

<b>Tab 1</b>	<b>SB 362</b> by <b>Rodriguez</b> ; (Identical to CS/H 00401) Ad Valorem Tax Exemption for Nonprofit Homes for the Aged					
<b>Tab 2</b>	<b>SB 442</b> by <b>Rodriguez</b> ; (Identical to H 00571) Powers of Land Authorities					
<b>Tab 3</b>	<b>SB 512</b> by <b>Burgess</b> ; (Similar to CS/H 00325) Vacation Rentals					
404456	A	S	RCS	CA, Burgess	Delete L.384 - 589:	02/02 02:35 PM
<b>Tab 4</b>	<b>CS/SB 578</b> by <b>BI, Hooper</b> ; (Compare to CS/H 00837) Hurricane Impact Programs					
936294	A	S	RCS	CA, Hooper	Delete L.17 - 38.	02/02 02:35 PM
<b>Tab 5</b>	<b>CS/SB 608</b> by <b>EN, Brodeur</b> ; (Similar to H 00303) Sanitary Sewer Lateral Inspection Programs					
<b>Tab 6</b>	<b>SB 728</b> by <b>Harrell</b> ; (Similar to CS/H 01005) Advanced Air Mobility					
<b>Tab 7</b>	<b>SB 882</b> by <b>Brodeur</b> ; (Identical to H 00761) Inventories of Critical Wetlands					
922104	A	S	RCS	CA, Brodeur	btw L.35 - 36:	02/02 02:36 PM
<b>Tab 8</b>	<b>CS/SB 884</b> by <b>JU, Boyd</b> ; (Similar to CS/CS/H 00537) Fees in Lieu of Security Deposits					
<del>455136</del>	D	S	WD	CA, Farmer	Delete everything after	02/02 02:37 PM
564668	A	S	RCS	CA, Boyd	Delete L.72 - 82:	02/02 02:37 PM
<b>Tab 9</b>	<b>SB 1002</b> by <b>Burgess</b> ; (Similar to CS/H 01097) Florida Citrus					
628822	D	S	RCS	CA, Burgess	Delete everything after	02/02 02:37 PM
<b>Tab 10</b>	<b>SB 1058</b> by <b>Hutson</b> ; (Identical to H 00695) Property Insurer Reimbursements					
<b>Tab 11</b>	<b>SB 1260</b> by <b>Gruters</b> ; (Similar to CS/H 00897) Conversion of a Public Health Care System					
711064	D	S	RCS	CA, Gruters	Delete everything after	02/02 02:38 PM
<b>Tab 12</b>	<b>SB 1382</b> by <b>Gruters</b> ; (Similar to CS/H 01041) Tax Administration					
<b>Tab 13</b>	<b>SB 1420</b> by <b>Burgess</b> ; (Similar to H 01213) Public Records/County and City Attorneys					
431530	A	S	RCS	CA, Burgess	Delete L.283 - 396:	02/02 02:38 PM
<b>Tab 14</b>	<b>CS/SB 1432</b> by <b>EN, Rodriguez</b> ; (Similar to H 01065) Vessel Anchoring					
386100	A	S	RCS	CA, Rodriguez	btw L.109 - 110:	02/02 02:39 PM
<b>Tab 15</b>	<b>SB 1124</b> by <b>Gruters</b> ; (Compare to CS/H 00943) Preemption of Local Government Wage Mandates					
192142	D	S	RCS	CA, Gruters	Delete everything after	02/02 05:06 PM
<del>716180</del>	A	S	WD	CA, Gruters	Delete L.14 - 18:	02/02 05:06 PM

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

**COMMUNITY AFFAIRS**  
**Senator Bradley, Chair**  
**Senator Garcia, Vice Chair**

**MEETING DATE:** Wednesday, February 2, 2022

**TIME:** 8:30—10:30 a.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	<b>SB 362</b> Rodriguez (Identical CS/H 401)	Ad Valorem Tax Exemption for Nonprofit Homes for the Aged; Revising ownership entities for nonprofit homes qualifying for an exemption from ad valorem taxation to include certain limited partnerships, etc.  CA 02/02/2022 Favorable FT AP	Favorable Yeas 9 Nays 0
2	<b>SB 442</b> Rodriguez (Identical H 571)	Powers of Land Authorities; Authorizing land authorities to assist the counties in which they are located with certain activities addressing flooding and sea-level rise, etc.  EN 11/30/2021 Favorable CA 02/02/2022 Favorable RC	Favorable Yeas 9 Nays 0
3	<b>SB 512</b> Burgess (Similar CS/H 325, Compare S 286)	Vacation Rentals; Requiring advertising platforms to collect and remit taxes for certain transactions; revising the regulated activities of public lodging establishments and public food service establishments preempted to the state to include licensing; expanding the authority of local laws, ordinances, or regulations to include requiring vacation rentals to register with local vacation rental registration programs; authorizing local governments to adopt vacation rental registration programs and impose fines for failure to register; requiring advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements and attest to certain information, etc.  RI 01/11/2022 Favorable CA 02/02/2022 Fav/CS RC	Fav/CS Yeas 6 Nays 3

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Wednesday, February 2, 2022, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 578</b> Banking and Insurance / Hooper (Compare H 837)	Hurricane Impact Programs; Providing an annual appropriation from the Florida Hurricane Catastrophe Fund to fund specified research; revising the use of certain funds from the Florida Hurricane Catastrophe Fund to also include construction of certain facilities; revising the title of a certain annual report; deleting construction relating to Citizens Property Insurance Corporation coverage rates, etc.  BI 01/12/2022 Fav/CS CA 02/02/2022 Fav/CS AP	Fav/CS Yeas 9 Nays 0
5	<b>CS/SB 608</b> Environment and Natural Resources / Brodeur (Similar H 303)	Sanitary Sewer Lateral Inspection Programs; Defining the term "continuous monolithic pipe system"; authorizing counties and municipalities, respectively, to access sanitary sewer laterals within their jurisdiction for specified purposes; requiring counties and municipalities to notify private property owners within a specified timeframe if the county or municipality intends to access the owner's sanitary sewer lateral; authorizing a program established by a county or a municipality to evaluate and rehabilitate sanitary sewer laterals on residential and commercial properties to use state or local funds allocated for environmental preservation or the protection of water quality, etc.  EN 11/30/2021 Fav/CS CA 02/02/2022 Favorable AP	Favorable Yeas 9 Nays 0
6	<b>SB 728</b> Harrell (Similar CS/H 1005)	Advanced Air Mobility; Creating the Advanced Air Mobility Study Task Force adjunct to the Department of Transportation; specifying the composition of the task force; providing that task force members shall serve without compensation but are entitled to certain reimbursement; defining the term "VTOL aircraft"; requiring the task force to submit a certain report to the Governor and the Legislature by a specified date, etc.  TR 12/01/2021 Favorable CA 02/02/2022 Favorable RC	Favorable Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Wednesday, February 2, 2022, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 882</b> Brodeur (Identical H 761)	Inventories of Critical Wetlands; Requiring each water management district governing board, in cooperation with local governments, to develop a list of critical wetlands for acquisition using funds from the Land Acquisition Trust Fund; requiring the boards to consider certain criteria when including wetlands on the list, etc.  EN 01/10/2022 Favorable CA 02/02/2022 Fav/CS RC	Fav/CS Yeas 9 Nays 0
8	<b>CS/SB 884</b> Judiciary / Boyd (Identical CS/H 537)	Fees in Lieu of Security Deposits; Authorizing a landlord to offer a tenant the option to pay a fee in lieu of a security deposit; requiring the landlord to provide certain written notice to the tenant; requiring a written agreement signed by the landlord, or the landlord's agent, and the tenant if the tenant decides to pay a fee in lieu of the security deposit; specifying that landlords have exclusive discretion as to whether to offer tenants the option to pay a fee in lieu of a security deposit, etc.  JU 01/18/2022 Fav/CS CA 02/02/2022 Fav/CS RC	Fav/CS Yeas 6 Nays 3
9	<b>SB 1002</b> Burgess (Identical H 1097)	Florida Citrus; Citing this act as the "Citrus Recovery Act"; revising the membership of the Florida Citrus Commission; increasing the number of citrus districts in this state and revising the counties that comprise each district; requiring certain entities to provide reports on citrus production research to the commission at specified intervals and upon request of the commission; requiring that new varieties of citrus fruit produced from research or studies funded by state funds be made exclusively available for licensing and purchase to certain Florida producers for a specified timeframe, etc.  AG 01/13/2022 Favorable CA 02/02/2022 Fav/CS RC	Fav/CS Yeas 9 Nays 0
10	<b>SB 1058</b> Hutson (Identical H 695)	Property Insurer Reimbursements; Defining the term "unsound insurer"; revising requirements for coverage under the Florida Hurricane Catastrophe Fund of certain policies assumed by authorized insurers or the Citizens Property Insurance Corporation, etc.  BI 01/12/2022 Favorable CA 02/02/2022 Favorable RC	Favorable Yeas 9 Nays 0



**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Wednesday, February 2, 2022, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	<b>SB 1260</b> Gruters (Identical H 897)	Conversion of a Public Health Care System; Authorizing the governing body of a public health care system to evaluate the potential conversion of the public health care system to a nonprofit entity; requiring such governing body to publish notice of its completed evaluation in a specified manner; authorizing a public health care system and local governing authority to negotiate an agreement for such conversion; requiring members of the governing body of the public health care system to disclose whether they intend to serve on the board of the successor nonprofit entity; requiring the public health care system and local governing authority to jointly submit a notice of completion of such conversion to the Legislature after certain requirements are met, etc.  HP 01/26/2022 Favorable CA 02/02/2022 Fav/CS RC	Fav/CS Yeas 8 Nays 1
12	<b>SB 1382</b> Gruters (Similar H 1041)	Tax Administration; Prohibiting taxpayers from submitting certain records in tax proceedings under certain circumstances; authorizing the Department of Revenue to respond to contact initiated by taxpayers to discuss audits; clarifying conditions for application of an exemption for sales taxes for certain nonresident purchasers of boats or aircraft; deleting a tax exemption for building materials used in the rehabilitation of real property located in an enterprise zone; revising the period in which, and conditions under which, the executive director of the department may adopt emergency rules; excluding certain benefit charges from the employer reemployment assistance contribution rate calculation, etc.  CA 02/02/2022 Favorable FT AP	Favorable Yeas 9 Nays 0
13	<b>SB 1420</b> Burgess (Similar H 1213)	Public Records/County and City Attorneys; Providing an exemption from public records requirements for the personal identifying and location information of current and former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys, and the names and personal identifying and location information of the spouses and children of such attorneys; providing for retroactive application; providing for future legislative review and repeal; providing a statement of public necessity, etc.  JU 01/18/2022 Favorable CA 02/02/2022 Fav/CS RC	Fav/CS Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Wednesday, February 2, 2022, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	<b>CS/SB 1432</b> Environment and Natural Resources / Rodriguez (Similar H 1065)	Vessel Anchoring; Providing tenancy and lease conditions for approved and permitted mooring and mooring fields in Monroe County; requiring certain anchored vessels in Monroe County to be re-anchored in a new location that meets certain requirements according to a specified timeframe; requiring the Fish and Wildlife Conservation Commission, in consultation with certain entities, to establish designated anchoring areas within the county by rule; providing an exception for certain domiciled vessels; requiring certain vessels equipped with marine sanitation devices to maintain specified records of such devices, etc.  EN 01/18/2022 Fav/CS CA 02/02/2022 Fav/CS RC	Fav/CS Yeas 9 Nays 0
15	<b>SB 1124</b> Gruters (Compare CS/H 943)	Preemption of Local Government Wage Mandates; Creating the "Wage Mandate Preemption Act"; revising prohibitions relating to political subdivisions enacting, maintaining, or enforcing wage mandates in an amount greater than the state minimum wage rate, etc.  CA 01/25/2022 Temporarily Postponed CA 02/02/2022 Fav/CS CM RC	Fav/CS Yeas 5 Nays 3
Other Related Meeting Documents			

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 362

INTRODUCER: Senator Rodriguez

SUBJECT: Ad Valorem Tax Exemption for Nonprofit Homes for the Aged

DATE: January 28, 2022

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hackett	Ryon	CA	<b>Favorable</b>
2. _____	_____	FT	_____
3. _____	_____	AP	_____

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## I. Summary:

SB 362 expands the ownership options that would allow a nonprofit home for the aged to qualify for an exemption from ad valorem taxation. Currently, the taxpayer may be a Florida limited partnership the sole general partner of which is a not-for-profit corporation. The bill allows the sole general partner to be another entity wholly owned by a not-for-profit corporation.

The Revenue Estimating Conference estimated that the bill would reduce local government revenue by \$100,000 beginning in Fiscal Year 2022-2023.

The bill takes effect January 1, 2023.

## II. Present Situation:

### General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the assessed or “just value”<sup>2</sup> of property within the taxing jurisdiction and then applies relevant exclusions, assessment

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<sup>1</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>2</sup> Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

limitations, and exemptions to determine the property's "taxable value."<sup>3</sup> Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

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

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;<sup>6</sup> 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; land used for conservation purposes; historic properties when authorized by the county or municipality; and certain working waterfront property.<sup>7</sup>

### **Ad Valorem Tax Exemption for Homes for the Aged**

Florida exempts nonprofit homes for the aged from property tax; however, the home must be owned in one of two ways. The home can qualify for an exemption by being owned directly by a not-for-profit corporation or by being owned by a Florida limited partnership whose sole general partner is a not-for-profit corporation.<sup>8</sup>

If the home qualifies, the exemption applies to units or apartments reserved for or occupied by a permanent resident of this state who is:

- An individual with a gross income of no more than \$34,374 per year who is at least 62 years of age or is totally and permanently disabled;<sup>9</sup>
- A couple with a combined gross income of no more than \$38,590 per year, or the surviving spouse of such a couple, if the surviving spouse lived with the deceased at the time of the deceased's death in a home for the aged, at least one of whom must be at least 62 years of age or is totally and permanently disabled;<sup>10</sup> or
- A totally and permanently disabled veteran who meets the requirements of s. 196.081, F.S., regardless of income.

Common areas of the home for the aged are exempt if 25 percent or more of the units or apartments are restricted to or occupied by persons who meet the income requirements.<sup>11</sup>

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<sup>3</sup> See s. 192.001(2) and (16), F.S.

<sup>4</sup> FLA. CONST. art. VII, s. 1(a).

<sup>5</sup> See FLA. CONST. art. VII, s. 4.

<sup>6</sup> Section 193.011(2), F.S.

<sup>7</sup> FLA. CONST. art. VII, s. 4.

<sup>8</sup> Section 196.1975, F.S.

<sup>9</sup> The original statutory income thresholds are adjusted annually by the percentage change in the average cost-of-living index. See s. 196.1975(4), F.S. For the current income threshold, see: Florida Department of Revenue, *Cost of Living Adjustments*, available at: <https://floridarevenue.com/property/Documents/CostofLivingAdjust.pdf> (last visited April 7, 2021).

<sup>10</sup> *Id.*

<sup>11</sup> Section 196.1975(8), F.S.

The facility must annually file an application for exemption with the property appraiser<sup>12</sup> and submit an affidavit from each person residing in a unit or apartment claiming an exemption.<sup>13</sup> The person signing the affidavit must attest that he or she resides in the unit or apartment claiming the exemption and, in good faith, makes that unit or apartment his or her permanent residence.<sup>14</sup>

### III. Effect of Proposed Changes:

The bill amends s. 196.1975, F.S., to authorize a third ownership option that would allow a nonprofit home for the aged to qualify for a property tax exemption; a home owned by a Florida limited partnership the sole general partner of which is an entity wholly owned by a not-for-profit corporation.

The bill takes effect January 1, 2023.

### IV. Constitutional Issues:

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

Article VII, s. 18(b) of the Florida Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that cities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandate requirement does not apply to laws having an insignificant fiscal impact, which for Fiscal Year 2021-2022, is forecast at \$2.3 million.<sup>15</sup>

The Revenue Estimating Conference determined that the bill would reduce local government revenues by \$100,000 beginning in Fiscal Year 2022-2023. Therefore, this bill would likely not be a mandate subject to Article VII, s. 18(b) of the Florida Constitution.

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

None.

#### C. Trust Funds Restrictions:

None.

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<sup>12</sup> Section 196.1975(9)(b), F.S.

<sup>13</sup> Section 196.1975(9)(b), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, Interim Report 2012-115: Insignificant Impact, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited March 10, 2021). \$2.3 Million is based on the Florida Demographic Estimating Conference's March 3, 2021 population forecast for 2022 of 22,245,429. The conference packet is available at: <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Sep. 22, 2021).

**D. State Tax or Fee Increases:**

This bill does not create or raise state taxes or fees. Therefore, the requirements of Art. VII, s. 19 of the Florida Constitution do not apply.

**E. Other Constitutional Issues:**

None identified.

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

The Revenue Estimating Conference determined that the bill will reduce local government revenue by \$100,000 beginning in Fiscal Year 2022-2023.<sup>16</sup>

**B. Private Sector Impact:**

The bill will enable additional homes for the aged operated by not-for-profit corporations to qualify for the ad valorem tax exemption.

**C. Government Sector Impact:**

Some local governments would lose a portion of ad valorem tax revenue as businesses utilize this exemption.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 196.1975 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.

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<sup>16</sup> Revenue Estimating Impact Conference, *Ad Valorem Tax Exemption for Nonprofit Homes for the Aged, SB362 & HB401*, (November 19, 2021), available at <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2022/pdf/Impact1119.pdf> (last visited January 28, 2022).

B. Amendments:

None.

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

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By Senator Rodriguez

39-00600-22

2022362\_\_

A bill to be entitled

An act relating to ad valorem tax exemption for nonprofit homes for the aged; amending s. 196.1975, F.S.; revising ownership entities for nonprofit homes qualifying for an exemption from ad valorem taxation to include certain limited partnerships; providing an effective date.

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

Section 1. Subsection (1) of section 196.1975, Florida Statutes, is amended to read:

196.1975 Exemption for property used by nonprofit homes for the aged.—Nonprofit homes for the aged are exempt to the extent that they meet the following criteria:

(1) The applicant must be a corporation not for profit under pursuant to chapter 617 or a Florida limited partnership, the sole general partner of which is a corporation not for profit under pursuant to chapter 617 or an entity wholly owned by a corporation not for profit under chapter 617, and the corporation not for profit must have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by having qualified as an exempt charitable organization under ~~the provisions of~~ s. 501(c)(3) of the Internal Revenue Code of 1954 or of the corresponding section of a subsequently enacted federal revenue act.

Section 2. This act shall take effect January 1, 2023.



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: SB 442

INTRODUCER: Senator Rodriguez

SUBJECT: Powers of Land Authorities

DATE: December 2, 2021

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Collazo	Rogers	EN	<b>Favorable</b>
2. Hackett	Ryon	CA	<b>Favorable</b>
3. _____	_____	RC	_____

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## I. Summary:

SB 442 authorizes land authorities to assist the counties within which they are located in the administration of state and federal grants awarded to those counties for residential flood and sea-level rise mitigation projects. These projects include grants for the elevation of structures above minimum flood elevations, the demolition and reconstruction of structures above minimum flood elevations, and the acquisition of land with structures at risk of flooding.

The bill is effective July 1, 2022.

## II. Present Situation:

### Land Authorities

Sections 380.0661-380.0685, F.S. (Act), authorize certain counties – specifically, counties in which one or more designated areas of critical state concern<sup>1</sup> are located<sup>2</sup> – to create land authorities by ordinance<sup>3</sup> 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.”<sup>4</sup>

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<sup>1</sup> 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 Nov. 3, 2021).

<sup>2</sup> The following areas have been designated as areas of critical state concern: Big Cypress Area (portions of Collier, Miami-Dade, and Monroe counties); Green Swamp Area (portions of Polk and Lake counties); City of Key West and the Florida Keys Areas (Monroe County); and the Apalachicola Bay Area (Franklin County). *Id.*

<sup>3</sup> Section 380.0663(1), F.S.

<sup>4</sup> Section 380.0661(1), F.S.

Land authorities are intended to be both corporate and political public bodies having stable funding and the flexibility to address plan implementation innovatively and by acting as intermediaries between individual landowners and the governmental entities regulating land use.<sup>5</sup> The governing body of the land authority is the governing board of the county.<sup>6</sup>

Land authorities act as intermediaries between landowners and government agencies that regulate land use; their core mission is to acquire property for conservation use. Land authorities also provide funding for affordable housing projects, protect conserved land from private acquisition and use, and maintain conservation land stewardship programs.

Land authorities are funded through two primary sources: a surcharge on admission and overnight occupancy at state parks,<sup>7</sup> and a share of locally imposed tourist taxes on goods such as lodging.<sup>8</sup> In order to raise additional funds to purchase lands or afford other approved purposes, a land authority may also issue revenue bonds.

Land authorities' powers are statutorily enumerated and include, among other powers, the powers to sue and be sued; to make and execute contracts and other instruments; to commission studies and analyses of county land planning needs within areas of critical state concern; to acquire and dispose of real and personal property under specified conditions; to contribute tourist impact tax revenues pursuant to s. 125.0108, F.S., to certain authorized government and state agency recipients for specified purposes under certain conditions; to borrow money through the issuance of bonds and to buy, hold, cancel, or resell such bonds; and to do any and all things otherwise necessary or convenient to carry out the purposes of the Act.<sup>9</sup>

### **The Monroe County Land Authority**

The Monroe County Comprehensive Plan Land Authority, known as the Monroe County Land Authority (Authority), has a core mission to acquire property for conservation use. The Authority also provides funding for affordable housing projects, prevents or satisfies private property acquisition, and maintains the conservation land stewardship program in Monroe County within the Florida Keys and Key West Areas of Critical State Concern.<sup>10</sup>

The Authority was established to assist in the implementation of land use plans and to serve as an intermediary between landowners and government agencies that regulate land use. The Authority is a component of Monroe County government created in 1986 and governed by the Board of County Commissioners (BOCC).<sup>11</sup>

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<sup>5</sup> Sections 380.0661(2); 380.0663(1), F.S.

<sup>6</sup> Section 380.0663(1), F.S.

<sup>7</sup> Section 380.0685, F.S.

<sup>8</sup> Section 125.0108, F.S.

<sup>9</sup> See generally Section 380.0666, F.S.

<sup>10</sup> Monroe County, *Monroe County Land Authority*, <https://www.monroecounty-fl.gov/272/Land-Authority> (last visited Nov. 22, 2021).

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

**III. Effect of Proposed Changes:**

The bill amends s. 380.0666, F.S., to authorize land authorities to assist the counties within which they are located in the administration of state and federal grants awarded to those counties for residential flood and sea-level rise mitigation projects. Such grants include grants for the elevation of structures above minimum flood elevations, the demolition and reconstruction of structures above minimum flood elevations, and the acquisition of land with structures at risk of flooding.

The bill takes effect on 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.

**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 s. 380.0666 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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By Senator Rodriguez

39-00711-22

2022442\_\_

A bill to be entitled

An act relating to the powers of land authorities;  
amending s. 380.0666, F.S.; authorizing land  
authorities to assist the counties in which they are  
located with certain activities addressing flooding  
and sea-level rise; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (3) of  
section 380.0666, Florida Statutes, to read:

380.0666 Powers of land authority.—The land authority shall  
have all the powers necessary or convenient to carry out and  
effectuate the purposes and provisions of this act, including  
the following powers, which are in addition to all other powers  
granted by other provisions of this act:

(3)

(c) To assist the county in which it is located in the  
administration of state and federal grants awarded to the county  
for residential flood and sea-level rise mitigation projects,  
including grants for the elevation of structures above minimum  
flood elevations; the demolition and reconstruction of  
structures above minimum flood elevations; and the acquisition  
of land with structures at risk of flooding.

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.)

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

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BILL: CS/SB 512

INTRODUCER: Community Affairs Committee and Senator Burgess

SUBJECT: Vacation Rentals

DATE: February 3, 2022

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<b>Favorable</b>
2. <u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Fav/CS</b>
3. _____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 512 revises the regulation of vacation rentals. A vacation rental is a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests. Vacation rentals are licensed by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR). Current law does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The bill permits “grandfathered” local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. The bill does not affect vacation rental ordinances in jurisdictions located in an area of critical state concern.

Under the bill, a local government may require vacation rentals to be registered. The registration fee may not exceed \$50 for an individual or \$100 for a collective vacation rental registration. A local government may impose a fine for failure to register a vacation rental. The bill establishes limits for a local government registration program, including requiring a vacation rental owner to obtain any required tax registrations, pay all recorded municipal or county code liens, and designate a responsible person who is available 24/7 to respond to complaints. A local

government may adopt parking and garbage requirements so long as those standards are not imposed solely on vacation rentals. Additionally, the bill requires local governments to accept or deny a registration application within 15 days of receipt of an application. The bill authorizes the division to issue temporary licenses to permit the operation of the vacation rental while the license application is pending.

The bill permits a local government to terminate a local registration for violations of local registration requirements. The bill also authorizes the division to revoke or suspend state vacation rental licenses for violations of local registration requirements and violations of community association property restrictions.

The bill preempts the regulation of advertising platforms to the state. An advertising platform is a person who electronically advertises a vacation rental to rent for transient occupancy, maintains a marketplace, and a reservation or payment system.

The bill requires the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to include the property's vacation rental license number issued by the DBPR and the local registration number on the vacation rental's advertisement, and attest that, to the best of their knowledge, those numbers are current, valid, and accurate. The vacation rental property owner or operator must display this tax and licensure information inside the vacation rental property.

The bill requires an advertising platform to display the vacation rental license number and the local registration number of each property that advertises on its platform. The advertising platform must verify the validity of the vacation rental's license number before it publishes the advertisement and must perform ongoing checks every calendar quarter thereafter. To facilitate this verification, the division must maintain vacation rental license information in a readily accessible electronic format by July 1, 2023. The advertising platform must remove from public view any advertisement or listing that fails to display a valid vacation rental license number.

Advertising platforms are required by the bill to collect and remit any taxes imposed under chapters 125, 205, and 212, F.S., that result from payment for the rental of a vacation rental property on its platform. The bill allows platforms to exclude service fees from the taxable amount if the platforms do not own, operate, or manage the vacation rental. It allows the division to take enforcement action for noncompliance.

Additionally, the bill:

- Authorizes the division to fine an advertising platform an amount not to exceed \$1,000 for a violation of the provisions in the bill or rules of the division;
- Requires advertising platforms to adopt anti-discrimination policies and to inform users of the public lodging discrimination prohibition found in section 509.092, Florida Statutes;
- Provides that the advertising platform requirements in the bill do not create a private right of action against advertising platforms;
- Allows the Department of Revenue to adopt emergency rules for six months which may be renewed until permanent rules are adopted;
- Provides that its terms do not supersede any current or future declaration or covenant for condominium, cooperative, or homeowners' associations; and

- Requires a sexual offender or predator to register at the local sheriff's office no later than 5:00 p.m., 24 hours after establishing a temporary residence in a vacation rental.

The Revenue Estimating Conference determined that the provisions in the bill that require advertising platforms to collect and remit state and local sales taxes have no fiscal impact.

The bill takes effect upon becoming a law. However, the provisions relating to the regulation of advertising platforms take effect January 1, 2023.

## II. Present Situation:

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.<sup>1</sup> The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. (emphasis supplied)

A “nontransient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

...any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings *which is rented to guests for periods of at least 30 days or 1 calendar month*, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. (emphasis supplied)

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

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<sup>1</sup> Section 509.013(4)(a), F.S.



2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or one calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than one calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.;
6. Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public;
8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

A public lodging establishment is classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.<sup>2</sup>

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

...any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

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<sup>2</sup> Section 509.242(1), F.S.

The DBPR licenses vacation rentals as condominiums, dwellings, or timeshare projects.<sup>3</sup> The division may issue a vacation rental license for “a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively.”<sup>4</sup> The division does not license or regulate the rental of individual rooms within a dwelling unit based on the roominghouse and boardinghouse exclusion from the definition of public lodging establishment in s. 509.013(4)(b)9., F.S.<sup>5</sup>

The 48,226 public lodging establishment licenses issued by the division are distributed as follows:<sup>6</sup>

- Hotels – 2,238 licenses;
- Motels – 2,446 licenses;
- Nontransient apartments – 18,117 licenses;
- Transient apartments – 873 licenses;
- Bed and Breakfast Inns – 259 licenses;
- Vacation rental condominiums – 10,224 licenses;
- Vacation rental dwellings – 19,306 licenses; and
- Vacation rental timeshare projects – 29 licenses.

### **Inspections of Vacation Rentals**

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and nontransient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.<sup>7</sup> The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2020-2021, the division received 306 consumer complaints regarding vacation rentals. In response to the complaints, the division’s inspection confirmed a violation for 31 of the complaints.<sup>8</sup>

The division’s inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other

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<sup>3</sup> Fla. Admin. Code R. 61C-1.002(4)(a)1.

<sup>4</sup> The division further classifies a vacation rental license as a single, group, or collective license. *See* Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses or units per license.

<sup>5</sup> *See* s. 509.242(1)(c), F.S., defining the term “vacation rental.”

<sup>6</sup> Department of Business and Professional Regulation, Division of Hotels and Restaurants Annual Report for FY 2020-2021 at page 8, available at [http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2020\\_21.pdf](http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2020_21.pdf) (last visited Jan. 3, 2022). The total number of licenses for each classification include single licenses and group and collective licenses that cover multiple condominium units, dwellings, and timeshare projects.

<sup>7</sup> Section 509.032(2)(a), F.S.

<sup>8</sup> *Supra* at note 6.

general safety and regulatory matters.<sup>9</sup> The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,<sup>10</sup> which relates to a public lodging establishment.<sup>11</sup>

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.<sup>12</sup>

### **Preemption**

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.<sup>13</sup>

Section 509.032(7)(b), F.S., does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.<sup>14</sup>

### **Legislative History**

In 2011, the Legislature preempted certain vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or

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<sup>9</sup> See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Jan. 3, 2022).

<sup>10</sup> Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

<sup>11</sup> Section 509.032(2)(d), F.S.

<sup>12</sup> See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at [http://www.myfloridalicense.com/dbpr/hr/forms/documents/application\\_packet\\_for\\_vacation\\_rental\\_license.pdf](http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf) (last visited Jan. 3, 2022).

<sup>13</sup> Section 509.032(7)(a), F.S.

<sup>14</sup> See s. 163.3164(43), F.S., which provides that the state land planning agency is the Department of Economic Opportunity.

- Regulated vacation rentals based solely on their classification, use, or occupancy.<sup>15</sup>

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.<sup>16</sup>

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.<sup>17</sup> Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use, or occupancy.”<sup>18</sup>

### **Attorney General Opinions**

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.<sup>19</sup> According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, established in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

The Attorney General also issued an opinion on November 13, 2014, to the City of Wilton Manors, concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.<sup>20</sup>

In addition, the Attorney General issued an advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed zoning ordinance.<sup>21</sup> The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a

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<sup>15</sup> Chapter 2011-119, Laws of Fla.

<sup>16</sup> *Id.*

<sup>17</sup> Chapter 2014-71, Laws of Fla. (codified in s. 509.032(7)(b), F.S.).

<sup>18</sup> *Id.*

<sup>19</sup> Florida Attorney General, *Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding Vacation Rental Operation-Local Ordinances*, Oct. 22, 2013, (on file with the Senate Committee on Regulated Industries).

<sup>20</sup> Op. Att’y Gen. Fla. 2014-09, *Vacation Rentals - Municipalities - Land Use* (November 13, 2014), available at <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E> (last visited Jan. 3, 2022).

<sup>21</sup> Op. Att’y Gen. Fla. 2016-12, *Municipalities - Vacation Rentals – Preemption* - <http://www.myfloridalegal.com/ago.nsf/Opinions/1F9A7D9219CF89A3852587AB006DDC58> (last visited Jan. 3, 2022).

municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.<sup>22</sup>

The Attorney General also opined that amending an ordinance that was enacted prior to June 1, 2011 will not invalidate the grandfather protection for the parts of the ordinance that are reenacted.<sup>23</sup> The new provisions would be preempted by state law if they revise an ordinance in a manner that would regulate the duration or frequency of rental of vacation rentals, even when the new regulation would be considered “less restrictive” than the prior local law.

### **Public Lodging Non-Discrimination Law**

Section 509.092, F.S., prohibits an operator of a public lodging establishment from denying service or offering lesser quality accommodations to a person based upon his or her race, creed, color, sex, pregnancy, physical disability, or national origin. An aggrieved person may file a complaint pursuant to s. 760.11, F.S., of the Florida Civil Rights Act. Such complaints are mediated, investigated, and determined by the Florida Commission on Human Relations.<sup>24</sup>

### **Florida’s Sexual Predator and Sexual Offender Registration Laws**

Florida law requires registration of any person who has been convicted or adjudicated delinquent of one or more specified sex offenses and who meets other statutory criteria that qualify the person for designation as a sexual predator or classification as a sexual offender.<sup>25</sup> The registration laws also require reregistration and provide for public and community notification of certain information about sexual predators and sexual offenders. Generally, the sexual predator or offender must register with the sheriff 48 hours after being released from prison or otherwise establishing residence in Florida. The laws span several different chapters and numerous statutes<sup>26</sup> and are implemented through the combined efforts of the Florida Department of Law Enforcement (FDLE), all Florida sheriffs, the Florida Department of Corrections (FDC), the Department of Juvenile Justice (DJJ), the Department of Highway Safety and Motor Vehicles, and the Department of Children and Families.

A person is designated as a sexual predator by a court if the person:

- Has been convicted of a qualifying capital, life, or first degree felony sex offense committed on or after October 1, 1993;<sup>27</sup>
- Has been convicted of a qualifying sex offense committed on or after October 1, 1993, and has a prior conviction for a qualifying sex offense; or
- Was found to be a sexually violent predator in a civil commitment proceeding.<sup>28</sup>

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

<sup>23</sup> Op. Att’y Gen. Fla. 2019-07, *Vacation rentals, municipalities, grandfather provisions* (August 16, 2019) available at <http://www.myfloridalegal.com/ago.nsf/Opinions/933B3706FADB00CA85258458006F4CFA> (last visited Jan. 3, 2022).

<sup>24</sup> See Florida Commission on Human Relations, *Public Accommodations*, <https://fchr.myflorida.com/public-accommodations> (last visited Jan 3, 2022).

<sup>25</sup> Sections 775.21 and 943.0435, F.S.

<sup>26</sup> Sections 775.21-775.25, 943.043-943.0437, 944.606, 944.607, and 985.481-985.4815, F.S.

<sup>27</sup> Examples of qualifying sex offenses are sexual battery by an adult on a child under 12 years of age (s. 794.011(2)(a), F.S.) and lewd battery by an adult on a child 12 years of age or older but under 16 years of age (s. 800.04(4)(a), F.S.).

