, punishable as provided in section 775.082, F.S. or section 775.083, F.S.

- Actively managing more than three recovery residences at any given time.⁵⁰

Patient Referrals

While certification is voluntary, Florida law incentivizes certification. Since 2016, Florida has prohibited licensed substance abuse service providers from referring patients to a recovery residence unless the recovery residence holds a valid certificate of compliance and is actively managed by a CRRA.⁵¹ There are certain exceptions that allow referrals to or from uncertified recovery residences, including:

- A licensed service provider under contract with a behavioral health managing entity.
- Referrals by a recovery residence to a licensed service provider when the recovery residence or its owners, directors, operators, or employees do not benefit, directly or indirectly, from the referral.
- Referrals made before July 1, 2018, by a licensed service provider to that licensed service provider's wholly owned subsidiary.
- Referrals to, or accepted referrals from, a recovery residence with no direct or indirect financial or other referral relationship with the licensed service provider, and that is democratically operated by its residents pursuant to a charter from an entity recognized or sanctioned by Congress, and where the residence or any resident of the residence does not receive a benefit, directly or indirectly, for the referral.⁵²

The DCF publishes a list of all certified recovery residences and recovery residence administrators on its website.⁵³ As of November 15, 2021, there were 449 certified recovery residences in Florida.⁵⁴

Privacy Rights of Individuals Receiving Substance Abuse Treatment

Section 397.501, F.S., establishes statutory rights for individuals receiving substance abuse services, including the right to dignity, non-discriminatory services, quality services, confidentiality, counsel, and habeas corpus. In particular, s. 397.501(5), F.S., entitles an individual to the right to possess clothing and other personal effects. Service providers are permitted to take only temporary custody of an individual's personal effects, and may do so only when medically necessary or for safety reasons. Providers must document both the reason for taking custody and a list of personal effects taken in the patient's clinical record.⁵⁵ Service providers who violate these rights are liable for damages, unless acting in good faith, reasonably, and without negligence.⁵⁶

⁵⁰ Section 397.4871(8), F.S.

⁵¹ Section 397.4873(1), F.S.

⁵² Section 397.4873(2)(a)-(d), F.S.

⁵³ Section 397.4872(2), F.S.

⁵⁴ The Florida Association of Recovery Residences, *Certified Recovery Residences established by s. 397.487, F.S.*, available at <https://www.myflfamilies.com/service-programs/samh/recovery-residence/docs/FARR%20Certified%20Recovery%20Residences.pdf> (last visited November 17, 2021).

⁵⁵ Section 397.501(5), F.S.

⁵⁶ Section 397.501(10), F.S.

III. Effect of Proposed Changes:

The bill amends s. 397.403, F.S., relating to license application of substance abuse service providers, requiring applicants for licensure to include the names and locations of any recovery residences to which the applicant plans to refer patients or from which the applicant plans to accept patients.

The bill creates s. 397.4104, F.S., requiring providers to record the names and locations of any recovery residences to which the applicant has referred patients, or from which the applicant has accepted patients, in the DCF's PLADS by July 1, 2022. Providers are required to update PLADS with the names and locations of any new recovery residences to which patients have been referred, or from which patients have been received, within 30 business days of referring or receiving patients.

Beginning July 1, 2022, a provider that fails to create an appropriate record in PLADS, or fails to appropriately update such a record upon the referral or receipt of patients from a previously unrecorded recovery residence, is subject to an administrative fine of \$1,000. The bill allows the DCF to suspend or revoke a provider's license in accordance with s. 397.415, F.S., if the provider repeatedly violates this provision.

The bill amends s. 397.4871, F.S., related to recovery residence administrator certification, requiring CCRAAs to demonstrate the ability to:

- Effectively and appropriately respond to the needs of residents;
- Maintain residence standards; and
- Meet the certification requirements of s. 397.4871, F.S.

Under the bill, a CCRA who demonstrates such ability is permitted to actively manage more than 50 residents at once only if the:

- CCRA provides written justification to the appropriate credentialing entity; and
- Credentialing entity approves the request.

The bill prohibits CCRAAs from managing more than 100 residents under any circumstances.

The bill also requires service providers to return any personal effects taken from an individual to that individual upon discharge even if the discharge is against medical advice.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

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:

There may be an indeterminate negative fiscal impact to licensed substance abuse service providers, as these providers will be subject to administrative fines of up to \$1,000 for failing to properly record recovery residences used for patient referrals in the PLADS system.

C. Government Sector Impact:

There may be an indeterminate negative fiscal impact to the DCF due to the need to update the PLADS system to allow for recording of recovery residences used for patient referrals.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 397.403, 397.4871, and 397.501 of the Florida Statutes.

This bill creates section 397.4104 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.

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

By Senator Harrell

25-00437A-22

2022704__

A bill to be entitled

An act relating to substance abuse service providers; amending s. 397.403, F.S.; requiring service provider applicants to include the names and locations of certain recovery residences in their license application; creating s. 397.4104, F.S.; requiring service providers to record specified information in the Department of Children and Families' Provider Licensure and Designations System after a specified date; requiring service providers to update the record with any changes within a specified timeframe; providing civil penalties; amending s. 397.4871, F.S.; requiring certified recovery residence administrators to demonstrate the ability to meet specified requirements; prohibiting certified recovery residence administrators from actively managing more than a specified number of residents; providing an exception; deleting a provision prohibiting certified recovery residence administrators from actively managing more than three recovery residences; amending s. 397.501, F.S.; requiring service providers to return an individual's personal effects upon the individual's discharge; providing an effective date.

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

Section 1. Paragraph (j) is added to subsection (1) of section 397.403, Florida Statutes, to read:
397.403 License application.—

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

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(1) Applicants for a license under this chapter must apply to the department on forms provided by the department and in accordance with rules adopted by the department. Applications must include at a minimum:

(j) The names and locations of any recovery residences to which the applicant service provider plans to refer patients or from which the applicant service provider plans to accept patients.

Section 2. Section 397.4104, Florida Statutes, is created to read:

397.4104 Record of recovery residences used by service providers.—

(1) By July 1, 2022, a service provider shall record in the department's Provider Licensure and Designations System the name and location of each recovery residence that the service provider has referred patients to or received patients from and update the record with any changes that occur. A service provider must update such record within 30 business days after the change.

(2) Beginning July 1, 2022, a licensed service provider that violates this section is subject to an administrative fine of \$1,000 per occurrence. The department may suspend or revoke a service provider's license pursuant to s. 397.415 for repeat violations of this section.

Section 3. Subsection (8) of section 397.4871, Florida Statutes, is amended to read:

397.4871 Recovery residence administrator certification.—

(8)(a) A certified recovery residence administrator must demonstrate the ability to effectively and appropriately respond

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59 to the needs of residents, to maintain residence standards, and
60 to meet the certification requirements of this section.

61 (b) A certified recovery residence administrator may not
62 actively manage more than 50 residents at any given time unless
63 written justification is provided to, and approved by, the
64 credentialing entity as to how the administrator is able to
65 effectively and appropriately respond to the needs of the
66 residents, to maintain residence standards, and to meet the
67 residence certification requirements of this section. However, a
68 certified recovery residence administrator may not actively
69 manage more than 100 residents ~~no more than three recovery~~
70 ~~residences~~ at any given time.

71 Section 4. Subsection (5) of section 397.501, Florida
72 Statutes, is amended to read:

73 397.501 Rights of individuals.—Individuals receiving
74 substance abuse services from any service provider are
75 guaranteed protection of the rights specified in this section,
76 unless otherwise expressly provided, and service providers must
77 ensure the protection of such rights.

78 (5) RIGHT TO CARE AND CUSTODY OF PERSONAL EFFECTS.—An
79 individual has the right to possess clothing and other personal
80 effects. The service provider may take temporary custody of the
81 individual's personal effects only when required for medical or
82 safety reasons, with the reason for taking custody and a list of
83 the personal effects recorded in the individual's clinical
84 record. A service provider shall return an individual's personal
85 effects upon the individual's discharge, even if the discharge
86 is against medical advice.

87 Section 5. This act shall take effect upon becoming a law.

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: CS/SB 754

INTRODUCER: Transportation Committee and Senator Gainer

SUBJECT: Mobile Home Registration Periods

DATE: January 14, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Fav/CS
2.	Hunter	Ryon	CA	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 754 provides that the registration of a mobile home owned by a natural person begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If the mobile home is registered in the name of more than one person, the birth month of the person whose name first appears on the registration will be used to determine the registration period.

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to prorate mobile home registration renewal fees to give customers the option to renew their registrations on their dates of birth in 2024 or 2025.

For a mobile home not owned by a natural person, the registration period would continue to be January 1 and end December 31.

The Revenue Estimating Conference estimates that the bill has no fiscal impact.

The bill has an effective date of September 1, 2023.

II. Present Situation:

Mobile Home Registration

Chapter 320, F.S., provides for the rules, procedures, and regulations governing the issuance and enforcement of motor vehicle and mobile home licenses. Under this chapter the term “mobile home” means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.¹ The term “registration period” means a period of 12 months or 24 months during which a motor vehicle or mobile home registration is valid.²

A mobile home, including those owned by non-residents, are subject to Florida registration and an annual license tax.³ A mobile home, regardless of its actual use, is subject to a license tax unless classified and taxed as real property. It is considered real property only when the owner of the mobile home is also the owner of the land on which the mobile home is situated and the mobile home is permanently affixed on the land. Any prefabricated or modular housing unit or portion of a prefabricated or modular housing unit not manufactured on an integral chassis or undercarriage for travel over the highways must be taxed as real property once it is permanently affixed to real property. This does not apply to a display home or other inventory being held for sale by a manufacturer or dealer of modular housing units.⁴

A mobile home in Florida must be registered with a current decal affixed to it at all times, even when unoccupied. The registration fee for a mobile home is based on its physical length:

- A mobile home not exceeding 35 feet in length: \$20 flat;
- A mobile home over 35 feet in length, but not exceeding 40 feet: \$25 flat;
- A mobile home over 40 feet in length, but not exceeding 45 feet: \$30 flat;
- A mobile home over 45 feet in length, but not exceeding 50 feet: \$35 flat;
- A mobile home over 50 feet in length, but not exceeding 55 feet: \$40 flat;
- A mobile home over 55 feet in length, but not exceeding 60 feet: \$45 flat;
- A mobile home over 60 feet in length, but not exceeding 65 feet: \$50 flat; and
- A mobile home over 65 feet in length: \$80 flat.⁵

Single, double, and triple-wide or additional mobile home units require a separate registration and decal for each unit.⁶

As of September 2021, there were 1,089,276 active mobile homes registered in Florida (includes those who may have both one and two year registrations). During FY 2020-2021, the DHSMV

¹ Section 320.01(2)(a), F.S.

² Section 320.01(19)(a), F.S.

³ Section 320.08(11), F.S.

⁴ Section 320.015(1), F.S.

⁵ *Supra* FN 3.

⁶ Section 320.0815(2), F.S.

processed 312,224 mobile home registration renewal transactions. Of this amount, 73,979 were registered to a business. Additionally, 600,000 mobile homes were registered as real property.⁷

Registration Renewal

Motor vehicle and mobile home registrations must be renewed semiannually, annually, or biennially during the applicable renewal period upon payment of the applicable license tax amounts, service charges, and any additional fees required by law.⁸ The specific registration and renewal periods for vehicles subject to registration are specified by statute.⁹ Chapter 320, F.S., provides that the registration and renewal period for a motor vehicle begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If such vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.¹⁰ However, as mobile homes are not included in the definition of "motor vehicle" but rather are subject to registration under s. 320.08(11), F.S., the registration and renewal period differs from that of motor vehicles.

Currently, Florida law requires mobile home registrations be renewed annually or biennially, the registration period begins January 1 and ends December 31. For a vehicle subject to this registration period, the renewal period is the 31-day period prior to expiration.¹¹ However, if the owner of the mobile home is a natural person, the registration expires at midnight on the owner's birthday.¹²

Additionally, mobile homes are eligible for an extended registration period of 24 months.¹³ Owners of certain specified motor vehicles or mobile homes may renew the vehicle registration biennially during the applicable renewal period upon payment of the two-year cumulative total of all applicable license tax amounts, service charges or surcharges, and payment of the two-year cumulative total of any additional fees required by law for an annual registration.¹⁴

Failure to renew a mobile home registration may be subject to the following penalty provisions:

- Any person whose motor vehicle or mobile home registration has been expired for a period of 6 months or less commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Chapter 318. However, a law enforcement officer may not issue a citation for a violation under this paragraph until midnight on the last day of the owner's birth month of the year the registration expires.¹⁵

⁷ Email from Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, (November 23, 2021) (on file with the Senate Committee on Transportation).

⁸ Section 320.07(2), F.S.

⁹ Section 320.055, F.S.

¹⁰ Section 320.055(1)(a), F.S.

¹¹ Section 320.055(2), F.S.

¹² Section 320.07(1), F.S.

¹³ Sections 320.055(1)(b) and 320.01(19)(b), F.S.

¹⁴ Section 320.07(2)(b), F.S.

¹⁵ Section 320.07(3)(a), F.S.

- Any person whose motor vehicle or mobile home registration has been expired for more than 6 months, upon a first offense, is subject to the penalty in s. 318.14, F.S.¹⁶
- Any person whose motor vehicle or mobile home registration has been expired for more than 6 months, upon a second or subsequent offense, commits a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.¹⁷

According to s. 320.055, F.S., the registration period for mobile homes begins January 1 and ends December 31. However, s. 320.07, F.S., provides that if the owner of the mobile home is a natural person the registration expires at midnight on the owner's birthday.

Distribution of Taxes for Mobile Homes

A surcharge in the amount of \$1 is collected in the same manner as the license tax. This surcharge may not be imposed during the next registration and renewal period if the balance in the Florida Mobile Home Relocation Trust Fund exceeds \$10 million on June 30. The surcharge must be reinstated in the next registration and renewal period if the balance in the Florida Mobile Home Relocation Trust Fund is below \$6 million on June 30. Any mobile home that is not located in a mobile home park regulated under ch. 723, F.S., is exempt from the surcharge.¹⁸

The annual mobile home license tax may be collected by the tax collectors. Each tax collector must make prompt remittance of all moneys collected to the DHSMV. Upon receipt of the license taxes collected from the tax collectors, the DHSMV must deposit in the General Revenue Fund the sum of \$1.50 on each such sticker issued, and must deposit in the Florida Mobile Home Relocation Trust Fund \$1 on each sticker issued as provided in s. 320.08015, F.S. The balance remaining must be paid into the License Tax Collection Trust Fund, and the funds deposited must be paid to the respective counties and cities where the mobile home the license tax applies to is located, regardless of where the license taxes are collected.¹⁹

The DHSMV must keep records showing the total number of stickers issued to each type of mobile home, the total amount of license taxes collected, and the county or municipality where each mobile home is located and must from month to month certify to the Chief Financial Officer the amount derived from license taxes in each county and each municipality within the county. The funds remaining after the \$1.50 collected on each license and the \$1 license tax surcharge imposed by s. 320.08015, F.S., must be paid to the counties and municipalities within the counties where the mobile home(s) is located as follows: one-half to the district school board and the remainder to the board of county commissioners, for a mobile home that is located within the unincorporated areas of the county, or to any municipality within such county, for a mobile home that is located within its corporate limits. Payment must be by warrant drawn monthly by the Chief Financial Officer upon the treasury out of the License Tax Collection Trust Fund.²⁰

¹⁶ Section 320.07(3)(b), F.S.