<sup>28</sup> Sections 775.21(4) and (5), F.S. The Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators’ Treatment and Care Act, part V, ch. 394, F.S., provides for the civil confinement of a group of sexual offenders who, due to

A person is classified as a sexual offender if the person:

- Has been convicted of a qualifying sex offense and has been released on or after October 1, 1997, from the sanction imposed for that offense;
- Establishes or maintains a Florida residence and is subject to registration or community or public notification requirements in another state or jurisdiction or is in the custody or control of, or under the supervision of, another state or jurisdiction as a result of a conviction for a qualifying sex offense; or
- On or after July 1, 2007, has been adjudicated delinquent of a qualifying sexual battery or lewd offense committed when the juvenile was 14 years of age or older.<sup>29</sup>

Requirements for registration and reregistration are similar for sexual predators and sexual offenders, but the frequency of reregistration may differ.<sup>30</sup> Registration requirements may also differ based on a special status, e.g., the sexual predator or sexual offender is in the FDC's control or custody, under the FDC's or the DJJ's supervision, or in a residential commitment program under the DJJ.

Sexual predators and sexual offenders are required to report at registration and reregistration certain information, including but not limited to, physical characteristics, relevant sex offense history, and information on residence, vehicles/vessels owned, and travel.

A sexual predator or offender must register at the sheriff's office in the county where he or she establishes or maintains a residence within 48 hours after establishing or maintaining a residence.<sup>31</sup>

The FDLE, through its agency website, provides a searchable database that includes some of this information.<sup>32</sup> Further, local law enforcement agencies may also provide access to this information, such as providing a link to the state public registry webpage.

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their criminal history and the presence of mental abnormality, are found likely to engage in future acts of sexual violence if they are not confined in a secure facility for long-term control, care, and treatment.

<sup>29</sup> Sections 943.0435(1)(h), 985.4815(1)(h), 944.606(1)(f), and 944.607(1)(f), F.S., address sexual offenders in the custody of or under the DOC's supervision, also define the term "sexual offender."

<sup>30</sup> All sexual predators, sexual offenders convicted for offenses specified in s. 943.0435(14)(b), F.S., and juvenile sexual offenders required to register under s. 943.0435(1)(h)1.d., F.S., for certain offenses must reregister four times per year (in the birth month of the sexual predator or qualifying sexual offender and every third month thereafter). *See* ss. 775.21(8)(a), 943.0435(14)(b), 944.607(13)(a), and 985.4815(13)(a), F.S. All other sexual offenders are required to reregister two times per year (in the birth month of the qualifying sexual offender and during the sixth month following the sexual offender's birth month). Section 943.0435(14)(a), F.S.

<sup>31</sup> Sections 775.21(6)(e)1.a. and 943.0435(2)(a)1., F.S., providing registration requirements for sexual predators and offenders, respectively.

<sup>32</sup> The FDLE is the central repository for registration information, and also maintains the state public registry and ensures Florida's compliance with federal laws. The Florida sheriffs handle in-person registration and reregistration. The FDLE maintains a database that allows members of the public to search for sexual offenders and sexual predators through a variety of search options, including name, neighborhood, and enrollment, employment, or volunteer status at an institute of higher education. *See* <http://offender.fdle.state.fl.us/offender/Search.jsp> (last visited on Jan. 3, 2022).

***Residence Definitions***

Section 775.21, F.S., defines the terms “permanent residence,” “temporary residence,” and “transient residence” for the purpose of reporting residence information. Section 943.0435, F.S., also uses these definitions.<sup>33</sup>

“Permanent residence” means a place where the person abides, lodges, or resides for three or more consecutive days.<sup>34</sup>

“Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of three or more days in the aggregate during any calendar year and which is not the person’s permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.<sup>35</sup>

“Transient residence” means a county where a person lives, remains, or is located for a period of three or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.<sup>36</sup>

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

The bill amends s. 509.032(7), F.S., to preempt the regulation of advertising platforms to the state. The bill also amends s. 509.032(7), F.S., to preempt the licensing of vacation rentals to the state.

The bill permits any “grandfathered” local law, ordinance, or regulation adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. Additionally, a local government that had such a grandfathered regulation on June 1, 2011, may pass a new, less restrictive ordinance.

**Definition of “Advertising Platform”**

The bill creates s. 509.013(17), F.S., to define the term “advertising platform.” Under the bill, an advertising platform:

- Provides an online application, software, website, or system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;
- Provides or maintains a marketplace for the renting by transient occupancy of a vacation rental; and

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<sup>33</sup> Sections 775.21(2)(k), (n), and (o) and 943.0435(1)(f), F.S.

<sup>34</sup> Section 775.21(2)(k), F.S.

<sup>35</sup> Section 775.21(2)(n), F.S.

<sup>36</sup> Section 775.21(2)(o), F.S.

- Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the person collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction.

### **Local Registration of Vacation Rentals**

Under the bill, a local government may require vacation rentals to be registered. The registration fee may not exceed \$50 for processing an individual registration application, or \$100 for processing a collective registration application. A local government may impose a fine for failure to register a vacation rental.

The bill establishes limits for a local government registration program. A local registration program may only require an owner or operator of a vacation rental to:

- Register no more than once per year; however, a new owner may be required to submit a new application for registration;
- Submit identifying information;
- Obtain any required tax registrations,
- Obtain a vacation rental license from the division with 60 days of after local registration;
- Obtain all required tax registrations, receipts, or certificate issued by the Department of Revenue, a county, or a municipal government;
- Update required information on a continuing bases to be current;
- Comply with parking standards and solid waste handling and containment requirements so long as such standards are not imposed solely on vacation rentals;
- Designate a responsible person who is available at all times to respond to complaints by telephone; and
- Pay all recorded municipal or county code liens.

Additionally, the bill requires local governments to accept or deny a registration application within 15 days of receipt of an application. The vacation rental owner or operator may agree to an extension of this time period. Such notice may be provided by mail or electronically.

If a local government denies an application, the notice of denial may be sent by United States mail or electronically. The notice must state with particularity the factual reasons for the denial and the applicable portions of an ordinance, rule, statute, or other legal authority for the denial. A local government cannot deny a registration application if the applicant cure the identified deficiency.

Upon the acceptance of a registration application, the local government must assign a unique registration number to the vacation rental or other indicia of registration and provide such registration number or other indicia of registration to the owner or operator of the vacation rental in writing or electronically.

The bill authorizes a local government to terminate a registration or to refuse to renew a registration when:

- The operation of the subject premises violates a local law, ordinance, or regulation;



- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

Additionally, a local government may withdraw its acceptance of a registration on the basis of an unsatisfied recorded municipal or county code lien.

### **Regulation of Vacation Rentals by the Division**

The bill amends s. 509.241(2), relating to the license application process for vacation rentals, to require application for a vacation rental license to include the local registration number, if applicable. Additionally, the bill authorizes the division to issue temporary licenses to permit the operation of the vacation rental while the license application is pending.

The bill also amends s. 509.241(3), F.S., to require the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to display the vacation rental license number and local registration number, if applicable.

The bill amends s. 509.261, F.S., to authorize the division to revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a vacation rental license when:

- The operation of the subject premises violates the terms of an applicable lease or property restriction, including any property restriction adopted pursuant to chs. 718, 719, or 720, F.S.,<sup>37</sup>
- The owner or operator fails to provide proof of registration, if required by local law, ordinance, or regulation;
- The registration of the vacation rental is terminated by a local government as provided in s. 509.032(7)(b)5;
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

Under the bill, the division may suspend for a period of not more than 30 days a vacation rental license when the owner or operator has been found by the code enforcement board to have committed two or more code violations related to the vacation during a period of 90 days. The division shall issue a written warning or notice and provide an opportunity to cure a violation before commencing any legal proceeding.

### **Requirements for Advertising Platforms**

Effective January 1, 2023, the bill creates s. 509.243, F.S., to provide requirements, including tax collection and remittance requirements for an advertising platform.

### ***Advertising and Reporting Requirements***

Under the bill, an advertising platform must:

- Require that a person who places an advertisement for the rental of a vacation rental to:

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<sup>37</sup> Chapters 718, 719, or 720, F.S., relate to the regulation and governance of condominium, cooperative, and homeowners' associations, respectively.

- Include the vacation rental license number and the local registration number, if applicable; and
- Attest to the best of their knowledge that the license number and the local registration number, if applicable, for the vacation rental property are current, valid, and accurately stated in the advertisement.
- Effective July 1, 2023, display the vacation rental license number in all advertisements after it has first verified the vacation rental property's license number with the DBPR, and then re-verify the license number on a quarterly basis.
- Remove from public view an advertisement or listing from its online application, software, website, or system within 15 business days after being notified by the division in writing that the subject advertisement or listing for the rental of a vacation rental located in this state fails to display a valid license number issued by the division.
- Adopt an anti-discrimination plan and inform its users of the public lodging discrimination prohibition found in s. 509.092, F.S.

By July 1, 2023, the division must maintain vacation rental license information in a readily accessible electronic format sufficient to facilitate prompt compliance.

The bill provides processes for the division to issue a cease and desist order for any person who violates ch. 509, F.S. The bill authorizes the division to seek an injunction or a writ of mandamus to enforce a cease and desist order. If the Department of Business and Professional Regulation (DBPR) is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, F.S., it is entitled to collect its attorney fees and costs, together with any cost of collection.

The bill authorizes the division to fine an advertising platform an amount not to exceed \$1,000 for a violation of the provisions in the bill or rules of the division.

The bill provides that the advertising platform requirements in the bill do not create a private right of action against advertising platforms.

### ***Tax Collection and Reporting Requirements***

The bill creates s. 509.243(4), F.S., to require advertising platforms to collect and remit taxes due under ss. 125.0104,<sup>38</sup> 125.0108,<sup>39</sup> 205.044,<sup>40</sup> 212.03,<sup>41</sup> 212.0305,<sup>42</sup> and 212.055, F.S.,<sup>43</sup> resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

The bill also amends s. 212.03(3), F.S., to include the tax collection and remittance requirements for advertising platforms within ch. 212, F.S., and to:

<sup>38</sup> Section 125.0104, F.S., relates to the local option tourist development tax.

<sup>39</sup> Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

<sup>40</sup> Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

<sup>41</sup> Section 212.03, F.S., relates to the transient rentals tax.

<sup>42</sup> Section 212.0305, F.S., relates to convention development taxes.

<sup>43</sup> Section 212.055, F.S., relates to discretionary sales taxes.

- Provide that the taxes an advertising platform must collect and remit are based on the total rental amount charged by the owner or operator for use of the vacation rental.
- Exclude service fees from the calculation of taxes remitted by an advertising platform to the Department of Revenue (DOR), unless the advertising platform owns, is related to, operates, or manages the vacation rental.
- Require the DOR and other jurisdictions to allow advertising platforms to register, collect, and remit such taxes.

The bill also amends s. 509.013, F.S., to define the term “merchant business taxes” as the tax imposed under s. 205.044, F.S. The bill includes the merchant business tax numbers as one of the tax account number vacation rental owners or operators must include in their advertisement on an advertising platform and as one of the taxes advertising platforms must collect and remit.

The bill authorizes the DOR to adopt emergency rules, which are effective for six months and may be renewed until permanent rules are adopted. This emergency rulemaking authority expires on January 1, 2023.

### **Sexual Predators and Offenders Registration**

The bill amends s. 775.21, F.S., to redefine the term “temporary residence” in the context of sexual predator or offender registration requirements, to mean lodging in a vacation rental for 24 hours or more. Under current law, a sexual offender or predator must register at the local sheriff’s office no later than 5:00 p.m., 48 hours after establishing a temporary residence in a vacation rental.

### **Community Associations**

The bill provides that the application of vacation rental provisions created by the bill do not supersede any current or future declaration or declaration of condominium, cooperative documents, or declaration of covenants or declaration for a homeowners’ association.

### **Effective Date**

The bill takes effect upon becoming a law. However, the provisions of s. 509.243, F.S., relating to advertising platforms, take effect January 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:

Article VII, Section 19 of the Florida Constitution requires a “state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.” A “fee” is defined by the Florida Constitution to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”

Article VII, Section 19 of the Florida Constitution also requires that a tax or fee raised by the Legislature must be approved by two-thirds of the membership of each house of the Legislature.

The bill does not impose or authorize a state tax or fee. The bill provides that a local government may not require a registration fee of more than \$100. Under the bill, a local government is not required to charge a registration fee.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference determined that the provisions in the bill that require advertising platforms to collect and remit state and local sales taxes have no fiscal impact.<sup>44</sup>

B. Private Sector Impact:

Indeterminate. Vacation rental owners may incur local registration costs of up to \$100 if the local government in which the vacation rental is located adopts an ordinance, law, or regulation consistent with the provisions of this bill.

C. Government Sector Impact:

The DBPR estimates a cost of \$497,671 (\$435,974 recurring) to the Hotel and Restaurant Trust Fund and a need of six full-time positions (FTEs).<sup>45</sup>

According to the Florida Department of Law Enforcement (FDLE), amending the definition of “temporary residence” to include a vacation rental where a person lodges for

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<sup>44</sup> Revenue Impact Results, Revenue Estimating Conference, November 5, 2021.

<sup>45</sup> Department of Business and Professional Regulation, *2022 Agency Legislative Bill Analysis for SB 512*, at 6 (Oct. 15, 2021) (on file with the Senate Committee on Regulated Industries).

24 hours or more will lead to a “substantial increase” in the number of sexual predators and offenders required to complete a registration.<sup>46</sup> The increase of registrations could potentially impact the workload associated with the Florida Sexual Offender and Predator Registry and require programmatic changes to FDLE’s technology systems. The FDLE anticipates the need for four additional FTEs and additional costs related to updating to the programing for the registry for a total cost of \$693,730 and \$319,750 recurring to implement provisions of the bill.<sup>47</sup>

Local governments may see an increase in revenue from the local registration fee of up to \$100.

## **VI. Technical Deficiencies:**

None.

## **VII. Related Issues:**

The bill amends s. 775.21, F.S., to require a sexual offender or predator to register at the local sheriff’s office no later than 5:00 p.m., 24 hours after establishing a temporary residence in a vacation rental. Under current law, a sexual offender or predator must register at the local sheriff’s office no later than 5:00 p.m., 48 hours after establishing a temporary residence in a vacation rental.

The FDLE has expressed “significant concerns”<sup>48</sup> with this provision in the bill. The FDLE notes that sexual offender and predator registration is a civil and regulatory process, not punishment. Its purpose is to protect the public by providing information and serving as an investigative tool for law enforcement. If the impact on sexual predator and offender registration is viewed as punishment or intended to prevent or limit the ability of sexual offenders and predators to travel freely within the state, the FDLE advises that these concerns may lead to significant litigation, in an area of law that has been closely examined and vetted through the courts and upheld as constitutional. Such litigation may jeopardize constitutionality, and therefore the viability, of Florida sexual offender and predator registration laws.<sup>49</sup>

## **VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 159.27, 212.03, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.241, 509.261, 509.221, 553.5041, 559.955, 705.17, 705.185, 717.1355, 775.21, and 877.24.

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<sup>46</sup> Florida Department of Law Enforcement, *2022 Agency Legislative Bill Analysis for SB 512*, at 3 (Nov. 15, 2021) (on file with the Senate Committee on Regulated Industries).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 5.

<sup>49</sup> *Id.*

**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 February 2, 2022:**

The CS:

- Permits local governments who had a grandfathered vacation rental ordinance on June 1, 2011, to adopt another grandfathered ordinance after that date, if the new ordinance is less restrictive than the original grandfathered ordinance.
- Permits local governments to charge a fee of no more than \$50 for an individual vacation rental registration or \$100 for a collective vacation rental registration.
- Clarifies that local governments may send registration application notices, including acceptance or denial notices, by U.S. Mail or electronically.
- Clarifies that the state may suspend a vacation rental license for a period of no more than 30 days if owner or operator has been found by the local code enforcement board to have two or more code violations.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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The Committee on Community Affairs (Burgess) recommended the following:

**Senate Amendment**

Delete lines 384 - 589  
and insert:  
registration requirements provided in this paragraph, or when a  
law, ordinance, or regulation adopted after June 1, 2011,  
regulates vacation rentals, if such law, ordinance, or  
regulation is less restrictive than a law, ordinance, or  
regulation that was in effect on June 1, 2011. Notwithstanding  
paragraph (a), a local law, ordinance, or regulation may require



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the registration of vacation rentals with a local vacation rental registration program. Local governments may adopt a vacation rental registration program pursuant to subparagraph 3. and impose a fine for failure to register under the vacation rental registration program.

2. Local governments may charge a fee of no more than \$50 for processing an individual registration application or \$100 for processing a collective registration application. A local law, ordinance, or regulation may not require renewal of a registration more than once per year. However, if there is a change of ownership, the new owner may be required to submit a new application for registration.

3. As a condition of registration, the local law, ordinance, or regulation may only require the owner or operator of a vacation rental to:

a. Submit identifying information about the owner or the owner's agents and the subject vacation rental property.

b. Obtain a license as a transient public lodging establishment issued by the division within 60 days after local registration.

c. Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government.

d. Update required information on a continuing basis to ensure it is current.

e. Comply with parking standards and solid waste handling and containment requirements, so long as such standards and requirements are not imposed solely on vacation rentals.

f. Designate and maintain at all times a responsible party





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40 who is capable of responding to complaints and other immediate  
41 problems related to the vacation rental, including being  
42 available by telephone at a listed phone number.

43 g. Pay in full all recorded municipal or county code liens  
44 against the subject property. The local government may withdraw  
45 its acceptance of a registration on the basis of an unsatisfied  
46 recorded municipal or county code lien.

47 4.a. Within 15 business days after receiving an application  
48 for registration of a vacation rental, the local government must  
49 review the application for completeness and accept the  
50 registration of the vacation rental or issue a written notice  
51 specifying with particularity any areas that are deficient. Such  
52 notice may be provided by United States mail or electronically.

53 b. The vacation rental owner or operator and the local  
54 government may agree to a reasonable request to extend the  
55 timeframes provided in this subparagraph, particularly in the  
56 event of a force majeure or other extraordinary circumstance.

57 c. When a local government denies an application for  
58 registration of a vacation rental, the local government must  
59 give written notice to the applicant. Such notice may be  
60 provided by United States mail or electronically. The notice  
61 must specify with particularity the factual reasons for the  
62 denial and include a citation to the applicable portions of an  
63 ordinance, a rule, a statute, or other legal authority for the  
64 denial of the registration. A local government may not deny any  
65 applicant from reapplying if the applicant cures the identified  
66 deficiencies.

67 d. If the local government fails to accept or deny the  
68 registration within the timeframes provided in this



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subparagraph, the application is deemed accepted.

e. Upon an accepted registration of a vacation rental, a local government shall assign a unique registration number to the vacation rental or other indicia of registration and provide the registration number or other indicia of registration to the owner or operator of the vacation rental in writing or electronically.

5. The local government may terminate or refuse to issue or renew a vacation rental registration when:

a. The operation of the subject premises violates a registration requirement authorized pursuant to this paragraph or a local law, ordinance, or regulation that does not apply solely to vacation rentals; or

b. The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

(d) The regulation of advertising platforms is preempted to the state as provided in this chapter.

Section 4. Effective January 1, 2023, subsections (2) and (3) of section 509.241, Florida Statutes, are amended to read:

509.241 Licenses required; exceptions.—

(2) APPLICATION FOR LICENSE.—Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division before ~~prior to~~ the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license. All



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98 applications for a vacation rental license must, if applicable,  
99 include the local registration number or other proof of  
100 registration required by local law, ordinance, or regulation.  
101 Upon receiving an application for a vacation rental license, the  
102 division may grant a temporary license that authorizes the  
103 vacation rental to begin operation while the application is  
104 pending and to post the information required under s.  
105 509.243(1)(c). The temporary license automatically expires upon  
106 final agency action regarding the license application.

107 (3) DISPLAY OF LICENSE.—Any license issued by the division  
108 must ~~shall~~ be conspicuously displayed to the public inside ~~in~~  
109 ~~the office or lobby of the~~ licensed establishment. Public food  
110 service establishments that ~~which~~ offer catering services must  
111 ~~shall~~ display their license number on all advertising for  
112 catering services. The owner or operator of a vacation rental  
113 offered for transient occupancy through an advertising platform  
114 must also display the vacation rental license number and, if  
115 applicable, the local registration number.

116 Section 5. Effective January 1, 2023, section 509.243,  
117 Florida Statutes, is created to read:

118 509.243 Advertising platforms.—

119 (1)(a) An advertising platform must require that a person  
120 who places an advertisement for the rental of a vacation rental:

121 1. Include in the advertisement the vacation rental license  
122 number and, if applicable, the local registration number; and

123 2. Attest to the best of the person's knowledge that the  
124 license number for the vacation rental property and the local  
125 registration are current, valid, and accurately stated in the  
126 advertisement.



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(b) An advertising platform must display the vacation rental license number and, if applicable, the local registration number. Effective July 1, 2023, the advertising platform must check that the vacation rental license number provided by the owner or operator appears as current in the information posted by the division pursuant to paragraph (c) and applies to the subject vacation rental before publishing the advertisement on its platform and again at the end of each calendar quarter that the advertisement remains on its platform.

(c) By July 1, 2023, the division shall maintain vacation rental license information in a readily accessible electronic format that is sufficient to facilitate prompt compliance with the requirements of this subsection by an advertising platform or a person placing an advertisement on an advertising platform for transient rental of a vacation rental.

(2) An advertising platform must remove from public view an advertisement or a listing from its online application, software, website, or system within 15 business days after being notified by the division in writing that the subject advertisement or listing for the rental of a vacation rental located in this state fails to display a valid license number issued by the division.

(3) If a guest uses a payment system on or through an advertising platform to pay for the rental of a vacation rental located in this state, the advertising platform must collect and remit all taxes due under ss. 125.0104, 125.0108, 205.044, 212.03, 212.0305, and 212.055 related to the rental as provided in s. 212.03(2) (b).

(4) If the division has probable cause to believe that a



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person not licensed by the division has violated this chapter or  
any rule adopted pursuant thereto, the division may issue and  
deliver to such person a notice to cease and desist from the  
violation. The issuance of a notice to cease and desist does not  
constitute agency action for which a hearing under s. 120.569 or  
s. 120.57 may be sought. For the purpose of enforcing a cease  
and desist notice, the division may file a proceeding in the  
name of the state seeking the issuance of an injunction or a  
writ of mandamus against any person who violates any provision  
of the notice. If the division is required to seek enforcement  
of the notice for a penalty pursuant to s. 120.69, it is  
entitled to collect attorney fees and costs, together with any  
cost of collection.

(5) The division may fine an advertising platform an amount  
not to exceed \$1,000 per offense for violations of this section  
or of the rules of the division. For the purposes of this  
subsection, the division may regard as a separate offense each  
day or portion of a day in which an advertising platform is  
operated in violation of this section or rules of the division.  
The division shall issue a written warning or notice and provide  
the advertising platform 15 days to cure a violation before  
commencing any legal proceeding under subsection (4).

(6) Advertising platforms shall adopt an antidiscrimination  
policy to help prevent discrimination among their users and  
shall inform all users of their services that it is illegal to  
refuse accommodation to an individual based on race, creed,  
color, sex, pregnancy, physical disability, or national origin  
pursuant to s. 509.092.

(7) Advertising platforms that comply with the requirements



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of this section are deemed to be in compliance with the  
requirements of this chapter. This section does not create and  
is not intended to create a private cause of action against  
advertising platforms. An advertising platform may not be held  
liable for any action it takes voluntarily in good faith in  
relation to its users to comply with this chapter or the  
advertising platform's terms of service.

Section 6. Subsections (10) and (11) are added to section  
509.261, Florida Statutes, to read:

509.261 Revocation or suspension of licenses; fines;  
procedure.—

(10) The division may revoke, refuse to issue or renew, or  
suspend for a period of not more than 30 days a vacation rental  
license when:

(a) The operation of the subject premises violates the  
terms of an applicable lease or property restriction, including  
any property restriction adopted pursuant to chapter 718,  
chapter 719, or chapter 720, as determined by a final order of a  
court of competent jurisdiction or a written decision by an  
arbitrator authorized to arbitrate a dispute relating to the  
subject property and a lease or property restriction;

(b) The owner or operator fails to provide proof of  
registration, if required by local law, ordinance, or  
regulation;

(c) The registration of the vacation rental is terminated  
by a local government as provided in s. 509.032(7)(b)5.; or

(d) The premises and its owner are the subject of a final  
order or judgment lawfully directing the termination of the  
premises' use as a vacation rental.



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214        (11) The division may suspend, for a period of not more  
215 than 30 days, a vacation rental license when the owner or  
216 operator has been found by the code enforcement board, pursuant  
217 to s. 162.06, to have two or more code violations related

By Senator Burgess

20-00473A-22

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1 A bill to be entitled  
 2 An act relating to vacation rentals; amending s.  
 3 212.03, F.S.; requiring advertising platforms to  
 4 collect and remit taxes for certain transactions;  
 5 reordering and amending s. 509.013, F.S.; defining the  
 6 term "advertising platform"; amending s. 509.032,  
 7 F.S.; conforming a cross-reference; revising the  
 8 regulated activities of public lodging establishments  
 9 and public food service establishments preempted to  
 10 the state to include licensing; revising an exemption  
 11 to the prohibition against certain local regulation of  
 12 vacation rentals; expanding the authority of local  
 13 laws, ordinances, or regulations to include requiring  
 14 vacation rentals to register with local vacation  
 15 rental registration programs; authorizing local  
 16 governments to adopt vacation rental registration  
 17 programs and impose fines for failure to register;  
 18 authorizing local governments to charge fees for  
 19 processing registration applications; specifying  
 20 requirements, procedures, and limitations for local  
 21 vacation rental registration programs; authorizing  
 22 local governments to terminate or refuse to issue or  
 23 renew vacation rental registrations under certain  
 24 circumstances; preempting the regulation of  
 25 advertising platforms to the state; amending s.  
 26 509.241, F.S.; requiring applications for vacation  
 27 rental licenses to include certain information;  
 28 authorizing the Division of Hotels and Restaurants of  
 29 the Department of Business and Professional Regulation

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

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30 to issue temporary licenses upon receipt of vacation  
 31 rental license applications; providing for expiration  
 32 of temporary vacation rental licenses; requiring  
 33 licenses issued by the division to be displayed  
 34 conspicuously to the public inside the licensed  
 35 establishment; requiring the owner or operator of  
 36 certain vacation rentals to also display its vacation  
 37 rental license number and applicable local  
 38 registration number; creating s. 509.243, F.S.;  
 39 requiring advertising platforms to require that  
 40 persons placing advertisements for vacation rentals  
 41 include certain information in the advertisements and  
 42 attest to certain information; requiring advertising  
 43 platforms to display and check such information;  
 44 requiring the division to maintain certain information  
 45 in a readily accessible electronic format by a certain  
 46 date; requiring advertising platforms to remove an  
 47 advertisement or listing under certain conditions and  
 48 within a specified timeframe; requiring advertising  
 49 platforms to collect and remit taxes for certain  
 50 transactions; authorizing the division to issue and  
 51 deliver a notice to cease and desist for certain  
 52 violations; providing that such notice does not  
 53 constitute agency action for which certain hearings  
 54 may be sought; authorizing the division to file  
 55 certain proceedings; authorizing the division to seek  
 56 certain remedies for the purpose of enforcing a cease  
 57 and desist notice; authorizing the division to collect  
 58 attorney fees and costs under certain circumstances;

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



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authorizing the division to impose a fine on advertising platforms for certain violations; requiring the division to issue written warnings or notices before commencing certain legal proceedings; requiring advertising platforms to adopt an antidiscrimination policy and to inform their users of the policy's provisions; providing construction; amending s. 509.261, F.S.; authorizing the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances; amending s. 775.21, F.S.; revising the definition of the term "temporary residence"; amending ss. 159.27, 212.08, 316.1955, 404.056, 477.0135, 509.221, 553.5041, 559.955, 705.17, 705.185, 717.1355, and 877.24, F.S.; conforming cross-references to changes made by the act; providing applicability; authorizing the Department of Revenue to adopt emergency rules; providing requirements and an expiration for the emergency rules; providing for the expiration of such rulemaking authority; providing effective dates.

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

Section 1. Effective January 1, 2023, subsection (2) of section 212.03, Florida Statutes, is amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement, exemptions.—

(2)(a) The tax provided for herein shall be in addition to the total amount of the rental, shall be charged by the lessor

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or person receiving the rent in and by said rental arrangement to the lessee or person paying the rental, and shall be due and payable at the time of the receipt of such rental payment by the lessor or person, as defined in this chapter, who receives said rental or payment. The owner, lessor, or person receiving the rent shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage or operate hotels, apartment houses, roominghouses, tourist and trailer camps, and the rental of condominium units, and to all persons who collect or receive such rents on behalf of such owner or lessor taxable under this chapter.

(b) If a guest uses a payment system on or through an advertising platform, as defined in s. 509.013, to pay for the rental of a vacation rental located in this state, the advertising platform shall collect and remit taxes as provided in this paragraph.

1. An advertising platform, as defined in s. 509.013, which owns, operates, or manages a vacation rental or which is related within the meaning of ss. 267(b), 707(b), or 1504 of the Internal Revenue Code of 1986 to a person who owns, operates, or manages the vacation rental shall collect and remit all taxes due under this section and ss. 125.0104, 125.0108, 205.044, 212.0305, and 212.055 which are related to the rental.

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117 2. An advertising platform to which subparagraph 1. does  
 118 not apply shall collect and remit all taxes due from the owner,  
 119 operator, or manager under this section and ss. 125.0104,  
 120 125.0108, 205.044, 212.0305, and 212.055 which are related to  
 121 the rental. Of the total amount paid by the lessee or rentee,  
 122 the amount retained by the advertising platform for reservation  
 123 or payment service is not taxable under this section or ss.  
 124 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

126 In order to facilitate the remittance of such taxes, the  
 127 department and counties that have elected to self-administer the  
 128 taxes imposed under chapter 125 must allow advertising platforms  
 129 to register, collect, and remit such taxes.

130 Section 2. Section 509.013, Florida Statutes, is reordered  
 131 and amended to read:

132 509.013 Definitions.—As used in this chapter, the term:

133 (1) "Advertising platform" means a person as defined in s.  
 134 1.01 who:

135 (a) Provides an online application, software, a website, or  
 136 a system through which a vacation rental located in this state  
 137 is advertised or held out to the public as available to rent for  
 138 transient occupancy;

139 (b) Provides or maintains a marketplace for the renting of  
 140 a vacation rental for transient occupancy; and

141 (c) Provides a reservation or payment system that  
 142 facilitates a transaction for the renting of a vacation rental  
 143 for transient occupancy and for which the person collects or  
 144 receives, directly or indirectly, a fee in connection with the  
 145 reservation or payment service provided for the rental

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146 transaction.

147 (3)(1) "Division" means the Division of Hotels and  
 148 Restaurants of the Department of Business and Professional  
 149 Regulation.

150 (8)(2) "Operator" means the owner, licensee, proprietor,  
 151 lessee, manager, assistant manager, or appointed agent of a  
 152 public lodging establishment or public food service  
 153 establishment.

154 (4)(3) "Guest" means any patron, customer, tenant, lodger,  
 155 boarder, or occupant of a public lodging establishment or public  
 156 food service establishment.

157 (10)(a)(4)(a) "Public lodging establishment" includes a  
 158 transient public lodging establishment as defined in  
 159 subparagraph 1. and a nontransient public lodging establishment  
 160 as defined in subparagraph 2.

161 1. "Transient public lodging establishment" means any unit,  
 162 group of units, dwelling, building, or group of buildings within  
 163 a single complex of buildings which is rented to guests more  
 164 than three times in a calendar year for periods of less than 30  
 165 days or 1 calendar month, whichever is less, or which is  
 166 advertised or held out to the public as a place regularly rented  
 167 to guests.

168 2. "Nontransient public lodging establishment" means any  
 169 unit, group of units, dwelling, building, or group of buildings  
 170 within a single complex of buildings which is rented to guests  
 171 for periods of at least 30 days or 1 calendar month, whichever  
 172 is less, or which is advertised or held out to the public as a  
 173 place regularly rented to guests for periods of at least 30 days  
 174 or 1 calendar month.

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License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.

3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.

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6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(9) (a) (5) (a) "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared ~~before~~ prior to being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.

(b) The following are excluded from the definition in

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paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university:

a. For the use of students and faculty; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

a. For the use of members and associates; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization. Upon request by the division, the event host must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

4. Any eating place located on an airplane, train, bus, or watercraft that ~~which~~ is a common carrier.

5. Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care

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Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.

7. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.

8. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

9. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.

10. Any vending machine that dispenses potentially hazardous food and which is located in a facility regulated under s. 381.0072.

11. Any research and development test kitchen limited to the use of employees and which is not open to the general public.

(2) ~~(6)~~ "Director" means the Director of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(11) ~~(7)~~ "Single complex of buildings" means all buildings or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

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291 (12)~~(48)~~ "Temporary food service event" means any event of  
 292 30 days or less in duration where food is prepared, served, or  
 293 sold to the general public.

294 (13)~~(49)~~ "Theme park or entertainment complex" means a  
 295 complex comprised of at least 25 contiguous acres owned and  
 296 controlled by the same business entity and which contains  
 297 permanent exhibitions and a variety of recreational activities  
 298 and has a minimum of 1 million visitors annually.

299 (14)~~(10)~~ "Third-party provider" means, for purposes of s.  
 300 509.049, any provider of an approved food safety training  
 301 program that provides training or such a training program to a  
 302 public food service establishment that is not under common  
 303 ownership or control with the provider.

304 (16)~~(11)~~ "Transient establishment" means any public lodging  
 305 establishment that is rented or leased to guests by an operator  
 306 whose intention is that such guests' occupancy will be  
 307 temporary.

308 (17)~~(12)~~ "Transient occupancy" means occupancy when it is  
 309 the intention of the parties that the occupancy will be  
 310 temporary. There is a rebuttable presumption that, when the  
 311 dwelling unit occupied is not the sole residence of the guest,  
 312 the occupancy is transient.

313 (15)~~(13)~~ "Transient" means a guest in transient occupancy.

314 (6)~~(14)~~ "Nontransient establishment" means any public  
 315 lodging establishment that is rented or leased to guests by an  
 316 operator whose intention is that the dwelling unit occupied will  
 317 be the sole residence of the guest.

318 (7)~~(15)~~ "Nontransient occupancy" means occupancy when it is  
 319 the intention of the parties that the occupancy will not be

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320 temporary. There is a rebuttable presumption that, when the  
 321 dwelling unit occupied is the sole residence of the guest, the  
 322 occupancy is nontransient.

323 (5)~~(16)~~ "Nontransient" means a guest in nontransient  
 324 occupancy.

325 Section 3. Paragraph (c) of subsection (3) and paragraphs  
 326 (a) and (b) of subsection (7) of section 509.032, Florida  
 327 Statutes, are amended, and paragraph (d) is added to subsection  
 328 (7) of that section, to read:

329 509.032 Duties.—

330 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE  
 331 EVENTS.—The division shall:

332 (c) Administer a public notification process for temporary  
 333 food service events and distribute educational materials that  
 334 address safe food storage, preparation, and service procedures.

335 1. Sponsors of temporary food service events shall notify  
 336 the division not less than 3 days before the scheduled event of  
 337 the type of food service proposed, the time and location of the  
 338 event, a complete list of food service vendors participating in  
 339 the event, the number of individual food service facilities each  
 340 vendor will operate at the event, and the identification number  
 341 of each food service vendor's current license as a public food  
 342 service establishment or temporary food service event licensee.  
 343 Notification may be completed orally, by telephone, in person,  
 344 or in writing. A public food service establishment or food  
 345 service vendor may not use this notification process to  
 346 circumvent the license requirements of this chapter.

347 2. The division shall keep a record of all notifications  
 348 received for proposed temporary food service events and shall

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provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. Unless excluded under s. 509.013 ~~s. 509.013(5)(b)~~, a public food service establishment or other food service vendor must obtain one of the following classes of license from the division: an individual license, for a fee of no more than \$105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than \$1,000, that entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events.

(7) PREEMPTION AUTHORITY.—

(a) The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, licensing, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

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(b)1. A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011, including when such law, ordinance, or regulation is amended to be less restrictive or to comply with the local registration requirements provided in this paragraph. Notwithstanding paragraph (a), a local law, ordinance, or regulation may require the registration of vacation rentals with a local vacation rental registration program. Local governments may adopt a vacation rental registration program pursuant to subparagraph 3. and impose a fine for failure to register under the vacation rental registration program.

2. Local governments may charge a fee of no more than \$50 for processing a registration application. A local law, ordinance, or regulation may not require renewal of a registration more than once per year. However, if there is a change of ownership, the new owner may be required to submit a new application for registration.

3. As a condition of registration, the local law, ordinance, or regulation may only require the owner or operator of a vacation rental to:

a. Submit identifying information about the owner or the owner's agents and the subject vacation rental property.

b. Obtain a license as a transient public lodging establishment issued by the division within 60 days after local registration.

c. Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a

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407 municipal government.

408 d. Update required information on a continuing basis to  
 409 ensure it is current.

410 e. Comply with parking standards and solid waste handling  
 411 and containment requirements, so long as such standards and  
 412 requirements are not imposed solely on vacation rentals.

413 f. Designate and maintain at all times a responsible party  
 414 who is capable of responding to complaints and other immediate  
 415 problems related to the vacation rental, including being  
 416 available by telephone at a listed phone number.

417 g. Pay in full all recorded municipal or county code liens  
 418 against the subject property. The local government may withdraw  
 419 its acceptance of a registration on the basis of an unsatisfied  
 420 recorded municipal or county code lien.

421 4.a. Within 15 business days after receiving an application  
 422 for registration of a vacation rental, the local government must  
 423 review the application for completeness and accept the  
 424 registration of the vacation rental or issue a written notice  
 425 specifying with particularity any areas that are deficient.

426 b. The vacation rental owner or operator and the local  
 427 government may agree to a reasonable request to extend the  
 428 timeframes provided in this subparagraph, particularly in the  
 429 event of a force majeure or other extraordinary circumstance.

430 c. When a local government denies an application for  
 431 registration of a vacation rental, the local government must  
 432 give written notice to the applicant. Such notice may be  
 433 provided by United States mail or electronically. The written  
 434 notice must specify with particularity the factual reasons for  
 435 the denial and include a citation to the applicable portions of

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436 an ordinance, a rule, a statute, or other legal authority for  
 437 the denial of the registration. A local government may not deny  
 438 any applicant from reapplying if the applicant cures the  
 439 identified deficiencies.

440 d. If the local government fails to accept or deny the  
 441 registration within the timeframes provided in this  
 442 subparagraph, the application is deemed accepted.

443 e. Upon an accepted registration of a vacation rental, a  
 444 local government shall assign a unique registration number to  
 445 the vacation rental or other indicia of registration and provide  
 446 the registration number or other indicia of registration to the  
 447 owner or operator of the vacation rental in writing or  
 448 electronically.

449 5. The local government may terminate or refuse to issue or  
 450 renew a vacation rental registration when:

451 a. The operation of the subject premises violates a  
 452 registration requirement authorized pursuant to this paragraph  
 453 or a local law, ordinance, or regulation that does not apply  
 454 solely to vacation rentals; or

455 b. The premises and its owner are the subject of a final  
 456 order or judgment lawfully directing the termination of the  
 457 premises' use as a vacation rental.

458 (d) The regulation of advertising platforms is preempted to  
 459 the state as provided in this chapter.

460 Section 4. Effective January 1, 2023, subsections (2) and  
 461 (3) of section 509.241, Florida Statutes, are amended to read:

462 509.241 Licenses required; exceptions.—

463 (2) APPLICATION FOR LICENSE.—Each person who plans to open  
 464 a public lodging establishment or a public food service

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establishment shall apply for and receive a license from the division ~~before~~ prior to the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license. All applications for a vacation rental license must, if applicable, include the local registration number or other proof of registration required by local law, ordinance, or regulation. Upon receiving an application for a vacation rental license, the division may grant a temporary license that authorizes the vacation rental to begin operation while the application is pending and to post the information required under s. 509.243(1)(c). The temporary license automatically expires upon final agency action regarding the license application.

(3) DISPLAY OF LICENSE.—Any license issued by the division must ~~shall~~ be conspicuously displayed to the public inside ~~in~~ the office or lobby of the licensed establishment. Public food service establishments that ~~which~~ offer catering services must ~~shall~~ display their license number on all advertising for catering services. The owner or operator of a vacation rental offered for transient occupancy through an advertising platform must also display the vacation rental license number and, if applicable, the local registration number.

Section 5. Effective January 1, 2023, section 509.243, Florida Statutes, is created to read:

509.243 Advertising platforms.—

(1)(a) An advertising platform must require that a person who places an advertisement for the rental of a vacation rental:

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1. Include in the advertisement the vacation rental license number and, if applicable, the local registration number; and  
2. Attest to the best of the person's knowledge that the license number for the vacation rental property and the local registration are current, valid, and accurately stated in the advertisement.

(b) An advertising platform must display the vacation rental license number and, if applicable, the local registration number. Effective July 1, 2023, the advertising platform must check that the vacation rental license number provided by the owner or operator appears as current in the information posted by the division pursuant to paragraph (c) and applies to the subject vacation rental before publishing the advertisement on its platform and again at the end of each calendar quarter that the advertisement remains on its platform.

(c) By July 1, 2023, the division shall maintain vacation rental license information in a readily accessible electronic format that is sufficient to facilitate prompt compliance with the requirements of this subsection by an advertising platform or a person placing an advertisement on an advertising platform for transient rental of a vacation rental.

(2) An advertising platform must remove from public view an advertisement or a listing from its online application, software, website, or system within 15 business days after being notified by the division in writing that the subject advertisement or listing for the rental of a vacation rental located in this state fails to display a valid license number issued by the division.

(3) If a guest uses a payment system on or through an



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advertising platform to pay for the rental of a vacation rental located in this state, the advertising platform must collect and remit all taxes due under ss. 125.0104, 125.0108, 205.044, 212.03, 212.0305, and 212.055 related to the rental as provided in s. 212.03(2)(b).

(4) If the division has probable cause to believe that a person not licensed by the division has violated this chapter or any rule adopted pursuant thereto, the division may issue and deliver to such person a notice to cease and desist from the violation. The issuance of a notice to cease and desist does not constitute agency action for which a hearing under s. 120.569 or s. 120.57 may be sought. For the purpose of enforcing a cease and desist notice, the division may file a proceeding in the name of the state seeking the issuance of an injunction or a writ of mandamus against any person who violates any provision of the notice. If the division is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, it is entitled to collect attorney fees and costs, together with any cost of collection.

(5) The division may fine an advertising platform an amount not to exceed \$1,000 per offense for violations of this section or of the rules of the division. For the purposes of this subsection, the division may regard as a separate offense each day or portion of a day in which an advertising platform is operated in violation of this section or rules of the division. The division shall issue a written warning or notice and provide the advertising platform 15 days to cure a violation before commencing any legal proceeding under subsection (4).

(6) Advertising platforms shall adopt an antidiscrimination

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policy to help prevent discrimination among their users and shall inform all users of their services that it is illegal to refuse accommodation to an individual based on race, creed, color, sex, pregnancy, physical disability, or national origin pursuant to s. 509.092.

(7) Advertising platforms that comply with the requirements of this section are deemed to be in compliance with the requirements of this chapter. This section does not create and is not intended to create a private cause of action against advertising platforms. An advertising platform may not be held liable for any action it takes voluntarily in good faith in relation to its users to comply with this chapter or the advertising platform's terms of service.

Section 6. Subsections (10) and (11) are added to section 509.261, Florida Statutes, to read:

509.261 Revocation or suspension of licenses; fines; procedure.—

(10) The division may revoke, refuse to issue or renew, or suspend for a period of not more than 30 days a vacation rental license when:

(a) The operation of the subject premises violates the terms of an applicable lease or property restriction, including any property restriction adopted pursuant to chapter 718, chapter 719, or chapter 720, as determined by a final order of a court of competent jurisdiction or a written decision by an arbitrator authorized to arbitrate a dispute relating to the subject property and a lease or property restriction;

(b) The owner or operator fails to provide proof of registration, if required by local law, ordinance, or

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regulation;

(c) The registration of the vacation rental is terminated by a local government as provided in s. 509.032(7)(b)5.; or

(d) The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

(11) The division may suspend, for a period of not more than 30 days, a vacation rental license when the owner or operator has been cited for two or more code violations related to the vacation rental during a period of 90 days. The division shall issue a written warning or notice and provide an opportunity to cure a violation before commencing any legal proceeding under this subsection.

Section 7. Paragraph (n) of subsection (2) of section 775.21, Florida Statutes, is amended to read:

775.21 The Florida Sexual Predators Act.—

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

(n) "Temporary residence" means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 3 or more days in the aggregate during any calendar year and which is not the person's permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state. The term also includes a vacation rental, as defined in s. 509.242(1)(c), where a person lodges for 24 hours or more.

Section 8. Subsection (12) of section 159.27, Florida Statutes, is amended to read:

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159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(12) "Public lodging or restaurant facility" means property used for any public lodging establishment as defined in s. 509.242 or public food service establishment as defined in s. 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or necessary to, another facility qualifying under this part.

Section 9. Paragraph (jj) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this

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subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(jj) *Complimentary meals.*—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013 ~~s. 509.013(4)(a)~~ which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

Section 10. Paragraph (b) of subsection (4) of section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements for persons who have disabilities.—

(4)

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ which provides parking in designated areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme

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park is open to the public for that day.

Section 11. Subsection (5) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification shall be provided on at least one document, form, or application executed at the time of, or before ~~prior to~~, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification must ~~shall~~ contain the following language:

“RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department.”

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less in duration.

Section 12. Subsection (6) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

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697 (6) A license is not required of any individual providing  
 698 makeup or special effects services in a theme park or  
 699 entertainment complex to an actor, stunt person, musician,  
 700 extra, or other talent, or providing makeup or special effects  
 701 services to the general public. The term "theme park or  
 702 entertainment complex" has the same meaning as in s. 509.013 ~~s.-~~  
 703 ~~509.013(9)~~.

704 Section 13. Paragraph (b) of subsection (2) of section  
 705 509.221, Florida Statutes, is amended to read:  
 706 509.221 Sanitary regulations.—  
 707 (2)  
 708 (b) Within a theme park or entertainment complex as defined  
 709 in s. 509.013 ~~s.-509.013(9)~~, the bathrooms are not required to  
 710 be in the same building as the public food service  
 711 establishment, so long as they are reasonably accessible.

712 Section 14. Paragraph (b) of subsection (5) of section  
 713 553.5041, Florida Statutes, is amended to read:  
 714 553.5041 Parking spaces for persons who have disabilities.—  
 715 (5) Accessible perpendicular and diagonal accessible  
 716 parking spaces and loading zones must be designed and located to  
 717 conform to ss. 502 and 503 of the standards.

718 (b) If there are multiple entrances or multiple retail  
 719 stores, the parking spaces must be dispersed to provide parking  
 720 at the nearest accessible entrance. If a theme park or an  
 721 entertainment complex as defined in s. 509.013 ~~s.-509.013(9)~~  
 722 provides parking in several lots or areas from which access to  
 723 the theme park or entertainment complex is provided, a single  
 724 lot or area may be designated for parking by persons who have  
 725 disabilities, if the lot or area is located on the shortest

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726 accessible route to an accessible entrance to the theme park or  
 727 entertainment complex or to transportation to such an accessible  
 728 entrance.

729 Section 15. Paragraph (b) of subsection (5) of section  
 730 559.955, Florida Statutes, is amended to read:  
 731 559.955 Home-based businesses; local government  
 732 restrictions.—

733 (5) The application of this section does not supersede:  
 734 (b) Local laws, ordinances, or regulations related to  
 735 transient public lodging establishments, as defined in s.  
 736 509.013 ~~s.-509.013(4)(a)1-~~, that are not otherwise preempted  
 737 under chapter 509.

738 Section 16. Subsection (2) of section 705.17, Florida  
 739 Statutes, is amended to read:  
 740 705.17 Exceptions.—

741 (2) Sections 705.1015-705.106 do not apply to any personal  
 742 property lost or abandoned on premises located within a theme  
 743 park or entertainment complex, as defined in s. 509.013 ~~s.-~~  
 744 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or  
 745 on the premises of a public food service establishment or a  
 746 public lodging establishment licensed under part I of chapter  
 747 509, if the owner or operator of such premises elects to comply  
 748 with s. 705.185.

749 Section 17. Section 705.185, Florida Statutes, is amended  
 750 to read:  
 751 705.185 Disposal of personal property lost or abandoned on  
 752 the premises of certain facilities.—When any lost or abandoned  
 753 personal property is found on premises located within a theme  
 754 park or entertainment complex, as defined in s. 509.013 ~~s.-~~

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509.013(9), or operated as a zoo, a museum, or an aquarium, or on the premises of a public food service establishment or a public lodging establishment licensed under part I of chapter 509, if the owner or operator of such premises elects to comply with this section, any lost or abandoned property must be delivered to such owner or operator, who must take charge of the property and make a record of the date such property was found. If the property is not claimed by its owner within 30 days after it is found, or a longer period of time as may be deemed appropriate by the owner or operator of the premises, the owner or operator of the premises may not sell and must dispose of the property or donate it to a charitable institution that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code for sale or other disposal as the charitable institution deems appropriate. The rightful owner of the property may reclaim the property from the owner or operator of the premises at any time before the disposal or donation of the property in accordance with this section and the established policies and procedures of the owner or operator of the premises. A charitable institution that accepts an electronic device, as defined in s. 815.03(9), access to which is not secured by a password or other personal identification technology, shall make a reasonable effort to delete all personal data from the electronic device before its sale or disposal.

Section 18. Section 717.1355, Florida Statutes, is amended to read:

717.1355 Theme park and entertainment complex tickets.—This chapter does not apply to any tickets for admission to a theme

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park or entertainment complex as defined in s. 509.013 ~~s.~~ 509.013(9), or to any tickets to a permanent exhibition or recreational activity within such theme park or entertainment complex.

Section 19. Subsection (8) of section 877.24, Florida Statutes, is amended to read:

877.24 Nonapplication of s. 877.22.—Section 877.22 does not apply to a minor who is:

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013 ~~s.~~ 509.013(9).

Section 20. The application of this act does not supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes, cooperative document adopted pursuant to chapter 719, Florida Statutes, or declaration or declaration of covenant adopted pursuant to chapter 720, Florida Statutes.

Section 21. (1) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing s. 212.03, Florida Statutes, including establishing procedures to facilitate the remittance of taxes.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) This section expires January 1, 2025.

Section 22. Except as otherwise expressly provided in this

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813 act, 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.)

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

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BILL: CS/CS/SB 578

INTRODUCER: Community Affairs Committee; Banking and Insurance Committee; and Senator Hooper

SUBJECT: Hurricane Impact Programs

DATE: February 3, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 578 extends the Hurricane Loss Mitigation Program (HLMP) within Florida's Division of Emergency Management (DEM) until June 30, 2032. The HLMP funds programs that improve the wind resistance of residences and public hurricane shelters. The HLMP program operations are funded through an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund to the Division of Emergency Management. The HLMP and the associated \$10 million appropriation from the Florida Hurricane Catastrophe Fund (Cat Fund) are set to expire on June 30, 2022.

The bill expands the list of projects which are eligible to receive funds allocated under the HLMP for retrofitting existing public hurricane facilities to include construction of new public hurricane facilities.

The bill takes effect upon becoming law.

## II. Present Situation:

### Hurricane Loss Mitigation Program

In 1999,<sup>1</sup> the Legislature created the HLMP within the DEM<sup>2</sup> for funding programs for improving the wind resistance of residences and mobile homes. The HLMP can provide funding through loans, subsidies, grants, demonstration projects, and direct assistance. It also funds cooperative programs with local governments and the federal government to reduce hurricane losses or the costs of rebuilding after a disaster.

The HLMP is funded by an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund.<sup>3</sup> Specifically, current law requires the funds to be used as follows:

- \$3 million must be directed toward retrofitting existing facilities used as public hurricane shelters. DEM must prioritize the use of these funds for projects included in the annual Shelter Retrofit Report.<sup>4</sup> DEM must similarly prioritize these funds to projects in regional planning council regions with shelter deficits and projects that maximize the use of state funds.<sup>5</sup>
- \$7 million must be directed toward programs that improve the wind resistance of residences and mobile homes, including loans, subsidies, grants, demonstration projects, and direct assistance; educating persons concerning the Florida Building Code; and other efforts to prevent or reduce losses or reduce the cost of building after a disaster.<sup>6</sup>

Of the \$7 million allocated to improve the wind resistance of residences and mobile homes, provide education regarding Florida Building Code cooperative programs, and reduce the cost of rebuilding after a disaster:

- 50 percent (\$3.5 million) is directed to grant funding for governmental entities, nonprofit organizations, and qualified for-profit organizations to improve the resiliency of residential, community, and government structures within their communities.
- 40 percent (\$2.8 million) must be directed to the Manufactured Housing and Mobile Home Mitigation and Enhancement Program (Mobile Home Tie-Down Program) to mitigate future losses for mobile homes and inspect and improve tie-downs for mobile homes. The program is administered by Tallahassee Community College (TCC).<sup>7</sup>
- 10 percent (\$700,000) must be directed to the Florida International University (FIU) for hurricane research.<sup>8</sup>

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<sup>1</sup> Chapter 99-305, L.O.F.

<sup>2</sup> In 2011, the Legislature transferred the DEM to the Executive Office of the Governor, where it presently resides. *See* Chapter 2011-142, L.O.F.

<sup>3</sup> Section 215.559(1), F.S.

<sup>4</sup> The Shelter Retrofit Report is prepared annually and separately submitted to the Governor and the Legislature. *See* Section 252.385, F.S.

<sup>5</sup> Section 215.559(1)(b), F.S.

<sup>6</sup> Section 215.559(1)(a), F.S.

<sup>7</sup> Section 215.559(2), F.S.

<sup>8</sup> Section 215.559(3), F.S.



On January 1 of each year, DEM submits an annual report<sup>9</sup> and accounting of activities under the HLMP and an evaluation of the activities. The report must be submitted to the Speaker of the House of Representatives, the President of the Senate, and the Majority and Minority Leaders of the House of Representatives and the Senate. The Office of Insurance Regulation (OIR) must review the report and make recommendations to the insurance industry as deemed appropriate.<sup>10</sup>

The HLMP expires on June 30, 2022.<sup>11</sup>

### **Mobile Home Mitigation and Enhancement Program (Mobile Home Tie-Down Program)**

The Mobile Home Tie-Down Program operates as a constituent part of the HLMP to mitigate future losses and inspect and improve tie-downs for mobile homes built before 1999 to meet the current standards established in Rules 15C-1.0101 through 15C-1.0109, F.A.C. Mitigation under the Mobile Home Tie-Down Program includes problems associated with weakened trusses, studs, and other structural component caused by wood rot or termite damage; site-built additions, such as porches or carports; tie-down systems; and any additional issues deemed appropriate by TCC, the Federation of Manufactured Home Owners of Florida, the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles (DHSMV).<sup>12</sup>

The Mobile Home Tie-Down Program is funded by a direct \$2.8 million allocation under the HLMP to TCC, which serves as program administrator.<sup>13</sup> The Mobile Home Tie-Down Program does not, and mobile homes are ineligible to, receive federal mitigation funds under Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Grant, Building Resilient Infrastructure and Communities, or Hazard Mitigation Grant programs.

Since 1999, the Mobile Home Tie-Down Program has served over 40,000 mobile homes in over 275 mobile home communities.<sup>14</sup> Activities during the 2019-2020 fiscal year included 1,702 completed mobile homes in 14 mobile home communities.<sup>15</sup> COVID-19 travel, inspection, and community access restrictions prevented the Mobile Home Tie-Down Program from expensing 100% of the allocated funds.<sup>16</sup>

Third-party studies of the Mobile Home Tie-Down Program report improved wind resistance following participation in the program. In 2005, a FEMA Mitigation Branch Technical Services Division study of impacted mobile home communities during the 2004 hurricane season reported 4 percent to 5 percent of inspected mobile homes with retrofitted tie-downs were substantially

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<sup>9</sup> Hurricane Loss Mitigation Reports reside on the DEM website: <https://www.floridadisaster.org/dem/mitigation/hurricane-loss-mitigation-program/> (last accessed November 4, 2021).

<sup>10</sup> Section 215.559(6), F.S.

<sup>11</sup> Section 215.559(7), F.S.

<sup>12</sup> Section 215.559(2)(b)1, F.S.

<sup>13</sup> Section 215.559(2)(a), F.S.

<sup>14</sup> Florida Housing Coalition, *Hurricane Member Update Webinar* (August 28, 2020), <https://www.flhousing.org/wp-content/uploads/2020/09/FHC-Hurricane-Member-Update-8-28-20.pdf> (last visited November 4, 2021).

<sup>15</sup> Division of Emergency Management, *Florida Hurricane Loss Mitigation Program: 2019 Annual Report* (January 1, 2020), <https://www.floridadisaster.org/dem/mitigation/hurricane-loss-mitigation-program/> (last visited November 4, 2021).

<sup>16</sup> *Id.* at note 14.

damaged.<sup>17</sup> The same study reported that the primary cause of damage to mobile homes was caused by roof failure associated with the destruction of carports and sunrooms not constructed to code.<sup>18</sup>

As of December 2020, the Mobile Home Tie-Down Program reported a current waiting list of seven years.<sup>19</sup> TCC is not accepting new applications until the waiting list shortens to three years.<sup>20</sup>

### ***Program Audits***

Several third-party audits have made recommendations for improving the Mobile Home Tie-Down Program. FEMA's 2005 study, *Third Party Analysis of Manufactured Home Retrofit Tie Downs*, observed up to 90 percent of all original tie-down straps and a significant percentage of retrofit tie-down straps were loose, increasing the likelihood of rotation of the upper structure upon wind loading of the side and flexure of the entire structural system. The study recommended sizing of tie-down anchors according to soil probe tests during installation to reduce pullout.<sup>21</sup>

In 2016, the Florida Auditor General audited 3,033 DEM contracts between July 2013 and January 2015 for compliance with state law requiring the DEM to timely provide the public with access to state contracts and grant financial information.<sup>22</sup> The subsequent report recommended DEM enhance procedures to ensure that contract information is timely made public, citing 72 percent timeliness rates for contracts executed prior to July 2013 and 64 percent timeliness rates for contracts executed after July 2013, respectively.<sup>23</sup>

Also, in 2016, the Department of Financial Services Bureau of Auditing (Bureau) audited 10 DEM contracts and grants between January 2015 and December 2015, including the Mobile Tie-Down Program, as a follow-up to its previous audit disclosing a contract deficiency rate of 95% and a management deficiency rate of 43%.<sup>24</sup> The Bureau determined the Mobile Home Tie-Down Program should be classified as "grant and aid," with future payments from DEM to TCC

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<sup>17</sup> Federal Emergency Management Agency, Mitigation Section, Technical Services Branch, *Third Party Analysis of Manufactured Home Retrofit Tie Downs* (June 2005) at p.3. On file with the Senate Committee on Banking and Insurance (February 16, 2021).

<sup>18</sup> *Id.* at p. 5.

<sup>19</sup> Telephone conversation with Amy Bradbury, Director of Financial Planning and Sponsored Programs, Tallahassee Community College, in Tallahassee, Fla. (December 14, 2020).

<sup>20</sup> Tallahassee Community College, *Mobile Home Tie-Down Program*, <https://www.tcc.fl.edu/about/college/administrative-services/sponsored-programs/mobile-home-tie-down-program/> (last visited November 4, 2021).

<sup>21</sup> Federal Emergency Management Agency, Mitigation Section, Technical Services Branch, *Third Party Analysis of Manufactured Home Retrofit Tie Downs* (June 2005) at p. 8. On file with the Senate Committee on Banking and Insurance (February 16, 2021).

<sup>22</sup> See State of Florida Auditor General, *Operational Audit: Division of Emergency Management Contract and Grant Management and Prior Audit Follow-Up* (April 2016), [https://flauditor.gov/pages/pdf\\_files/2016-188.pdf](https://flauditor.gov/pages/pdf_files/2016-188.pdf) at p. 2. (last visited November 4, 2021).

<sup>23</sup> *Id.* at p. 3.

<sup>24</sup> *May 10, 2016 Letter from Department of Financial Services Bureau of Auditing to Division of Emergency Management Director Bryan Koon*, [https://www.myfloridacfo.com/division/aa/Aud\\_Act/docs/DEM%20Report%20dtd%205-10-2016\\_Redacted.pdf](https://www.myfloridacfo.com/division/aa/Aud_Act/docs/DEM%20Report%20dtd%205-10-2016_Redacted.pdf) (last visited November 4, 2021).

subject to a written agreement for services to include a clear scope of work, deliverables, financial consequences, and monitoring.<sup>25</sup>

### ***Fiscal Year 2016-2017 Adopted Recommendations and Program Improvements***

In the 2016-2017 fiscal year, DEM executed a written agreement for services with TCC to administer the Mobile Home Tie-Down Program, which included a clear scope of work, deliverables, financial consequences, and monitoring. Other notable program changes that were adopted include:<sup>26</sup>

- Payment of funds are subject to cost reimbursement procedures instead of an automatic draw.
- Quarterly submission of invoices and program reports to DEM.
- RFP open to multiple vendors.
- RFP requirement of licensed mobile home installers
- DEM monitoring of the program, including on-site visits and limited scope audits.
- Required pre-inspection process.
- Submission of reports to DEM identifying homes prior to mitigation.
- DHSMV audits of mobile home installers' post-inspection reports
- Removal of the percentage of participating homes within a community as a factor in serving a community.
- Participation by individual mobile homeowners and communities without an established HOA.

### **Florida Hurricane Catastrophe Fund (FHCF)**

The FHCF is a tax-exempt<sup>27</sup> fund created in 1993<sup>28</sup> after Hurricane Andrew<sup>29</sup> as a form of mandatory reinsurance for residential property insurers. The FHCF is administered by the State Board of Administration (SBA)<sup>30</sup> and is a tax-exempt source of reimbursement to property insurers for a selected percentage (45, 75, or 90 percent)<sup>31</sup> of hurricane losses above the insurer's retention (deductible). The FHCF provides insurers an additional source of reinsurance that is less expensive than what is available in the private market, enabling insurers to generally write more residential property insurance in the state than would otherwise be written. Because of the low cost of coverage from the FHCF, the fund acts to lower residential property insurance premiums for consumers.

All insurers admitted to do business in this state writing residential property insurance that includes wind coverage must buy reimbursement coverage (reinsurance) on their residential property exposure through the FHCF.<sup>32</sup> The FHCF is authorized by statute to sell \$17 billion of

<sup>25</sup> *Id.* at p. 3.

<sup>26</sup> Department of Financial Services, *Florida Accountability Contract Tracking System Grant Disbursement Information*, <https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=310000&ContractId=D9042> (last visited November 4, 2021).

<sup>27</sup> Section 215.555(1)(f), F.S.

<sup>28</sup> Chapter 93-409, L.O.F.

<sup>29</sup> Ed Rappaport, *Preliminary Report, Hurricane Andrew* (updated Dec. 10, 1993; addendum Feb. 7, 2005), <https://www.nhc.noaa.gov/1992andrew.html>.

<sup>30</sup> State Board of Administration of Florida, *About the SBA*, <https://www.sbafla.com/fsb/> (last visited November 4, 2021).

<sup>31</sup> Section 215.555(2)(e), F.S.

<sup>32</sup> Section 215.555(4)(a), F.S.

mandatory layer coverage.<sup>33</sup> Each insurer that purchases coverage may receive up to its proportional share of the \$17 billion mandatory layer of coverage based upon the insurer's share of the actual premium paid for the contract year, multiplied by the claims paying capacity of the fund. Each insurer may select a reimbursement contract wherein the FHCF promises to reimburse the insurer for 45 percent, 75 percent, or 90 percent of covered losses, plus 10 percent<sup>34</sup> of the reimbursed losses for loss adjustment expenses.<sup>35</sup>

The FHCF must charge insurers the actuarially indicated premium<sup>36</sup> for the coverage provided, based on hurricane loss projection models found acceptable by the Florida Commission on Hurricane Loss Projection Methodology.<sup>37</sup> The actuarially indicated premium is determined by the principles of actuarial science to be adequate to pay current and future obligations and expenses of the fund.<sup>38</sup>

When the moneys in the FHCF are or will be insufficient to cover losses, the law<sup>39</sup> authorizes the FHCF to issue revenue bonds funded by emergency assessments on all lines of insurance except medical malpractice and workers compensation.<sup>40</sup> Emergency assessments may be levied up to 6 percent of the premium for losses attributable to any one contract year and up to 10 percent of the premium for aggregate losses from multiple years. The FHCF's broad-based assessment authority is one reason the FHCF was able to obtain an exemption from federal taxation from the Internal Revenue Service as an integral part of state government.<sup>41</sup>

### **Citizens Property Insurance Corporation (Citizens)**

Citizens is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market.<sup>42</sup> Citizens is not a private insurance company.<sup>43</sup> Citizens was statutorily created in 2002 when the Legislature combined the state's two insurers of last resort, the Florida Residential Property and Casualty Joint Underwriting Association (RPCJUA) and the Florida Windstorm Underwriting Association (FWUA). Citizens operates in accordance with the provisions in s. 627.351(6), F.S., and is governed by an eight-member Board of Governors<sup>44</sup> that administers its Plan of Operations. The Plan of Operations is reviewed and approved by the Financial Services Commission. The Governor, President of the Senate, Speaker of the House of

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<sup>33</sup> Section 215.555(4)(c)1., F.S.

<sup>34</sup> Section 215.555(4)(b)1., F.S.

<sup>35</sup> Loss adjustment expenses are costs incurred by insurers when investigating, adjusting, and processing a claim.

<sup>36</sup> Section 215.555(5)(a), F.S.

<sup>37</sup> See State Board of Administration, *Florida Commission on Hurricane Loss Methodology*, <https://www.sbafla.com/method/> (last visited November 4, 2021).

<sup>38</sup> Section 215.555(2)(a), F.S.

<sup>39</sup> Section 215.555(6), F.S.

<sup>40</sup> Section 215.555(6)(b), F.S.

<sup>41</sup> The U.S. Internal Revenue Service has, by a Private Letter Ruling, authorized the FHCF to issue tax-exempt bonds. The initial ruling was granted on March 27, 1998, for 5 years until June 30, 2003. On May 28, 2008, the Internal Revenue Service issued a private letter ruling holding that the prior exemption, which was to expire on June 30, 2008, could continue to be relied upon on a permanent basis (on file with the Committee on Banking and Insurance).

<sup>42</sup> Admitted market means insurance companies licensed to transact insurance in Florida.

<sup>43</sup> Section 627.351(6)(a)1., F.S. Citizens is also subject to regulation by the OIR.

<sup>44</sup> The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives each appoint two members.

Representatives, and Chief Financial Officer each appoint two members to the board. Citizens is subject to regulation by the OIR.

Citizens offers property insurance in three separate accounts. Each account is a separate statutory account with separate calculations of surplus and deficits.<sup>45</sup> Assets may not be commingled or used to fund losses in another account.<sup>46</sup>

### ***Citizens Insurance Rates***

Citizens' rates for coverage are required to be actuarially sound and, except as otherwise provided in s. 627.351, F.S., are subject to the rate standards for property and casualty insurance in s. 627.062, F.S.<sup>47</sup> From 2007 until 2020, Citizens rates were frozen by statute at the level that had been established in 2006. In 2010, the Legislature established a "glide path" to impose annual rate increases up to an actuarially sound level. The Legislature subsequently increased the glide path in 2021. Citizens must implement an annual rate increase which, except for sinkhole coverage, does not exceed a 10 percent cap above the previous year for any individual policyholder, adjusted for coverage changes and surcharges, which increases by 1 percent annually until the cap reaches 15 percent in 2026.<sup>48</sup>

### ***Citizens Eligibility***

Under current law, an applicant for residential insurance cannot buy insurance in Citizens if an admitted insurer in the private market offers the applicant insurance for a premium that does not exceed the Citizens premium by 20 percent or more.<sup>49</sup> In addition, the coverage offered by the private insurer must be comparable to Citizens' coverage. Current Citizens policyholders cannot renew a Citizens insurance policy if an insurer in the private market offers to insure the property at a premium equal to or less than the Citizens' renewal premium. The insurance from the private market insurer must be comparable to the insurance from Citizens in order for the renewal premium eligibility requirement to apply.<sup>50</sup>

### ***Mobile Home Coverage under Citizens***

Florida law currently requires Citizens to offer mobile home dwellings coverage with a minimum insured value of at least \$3,000,<sup>51</sup> limited to the primary dwelling and certain attached structures.<sup>52</sup> Such coverage must include attached screened enclosures, attached carports, and attached patios.<sup>53</sup> Losses to the mobile home dwelling are adjusted based on the actual cash value. The actual cash value of the mobile home is determined by subtracting depreciation from

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<sup>45</sup> The Personal Lines Account and the Commercial Lines Account are combined for credit and Florida Hurricane Catastrophe Fund coverage.

<sup>46</sup> Section 627.351(6)(b)2b., F.S.

<sup>47</sup> Among the factors OIR considers when reviewing a rate filing is the degree of competition among the insurers for the risk insured, per s. 627.062(3)(b), F.S.

<sup>48</sup> Section 627.351(6)(n)5., F.S.

<sup>49</sup> Section 627.351(6)(c)5., F.S.

<sup>50</sup> Section 627.351(6)(c)5., F.S.

<sup>51</sup> Section. 627.351(6)(c)(17), F.S.

<sup>52</sup> Citizens Property Insurance Corporation, *Citizens Mobile Home Policies: Types of Coverage* (August 2019), <https://www.citizensfla.com/documents/20702/31376/Mobile+Home+Policies+Coverage+Types/e61c3b40-50aa-4789-8508-51ad26ac3450> (last visited November 4, 2021).

<sup>53</sup> Section 627.351(6)(c)(17), F.S.

the estimated replacement cost.<sup>54</sup> Separate from its statutorily mandated mobile home coverage, Citizens automatically includes sinkhole loss coverage in such policies, except for wind-only policies.<sup>55</sup> Citizens also offers optional coverages for other structures not physically attached to the primary dwelling.<sup>56</sup> As of September 30, 2021, Citizens insures 74,654 mobile homes across Florida.<sup>57</sup>

### III. Effect of Proposed Changes:

The bill extends until June 30, 2032, the Hurricane Loss Mitigation Program (HLMP) within the Florida's Division of Emergency Management (DEM). The HLMP funds programs that improve the wind resistance of residences and public hurricane shelters. The HLMP program operations are funded through an annual appropriation of \$10 million from the Florida Hurricane Catastrophe Fund to the Division of Emergency Management. The HLMP and the associated \$10 million appropriation from the Florida Hurricane Catastrophe Fund are set to expire on June 30, 2022.