¹⁷ Section 320.07(3)(c), F.S.

¹⁸ Section 320.08015, F.S.

¹⁹ Section 320.081(4), F.S.

²⁰ Section 320.081(5), F.S.

The current registration period for mobile homes begins January 1 and ends December 31. This results in the distribution of taxes occurring once per year in December to trust funds, General Revenue, school boards, and local governments.

III. Effect of Proposed Changes:

The bill amends s. 320.055, F.S., to provide that the registration of a mobile home owned by a natural person begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If the mobile home is registered in the name of more than one person, the birth month of the person whose name first appears on the registration will be used to determine the registration period. The renewal period for the registration will be the 30-day period ending at midnight on the vehicle owner's date of birth.

The bill requires the DHSMV to prorate mobile home registration renewal fees to give customers the option to renew their registrations on their dates of birth in 2024 or 2025. Customers whose dates of birth occur in the months of January through June may choose to renew for 1 to 18 months. Customers whose dates of birth occur in the months of July through December may choose to renew for 7 to 24 months.

The change in registration period for mobile homes to the owner's birth month may result in the distribution of taxes occurring monthly instead of once per year in December to trust funds, General Revenue, school boards, and local governments.

For a mobile home not owned by a natural person, the registration period would begin January 1 and end December 31, with a renewal period for the registration of 31-days before expiration.

The bill has an effective date of September 1, 2023.

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:

The Revenue Estimating Conference estimates that the bill has no fiscal impact. Beginning September 1, 2023, mobile home registrants will have the option to renew their registrations on their birth dates. Registrants whose birth dates occur in the months of January through June may choose to renew for 1 to 18 months, and customers whose birth dates occur in the months of July through December may choose to renew for 7 to 24 months. This may result in some registrants paying more to move their registration to their birth month if they choose to not renew for the shorter period, but no one would pay more than they normally would in a two year period.

C. Government Sector Impact:

The Revenue Estimating Conference estimates that the bill has no fiscal impact; however, counties and cities who receive monies from the base tax of mobile homes may have a negative impact in the state FY 2023-2024, may have a positive impact in FY 2024-2025, and may level out past FY 2024-25. Most counties are based on the federal fiscal year, which runs from October 1 to September 30. Currently, the base tax for mobile homes is paid in December of each year.²¹

The Revenue Estimating Conference estimates that the bill has no fiscal impact; however, the General Revenue Fund may experience a negative revenue impact in FY 2023-2024, a positive revenue impact in FY 2024-2025, and a return to previous year averages in the following years. This may be a net zero impact that spans over two years.²²

The change in registration period for a mobile home to the owner's birth month may result in the distribution of taxes occurring monthly instead of once per year in December to trust funds, General Revenue, school boards, and local governments.

According to DHSMV, the bill may have an indeterminate negative fiscal impact to the DHSMV for programming various computer systems to convert mobile home registration renewals from the month of December to the registrant's birth month.²³

²¹ Florida Department of Highway Safety and Motor Vehicles, *2022 Agency Legislative Bill Analysis of Senate Bill 754*, (November 29, 2021).

²² *Ibid.*

²³ *Ibid.*

The DHSMV and tax collector offices will see a reduced workload in December due to the change for natural persons to register mobile homes during their birth months. Revenue that otherwise would be anticipated to be received in December from renewals would instead be received throughout the fiscal year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 320.055

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 Transportation on December 1, 2021:

Amends the effective date to September 1, 2023, and requires the DHSMV to prorate mobile home registration renewal fees to give customers the option to renew their registrations on their dates of birth in 2024 or 2025. Customers whose dates of birth occur in the months of January through June may choose to renew for 1 to 18 months. Customers whose dates of birth occur in the months of July through December may choose to renew for 7 to 24 months.

B. Amendments:

None.

By the Committee on Transportation; and Senator Gainer

596-01392-22

2022754c1

A bill to be entitled

An act relating to mobile home registration periods; amending s. 320.055, F.S.; revising the registration and registration renewal periods for a mobile home owned by a natural person; requiring the Department of Highway Safety and Motor Vehicles, beginning on a specified date, to give customers the option to renew their registrations on their dates of birth in certain years; specifying permissible renewal periods for such renewals; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection (2) of section 320.055, Florida Statutes, are amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(1) (a) For a motor vehicle subject to registration under s. 320.08(1), (2), (3), (4) (a) or (b), (5) (b), (c), (d), or (f), (6) (a), (7), (8), (9), ~~or (10)~~, or (11) and owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If such vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the 30-day period ending at midnight on the

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vehicle owner's date of birth.

(2) For a vehicle subject to registration under s. 320.08(11) and not owned by a natural person, the registration period begins January 1 and ends December 31. For a vehicle subject to this registration period, the renewal period is the 31-day period before ~~prior to~~ expiration.

Section 2. Beginning September 1, 2023, in order to implement the amendment made by this act to s. 320.055, Florida Statutes, the Department of Highway Safety and Motor Vehicles shall give customers the option to renew their registrations on their dates of birth in 2024 or 2025. Customers whose dates of birth occur in the months of January through June may choose to renew for 1 to 18 months. Customers whose dates of birth occur in the months of July through December may choose to renew for 7 to 24 months.

Section 3. This act shall take effect September 1, 2023.

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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 838

INTRODUCER: Senators Wright and Polsky

SUBJECT: Fire Investigators

DATE: January 14, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Arnold</u>	<u>Knudson</u>	<u>BI</u>	Favorable
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 838 expands the definition of “firefighter” in s. 112.1816, F.S., related to cancer diagnoses for firefighters, to include “full-time, Florida-certified fire investigators. Upon diagnosis of one of the 21 specific cancers enumerated within s. 112.1816, F.S., the bill has the effect of making a fire investigator eligible for benefits under the statute. The benefits are an alternative to pursuing a workers’ compensation claim, and entitle an eligible firefighter to a one-time cash payout of \$25,000, upon the firefighter’s initial diagnosis of cancer, and cancer treatment with the employer reimbursing the firefighter for any out-of-pocket deductible, copayment, or coinsurance costs related to the cancer treatment. Based on the conclusive presumption contained in the statute that the cancer or the resulting treatment of cancer occurred in-the-line-of duty, if a firefighter meets the retirement plan’s definition of totally and permanently disabled due to the cancer or circumstances that arise out of the treatment of cancer, the fire investigator is eligible for enhanced disability benefits either under an employer-sponsored retirement plan or employer-sponsored disability retirement plan. Likewise, if the firefighter dies from the cancer or circumstances that arise from the cancer treatment, the death is conclusively presumed to be in-the-line-of-duty, resulting in a higher death benefit for the firefighter’s beneficiaries.

The Department of Financial Services currently employs 104 fire investigators within the Division of Investigative and Forensic Services, 86 of which are Florida-certified fire investigators or are in the process of becoming certified. These fire investigators respond to fire scenes throughout the State of Florida, supporting local law enforcement, and spend an average of three hours per investigation on-site. These on-site audits and investigations typically occur the same day of the fire or within three days of the fire. As a result, fire investigators sustain significant exposure to hazardous vapors, gases, and particles that are known to contribute to chronic health conditions, including cancer, as these dangerous chemicals and carcinogens remain after the fire.

The bill takes effect July 1, 2022.

II. Present Situation:

Cancer Studies Regarding Firefighters

The incidence of cancer among firefighters appears to be higher on average than other occupations. Firefighters work in inherently dangerous situations on a daily basis. They are exposed to many different carcinogens, either inhaled or absorbed through the skin both on the scene and in the firehouse. Studies have been conducted at the state, national, and international level resulting in the identification of cancers found to be common among firefighters.¹ This information has been used to train and educate firefighters to reduce exposure to carcinogens resulting from firefighting activities.

In 2010, the National Institute for Occupational Safety and Health (NIOSH) initiated a study to evaluate the cancer risk of firefighters.² The study served to identify whether firefighters are at a higher risk of developing cancer related to exposure on the job. Researchers studied death related to cancer as well as specific types of cancers involved. Researchers took into consideration the types and number of fire runs, use of protective equipment, and diesel exhaust controls. The study spanned four years and the sample size included over 30,000 career firefighters serving in Chicago, Philadelphia, and San Francisco between 1950 and 2010.

According to the 2010 study, firefighters have a nine percent higher risk of being diagnosed with cancer and a 14 percent higher risk of dying from cancer than the general population in the United States. The cancers mostly responsible for this higher risk were respiratory (lung, mesothelioma), gastrointestinal (oral cavity, esophageal, large intestine) and kidney.³

Recent Florida Legislation

In 2019, the Legislature created s. 112.1816, F.S.,⁴ to make firefighters who are diagnosed with certain cancers eligible to receive certain disability or death benefits. Specifically, in lieu of pursuing workers' compensation coverage, a firefighter is entitled to cancer treatment and one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer. In order to be entitled to such benefits, the firefighter must:

- Be employed full-time as a firefighter;
- Be employed by the state, university, city, county, port authority, special district, or fire control district;
- Have been employed by his or her employer for at least five continuous years;
- Not have used tobacco products for at least the preceding five years; and

¹ Occupation and Cancer, American Cancer Society, *available at* <https://www.cancer.org/content/dam/cancer-org/cancer-control/en/booklets-flyers/occupation-and-cancer-fact-sheet.pdf>; 15 Jobs That Put You at a Higher Risk of Cancer, *available at* <https://www.cheatsheet.com/money-career/jobs-put-higher-cancer-risk.html/?a=viewall>; Cancer Facts and Figures, American Cancer Society, *available at* <https://www.cancer.org/research/cancer-facts-statistics/all-cancer-facts-figures.html>.

² See Exposure-response relationships for select cancer and non-cancer health outcomes in a cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009), *available at* [https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-\(2015\)-508.pdf](https://www.cdc.gov/niosh/firefighters/pdfs/Daniels-et-al-(2015)-508.pdf).

³ *Id.*

⁴ Ch. 2019-21, Laws of Fla.

- Have not been employed in any other position in the preceding five years which is proven to create a higher risk for cancer.

Under the statute, the term “cancer” includes bladder cancer, brain cancer, breast cancer, cervical cancer, colon cancer, esophageal cancer, invasive skin cancer, kidney cancer, large intestinal cancer, lung cancer, malignant melanoma, mesothelioma, multiple myeloma, non-Hodgkin’s lymphoma, oral cavity and pharynx cancer, ovarian cancer, prostate cancer, rectal cancer, stomach cancer, testicular cancer, and thyroid cancer.

The employer must provide coverage within an employer-sponsored health plan or through a group health insurance trust fund. The employer must timely reimburse the firefighter for any out-of-pocket deductible, co-payment, or coinsurance costs incurred due to the treatment of cancer.

For disability and death benefits, the employer must consider a firefighter permanently and totally disabled if the firefighter is diagnosed with one of the 21 enumerated cancers and meets the retirement plan’s definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer. Moreover, the cancer or the treatment of cancer is deemed to have occurred in the line of duty, resulting in higher disability and death benefits.

To cover the costs associated with changes to Florida Retirement System (FRS) benefits (disability retirement benefits and in-line-of-duty benefits), the statute provides adjustments to the employer-paid contribution rates for the Special Risk class and the Deferred Retirement Option Program (DROP) that fund the FRS’s normal costs and unfunded actuarial liability, and adjusts the percentage of funds allocated to provide in line of duty death benefits for investment plan members.

To date, three cancer claims have been submitted under the statute, totaling \$66,308 in payments.⁵

Section 112.1816, F.S., does not currently apply to full-time fire investigators.

Division of the State Fire Marshal

State law on fire prevention and control designates the Chief Financial Officer as the State Fire Marshal, operating through the Division.⁶ Pursuant to this authority, the State Fire Marshal:

- Regulates, trains, and certifies fire service personnel;
- Investigates the causes of fires;
- Enforces arson laws;
- Regulates the installation of fire equipment;
- Conducts firesafety inspections of state property;
- Develops firesafety standards;

⁵ Department of Financial Services, *Senate Bill 838 Agency Analysis* (November 19, 2021) (on file with the Senate Committee on Banking and Insurance).

⁶ Section 633.104, F.S.

- Provides facilities for the analysis of fire debris; and
- Operates the Florida State Fire College.

The Division is comprised of two bureaus: the Bureau of Fire Prevention (BFP) and the Bureau of Fire Standards and Training (BFST).⁷ The BFP conducts fire/life safety inspections and construction plans review on all state-owned buildings; regulates the fireworks and the fire sprinkler industries; inspects and licenses boilers; and certifies suppression industry workers.⁸ The BFST approves firefighter training curricula; offers fire service training at the Florida State Fire College; and certifies that fire service members meet industry-based standards.⁹

Florida State Fire College

The Florida State Fire College, offers basic, intermediate, and advanced training and education courses, develops educational curricula to be used by other fire-rescue training agencies, and conducts research into new methods and technologies related to fire-rescue activities.¹⁰ Course offerings fall into five general categories: academic, certification, certificate of competency, vocational, and non-credit.¹¹ The Fire Investigation is one such advanced training program.

Fire Investigator Program

The Fire Investigator Program is a voluntary, advanced training program administered by the Florida State Fire College and designed for certified firefighters, certified law enforcement officers, law enforcement crime scene technicians, and certified firesafety inspectors who have fire investigation responsibilities.¹²

The program offers Fire Investigator I and II Certifications of Competency. In the first, the individual must complete at least 360 hours of training, including courses in Fire Chemistry, Fire Origin and Cause, Fire Protection Systems, Building Construction, Latent Investigation, Arson Investigation, Post Blast Investigation, and Legal Issues for Fire Investigators.¹³

The Level II Certification of Competency is available to an individual holding a Fire Investigator II Certificate of Competency if the individual is also a certified firefighter, certified law enforcement officer, law enforcement crime scene technician, or certified sworn or non-sworn firesafety inspector, and has completed a Fire Investigator Portfolio and Fire Investigator Task Book.¹⁴

Since 2005, 1,740 individuals have been certified as Fire Investigators through the State Fire College.¹⁵ Of these, 947 individuals hold both a Firefighter II and Fire Investigator certification,

⁷ Department of Financial Services, Division of the State Fire Marshal, *What We Do*, <https://www.myfloridacfo.com/division/sfm/> (last visited December 19, 2019).

⁸ *Id.*

⁹ *Id.*

¹⁰ See Rule 69A-37.064, F.A.C.