The bill expands the list of projects which are eligible to receive funds allocated under the HLMP for retrofitting existing public hurricane facilities to include construction of new public hurricane facilities.

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.

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<sup>54</sup> See note 55.

<sup>55</sup> See note 55.

<sup>56</sup> *Id.*

<sup>57</sup> Citizens Property Insurance Corporation, *Corporate Analytics Business Overview* (September 2021), <https://www.citizensfla.com/documents/20702/93064/20210930+Business+Overview.pdf/1792993b-e005-22f7-b8e8-a6fa5075e5a1?t=1636079764340> (last visited January 10, 2021).

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

None.

**B. Private Sector Impact:**

Indeterminate with respect to insurance premiums. A reduction in wind loss attributable to retrofitted tie-downs may be offset by wind loss attributable to carports and sunrooms not constructed to code, which FEMA has concluded as being the primary causes of damage to mobile homes from a wind event.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially section 215.559 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/CS by Community Affairs on February 2, 2022:**

The committee substitute removes the provision which annually appropriates \$2 million from Cat Fund investment income to the University of South Florida School of Risk Management and Insurance for the purpose of researching Florida's property insurance market.

**CS by Banking and Insurance on January 12, 2022:**

The committee substitute:

- Expands the list of projects which are eligible to receive funds allocated under the HLMP for retrofitting existing public hurricane facilities to include construction of new public hurricane facilities.
- Creates a recurring annual appropriation of \$2 million from Cat Fund investment income to the University of South Florida School of Risk Management and Insurance for the purposes of researching Florida's property insurance market.

B. Amendments:

None.

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

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936294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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The Committee on Community Affairs (Hooper) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 17 - 38.

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

And the title is amended as follows:

Delete lines 2 - 6

and insert:

An act relating to the Hurricane Loss Mitigation  
Program; amending s. 215.559, F.S.; revising the

By the Committee on Banking and Insurance; and Senator Hooper

597-01969-22

2022578c1

A bill to be entitled

An act relating to hurricane impact programs; amending s. 215.555, F.S.; providing an annual appropriation from the Florida Hurricane Catastrophe Fund to fund specified research; specifying requirements and exceptions; amending s. 215.559, F.S.; revising the use of certain funds from the Florida Hurricane Catastrophe Fund to also include construction of certain facilities; revising the title of a certain annual report; deleting construction relating to Citizens Property Insurance Corporation coverage rates; delaying the future repeal of the Hurricane Loss Mitigation Program; providing an effective date.

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

Section 1. Paragraph (g) is added to subsection (7) of section 215.555, Florida Statutes, to read:

215.555 Florida Hurricane Catastrophe Fund.—

(7) ADDITIONAL POWERS AND DUTIES.—

(g) Each fiscal year, the Legislature shall appropriate from the investment income of the Florida Hurricane Catastrophe Fund \$2 million based upon the most recent fiscal year-end audited financial statements to the University of South Florida School of Risk Management and Insurance for the purpose of providing research into the property insurance market of this state. The school shall use publicly available data to analyze trends regarding, and to develop recommended policies and best practices for reducing, property insurance rates, Citizens

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Property Insurance Corporation policyholder counts, and property insurance litigation frequency. The school shall also analyze to what extent hurricane losses and rebuilding costs influence these trends. Moneys shall first be available for appropriation under this paragraph in fiscal year 2022-2023. The investment income may not be available for appropriation under this paragraph if the State Board of Administration finds that an appropriation of investment income from the fund would jeopardize the actuarial soundness of the fund.

Section 2. Paragraph (b) of subsection (1), paragraph (b) of subsection (2), and subsection (7) of section 215.559, Florida Statutes, are amended to read:

215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss Mitigation Program is established in the Division of Emergency Management.

(1) The Legislature shall annually appropriate \$10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the division for the purposes set forth in this section. Of the amount:

(b) Three million dollars in funds shall be used to construct or retrofit ~~existing~~ facilities used as public hurricane shelters. Each year the division shall prioritize the use of these funds for projects included in the annual report of the Shelter Development ~~Retrofit~~ Report prepared in accordance with s. 252.385(3). The division must give funding priority to projects in regional planning council regions that have shelter deficits and to projects that maximize the use of state funds.

(2)

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(b)1. The Manufactured Housing and Mobile Home Mitigation and Enhancement Program is established. The program shall require the mitigation of damage to or the enhancement of homes for the areas of concern raised by the Department of Highway Safety and Motor Vehicles in the 2004-2005 Hurricane Reports on the effects of the 2004 and 2005 hurricanes on manufactured and mobile homes in this state. The mitigation or enhancement must include, but need not be limited to, problems associated with weakened trusses, studs, and other structural components caused by wood rot or termite damage; site-built additions; or tie-down systems and may also address any other issues deemed appropriate by Tallahassee Community College, the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The program shall include an education and outreach component to ensure that owners of manufactured and mobile homes are aware of the benefits of participation.

2. The program shall be a grant program that ensures that entire manufactured home communities and mobile home parks may be improved wherever practicable. The moneys appropriated for this program shall be distributed directly to Tallahassee Community College for the uses set forth under this subsection.

3. Upon evidence of completion of the program, the Citizens Property Insurance Corporation shall grant, on a pro rata basis, actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles for the properties of owners of manufactured homes or mobile homes on which fixtures or construction techniques that have been demonstrated to reduce the amount of loss in a windstorm have

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been installed or implemented. The discount on the premium must be applied to subsequent renewal premium amounts. Premiums of the Citizens Property Insurance Corporation must reflect the location of the home and the fact that the home has been installed in compliance with building codes adopted after Hurricane Andrew. ~~Rates resulting from the completion of the Manufactured Housing and Mobile Home Mitigation and Enhancement Program are not considered competitive rates for the purposes of s. 627.351(6)(d)1. and 2.~~

4. On or before January 1 of each year, Tallahassee Community College shall provide a report of activities under this subsection to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must set forth the number of homes that have taken advantage of the program, the types of enhancements and improvements made to the manufactured or mobile homes and attachments to such homes, and whether there has been an increase in availability of insurance products to owners of manufactured or mobile homes.

Tallahassee Community College shall develop the programs set forth in this subsection in consultation with the Federation of Manufactured Home Owners of Florida, Inc., the Florida Manufactured Housing Association, and the Department of Highway Safety and Motor Vehicles. The moneys appropriated for the programs set forth in this subsection shall be distributed directly to Tallahassee Community College to be used as set forth in this subsection.

(7) This section is repealed June 30, 2032 ~~2022~~.

Section 3. 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.)

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

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BILL: CS/SB 608

INTRODUCER: Environment and Natural Resources Committee and Senator Brodeur

SUBJECT: Sanitary Sewer Lateral Inspection Programs

DATE: January 31, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 608 authorizes counties and municipalities to access any sanitary sewer lateral within their jurisdictions to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For counties and municipalities that identify a defective sanitary sewer lateral and initiate a program to eliminate extraneous flow, the bill:

- Requires notice by certified mail by the county or municipality to the property owner, specifying that the county or municipality intends to access the owner's property within 14 days to address the sanitary sewer lateral.
- Provides that the county or municipality is responsible for any repair work done on the private property and is required to ensure that the property is restored to at least its pre-work conditions after the repair is complete.
- Specifies methods for the repair and inspection of sanitary sewer laterals by a county or municipality.
- Authorizes the county or municipality to consider economical methods to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

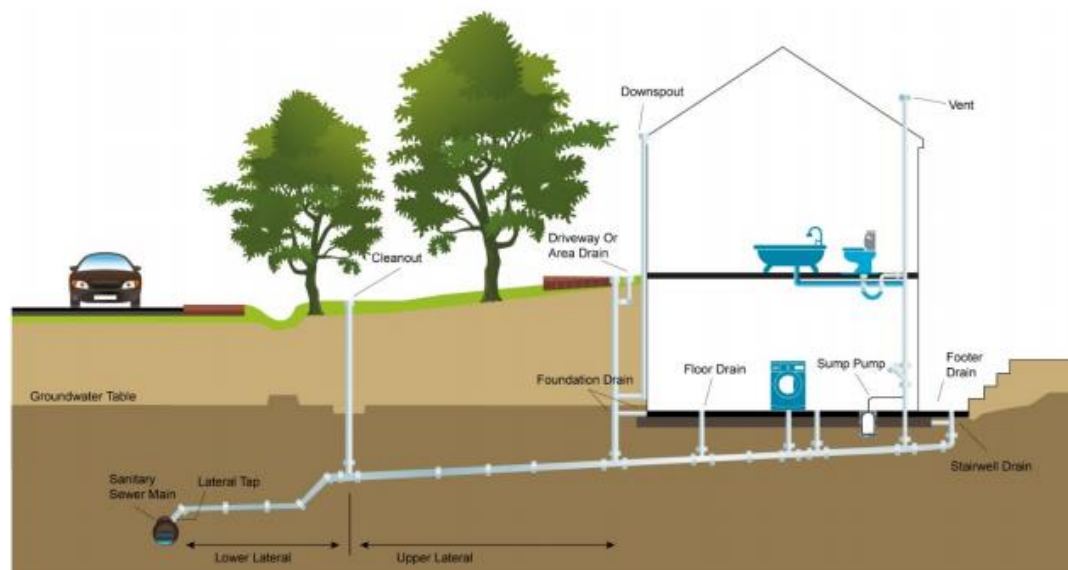
The county or municipality may use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

Counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

## II. Present Situation:

### Sanitary Sewer Laterals

A private sanitary sewer lateral is an underground pipe that connects private plumbing systems to a public sewer network, to convey wastewater from homes and businesses to wastewater treatment plants.<sup>1</sup> The diagram below shows an example of a sanitary sewer lateral configuration.<sup>2</sup>



Sanitary sewer laterals are often in poor condition and defects can occur due to aging systems, structural failure, lack of maintenance, or poor construction and design practices.<sup>3</sup> Problems in sanitary sewer laterals can have a significant impact on the performance of the sewer system and treatment plant and can account for half of the infiltration and inflow to sanitary sewers.<sup>4</sup> Cracked or broken laterals can allow groundwater and infiltrating rainwater to enter into the

<sup>1</sup> See Water Environment Federation, *Sanitary Sewers* (May 2011), available at <https://www.wef.org/globalassets/assets-wef/3---resources/topics/a-n/collection-systems/technical-resources/ss-fact-sheet-with-wider-margins-1.pdf> (last visited Nov. 4, 2021); see also Fla. Dep't of Environmental Protection, *Design and Specifications Guidelines for Low Pressure Sewer Systems* at xi, available at [https://floridadep.gov/sites/default/files/guide\\_lowpres.pdf](https://floridadep.gov/sites/default/files/guide_lowpres.pdf) (last visited Nov. 4, 2021) (defining various relevant terms).

<sup>2</sup> Water Environment Federation, *Sanitary Sewer Rehabilitation Fact Sheet*, available at <https://www.wef.org/globalassets/assets-wef/direct-download-library/public/03---resources/wsec-2017-fs-009---csc---sewer-rehabilitation---final---9.27.17.pdf> (last visited Nov. 4, 2021).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

sewer system which, at high levels, can cause problems at the treatment facility or overload the sewers and cause sanitary sewer overflows.<sup>5</sup>

The Florida Building Code requires every building in which plumbing fixtures are installed to be connected to a publicly or investor-owned sewage system, or if none is available, then to an approved onsite sewage treatment and disposal system.<sup>6</sup>

There are no statewide requirements for inspections of sanitary sewer laterals. Generally, local governments are responsible for maintaining sewer mains and the portions of sewer laterals in public rights-of-way,<sup>7</sup> but the property owner is responsible for the maintenance and repair of a sanitary sewer lateral on the person's private property.<sup>8</sup>

### **Inspection Technologies**

Before camera and robotic equipment became widely available, sewer inspections relied upon visual and lamping approaches.<sup>9</sup> Workers would enter a maintenance access point (manhole) and visually examine the pipes. Sometimes workers would also attempt to illuminate the interior of a pipe to determine whether the light could reach the adjacent manhole (an approach known as lamping). If light was observed, the pipe was assumed to be relatively free from obstructions, but if light was not observed, the pipe was assumed to have a blockage that could obstruct flow.<sup>10</sup>

Today, workers are more likely to rely upon remote, non-entry, camera-based inspections such as cameras, closed-circuit television (CCTV), laser profiling, and sonar assessment.<sup>11</sup> Workers can use cameras by mounting them on a pole and lowering them into a manhole; an equipment operator can then remotely view at street level what the camera observes in the pipe. Another option is to use robotic systems mounted with CCTV camera equipment, which can be remotely operated, controlled, and monitored from ground level.<sup>12</sup> Laser profiling goes beyond visual inspection and allows for geometric measurements to be obtained. Sonar profiling equipment requires that the sensing apparatus be completely submerged and only provides an assessment of the pipe condition under the water level; therefore, sonar equipment is often coupled with CCTV equipment so that the pipe above and below the water level can be inspected.<sup>13</sup>

### **Sanitary Sewer Lateral Inspection Programs for Counties and Municipalities**

A sanitary sewer lateral is defined in Florida law as “a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.”<sup>14</sup>

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<sup>5</sup> U.S. Environmental Protection Agency (EPA), *Private Sewer Laterals* (Jun. 2014), available at <https://www3.epa.gov/region1/sso/pdfs/PrivateSewerLaterals.pdf> (last visited Nov. 4, 2021).

<sup>6</sup> Ch. 7, § 701.2 Florida Building Code – Plumbing 7<sup>th</sup> Edition (July 2020).

<sup>7</sup> See, e.g., *Sewer Systems*, [http://www.beachapedia.org/Sewer\\_Systems](http://www.beachapedia.org/Sewer_Systems) (last visited Nov. 4, 2021).

<sup>8</sup> See ss. 125.569 and 166.0481, F.S.

<sup>9</sup> U.S. EPA, *Demonstration of Innovative Sewer System Inspection Technology: SL-RAT*, § 1.2, available at <https://nepis.epa.gov/Adobe/PDF/P100IY1P.pdf> (last visited Nov. 24, 2021).

<sup>10</sup> *Id.*

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

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Section 125.569(1), F.S.

Sections 125.569 and 166.0481, F.S., encourage counties and municipalities, respectively, to establish an evaluation and rehabilitation program, by July 1, 2022, for sanitary sewer laterals on residential and commercial properties within the county's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals.<sup>15</sup> Counties and municipalities that opt to establish such a program are authorized to do the following:

- Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within their respective jurisdictions;
- Consider economical methods for a property owner to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral; and,

Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the county or municipality notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.<sup>16</sup>

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

The bill amends ss. 125.569 and 166.0481, F.S., relating to counties and municipalities, respectively. The bill makes the following changes to both sections of law.

The bill defines the term “continuous monolithic pipe system” to mean a pipe system with no joints or seams, including all points where the pipe connects to the structure, mainline, and the cleanout.

The bill authorizes counties and municipalities to access any sanitary sewer lateral within their jurisdictions to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

The bill deletes the deadline by which counties are encouraged to establish a sanitary sewer lateral evaluation and rehabilitation program.

The bill adds to and revises the discretionary minimum program requirements for counties and municipalities that establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties. For a county or municipality that identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the bill:

- Requires the county or municipality to notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that the county or municipality intends to access the owner's property within 14 days after the property owner receives the notice to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

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<sup>15</sup> See generally ss. 125.569 and 166.0481, F.S.

<sup>16</sup> See *id.*

- Provides that the county or municipality is responsible for any repair work done on the private property. The bill requires the county or municipality to ensure that the property is restored to at least its pre-work conditions after the repair is complete if it is necessary to disrupt the property to access the sanitary sewer lateral.
- Requires that the repair work done to a sanitary sewer lateral by a county or municipality meets the following requirements:
  - Provide one continuous monolithic pipe system with connections for the structure, mainline, and cleanout installed and integrated into the continuous monolithic pipe system by a Florida licensed plumber; and
  - Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification Program (PACP) and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county or municipality with a PACP- and LACP-certified report describing the conditions of the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.
- Authorizes the county or municipality to consider economical methods for the county or municipality, rather than the homeowner, to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

The bill authorizes the county or municipality to use state or local funds allocated for the purpose of environmental preservation or the protection of water quality for a sanitary sewer lateral program.

The bill provides that counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

The bill takes effect on July 1, 2022.

#### **IV. Constitutional Issues:**

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

The bill adds discretionary requirements to the evaluation and rehabilitation program that counties and municipalities may establish for sanitary sewer laterals. The bill is not a mandate because it does not require the expenditure of funds for the program.

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

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.



E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends ss. 125.569 and 166.0481 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Environment and Natural Resources on November 30, 2021:**

Provides that counties and municipalities may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

B. Amendments:

None.

By the Committee on Environment and Natural Resources; and  
Senator Brodeur

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A bill to be entitled

An act relating to sanitary sewer lateral inspection programs; amending ss. 125.569 and 166.0481, F.S.; defining the term "continuous monolithic pipe system"; authorizing counties and municipalities, respectively, to access sanitary sewer laterals within their jurisdiction for specified purposes; requiring counties and municipalities to notify private property owners within a specified timeframe if the county or municipality intends to access the owner's sanitary sewer lateral; providing that counties and municipalities that establish programs are legally and financially responsible for all work done; requiring counties and municipalities that establish programs to consider economical methods for the counties and municipalities, rather than the property owners, to complete such work; authorizing a program established by a county or a municipality to evaluate and rehabilitate sanitary sewer laterals on residential and commercial properties to use state or local funds allocated for environmental preservation or the protection of water quality; providing that counties and municipalities may establish and implement alternative evaluation and rehabilitation programs to identify and reduce extraneous flow from leaking sanitary sewer laterals; providing an effective date.

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

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

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Section 1. Section 125.569, Florida Statutes, is amended to read:

125.569 County sanitary sewer lateral inspections  
~~inspection programs for counties.-~~

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

(a) "Continuous monolithic pipe system" means a pipe system without any joints or seams, including all points where the pipe connects to the structure, mainline, and cleanout.

(b) "Sanitary sewer lateral" means a privately owned pipeline connecting a property to the main sewer line which is maintained and repaired by the property owner.

(2) A county may access any sanitary sewer lateral within its jurisdiction to investigate, clean, repair, recondition, or replace the sanitary sewer lateral.

(3) By July 1, 2022, Each county is encouraged to establish an evaluation and rehabilitation program for sanitary sewer laterals on residential and commercial properties within the county's jurisdiction to identify and reduce extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the county. If a county identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the county:

1. Must notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that within 14 days after receiving the notice, the county intends to

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59 access the owner's property to address the defective, damaged,  
 60 or deteriorated sanitary sewer lateral. The notice must identify  
 61 the issue, inform the property owner that he or she will be  
 62 indemnified and held harmless in the repair process, and provide  
 63 a proposed timeline and plan for the duration of the project,  
 64 including start and completion dates.

65 2. Is responsible for any repair work done on the private  
 66 property. If any disruption of the property is necessary to  
 67 access the sanitary sewer lateral, the county must ensure that  
 68 the property is restored to at least its pre-work condition  
 69 after the repair is complete. Any repair work done to a sanitary  
 70 sewer lateral must meet all of the following requirements:

71 a. Provide one continuous monolithic pipe system. The  
 72 connections for the structure, mainline, and cleanout must be  
 73 installed and integrated into the continuous monolithic pipe  
 74 system by a Florida-licensed plumber; and

75 b. Be inspected using a lateral launch or similar CCTV  
 76 camera system conducted by a Pipeline Assessment Certification  
 77 Program (PACP)- and Lateral Assessment and Certification Program  
 78 (LACP)-certified camera operator. The contractor must produce  
 79 and provide the county with a PACP- and LACP-certified report  
 80 describing the conditions in the continuous monolithic pipe  
 81 system and the respective connections to the main sewer pipe and  
 82 the structure.

83 (b) Consider economical methods for the county ~~a property~~  
 84 owner to repair or replace a defective, damaged, or deteriorated  
 85 sanitary sewer lateral.

86 (c) Establish and maintain a publicly accessible database  
 87 to store information concerning properties where a defective,

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88 damaged, or deteriorated sanitary sewer lateral has been  
 89 identified. For each property, the database must include, but is  
 90 not limited to, the address of the property, the names of any  
 91 persons the county notified concerning the faulty sanitary sewer  
 92 lateral, and the date and method of such notification.

93 (d) Use state or local funds allocated for the purpose of  
 94 environmental preservation or the protection of water quality.

95 (4) Notwithstanding subsection (3), a county may elect to  
 96 establish and implement an alternative evaluation and  
 97 rehabilitation program to identify and reduce extraneous flow  
 98 from leaking sanitary sewer laterals.

99 Section 2. Section 166.0481, Florida Statutes, is amended  
 100 to read:

101 166.0481 Municipal sanitary sewer lateral inspections  
 102 inspection programs for municipalities.-

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

104 (a) "Continuous monolithic pipe system" means a pipe system  
 105 without any joints or seams, including all points where the pipe  
 106 connects to the structure, mainline, and cleanout.

107 (b) "Sanitary sewer lateral" means a privately owned  
 108 pipeline connecting a property to the main sewer line which is  
 109 maintained and repaired by the property owner.

110 (2) A municipality may access any sanitary sewer lateral  
 111 within its jurisdiction to investigate, clean, repair,  
 112 recondition, or replace the sanitary sewer lateral.

113 (3) ~~By July 1, 2022,~~ Each municipality is encouraged to  
 114 establish an evaluation and rehabilitation program for sanitary  
 115 sewer laterals on residential and commercial properties within  
 116 the municipality's jurisdiction to identify and reduce

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extraneous flow from leaking sanitary sewer laterals. At a minimum, the program may do all of the following:

(a) Establish a system to identify defective, damaged, or deteriorated sanitary sewer laterals on residential and commercial properties within the jurisdiction of the municipality. If a municipality identifies a defective, damaged, or deteriorated sanitary sewer lateral and initiates a program to eliminate extraneous flow, the municipality:

1. Must notify the property owner of the issue by certified mail, return receipt requested. The notice must specify that within 14 days after receiving the notice, the municipality intends to access the owner's property to address the defective, damaged, or deteriorated sanitary sewer lateral. The notice must identify the issue, inform the property owner that he or she will be indemnified and held harmless in the repair process, and provide a proposed timeline and plan for the duration of the project, including start and completion dates.

2. Is responsible for any repair work done on the private property. If any disruption of the property is necessary to access the sanitary sewer lateral, the municipality must ensure that the property is restored to at least its pre-work condition after the repair is complete. Any repair work done to a sanitary sewer lateral must meet all of the following requirements:

a. Provide one continuous monolithic pipe system. The connections for the structure, mainline, and cleanout must be installed and integrated into the continuous monolithic pipe system by a Florida-licensed plumber; and

b. Be inspected using a lateral launch or similar CCTV camera system conducted by a Pipeline Assessment Certification

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Program (PACP)- and Lateral Assessment and Certification Program (LACP)-certified camera operator. The contractor must produce and provide the county with a PACP- and LACP-certified report describing the conditions in the continuous monolithic pipe system and the respective connections to the main sewer pipe and the structure.

(b) Consider economical methods for the municipality a ~~property owner~~ to repair or replace a defective, damaged, or deteriorated sanitary sewer lateral.

(c) Establish and maintain a publicly accessible database to store information concerning properties where a defective, damaged, or deteriorated sanitary sewer lateral has been identified. For each property, the database must include, but is not limited to, the address of the property, the names of any persons the municipality notified concerning the faulty sanitary sewer lateral, and the date and method of such notification.

(d) Use state or local funds allocated for the purpose of environmental preservation or the protection of water quality.

(4) Notwithstanding subsection (3), a municipality may elect to establish and implement an alternative evaluation and rehabilitation program to identify and reduce extraneous flow from leaking sanitary sewer laterals.

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.)

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

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BILL: SB 728

INTRODUCER: Senator Harrell

SUBJECT: Advanced Air Mobility

DATE: January 31, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Favorable</b>
2.	Hackett	Ryon	CA	<b>Favorable</b>
3.			RC	

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**I. Summary:**

SB 728 creates the Advanced Air Mobility Study Task Force adjunct to the Florida Department of Transportation (FDOT). The bill directs the FDOT secretary, or the secretary's designee, to serve as chair of the task force and provides for additional members, either by identification or by appointment. Appointed members serve at the pleasure of the specified appointing authority. Task force members serve without compensation but are entitled to receive reimbursement for per diem and travel.

The bill directs the task force to hold public hearings in locations throughout the state, or by electronic means, and receive public comments through a website or by mail. The task force is directed to:

- Assess and describe the current state of development of the advanced air mobility industry, specifically, vertical takeoff and landing (VTOL) aircraft, defined in the bill as "aircraft capable of taking off and landing vertically without use of a runway."
- Identify and discuss federal requirements that must be met for deployment of advanced air mobility in this state.
- Recommend revisions to current law that may impact the advanced air mobility industry, including without limitation, any revisions that would create jurisdictional consistency for advanced air mobility operations throughout the state.
- Collaborate with local governments to evaluate potential integration of advanced air mobility into transportation plans and summarize the collaboration.

By October 1, 2023, the task force is directed to submit to the Governor, the Senate President, and the House Speaker a report including the above-described information, as well as any other relevant material deemed appropriate by the task force. The task force is abolished upon submission of the report, and the undesignated section of law expires on December 31, 2023.

The fiscal impact to the FDOT is unknown but expected to be absorbed within existing resources. See the “Fiscal Impact Statement” for details.

The bill takes effect July 1, 2022.

## II. Present Situation:

### *Federal Aviation Administration Certification*

VTOL aircraft use in the public arena is being pursued by a number of business entities, in the United States and elsewhere. The ability of these aircraft to take-off and land without the use of a runway offers an additional option for mobility, and electric VTOL aircraft offer additional environmental benefits, such as reduced air pollutants. VTOL aircraft, however, remain in the development stage. To date, the Federal Aviation Administration (FAA) has not certified any VTOL aircraft for commercial passenger transportation. As described by one pilot author, certification has been the “elephant in the room” for any company competing to get into the air taxi business.<sup>1</sup>

The FAA has entered into agreements with VTOL aircraft developers which set out what are known as G1 certification conditions their aircraft must meet to be certified for commercial operations.<sup>2</sup> However, whether any VTOL aircraft is nearing actual FAA certification is unclear, as the G1 certification is just an initial phase of the process.<sup>3</sup> One company undergoing the process asserts that the industry still has “several years of aircraft testing ahead of us.”<sup>4</sup>

On the other hand, another company has announced aggressive plans to establish a regional air mobility network in Lake Nona, Florida, by 2025 in partnership with the City of Orlando, using the company’s high-speed electric VTOL jet aircraft. The company intends to establish a network of “vertiports,”<sup>5</sup> allowing the connection of “more than 20 million Floridians within a 186-mile radius, serving several major cities including Orlando and Tampa.”<sup>6</sup> A visual graphic of the proposed network suggests eventually-intended location of vertiports over a broad swath of the entire state.<sup>7</sup> The company reportedly has plans to offer “a 24-minute trip for \$170.”<sup>8</sup>

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<sup>1</sup> See [evtol.com, EASA and FAA eVTOL standards: Two approaches, one objective](https://evtol.com/opinions/easa-faa-evtol-standards/), available at <https://evtol.com/opinions/easa-faa-evtol-standards/> (last visited January 28, 2022).

<sup>2</sup> See Aviation Today, *Joby Agrees to eVTOL Certification requirements with the FAA*, February 9, 2021, available at [Joby Agrees to eVTOL Certification Requirements with FAA - Aviation Today](#); CompositesWorld, *FAA approves G-1 Certification Bases for Archer*, September 9, 2021, available at [FAA approves G-1 Certification Basis for Archer | CompositesWorld](#); and lilium.com, *Certifying the Lilium Jet and its operations*, under “Aircraft Certification,” available at *Certifying the Lilium Jet and its operations* (last visited January 28, 2022).

<sup>3</sup> See [evtol.com, Archer claims to have FAA certification basis for its eVTOL aircraft](https://evtol.com/news/archer-secures-faa-certification-basis-for-its-evtol-aircraft/), September 7, 2021, available at <https://evtol.com/news/archer-secures-faa-certification-basis-for-its-evtol-aircraft/> (last visited January 28, 2022).

<sup>4</sup> See CompositesWorld, *Joby Aviation accelerates eVTOL aircraft certification*, February 9, 2021 (last visited January 28, 2022).

<sup>5</sup> “A type of airport for aircrafts which land and take off vertically.” See The Free Dictionary, available at [Vertiport - definition of vertiport by The Free Dictionary](#) (last visited January 28, 2022).

<sup>6</sup> See lilium.com, *Lilium partners with Tavistock development and City of Orlando to establish first region in the US*, available at [Lilium partners with Tavistock development and City of Orlando to establish first region in the US - Lilium](#) (last visited January 28, 2022).

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

<sup>8</sup> See Aviation Today, *Lilium to Launch New Electric Air Mobility Network in Florida*, November 14, 2020, available at [Lilium to Launch New Electric Air Mobility Network in Florida - Aviation Today](#) (last visited January 28, 2022).

Whether FAA certification of VTOL aircraft for commercial passenger transportation is imminent may be unclear, but at least one company is actively engaged in seeking to establish a network here in Florida using electric VTOL aircraft. Additionally, Miami-Dade County is reportedly working on development of an implementation plan for an Urban Air Mobility System “to accommodate in-city airborne emergency services, traffic monitoring and management, public safety, cargo, and, yes, individual passenger travel and public transport within the county’s boundaries.”<sup>9</sup>

### III. Effect of Proposed Changes:

The bill creates an undesignated section of law creating the Advanced Air Mobility Study Task Force adjunct to the FDOT.<sup>10</sup> The FDOT task force is composed of the following members:

- The FDOT secretary or the secretary’s designee, who serves as chair.
- One member of the Senate appointed by the Senate President.
- One member of the House appointed by the House Speaker.
- The executive director of the Florida League of Cities or the director’s designee.
- The executive director of the Florida Association of Counties or the director’s designee.
- The president of Space Florida or the president’s designee.
- Appointed by the Governor:
  - Two members, each representing a different city having a population of more than 250,000 persons.
  - One member representing a city having a population of fewer than 250,000 persons.
  - One member representing a metropolitan planning organization.
  - One member representing the State University System.
  - Three members representing the advanced air mobility industry.
  - One member representing an organization in this state that advocates for persons with disabilities.
  - Two members representing the business community.
  - One member representing an organization in this state that advocates for underserved transportation areas.
  - One member representing a public airport located in a county having a population of more than 1 million persons.
  - One member representing a public airport located in a county having a population of fewer than 1million persons.

Appointed members serve at the pleasure of the appointing authority and without compensation, but are entitled to receive reimbursement for per diem and travel expenses.

<sup>9</sup> See Florida Politics, *Miami-Dade brain trust to examine in-city flying cars, cargo in “Urban Air Mobility System, available at [Miami-Dade brain trust to examine in-city flying cars, cargo in 'Urban Air Mobility System' \(floridapolitics.com\)](https://floridapolitics.com/story/miami-dade-brain-trust-to-examine-in-city-flying-cars-cargo-in-urban-air-mobility-system/)* (last visited January 28, 2022).

<sup>10</sup> The bill defines the term “task force” as set forth in s. 20.03(8), F.S., which is “an advisory body...created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.” Section 20.052, F.S., specifies requirements for the establishment, evaluation, and maintenance of certain bodies created by specific statutory enactment as an adjunct to an executive agency. Except as otherwise provided in the bill, the bill requires the task force to operate in a manner consistent with s. 20.052, F.S.

The task force is directed to hold public hearings in locations throughout the state, or by electronic means, and receive public comments through a website or by mail. The task force is required to:

- Assess and describe the current state of development of the advanced air mobility industry, specifically, deployment of VTOL aircraft, defined for purposes of the undesignated section of law as “aircraft capable of taking off and landing vertically without use of a runway;”
- Identify and discuss any federal requirements that must be met for deployment of advanced air mobility in this state;
- Recommend any revisions to current state law that may impact the advanced air mobility industry, including, but not limited to, any revisions that would create jurisdictional consistency for advanced air mobility operations throughout this state; and
- Collaborate with local governments to evaluate potential integration of advanced air mobility into transportation plans and summarize the collaboration.

By October 1, 2023, the task force is directed to submit to the Governor, the Senate President, and the House Speaker a report including the bulleted information described above, as well as any other relevant material deemed appropriate by the task force. The task force is abolished upon submission of the report.

The undesignated section of law expires on December 31, 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:**

Private sector members of the task force may incur expenses during the course of participation but are entitled to reimbursement for per diem and travel expenses.

**C. Government Sector Impact:**

Government sector members of the task force may incur expenses during the course of participation but are entitled to reimbursement for per diem and travel expenses.

The FDOT will incur expenses associated with reimbursement of member per diem and travel expenses; with conducting public hearings, maintaining the website, and receiving public comments; and with preparing the report. The total amount of these expenses is unknown but is expected to be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill creates an undesignated section of law.

**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 Harrell

25-00889-22

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A bill to be entitled

An act relating to advanced air mobility; creating the Advanced Air Mobility Study Task Force adjunct to the Department of Transportation; specifying the composition of the task force; providing that task force members serve at the pleasure of their appointing authority; providing that task force members shall serve without compensation but are entitled to certain reimbursement; specifying duties of the task force; defining the term "VTOL aircraft"; requiring the task force to submit a certain report to the Governor and the Legislature by a specified date; providing for abolishment of the task force; providing for expiration; providing an effective date.

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

Section 1. Advanced Air Mobility Study Task Force.—

(1) The Advanced Air Mobility Study Task Force, a task force as defined in s. 20.03(8), Florida Statutes, is created adjunct to the Department of Transportation. The task force is composed of the following members:

(a) The secretary of the Department of Transportation or the secretary's designee, who shall serve as chair of the task force.

(b) One member of the Senate appointed by the President of the Senate.

(c) One member of the House of Representatives appointed by the Speaker of the House of Representatives.

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

25-00889-22

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(d) The executive director of the Florida League of Cities or the director's designee.

(e) The executive director of the Florida Association of Counties or the director's designee.

(f) The president of Space Florida or the president's designee.

(g) Appointed by the Governor:

1. Two members, each representing a different city having a population of more than 250,000 persons.

2. One member representing a city having a population of fewer than 250,000 persons.

3. One member representing a metropolitan planning organization.

4. One member representing the State University System.

5. Three members representing the advanced air mobility industry.

6. One member representing an organization in this state which advocates for persons with disabilities.

7. Two members representing the business community.

8. One member representing an organization in this state which advocates for underserved transportation areas.

9. One member representing a public airport located in a county having a population of more than 1 million persons.

10. One member representing a public airport located in a county having a population of fewer than 1 million persons.

(2) Appointed members shall serve at the pleasure of the appointing authority.

(3) Task force members shall serve without compensation but are entitled to receive reimbursement for per diem and travel

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

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59 expenses pursuant to s. 112.061, Florida Statutes.