¹¹ *Id.*

¹² See Rule 69A-37.065(3), F.A.C.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Department of Financial Services, *Senate Bill 838 Agency Analysis* (November 19, 2021) (on file with the Senate Committee on Banking and Insurance).

and meet the criteria to be covered by the current definition of firefighter under s. 112.1816, F.S.¹⁶

The Department of Financial Services currently employs 104 fire investigators with the Division of Investigative and Forensic Services. Of these, 86 are Florida-certified or are in the process of earning certification.¹⁷ These fire investigators respond to fire scenes throughout the State of Florida, supporting local law enforcement, and spend an average of three hours per investigation on-site. These on-site audits and investigations typically occur the same day of the fire or within three days of the fire. As a result, fire investigators sustain significant exposure to hazardous vapors, gases, and particles that are known to contribute to chronic health conditions, including cancer, as these dangerous chemicals and carcinogens remain after the fire.

III. Effect of Proposed Changes:

Section 1 amends s. 112.1816, F.S., related to cancer diagnoses for firefighters, to include a “full-time, Florida-certified fire investigator” in the current definition of “firefighter.” The bill further adds “investigation of fires and explosives” to the list of primary responsibilities of an “employer” within the current definition of “firefighter.”

Upon diagnosis of one of the 21 specific cancers enumerated within s. 112.1816, F.S., the bill has the effect of making a fire investigator eligible for benefits under the statute: (1) cancer treatment, at the employer’s expense, and (2) a \$25,000 cash payment. Under the bill, the fire investigator also becomes eligible for disability and death benefits. Based on the conclusive presumption contained in the statute that the cancer or the resulting treatment of cancer occurred in-the-line-of duty, and if the fire investigator meets the retirement plan’s definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer, the fire investigator becomes eligible for enhanced disability benefits either under an employer-sponsored retirement plan or employer-sponsored disability retirement plan. Likewise, if the fire investigator dies from the cancer or circumstances that arise from the cancer treatment, the fire investigator’s death is conclusively presumed to be in-the-line-of-duty, resulting in a higher death benefit for the firefighter’s beneficiaries.

Section 2 provides a legislative finding that determines that this act fulfills an important state interest.

Section 3 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁶ *Id.*

¹⁷ *Id.*

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:

Indeterminate.

According to the Department of Financial Services:

There are 1,740 individuals that have been certified as a Fire Investigator through the State Fire College since 2005. Of these 1,740, there are 947 that hold both a Firefighter II and Fire Investigator certification, and meet the criteria to be covered by the current definition of firefighter in s. 112.1816, F.S.

The precise number of individual that are currently working as full-time fire investigators is unknown, as this is a one-time certification.

Since the creation of s. 112.1816, F.S., in 2019, there have been 3 cancer claims reported totaling \$66,308 in payments, a claims rate of less than 1 percent over the two-year period. It is anticipated that the addition of the Florida-certified fire investigators would only have a minimal fiscal impact on the Risk Management Trust Fund.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.1816 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.

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

By Senator Wright

14-01027-22

2022838__

A bill to be entitled

An act relating to fire investigators; amending s.
112.1816, F.S.; revising the definition of the term
"firefighter" to include full-time, Florida-certified
fire investigators for the purpose of expanding
eligibility for certain cancer treatment benefits to
include such investigators; providing a declaration of
important state interest; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section
112.1816, Florida Statutes, is amended to read:

112.1816 Firefighters; cancer diagnosis.—

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

(c) "Firefighter" means an individual employed as a full-
time firefighter or full-time, Florida-certified fire
investigator within the fire department or public safety
department of an employer whose primary responsibilities are the
prevention and extinguishing of fires; the investigation of
fires and explosives; the protection of life and property; and
the enforcement of municipal, county, and state fire prevention
codes and laws pertaining to the prevention and control of
fires.

Section 2. The Legislature determines and declares that
this act fulfills an important state interest.

Section 3. This act shall take effect July 1, 2022.

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 990

INTRODUCER: Senator Diaz

SUBJECT: Towing Vehicles

DATE: January 13, 2022

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hackett	Ryon	CA	Favorable
2. _____	_____	TR	_____
3. _____	_____	RC	_____

I. Summary:

SB 990 clarifies that an investigating agency may have a wrecker operator tow a motor vehicle directly from the scene of the tow to the investigating agency's storage facility. If a motor vehicle is towed directly to the investigating agency's storage facility, the vehicle may not be released to the owner or lienholder until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency. If the investigating agency releases the vehicle without such proof of payment, the investigating agency must pay the wrecker operator accrued expenses within 60 days of the vehicle's release. Additionally, the bill clarifies that the investigating agency's payment to the wrecker operator following a judicial finding of no probable cause must occur within 60 days.

The bill also provides that for the purposes of a wrecker operator releasing a vehicle to the owner's agent, or for the purposes of releasing a vehicle that has been towed from private property, a rental agreement is insufficient to convey agency necessary to authorize the vehicle's release. A rental car company must appoint a person its agent by original notarized writing.

The bill takes effect July 1, 2022.

II. Present Situation:

County and Municipal Wrecker Operator Systems

A county or municipal government may contract with one or more wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites.¹

¹ Section 323.002(1)(c), F.S. The definition of "vehicle" does not include a vessel or trailer intended for the transport on land of a vessel. *See* s. 320.01, F.S. (defining "motor vehicle" for the purpose of issuance of motor vehicle licenses and separately defining a "marine boat trailer dealer" as a person engaged in "business of buying ... trailers specifically designed to be drawn by another vehicle and used for the transportation on land of vessels.")

After the establishment of such contract(s), the county or municipality must create a “wrecker operator system” to apportion towing assignments between the contracted wrecker services. This apportionment may occur through the creation of geographic zones, a rotation schedule, or a combination of those methods.² Any wrecker operator that is included in the wrecker operator system is an “authorized wrecker operator” in the jurisdiction, while any wrecker operation not included is an “unauthorized wrecker operator.”³

Counties must establish maximum rates for the towing of vehicles removed from private property, as well as the towing and storage of vehicles removed from the scene of an accident or from where the vehicle is towed at the request of a law enforcement officer. Municipalities are also authorized to adopt maximum rate ordinances. If a municipality enacts an ordinance to establish towing fees, the county ordinance will not apply within the municipality.⁴ A county or municipality may not establish rates, including a maximum rate, for the towing of vessels.⁵

Vehicle Holds, Wrecker Operator Storage Facilities, and Liens

An investigating agency may place a hold on a motor vehicle stored within a wrecker operator’s storage facility for up to five business days.⁶ A hold may be applied when the officer has probable cause to believe the vehicle:

- Should be seized under the Florida Contraband Forfeiture Act or ch. 379, F.S.;
- Was used as the means of committing a crime;
- Is evidence that tends to show a crime has been committed; or
- Was involved in a traffic accident resulting in death or personal injury.⁷

An officer may also apply a hold when the vehicle is impounded under s. 316.193, F.S., (relating to driving under the influence), or s. 322.34, F.S., (relating to driving with a suspended or revoked license), or when the officer is complying with a court order.⁸ The hold must be in writing and include the name and agency of the law enforcement officer placing the hold, the date and time the hold is placed on the vehicle, a general description of the vehicle, the specific reason for the hold, the condition of the vehicle, the location where the vehicle is being held, and the name and contact information for the wrecker operator and storage facility.⁹

The investigating agency must inform the wrecker operator within the five-day holding period if the agency intends to hold the vehicle for a longer time.¹⁰ The vehicle owner is liable for towing and storage charges for the first five days. If the vehicle is held beyond five days, the investigating agency may choose to have the vehicle stored at a designated impound lot or to pay for storage at the wrecker operator’s storage facility.¹¹

² *Id.*

³ Section 323.002(1)(a)-(b), F.S.

⁴ Sections 125.0103(1)(c) and 166.043(1)(c), F.S.

⁵ *Compare* s. 125.0103(1)(c), F.S. (requiring a county to establish maximum rates for towing of vehicles) *with* s. 715.07, F.S. (towing of vehicles or vessels parked on private property).

⁶ Section 323.001(1), F.S.

⁷ Section 323.001(4)(a)-(e), F.S.

⁸ Section 323.001(4)(f)-(g), F.S.

⁹ Section 323.001(5), F.S.

¹⁰ Section 323.001(2), F.S.

¹¹ Section 323.001(2)(a)-(b), F.S.

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel possesses a lien on the vehicle or vessel for a reasonable towing fee and storage fee if the vehicle or vessel is removed upon instructions from:

- The owner of the vehicle or vessel;
- The owner, lessor, or authorized person acting on behalf of the owner/lessor of property on which the vehicle or vessel is wrongly parked (as long as the removal is performed according to s. 715.07, F.S.);
- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy and the removal is performed pursuant to enforcing a lien pursuant to s. 83.806, F.S., or for the removal of property left after a lease is vacated under s. 715.104, F.S.; or
- Any law enforcement agency.¹²

Recovery of a Vehicle or Vessel from a Towing-Storage Operator

Towing and storage operators must permit vehicle or vessel owners, lienholders, insurance company representatives, or agents to inspect a towed vehicle or vessel and release to that person all personal property that was not affixed when the vehicle or vessel came into the custody of the towing or storage operator.¹³ The authorization of agency must be documented in an original writing acknowledged by the owner before a notary public or someone authorized to administer oaths. This subsection, however, does not provide guidance on how an interested party may take possession of the vehicle or vessel once it has been towed or stored.

Whoever violates the inspection provisions contained in s. 713.78 (10) , F.S., is guilty of a third degree felony which is punishable by a fine that does not exceed \$5,000¹⁴ and imprisonment that does not exceed five years.¹⁵

Towing from Private Property

A vehicle or vessel may be towed at the direction of an owner or lessee of real property, or their designee if the vehicle or vessel is parked on the property without permission.¹⁶ A person regularly engaged in the business of towing vehicles or vessels must conduct the tow. The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or another legally authorized person in control of that vehicle or vessel is subject to strict compliance with certain conditions and restrictions. These conditions and restrictions include:¹⁷

¹² Section 713.78(2), F.S.

¹³ Section 713.78(1), F.S.

¹⁴ Section 775.083(1)(c), F.S.

¹⁵ Section 775.082(3)(e), F.S.

¹⁶ Section 715.07(2), F.S.

¹⁷ Section 715.07(2)(a), F.S.

- Any towed or removed vehicle or vessel must be stored at a site within a specified distance of the point of removal.¹⁸
- The towing company must notify local law enforcement within 30 minutes of completing the tow of the storage site; the time the vehicle or vessel was towed; and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel. The towing truck operation is required to record the name of the law enforcement officer who received the information in the trip record.
- The owner of a vehicle or vessel must be allowed to redeem the vehicle or vessel from the towing company if the owner seeks the return before the tow has occurred. The towing company may charge a reasonable service fee of up to one-half of the posted towing rate for the return of the vehicle or vessel and may tow the vehicle or vessel if the owner is unable to pay the fee after a reasonable opportunity.
- A towing company may not pay or accept money in exchange for the privilege of towing or removing vehicles or vessels from a particular location.
- If the towing company requires the owner of a vehicle to pay the costs of towing and storage before redemption, the towing company must file and keep on record its rate schedule with the local law enforcement agency and post the rate schedule at the storage site.
- Trucks and wreckers used by the towing company must have the name, address, and telephone number of the company printed on both sides of the vehicle in contrasting letters. The name of the towing company must be in 3-inch or taller permanently affixed letters, while the address and telephone number must be in 1-inch or taller permanently affixed letters.
- The towing company must exercise reasonable care when entering a vehicle or vessel to remove it. The towing company is liable for any damage to the vehicle caused by failure to exercise reasonable care.
- The vehicle or vessel must be released to its owner within one hour after request. The owner maintains a right to inspect the vehicle or vessel, and the towing company operation may not require a release or waiver of damages to be signed as a condition of returning the vehicle. The towing company operator must issue a detailed, single receipt to the owner of the vehicle or vessel.

Additionally, a vehicle or vessel may not be towed without consent of its owner, except from property appurtenant to a single-family residence, unless a notice is posted which states the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or that the vehicle or vessel is subject to being removed at the owner's or operator's expense and the notice meets the following requirements:¹⁹

- The notice is placed prominently at each driveway access or curb cut, within five feet from the public right-of-way line. If the property has no curbs or access barriers, signs must be posted at least once every 25 feet of lot frontage.

¹⁸ Section 715.07(2)(a)1.a., F.S. The vehicle or vessel must be stored within a 10-mile radius of the removal point in a county with a population of at least 500,000 and within a 15-mile radius of the removal point in a county with a population of fewer than 500,000. If no towing business operated within the given area, these radiuses are extended to 20 miles (for a county with a population of at least 500,000) and 30 miles (for a county with a population of fewer than 500,000). The site must be open from 8 am to 6 pm when the towing business is in operation and must post a telephone number where the operator of the site can be reached when the site is closed. The operator must return to the site within one hour.

¹⁹ Section 715.07(2)(a)5, F.S.

- The notice must indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense and contain the words "tow-away zone" in letters not less than 4 inches high.
- The notice must provide the name and telephone number of the towing company.
- The sign containing the notices must be permanently installed in such a way that the words "tow-away zone" is between three and six feet above ground level and the sign must have been continuously maintained on the property for not less than 24 hours before the towing of any vehicle or vessel.
- Local governments may also require permitting and inspection of signage before any towing is authorized.
- A business with 20 or fewer parking spaces may satisfy the requirement by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.
- A property owner towing or removing vessels from real property must post a notice, consistent with the requirements in the statute which apply to vehicles,²⁰ that unauthorized vehicles or vessels will be towed away at the owner's expense.

A vehicle or vessel may be towed even in the absence of a tow-away zone sign if the vehicle or vessel is parked in such a way that it restricts the normal operation of a business or restricts access to a private driveway and the business owner or lessee requests the tow.²¹

III. Effect of Proposed Changes:

Section 1 amends s. 323.001, F.S., to clarify that an investigating agency may have a wrecker operator tow a motor vehicle directly from the scene of the tow to the investigating agency's storage facility. If a motor vehicle is towed directly to the investigating agency's storage facility, the vehicle may not be released to the owner or lienholder until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency. If the investigating agency releases the vehicle without such proof of payment, the investigating agency must pay the wrecker operator accrued expenses within 60 days of the vehicle's release.

Additionally, the section clarifies that the investigating agency's payment to the wrecker operator following a judicial finding of no probable cause must occur within 60 days.

Section 2 amends s. 713.78, F.S., to provide that, for the purposes of a wrecker operator releasing a vehicle to the owner's agent, a rental agreement is insufficient to convey agency. A rental car company must appoint a person its agent by original notarized writing.

Section 3 amends s. 715.07, F.S., to provide that a rental agreement is insufficient to convey agency for the purposes of releasing a vehicle that has been towed from private property. A rental car company must appoint a person its agent by original notarized writing.

Section 4 provides that the bill takes effect July 1, 2022.

²⁰ These requirements are contained in s. 715.07(2)(a)5.a.-f., F.S.

²¹ Section 715.07(2)(a)5, F.S.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 323.001, 713.78, and 715.07 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.

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

By Senator Diaz

36-00955-22

2022990__

A bill to be entitled

An act relating to towing vehicles; amending s. 323.001, F.S.; providing construction; prohibiting investigating agencies from releasing motor vehicles towed to an agency's storage facility until certain proof of payment is presented to the agency; specifying that investigating agencies that do not obtain proof of payment must pay certain charges within a specified timeframe; requiring investigating agencies to pay wrecker operators charges relating to towing and storage within a specified timeframe if certain judicial findings are made; amending ss. 713.78 and 715.07, F.S.; prohibiting towing companies from releasing vehicles owned by rental car companies which are towed under certain circumstances, to the person who rented the vehicle unless the rental car company appoints the person as its agent; providing requirements for such appointment; providing an effective date.