60 (4) The task force shall hold public hearings in locations  
61 throughout this state, or by electronic means, and receive  
62 public comments through a website or by mail. The task force  
63 shall:

64 (a) Assess and describe the current state of development of  
65 the advanced air mobility industry, specifically, deployment of  
66 VTOL aircraft. As used in this section, the term "VTOL aircraft"  
67 means aircraft capable of taking off and landing vertically  
68 without use of a runway.

69 (b) Identify and discuss any federal requirements that must  
70 be met for deployment of advanced air mobility in this state.

71 (c) Recommend any revisions to current state law that may  
72 impact the advanced air mobility industry, including, but not  
73 limited to, any revisions that would create jurisdictional  
74 consistency for advanced air mobility operations throughout this  
75 state.

76 (d) Collaborate with local governments to evaluate  
77 potential integration of advanced air mobility into  
78 transportation plans. Such collaboration shall be summarized in  
79 the report submitted pursuant to subsection (5).

80 (5) By October 1, 2023, the task force shall submit to the  
81 Governor, the President of the Senate, and the Speaker of the  
82 House of Representatives a report including the information  
83 specified in subsection (4), as well as any other relevant  
84 material deemed appropriate by the task force. Upon submission  
85 of the report, the task force is abolished.

86 (6) This section expires December 31, 2023.

87 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.)

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

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BILL: CS/SB 882

INTRODUCER: Community Affairs Committee and Senator Brodeur

SUBJECT: Inventories of Critical Wetlands

DATE: February 3, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 882 directs water management district governing boards to work with local governments to develop a list of critical wetlands to be acquired through the Land Acquisition Trust Fund.

**II. Present Situation:**

**Wetlands**

Wetlands are areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.<sup>1</sup> Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.<sup>2</sup>

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<sup>1</sup> Section 373.019(27), F.S.

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

All state and local agencies use the same method to determine wetland boundaries.<sup>3</sup> The regulating agency should first attempt to identify the landward extent of wetlands based on the definition of wetlands, as stated in the paragraph above.<sup>4</sup> The landward extent (the boundary) of wetlands is determined by applying reasonable scientific judgement to evaluate the dominance of plant species, soils, and other hydrologic evidence of regular and periodic inundation and saturation. If the boundary cannot be located by definition, then the regulating agency should use site inspection or aerial photointerpretation, in combination with ground truthing. If the vegetation or soils of an upland or wetland area have been altered by natural or human-induced factors such that the boundary cannot be delineated reliably, and the area has hydric soils or riverwash, or would have hydric soils or riverwash but for a non-hydrologic mechanical mixing of the upper soil profile, then the agency shall use the most reliable available information and reasonable scientific judgement to determine the boundary. Reliable available information includes aerial photographs, remaining vegetation, authoritative site-specific documents, or topographical consistencies.<sup>5</sup>

### **Local Government Land Use**

In Florida, local governments have the exclusive authority to make basic determinations about the appropriate land uses in their jurisdictions, including wetlands, based on a broad range of factors.<sup>6</sup> Florida statute requires all local governments to adopt a comprehensive plan to determine allowable uses, densities and intensities, and development standards for all land within their jurisdictions, and ensure that all development be consistent with the adopted plan.<sup>7</sup> Through comprehensive planning, local governments are able to encourage the most appropriate use of land, water, and resources, consistent with the public interest.<sup>8</sup> All local government land development regulations must be consistent with the local comprehensive plan.<sup>9</sup> Additionally, all public and private development, including special district projects, must be consistent with the local comprehensive plan.<sup>10</sup>

### **Water Management Districts**

Water Management Districts (WMDs) are responsible for the administration of water resources at the regional level.<sup>11</sup> There are five WMDs in Florida: Northwest Florida, Suwannee River, St. Johns River, Southwest Florida, and South Florida WMDs. DEP has general supervisory control

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<sup>3</sup> DEP, *DEP 101: Wetlands*, <https://floridadep.gov/comm/press-office/content/dep-101-wetlands> (last visited Dec. 6, 2021).

<sup>4</sup> Fla. Admin. Code R. 62-340.300.

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

<sup>6</sup> Richard Grosso and Jason Totoiu, *Planning and Permitting to Protect Wetlands: The Different Roles and Powers of State and Local Government*, 84 FLA. B.J. 39, 40 (April 2010) available at <https://www.floridabar.org/the-florida-bar-journal/planning-and-permitting-to-protect-wetlands-the-different-roles-and-powers-of-state-and-local-government/#:~:text=Florida%E2%80%99s%20Wetland%20Permitting%20Program%20Does%20Not%20Preempt%20Local,for%20the%20development%20of%20wetlands%20subject%20to%20mitigation> (last visited Dec. 17, 2021).

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

<sup>8</sup> Section 163.3161(4), F.S.

<sup>9</sup> Section 163.3194(1)(b), F.S.

<sup>10</sup> See ss. 163.3161(6) and 163.3194(1)(a), F.S.

<sup>11</sup> DEP, *Water Management Districts*, <https://floridadep.gov/water-policy/water-policy/content/water-management-districts> (last visited Dec. 7, 2021).

over the WMDs through a cooperative working relationship and guidance memos. The four core mission areas of the WMDs are:

- Water supply;
- Water quality;
- Flood protection and floodplain management; and
- Natural systems.<sup>12</sup>

Each WMD is responsible for developing a district water management plan for water resources within its region that addresses water supply, water quality, flood protection and floodplain management, and natural systems.<sup>13</sup> The district water management plan must be based on at least a 20-year planning period, must be developed and revised in cooperation with other agencies, regional water supply authorities, units of government, and interested parties, and must be updated at least once every five years.<sup>14</sup> The district water management plans must include:

- The scientific methodologies for establishing minimum flows and levels and all established minimum flows and levels;
- Identification of one or more water supply planning regions that make up the entire district;
- Technical data and information;
- A districtwide water supply assessment; and
- Any completed regional water supply plans.<sup>15</sup>

In formulating the district water management plans, each WMD must consider:

- The attainment of maximum reasonable-beneficial use of water resources;
- The maximum economic development of water resources consistent with other uses;
- The management of water resources for purposes like environmental protection, drainage, flood control, and water storage;
- The quantity of water available for application to a reasonable-beneficial use;
- The prevention of wasteful, uneconomical, impractical, or unreasonable uses of water resources;
- Presently exercised domestic use and permit rights;
- The preservation and enhancement of water quality; and
- The state water resources policy.<sup>16</sup>

At its option, a WMD may substitute an annual strategic plan for the requirement to develop a district water management plan and the district water management plan annual report, provided that it does not affect any other provision or requirement of law concerning the completion of the regional water supply plan, and the strategic plan meets the following minimum requirements:

- The strategic plan establishes the WMD's strategic priorities for at least a five-year period;
- The strategic plan identifies the goals, strategies, success indicators, funding sources, deliverables, and milestones to accomplish the strategic priorities;

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<sup>12</sup> *Id.*

<sup>13</sup> Section 373.036(2), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

- The strategic plan development process includes at least one publicly noticed meeting to allow public participation in its development;
- The strategic plan includes separately, as an addendum, an annual work plan report on the implementation of the strategic plan for the previous fiscal year, addressing success indicators, deliverables, and milestones.<sup>17</sup>

## **Wetlands in Federal and State Programs**

### ***National Wetlands Inventory***

The National Wetlands Inventory (NWI) was established by the U.S. Fish and Wildlife Service (FWS) to conduct a nationwide inventory of U.S. wetlands to document the distribution and type of wetlands to aid in conservation.<sup>18</sup> The NWI developed mapping techniques, a recording system for inventory findings, and a wetland classification system that is now the official FWS wetland classification system and the federal standard for wetland classification. The NWI relies on trained image analysts to identify and classify wetlands and deepwater habitats from aerial imagery. NWI data and wetlands maps can be found on the Wetlands Mapper.<sup>19</sup>

FWS has estimated wetlands coverage nationwide, including in Florida, using the NWI, and many historical estimates of wetlands are based on NWI data.<sup>20</sup> However, wetlands mapped in the inventory have not been verified on the ground, and maps produced using the inventory do not directly correspond to Florida agencies' methodology or the wetland mapping methodology used by the U.S. Army Corps of Engineers.<sup>21</sup>

### ***Florida Forever***

The Florida Forever program is the state's current blueprint for natural resource conservation.<sup>22</sup> It replaced the successful Preservation 2000 program, which acquired more than 1.78 million acres of land for protection. The Florida Forever Act, implemented in 2000, reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.<sup>23</sup> Florida Forever encompasses a wide range of goals, including:

- Land acquisition;
- Environmental restoration;
- Water resource development and supply;

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<sup>17</sup> *Id.*

<sup>18</sup> U.S. Fish and Wildlife Service, *NWI Program Overview*, <https://fws.gov/wetlands/nwi/Overview.html> (last visited Dec. 17, 2021).

<sup>19</sup> *Id.*; U.S. Fish and Wildlife Service, *Wetlands Mapper*, <https://fws.gov/wetlands/data/Mapper.html> (last visited Dec. 17, 2021).

<sup>20</sup> DEAR and DEP, *Final Integrated Water Quality Assessment for Florida*, 88 (2016), available at <https://floridadep.gov/sites/default/files/2016-Integrated-Report.pdf> (last visited Dec. 17, 2021).

<sup>21</sup> *Id.* at 88-89. The U.S. Army Corps of Engineers uses three characteristics to determine if an area is wetland: vegetation, soil, and hydrology. Unless an area has been altered or is a rare natural situation, indicators of all three characteristics must be present for an area to be a wetland. U.S. Army Corps of Engineers, *Wetlands Identification*, <https://www.nan.usace.army.mil/Missions/Regulatory/Wetlands-Identification/> (last visited Dec. 17, 2021).

<sup>22</sup> DEP, *2021 Florida Forever Five-Year Plan*, 9 (2021), available at [https://floridadep.gov/sites/default/files/FLDEP\\_DSL\\_OES\\_FF\\_2021Abstract\\_2.pdf](https://floridadep.gov/sites/default/files/FLDEP_DSL_OES_FF_2021Abstract_2.pdf) (last visited Dec. 17, 2021).

<sup>23</sup> *Id.*

- Increased public access;
- Public lands management and maintenance; and
- Increased protection of land through the purchase of conservation easements.<sup>24</sup>

The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and Florida Forever programs.<sup>25</sup> Florida Forever provides for the issuance of up to \$5.3 billion in Florida Forever bonds to finance or refinance the cost of acquisition and improvement of land and water areas for restoration, conservation, recreation, water resource development, or historical preservation.<sup>26</sup> Bonds may also be issued for capital improvements<sup>27</sup> to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.<sup>28</sup> Florida Forever projects and acquisitions must contribute to the achievement of specific goals, which must be evaluated in accordance with specific criteria and numeric performance measures.<sup>29</sup> The following are specific goals that involve wetland preservation and management:

- To increase the protection of Florida's biodiversity at the species, natural community, and landscape levels, as measured by:
  - The number of acres acquired of significant strategic habitat conservation areas;
  - The number of acres acquired of highest priority conservation areas for Florida's rarest species;
  - The number of acres acquired of significant landscapes, landscape linkages, and conservation corridors, giving priority to completing linkages;
  - The number of acres acquired of underrepresented native ecosystems;
  - The number of landscape-sized protection areas of at least 50,000 acres that exhibit a mosaic of predominantly intact or restorable natural communities established through new acquisition projects of augmentations to previous projects; or
  - The percentage increased in the number of occurrences of imperiled species on publicly managed conservation areas.<sup>30</sup>
- To protect, restore, and maintain the quality and natural functions of land, water, and wetland systems of the state, as measured by:
  - The number of acres of publicly owned land identified as needing, undergoing, or having restoration, enhancement, and management; the number of acres which represent actual

<sup>24</sup> Section 259.105, F.S.

<sup>25</sup> DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Dec. 17, 2021); see Florida Natural Areas Inventory, *Summary of Florida Conservation Lands* (Feb. 2021), available at <https://www.fnai.org/conslands/conservation-lands> (last visited Jan. 31, 2022). This inventory provides a complete summary of the total amount of conservation lands in Florida.

<sup>26</sup> Section 215.618, F.S.

<sup>27</sup> Section 259.03(3), F.S. The terms "capital improvement" or "capital project expenditure," when used in ch. 259, F.S., mean "those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities' signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter." *Id.*

<sup>28</sup> Section 215.618, F.S.

<sup>29</sup> Section 259.105(4), F.S.

<sup>30</sup> Section 259.105(4)(b), F.S.



- or potential imperiled species habitat; the number of acres which are available to restore, enhance, repopulate, and manage imperiled species habitat;
  - The percentage of water segments that fully meet, partially meet, or do not meet their designated uses;
  - The percentage completion of targeted capital improvements in surface water improvement and management plans, regional or master stormwater management system plans, or other adopted restoration plans;
  - The number of acres acquired that protect natural floodplain functions;
  - The number of acres acquired that protect surface waters of the state;
  - The number of acres identified for acquisition to minimize damage from flooding and the percentage of those areas acquired;
  - The number of acres acquired that protect fragile coastal resources;
  - The number of acres of functional wetland systems protected;
  - The percentage of miles of critically eroding beaches contiguous with public lands that are restored or protected from further erosion;
  - The percentage of public lakes and rivers in which invasive, nonnative aquatic plants are under maintenance control; or
  - The number of acres of public conservation lands in which upland invasive, exotic plants are under maintenance control.<sup>31</sup>
- To ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state, as measured by:
  - The number of acres acquired that provide retention and storage of surface water in naturally occurring storage areas, such as lakes and wetlands, consistent with the maintenance of water resources or water supplies and consistent with district water supply plans;
  - The quantity of water made available through the water resource development component of a district water supply plan for which a water management district is responsible; or
  - The number of acres acquired of groundwater recharge areas critical to springs, sinks, aquifers, other natural systems, or water supply.<sup>32</sup>
- To mitigate the effects of natural disasters and floods in developed areas, as measured by:
  - The number of acres acquired within a 100-year floodplain or a coastal high hazard area;
  - The number of acres acquired or developed to serve dual functions as flow ways or temporary water storage areas during flooding or high water events, not including permanent reservoirs, and greenways or open spaces available to the public for recreation;
  - The number of acres that protect existing open spaces and natural buffer areas within a floodplain that also serve as natural flow ways or natural temporary water storage areas; and
  - The percentage of the land acquired within the project boundary that creates additional open spaces, natural buffer areas, and greenways within a floodplain, while precluding rebuilding in areas that repeatedly flood.<sup>33</sup>

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<sup>31</sup> Section 259.105(4)(c), F.S.

<sup>32</sup> Section 259.105(4)(d), F.S.

<sup>33</sup> Section 259.105(4)(i), F.S.

### **Land Acquisition Trust Fund**

The Land Acquisition Trust Fund (LATF) is established by s. 28 Art. X of the Florida Constitution. LATF funds may be expended for the following purposes:

- To finance or refinance the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands, including wetlands, forests, and fish and wildlife habitat;
- Wildlife management areas;
- Lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems;
- Lands in the Everglades Agricultural Area and the Everglades Protection Area;
- Beaches and shores;
- Outdoor recreation lands, including recreational trails, parks, and urban open spaces;
- Rural landscapes;
- Working farms and ranches;
- Historic or geologic sites;

Together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.<sup>34</sup>

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

This bill amends s. 373.036, F.S., to require water management districts, in cooperation with local governments, to develop a list of critical wetlands to be acquired through the Land Acquisition Trust Fund. The bill provides the following criteria to determine if a wetland is critical:

- The ecological value of the wetland, as determined by the physical and biological components of the environmental system;
- The effect of the wetland on water quality and flood mitigation;
- The ecosystem restoration value of the wetland; and
- The inherent susceptibility of the wetland to development due to its geographical location or natural aesthetics.

The bill additionally requires water management districts opting to utilize an annual strategic plan to include a list of critical wetlands on such plan.

The bill amends a reference to reflect the changes made in this bill. The bill will take effect July 1, 2022.

### **IV. Constitutional Issues:**

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

None.

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<sup>34</sup> FLA. CONST. art. X, s. 28.

**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:**

Water management districts and local governments may incur costs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 373.036 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 February 2, 2022:**

The CS requires water management districts opting to utilize an annual strategic plan to include a list of critical wetlands on such plan.

**B. Amendments:**

None.



922104

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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	.	
	.	

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

**Senate Amendment (with directory amendment)**

Between lines 35 and 36  
insert:

(f)~~(e)~~ At its option, a governing board may substitute an annual strategic plan for the requirement to develop a district water management plan and the district water management plan annual report required by subparagraph (7)(b)1., provided that nothing herein affects any other provision or requirement of law concerning the completion of the regional water supply plan and



922104

the strategic plan meets the following minimum requirements:

1. The strategic plan establishes the water management district's strategic priorities for at least a future 5-year period.

2. The strategic plan identifies the goals, strategies, success indicators, funding sources, deliverables, and milestones to accomplish the strategic priorities.

3. The strategic plan development process includes at least one publicly noticed meeting to allow public participation in its development.

4. The strategic plan includes separately, as an addendum, an annual work plan report on the implementation of the strategic plan for the previous fiscal year, addressing success indicators, deliverables, and milestones.

5. The strategic plan includes a list of critical wetlands to be acquired using funds from the Land Acquisition Trust Fund, pursuant to paragraph (e).

==== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete line 16  
and insert:  
present paragraph (e) of that subsection and paragraph (b) of subsection (7) of that section are amended, to

By Senator Brodeur

9-01032-22

2022882\_\_

A bill to be entitled

An act relating to inventories of critical wetlands; amending s. 373.036, F.S.; requiring each water management district governing board, in cooperation with local governments, to develop a list of critical wetlands for acquisition using funds from the Land Acquisition Trust Fund; requiring the boards to consider certain criteria when including wetlands on the list; providing an effective date.

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

Section 1. Present paragraph (e) of subsection (2) of section 373.036, Florida Statutes, is redesignated as paragraph (f), a new paragraph (e) is added to that subsection, and paragraph (b) of subsection (7) of that section is amended, to read:

373.036 Florida water plan; district water management plans.—

(2) DISTRICT WATER MANAGEMENT PLANS.—

(e) As part of the district water management plan, each governing board, in cooperation with local governments, shall develop a list of critical wetlands to be acquired using funds from the Land Acquisition Trust Fund. The governing boards shall consider all of the following criteria in designating a wetland for inclusion on the list:

1. The ecological value of the wetland, as determined by the physical and biological components of the environmental system.

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

9-01032-22

2022882\_\_

2. The effect of the wetland on water quality and flood mitigation.

3. The ecosystem restoration value of the wetland.

4. The inherent susceptibility of the wetland to development due to its geographical location or natural aesthetics.

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

(b) The consolidated annual report shall contain the following elements, as appropriate to that water management district:

1. A district water management plan annual report or the annual work plan report allowed in subparagraph (2)(f)4.

~~(2)(e)4.~~

2. The department-approved minimum flows and minimum water levels annual priority list and schedule required by s. 373.042(3).

3. The annual 5-year capital improvements plan required by s. 373.536(6)(a)3.

4. The alternative water supplies annual report required by s. 373.707(8)(n).

5. The final annual 5-year water resource development work program required by s. 373.536(6)(a)4.

6. The Florida Forever Water Management District Work Plan annual report required by s. 373.199(7).

7. The mitigation donation annual report required by s. 373.414(1)(b)2.

8. Information on all projects related to water quality or water quantity as part of a 5-year work program, including:

a. A list of all specific projects identified to implement

Page 2 of 3

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

9-01032-22

2022882\_\_

59 a basin management action plan, including any projects to  
60 connect onsite sewage treatment and disposal systems to central  
61 sewerage systems and convert onsite sewage treatment and  
62 disposal systems to enhanced nutrient-reducing onsite sewage  
63 treatment and disposal systems, or a recovery or prevention  
64 strategy;

65 b. A priority ranking for each listed project for which  
66 state funding through the water resources development work  
67 program is requested, which must be made available to the public  
68 for comment at least 30 days before submission of the  
69 consolidated annual report;

70 c. The estimated cost for each listed project;

71 d. The estimated completion date for each listed project;

72 e. The source and amount of financial assistance to be made  
73 available by the department, a water management district, or  
74 other entity for each listed project; and

75 f. A quantitative estimate of each listed project's benefit  
76 to the watershed, water body, or water segment in which it is  
77 located.

78 9. A grade for each watershed, water body, or water segment  
79 in which a project listed under subparagraph 8. is located  
80 representing the level of impairment and violations of adopted  
81 minimum flow or minimum water levels. The grading system must  
82 reflect the severity of the impairment of the watershed, water  
83 body, or water segment.

84 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.)

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

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BILL: CS/CS/SB 884

INTRODUCER: Community Affairs Committee, Judiciary Committee and Senator Boyd

SUBJECT: Fees in Lieu of Security Deposits

DATE: February 3, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ravelo</u>	<u>Cibula</u>	<u>JU</u>	<b>Fav/CS</b>
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Fav/CS</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 884 amends the Florida Residential Landlord and Tenant Act to expressly authorize and regulate agreements between a residential landlord and a tenant for the payment of a monthly fee in lieu of a security deposit.

By expressly authorizing the use of a fee in lieu of a security deposit, the bill may facilitate the use of security deposit insurance. This insurance product insures a landlord against losses that would otherwise be covered by a security deposit or advance rent.

The bill takes effect July 1, 2022.

**II. Present Situation:**

**Security Deposits and the Florida Residential Landlord and Tenant Act**

The Florida Residential Landlord and Tenant Act regulates residential rental agreements. The Act provides that when money is deposited or advanced by a tenant as security or advance rent, the landlord is required to:

- Hold the total amount of such money in a separate non-interest-bearing account in a Florida banking institution for the benefit of the tenant or tenants. The landlord may not commingle the funds with any other funds of the landlord or hypothecate, pledge, or in any other way make use of the funds until they are actually due the landlord;

- Hold the total amount of the funds in a separate interest-bearing account in a Florida banking institution for the benefit of the tenant or tenants, in which case the tenant must receive and collect interest in an amount of at least 75 percent of the annualized average interest rate payable on the account or interest at the rate of 5 percent per year, simple interest, whichever the landlord elects. The landlord may not commingle the funds with any other funds of the landlord or hypothecate, pledge, or in any other way make use of the funds until the funds are actually due the landlord; or
- Post a surety bond, executed by the landlord as principal and a surety company authorized and licensed to do business in the state as surety, with the clerk of the circuit court in the county in which the dwelling unit is located in the total amount of the security deposits and advance rent he or she holds on behalf of the tenants or \$50,000, whichever is less. In addition to posting the surety bond, the landlord must pay to the tenant interest at the rate of 5 percent per year, simple interest.<sup>1</sup>

A landlord must, in the lease agreement or within 30 days after receipt of advance rent or a security deposit, give written notice to the tenant which includes disclosures relating to the advance rent or security deposit.<sup>2</sup> The written notice must:<sup>3</sup>

- Be given in person or by mail to the tenant;
- State the name and address of the depository where the advance rent or security deposit is being held or state that the landlord has posted a surety bond as provided by law;
- State whether the tenant is entitled to interest on the deposit; and
- Contain the following disclosure:

YOUR LEASE REQUIRES PAYMENT OF CERTAIN DEPOSITS. THE LANDLORD MAY TRANSFER ADVANCE RENTS TO THE LANDLORD'S ACCOUNT AS THEY ARE DUE AND WITHOUT NOTICE. WHEN YOU MOVE OUT, YOU MUST GIVE THE LANDLORD YOUR NEW ADDRESS SO THAT THE LANDLORD CAN SEND YOU NOTICES REGARDING YOUR DEPOSIT. THE LANDLORD MUST MAIL YOU NOTICE, WITHIN 30 DAYS AFTER YOU MOVE OUT, OF THE LANDLORD'S INTENT TO IMPOSE A CLAIM AGAINST THE DEPOSIT. IF YOU DO NOT REPLY TO THE LANDLORD STATING YOUR OBJECTION TO THE CLAIM WITHIN 15 DAYS AFTER RECEIPT OF THE LANDLORD'S NOTICE, THE LANDLORD WILL COLLECT THE CLAIM AND MUST MAIL YOU THE REMAINING DEPOSIT, IF ANY.

IF THE LANDLORD FAILS TO TIMELY MAIL YOU NOTICE, THE LANDLORD MUST RETURN THE DEPOSIT BUT MAY LATER FILE A LAWSUIT AGAINST YOU FOR DAMAGES. IF YOU FAIL TO TIMELY OBJECT TO A CLAIM, THE LANDLORD MAY COLLECT

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<sup>1</sup> Section 83.49(1), F.S.

<sup>2</sup> Section 83.49(2), F.S. Additionally, if the landlord changes the manner or location in which he or she is holding the advance rent or security deposit, he or she must notify the tenant within 30 days after the change.

<sup>3</sup> Section 83.49(2)(a-d), F.S.

FROM THE DEPOSIT, BUT YOU MAY LATER FILE A LAWSUIT CLAIMING A REFUND.

YOU SHOULD ATTEMPT TO INFORMALLY RESOLVE ANY DISPUTE BEFORE FILING A LAWSUIT. GENERALLY, THE PARTY IN WHOSE FAVOR A JUDGMENT IS RENDERED WILL BE AWARDED COSTS AND ATTORNEY FEES PAYABLE BY THE LOSING PARTY.

THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83, FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND OBLIGATIONS.

If the landlord does not intend to impose a claim on the security deposit, the landlord has 15 days to return the security deposit together with interest.<sup>4</sup> If the landlord intends to impose a claim on the deposit, such as for damage to the unit, the landlord has 30 days to give the tenant written notice by certified mail of the landlord's intention to impose a claim on the deposit along with the reason. The notice must contain a statement in substantially the following form:

This is a notice of my intention to impose a claim for damages in the amount of \_\_\_\_\_ upon your security deposit, due to \_\_\_\_\_. It is sent to you as required by s. 83.49(3), Florida Statutes. You are hereby notified that you must object in writing to this deduction from your security deposit within 15 days from the time you receive this notice or I will be authorized to deduct my claim from your security deposit. Your objection must be sent to (landlord's address).<sup>5</sup>

The landlord may then deduct the amount of his or her claim and must remit the balance of the deposit to the tenant within 30 days after the date of the notice of intention to impose a claim for damages. If the landlord fails to give the required notice within 30 days, the landlord forfeits the right to impose a claim upon the security deposit. The failure of the tenant to make a timely objection does not waive any rights of the tenant to seek damages in a separate action.<sup>6</sup>

### ***Security Deposit Insurance***

Florida law does not specifically require any sort of security deposit for a residential lease. It is generally up to the landlord and tenant to set up the lease agreement consistent with the provisions in the Florida Residential Landlord and Tenant Act under ch. 83, F.S. Likewise, Florida law does not address the issue of "security deposit insurance" for residential leases. This insurance product, which has been called "lease insurance," "rent insurance," "tenant insurance," or "landlord insurance," generally protects the landlord from damage to the property or loss of rent.<sup>7</sup> Different insurance providers offer different levels of coverage. At least one company,

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<sup>4</sup> Section 83.49(3)(a), F.S.

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

<sup>6</sup> Section 83.49(3)(b), F.S.

<sup>7</sup> One company operating in Florida provides the following explanation of its security deposit insurance:

provides both security deposit insurance as well as the ability to sign a lease as the tenant's guarantor.<sup>8</sup> Another company operating in Florida offers personal property, security deposit, and flexible rent payment insurance.<sup>9</sup>

Generally, security deposit insurance protects the landlord and are distinct from the more commonly used "renter's insurance," which often provides personal liability and personal property protection for the tenant. Additionally, many security deposit insurance policies operate under surety bonds,<sup>10</sup> and allow the insurance provider to recoup from the tenant any insurance claim paid out to the landlord.

### III. Effect of Proposed Changes:

The bill states that if a rental agreement requires a security deposit, the landlord may instead offer a tenant the option to pay a fee in the lieu of the security deposit. This option, if provided, must be provided to the tenant in writing and state:

- That the tenant has the option to pay a security deposit instead of a fee;
- The tenant at any time may terminate the agreement to pay a security deposit in the amount that is otherwise offered to new tenants for a substantially similar dwelling unit on the date that the tenant terminates the agreement; and
- Whether any additional charges apply for either of the above circumstances.

The landlord has sole discretion as to whether to offer tenants the option to pay a fee in lieu of a security deposit. If a tenant decides to pay a fee in lieu of a security deposit, a written agreement to collect the fee must be signed by the landlord, or the landlord's agent, and the tenant. The

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Jetty Deposit is a deposit alternative product that replaces a traditional cash deposit with either a one-time, non-refundable premium or a low, non-refundable monthly premium. Instead of paying a cash security deposit, Jetty Deposit gives you the option to pay a fraction of the amount, which serves as a Jetty-backed guarantee to your property that they'll be protected in the event that you fail to pay for damage or skipped rent. Keep in mind that if you purchase Jetty Deposit, you're agreeing to pay your rent in full, not to cause damage beyond standard wear and tear on your rental home, and you remain responsible for keeping it in good condition. And if you do cause excessive damage and fail to pay, Jetty assumes the responsibility of recovering the cost from you. (Emphasis added).

Jetty Frequently Asked Questions, *What is Jetty Deposit and how does it work?* (Aug. 2021), <https://jetty.zendesk.com/hc/en-us/articles/4405193685911-What-is-Jetty-Deposit-and-how-does-it-work> (last visited Jan. 13, 2022)

<sup>8</sup> Rhino Frequently Asked Questions, *What is Rhino Guarantor Coverage?* (Mar. 2021), <https://support.sayrhino.com/hc/en-us/articles/360061185252-What-is-Rhino-guarantor-coverage> (last visited Jan. 13, 2022).

<sup>9</sup> *Jetty Introduces New Flexible Rent Payment Product and Raises \$23M*, PRNewswire, (Sept. 8, 2021), <https://www.prnewswire.com/news-releases/jetty-introduces-new-flexible-rent-payment-product-and-raises-23m-301372540.html> (last visited Jan. 13, 2022).

<sup>10</sup> "Sometimes, when a party owes others legal duties, the party posts a surety bond to guarantee their performance. The surety bond is like a security deposit, with the party promising to do something as the renter and person they owe obligations to, or obligee, is like the landlord. Thus, if the party that made the promise fails to perform their duty, the obligee is compensated out of the bond." See Legal Information Institute, *Surety Bond*, available at [https://www.law.cornell.edu/wex/surety\\_bond](https://www.law.cornell.edu/wex/surety_bond). One insurance provider provides the following explanation of surety bonds: Surety bonds—like Rhino's security deposit insurance—share a common purpose with traditional cash security deposits: to reimburse property owners for unpaid rent and excessive damage to the home. However, surety bonds are less expensive than traditional security deposits. Surety bonds also have transparency built into their insurance model. Instead of paying a cash security deposit and wondering if you'll ever see it again or if you'll get it back in its entirety, renters pay for incidents (if they happen) through Rhino directly.

Rhino Blog, *What renters need to know about surety bonds*, (Apr. 30, 2021), <https://www.sayrhino.com/blog/posts/surety-bonds-for-renting> (last visited Jan. 13, 2022).

written agreement must specify the amount of the fee and how and when the fee is to be collected. Additionally, written agreement must include the following disclosure:

THIS AGREEMENT HAS BEEN ENTERED INTO VOLUNTARILY BY BOTH PARTIES AND THE TENANT AGREES TO PAY THE LANDLORD A FEE IN LIEU OF A SECURITY DEPOSIT AS AUTHORIZED UNDER SECTION 83.491, FLORIDA STATUTES. THIS FEE IS NOT A SECURITY DEPOSIT AND PAYMENT OF THE FEE DOES NOT ABSOLVE THE TENANT OF ANY OBLIGATIONS UNDER THE RENTAL AGREEMENT, INCLUDING THE OBLIGATION TO PAY RENT AS IT BECOMES DUE AND ANY COSTS AND DAMAGES BEYOND NORMAL WEAR AND TEAR THAT THE TENANT OR HIS OR HER GUESTS MAY CAUSE. THE TENANT MAY TERMINATE THIS AGREEMENT AT ANY TIME AND STOP PAYING THE FEE AND INSTEAD PAY A SECURITY DEPOSIT AS PROVIDED IN SECTION 83.491, FLORIDA STATUTES.

THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83, FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND OBLIGATIONS.

The bill provides that a fee in lieu of a security deposit may be a recurring monthly fee, payable on the same date that the rent payment is due under the rental agreement; or payable upon a schedule that the landlord and tenant choose as specified in the written agreement.

The bill provides that such a fee, an insurance product, or a surety bond accepted by a landlord in lieu of a security deposit is not a security deposit for the purposes of landlord tenant law.

The bill provides that a landlord has exclusive discretion whether to offer tenants the option to pay a fee in lieu of a security deposit. If a landlord offers a tenant the option to pay a fee in lieu of a security deposit, the landlord must also offer all new tenants renting a dwelling unit on the same premises the option to pay a fee in lieu of a security deposit, unless the landlord chooses to terminate the fee option for all tenants. However, acceptance by a landlord of an insurance product or a surety bond that is purchased or procured by a tenant, a landlord, or an agent of the landlord may not be considered an offer by the landlord to allow tenants to pay a fee in lieu of a security deposit for the purposes of being required to offer such option to all tenants.

The bill provides that this section applies to rental agreements entered into or renewed on or after July 1, 2022.

The bill provides an effective date of 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:**

If implemented by landlords, a monthly fee in lieu of a security deposit may benefit certain tenants who may otherwise be unable to afford a large security deposit.

CS/CS/SB 884 may positively impact insurance providers that offer security deposit insurance.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 83.491, 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/CS by Community Affairs on February 2, 2022:**

The CS clarifies language regarding payments not to be regarded as security deposits, and landlords terminating the fee option prospectively. The CS further clarifies that the bill does not prohibit a tenant from being marketed an insurance product or surety bond to present to the landlord in lieu of a security deposit. Such an arrangement would not require the landlord to offer all tenants on the premises to pay a fee in lieu of a security deposit.

**CS by Judiciary on January 18, 2022:**

The CS specifies that a landlord has the sole discretion to determine whether to accept a fee in lieu of a security deposit.

- B. **Amendments:**

None.



455136

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2022	.	
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The Committee on Community Affairs (Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (12) of section 83.43, Florida  
Statutes, is amended to read:

83.43 Definitions.—As used in this part, the following  
words and terms shall have the following meanings unless some  
other meaning is plainly indicated:

(12) "Security deposits" means any moneys equal to or less





455136

than the value of 1 month's rent if provided at the time of execution of the rental agreement or equal to or less than 8.75 percent of the value of 1 month's rent if deposited on a monthly basis for a period not exceeding 12 months and which are held by the landlord as security for the performance of the rental agreement, including, but not limited to, monetary damage to the landlord caused by the tenant's breach of lease prior to the expiration thereof.

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 security deposits for residential tenancies; amending s. 83.43, F.S.; revising the definition of the term "security deposits"; providing an effective date.



564668

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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	.	
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The Committee on Community Affairs (Boyd) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 72 - 82  
and insert:

(5) A fee collected under this section, an insurance product, or a surety bond accepted by a landlord in lieu of a security deposit is not a security deposit as defined in s. 83.43(12).