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

Section 1. Subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 323.001, Florida Statutes, are amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(1) An investigating agency may place a hold on a motor vehicle stored within a wrecker operator's storage facility for

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

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a period not to exceed 5 days, excluding holidays and weekends, unless extended in writing. This subsection may not be construed to prohibit an investigating agency from having a wrecker operator tow a motor vehicle directly from the scene of the tow to the investigating agency's storage facility. If a motor vehicle is towed directly from the scene of the tow to the investigating agency's storage facility, the vehicle may not be released by the investigating agency to the owner or lienholder of the vehicle until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency. If the investigating agency releases the vehicle to the owner or lienholder of the vehicle without obtaining proof of payment, the investigating agency must pay the wrecker operator the accrued towing and storage charges within 60 days after the vehicle is released.

(2) The investigating agency must notify the wrecker operator in writing within 5 days, excluding holidays and weekends, whether the hold is to be continued. If no notification follows this period of time, the wrecker operator may release the vehicle to the designated person pursuant to s. 713.78.

(a) If the hold is to continue beyond 5 days, excluding holidays and weekends, the investigating agency may have the vehicle removed to a designated impound lot, in which event the vehicle will not be released by the investigating agency to the owner or lienholder of the vehicle until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency. If the investigating agency releases the vehicle to the owner or lienholder of the

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vehicle without obtaining proof of payment, the investigating agency must pay the wrecker operator the accrued towing and storage charges within 60 days after the vehicle is released.

(3) If there is a judicial finding of no probable cause for having continued the immobilization or impoundment, the investigating agency ordering the hold must pay the wrecker operator the accrued charges for any towing and storage within 60 days after the judicial finding.

Section 2. Subsection (10) of section 713.78, Florida Statutes, is amended to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

(10) Persons who provide services pursuant to this section shall permit vehicle or vessel owners, lienholders, insurance company representatives, or their agents, which agency is evidenced by an original writing acknowledged by the owner before a notary public or other person empowered by law to administer oaths, to inspect the towed vehicle or vessel and shall release to the owner, lienholder, or agent the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the person providing such services. For the purposes of this subsection, a rental car agreement does not constitute evidence that the person who rented a vehicle is an agent of the owner of the vehicle, and a towing company may not release a vehicle owned by a rental car company to the person who rented the vehicle unless the rental car company appoints the person who rented the vehicle as its agent. Such appointment must be evidenced in an original writing

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acknowledged by the rental car company before a notary public or other person empowered by law to administer oaths and must authorize the person to inspect and redeem the towed vehicle.

Section 3. Paragraph (a) of subsection (2) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property; towing.—

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to substantial compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of fewer than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00

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a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of fewer than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal

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service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, before towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 10 feet from the road, as defined in s. 334.03(22). If there are no curbs or access barriers, the signs must be posted not fewer than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not fewer than 2-inch high, light-reflective letters on a contrasting background,

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that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not fewer than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not fewer than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not fewer than 24 hours before the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs before any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not fewer than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel

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is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage before redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control or custody of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1)(c), or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or

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vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or person in control or custody within 1 hour after requested. Any vehicle or vessel owner or person in control or custody has the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or person in control or custody at the time of the redemption may be required from any vehicle or vessel owner or person in control or custody as a condition of release of the vehicle or vessel to its owner or person in control or custody. A detailed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not. A towing company may not release a vehicle owned by a rental car company to the person who rented the vehicle unless the rental car company appoints the person who rented the vehicle as its agent. Such appointment must be evidenced in an original writing acknowledged by the rental car company before a notary public or other person empowered by law to administer oaths and must authorize the person to inspect and redeem the towed vehicle.

Section 4. This act shall take effect July 1, 2022.

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: CS/SB 1150

INTRODUCER: Community Affairs Committee and Senator Rodriguez

SUBJECT: Taxation of Affordable Housing

DATE: January 20, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1150 provides that a county or municipality may adopt an ordinance to grant a partial ad valorem tax exemption for property used to provide affordable housing in a multifamily project with at least 50 dwelling units on the basis of it serving a charitable purpose.

The bill limits the exemption value to 75 percent of the assessed value for each dwelling unit used for affordable housing where at least 10 percent of the multifamily project's total units are used for providing affordable housing. Up to 100 percent of the assessed value of the property may be exempt where 100 percent of the multifamily project's total units are used for providing affordable housing.

The bill details certain requirements for the ordinance authorizing such an exemption as well as administration of the exemption.

The provisions of the bill first apply to taxable years beginning on or after January 1, 2023.

The bill takes effect July 1, 2022.

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.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The Florida Constitution prohibits the state from levying ad valorem taxes,⁴ and it limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Ad Valorem Exemption for Literary, Scientific, Religious, or Charitable Organizations

The State Constitution allows the Legislature to exempt from ad valorem taxation “such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes.”¹¹ The Legislature implements these exemptions and sets forth the criteria to determine whether property is entitled to an exemption.¹²

¹ 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.

² 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).

³ *See* s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art. VII, s. 3(a).

¹² Section 196.196, F.S.

To determine whether a property's use qualifies for an education, literary, scientific, religious, or charitable exemption, the property appraiser must consider the nature and extent of the qualifying activity compared to other activities or other uses of the property.¹³ The portions of the property used predominantly for qualified purposes are exempt.¹⁴

Incidental use of property for an exempt purpose will not qualify the property for an exemption nor will the incidental use of the property for a non-exempt purpose impair an exemption.^{15, 16, 17}

Portions of property used for profitmaking purposes are not exempt and is subject to ad valorem taxation; however, the Legislature has allowed property to remain exempt even when used for profitmaking purposes when the use of the property does not require a business or occupational license and the revenue derived from the profitmaking activity is used wholly for exempt purposes.¹⁸

Exemption of Property Tax for Charitable Purposes and Affordable Housing

In 1999, the Legislature authorized a property tax exemption for property owned by certain exempt entities which provide affordable housing under the charitable purposes exemption.¹⁹ The property must be owned entirely by a not-for-profit corporation, used to provide affordable housing through any state housing program under ch. 420, F.S., and serving low-income and very-low-income persons.²⁰ In order to qualify for the exemption, the property must comply with s. 196.195, F.S., for determining non-profit status of the property owner and s. 196.196, F.S., for determining exempt status of the use of the property.

In 2017, the Legislature created s. 196.1978(2), F.S., to provide that property used as affordable housing will be considered a charitable purpose and qualify for a 50 percent property tax discount if the property:

- Provides affordable housing to natural persons or families meeting the extremely-low, very-low, or low-income limits specified in s. 420.0004, F.S.;
- Provides housing in a multifamily project in which at least 70 units are provided to the above group; and

¹³ Section 196.196(1), F.S.

¹⁴ Section 196.196(2), F.S.

¹⁵ Section 196.196(2), F.S.

¹⁶ *Underhill v. Edwards*, 400 So.2d 129, 132 (Fla. 5th DCA 1981). The district court found that trustees of a private not-for-profit hospital were not entitled to an exemption on the new wing's first floor, which was used for a private purpose and not for a charitable purpose or other exempt purpose, despite the fact that the portion of the hospital used for a non-exempt purpose represented only a very small percentage of the otherwise exempt property.

¹⁷ *Central Baptist Church of Miami, Florida Incorporated v. Dade County, Florida, et. al.*, 216 So.2d 4, 6 (Fla 1968). The Supreme Court found that "limited part time rental of a portion of the church lot for commercial parking on weekday business hours is reasonably incidental to the primary use of the church property as a whole for church or religious purposes and is not a sufficiently divergent commercial use that eliminates the exemption as to the commercial parking lot portion of the property." at 6.

¹⁸ Section 196.196(4), F.S.

¹⁹ Chapter 99-378, s. 15, Laws of Fla. (creating s. 196.1978, F.S., effective July 1, 1999).

²⁰ The not-for-profit corporation must qualify as charitable under s. 501(c)(3) of the Internal Revenue Code and other federal regulations. See 26 U.S.C. § 501(c)(3) ("charitable purposes" include relief of the poor, the distressed or the underprivileged, the advancement of religion, and lessening the burdens of government).

- Is subject to an agreement with Florida Housing to provide affordable housing to the above group, recorded in the official records of the county in which the property is located.²¹

The discount begins on January 1 of the year following the 15th year of the term of the agreement on those portions of the affordable housing property that provide the housing as described above. The discount terminates when the property is no longer serving extremely-low, very-low, or low-income persons pursuant to the recorded agreement. The discount is applied to taxable value prior to tax rolls being reported to taxing authorities and tax rates being set in the annual local government budgeting process.

Affordable Housing

One major goal at all levels of government is to ensure that citizens have access to affordable housing. Housing is considered affordable when it costs less than 30 percent of a family's gross income. A family paying more than 30 percent of its income for housing is considered "cost burdened," while those paying more than 50 percent are considered "extremely cost burdened." Severely cost burdened households are more likely to sacrifice other necessities like healthy food and healthcare to pay for housing, and to experience unstable housing situations like evictions.

Affordable housing is defined in terms of household income. Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels, published annually by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area. The following are standard household income level definitions and their relationship to the 2021 Florida state median of \$70,000 for a family of four (as family size increases or decreases, the income range also increases or decreases):²²

- Extremely low income – earning up to 30 percent AMI (at or below \$21,000);²³
- Very low income – earning from 30.01 to 50 percent AMI (\$21,001 to \$35,000);²⁴
- Low income – earning from 50.01 to 80 percent AMI (\$35,001 to \$56,000);²⁵ and
- Moderate income – earning from 80.01 to 120 percent of AMI (\$56,001 to \$84,000).²⁶

Housing costs reflect what people are willing to pay to live in an area, which in some instances, due to low supply and high demand, makes it difficult for the workforce, elders, and people with disabilities to find affordable homes and apartments. The government helps make housing affordable through decreased monthly rent or mortgage payments, so that income eligible families are able to pay less for the housing than it would otherwise cost at "market rate." Lower monthly payments or down payment assistance is a result of affordable housing financing.

²¹ Section 196.1978(2)(a), F.S. and ch. 2017-36, s. 6, Laws of Fla.

²² U.S. Department of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas – Click Here for FY 2021 IL Documentation*, available at <https://www.huduser.gov/portal/datasets/il.html#2021> (last visited December 3, 2021).

²³ Section 420.0004(9), F.S.

²⁴ Section 420.0004(17), F.S.

²⁵ Section 420.0004(11), F.S.

²⁶ Section 420.0004(12), F.S.

Florida Housing Finance Corporation

The 1997 Legislature created the Florida Housing Finance Corporation (FHFC) as a public-private entity to assist in providing a range of affordable housing opportunities for Floridians.²⁷ The FHFC is a corporation held by the state and housed within the Department of Economic Opportunity (DEO). The FHFC is a separate budget entity and its operations, including those relating to personnel, purchasing, transactions involving real or personal property, and budgetary matters, are not subject to control, supervision, or direction by DEO.²⁸

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

Land Use Restrictive Agreements

A Land Use Restrictive Agreement (LURA) subjects real property to a restriction in which the owner gives up some of their rights in exchange for the promise of tax credits, funding, and other benefits.²⁹ Typically restrictions include tenant income restrictions, unit set asides for less than market rate rent, and other affordability restrictions.³⁰ Such restrictions are documented in the LURA, which is recorded by the county clerk's office and runs with the land. A LURA can include a time period associated with restriction compliance enforced by the IRS, HUD, or other housing authority.

III. Effect of Proposed Changes:

Section 1 creates section 196.1979, F.S. to provide that, notwithstanding ss. 196.195 and 196.196, F.S., a county or municipality may adopt an ordinance to grant a partial ad valorem tax exemption for property used to provide affordable housing in a multifamily project with at least 50 dwelling units on the basis of it serving a charitable purpose. The bill provides that such an exemption may not be granted for a property unless the associated multifamily project has a recorded land use restriction agreement in favor of the FHFC or other governmental or quasi-governmental jurisdiction which requires that units qualifying for the exemption are used for providing affordable housing.

The bill defines “affordable housing” as a dwelling unit occupied by or restricted to the occupancy of extremely-low-income, very-low-income, low-income, or moderate-income persons as defined in s. 420.0004, F.S.

²⁷ Chapter 97-167, Laws of Fla. Previously, from 1980 through 1997, the former Florida Housing Finance Agency, placed within the former Department of Community Affairs, performed similar duties.

²⁸ Section 420.504(1), F.S.

²⁹ Commercial Real Estate Finance Company of America, *Multifamily Housing – Land Use Restrictive Agreement (LURA) LIHTC*, available at <https://www.crefcoa.com/land-use-restrictive-agreement.html> (last visited Jan. 12, 2022).

³⁰ *Id.*

The bill limits the exemption value to 75 percent of the assessed value for each dwelling unit used for affordable housing where at least 10 percent of the multifamily project's total units are used for providing affordable housing. The bill further allows for an exemption up to 100 percent of the assessed value of the property where 100 percent of the multifamily project's total units are used for providing affordable housing.

The bill provides that an ordinance granting the exemption must:

- Be adopted pursuant to procedures for adoption of a non-emergency ordinance;
- Require that the taxpayer submit an application to the property appraiser each year;
- Specify that the exemption applies only to taxes levied by the local government granting the exemption;
- Specify that the property may not receive an exemption after the expiration or repeal of the ordinance; and
- Identify the percentage of the assessed value that may be exempted.

The bill provides that the local government body must deliver a copy of this ordinance to the property appraiser no later than December 1 of the year before the exemption takes effect, and must notify the property appraiser of such an ordinance's appeal no later than December 1 of the year before the exemption expires.

The bill specifies that the property appraiser may only apply the exemption to those portions of property which are used to provide affordable housing. Vacant units are to be treated as affordable housing property if the use of the units is restricted to providing affordable housing and a reasonable effort is made to lease the units.

The bill provides that any person who improperly receives such an exemption will be subject to a tax lien on their property in the value of the unpaid taxes, as well as subject to repayment plus a penalty of 50 percent of the unpaid taxes plus 15 percent annual interest. This does not apply if the exemption was improperly granted due to clerical mistake or an omission by the property appraiser.

The bill finally clarifies that no eligibility criteria other than the use of property to provide affordable housing, its multifamily status and quantity of units, and applicable land use restriction agreements may be used in determining whether a property qualifies for this exemption.

Section 2 provides that the amendments made by the bill first apply to taxable years beginning on or after January 1, 2023.

Section 3 provides that the bill takes effect July 1, 2022.

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:

Those property owners offering affordable housing in localities providing this exemption would receive the benefits of lower property taxes.

C. Government Sector Impact:

Those local governments choosing to utilize this exemption would be negatively impacted in terms of property tax revenue, but may enjoy the benefits of increased incentives for affordable housing.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 196.1979 of the Florida Statutes.