(6) A landlord has exclusive discretion as to whether to offer tenants the option to pay a fee in lieu of a security



564668

deposit and is not required to offer such fee option to tenants.  
However, if a landlord offers a tenant an option to pay a fee in  
lieu of a security deposit, the landlord must also offer all new  
tenants renting a dwelling unit on the same premises the option  
to pay a fee in lieu of a security deposit, unless the landlord  
chooses to prospectively terminate the fee option for all new  
leases.

(7) This section does not prohibit a tenant from being  
offered or sold an insurance product or a surety bond to present  
to the landlord in lieu of a security deposit if the offer or  
sale of such insurance product or surety bond complies with the  
laws of this state. Acceptance by a landlord of an insurance  
product or a surety bond that is purchased or procured by a  
tenant, a landlord, or an agent of the landlord may not be  
considered an offer on the part of the landlord to allow a  
tenant to pay a fee in lieu of a security deposit for the  
purposes of subsection (6).

(8) This section applies to rental agreements entered into

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

And the title is amended as follows:

Delete lines 12 - 18

and insert:

specifying that certain fees, insurance products, and  
surety bonds are not security deposits; specifying  
that landlords have exclusive discretion as to whether  
to offer tenants the option to pay a fee in lieu of a  
security deposit; requiring that landlords who offer a  
tenant the fee option offer such option to all new



564668

40 tenants renting a dwelling unit on the same premises,  
41 except in certain circumstances; providing an  
42 exception; providing construction; providing

By the Committee on Judiciary; and Senator Boyd

590-02071-22

2022884c1

A bill to be entitled

An act relating to fees in lieu of security deposits; creating s. 83.491, F.S.; authorizing a landlord to offer a tenant the option to pay a fee in lieu of a security deposit; requiring the landlord to provide certain written notice to the tenant; requiring a written agreement signed by the landlord, or the landlord's agent, and the tenant if the tenant decides to pay a fee in lieu of the security deposit; requiring a specified disclosure in the written agreement; providing options for paying the fee; specifying that the fee is not a security deposit; specifying that landlords have exclusive discretion as to whether to offer tenants the option to pay a fee in lieu of a security deposit; requiring that landlords who offer a tenant the fee option offer such option to all new tenants renting a dwelling unit on the same premises, except in certain circumstances; providing applicability; providing an effective date.

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

Section 1. Section 83.491, Florida Statutes, is created to read:

83.491 Fee in lieu of security deposit.-

(1) If a rental agreement requires a security deposit, a landlord may offer a tenant the option to pay a fee in lieu of the security deposit.

(2) If a landlord offers a tenant the option to pay a fee

Page 1 of 3

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

590-02071-22

2022884c1

in lieu of a security deposit, the landlord must notify the tenant in writing of all of the following:

(a) That the tenant has the option to pay a security deposit instead of the fee.

(b) That the tenant may, at any time, terminate the agreement to pay the fee in lieu of the security deposit and instead pay a security deposit in the amount that is otherwise offered to new tenants for a substantially similar dwelling unit on the date that the tenant terminates the agreement.

(c) Whether any additional charges apply for the options provided in paragraphs (a) and (b).

(3) (a) If a tenant decides to pay a fee in lieu of a security deposit, a written agreement to collect the fee must be signed by the landlord, or the landlord's agent, and the tenant. The written agreement must, at a minimum, specify the amount of the fee and how and when the fee is to be collected.

(b) The written agreement specified under paragraph (a) must also include a disclosure in substantially the following form:

FEE IN LIEU OF SECURITY DEPOSIT

THIS AGREEMENT HAS BEEN ENTERED INTO VOLUNTARILY BY BOTH PARTIES AND THE TENANT AGREES TO PAY THE LANDLORD A FEE IN LIEU OF A SECURITY DEPOSIT AS AUTHORIZED UNDER SECTION 83.491, FLORIDA STATUTES. THIS FEE IS NOT A SECURITY DEPOSIT AND PAYMENT OF THE FEE DOES NOT ABSOLVE THE TENANT OF ANY OBLIGATIONS UNDER THE RENTAL AGREEMENT, INCLUDING THE OBLIGATION TO PAY RENT AS IT BECOMES DUE AND ANY COSTS AND DAMAGES BEYOND NORMAL WEAR AND TEAR THAT THE TENANT OR HIS OR HER GUESTS MAY CAUSE. THE TENANT

Page 2 of 3

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

590-02071-22

2022884c1

59 MAY TERMINATE THIS AGREEMENT AT ANY TIME AND STOP PAYING THE FEE  
60 AND INSTEAD PAY A SECURITY DEPOSIT AS PROVIDED IN SECTION  
61 83.491, FLORIDA STATUTES.

62  
63 THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83,  
64 FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND  
65 OBLIGATIONS.

66  
67 (4) A fee in lieu of a security deposit may be:

68 (a) A recurring monthly fee, payable on the same date that  
69 the rent payment is due under the rental agreement; or

70 (b) Payable upon a schedule that the landlord and tenant  
71 choose and as specified in the written agreement.

72 (5) A fee collected under this section is not a security  
73 deposit as defined in s. 83.43(12).

74 (6) A landlord has exclusive discretion as to whether to  
75 offer tenants the option to pay a fee in lieu of a security  
76 deposit and is not required to offer such fee option to tenants.  
77 However, if a landlord offers a tenant an option to pay a fee in  
78 lieu of a security deposit, the landlord must also offer all new  
79 tenants renting a dwelling unit on the same premises the option  
80 to pay a fee in lieu of a security deposit, unless the landlord  
81 chooses to terminate the fee option for all tenants.

82 (7) This section applies to rental agreements entered into  
83 or renewed on or after July 1, 2022.

84 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.)

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

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BILL: CS/SB 1002

INTRODUCER: Community Affairs Committee and Senator Burgess

SUBJECT: Florida Citrus

DATE: February 3, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fink</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Fav/CS</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1002 creates the "Citrus Recovery Act." Specifically, the bill:

- Increases the membership of the Florida Citrus Commission (commission) from nine members to eleven;
- Increases the number of citrus districts from three to six and revises the counties that comprise each district;
- Requires certain entities to provide reports on citrus production research to the commission at specified intervals and upon request of the commission;
- Requires that new varieties of citrus fruit and certain technology produced from research or studies funded by state funds be made exclusively available for licensing and purchase to certain Florida producers for a specified timeframe;
- Requires producers who receive such exclusivity to retain the exclusivity for a specified timeframe and providing pricing requirements for such arrangements; and
- Requires moneys in the Florida Citrus Advertising Trust Fund to be expended for the activities authorized by s. 601.13, F.S.

**II. Present Situation:**

The Florida Citrus Commission acts as the head of the Department of Citrus. The commission is composed of nine representatives of the citrus industry who are citizens of the state and have at

least five years of experience as citrus growers, packers or processors.<sup>1</sup> Additionally, during the five years immediately prior to appointment, each member must have derived a major portion of his/her income from activities listed above or been the owner of, member of, officer of, or paid employee of a corporation, firm, or partnership which has derived the major portion of its income from the growing, growing and shipping, or growing and processing of citrus fruit.

Members of the commission are appointed by the governor for three year terms.<sup>2</sup> Appointments are made by February 1 preceding the commencement of the term and must be confirmed by the Senate in the following legislative session. Four members are appointed each year. Members serve until their respective successors are appointed and qualified. The regular terms begin on June 1 and end on May 31 of the third year after appointment. Effective July 1, 2011, the terms of all members of the commission appointed on or before May 1, 2011, were terminated and the Governor appointed members in accordance with the provisions of chapter 601, F.S.

When appointments are made, the Governor publicly announces the actual classification and district that each appointee represents. A majority of the members of the commission constitutes a quorum for the transaction of business and for carrying out the duties of the commission. Prior to beginning their duties as members of the commission, each member must take and subscribe to the oath of office as prescribed in s. 5, Art. 11 of the State Constitution.

The commission must elect a chair and vice chair and such other officers as it deems necessary.<sup>3</sup> The chair, with the concurrence of the commission, may appoint such advisory committees or councils composed of industry representatives as he/she deems appropriate. In appointing such committees or councils, the chair must set forth areas of committee or council concern that are consistent with the statutory powers and duties of the commission and the department.

Current law provides legislative intent that the commission be redistricted every five years. Redistricting is based on the total boxes produced from each of the three districts during that five-year period. Under current law, Citrus District One is composed of Levy, Alachua, Brevard, Putnam, St. Johns, St. Lucie, Flagler, Indian River, Marion, Seminole, Orange, Okeechobee, Polk, Volusia, and Osceola Counties.<sup>4</sup> Citrus District Two is composed of Hardee, DeSoto, Highlands, and Glades Counties.<sup>5</sup> Finally, Citrus District Three is composed of Charlotte, Citrus, Collier, Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade Counties.<sup>6</sup>

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

**Section 1** titles this Act the “Citrus Recovery Act”.

**Section 2** amends s. 601.04, F.S., to revise the qualifications and terms of members of the

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<sup>1</sup> Fla. Stat. Ann. § 601.04(1)(a)

<sup>2</sup> Fla. Stat. Ann. § 601.04(2)(b)

<sup>3</sup> Fla. Stat. Ann. § 601.04(3)(a)

<sup>4</sup> Fla. Stat. Ann. § 601.09(1)(a)

<sup>5</sup> Fla. Stat. Ann. § 601.09(1)(b)

<sup>6</sup> Fla. Stat. Ann. § 601.09(1)(c)



Florida Citrus Commission (commission). It provides that the commission shall be composed of eleven members, an increase from nine, who are appointed by the Governor. These members must be a resident of this state, rather than a citizen, as previously required.

The bill increases from six to seven the number of members that shall be classified as grower members. These grower members may not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others.

One grower member shall be appointed from each of the citrus districts designated in s. 601.09, F.S. Current law provides that a member must reside in the district from which they were appointed, whereas the bill specifies that a member must reside or grow citrus in the district. One additional grower member shall be a grower with a citrus producing area of more than 5,001 acres who resides and grows citrus in the state.

The bill requires that three members of the commission shall be classified as processor members instead of grower-handler members. These three members shall be engaged as owners, or as paid officers or employees, of a corporation, firm, partnership, or other business unit engaged in canning, concentrating, or otherwise processing citrus fruit for market other than for shipment in fresh fruit form.

The bill requires that one member shall be classified as a packer member and shall be engaged as an owner, or as a paid officer or employee, of a corporation, firm, partnership, or other business unit that operates as a packinghouse as defined in s. 601.03, F.S. The member shall reside in the Indian River production area as defined in s. 601.091, F.S.

Members shall be appointed to terms of 3 years each, except that, to establish staggered terms of members from each citrus district, the terms of members appointed before July 1, 2022, shall be as follows:

- The terms of two grower members and one packer member shall expire June 30, 2022, and their successors shall be appointed to terms beginning July 1, 2022, and expiring May 31, 2025.
- The terms of two grower members and one processor members shall expire June 30, 2023, and their successors shall be appointed to terms beginning July 1, 2023, and expiring May 31, 2026.
- The terms of two grower members and one processor member shall expire June 30, 2024, and their successors shall be appointed to terms beginning July 1, 2024, and ending May 31, 2027.
- One grower member and one processor member shall be appointed on or after July 1, 2022, with terms ending May 31, 2025.

**Section 3** increases the number of Citrus districts from three to six as follows:

- Citrus District One: Collier, Hendry, and Lee Counties.
- Citrus District Two: Charlotte and Desoto Counties.
- Citrus District Three: Glades, Highlands, and Okeechobee Counties.

- Citrus District Four: Hardee, Hillsborough, Manatee, Pinellas, and Sarasota Counties.
- Citrus District Five: Citrus, Hernando, Levy, Osceola, Pasco, Polk, and Sumter Counties.
- Citrus District Six: Alachua, Brevard, Broward, Flagler, Indian River, Lake, Marion, Martin, Miami-Dade, Monroe, Orange, Palm Beach, Putnam, St. Johns, Seminole, St. Lucie, and Volusia Counties.

**Section 4** adds requirements relating to citrus research administered by the Department of Citrus (department).

It requires that an entity that solicits research proposals and awards funding for those proposals, expending State Treasury funds on citrus production research conducted pursuant to ch. 573, F.S., as recommended by the Citrus Research and Development Foundation, Inc., or conducted through contract with the department shall deliver a report that includes all of the following information to the commission biannually and at the request of the commission:

- Project plans selected for funding;
- The financial status of the projects;
- Current findings of the funded research;
- Availability of citrus products or application of growers' practices found through funded research; and
- The status of the commercialization process of such products or practices.

It also requires that before being released for sale to the general public, any new variety of citrus fruit and any technology that enhances marketability of new or current citrus varieties which is developed as a result of any research or study accomplished using funds from the State Treasury must be made available:

- For licensing and purchase for a period of 90 days exclusively to any Florida not-for-profit corporation that is a producer engaged, excluding engagement in agricultural commodities other than citrus, in citrus rootstock or scion breeding, research, or licensing, by agreement with a state land grant university, the department, the Department of Agriculture and Consumer Services, or the United States Department of Agriculture. If a producer exercises such exclusive availability, the producer must retain the exclusivity for 8 years after the date of execution.
- At the 5-year rolling average cost of citrus bud or grafting material available to Florida producers, including a development incentive that does not exceed 10 percent of the 5-year average.

**Section 5** amends s. 601.992, F.S., to provide that the Department of either Citrus or Agriculture may collect or compel regulated entities to collect dues, contributions, or other payment upon request by, and on behalf of, any not-for-profit corporation, if such non-profit is engaged in market news and grower education solely for citrus growers and has at least 2,500, rather than 5,000 as provided in current law, members engaged in growing citrus.

**Section 6** reenacts s. 600.051(1), F.S., which grants the department the power to enter into, administer, and enforce marketing agreements with handlers and distributors engaged in any one or more of the citrus districts established in and by s. 601.09, F.S.

**Section 7** reenacts s. 601.15(7)(b), F.S., to require moneys in the Florida Citrus Advertising Trust Fund to be expended for the activities authorized by s. 601.13, F.S. and for the cost of those general overhead, research and development, maintenance, salaries, professional fees, enforcement costs, and other such expenses that are not related to advertising, merchandising, public relations, trade luncheons, publicity, and other associated activities. The cost of general overhead, maintenance, salaries, professional fees, enforcement costs, and other such expenses that are related to advertising, merchandising, public relations, trade luncheons, publicity, and associated activities shall be paid from the balance of the Florida Citrus Advertising Trust Fund.

**Section 8** provides an effective date of 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:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 601.04, 601.09, 601.10, 601.13, and 601.992.

This bill reenacts the following sections of the Florida Statutes: 600.051(1), 601.15(7)(b).

**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 February 2, 2022:**

The CS:

- Removes the provision that each grower member of the Florida Citrus Commission must be a grower with a citrus producing area between 250 and 5,000 acres.
- Alters the schedule of commissioner appointments and terms.
- Alters the provision regarding exclusivity for new varieties of citrus developed using state funds, providing that such fruit must be made available as a first option for licensing exclusively to the Florida Department of Citrus or its designee.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
	.	
	.	
	.	

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Citrus Recovery Act."

Section 2. Section 601.04, Florida Statutes, is amended to  
read:

601.04 Florida Citrus Commission; creation and membership.—

(1)(a) There is created within the department the Florida



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Citrus Commission, which shall be composed of 11 ~~nine~~ members appointed by the Governor. Each member must be a resident ~~citizen~~ of this ~~the~~ state who is and has been actively engaged in the growing, growing and shipping, or growing and processing of citrus fruit in the state for at least 5 years immediately before appointment to the commission and has, during that 5-year period:

1. Derived a major portion of her or his income from such growing, growing and shipping, or growing and processing of citrus fruit; or

2. Been the owner of, member of, officer of, or paid employee of a corporation, firm, or partnership that has, during that 5-year period, derived the major portion of its income from such growing, growing and shipping, or growing and processing of citrus fruit.

(b)1. Seven ~~Six~~ members of the commission shall be classified as grower members and shall be primarily engaged in the growing of citrus fruit as an individual owner; as the owner of, or as stockholder of, a corporation; or as a member of a firm or partnership primarily engaged in citrus growing. Such members may not receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of the grower members may ~~shall~~ not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others.



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2. Three members of the commission shall be classified as processor ~~grower-handler~~ members and shall be engaged as owners, or as paid officers or employees, of a corporation, firm, partnership, or other business unit engaged in canning, concentrating, or otherwise processing citrus fruit for market other than for shipment in fresh fruit form ~~handling citrus fruit~~. ~~One such member shall be primarily engaged in the fresh fruit business, and two such members shall be primarily engaged in the processing of citrus fruits.~~

3. One member shall be classified as a packer member and shall be engaged as an owner, or as a paid officer or employee, of a corporation, firm, partnership, or other business unit that operates as a packinghouse as defined in s. 601.03. The member shall reside in the Indian River production area of this state as defined in s. 601.091(2).

4. For purposes of this section, a member's residence is his or her actual physical and permanent residence.

(2)(a) One grower member ~~Three commission members~~ shall be appointed from each of the ~~three~~ citrus districts designated in s. 601.09. ~~Members appointed from the same citrus district shall serve staggered terms, such that the term of one of the district's three members expires each year.~~ Each member must reside or grow citrus in the district from which she or he was appointed. ~~For the purposes of this section, a member's residence is her or his actual physical and permanent residence.~~

(b) One grower member shall be a grower with a citrus producing area of more than 5,001 acres. The grower must reside and grow citrus in this state.

(c) Members shall be appointed to terms of 3 years each,



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except that, to establish staggered terms of members from each citrus district, the terms of members appointed before July 1, 2022 ~~2012~~, shall be ~~shortened~~ as follows:

1. The terms ~~term~~ of two grower members and one packer member ~~one member from each citrus district~~ shall expire June 30, 2022 ~~2012~~, and their successors ~~her or his successor~~ shall be appointed to terms ~~a term~~ beginning July 1, 2022 ~~2012~~, and expiring May 31, 2025 ~~2015~~.

2. The terms ~~term~~ of two grower members and one processor member ~~one member from each citrus district~~ shall expire June 30, 2023 ~~2013~~, and their successors ~~her or his successor~~ shall be appointed to terms ~~a term~~ beginning July 1, 2023 ~~2013~~, and expiring May 31, 2026 ~~2016~~.

3. The terms ~~term~~ of two grower members and one processor member ~~one member from each citrus district~~ shall expire June 30, 2024 ~~2014~~, and their successors ~~her or his successor~~ shall be appointed to terms ~~a term~~ beginning July 1, 2024 ~~2014~~, and ending May 31, 2027 ~~2017~~.

4. One grower member and one processor member shall be appointed on or after July 1, 2022, with terms ending May 31, 2025.

5. Subsequent appointments shall be made in accordance with this section.

Appointments shall be made by February 1 preceding the commencement of the term and are subject to confirmation by the Senate in the following legislative session. Each member is eligible for reappointment and shall serve until her or his successor is appointed and qualified. The regular terms begin on





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June 1 and expire on May 31 of the third year after such appointment.

(d)~~(e)~~ When appointments are made, the Governor shall publicly announce the actual classification and district that each appointee represents. A majority of the members of the commission currently appointed constitutes ~~shall constitute~~ a quorum for the transaction of all business and the carrying out of the duties of the commission. Before entering upon the discharge of their duties as members of the commission, each member shall take and subscribe to the oath of office prescribed in s. 5, Art. II of the State Constitution. The qualifications and classification required of each member by this section continue to be required throughout the respective term of office, and if a member, after appointment, fails to meet the qualifications or classification that she or he possessed at the time of appointment, the member must resign or be removed and be replaced with a member possessing the proper qualifications and classification.

(e)~~(d)~~ When making an appointment to the commission, the Governor shall announce the district, classification, and term of the person appointed.

(3)(a) The commission shall elect a chair and secretary and may elect a vice chair and such other officers as the commission deems advisable.

(b) The chair, subject to commission concurrence, may appoint such advisory committees or councils composed of industry representatives as the chair deems appropriate, setting forth the committee or council concerns that are consistent with the statutory powers and duties of the commission and the



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department.

Section 3. Section 601.09, Florida Statutes, is amended to read:

601.09 Citrus districts.—

(1) For purposes of this chapter, the state is divided into six ~~three~~ districts composed of:

(a) Citrus District One: Collier, Hendry, and Lee ~~Levy, Alachua, Brevard, Putnam, St. Johns, St. Lucie, Flagler, Indian River, Marion, Seminole, Orange, Okeechobee, Polk, Volusia, and Osceola~~ Counties.

(b) Citrus District Two: Charlotte and Hardee ~~DeSoto, Highlands, and Glades~~ Counties.

(c) Citrus District Three: Glades, Highlands, and Okeechobee ~~Charlotte, Citrus, Collier, Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade~~ Counties.

(d) Citrus District Four: Hardee, Hillsborough, Manatee, Pinellas, and Sarasota Counties.

(e) Citrus District Five: Citrus, Hernando, Levy, Osceola, Pasco, Polk, and Sumter Counties.

(f) Citrus District Six: Alachua, Brevard, Broward, Flagler, Indian River, Lake, Marion, Martin, Miami-Dade, Monroe, Orange, Palm Beach, Putnam, St. Johns, Seminole, St. Lucie, and Volusia Counties.

(2) The Legislature intends that the citrus districts be reviewed and, if necessary to maintain substantially equal volumes of citrus production within each district, redistricted every 5 years. The commission may, once every 5 years, review



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the citrus districts based on the total boxes produced within each district during the preceding 5 years and, based on the commission's findings, submit recommendations to the Legislature for redistricting in accordance with this subsection.

Section 4. Present subsection (3) of section 601.13, Florida Statutes, is redesignated as subsection (5), and a new subsection (3) and subsection (4) are added to that section, to read:

601.13 Citrus research; administration by Department of Citrus; appropriation.—

(3) An entity that solicits research proposals and awards funding for those proposals expending funds received from the State Treasury on citrus production research conducted pursuant to chapter 573, as recommended by the Citrus Research and Development Foundation, Inc., or conducted through contract with the department shall deliver a report that includes all of the following information to the commission biannually and at the request of the commission:

(a) Project plans selected for funding.

(b) The financial status of the projects.

(c) Current findings of the funded research.

(d) Availability of citrus products or application of growers' practices found through funded research.

(e) The status of the commercialization process of such products or practices.

(4) Before being released for sale to the general public, any new variety of citrus fruit which is developed as a result of any research or study accomplished using any percentage of funds from the State Treasury as well as any technology that



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enhances the marketability of new or current citrus varieties must be made available as a first option for licensing and commercialization for a period of 90 days, under commercially reasonable terms, exclusively to the Florida Department of Citrus or its designee. If the Florida Department of Citrus or its designee exercises such exclusive license, the Florida Citrus Commission may retain the exclusivity for up to 8 years after the date of execution.

Section 5. Section 601.992, Florida Statutes, is amended to read:

601.992 Collection of dues and other payments on behalf of certain nonprofit corporations engaged in market news and grower education.—The Department of Citrus or the Department of Agriculture or their successors may collect or compel the entities regulated by the Department of Citrus to collect dues, contributions, or any other financial payment upon request by, and on behalf of, any not-for-profit corporation and its related not-for-profit corporations located in this state that receive payments or dues from their members. Such not-for-profit corporation must be engaged, to the exclusion of agricultural commodities other than citrus, in market news and grower education solely for citrus growers, and must have at least 2,500 ~~5,000~~ members who are engaged in growing citrus in this state for commercial sale. The Department of Citrus may adopt rules to administer this section. The rules may establish indemnity requirements for the requesting corporation and for fees to be charged to the corporation that are sufficient but do not exceed the amount necessary to ensure that any direct costs incurred by the Department of Citrus in implementing this



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section are borne by the requesting corporation and not by the Department of Citrus.

Section 6. For the purpose of incorporating the amendment made by this act to section 601.09, Florida Statutes, in a reference thereto, subsection (1) of section 600.051, Florida Statutes, is reenacted to read:

600.051 Marketing agreements; powers of department.—

(1) In order to effectuate the declared policy and purposes of this act, the department shall have the power to enter into, administer, and enforce marketing agreements with handlers and distributors engaged in any one or more of the citrus districts established in and by s. 601.09, in the handling and distributing of citrus fruit in fresh fruit form or any variety or varieties, grade, size, or quality thereof, regulating the handling of such citrus fruit in the way and manner and to the extent therein prescribed and agreed upon, which said marketing agreements shall be binding only upon the signatories thereto exclusively. The execution of any such marketing agreement shall in no manner affect the issuance, administration, or enforcement of any marketing order otherwise provided for by chapter 601, and any marketing agreement executed hereunder shall be ineffective to the extent that it is in conflict with any rule, regulation, marketing order, or marketing agreement under any federal law relating to the handling of citrus fruit grown in Florida.

Section 7. For the purpose of incorporating the amendment made by this act to section 601.13, Florida Statutes, in a reference thereto, paragraph (b) of subsection (7) of section 601.15, Florida Statutes, is reenacted to read:



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601.15 Advertising campaign; methods of conducting;  
assessments; emergency reserve fund; citrus research.—

(7) All assessments levied and collected under this chapter shall be paid into the State Treasury on or before the 15th day of each month. Such moneys shall be accounted for in a special fund to be designated as the Florida Citrus Advertising Trust Fund, and all moneys in such fund are appropriated to the department for the following purposes:

(b) Moneys in the Florida Citrus Advertising Trust Fund shall be expended for the activities authorized by s. 601.13 and for the cost of those general overhead, research and development, maintenance, salaries, professional fees, enforcement costs, and other such expenses that are not related to advertising, merchandising, public relations, trade luncheons, publicity, and other associated activities. The cost of general overhead, maintenance, salaries, professional fees, enforcement costs, and other such expenses that are related to advertising, merchandising, public relations, trade luncheons, publicity, and associated activities shall be paid from the balance of the Florida Citrus Advertising Trust Fund.

Section 8. 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 Florida citrus; providing a short  
title; amending s. 601.04, F.S.; revising the



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membership of the Florida Citrus Commission; requiring members to meet certain requirements; revising commission appointments to achieve staggered terms for the newly appointed members; revising the requirements for a quorum; amending s. 601.09, F.S.; increasing the number of citrus districts in this state and revising the counties that comprise each district; amending s. 601.13, F.S.; requiring certain entities to provide reports on citrus production research to the commission at specified intervals and upon request of the commission; specifying requirements for the reports; requiring that new varieties of citrus fruit produced from research or studies funded by state funds be made exclusively available for licensing and commercialization to the Department of Citrus or its designee for a specified timeframe; amending s. 601.992, F.S.; revising eligibility requirements for not-for-profit corporations that may be required to collect certain payments from their members; reenacting s. 600.051(1), F.S., relating to marketing agreements and the powers of the department, to incorporate the amendment made to s. 601.09, F.S., in a reference thereto; reenacting s. 601.15(7)(b), F.S., relating to the use of moneys in the Florida Citrus Advertising Trust Fund, to incorporate the amendment made to s. 601.13, F.S., in references thereto; providing an effective date.

By Senator Burgess

20-00784-22

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1 A bill to be entitled  
 2 An act relating to Florida citrus; providing a short  
 3 title; amending s. 601.04, F.S.; revising the  
 4 membership of the Florida Citrus Commission; requiring  
 5 members to meet certain requirements; revising  
 6 commission appointments to achieve staggered terms for  
 7 the newly appointed members; revising the requirements  
 8 for a quorum; amending s. 601.09, F.S.; increasing the  
 9 number of citrus districts in this state and revising  
 10 the counties that comprise each district; amending s.  
 11 601.13, F.S.; requiring certain entities to provide  
 12 reports on citrus production research to the  
 13 commission at specified intervals and upon request of  
 14 the commission; specifying requirements for the  
 15 reports; requiring that new varieties of citrus fruit  
 16 produced from research or studies funded by state  
 17 funds be made exclusively available for licensing and  
 18 purchase to certain Florida producers for a specified  
 19 timeframe; requiring producers who receive such  
 20 exclusivity to retain the exclusivity for a specified  
 21 timeframe; providing pricing requirements for such  
 22 arrangements; reenacting s. 600.051(1), F.S., relating  
 23 to marketing agreements and the powers of the  
 24 Department of Citrus, to incorporate the amendment  
 25 made to s. 601.09, F.S., in a reference thereto;  
 26 reenacting ss. 601.10(8)(c) and 601.15(7)(b), F.S.,  
 27 relating to powers of the department and the use of  
 28 moneys in the Florida Citrus Advertising Trust Fund,  
 29 respectively, to incorporate the amendment made to s.

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

20-00784-22

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30 601.13, F.S., in references thereto; providing an  
 31 effective date.

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

35 Section 1. This act may be cited as the "Citrus Recovery  
 36 Act."

37 Section 2. Section 601.04, Florida Statutes, is amended to  
 38 read:

39 601.04 Florida Citrus Commission; creation and membership.—

40 (1)(a) There is created within the department the Florida  
 41 Citrus Commission, which shall be composed of 11 ~~nine~~ members  
 42 appointed by the Governor. Each member must be a resident  
 43 ~~citizen of this~~ the state who is and has been actively engaged  
 44 in the growing, growing and shipping, or growing and processing  
 45 of citrus fruit in the state for at least 5 years immediately  
 46 before appointment to the commission and has, during that 5-year  
 47 period:

48 1. Derived a major portion of her or his income from such  
 49 growing, growing and shipping, or growing and processing of  
 50 citrus fruit; or

51 2. Been the owner of, member of, officer of, or paid  
 52 employee of a corporation, firm, or partnership that has, during  
 53 that 5-year period, derived the major portion of its income from  
 54 such growing, growing and shipping, or growing and processing of  
 55 citrus fruit.

56 (b)1. Seven ~~Six~~ members of the commission shall be  
 57 classified as grower members and shall be primarily engaged in  
 58 the growing of citrus fruit as an individual owner; as the owner

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of, or as stockholder of, a corporation; or as a member of a firm or partnership primarily engaged in citrus growing. Such members may not receive any compensation from any licensed citrus fruit dealer or handler, as defined in s. 601.03, other than gift fruit shippers, but any of the grower members may ~~shall~~ not be disqualified as a member if, individually, or as the owner of, a member of, an officer of, or a stockholder of a corporation, firm, or partnership primarily engaged in citrus growing which processes, packs, and markets its own fruit and whose business is primarily not purchasing and handling fruit grown by others.

2. Three members of the commission shall be classified as processor ~~grower handler~~ members and shall be engaged as owners, or as paid officers or employees, of a corporation, firm, partnership, or other business unit engaged in canning, concentrating, or otherwise processing citrus fruit for market other than for shipment in fresh fruit form ~~handling citrus fruit. One such member shall be primarily engaged in the fresh fruit business, and two such members shall be primarily engaged in the processing of citrus fruits.~~

3. One member shall be classified as a packer member and shall be engaged as an owner, or as a paid officer or employee, of a corporation, firm, partnership, or other business unit that operates as a packinghouse as defined in s. 601.03. The member shall reside in the Indian River production area of this state as defined in s. 601.091.

4. For purposes of this section, a member's residence is his or her actual physical and permanent residence.

(2) (a) One grower member ~~Three commission members~~ shall be

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appointed from each of the ~~three~~ citrus districts designated in s. 601.09. Each such member must be a grower with a citrus producing area between 250 and 5,000 acres ~~Members appointed from the same citrus district shall serve staggered terms, such that the term of one of the district's three members expires each year.~~ Each member must reside or grow citrus in the district from which she or he was appointed. ~~For the purposes of this section, a member's residence is her or his actual physical and permanent residence.~~

(b) One grower member shall be a grower with a citrus producing area of more than 5,001 acres. The grower must reside and grow citrus in this state.

(c) Members shall be appointed to terms of 3 years each, except that, to establish staggered terms of members from each citrus district, the terms of members appointed before July 1, 2022 ~~2012~~, shall be shortened as follows:

1. The terms ~~term~~ of two grower members and one processor member ~~one member from each citrus district~~ shall expire June 30, 2022 ~~2012~~, and their successors ~~her or his successor~~ shall be appointed to terms ~~a term~~ beginning July 1, 2022 ~~2012~~, and expiring May 31, 2025 ~~2015~~.

2. The terms ~~term~~ of two grower members and two processor members ~~one member from each citrus district~~ shall expire June 30, 2023 ~~2013~~, and their successors ~~her or his successor~~ shall be appointed to terms ~~a term~~ beginning July 1, 2023 ~~2013~~, and expiring May 31, 2026 ~~2016~~.

3. The terms ~~term~~ of three grower members and one packer member ~~one member from each citrus district~~ shall expire June 30, 2024 ~~2014~~, and their successors ~~her or his successor~~ shall

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be appointed to ~~terms a term~~ beginning July 1, 2024 ~~2014~~, and ending May 31, 2027 ~~2017~~.

4. Subsequent appointments shall be made in accordance with this section.

Appointments shall be made by February 1 preceding the commencement of the term and are subject to confirmation by the Senate in the following legislative session. Each member is eligible for reappointment and shall serve until her or his successor is appointed and qualified. The regular terms begin on June 1 and expire on May 31 of the third year after such appointment.

(d) ~~(e)~~ When appointments are made, the Governor shall publicly announce the actual classification and district that each appointee represents. A majority of the members of the commission currently appointed constitutes ~~shall constitute~~ a quorum for the transaction of all business and the carrying out of the duties of the commission. Before entering upon the discharge of their duties as members of the commission, each member shall take and subscribe to the oath of office prescribed in s. 5, Art. II of the State Constitution. The qualifications and classification required of each member by this section continue to be required throughout the respective term of office, and if a member, after appointment, fails to meet the qualifications or classification that she or he possessed at the time of appointment, the member must resign or be removed and be replaced with a member possessing the proper qualifications and classification.

(e) ~~(d)~~ When making an appointment to the commission, the

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Governor shall announce the district, classification, and term of the person appointed.

(3) (a) The commission shall elect a chair and secretary and may elect a vice chair and such other officers as the commission deems advisable.

(b) The chair, subject to commission concurrence, may appoint such advisory committees or councils composed of industry representatives as the chair deems appropriate, setting forth the committee or council concerns that are consistent with the statutory powers and duties of the commission and the department.

Section 3. Section 601.09, Florida Statutes, is amended to read:

601.09 Citrus districts.—

(1) For purposes of this chapter, the state is divided into six ~~three~~ districts composed of:

(a) Citrus District One: Collier, Hendry, and Lee ~~Levy, Alachua, Brevard, Putnam, St. Johns, St. Lucie, Flagler, Indian River, Marion, Seminole, Orange, Okeechobee, Polk, Volusia, and Oseola~~ Counties.

(b) Citrus District Two: Charlotte and Hardee ~~DeSoto, Highlands, and Glades~~ Counties.

(c) Citrus District Three: Glades, Highlands, and Okeechobee ~~Charlotte, Citrus, Collier, Hernando, Hendry, Hillsborough, Lake, Lee, Manatee, Monroe, Martin, Pasco, Palm Beach, Pinellas, Sarasota, Sumter, Broward, and Miami-Dade~~ Counties.

(d) Citrus District Four: Hardee, Hillsborough, Manatee, Pinellas, and Sarasota Counties.