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

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

CS by Community Affairs on January 18, 2022:

The CS specifies that property given tax exemptions for providing affordable housing are considered having a charitable purpose. It also details certain requirements for the ordinance authorizing such an exemption as well as administration of the exemption, including treatment of vacant units and common spaces, as well as penalties for improperly granted exemptions.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 196.1979, Florida Statutes, is created
to read:

196.1979 County and municipal affordable housing property
exemption.—

(1)(a) Notwithstanding ss. 196.195 and 196.196, the board
of county commissioners of a county or the governing authority



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of a municipality may adopt an ordinance to grant a partial exemption to property used to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004. Such property is considered property used for a charitable purpose. To be eligible for the exemption, the property must be within a multifamily project containing 50 or more residential units, at least 10 percent of which are used to provide affordable housing meeting the requirements of this subsection and be subject to a recorded land use restriction agreement in favor of the Florida Housing Finance Corporation or any other governmental or quasi-governmental jurisdiction which requires that any units qualifying for the exemption be used for providing affordable housing. Except as provided in paragraph (b), eligible property may receive an ad valorem property tax exemption of up to 75 percent of the assessed value of the residential units used to provide affordable housing. For purposes of this subsection, the term "affordable" has the same meaning as in s. 420.0004.

(b) Property eligible for the exemption pursuant to paragraph (a) may receive an exemption of up to 100 percent of the assessed value if 100 percent of the multifamily project's residential units are used to provide affordable housing.

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

(a) Be adopted under the procedures for adoption of a nonemergency ordinance by a board of county commissioners specified in chapter 125 or by a municipal governing authority specified in chapter 166.



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(b) Require that a taxpayer claiming the exemption submit an application to the property appraiser no later than March 1 of each year. The annual application must be accompanied by an affidavit from the taxpayer certifying that the taxpayer has verified that, at the time of application, each person or family occupying an exempt residential unit meets the household income limitations specified in this section.

(c) Specify that the exemption applies only to taxes levied by the unit of government granting the exemption.

(d) Specify that the property may not receive an exemption authorized by this section after the expiration or repeal of the ordinance.

(e) Identify the percentage of the assessed value that may be exempted, subject to the percentage limitations in paragraphs (1) (a) and (b).

(3) The board of county commissioners or municipal governing authority must deliver a copy of any ordinance adopted under this section to the property appraiser no later than December 1 of the year before the year the exemption will take effect. If the ordinance is repealed, the board of county commissioners or municipal governing authority must notify the property appraiser no later than December 1 of the year before the year the exemption expires.

(4) The property appraiser shall apply the exemption only to those portions of property which are used to provide affordable housing. Units that are vacant must be treated as portions of the affordable housing property exempt under this section if the use of the units is restricted to providing affordable housing to natural persons or families described in



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paragraph (1)(a) and a reasonable effort is made to lease the units to qualifying persons or families.

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

(6) No eligibility criteria other than those specified in paragraph (1)(a) may be applied in determining whether a property qualifies for an exemption under this section.

Section 2. The creation by this act of s. 196.1979, Florida Statutes, first applies to the 2023 tax roll.

Section 3. This act shall take effect July 1, 2022.

===== 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



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An act relating to taxation of affordable housing;
creating s. 196.1979, F.S.; authorizing counties and
municipalities to adopt ordinances to grant partial ad
valorem tax exemptions to property owners whose
properties are used to provide affordable housing;
providing construction; specifying requirements for
eligibility for such exemptions; specifying limits on
the amount of such exemptions; defining the term
"affordable"; specifying requirements for ordinances
granting such exemptions; specifying duties of boards
of county commissioners and municipal governing
authorities adopting ordinances granting such
exemptions; specifying duties for property appraisers;
requiring property owners improperly granted such
exemptions to pay owed taxes, penalties, and interest;
exempting owners from payment of penalties or interest
under certain circumstances; providing construction;
providing applicability; providing an effective date.

By Senator Rodriguez

39-01040-22

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A bill to be entitled

An act relating to a tax exemption for affordable housing; amending s. 196.196, F.S.; authorizing counties and municipalities to adopt ordinances to grant ad valorem tax exemptions to certain property owners whose properties are used for the governmental or public purpose of providing affordable housing to certain persons or families; providing conditions for such exemptions; defining the term "affordable housing"; providing construction; specifying procedures that apply to persons if property is transferred for other purposes; specifying that an exemption improperly granted by a property appraiser to a person will not be assessed a penalty or interest; providing applicability; providing an effective date.

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

Section 1. Present paragraph (b) of subsection (5) of section 196.196, Florida Statutes, is redesignated as paragraph (c) and amended, and a new paragraph (b) is added to that subsection, to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(5)

(b) The governing authority of a county or municipality may adopt an ordinance to grant an ad valorem tax exemption under s. 3, Art. VII of the State Constitution to any property owner

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

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whose property is used for the governmental or public purpose of providing affordable housing in a multifamily project comprising at least 50 dwelling units, subject to the following:

1. For purposes of this paragraph, the term "affordable housing" means a dwelling unit occupied by or restricted to the occupancy of extremely-low-income persons, very-low-income persons, low-income persons, or moderate-income persons, as defined in s. 420.0004. Physical occupancy in a dwelling unit on January 1 is not required for the grant of an exemption if occupancy of the unit is restricted to persons or families who meet these income limits.

2. An exemption of up to 75 percent of the assessed value for each dwelling unit used for affordable housing may be granted if at least 10 percent of the multifamily project's total units are used for providing affordable housing and the multifamily project has a recorded land use restriction agreement as required by subparagraph 5.

3. An exemption of up to 100 percent of the assessed value for each dwelling unit may be granted if 100 percent of the multifamily project's total units are used for providing affordable housing and the multifamily project has a recorded land use restriction agreement as required by subparagraph 5.

4. An exemption of up to 100 percent of the assessed value of a multifamily project's common areas may be granted if at least 25 percent of the multifamily project's total units are used for providing affordable housing and the multifamily project has a recorded land use restriction agreement as required by subparagraph 5.

5. An exemption may not be granted for property in a

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

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59 multifamily project unless the multifamily project has a
 60 recorded land use restriction agreement in favor of the Florida
 61 Housing Finance Corporation or any other governmental or quasi-
 62 governmental jurisdiction which requires that any units
 63 qualifying for the exemption are used for providing affordable
 64 housing.

65
 66 For purposes of this paragraph, a governmental or public purpose
 67 is served if a person provides a service that the state or any
 68 of its political subdivisions, or any municipality, agency,
 69 special district, authority, or other public body corporate of
 70 the state, could properly perform or serve, and if the
 71 governmental or public purpose would otherwise be a valid
 72 purpose for the allocation of public funds.

73 (c)1.(b)1. If property owned by an organization or a person
 74 granted an exemption under this subsection is transferred for a
 75 purpose other than directly providing affordable homeownership
 76 or rental housing to persons or families who meet the extremely-
 77 low-income, very-low-income, low-income, or moderate-income
 78 limits, as defined ~~specified~~ in s. 420.0004, or is not in actual
 79 use to provide such affordable housing within 5 years after the
 80 date the organization or person is granted the exemption, the
 81 property appraiser making such determination shall serve upon
 82 the organization or person that illegally or improperly received
 83 the exemption a notice of intent to record in the public records
 84 of the county a notice of tax lien against any property owned by
 85 that organization or person in the county, and such property
 86 shall be identified in the notice of tax lien. The organization
 87 or person owning such property is subject to the taxes otherwise

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88 due and owing as a result of the failure to use the property to
 89 provide affordable housing plus 15 percent interest per annum
 90 and a penalty of 50 percent of the taxes owed.

91 2. Such lien, when filed, attaches to any property
 92 identified in the notice of tax lien owned by the organization
 93 or person that illegally or improperly received the exemption.
 94 If such organization or person no longer owns property in the
 95 county but owns property in any other county in the state, the
 96 property appraiser shall record in each such other county a
 97 notice of tax lien identifying the property owned by such
 98 organization or person in such county which shall become a lien
 99 against the identified property. Before any such lien may be
 100 filed, the organization or person so notified must be given 30
 101 days to pay the taxes, penalties, and interest.

102 3. If an exemption is improperly granted as a result of a
 103 clerical mistake or an omission by the property appraiser, the
 104 organization or person improperly receiving the exemption shall
 105 not be assessed a penalty or interest.

106 4. The 5-year limitation specified in this subsection may
 107 be extended if the holder of the exemption continues to take
 108 affirmative steps to develop the property for the purposes
 109 specified in this subsection.

110 Section 2. The amendments made by this act to s. 196.196,
 111 Florida Statutes, first apply to taxable years beginning on or
 112 after January 1, 2023.

113 Section 3. This act shall take effect July 1, 2022.

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 1190

INTRODUCER: Senator Boyd

SUBJECT: Two-way Radio Communication Enhancement Systems

DATE: January 14, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Favorable
2.			BI	
3.			RC	

I. Summary:

SB 1190 provides that two-way radio communication enhancement systems may be used to comply with a local authority's minimum radio signal strength requirements, but may not be required by local fire authorities in apartment buildings that are 75 feet or less in height.

Local fire authorities set minimum standards for radio signal strength throughout buildings within their jurisdictions in order to ensure consistent fire and rescue communication capabilities.

The bill takes effect July 1, 2022.

II. Present Situation:

Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (Florida Fire Code), which contains all firesafety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such firesafety laws and rules.¹ The State Fire Marshal adopts a new edition of the Florida Fire Code every three years.² The Florida Fire Code is largely based on the *National Fire Protection Association's (NFPA) Standard 1, Fire Prevention Code*, along with the current edition of the *Life Safety Code, NFPA 101*.³ The 7th edition took effect on December 31, 2020.⁴ State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the Florida Fire Code as the minimum fire prevention code

¹ Fla. Admin. Code R. 69A-60.002.

² Section 633.202(1), F.S.

³ Section 633.202(2), F.S.

⁴ Division of State Fire Marshal, *Florida Fire Prevention Code*, available at <https://www.myfloridacfo.com/division/sfm/bfp/floridafirepreventioncodepage.htm> (last visited Jan. 12, 2022).

to operate uniformly among local governments and in conjunction with the Florida Building Code.⁵ The Florida Fire Code applies to every building and structure throughout the state with few exceptions.⁶ Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.⁷

Radio Signal Strength for Fire Department Communications

The life safety of firefighters and citizens depends on reliable, functional communication tools that work in the harshest and most hostile of environments.⁸ All firefighters, professional and volunteer, operate in extreme environments that are markedly different from those of any other radio users.⁹ The radio is the lifeline that connects the firefighters to command and outside assistance when in the most desperate of situations.¹⁰

Modern focus on radio signal strength stems from difficulties experienced by firefighters attempting rescue operations on September 11, 2001, in the World Trade Towers, who found that in certain areas of the building their radio signal degraded, making live communication difficult or impossible.¹¹

Two-way radio communication enhancement systems are devices installed after a building is constructed that accept and then amplify radio signals used by first responders. A radio frequency site survey may be conducted in a building to determine areas where radio signal strength drops due to materials used in construction, such as thick walls, metal construction, underground structures, and low-emissivity glass windows. The generally desired effect is that radio signal strength at ground level, where a fire rescue operation might be based, is equal to the radio signal strength in all locations throughout the building, to ensure consistent communication. Several devices are available to boost signal strength to meet required radio signal strength. These include bi-directional amplifiers and networks of indoor antennae, referred to collectively as a distributed antenna system.¹²

⁵ Sections 633.108 and 633.208, F.S.

⁶ Section 633.208, F.S., and Fla. Admin. Code R. 69A-60.002(1).

⁷ Section 633.208(3), F.S., and Fla. Admin. Code R 69A-60.002(2).

⁸ Federal Emergency Management Agency, United States Fire Administration. Voice Radio Communications Guide for the Fire Service (June 2016), p. 1, *available at* https://www.usfa.fema.gov/downloads/pdf/publications/Voice_Radio_Communications_Guide_for_the_Fire_Service.pdf (last visited Jan. 12, 2022).

⁹ *Id.*

¹⁰ *Id.*

¹¹ See *Assessment of Total Evacuation Systems for Tall Buildings: Literature Review*, National Fire Protection Association's (NFPA), *available at* <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Executive-Summaries/evacsystemstallbuildingsliteraturereviewexecsum.ashx#:~:text=According%20to%20the%20definition%20of,floor%20of%20the%20highest%20occupiable> (last visited Jan. 12, 2022).

¹² See *High-Rise Public Safety System Integrators*, Treasure Island Fire Department, *available at* https://www.mytreasureisland.org/residents/departments/fire_dept/local_high-rise_public_safety_system_integrators.php (last visited Jan. 12, 2022); *Information Bulletin: Two-Way Radio Communication Enhancement System Requirements*, East Lake Tarpon Special Fire Control District, *available at* <https://www.elfr.org/files/e2eae3cb2/Bulletin+East+Lake+Two+Way+Communications.pdf> (last visited Jan. 12, 2022).

Florida Fire Code Minimum Radio Signal Strength

The Florida Fire Code provides that all new and existing buildings must maintain minimum radio signal strength at a level determined by the authority having jurisdiction (local fire authorities).¹³ Where required by a local fire authority, two-way radio communication enhancement systems must comply with federal standards for installation and upkeep.¹⁴ Additionally, if a two-way radio communication enhancement system would have a negative impact on the operations of a facility, the local fire authority may accept an automatically activated emergency responder radio coverage system in the alternative.¹⁵

Minimum Radio Signal Strength for High-rise Buildings

Section 633.202(18), F.S., enacted in 2016,¹⁶ provides that local fire authorities must determine minimum radio signal strength for fire department communications in all new and existing high-rise buildings. A high-rise building is defined in the Florida Fire Code as a building greater than 75 feet in height where the building height is measured from the lowest level of fire department vehicle access to the floor of the highest story that can be occupied.¹⁷ Existing high-rise buildings are not required to comply with a local authority's minimum radio strength requirements until January 1, 2022. However, an existing high-rise building must have applied for the appropriate permit for installation of equipment meeting the local authority's standards by December 31, 2019. Existing high-rise apartment buildings are not required to comply until January 1, 2025, and must apply for permits to reach compliance by December 31, 2022.

A 2018 declaratory statement from the Department of Financial Services clarified that the compliance timeframes provided in s. 633.202(18), F.S., apply only to high-rise buildings and do not apply to buildings less than 75 feet in height.¹⁸ Thus, compliance with minimum radio signal strength requirements for non-high-rise buildings is controlled by s. 11.10 of the Florida Fire Code, which provides no grace periods or acceptable timeframes for compliance.

III. Effect of Proposed Changes:

Section 1 amends s. 633.202(18), F.S., to provide that two-way radio communication enhancement systems may be used to comply with a local authority's minimum radio signal strength requirements, but may not be required by local fire authorities for apartment buildings that are 75 feet or less in height.

Section 2 provides that the bill takes effect July 1, 2022.

¹³ Florida Fire Prevention Code (7th ed.) s. 11.10.1. The "authority having jurisdiction" is typically the designated head fire and rescue officer of the county, municipality, or special district with fire safety responsibilities over an area.

¹⁴ Florida Fire Prevention Code (7th ed.) s. 11.10.2.

¹⁵ Florida Fire Prevention Code (7th ed.) s. 11.10.3.

¹⁶ Chapter 2016-129, s. 27, Laws of Fla. At the time of its enactment, the subsection was s. 633.202(17), F.S.

¹⁷ NFPA 101, Life Safety Code, 2015 edition - Ch. 3.29.6.

¹⁸ Department of Financial Services Declaratory Statement, *In the Matter of Charles B. Parks, Chief Florida Fire Code Official of Broward County*, (April 18, 2018), available at https://www.doah.state.fl.us/FLAID/DFS/2018/DFS_217787-17-DS_12042019_013047.pdf (last visited Jan. 12, 2022).

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:

Apartment building owners may see positive impact from being able to utilize less costly improvement options to meet radio strength standards in certain buildings.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 633.202 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.

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

By Senator Boyd

21-01019-22

20221190__

A bill to be entitled

An act relating to two-way radio communication enhancement systems; amending s. 633.202, F.S.; authorizing the use of two-way radio communication enhancement systems to comply with certain radio signal strength requirements in the Florida Fire Prevention Code; specifying that such systems or equivalent systems are not required in certain apartment buildings; providing an effective date.

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

Section 1. Subsection (18) of section 633.202, Florida Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(18) The authority having jurisdiction shall determine the minimum radio signal strength for fire department communications in all new high-rise and existing high-rise buildings. Two-way radio communication enhancement systems or equivalent systems may be used to comply with the minimum radio signal strength requirements. However, two-way radio communication enhancement systems or equivalent systems are not required in apartment buildings that are 75 feet or less in height. Existing buildings are not required to comply with minimum radio strength for fire department communications and two-way radio communication enhancement systems ~~system enhancement communications~~ as required by the Florida Fire Prevention Code until January 1, 2025. However, by January 1, 2024, an existing building that is not in compliance with the requirements for minimum radio

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

21-01019-22

20221190__

strength for fire department communications must apply for an appropriate permit for the required installation with the local government agency having jurisdiction and must demonstrate that the building will become compliant by January 1, 2025. Existing apartment buildings are not required to comply until January 1, 2025. However, existing apartment buildings are required to apply for the appropriate permit for the required communications installation by January 1, 2024.

Section 2. This act shall take effect July 1, 2022.

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

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: CS/SB 1194

INTRODUCER: Community Affairs Committee and Senator Boyd

SUBJECT: Local Tax Referenda Requirements

DATE: January 20, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1194 requires referenda authorizing certain optional local taxes to be held at a general election. The affected taxes are:

- Tourist development tax
- Areas of critical state concern tourist impact tax
- Children's services independent special district tax
- County temporary excess ad valorem millage
- Municipal temporary excess ad valorem millage
- County transportation motor fuel tax
- Local option fuel taxes
- School district millages

Presently, the referenda approving the above local taxes are held at elections called by the applicable local governing body. Such elections may be special elections or may be held in conjunction with other local elections, primary elections or general elections.

The bill takes effect July 1, 2022.

II. Present Situation:

Local Option Taxes

Counties and municipalities have authority to levy a variety of optional taxes conditioned upon approval of a majority of electors voting in a referendum. Presently, the referenda approving the local taxes contemplated by the bill are held at elections called by the applicable local governing body. Such elections may be special elections or may be held in conjunction with other local elections, primary elections or general elections.¹ The taxes addressed in the bill are described below.

Tourist Development Tax

The Local Option Tourist Development Act² authorizes counties to levy five separate taxes on transient rental³ transactions (“tourist development taxes” or “TDTs”). Depending on a county’s eligibility to levy such taxes, the maximum tax rate varies from a minimum of 3 percent to a maximum of 6 percent:

- The original TDT may be levied at the rate of 1 or 2 percent.⁴
- An additional 1 percent tax may be levied by counties who have previously levied a TDT at the 1 or 2 percent rate for at least three years.⁵
- A high tourism impact tax may be levied at an additional 1 percent.⁶
- A professional sports franchise facility tax may be levied up to an additional 1 percent.⁷
- An additional professional sports franchise facility tax no greater than 1 percent may be imposed by a county that has already levied the professional sports franchise facility tax.⁸

Prior to the authorization of the original 1 or 2 percent TDT, the levy must be approved by a countywide referendum⁹ and additional TDT levies must be authorized by a vote of the county’s governing authority or by voter approval of a countywide referendum.¹⁰

¹ FLA. CONST. art. IV, s. 5(a). Sections 100.151, 100.342, 100.351, F.S.

² Section 125.0104, F.S.

³ Section 125.0104(3)(a)(1), F.S. considers “transient rental” to be the rental or lease of any accommodation for a term of 6 months or less.

⁴ Section 125.0104(3)(c), F.S. Sixty-three counties levy this tax, all at a rate of 2 percent. Office of Economic & Demographic Research (EDR), Local Option Tourist / Food & Beverage Tax Rates, *available at* <http://edr.state.fl.us/Content/local-government/data/county-municipal/> (last visited Jan. 25, 2020).

⁵ Section 125.0104(3)(d), F.S. Fifty-four of the eligible 59 counties levy this tax, with an estimated 2019-20 state fiscal year collection of \$169 million. *Id at 263.*

⁶ Section 125.0104(3)(m), F.S. Seven of the nine eligible counties levy this tax, with an estimated 2019-20 state fiscal year collection of \$106 million. *Id at 269.*

⁷ Section 125.0104(3)(l), F.S. Revenue can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities or professional sports franchises, and convention centers and to promote and advertise tourism. Forty-five of the 67 eligible counties levy this additional tax, with an estimated 2019-20 state fiscal year collection of \$183 million. *Id at 267.*

⁸ Section 125.0104(3)(n) F.S. Thirty of the eligible 65 counties levy the additional professional sports franchise facility tax, with an estimated 2019-20 state fiscal year collection of \$147 million. *Id at 273.*

⁹ Section 125.0104(6), F.S.

¹⁰ Section 125.0104(3)(d), F.S.

Areas of Critical State Concern; Tourist Impact Tax

Sections 380.0661-380.0685, F.S., authorize certain counties – specifically, counties in which one or more designated areas of critical state concern¹¹ are located– to create land authorities by ordinance¹² to “equitably deal with the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which challenges are often complicated by the environmental sensitivity of such areas.”¹³

Any county creating a land authority may levy by ordinance, in the area or areas within said county designated as an area of critical state concern, a tourist impact tax.¹⁴ However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county, the tax may be levied throughout the entire county.¹⁵ The tax is not effective until land development regulations and a local comprehensive plan that meet the requirements of ch. 380, F.S., have become effective and the tax is approved by referendum.¹⁶ The referendum must have approval of a majority vote of qualified electors held by the governing board of the county in conjunction with a general or special election.¹⁷

The county is authorized to levy a 1 percent tax of each dollar on transient rental facilities within the applicable area.¹⁸ The funds are used to buy property in the area of critical state concern and to offset the loss of ad valorem (property) taxes due to those land acquisitions.¹⁹ Designated areas of critical state concern include the Big Cypress Area (mainly in Collier County), the Green Swamp Area in Central Florida, the Florida Keys Area in South Florida, and the Apalachicola Bay Area in Franklin County.²⁰

Children’s Services Independent Special District Tax

In 1986, the Legislature authorized Florida counties to create children’s services councils as countywide special districts to fund children’s services throughout the county.²¹ The county governing body must obtain approval, by a majority vote of those electors voting on the question, to levy ad valorem taxes to fund children’s services. The levy may not exceed .5 mills of assessed valuation of all properties within the county which are subject to ad valorem county

¹¹ The Areas of Critical State Concern Program, which was created by the Florida Environmental Land and Water Management Act of 1972, is intended to “protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.” Fla. Dep’t of Economic Opportunity, *Areas of Critical State Concern Program*, <https://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern> (last visited Jan. 9, 2022).

¹² Section 380.0663(1), F.S.

¹³ Section 380.0661(1), F.S.

¹⁴ Section 125.0108 (1)(a), F.S.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Section 125.0108 (5), F.S.

¹⁸ Section 125.0108(1)(c), F.S.

¹⁹ Florida Department of Revenue, *Local Option Taxes*, available at: https://floridarevenue.com/taxes/taxesfees/pages/local_option.aspx (last visited Jan. 7, 2022)

²⁰ Florida Department of Revenue, *Local Option Taxes*, available at: https://floridarevenue.com/taxes/taxesfees/pages/local_option.aspx (last visited Jan. 7, 2022)

²¹ Chapter 86-197, Laws of Fla.; s. 125.901(1), F.S.

taxes.²² Ten counties currently have children's services councils organized as independent special districts.²³

Children's services councils may exercise the following powers and functions:

- Provide preventive, developmental, treatment, rehabilitative, and other services for children;
- Provide funds to other agencies that operate for the benefit of children, with the exception of the public school system;
- Collect data and conduct research to determine the needs of the children in the county;
- Coordinate with providers of children's services to prevent duplication of services; and
- Lease or buy necessary real estate, equipment and personal property.²⁴

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.²⁵

Governing bodies of counties, municipalities and other taxing authorities are responsible for determine the millage (tax) rate for the real property for which they are levying the tax.²⁶ The millage rate is the amount of property tax charged per \$1,000 of taxable property value.²⁷ County and municipal millages are set forth in four categories:

- General county and municipal nonvoted millage set by the governing body;
- County and municipal debt service millage;
- County and municipal voted millage;
- County and municipal dependent special district millage.²⁸

Section 200.71 F.S. limits county ad valorem millage to 10 mills, except as approved by voters, while s. 200.81 F.S. provides the same limitation for municipalities. County and municipal millage may be increased 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.²⁹ 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.³⁰

Section 1011.73 F.S., outlines school district millage election requirements, as needed to fund education in a county as allowed under s. 9, Art. VII of the State Constitution. Funds from voted millages may be temporary up to two years, or temporary up to four years, and are supplemental

²² Section 125.901(3)(b), F.S.

²³ Florida Department of Economic Opportunity, Division of Community Development, Official List of Special Districts Online, available at: <http://specialdistrictreports.floridajobs.org/webreports/sumfunctionlist.aspx> (last visited Jan. 7, 2022)

²⁴ Section 125.901(2), F.S.

²⁵ Fla. Const. art VII, s. 9.

²⁶ Section 200.065, F.S.

²⁷ Sumter County Florida, County Millage Rate Information, available at: <https://www.sumtercountyfl.gov/865/County-Millage-Rate-Information> (last visited Jan. 7, 2021)

²⁸ Section 200.001(1) and (2), F.S.

²⁹ Sections 200.091 and 200.101, F.S.

³⁰ *Id.*

to nonvoted millages levied by the school district. A district school board must direct the county commissioners to call an election at which the voters in the school district approve an ad valorem tax millage.³¹ Such election may be held at any time, except that not more than one such election shall be held during any 12-month period.³² A district school board may propose an election for a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.³³

Local Option Fuel Taxes

Counties may levy a “ninth-cent fuel tax” (1 cent on every net gallon of motor and diesel fuel sold within a county) if approved by extraordinary vote of its governing board or by voter referendum.³⁴

Counties also may levy other local option fuel taxes which include a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold within a county, and a tax of 1 to 5 cents on every net gallon of motor fuel (excluding diesel) sold within a county. Both of these taxes may be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum.³⁵

All impositions of the ninth-cent fuel tax or the local option fuel tax must be levied before October 1 of each year to be effective January 1 of the following year. The Department of Revenue administers, collects, and enforces local option fuel taxes. The funds are used for transportation expenditures.³⁶

General Elections

Section 97.021, F.S., defines a 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.

III. Effect of Proposed Changes:

Section 1 amends s. 125.0104, F.S., to require that a referendum relating to local tourist development taxes be held at a general election, as defined in s. 97.021, F.S.

Section 2 amends s. 125.0108, F.S., to require a referendum to levy the tourist impact tax in an area of critical state concern be held at a general election, as defined in s. 97.021, F.S.

³¹ Section 1011.73 (1), F.S.

³² Section 1011.73 (1)-(2), F.S.

³³ Section 1011.73 (4)(a), F.S.

³⁴ Section 336.021(1)(a), F.S.

³⁵ Section 336.025, F.S.

³⁶ Florida Department of Revenue, *Local Option Taxes*, available at: https://floridarevenue.com/taxes/taxesfees/pages/local_option.aspx (last visited Jan. 7, 2022)

Section 3 amends s. 125.901, F.S., requiring a county to gain approval to levy ad valorem taxes for a children's services independent special district at a general election, as defined in s. 97.021, F.S.

Section 4 amends s. 200.091, F.S., relating to county voted millage increases, requiring a referendum be held at a general election, as defined in s. 97.021, F.S.

Section 5 amends s. 200.101, F.S., relating to municipal voted millage increases, requiring a referendum be held at a general election, as defined in s. 97.021, F.S.

Section 6 amends s. 336.021, F.S., requiring the referendum to levy the ninth-cent fuel tax on motor fuel and diesel fuel be held at a general election, as defined in s. 97.021, F.S.

Section 7 amends s. 336.025, F.S., relating to local option fuel taxes to require a referendum be held at a general election, as defined in s. 97.021, F.S.

Section 8 amends s. 1011.73, F.S., relating to school district millage elections to require a referendum be held at a general election, as defined in s. 97.021, F.S.

Section 9 provides an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that the Legislature, except upon approval by a two-thirds vote of the membership, may not enact a general law if the anticipated effect of doing so would be to reduce the *authority* that counties or municipalities have to raise revenues in the aggregate.

The bill requires that a referendum to adopt or amend a local government discretionary surtax must be held at a general election. While the bill limits the flexibility that counties and municipalities have for scheduling a referendum, it does not limit the *authority* they have to raise revenues. Therefore, the bill does not appear to be a mandate.

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 timing of certain tax increases may change due to the requirement that elections be held at the general election.

B. Private Sector Impact:

None.

C. Government Sector Impact:

By moving certain local referenda to the general election ballot, there may be efficiency realized in the election processes of local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.0104, 125.0108, 125.901, 200.091, 200.101, 336.021, 336.025, and 1011.73

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Community Affairs on January 18, 2022:

The committee substitute removed unnecessary conforming language relating to a referendum to approve Charter County and Regional Transportation System Sales Surtaxes to a 2019 law requiring that such referenda be held at general elections.

B. Amendments:

None.



199732

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 207 - 215.

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

And the title is amended as follows:

Delete line 12.

By Senator Boyd

21-01600-22

20221194__

A bill to be entitled

An act relating to local tax referenda requirements; amending ss. 125.0104, 125.0108, and 125.901, F.S.; requiring referenda elections related to tourist development taxes, tourist impact taxes, and children's services and independent special district property taxes to be held on the day of a general election; amending ss. 200.091 and 200.101, F.S.; requiring referenda elections related to increases in county and municipal ad valorem tax millages to be held on the day of a general election; amending s. 255.0992, F.S.; conforming provisions; amending s. 336.021, F.S.; requiring referenda elections related to the ninth-cent fuel tax to be held on the day of a general election; amending s. 336.025, F.S.; requiring referenda elections related to local option fuel taxes to be held on the day of a general election; amending s. 1011.73, F.S.; requiring referenda elections related to certain school district millage elections to be held on the day of a general election; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (6) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(6) REFERENDUM.—

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

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20221194__

(a) No ordinance enacted by any county levying the tax authorized by paragraphs (3) (b) and (c) shall take effect until the ordinance levying and imposing the tax has been approved in a referendum held at a general election, as defined in s. 97.021, by a majority of the electors voting in such election in the county or by a majority of the electors voting in the subcounty special tax district affected by the tax.