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175 (e) Citrus District Five: Citrus, Hernando, Levy, Osceola,  
 176 Pasco, Polk, and Sumter Counties.  
 177 (f) Citrus District Six: Alachua, Brevard, Broward,  
 178 Flagler, Indian River, Lake, Marion, Martin, Miami-Dade, Monroe,  
 179 Orange, Palm Beach, Putnam, St. Johns, Seminole, St. Lucie, and  
 180 Volusia Counties.  
 181 (2) The Legislature intends that the citrus districts be  
 182 reviewed and, if necessary to maintain substantially equal  
 183 volumes of citrus production within each district, redistricted  
 184 every 5 years. The commission may, once every 5 years, review  
 185 the citrus districts based on the total boxes produced within  
 186 each district during the preceding 5 years and, based on the  
 187 commission's findings, submit recommendations to the Legislature  
 188 for redistricting in accordance with this subsection.  
 189 Section 4. Present subsection (3) of section 601.13,  
 190 Florida Statutes, is redesignated as subsection (5), and a new  
 191 subsection (3) and subsection (4) are added to that section, to  
 192 read:  
 193 601.13 Citrus research; administration by Department of  
 194 Citrus; appropriation.—  
 195 (3) An entity that expends funds received from the State  
 196 Treasury on citrus production research conducted pursuant to  
 197 chapter 573, as recommended by the Citrus Research and  
 198 Development Foundation, Inc., or conducted through contract with  
 199 the department shall deliver a report that includes all of the  
 200 following information to the commission biannually and at the  
 201 request of the commission:  
 202 (a) Project plans selected for funding.  
 203 (b) The financial status of the projects.

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

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204 (c) Current findings of the funded research.  
 205 (d) Availability of citrus products or application of  
 206 growers' practices found through funded research.  
 207 (e) The status of the commercialization process of such  
 208 products or practices.  
 209 (4) Before being released for sale to the general public,  
 210 any new variety of citrus fruit which is developed as a result  
 211 of any research or study accomplished using funds from the State  
 212 Treasury must be made available:  
 213 (a) For licensing and purchase for a period of 90 days  
 214 exclusively to any Florida not-for-profit corporation that is a  
 215 producer engaged, excluding engagement in agricultural  
 216 commodities other than citrus, in citrus rootstock or scion  
 217 breeding, research, or licensing, by agreement with a state land  
 218 grant university, the department, the Department of Agriculture  
 219 and Consumer Services, or the United States Department of  
 220 Agriculture. If a producer exercises such exclusive  
 221 availability, the producer must retain the exclusivity for 8  
 222 years after the date of execution.  
 223 (b) At the 5-year rolling average cost of citrus bud or  
 224 grafting material available to Florida producers, including a  
 225 development incentive that does not exceed 10 percent of the 5-  
 226 year average.  
 227 Section 5. For the purpose of incorporating the amendment  
 228 made by this act to section 601.09, Florida Statutes, in a  
 229 reference thereto, subsection (1) of section 600.051, Florida  
 230 Statutes, is reenacted to read:  
 231 600.051 Marketing agreements; powers of department.—  
 232 (1) In order to effectuate the declared policy and purposes

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

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of this act, the department shall have the power to enter into, administer, and enforce marketing agreements with handlers and distributors engaged in any one or more of the citrus districts established in and by s. 601.09, in the handling and distributing of citrus fruit in fresh fruit form or any variety or varieties, grade, size, or quality thereof, regulating the handling of such citrus fruit in the way and manner and to the extent therein prescribed and agreed upon, which said marketing agreements shall be binding only upon the signatories thereto exclusively. The execution of any such marketing agreement shall in no manner affect the issuance, administration, or enforcement of any marketing order otherwise provided for by chapter 601, and any marketing agreement executed hereunder shall be ineffective to the extent that it is in conflict with any rule, regulation, marketing order, or marketing agreement under any federal law relating to the handling of citrus fruit grown in Florida.

Section 6. For the purpose of incorporating the amendment made by this act to section 601.13, Florida Statutes, in a reference thereto, paragraph (c) of subsection (8) of section 601.10, Florida Statutes, is reenacted to read:

601.10 Powers of the Department of Citrus.—The department shall have and shall exercise such general and specific powers as are delegated to it by this chapter and other statutes of the state, which powers shall include, but are not limited to, the following:

(8)

(c) Any nonpublished reports or data related to studies or research conducted, caused to be conducted, or funded by the

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department under s. 601.13 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

Section 7. For the purpose of incorporating the amendment made by this act to section 601.13, Florida Statutes, in a reference thereto, paragraph (b) of subsection (7) of section 601.15, Florida Statutes, is reenacted to read:

601.15 Advertising campaign; methods of conducting; assessments; emergency reserve fund; citrus research.—

(7) All assessments levied and collected under this chapter shall be paid into the State Treasury on or before the 15th day of each month. Such moneys shall be accounted for in a special fund to be designated as the Florida Citrus Advertising Trust Fund, and all moneys in such fund are appropriated to the department for the following purposes:

(b) Moneys in the Florida Citrus Advertising Trust Fund shall be expended for the activities authorized by s. 601.13 and for the cost of those general overhead, research and development, maintenance, salaries, professional fees, enforcement costs, and other such expenses that are not related to advertising, merchandising, public relations, trade luncheons, publicity, and other associated activities. The cost of general overhead, maintenance, salaries, professional fees, enforcement costs, and other such expenses that are related to advertising, merchandising, public relations, trade luncheons, publicity, and associated activities shall be paid from the balance of the Florida Citrus Advertising Trust Fund.

Section 8. 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.)

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

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BILL: SB 1058

INTRODUCER: Senator Hutson

SUBJECT: Property Insurer Reimbursements

DATE: January 31, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Arnold	Knudson	BI	<b>Favorable</b>
2.	Hackett	Ryon	CA	<b>Favorable</b>
3.			RC	

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## **I. Summary:**

SB 1058 authorizes the State Board of Administration (SBA) to provide Florida Hurricane Catastrophe Fund (Cat Fund) coverage to authorized insurers or Citizens Property Insurance Corporation (Citizens) for the policies of unsound insurers that Citizens or the authorized insurer assumes or otherwise provides coverage. The authorized insurer or Citizens may obtain Cat Fund coverage for such policies either through the authorized insurer's or Citizens' reimbursement contract with the Cat Fund or by accepting an assignment of the unsound insurer's contract with the Fund.

The bill defines "unsound insurer" to mean an insurer determined by the Office of Insurance Regulation to be in unsound condition as defined s. 624.80(2), F.S., or placed in receivership under ch. 631, F.S.

Under current law, these options for obtaining Cat Fund coverage are only available to Citizens, and only apply to the policies of liquidated insurers.

The bill takes effect July 1, 2022.

## **II. Present Situation:**

### **Insurer Insolvency**

Federal law specifies that insurance companies cannot file for bankruptcy and are instead subject to state laws regarding receivership.<sup>1</sup> Insurers are either "rehabilitated" or "liquidated" by the

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<sup>1</sup> The Bankruptcy Code expressly provides that "a domestic insurance company" may not be the subject of a federal bankruptcy proceeding. 11 U.S.C. § 109(b)(2). The exclusion of insurers from the federal bankruptcy court process is consistent with federal policy generally allowing states to regulate the business of insurance. See 15 U.S.C. § 1012 (McCarran-Ferguson Act).

state. Typically, insurers are put into liquidation when the company is or is about to become insolvent;<sup>2</sup> whereas, insurers are placed in rehabilitation<sup>3</sup> for numerous reasons, one of which is that the insurer is impaired or failed to comply with an order of the Office of Insurance Regulation (OIR) to address an impairment of capital or surplus or both. The goal of rehabilitation is to return to solvency. The goal of liquidation, however, is to liquidate the business of the insurer and use the proceeds to pay off the company's debts and outstanding insurance claims.

In Florida, the Division of Rehabilitation and Liquidation of the Department of Financial Services (DFS) is responsible for rehabilitating or liquidating insurance companies. This process involves the initiation of a delinquency proceeding<sup>4</sup> and the placement of an insurer under the control of the DFS as the receiver. DFS as receiver has many responsibilities related to outstanding debts and insurance claims, which include collecting all debts and money due to the insurer for the good of policyholders and creditors alike, evaluating and paying claims with available assets, and assisting in the transition of policyholders to other insurance coverage.<sup>5</sup>

### **Florida Hurricane Catastrophe Fund**

The Florida Hurricane Catastrophe Fund (FHCF) is a tax-exempt<sup>6</sup> trust fund created by the Legislature in 1993<sup>7</sup> as a form of mandatory reinsurance for residential property losses. The FHCF is administered by the State Board of Administration (SBA)<sup>8</sup> and reimburses property insurers for a selected percentage (45, 75, or 90 percent)<sup>9</sup> of hurricane losses to residential property above the insurer's retention (deductible). As a condition of doing business in Florida, residential property insurers are required to enter into reimbursement contracts with FHCF.<sup>10</sup> The purpose of the FHCF is to protect and advance the state's interest in maintaining insurance capacity in Florida by providing reimbursements to insurers for a portion of their catastrophic hurricane losses.

### ***FHCF Mandatory Coverage***

All insurers admitted to do business in this state writing residential property insurance that includes wind coverage must buy reimbursement coverage (reinsurance) on their residential property exposure through the FHCF.<sup>11</sup> The FHCF is authorized by statute to sell \$17 billion of mandatory layer coverage.<sup>12</sup> Each insurer that purchases coverage may receive up to its proportional share of the \$17 billion mandatory layer of coverage based upon the insurer's share

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<sup>2</sup> Section 631.061, F.S.

<sup>3</sup> Section 631.051, F.S.

<sup>4</sup> Section 631.031, F.S.

<sup>5</sup> Florida Department of Financial Services, *Overview of Liquidation under Chapter 631, Florida Statutes*, <https://www.myfloridacfo.com/division/receiver/guide-to-the-receivership-process/liquidationsummary> (last visited December 29, 2021).

<sup>6</sup> Section 215.555(1)(f), F.S.

<sup>7</sup> Chapter 93-409, L.O.F.

<sup>8</sup> Section 215.555(3), F.S.

<sup>9</sup> Section 215.555(2)(e), F.S.

<sup>10</sup> Section 215.555(4)(a), F.S.

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

<sup>12</sup> Section 215.555(4)(c)1., F.S.

of the actual premium paid for the contract year, multiplied by the claims paying capacity of the fund. Each insurer may select a reimbursement contract wherein the FHCF promises to reimburse the insurer for 45 percent, 75 percent, or 90 percent of covered losses, plus 10 percent<sup>13</sup> of the reimbursed losses for loss adjustment expenses.<sup>14</sup>

### ***FHCF Premiums***

The FHCF must charge insurers the actuarially indicated premium<sup>15</sup> for the coverage provided, based on hurricane loss projection models found acceptable by the Florida Commission on Hurricane Loss Projection Methodology.<sup>16</sup> The actuarially indicated premium is an amount that is adequate to pay current and future obligations and expenses of the fund. In practice, each insurer pays the FHCF annual reimbursement premiums that are proportionate to each insurer's share of the FHCF's risk exposure. The cost of FHCF coverage is generally lower than the cost of private reinsurance because the fund is a tax-exempt non-profit corporation and does not charge a risk load as it relates to overhead and operating expenses incurred by other private insurers.<sup>17</sup>

### ***Assignment of Liquidated Insurer's FHCF Coverage***

Citizens Property Insurance Corporation may assume or otherwise provide coverage for policies of residential property insurers placed in liquidation under ch. 631, F.S. Citizens Property Insurance Corporation may subsequently obtain FHCF coverage for the newly assumed policies either under its existing FHCF contract or by way of assignment of the liquidated insurer's FHCF contract, as mutually agreed upon between Citizens Property Insurance Corporation and SBA.<sup>18</sup> In the case of an assignment, FHCF applies its contract to the newly assigned policies and treats Citizens Property Insurance Corporation as though it were the liquidated insurer for the remaining term of the contract.<sup>19</sup>

Florida law is otherwise silent with respect to the assignability of the liquidated insurer's FHCF contract to an authorized insurer rather than to Citizens Property Insurance Corporation. The absence of legislative authority for SBA to approve the assignment of a liquidated insurer's FHCF contract to an authorized insurer removes one regulatory tool for reversing the increasing assumption of policies by Citizens Property Insurance Corporation.

### **Citizens Property Insurance Corporation (Citizens)**

Citizens is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the

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<sup>13</sup> Section 215.555(4)(b), F.S.

<sup>14</sup> Loss adjustment expenses are costs incurred by insurers when investigating, adjusting, and processing a claim.

<sup>15</sup> Section 215.555(2)(a), F.S.

<sup>16</sup> See State Board of Administration of Florida, *Florida Commission on Hurricane Loss Methodology*, <https://www.sbafla.com/method/> (last visited December 29, 2021).

<sup>17</sup> State Board of Administration of Florida, *Florida Hurricane Catastrophe Fund, 2020 Annual Report*, [https://www.sbafla.com/fhcf/Portals/FHCF/Content/Reports/Annual/20210614\\_2020\\_FHCFAnnualReport.pdf?ver=2021-06-14-123243-403](https://www.sbafla.com/fhcf/Portals/FHCF/Content/Reports/Annual/20210614_2020_FHCFAnnualReport.pdf?ver=2021-06-14-123243-403) (last visited December 29, 2021).

<sup>18</sup> Section 251.555(5)(e), F.S.

<sup>19</sup> *Id.*

voluntary admitted market.<sup>20</sup> Citizens is not a private insurance company.<sup>21</sup> Citizens was statutorily created in 2002 when the Legislature combined the state's two insurers of last resort, the Florida Residential Property and Casualty Joint Underwriting Association (RPCJUA) and the Florida Windstorm Underwriting Association (FWUA). Citizens operates in accordance with the provisions in s. 627.351(6), F.S., and is governed by an eight-member Board of Governors<sup>22</sup> that administers its Plan of Operations. The Plan of Operations is reviewed and approved by the Financial Services Commission. The Governor, President of the Senate, Speaker of the House of Representatives, and Chief Financial Officer each appoint two members to the board. Citizens is subject to regulation by the OIR.

Citizens offers property insurance in three separate accounts. Each account is a separate statutory account with separate calculations of surplus and deficits.<sup>23</sup> Assets may not be commingled or used to fund losses in another account.<sup>24</sup>

- **The Personal Lines Account (PLA)** offers personal lines residential policies that provide comprehensive, multiperil coverage statewide, except for those areas contained in the Coastal Account. The PLA also writes policies that exclude coverage for wind in areas contained within the Coastal Account. Personal lines residential coverage consists of the types of coverage provided to homeowners, mobile homeowners, dwellings, tenants, and condominium unit owner's policies.
- **The Commercial Lines Account (CLA)** offers commercial lines residential and nonresidential policies that provide basic perils coverage statewide, except for those areas contained in the Coastal Account. The CLA also writes policies that exclude coverage for wind in areas contained within the Coastal Account. Commercial lines coverage includes commercial residential policies covering condominium associations, homeowners' associations, and apartment buildings. The coverage also includes nonresidential commercial policies covering business properties.
- **The Coastal Account** offers personal residential, commercial residential, and commercial non-residential policies in coastal areas of the state. Citizens must offer policies that solely cover the peril of wind (wind-only policies) and may offer multiperil policies.<sup>25</sup>

### *Citizens Insurance Rates*

Citizens' rates for coverage are required to be actuarially sound and, except as otherwise provided in s. 627.351, F.S., are subject to the rate standards for property and casualty insurance in s. 627.062, F.S.<sup>26</sup> From 2007 until 2020, Citizens rates were frozen by statute at the level that had been established in 2006. In 2010, the Legislature established a "glide path" to impose

<sup>20</sup> Admitted market means insurance companies licensed to transact insurance in Florida.

<sup>21</sup> Section 627.351(6)(a)1., F.S. Citizens is also subject to regulation by the OIR.

<sup>22</sup> The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives each appoint two members.

<sup>23</sup> The Personal Lines Account and the Commercial Lines Account are combined for credit and Florida Hurricane Catastrophe Fund coverage.

<sup>24</sup> Section 627.351(6)(b)2b., F.S.

<sup>25</sup> In August of 2007, Citizens began offering personal and commercial residential multiperil policies in this limited eligibility area. Additionally, near the end of 2008, Citizens began offering commercial non-residential multiperil policies in this account.

<sup>26</sup> Among the factors OIR considers when reviewing a rate filing is the degree of competition among the insurers for the risk insured, per s. 627.062(3)(b), F.S.



annual rate increases up to an actuarially sound level. The Legislature subsequently increased the glide path in 2021. Citizens must implement an annual rate increase which, except for sinkhole coverage, does not exceed a 10 percent cap above the previous year for any individual policyholder, adjusted for coverage changes and surcharges, which increases by 1 percent annually until the cap reaches 15 percent in 2026.<sup>27</sup>

### ***Citizens Eligibility***

Under current law, an applicant for residential insurance cannot buy insurance in Citizens if an admitted insurer in the private market offers the applicant insurance for a premium that does not exceed the Citizens premium by 20 percent or more.<sup>28</sup> In addition, the coverage offered by the private insurer must be comparable to Citizens' coverage.

Current Citizens policyholders cannot renew a Citizens insurance policy if an insurer in the private market offers to insure the property at a premium equal to or less than the Citizens' renewal premium. The insurance from the private market insurer must be comparable to the insurance from Citizens in order for the renewal premium eligibility requirement to apply.<sup>29</sup>

The Legislature established the Citizens policyholder eligibility clearinghouse program in 2013.<sup>30</sup> Under the program, new and renewal policies for Citizens are placed into the clearinghouse where participating private insurers can review and decide to make offers of coverage before policies are placed or renewed with Citizens. For new policies applying with Citizens, any private market offer through the clearinghouse for similar coverage that is not greater than 20 percent of Citizens' rate makes the policy ineligible for coverage with Citizens. Additionally, a renewal Citizens policy that receives any private market offer through the clearinghouse for similar coverage equal to or less than Citizens' rate is ineligible for coverage with Citizens.

### ***Citizens Options to Maintain FHCF Coverage for Liquidated Insurers' Policies***

Citizens may assume or otherwise provide coverage for policies of residential property insurers placed in liquidation under ch. 631, F.S. Citizens may subsequently obtain FHCF coverage for the newly assumed policies either under its existing FHCF contract or by way of assignment of the liquidated insurer's FHCF contract, as mutually agreed upon between Citizens and SBA.<sup>31</sup> In the case of an assignment, FHCF applies its contract to the newly assigned policies and treats Citizens as though it were the liquidated insurer for the remaining term of the contract.<sup>32</sup>

For FHCF coverage purposes, policies assumed under Citizens' existing FHCF contract are treated as having been in effect since June 30 of that calendar year.<sup>33</sup> However, for policies

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<sup>27</sup> Section 627.351(6)(n)5., F.S.

<sup>28</sup> Section 627.351(6)(c)5., F.S.

<sup>29</sup> Section 627.351(6)(c)5., F.S.

<sup>30</sup> Section 10, ch. 2013-60, L.O.F.

<sup>31</sup> Section 251.555(5)(e), F.S.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

assigned to Citizens, Citizens may not obtain FHCF under its existing FHCF but rather accept assignment of the liquidated insurer's FHCF contract.<sup>34</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 215.555, F.S., governing the FHCF, to define “unsound insurer” to mean an insurer determined by OIR to be in unsound condition as defined in s. 624.80(2), F.S., or placed in receivership under ch. 631, F.S.,

Section 624.80(2), F.S., defines “unsound condition” to mean that OIR has determined that one of more of the following conditions exist with respect to the insurer:

- The insurer's required surplus, capital, or capital stock is impaired to an extent prohibited by law;
- The insurer continues to write new business when it has not maintained the required surplus or capital;
- The insurer attempts to dissolve or liquidate without first having made provisions, satisfactory to OIR, for liabilities arising from insurance policies issued by the insurer; or
- The meets one or more of the grounds in s. 631.051, F.S., related to rehabilitation, for the appointment of DFS as receiver.

Chapter 631 governs receivership for purposes of rehabilitation and liquidation.

The bill authorizes the SBA to provide Cat Fund coverage to authorized insurers or Citizens for the policies of unsound insurers that Citizens or the authorized insurer assumes or otherwise provides coverage, provided the conditions are mutually agreed upon between the authorized insurer or Citizens and SBA. The authorized insurer or Citizens may seek to obtain FHCF coverage for the transferred policies under its existing FHCF contract or by accepting an assignment of the unsound insurer's FHCF contract.

The bill clarifies the authorized insurer or Citizens may only accept an assignment of the unsound insurer's FHCF contract if a covered event occurs before the policies' effective transfer date.

The bill clarifies FHCF's right to receive premium due under the unsound insurer's FHCF contract.

**Section 2** provides an effective date of July 1, 2022.

### IV. Constitutional Issues:

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

None.

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<sup>34</sup> *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:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 215.555 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

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By Senator Hutson

7-00836B-22

20221058\_\_

A bill to be entitled

An act relating to property insurer reimbursements; amending s. 215.555, F.S.; defining the term "unsound insurer"; revising requirements for coverage under the Florida Hurricane Catastrophe Fund of certain policies assumed by authorized insurers or the Citizens Property Insurance Corporation; providing construction; providing an effective date.

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

Section 1. Paragraph (e) of subsection (5) of section 215.555, Florida Statutes, is amended, and paragraph (p) is added to subsection (2) of that section, to read:

215.555 Florida Hurricane Catastrophe Fund.—

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

(p) "Unsound insurer" means an insurer determined by the Office of Insurance Regulation to be in unsound condition as defined in s. 624.80(2) or an insurer placed in receivership under chapter 631.

(5) REIMBURSEMENT PREMIUMS.—

(e) 1. If an authorized insurer or the Citizens Property Insurance Corporation assumes or otherwise provides coverage for policies of an unsound insurer an insurer placed in liquidation under chapter 631 pursuant to s. 627.351(6), the authorized insurer or the Citizens Property Insurance Corporation may, pursuant to conditions mutually agreed to between the authorized insurer or the Citizens Property Insurance Corporation and the State Board of Administration, seek to obtain coverage for such

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policies under its contract with the fund or accept an assignment of the ~~unsound liquidated~~ insurer's contract with the fund. However, if a covered event has occurred before the effective date of the transfer of the policies, the authorized insurer or the Citizens Property Insurance Corporation may only obtain coverage for such policies through an assignment as provided in subparagraph 3.

2. If an authorized insurer or the Citizens Property Insurance Corporation assumes policies from an unsound insurer and elects to cover these policies under its the corporation's contract with the fund, it shall notify the board of its insured values with respect to such policies within a specified time mutually agreed to between the authorized insurer or the Citizens Property Insurance Corporation and the board, after such assumption or other coverage transaction, and the fund shall treat such policies as having been in effect as of June 30 of that year.

3. If an authorized insurer or the Citizens Property Insurance Corporation accepts in the event of an assignment of an unsound insurer's contract, the fund shall apply the unsound insurer's that contract to such policies and treat the authorized insurer or the Citizens Property Insurance Corporation as if it the corporation were the unsound liquidated insurer for the remaining term of the contract, with and the corporation shall have all rights and duties of the unsound liquidated insurer beginning on the date it provides coverage for such policies. This subparagraph may not be construed to limit the fund's right to receive the premium due under the unsound insurer's contract, but the corporation is not subject

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59 ~~to any preexisting rights, liabilities, or duties of the~~  
60 ~~liquidated insurer. The assignment, including any unresolved~~  
61 ~~issues between the liquidated insurer and Citizens Property~~  
62 ~~Insurance Corporation under the contract, shall be provided for~~  
63 ~~in the liquidation order or otherwise determined by the court.~~  
64 ~~However, if a covered event occurs before the effective date of~~  
65 ~~the assignment, the corporation may not obtain coverage for such~~  
66 ~~policies under its contract with the fund and shall accept an~~  
67 ~~assignment of the liquidated insurer's contract as provided in~~  
68 ~~this paragraph.~~

69 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.)

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

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BILL: CS/SB 1260

INTRODUCER: Community Affairs Committee and Senator Gruters

SUBJECT: Conversion of a Public Health Care System

DATE: February 4, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1260 creates s. 189.0762, F.S., which provides a procedure for an independent hospital district to convert into a private non-profit entity by following the steps that are specified in the bill.

The governing body of the district may vote to evaluate the benefits of conversion for residents of the district. If the governing body of the district determines conversion is in the best interests of the district's residents, the governing body may negotiate an agreement with the governing body of each county in which any part of the district's boundary is located. This agreement must be in writing and include the terms and conditions necessary for both disposing of the assets and liabilities of the system and ensuring health care services are provided to the district's residents.

After completing the negotiation, the governing body of the district and each county that is a party to the agreement may elect to approve the conversion of the district to a private non-profit entity, subject to providing documentation to the public before the vote to approve of the conversion. If the district levies ad valorem taxes, the conversion must be approved by the electors of the district voting in a referendum held during the next general election.

Upon final approval by all required entities, the conversion agreement shall go into full force and effect.

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

## II. Present Situation:

### Hospitals

Hospitals are licensed by the Agency for Health Care Administration (AHCA) under ch. 395, F.S., and the general licensure provisions of part II, of ch. 408, F.S. Hospitals offer a range of health care services with beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care.<sup>1</sup> Hospitals must, at a minimum, make clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical care, or other definitive medical treatment, regularly available.<sup>2</sup> Currently, there are 311 hospitals licensed in Florida, of which 153 are for-profit and 158 are nonprofit.<sup>3</sup>

### Hospital and Health Care Special Districts

A “special district” is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary.<sup>4</sup> Special districts are created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.<sup>5</sup> A special district has only those powers expressly provided by, or reasonably implied from, the authority provided in the district’s charter.<sup>6</sup> Special districts provide specific municipal services in addition to, or in place of, those provided by a municipality or county.<sup>7</sup> Special districts are funded through the imposition of ad valorem taxes, fees, or charges on the users of those services as authorized by law.<sup>8</sup>

A “dependent special district” is a special district where the membership of the governing body is identical to the governing body of a single county or municipality, all members of the governing body are appointed by the governing body of a single county or municipality, members of the district’s governing body are removable at will by the governing body of a single county or municipality, or the district’s budget is subject to the approval of the governing body of a single county or municipality.<sup>9</sup> An “independent special district” is any district that is not a dependent special district.<sup>10</sup>

Hospital and health care districts are a type of independent special district specializing in the provision of health care services. As of January 20, 2022, there were 31 active hospital and health care districts: 28 that directly operate health care facilities and 3 that provide oversight for

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<sup>1</sup> Section 395.002(13), F.S.

<sup>2</sup> Id.

<sup>3</sup> Florida Health Finder search, available at <https://www.floridahealthfinder.gov/facilitylocator/FacilitySearch.aspx> (last visited Jan. 19, 2022).

<sup>4</sup> See *Halifax Hospital Medical Center v. State of Fla., et al.*, 278 So. 3d 545, 547 (Fla. 2019).

<sup>5</sup> See ss. 189.031(3), 189.02(1), and 190.005(1), F.S. See, generally, s. 189.012(6), F.S.

<sup>6</sup> *Halifax Hospital Medical Center*, *supra* at 547.

<sup>7</sup> 2020 – 2022 Local Gov’t Formation Manual, p. 64, available at <https://myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=3117> (last visited Jan. 26, 2022).

<sup>8</sup> The method of financing a district must be stated in its charter. Ss. 189.02(4)(g), 189.031(3), F.S. Independent special districts may be authorized to impose ad valorem taxes as well as non-ad valorem special assessments in the special acts comprising their charters. See, e.g., ch. 2017-220, s. 6(6) of s. 3, Laws of Fla. (Sunbridge Stewardship District). See also, e.g., ss. 190.021 (community development districts), 191.009 (independent fire control districts), 197.3631 (non-ad valorem assessments), 298.305 (water control districts), 388.221 (mosquito control), ch. 2004-397, s. 27 of s. 3, Laws of Fla. (South Broward Hospital District).

<sup>9</sup> Section 189.012(2), F.S.

<sup>10</sup> Section 189.012(3), F.S.



facilities leased by local governments to private sector entities.<sup>11</sup> The charters of hospital and health care districts generally possess a set of core features: a board appointed by the Governor; the authority to build and operate hospitals; the power of eminent domain; the ability to issue bonds payable from ad valorem taxes; the use of ad valorem tax revenue for operating and maintaining hospitals; and providing that such facilities are established for the benefit of the indigent sick.<sup>12</sup>

Many of the state's largest hospital systems are classified as hospital and healthcare special districts created under special act, described below.:

### ***Halifax Health***

Halifax Health is located in Daytona Beach, Florida, and is the area's largest healthcare provider. It has 944 licensed beds and over 500 physicians on staff. The hospital provides a number of services including having a Level II trauma center, comprehensive stroke center, neonatal and pediatric intensive care units, child and adolescent behavioral services, and kidney transplant program. It also provides psychiatric services, a regional cancer program with four outreach centers, the area's largest hospice organization, and a preferred provider organization. Halifax Health is a legislatively chartered taxing healthcare organization governed by a Board of Commissioners appointed by the Governor.<sup>13</sup>

### ***Lee Health***

Lee Health has been open since 1916 and is one of the top five largest public health systems in the United States and the largest community-owned health system in Southwest Florida. The health system has 1,423 beds and is made up of four acute-care hospitals and two specialty hospitals, as well as outpatient centers, walk-in medical centers and primary care physician offices. Lee Health provides regional programs, such as the only children's hospital, the only Level II trauma center and the only kidney transplant center between Tampa and Miami. The system has a medical staff of nearly 1,200 Lee County physicians, 4,500 volunteers and 9,300 employees. Lee Health is governed by a 10-member publicly elected board.<sup>14</sup>

### ***Memorial Healthcare System***

The Memorial Healthcare System has 1,978 beds and is among the nation's largest public healthcare systems. The system consists of a hospital, a freestanding children's hospital, nine primary care centers, four community hospitals, a nursing home, two urgent care centers, a large freestanding 24/7 care center, and a home health agency.

Memorial Regional Hospital, located in Hollywood, is the flagship of the system and one of the largest hospitals in Florida. It offers extensive and diverse services that include Memorial

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<sup>11</sup> Dept. of Economic Opportunity, Special District Accountability Program, "Official List of Special Districts," available at <http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx> (last visited Jan. 26, 2022).

<sup>12</sup> Florida TaxWatch, *Florida's Fragmented Hospital Taxing District System in Need of Reexamination*, Briefings (Feb. 2009), available at <https://floridataxwatch.org/Research/Full-Library/ArtMID/34407/ArticleID/16012/Floridas-Fragmented-Hospital-Taxing-District-System-in-Need-of-Reexamination> (last visited Jan. 26, 2022).

<sup>13</sup> Id.

<sup>14</sup> Id.

Transplant Institute, Memorial Cardiac and Vascular Institute, Memorial Cancer Institute and Memorial Neuroscience Institute.

Memorial Regional Hospital South is also located in Hollywood and offers medical and surgical services and houses Memorial Rehabilitation Institute, an 89-bed, inpatient comprehensive rehabilitation hospital.

Joe DiMaggio Children's Hospital is located in Broward and Palm Beach counties with major services in pediatric cardiology, including surgery and transplantation, oncology, orthopedics and neurosciences.

Memorial Hospital Miramar and Memorial Hospital Pembroke serve western Broward County as community hospitals. Additionally, Memorial Hospital West, which houses Memorial Cancer Institute, Moffitt Malignant Hematology & Cellular Therapy at Memorial Healthcare System, Memorial Manor nursing home, and a variety of ancillary healthcare facilities rounds out the system. Memorial Healthcare System is governed by a seven-member Board of Commissioners appointed by the Governor.<sup>15</sup>

### ***Sarasota Memorial Health Care System***

Sarasota Memorial Health Care System is an 839-bed medical center with over 6,000 staff and 1,000 physicians. Founded in 1925, Sarasota Memorial provides specialized expertise in cardiac, vascular, oncology, maternity and neuroscience services, as well as a complete continuum of care, with a network of outpatient and urgent care centers, physician practices, rehabilitation and skilled nursing, among other programs.

The region's only public hospital, Sarasota Memorial is governed by the Sarasota County Public Hospital Board, made up of nine unpaid citizens elected by local voters. It is the only hospital in Sarasota County providing trauma services, obstetrical care, pediatrics, neonatal intensive care, and psychiatric services for patients of all ages. Sarasota Memorial also operates a Community Medical Clinic, which provides specialty care for uninsured and underinsured residents.<sup>16</sup>

### ***Broward Health***

Broward Health is has been located in South Florida for more than 80 years. Broward Health includes four major hospitals and more than 30 locations and offices overall. The staff of Broward Health includes over 1,800 doctors and 8,000 other healthcare professionals.<sup>17</sup>

Broward Health is governed by a seven-member Board of Commissioners, each appointed by the governor to a four-year term. The terms are staggered to expire in alternate years. Five commissioners represent specific regions within Broward County while the other two are at-large members. The Board exercises budgetary authority, selects the senior executive management, participates in the fiscal management, provides taxing authority, and determines the scope of

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<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Broward Health Services, Broward Health, available at <https://www.browardhealth.org/services> (last visited Jan 20, 2022).

services to be provided to the community. The President/CEO of the North Broward Hospital District reports to the Board.<sup>18</sup>

### **Non-for-Profit Corporations**

Not-for-profit corporations are regulated by the Florida Not For Profit Corporation Act (Non-Profit Act), which outlines the requirements for creating and managing a private not-for-profit corporation as well as the powers and duties of the corporation.<sup>19</sup> The Non-Profit Act authorizes not-for-profit corporations to be created for any lawful purpose or purposes that are not for pecuniary profit and that are not specifically prohibited to corporations by other state laws.<sup>20</sup> The Non-Profit Act specifies that such purposes include charitable, benevolent, eleemosynary, educational, historical, civic, patriotic, political, religious, social, fraternal, literary, cultural, athletic, scientific, agricultural, horticultural, animal husbandry, and professional, commercial, industrial, or trade association purposes.

Florida law authorizes not-for-profit corporations to operate with the same degree of power provided to for-profit corporations in the state, including the power to appoint officers, adopt bylaws, enter into contracts, sue and be sued, and own and convey property.<sup>21</sup> Officers and directors of certain not-for-profit corporations are also protected by the same immunity from civil liability provided to directors of for-profit corporations.<sup>22</sup> Unlike for-profit corporations, certain not-for-profit corporations may apply for exemptions from federal, state, and local taxes.<sup>23</sup>

Not-for-profit corporations are required to submit an annual report to the Department of State that contains the following information:

- The name of the corporation and the state or country under the laws of which it is incorporated;
- The date of incorporation or, if a foreign corporation, the date on which it was admitted to conduct its affairs in Florida;
- The address of the principal office and the mailing address of the corporation;
- The corporation's federal employer identification number, if any, or, if none, whether application has been made for one;
- The names and business street addresses of its directors and principal officers;
- The street address of its registered office in Florida and the name of its registered agent at that office; and
- Such additional information as may be necessary or appropriate to enable the Department of State to carry out the provisions of the Non-Profit Act.<sup>24</sup>

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<sup>18</sup> Broward Health Board Information, Broward Health, available at <https://www.browardhealth.org/pages/board-calendar-2022> (last visited Jan. 20, 2022).

<sup>19</sup> Ch. 90-179, L.O.F.