(b) The governing board of the county levying the tax shall arrange to place a question on the ballot at a general ~~the next regular or special~~ election, as defined in s. 97.021, to be held within the county, which question shall be in substantially the following form as follows:

....FOR the Tourist Development Tax

....AGAINST the Tourist Development Tax.

Section 2. Subsection (5) of section 125.0108, Florida Statutes, is amended to read:

125.0108 Areas of critical state concern; tourist impact tax.—

(5) The tourist impact tax authorized by this section shall take effect only upon express approval by a majority vote of those qualified electors in the area or areas of critical state concern in the county seeking to levy such tax, voting in a referendum to be held ~~by the governing board of such county~~ in conjunction with a general ~~or special~~ election, as defined in s. 97.021, ~~in accordance with the provisions of law relating to elections currently in force.~~ However, if the area or areas of critical state concern are greater than 50 percent of the land area of the county and the tax is to be imposed throughout the entire county, the tax shall take effect only upon express

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

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approval of a majority of the qualified electors of the county voting in such a referendum.

Section 3. Subsection (1) of section 125.901, Florida Statutes, is amended to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.-

(1) Each county may by ordinance create an independent special district, as defined in ss. 189.012 and 200.001(8)(e), to provide funding for children's services throughout the county in accordance with this section. The boundaries of such district shall be coterminous with the boundaries of the county. The county governing body shall obtain approval at a general election, as defined in s. 97.021, by a majority vote of those electors voting on the question, to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any district created pursuant to the provisions of this subsection shall be required to levy and fix millage subject to the provisions of s. 200.065. Once such millage is approved by the electorate, the district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(a) The governing body of the district shall be a council on children's services, which may also be known as a juvenile welfare board or similar name as established in the ordinance by the county governing body. Such council shall consist of 10 members, including: the superintendent of schools; a local school board member; the district administrator from the appropriate district of the Department of Children and Families,

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or his or her designee who is a member of the Senior Management Service or of the Selected Exempt Service; one member of the county governing body; and the judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. If there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board. The remaining five members shall be appointed by the Governor, and shall, to the extent possible, represent the demographic diversity of the population of the county. After soliciting recommendations from the public, the county governing body shall submit to the Governor the names of at least three persons for each vacancy occurring among the five members appointed by the Governor, and the Governor shall appoint members to the council from the candidates nominated by the county governing body. The Governor shall make a selection within a 45-day period or request a new list of candidates. All members appointed by the Governor shall have been residents of the county for the previous 24-month period. Such members shall be appointed for 4-year terms, except that the length of the terms of the initial appointees shall be adjusted to stagger the terms. The Governor may remove a member for cause or upon the written petition of the county governing body. If any of the members of the council required to be appointed by the Governor under the provisions of this subsection shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, using the same method as the original appointment, and such appointment to fill a vacancy

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117 shall be for the unexpired term of the person who resigns, dies,
118 or is removed from office.

119 (b) However, any county as defined in s. 125.011(1) may
120 instead have a governing body consisting of 33 members,
121 including: the superintendent of schools, or his or her
122 designee; two representatives of public postsecondary education
123 institutions located in the county; the county manager or the
124 equivalent county officer; the district administrator from the
125 appropriate district of the Department of Children and Families,
126 or the administrator's designee who is a member of the Senior
127 Management Service or the Selected Exempt Service; the director
128 of the county health department or the director's designee; the
129 state attorney for the county or the state attorney's designee;
130 the chief judge assigned to juvenile cases, or another juvenile
131 judge who is the chief judge's designee and who shall sit as a
132 voting member of the board, except that the judge may not vote
133 or participate in setting ad valorem taxes under this section;
134 an individual who is selected by the board of the local United
135 Way or its equivalent; a member of a locally recognized faith-
136 based coalition, selected by that coalition; a member of the
137 local chamber of commerce, selected by that chamber or, if more
138 than one chamber exists within the county, a person selected by
139 a coalition of the local chambers; a member of the early
140 learning coalition, selected by that coalition; a representative
141 of a labor organization or union active in the county; a member
142 of a local alliance or coalition engaged in cross-system
143 planning for health and social service delivery in the county,
144 selected by that alliance or coalition; a member of the local
145 Parent-Teachers Association/Parent-Teacher-Student Association,

Page 5 of 11

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

21-01600-22 20221194__

146 selected by that association; a youth representative selected by
147 the local school system's student government; a local school
148 board member appointed by the chair of the school board; the
149 mayor of the county or the mayor's designee; one member of the
150 county governing body, appointed by the chair of that body; a
151 member of the state Legislature who represents residents of the
152 county, selected by the chair of the local legislative
153 delegation; an elected official representing the residents of a
154 municipality in the county, selected by the county municipal
155 league; and 4 members-at-large, appointed to the council by the
156 majority of sitting council members. The remaining 7 members
157 shall be appointed by the Governor in accordance with procedures
158 set forth in paragraph (a), except that the Governor may remove
159 a member for cause or upon the written petition of the council.
160 Appointments by the Governor must, to the extent reasonably
161 possible, represent the geographic and demographic diversity of
162 the population of the county. Members who are appointed to the
163 council by reason of their position are not subject to the
164 length of terms and limits on consecutive terms as provided in
165 this section. The remaining appointed members of the governing
166 body shall be appointed to serve 2-year terms, except that those
167 members appointed by the Governor shall be appointed to serve 4-
168 year terms, and the youth representative and the legislative
169 delegate shall be appointed to serve 1-year terms. A member may
170 be reappointed; however, a member may not serve for more than
171 three consecutive terms. A member is eligible to be appointed
172 again after a 2-year hiatus from the council.

173 (c) This subsection does not prohibit a county from
174 exercising such power as is provided by general or special law

Page 6 of 11

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21-01600-22 20221194__

175 to provide children's services or to create a special district
176 to provide such services.

177 Section 4. Section 200.091, Florida Statutes, is amended to
178 read:

179 200.091 Referendum to increase millage.—The millage
180 authorized to be levied in s. 200.071 for county purposes,
181 including dependent districts therein, may be increased for
182 periods not exceeding 2 years, provided such levy has been
183 approved by majority vote of the qualified electors in the
184 county or district voting in a general ~~an~~ election, as defined
185 in s. 97.021, called for such purpose. Such an election may be
186 called by the governing body of any such county or district on
187 its own motion and shall be called upon submission of a petition
188 specifying the amount of millage sought to be levied and the
189 purpose for which the proceeds will be expended and containing
190 the signatures of at least 10 percent of the persons qualified
191 to vote in such election, signed within 60 days prior to the
192 date the petition is filed.

193 Section 5. Section 200.101, Florida Statutes, is amended to
194 read:

195 200.101 Referendum for millage in excess of limits.—The
196 qualified electors of a municipality may, by majority vote at a
197 general election, as defined in s. 97.021, ~~of those voting~~
198 ~~approve an~~ increase ~~of~~ millage above those limits imposed by s.
199 200.081 in a referendum called for such purpose by the governing
200 body of the municipality, but the period of such increase may
201 not exceed 2 years. Such referendum also may be initiated by
202 submission of a petition to the governing body of the
203 municipality containing the signatures of 10 percent of those

Page 7 of 11

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21-01600-22 20221194__

204 persons eligible to vote in such referendum, which signatures
205 were affixed to the petition within 60 days prior to its
206 submission.

207 Section 6. Paragraph (b) of subsection (3) of section
208 255.0992, Florida Statutes, is amended to read:

209 255.0992 Public works projects; prohibited governmental
210 actions.—

211 (3) This section does not apply to the following:

212 (b) A use authorized by s. 212.055(1) which is approved in
213 a general election, as defined in s. 97.021, by a majority vote
214 of the electorate of the county or by a charter amendment
215 approved by a majority vote of the electorate of the county.

216 Section 7. Paragraph (a) of subsection (4) of section
217 336.021, Florida Statutes, is amended to read:

218 336.021 County transportation system; levy of ninth-cent
219 fuel tax on motor fuel and diesel fuel.—

220 (4)(a)1. A certified copy of the ordinance proposing to
221 levy the tax pursuant to referendum shall be furnished by the
222 county to the department within 10 days after approval of such
223 ordinance.

224 2. A referendum under this subsection shall be held only at
225 a general election, as defined in s. 97.021.

226 3. Furthermore, The county levying the tax pursuant to
227 referendum shall notify the department within 10 days after the
228 passage of the referendum of such passage and of the time period
229 during which the tax will be levied. The failure to furnish the
230 certified copy will not invalidate the passage of the ordinance.

231 Section 8. Paragraph (b) of subsection (1) and paragraph
232 (b) of subsection (3) of section 336.025, Florida Statutes, are

Page 8 of 11

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21-01600-22

20221194__

amended to read:

336.025 County transportation system; levy of local option fuel tax on motor fuel and diesel fuel.—

(1)

(b) In addition to other taxes allowed by law, there may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent, 3-cent, 4-cent, or 5-cent local option fuel tax upon every gallon of motor fuel sold in a county and taxed under the provisions of part I of chapter 206. The tax shall be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body of the county or by referendum. A referendum under this subsection shall be held only at a general election, as defined in s. 97.021.

1. All impositions and rate changes of the tax shall be levied before October 1, to be effective January 1 of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31 of any year may be reimposed at the current authorized rate provided the tax is levied before July 1 and is effective September 1 of the year of expiration.

2. The county may, prior to levy of the tax, establish by interlocal agreement with one or more municipalities located therein, representing a majority of the population of the incorporated area within the county, a distribution formula for dividing the entire proceeds of the tax among county government and all eligible municipalities within the county. If no interlocal agreement is adopted before the effective date of the tax, tax revenues shall be distributed pursuant to the provisions of subsection (4). If no interlocal agreement exists,

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20221194__

a new interlocal agreement may be established prior to June 1 of any year pursuant to this subparagraph. However, any interlocal agreement agreed to under this subparagraph after the initial levy of the tax or change in the tax rate authorized in this section shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized by this paragraph, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest and reserves for principal and interest as required under the covenants of any bond resolution outstanding on the date of establishment of the new interlocal agreement.

3. County and municipal governments shall use moneys received pursuant to this paragraph for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. For purposes of this paragraph, expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Expenditures for purposes of this paragraph shall not include routine maintenance of roads.

(3) The tax authorized pursuant to paragraph (1)(a) shall be levied using either of the following procedures:

Page 10 of 11

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21-01600-22

20221194__

291 (b) If no interlocal agreement or resolution is adopted
292 pursuant to subparagraph (a)1. or subparagraph (a)2.,
293 municipalities representing more than 50 percent of the county
294 population may, prior to June 20, adopt uniform resolutions
295 approving the local option tax, establishing the duration of the
296 levy and the rate authorized in paragraph (1)(a), and setting
297 the date for a countywide referendum on whether to levy the tax.
298 A referendum under this subsection shall be held only at a
299 general election, as defined in s. 97.021 ~~shall be held in~~
300 ~~accordance with the provisions of such resolution and applicable~~
301 ~~state law, provided that the county shall bear the costs~~
302 ~~thereof.~~ The tax shall be levied and collected countywide on
303 January 1 following 30 days after voter approval.

304 Section 9. Subsection (3) of section 1011.73, Florida
305 Statutes, is amended to read:

306 1011.73 District millage elections.—

307 (3) HOLDING ELECTIONS.—All school district millage
308 elections shall be held and conducted in the manner prescribed
309 by law for holding general elections, except as provided in this
310 chapter. A referendum under this part shall be held only at a
311 general election, as defined in s. 97.021.

312 Section 10. This act shall take effect July 1, 2022.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Environment and Natural Resources, *Chair*
Health Policy, *Vice Chair*
Appropriations Subcommittee on Agriculture,
Environment, and General Government
Appropriations Subcommittee on Health and
Human Services
Children, Families, and Elder Affairs
Community Affairs

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR JASON BRODEUR

9th District

January 18, 2022

The Honorable Jennifer Bradley
Chair of the Committee on Community Affairs
324 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Bradley:

I respectfully request to be excused from the Committee on Community Affairs meeting on January 18, 2022.

If you have any questions regarding this request, please do not hesitate to contact me directly or my office.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink that reads "Jason Brodeur". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jason Brodeur
The Florida Senate
District 09

CC: Elizabeth Ryon, Staff Director, Committee on Community Affairs

REPLY TO:

- ☐ 922 Williston Park Point, Suite 1300, Lake Mary, Florida 32746 (407) 333-1802
- ☐ 311 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: www.flsenate.gov

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

January 18, 2022

Florida Senate Committee on Community Affairs

Dear Chair Bradley,

Please accept this letter on behalf of Senator Garcia relating to the meeting today, January 18, 2022 of the Community Affairs Committee.

Senator Garcia respectfully requests an excused absence for the Community Affairs Committee on Tuesday, January 18, 2022.

Thank you for your consideration.

Sincerely,

Ana del Valle

Legislative Assistant

Senator Ileana Garcia – District 37

The Florida Senate

APPEARANCE RECORD

1/18/22

Meeting Date

Community Affairs

Committee

510

Bill Number or Topic

Amendment Barcode (if applicable)

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

Name Phillip Suderman

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:

Americans for
Prosperity

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

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

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

S-001 (08/10/2021)

January 18, 2022

Meeting Date

APPEARANCE RECORD

SB 510

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 **Kerrie Stillman**Phone **850-488-7864**Address **325 John Knox Road, Building E, Ste. 200**Email **stillman.kerrie@leg.state.fl.us**

Street

Tallahassee

City

FL

State

32303

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:**FL Commission on Ethics**

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)

1/18/22

Meeting Date

CA 37 SOB 3:30

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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518

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **9830 ELM ST**

Email **cullenasea@gmail.com**

Street

OCEAN CITY

MD

21842

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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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

518

Bill Number or Topic

Amendment Barcode (if applicable)

1/18/22

Meeting Date

Community Affairs

Committee

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

Name Philip Sudermann

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:

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)

1/18/2022

APPEARANCE RECORD

SB 518

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 **Diana Ferguson**Phone **850-681-6788**Address **119 S Monroe Street**Email **DFerguson@rutledge-ecenia.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 CHAPTER OF THE AMERICAN
SOCIETY OF
LANDSCAPE 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

Deliver both copies of this form to
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1-18-22
Meeting Date

Community Affairs
Committee

SB 614
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dawn Morton

Phone 386-986-0350

Address 206 Azalea Cir.
Street

Email dawnmorton92@yahoo.com

Palatka FL 32177
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

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1/18/22

Meeting Date

Community Affairs

Committee

SB 614

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kaitlyn Calderon

Phone

386 453 6238

Address

Street

121 Pine Lakes Parkway NAPT

307

City

Palm Coast

State

FL

Zip

32137

Email

kcalderon@flaglerhumane

Animals are often rehomed/surrendered to shelters due to the strict breed restrictions. It is not fair to the pets!

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

1-18-22

Meeting Date

S13 614

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Elisa Smith

Phone

~~888-666-386~~ 386-986-6143

Address

45 Blare Dr.

Email

esmith805@flagler
humane.society.org

Street

Palm Coast FL

32137

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

1-18-22

Meeting Date

6014

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Amy W. Carotenuto

Phone

386 866-3734

Address

250 Rodes Rd

Email

acarotenuto@flaglerhumane
society.org

Street

Diamond Beach FL

32174

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)

1-18-2022

Meeting Date

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 617

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Jeffery Ritter

Phone

386-235-6680

Address

1600 Big Tree Rd

Email

jeffery.ritter@gmail.com

Street

Daytona Beach FL 32119

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)

1/18/22

Meeting Date

Community Affairs

Committee

The Florida Senate
APPEARANCE RECORD

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

SIB 614

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kyndra Mott

Phone

386 453 6238

Address

108 Peachtree Circle

Street

Email

kmott@flaglerhumaneSociety.org

Daytona Beach FL

City

State

32114

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

#1 reason animals surrendered to
shelters is breed specific
Breed doesn't = aggression. housing,
care.

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 614~~ SB 614

Bill Number or Topic

Amendment Barcode (if applicable)

1/18/22

Meeting Date

Community Affairs

Committee

Name

Jamie Closson

Phone

386-276-5376

Address

2 Postman LN

Street

Email

j.closson@hotmail

Palm Coast

City

FL

State

32164

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

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

644

Bill Number or Topic

Amendment Barcode (if applicable)

1/18/2022

Meeting Date

Community Affairs

Committee

Name DAPHNEE SAINVIL

Phone 954-299-7806

Address 100 N. ANDREWS AVE

Street

Email DSAINVIL@PORTLAUDERDALE.GOV

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:
CITY OF FORT
LAUDERDALE

☐ 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

690

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jess M. 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

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:

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 \(flsenate.gov\)](#)

The Florida Senate
APPEARANCE RECORD

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

1/18/2022
Meeting Date
Community Affairs
Committee

SB 690
Bill Number or Topic

Name Devon West Phone 954-789-9293
Amendment Barcode (if applicable)

Address 1328 NE 1st Ave.
Street
Ft Lauderdale, FL 33304
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:

Broward 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.

The Florida Senate
APPEARANCE RECORD

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

1/14/22
Meeting Date

County Affairs
Committee

SB 690
Bill Number or Topic

Name META CALDER Phone 850-228-5900

Address 3740 RAVINE DR, Email _____
Street

JAL FL 32312
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 LEAGUE OF WOMEN VOTERS

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.

The Florida Senate

APPEARANCE RECORD

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

1-18-22

Meeting Date

Community Affairs

Committee

SB 704

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Commissioner Melissa McKinlay

Phone

561-355-2206

Address

301 N. Olive Ave - Palm Beach County

Email

mmckinlay@pbca.gov.org

Street

WPB

City

FL

State

33401

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

01/18/2022

Meeting Date

Community Affairs

Committee

SB 0754

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Luke Alter

Phone

516 523 8303

Address

2580 Verrata Dr.

Street

Email

alter5456@hotmail.com

Tallahassee

City

FL

State

32304

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)

1-18-22

Meeting Date

Community Affairs
Committee

The Florida Senate
APPEARANCE RECORD

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

SB 838

Bill Number or Topic

Amendment Barcode (if applicable)

Name Wayne "Bernie" Bernoska

Phone 850.224.7333

Address 343 W. Madison St.
Street

Email Bernie@fpfp.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:

Florida Professional
Firefighters

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

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

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

S-001 (08/10/2021)

1/18/22

Meeting Date

Community Affairs

Committee

The Florida Senate
APPEARANCE RECORD

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

838

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chase Mitchell

Phone 850/413/2866

Address 200 E Gaines St.

Street

Email chase.mitchell@myfloridacfo.com

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:

CFO ? State Fire Marshal Jimmy Patronis

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

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

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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

1-18-22
Meeting Date

Community Affairs
Committee

838

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jim Milligan

Phone 727-485-2650

Address 4360 - 55th N
Street

Email jmilligan@eslnewsfire.com

Sipoke
City

FL
State

33714
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

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

990

Bill Number or Topic

1/19/22

Meeting Date

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Jose Diaz Phone 850-294-7583

Address ~~68~~ 108 E. Jefferson St. Email jdiazje@aol.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:

Professional Wrecker Operators of Florida

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

1/18/22
Meeting Date

Community Affairs
Committee

990
Bill Number or Topic

407-296-3316
Amendment Barcode (if applicable)

Name Mike Seamon Phone 407-296-3316

Address 4718 Edgewater Drive. Email mseamon@pwr.org
Street

Orlando FL
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:

Professional Wrecker Operators of Florida

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

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

S-001 (08/10/2021)

01/18/2022

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

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

990

Bill Number or Topic

N/A

Amendment Barcode (if applicable)

Name David Custin, David R. Custin & Associates, Inc. Phone 305-607-876

Address 6401 SW 113th Place Email CustinDR@DavidRCustin.com
Street

Miami FL 33173
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:

Beach Towing, Inc.

☐ 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. [2030-2022 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

1/18/22

Meeting Date

SB 1150

Bill Number or Topic

Community Affairs

Committee

469878

Amendment Barcode (if applicable)

Name

Amanda White

Phone

248 894 8323

Address

200 E. Robinson St #900

Email

amanda@faahq.org

Street

Orlando FL

32801

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

1/18/2022

Meeting Date

Community Affairs

Committee

1150

Bill Number or Topic

469878

Amendment Barcode (if applicable)

Name

Devon Quist

Phone

(813) 582-4201

Address

401 E Jackson St #3300

Email

devon.quist@dominiuminc.com

Street

TAMPA

City

FLORIDA

State

33602

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

01/18/22

Meeting Date

Community Affairs

Committee

1150

Bill Number or Topic

469878

Amendment Barcode (if applicable)

Name

Jordan Jones

Phone

470-263-5315

Address

401 E Jackson St #3300

Email

jordan.jones@dominion.com

Street

Tampa

Florida

33602

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

Jan. 18, 2022

Meeting Date

Community Affairs

Committee

SB 1190

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Chris Creamer

Phone 407 947-1386

Address 3952 Long Branch Lane

Street

Email chris.creamer@flataa.org

Apopka

City

FL

State

32712

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 Automatic Fire Alarm 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)

The Florida Senate

APPEARANCE RECORD

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

1-18-22
Meeting Date

Community Affairs
Committee

1190
Bill Number or Topic

Amendment Barcode (if applicable)

Name Jim Millican Phone 727-526-5650

Address 4360 55th N Email jmillican@earthlink.net
Street

Sopch FL 33714
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

1-18-22

Meeting Date

COMMUNITY AFFAIRS

Committee

SB 1190

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

ALAN PERDUE

Phone

336-451-6707

Address

1484 BURNETT'S CHAPEL RD

Street

Email

alan.perdue@SAFERBUILDINGS.org

GREENSBORO

City

NC

State

27407

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-18-22
Meeting Date

Comm Affairs
Committee

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

1190
Bill Number or Topic

Amendment Barcode (if applicable)

Name Richard Pinsky Phone _____

Address 201 E. Park Ave #300 Email _____
Street

Tallahassee 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:

Emergency Communications Industry of Florida

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

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

S-001 (08/10/2021)

January 18, 2022

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

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

DUPLICATE

1190

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jon Pasqualone, Executive Director**

Phone **772-349-1507**

Address **PO Box 325**

Email **jon.pasqualone@ffmia.org**

Street

Hobe Sound,

Florida

33475

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 Fire Marshals and Inspectors Association

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

1/18/22

Meeting Date

Community Affairs
Committee

1194

Bill Number or Topic

Name Phillip Suderman

Phone

Address

Street

Email

City

State

Zip

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

☐ I am appearing without
compensation or sponsorship.

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am a registered lobbyist,
representing:

Americans for
Prosperity

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 37

Case No.:

Type:

Caption: Senate Community Affairs

Judge:

Started: 1/18/2022 3:34:41 PM

Ends: 1/18/2022 4:45:50 PM

Length: 01:11:10

3:34:41 PM	Roll Call
3:35:01 PM	Quorum is present
3:35:08 PM	Sen Garcia and Sen Brodeur are excused
3:35:14 PM	Pledge of Allegiance
3:35:35 PM	Comments from Chair
3:36:12 PM	Tab 3 and Tab 4 will not be considered
3:36:21 PM	Tab 9 SB 990 by Sen Diaz
3:36:25 PM	Sen Diaz explains the bill
3:37:48 PM	Sen Farmer in questions
3:38:55 PM	Sen Diaz in response
3:40:09 PM	Sen Farmer in questions
3:41:03 PM	David Custin, Beach Towing, waive in support
3:41:13 PM	Mike Seaman, Professional wrecker operators of Florida, waive in support
3:41:18 PM	Jose Diaz, professional wrecker operators of Florida, waive in support
3:41:22 PM	No debate
3:41:25 PM	Waive close on bill
3:41:33 PM	SB 990 is reported favorably
3:42:01 PM	Tab 7 CS/SB 754 by Sen Gainer
3:42:13 PM	Sen Hooper explains the bill
3:43:16 PM	No questions
3:43:19 PM	Luke Atler waive in support
3:43:26 PM	No debate
3:43:28 PM	Waive close
3:43:35 PM	CS/SB 754 is reported favorably
3:43:58 PM	Tab 11 SB 1190 by Sen Boyd
3:44:07 PM	Sen Boyd explains bill
3:44:44 PM	No questions
3:44:56 PM	Jon Pasqualone, Florida Fire Marshalls and Inspectors Association, speaking against
3:46:30 PM	Question from Sen Cruz
3:46:51 PM	Response of Speaker
3:47:37 PM	Richard Pinsky, Emergency Communications Industry of Florida, speaking against
3:51:03 PM	Question from Sen Farmer
3:51:12 PM	Response of Speaker
3:52:10 PM	Alan Perdue speaking against
3:55:12 PM	Question from Sen Cruz
3:56:47 PM	Response of Speaker
3:57:01 PM	Question from Sen Cruz
3:57:07 PM	Response of Speaker
3:57:20 PM	Jim Millican, speaking against
3:57:50 PM	Chris Creamer, Florida Automatic Fire alarm Association, Waive against
3:58:10 PM	Sen Hooper in debate
4:01:13 PM	Sen Cruz in debate
4:01:46 PM	Sen Farmer in debate
4:04:00 PM	Sen Boyd closes on the bill
4:06:18 PM	SB 1190 is reported favorably
4:06:42 PM	Tab 12 SB 1194 by Sen Boyd
4:06:55 PM	Sen Boyd explains bill
4:08:06 PM	Amendment 199732
4:08:16 PM	Sen Boyd explains amendment
4:08:26 PM	No questions
4:08:31 PM	No debate
4:08:32 PM	Waive close

4:08:34 PM Amendment is adopted
4:08:38 PM Back on the bill as amended
4:08:47 PM No questions
4:08:51 PM Phillip Suderman, Americans for Prosperity, waive in support
4:08:59 PM Question from Sen Farmer
4:09:46 PM Response of Sponsor
4:10:26 PM No debate
4:10:27 PM Waive close
4:10:30 PM CS/SB 1194 is reported favorably
4:10:56 PM Tab 8 SB 838 by Sen Wright
4:11:07 PM Sen Wright explains bill
4:12:04 PM No questions
4:12:09 PM Jim Millican waive in support
4:12:14 PM Chase Mitchell, CFO & State fire Marshall Jimmy Patronis, waive in support
4:12:21 PM Wayne 'Bernie' Bernoska, Florida Professional Firefighters, waive in support
4:12:29 PM No debate
4:12:33 PM Waive close
4:12:36 PM SB 838 is reported favorably
4:12:57 PM Tab 6 SB 704 by Sen Harrell
4:13:15 PM Sen Harrell explains bill
4:17:23 PM Question from Sen Cruz
4:17:42 PM Response of Sponsor
4:18:14 PM Question from Sen Cruz
4:18:40 PM Response of Sponsor
4:19:20 PM Back and forth in questions
4:20:09 PM Question from Sen Farmer
4:21:16 PM Response of Sponsor
4:22:16 PM Back and forth in questions
4:23:34 PM Commissioner Melissa McKinlay, Palm Beach County, waive in support
4:23:45 PM No debate
4:23:50 PM Sen Harrell closes on bill
4:24:16 PM SB 704 is reported favorably
4:24:40 PM Tab 10 SB 1150 by Sen Rodriguez
4:24:55 PM
4:25:04 PM Amendment 469878
4:25:17 PM Sen Hooper explains amendment
4:26:25 PM No questions
4:26:31 PM Jordan Jones speaking for
4:30:05 PM Devon Quist speaking for
4:32:06 PM Amanda White speaking for
4:35:43 PM No debate
4:35:50 PM Sen Hooper closes on the amendment
4:36:04 PM Amendment is adopted
4:36:10 PM Back on the bill as amended
4:36:16 PM No questions
4:36:19 PM Sen Farmer in comments
4:36:46 PM Waive close
4:36:47 PM CS/SB 1150 is reported favorably
4:37:12 PM Tab 1 CS/SB 510 by Sen Brodeur
4:37:25 PM Sen Hutson explains the bill
4:37:54 PM No questions
4:37:59 PM Kerrie Stillman, FL Commission on Ethics, waive in support
4:38:08 PM Phillip Suderman, Americans for Prosperity, waive in support
4:38:14 PM No debate
4:38:19 PM Waive close
4:38:22 PM CS/SB 510 is reported favorably
4:38:34 PM Tab 2 SB 518 by Sen Brodeur
4:38:46 PM Sen Hutson explains bill
4:39:29 PM Amendment 302 (EDIT)
4:39:45 PM Sen Hutson explains amendment
4:40:19 PM Sen Cruz in questions
4:40:40 PM Response of sponsor

4:41:32 PM	No debate
4:41:35 PM	Waive close
4:41:39 PM	Amendment is adopted
4:41:43 PM	Back on the bill as amended
4:41:49 PM	No questions
4:41:53 PM	Diana Ferguson, American Society of Landscape architects, waive in support
4:42:06 PM	Phillip Suderman waive in support
4:42:14 PM	David Cullen, Sierra Club of Florida, waive in support
4:42:20 PM	Sen Farmer in debate
4:43:20 PM	Waive close
4:43:23 PM	CS/SB 518 is reported favorably
4:43:41 PM	Tab 5 SB 690 by Rodriguez
4:43:54 PM	Sen Hutson explains the bill
4:44:22 PM	No questions
4:44:35 PM	Devon West, Broward County, waive in support
4:44:41 PM	Devon West waive in support
4:44:46 PM	Jess McCarty, Miami-Dade County, waive in support
4:44:53 PM	No debate
4:44:56 PM	Waive close
4:45:00 PM	SB 690 is reported favorably
4:45:14 PM	Sen Cruz, motion to Vote After
4:45:33 PM	Motion adopted
4:45:38 PM	Meeting adjourned