<sup>20</sup> Section 617.0301, F.S.

<sup>21</sup> Sections 617.0302 and 607.0302, F.S.

<sup>22</sup> Sections 617.0834 and 607.0831, F.S.

<sup>23</sup> See, e.g., 26 U.S.C. s. 501, s. 212.08(7)(p), F.S.

<sup>24</sup> Section 617.1622, F.S.

A not-for-profit corporation may receive public funds from the state or a local government in certain situations. Public funds are defined as “moneys under the jurisdiction or control of the state, a county, or a municipality, including any district, authority, commission, board, or agency thereof and the judicial branch, and includes all manner of pension and retirement funds and all other funds held, as trust funds or otherwise, for any public purpose.”<sup>25</sup> The state or a local government may provide public funds to a not-for-profit corporation through a grant or through payment of membership dues authorized for governmental employees and entities who are members of certain types of not for profit corporations.<sup>26</sup>

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

The bill authorizes the governing body of an independent hospital district to elect by a majority vote plus one to evaluate the potential conversion of the district into a private non-profit entity organized as a Florida not-for-profit corporation. The governing body must consider the potential benefits of conversion for the residents of the district and:

- Conduct a properly-noticed public hearing to provide residents of the district an opportunity to testify (the hearing must be held at a meeting other than a regularly-noticed or emergency meeting of the district);
- Contract with an independent entity that has at least five years of experience conducting comparable evaluations of hospital organizations similar in size and function to the district to conduct an evaluation according to applicable industry best practices (the independent entity may not have any affiliation with or financial involvement in the district or any member of its governing body); and
- Make available to the public on its website all documents considered by the governing body in making its determination.

The evaluation must be completed and a final report of the independent entity presented to the district by no later than 180 days after the date the vote was taken to authorize the evaluation. The final report must include a statement signed by the presiding officer of the governing board of the district and the chief executive officer of the independent entity conducting the evaluation that, upon each person's reasonable knowledge and belief, the contents and conclusions of the evaluation are true and correct.

Within 120 days of receipt of the final report, the governing body of the district must determine, by majority vote plus one, whether the interests of residents of the district are best served by conversion. If the governing body determines conversion is in the best interest of residents, the district must negotiate and complete an agreement with the board of county commissioners for each county in which any part of the district's boundary is located.

The agreement between the governing body of the district and each county commission must be completed no later than 120 days after the date of the public meeting during which the governing

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<sup>25</sup> Section 215.85(3)(b), F.S.

<sup>26</sup> See, e.g., S. 2-103(a), Pinellas County Code (authorizing the board of county commissioners to expend monies from the county general fund for membership fees and dues for county employees and officials for professional associations); S. 120-65(a)(2), South Florida Water Management District Administrative Policies (authorizing the district to pay for an employee's membership in a professional organization not required by his or her job).

body of the district determined conversion was in the best interest of residents. The agreement must be in writing, dispose of all assets and liabilities of the district, and include:

- A description of each asset and liability that will be transferred to each county;
- The estimated total value of the assets and liabilities that will be transferred to each county;
- If the agreement is with more than one county, a description of the methodology used to allocate the assets and liabilities of the district between the counties;
- A description of all assets and liabilities that will be transferred to the succeeding non-profit entity;
- The total value of assets and liabilities that will be transferred to the succeeding non-profit entity;
- If any debts remain, how those debts will be resolved,
- An enforceable commitment that programs and services provided by the district will continue to be provided to all residents of the district in perpetuity, so long as the non-profit entity is in operation (or, if otherwise agreed to by the district and each county that is a party to the agreement, until the non-profit entity has otherwise met all obligations set forth in the agreement);
- A provision that transfers the rights and obligations agreed to by the district and each county that is a party to the agreement to the successor nonprofit entity upon conversion of the district; and
- Any other terms or conditions mutually agreed upon by the district and each county that is a party to the agreement.

The bill prohibits any member of the board of commissioners for any county that is a party to the agreement from serving on the board of the successor nonprofit entity, but allows for members of the district's governing body to serve on the board of the successor entity. Members of the governing body of the district and the board of commissioners of each county that is a party to the agreement must disclose all conflicts of interest as required by s. 112.313, F.S., including, but not limited to:

- Whether the conversion of the district will result in a special private gain or loss to any member of the governing body of the district or boards of commissioners or to any senior executives of the independent hospital district; and
- If any member of the governing body of the district will serve on the board of the successor nonprofit entity (intent to serve on the board of the successor nonprofit entity does not disqualify a member from voting on the proposed conversion).

Upon completion of the agreement, the governing body of the district may agree, by a majority vote plus one at a public meeting that is not a regularly-scheduled or emergency meeting of the district, to approve of the conversion of the district to a non-profit entity and any agreements related to the conversion. The agreement must also be approved by the board of commissioners of each county that is subject to the agreement at a properly noticed public meeting. Both the district and each county that is subject to the agreement must publish all evaluations, agreements, disclosures, and other documents supporting the conversion on their websites for at least 20 days before the vote to approve of the conversion.

If the governing bodies of the district and each county subject to the agreement approve of the proposed agreement, a referendum of the qualified electors of the district must be conducted at

the next general election if the district levies ad valorem taxes. Once approved by all required entities the agreement shall go into full force and effect. The district must file a copy of the agreement with the Department of Economic Opportunity no later than ten days after the date of the referendum approving the agreement.

Within 30 days of completing the transfer of assets and liabilities as provided in the agreement, the district must notify DEO that the transfer is complete. The district is deemed automatically dissolved upon receipt of the notice.

The bill takes effect on 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.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

Subsection (2) of the committee substitute refers to “an agreement that meets the requirements of subsection (4).” However, the requirements of the agreement appear to be laid out in subsection (5).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 189.0762 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 February 2, 2022:**

The committee substitute moves the bill from ch. 155 F.S., to ch. 189 F.S., to make the conversion applicable to independent hospital districts rather than public healthcare systems and makes the following provisions:

- Requires an independent evaluation of a conversion to be performed by an independent entity that has at least 5 years of experience conducting comparable evaluations of hospital organizations similar in size and function.
- Requires the evaluation of a conversion to be presented to the governing body of the hospital district no later than 180 days after the date a vote is taken.
- Allows the governing board 120 days after the date they receive the final report to determine whether the best interests of the residents of the district are served by converting to a nonprofit.
- Provides that an agreement between a hospital district and each county in which part of the district boundary is located must be completed no later than 120 days after the vote of the governing body for conversion. Such agreement must be made during a properly noticed meeting.
- Amends the list of provisions to be included an agreement, including how debts will be resolved if they exist.
- Requires members of the governing board of the independent district and any county commissioners to disclose all conflicts of interest relating to the conversion.
- Requires an agreement to be approved by the qualified electors of the independent hospital district voting in a referendum conducted at the next general election for any independent hospital district that exercise ad valorem taxing powers.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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The Committee on Community Affairs (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 189.0762, Florida Statutes, is created  
to read:

189.0762 Conversion of an independent hospital district to  
a nonprofit entity.—

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

(a) "Independent hospital district" means an entity created





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pursuant to a special act which operates one or more hospitals licensed under chapter 395 and which is governed by the governing body of a special district or by the board of trustees of a public health trust created under s. 154.07.

(b) "Nonprofit entity" means a Florida not-for-profit corporation operating under chapter 617.

(2) The governing body of an independent hospital district may elect, by a majority vote plus one, to commence an evaluation of the benefits to the residents of converting the independent hospital district to a nonprofit entity if the governing body of such district and each county within which any part of the district's boundaries are located execute an agreement that meets the requirements of subsection (4). In evaluating the benefits of converting the independent hospital district to a nonprofit entity, the governing body of the district must:

(a) Publish notice of and conduct a public hearing in accordance with s. 189.015(1) to provide the residents of such district the opportunity to publicly testify regarding the conversion of the independent hospital district. The public hearing must be held at a meeting other than a regularly noticed meeting of the independent hospital district or an emergency meeting of such district.

(b) Contract with an independent entity that has at least 5 years of experience conducting comparable evaluations of hospital organizations similar in size and function to the independent hospital district to conduct the evaluation according to applicable industry best practices. The independent entity may not have any affiliation with or financial



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involvement in the district or with any member of the governing body of such district.

(c) Publish all documents considered by the governing body of the independent hospital district on the website of the district.

(3) The evaluation must be completed and the final report presented to the governing body of the independent hospital district no later than 180 days after the date of the vote taken by the governing body of such district to evaluate the conversion. The final report must be published on the website of the independent hospital district. The final report must include a statement signed by the presiding officer of the governing board of the independent hospital district and the chief executive officer of the independent entity conducting the evaluation that, upon each person's reasonable knowledge and belief, the contents and conclusions of the evaluation are true and correct.

(4) No later than 120 days after the date the governing body of the independent hospital district received the final report, the governing body of such district must determine, by majority vote plus one, whether the interests of the residents of the district are best served by converting the independent hospital district to a nonprofit entity. If the governing body of the independent hospital district determines conversion is in the best interest of the district, the independent hospital district must negotiate and complete an agreement with the board of county commissioners for each county in which any part of the district boundaries are located before conversion may occur.

(5) An agreement between the governing body of the



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independent hospital district and each county in which any part  
of the district boundary is located must be completed no later  
than 120 days after the date of the public meeting at which the  
governing body of such district determines conversion of the  
independent hospital district is in the best interest of its  
residents. The agreement must be in writing, dispose of all  
assets and liabilities of the independent hospital district, and  
include:

(a) A description of each asset that will be transferred to  
each county.

(b) A description of each liability that will be  
transferred to each county.

(c) The estimated total value of the assets that will be  
transferred to each county.

(d) The estimated total value of the liabilities that will  
be transferred to each county.

(e) If the agreement is with more than one county, a  
description of the methodology used to allocate the assets and  
liabilities of the district between the counties.

(f) A description of all assets that will be transferred to  
the succeeding nonprofit entity.

(g) A description of all liabilities that will be assumed  
by the succeeding nonprofit entity.

(h) The estimated total value of the assets that will be  
transferred to the succeeding nonprofit entity.

(i) The total value of the liabilities to be assumed by the  
succeeding nonprofit entity.

(j) If any debts remain, how those debts will be resolved.

(k) An enforceable commitment that programs and services



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provided by the district will continue to be provided to all residents of the former district in perpetuity so long as the nonprofit entity is in operation, or if otherwise agreed to between the independent hospital district and the county or counties party to the agreement, until the nonprofit entity has otherwise met all obligations set forth in the agreement.

(l) A provision transferring the rights and obligations as agreed to between the governing body of the independent hospital district and the county or counties to the successor nonprofit entity.

(m) Any other terms mutually agreed to between the governing body of the independent hospital district and the county or counties.

(6) (a) No member of the board of county commissioners for any county that is a party to the agreement may serve on the board of the successor nonprofit entity.

(b) Members of the governing body of the independent hospital district may serve on the board of the successor nonprofit entity.

(7) The members of the governing body of the independent hospital district and of the board of county commissioners in each county party to the agreement must disclose all conflicts of interest as required by s. 112.313, including, but not limited to:

(a) Whether the conversion of the independent hospital district will result in a special private gain or loss to any member of the governing body of the independent hospital district or boards of county commissioners or to any senior executives of the independent hospital district.



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(b) If any member of the governing body of the independent hospital district will serve on the board of the successor nonprofit entity. Such intent to serve on the board of the successor nonprofit entity does not disqualify any member from voting on the proposed conversion.

(8) The evaluation, agreements, disclosures, and any other supporting documents related to the conversion of the independent hospital district must be published on the website of the independent hospital district and each county that is a party to the agreement for 20 days before the governing body of the independent hospital district and the board of county commissioners for each county may vote on the proposed conversion.

(9) (a) In a public meeting noticed as required by subsection (2), the governing body of the independent hospital district may approve, by majority vote plus one, the conversion of such district to a nonprofit entity and any agreements related to the conversion.

(b) The agreement negotiated under this section must be approved by each board of county commissioners for each affected county in a properly noticed public meeting.

(c) If the governing body of the independent hospital district and the board of county commissioners for each affected county approve the proposed agreement, a referendum of the qualified voters of the district must be conducted at the next general election as required under s. 100.031 for independent hospital districts that exercise ad valorem taxing powers. A referendum is not required for independent hospital districts that do not exercise ad valorem taxing powers.



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(d) If approved by the qualified electors of the independent hospital district voting in a referendum conducted in accordance with paragraph (c), the agreement between the independent hospital district and each board of county commissioners for each affected county shall go into full force and effect. The independent hospital district shall file a copy of the agreement with the department no later than 10 days after the date of the referendum approving the agreement and conversion.

(10) No later than 30 days after the complete transfer of assets and liabilities as provided in the agreement, the independent hospital district shall notify the department. The district shall be dissolved automatically upon receipt of the notice by the department.

(11) If the governing body of the independent hospital district and the board of county commissioners of each affected county are unable to reach an agreement that would result in the conversion of the independent hospital district to a nonprofit entity, the district shall continue to exist.

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 independent hospital districts;  
creating s. 189.0762, F.S.; defining the terms  
"independent hospital district" and "nonprofit



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entity"; authorizing the governing body of an independent hospital district to evaluate certain benefits of the potential conversion of the independent hospital district to a nonprofit entity under certain circumstances; specifying requirements for such evaluations; requiring that the evaluation be completed and the final report be presented to the governing body within a specified timeframe; requiring the report to be published on the independent hospital district's website; providing requirements for the report; requiring the governing body to make certain determinations within a specified timeframe; requiring the governing body to negotiate and complete an agreement with the board of county commissioners for each affected county before converting the independent hospital district to a nonprofit entity; requiring that such agreements be entered into within a specified timeframe; providing requirements for such agreements; prohibiting members of the board of county commissioners for counties party to such agreements from serving on the board of the successor nonprofit entity; allowing members of the governing body of the independent hospital district to serve on the board of the successor nonprofit entity; requiring members of the governing body and each board of county commissioners party to the agreement to disclose all conflicts of interest; requiring the evaluation, all agreements and disclosures, and any other supporting documents related to the conversion to be published on



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the websites of the independent hospital district and each county that is party to the agreement for a specified timeframe before each county may vote on the proposed conversion; providing for the conversion of the independent hospital district to a nonprofit entity; providing public meeting requirements; requiring the independent hospital district to notify the Department of Health of the transfer of assets and liabilities to the nonprofit entity within a specified timeframe; providing for dissolution of the district upon the department's receipt of such notification; providing that an independent hospital district continues to exist if the governing body and the board of county commissioners for each affected county are unable to reach an agreement; providing an effective date.



By Senator Gruters

23-01356-22

20221260\_\_

A bill to be entitled

An act relating to the conversion of a public health care system; creating s. 155.42, F.S.; defining terms; authorizing the governing body of a public health care system to evaluate the potential conversion of the public health care system to a nonprofit entity; specifying requirements for such evaluation; requiring such governing body to publish notice of its completed evaluation in a specified manner; authorizing a public health care system and local governing authority to negotiate an agreement for such conversion; specifying requirements for such agreement; authorizing the governing body of the public health care system and local governing authority to approve such conversion subject to certain requirements; requiring members of the governing body of the public health care system to disclose whether they intend to serve on the board of the successor nonprofit entity; requiring the public health care system and local governing authority to jointly submit a notice of completion of such conversion to the Legislature after certain requirements are met; providing that the public health care system is dissolved as a matter of law on the date that such notice is submitted to the Legislature; providing an effective date.

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

Section 1. Section 155.42, Florida Statutes, is created to

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

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read:

155.42 Conversion of a public health care system.—

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

(a) "Affected community" means those persons residing within the geographic boundaries of the public health care system.

(b) "Local governing authority" means the governing authority of the county in which the public health care system is primarily located and provides health care services.

(c) "Public health care system" means a county, district, or municipal hospital or health care system created pursuant to a special act.

(2) (a) The governing body of a public health care system may elect, by a majority vote plus one, to evaluate the potential conversion of the public health care system to a nonprofit entity.

(b) If the governing body of a public health care system elects to evaluate the potential conversion of the public health care system as set forth in paragraph (a), the governing body must evaluate the potential benefits to the affected community of converting the public health care system to a nonprofit entity and must:

1. Publish notice of and conduct a public hearing in accordance with s. 189.015 to provide the affected community the opportunity to publicly testify regarding the conversion of the public health care system.

2. Contract with a certified public accounting firm or other firm that has substantial expertise in the valuation of the type of activities engaged in by the public health care

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59 system to render an independent valuation of the public health  
60 care system. The certified public accounting firm or other firm  
61 shall certify its valuation of the public health care system.

62 3. Make publicly available on the public health care  
63 system's website all documents considered by the governing body  
64 during its evaluation.

65 (c) After completing its evaluation, the governing body of  
66 the public health care system shall publish notice of the  
67 evaluation in the same manner as provided in s. 189.015(1).

68 (3) (a) Upon completing the evaluation of the benefits of  
69 the conversion of the public health care system, if the  
70 governing body of the public health care system determines that  
71 it is in the best interest of the affected community to convert  
72 the public health care system to a nonprofit entity, the public  
73 health care system may negotiate an agreement with the local  
74 governing authority which contains the terms and conditions by  
75 which the nonprofit entity that is succeeding the public health  
76 care system may acquire title and possession of property,  
77 rights, and other appurtenances owned by the public health care  
78 system and any other terms or conditions governing the  
79 conversion.

80 (b) An agreement between the public health care system and  
81 the local governing authority to convert the public health care  
82 system to a nonprofit entity must be in writing and must include  
83 all of the following terms and conditions:

84 1. A description of the terms and conditions of all  
85 proposed agreements.

86 2. A description of the assets and liabilities, if any,  
87 that will be transferred to the local governing authority upon

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88 conversion of the public health care system.

89 3. The estimated total value of the assets and liabilities,  
90 if any, that will be transferred to the local governing  
91 authority upon conversion of the public health care system.

92 4. A description of the assets and liabilities, if any,  
93 that will be transferred to the succeeding nonprofit entity upon  
94 conversion of the public health care system.

95 5. The estimated total value of the assets and liabilities,  
96 if any, that will be transferred to the succeeding nonprofit  
97 entity upon conversion of the public health care system.

98 6. A provision that the remaining assets and liabilities,  
99 if any, of the public health care system which are not  
100 transferred to the local governing authority or the succeeding  
101 nonprofit entity will be resolved upon conversion of the public  
102 health care system.

103 7. An enforceable commitment that programs and services  
104 provided by the public health care system will continue to be  
105 provided to the affected community in perpetuity so long as the  
106 nonprofit entity is in operation or, if otherwise agreed to by  
107 the public health care system and the local governing authority,  
108 until the nonprofit entity has otherwise met all obligations set  
109 forth in the agreement.

110 8. A provision that transfers the rights and obligations  
111 agreed to by the public health care system and the local  
112 governing authority to the successor nonprofit entity upon  
113 conversion of the public health care system.

114 9. A provision that prohibits a board member of the local  
115 governing authority from serving on the board of the successor  
116 nonprofit entity; however, the agreement may allow for members

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117 of the governing body of the public health care system to serve  
118 on the board of the successor nonprofit entity.

119 10. Any other terms or conditions mutually agreed upon by  
120 the public health care system and the local governing authority.

121 (4) Upon completing the negotiation of the agreement as  
122 provided in subsection (3), the governing body of the public  
123 health care system and the local governing authority may elect,  
124 by a majority vote plus one of each of the governing bodies, to  
125 approve the conversion of the public health care system to a  
126 nonprofit entity pursuant to the terms and conditions of the  
127 agreement and subject to all of the following:

128 (a) The evaluations, agreements, disclosures, and all other  
129 documents supporting the conversion must be published on the  
130 websites of the public health care system and the local  
131 governing authority and made publicly available for a period of  
132 at least 20 days before the governing bodies of the public  
133 health care system and the local governing authority may vote to  
134 approve the conversion of the public health care system to a  
135 nonprofit entity pursuant to the terms and conditions of the  
136 agreement.

137 (b) The governing bodies of the public health care system  
138 and the local governing authority may not vote to approve the  
139 conversion of the public health care system unless the valuation  
140 required in subparagraph (2)(b)2. was completed within the  
141 preceding 18 months.

142 (5) A member of the governing body of the public health  
143 care system must disclose whether he or she intends to serve on  
144 the board of the successor nonprofit entity.

145 (6) After the assets and liabilities, if any, are

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146 transferred to the succeeding nonprofit entity and all necessary  
147 requirements to complete the conversion of the public health  
148 care system to a nonprofit entity are met, the public health  
149 care system and the local governing authority shall jointly  
150 submit a notice of the completion of the conversion to the  
151 President of the Senate and the Speaker of the House of  
152 Representatives. The public health care system is deemed  
153 dissolved as a matter of law effective on the date that such  
154 notice is submitted to the Legislature.

155 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.)

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

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BILL: SB 1382

INTRODUCER: Senator Gruters

SUBJECT: Tax Administration

DATE: January 31, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	<b>Favorable</b>
2.			FT	
3.			AP	

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**I. Summary:**

SB 1382 makes various changes to statutes relating to the Department of Revenue (Department). The bill largely amends details related to the Department's rights and obligations before, during, and after an audit.

Regarding audits, the bill:

- Clarifies activities the Department may engage in during the 60-day period without violating the statute or receiving a waiver from the taxpayer;
- Excludes from litigation documents not submitted during an audit;
- Provides that in certain situations the failure of a taxpayer to provide documents creates a presumption that the resulting proposed final agency action by the Department is correct;
- Amends situations where the Department may serve subpoenas;
- Revises several situations where the time limit to complete an audit is tolled;
- Allows the Department to immediately suspend a dealer's resale certificate privilege in audits related to the sale of alcoholic beverages;
- Allows the Department to reopen a final assessment for the purpose of adjusting liability under certain circumstances;
- Authorizes the Department to include all taxes, penalties, interest, costs, and fees authorized by law in a garnishment or levy; and
- Provides rulemaking and emergency rulemaking authority.

The bill also makes a quantity of changes including clarifications, corrections, deletions of obsolete language, and cross reference corrections.

Except as otherwise provided by the bill, the bill takes effect July 1, 2022.

## II. Present Situation:

The present situation for each issue is described below in Section III, Effect of Proposed Changes.

## III. Effect of Proposed Changes:

### Pre-Audit Preparation

*Present Situation:* The Department of Revenue (Department) is required to provide notification to a taxpayer of an audit at least 60 days before the audit begins.<sup>1</sup> This 60-day period gives the taxpayer time to gather and prepare records, meet with their accountant, or secure the assistance of a professional. Some practitioners have argued that the Department can have no contact with the taxpayer during this 60-day period, even to answer questions asked by the taxpayer. It has also been argued that the Department must refrain from reviewing its own records or records voluntarily provided by the taxpayer prior to the end of the 60-day period or preparing internally for the audit.

*Proposed Changes:* **Section 4** creates s. 202.34(4)(f), F.S., to clarify activities the Department may engage in during the 60-day period without violating the statute or receiving a waiver from the taxpayer. The bill provides that the Department may:

- Confirm receipt of the notification of intent to audit;
- Answer any questions raised by the taxpayer or taxpayer representative;
- Confirm date and location of the audit;
- Confirm the way the taxpayer would like to provide records;
- Discuss the scope of the audit;
- Review records voluntarily provided by the taxpayer; and
- Review records already in the Department's possession.

If the taxpayer believes the Department has prematurely commenced the audit, the taxpayer must object in writing to the Department before the issuance of an assessment or else the objection is waived. If it is determined the audit was prematurely commenced, the tolling period provided for in s. 213.345, F.S., is considered lifted for the number of days equal to the difference between the date of premature commencement of audit and the 61st day after the date of the Department's notice of intent to audit.

The bill provides that the Department may adopt rules to administer s. 202.34, F.S.

### Exclusion of Records in Litigation

*Present Situation:* Current law provides that a taxpayer may contest the legality of any assessment or denial of any refund of tax, fee, surcharge, permit, interest, or penalty under the Department's purview by filing an action in circuit court, or alternatively, the taxpayer may file a petition under the applicable provisions of ch. 120, F.S.<sup>2</sup>

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<sup>1</sup> Section 202.34, F.S.

<sup>2</sup> Section 72.011(1), F.S.

Taxpayers who do not provide records during an audit as required by law are subject to the Department issuing an estimated assessment. In litigation, some taxpayers will selectively provide records to challenge the estimated assessment even though the estimate was created because of the taxpayer's own willful non-compliance with records laws.

*Effect of the Bill:* **Section 1** creates s. 72.011(1)(c), F.S., which provides that a taxpayer may not submit records pertaining to an assessment or refund claim as evidence in any proceeding under s. 72.011, F.S., if those records were available to, or required to be kept by, the taxpayer and were not timely provided to the Department when requested during the audit or protest period and before submission of a petition for hearing pursuant to ch. 120, F.S., or the filing of an action under s. 72.011(1)(a), F.S.

### **Documentary Stamp Tax Consideration Determination**

*Present Situation:* Many real property transactions include the transfer of tangible personal property. The parties to a transaction typically pay documentary stamp tax on the full consideration at the time of transfer unless the consideration attributable to tangible personal property is specifically agreed to at the time of transfer. In some cases one or both parties will seek a refund of tax paid on the total consideration arguing without contemporaneous documentation that a portion of the consideration was paid for tangible personal property. In a recent case the court ruled in the Department's favor upholding the refund denial on the basis that the taxpayer failed to establish via evidence that the consideration upon which the taxes were paid was not the actual consideration given in exchange for the real property.<sup>3</sup>

*Proposed Changes:* **Section 3** amends s. 201.02, F.S., consistent with the court's ruling and decisions from other jurisdictions, to clarify existing law that the parties to any document evidencing the transfer of real property shall establish the consideration for the real property before the transfer or the delivery of any document evidencing the transfer of the real property.

The bill directs the Department to adopt rules governing the implementation and operation of s. 201.02, F.S.

### **Delivery of Administrative Subpoenas and Extension of Tolling**

*Present Situation:* The Department has the statutory authority to issue an "administrative subpoena" to compel production of records and documents when taxpayers refuse to provide books and records, despite the legal requirement to do so. However, this tool is rarely used because a contest of the administrative subpoena in circuit court will cause the Department to miss other statutory deadlines and may run out the statute of limitations on the audit assessment.

Instead, the Department uses its authority to issue an estimated assessment which results in the use of additional resources for both the taxpayer and the Department in resolving disputed issues.

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<sup>3</sup> 1701 Collins Miami Owner, LLC, v. Dept of Revenue, 321 So.3d 875 (Fla. 1 DCA 2021).

*Proposed Change:* **Section 5** amends s. 202.36(4)(a), F.S., to provide that the failure of a taxpayer to provide documents available to, or required to be kept by, the taxpayer and requested by a subpoena issued under s. 202.36, F.S., creates a presumption that the resulting proposed final agency action by the Department, as to the requested documents, is correct and that the requested documents not produced by the taxpayer would be adverse to the taxpayer's position as to the proposed final agency action. The Department may create estimates for purposes of assessment if a taxpayer fails to provide documents requested by a subpoena issued under s. 202.36, F.S. The presumption and authority to create estimates under s. 202.36(4)(a), F.S., are not triggered merely because a taxpayer or its representative requests a conference to negotiate the production of a sample of records demanded by a subpoena.

**Section 6** amends Section 206.14(4), F.S., to provide that the failure of a taxpayer to provide documents available to, or required to be kept by, the taxpayer and requested by a subpoena issued under s. 206.14, F.S., creates a presumption that the resulting proposed final agency action by the Department, as to the requested documents, is correct and that the requested documents not produced by the taxpayer would be adverse to the taxpayer's position as to the proposed final agency action. The Department may create estimates for purposes of assessment if a taxpayer fails to provide documents requested by a subpoena issued under s. 206.14, F.S.

**Section 8** amends s. 211.125(3)(b)3., F.S., to provide that the failure of a taxpayer to provide documents available to, or required to be kept by, the taxpayer and requested by a subpoena issued under s. 211.125, F.S., creates a presumption that the resulting proposed final agency action by the Department, as to the requested documents, is correct and that the requested documents not produced by the taxpayer would be adverse to the taxpayer's position as to the proposed final agency action. The Department may create estimates for purposes of assessment if a taxpayer fails to provide documents requested by a subpoena issued under s. 211.125, F.S.

**Section 12** amends s. 212.14(7)(a), F.S., to provide that the failure of a taxpayer to provide documents available to, or required to be kept by, the taxpayer and requested by a subpoena issued under s. 212.14, F.S., creates a presumption that the resulting proposed final agency action by the Department, as to the requested documents, is correct and that the requested documents not produced by the taxpayer would be adverse to the taxpayer's position as to the proposed final agency action. The Department may create estimates for purposes of assessment if a taxpayer fails to provide documents requested by a subpoena issued under s. 212.14, F.S. The presumption and authority to create estimates under s. 212.14(7)(a), F.S., are not triggered merely because a taxpayer or its representative requests a conference to negotiate the production of a sample of records demanded by a subpoena.

**Section 20** amends s. 220.735(4), F.S., to provide that the failure of a taxpayer to provide documents available to, or required to be kept by, the taxpayer and requested by a subpoena issued under s. 220.735, F.S., creates a presumption that the resulting proposed final agency action by the Department, as to the requested documents, is correct and that the requested documents not produced by the taxpayer would be adverse to the taxpayer's position as to the proposed final agency action. The Department may create estimates for purposes of assessment if a taxpayer fails to provide documents requested by a subpoena issued under s. 220.735, F.S.

*Present Situation:* For the purpose of administering and enforcing the provisions of the revenue laws of this state, the Department's Executive Director, or any of his or her assistants designated in writing by the Executive Director, shall be authorized to serve subpoenas and subpoenas duces tecum issued by the state attorney relating to investigations concerning the taxes enumerated in s. 213.05, F.S.<sup>4</sup>

*Proposed Change:* **Section 13** creates s. 213.051(2), F.S. to provide that in addition to the procedures for service prescribed by ch. 48, F.S., the department may serve subpoenas it issues pursuant to ss. 202.36, 206.14, 211.125, 212.14, and 220.735, F.S., upon any business registered with the Department at the address on file with the Department if it received correspondence from the business from that address within 30 days after issuance of the subpoena or if the address is listed with the Department of State Division of Corporations as a principal or business address. If a business' address is not in this state, service is made upon proof of delivery by registered mail or under the notice provisions of s. 213.0537, F.S.

*Present Situation:* The statute of limitations for assessment and refund purposes is tolled for a period of 1 year if the Department has issued a notice of intent to conduct an audit or investigation of a taxpayer's account within the applicable period of time provided by ss. 95.091(3) or 215.26(2), F.S.

*Proposed Changes:* **Section 17** amends s. 213.345, F.S., to provide that the 1-year period is tolled upon receipt of written objections to the subpoena and for the entire pendency of any action that seeks an order to enforce compliance with or to challenge any subpoena issued by the Department compelling the attendance and testimony of witnesses and the production of books, records, written materials, and electronically recorded information.

The bill further provides that if the Department issues a notice explaining its audit findings under s. 213.34(2)(a), F.S., based on an estimate because the taxpayer has failed or refuses to provide records, the audit will be deemed to have commenced for purposes of s. 213.345, F.S. In the event the Department issues an assessment beyond the tolling period, the assessment will be considered late and the assessment shall be reduced by the amount of those taxes, penalties, and interest for reporting periods outside of the limitations period, as modified by any other tolling or extension provisions.

### **Tolling Periods, Exit Conferences, and Automatic Repayment of Overpayments**

*Present Situation:* The Department is required to issue an assessment capable of becoming final 60 days prior to the end of the tolling of the audit period. The Department's rules provide taxpayers with a notice prior to the issuance of the Notice of Proposed Assessment and 30 days to request a conference with the auditor to resolve as many issues as possible before the taxpayer must take more formal actions to contest the assessment. Additional documentation is often provided during this period resulting in revisions to the liability. The statute does not require this pre-notice and does not allow for an extension of the tolling of the statute of limitations during this process.

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<sup>4</sup> Section 213.051, F.S.



A District court decision held that an assessment was untimely where the assessment was not issued 60 days prior to the expiration of an extended statute of limitations. This decision is inconsistent with the operation of other statutes controlling application of the statute of limitations on the audit process and creates an inconsistency with assessments issued without an extension. The confusion makes it less likely for the Department to engage in extensions at the request of taxpayers and may result in less opportunity for taxpayers to resolve issues in the field.

When a compliance audit results in an overpayment, credit or refund, except for corporate income/franchise tax (Ch. 220, F.S.), the taxpayer is required to complete an Application for Refund before the refund can be issued by the Department.

*Proposed Changes:* **Section 16** amends s. 213.34(2), F.S., to provide that during the course of an audit, but before the issuance of an assessment other than a jeopardy assessment, the Department shall issue to the taxpayer a notice explaining the audit findings. No later than 14 days after the issuance of the notice, the taxpayer may request in writing an exit conference at a mutually agreeable date and time with the Department's audit staff to discuss the audit findings. The exit conference must be conducted no later than 30 days after the date of the notice, unless the taxpayer and the Department enter into an agreement to extend the audit tolling period pursuant to s. 213.23, F.S. The taxpayer shall be given an opportunity at or before the exit conference to provide additional information and documents to the Department to rebut the audit findings. Upon the mutual written agreement between the Department and the taxpayer to extend the audit tolling period pursuant to s. 213.23, F.S., the exit conference may be continued to allow the taxpayer additional time to provide information and documents to the Department. The Department shall review any information provided by the taxpayer and, if the Department revises the audit findings, a copy of the revised audit findings must be provided to the taxpayer. Such revision of the audit findings does not provide a right to any additional conference.

Section 16 also provides that if an exit conference is timely requested in writing, the limitations in s. 95.091(3), F.S., are tolled an additional 30 days. If the Department fails to offer a taxpayer the opportunity to hold an exit conference despite a timely written request, the limitations period in s. 95.091(3), F.S., may not be tolled for the additional 30 days. If the assessment is issued outside of the limitations period, the assessment must be reduced by the amount of those taxes, penalties, and interest for reporting periods outside of the limitations period, as modified by any other tolling or extension provisions.

If a request for an exit conference is not timely made, the right to a conference is waived. A taxpayer may also affirmatively waive its right to an exit conference. Failure to hold an exit conference does not preclude the Department from issuing an assessment.

The Department may adopt rules to implement s. 213.34(2), F.S.

Section 16 finally creates s. 213.34(5), F.S., which provides that if, after offsetting the overpayment of any tax during an audit against a deficiency of any tax, penalty, or interest during the same audit period, the Department's audit finds that the tax paid is more than the correct amount, the Department must refund the overpayment that is within the applicable period provided by s. 215.26, F.S. Such action by the Department does not prevent a taxpayer from

challenging the amount of the refund pursuant to chs. 120 and 213, F.S., or applying for a refund of additional tax within the applicable period. This provision will eliminate the requirement for a taxpayer to submit a refund application to obtain a refund discovered as the result of a compliance audit.

### **Refusal to Give Records During Audit and Penalties**

*Present Situation:* Section 212.13(2), F.S., provides that dealers must maintain records as required by the Department for the reasonable administration of ch. 212, F.S. During sales tax audits by the Department, some dealers selling alcoholic beverages and tobacco advise Department auditors that they have no records as to purchases, sales, or tax collected for these regulated products. Florida tax and alcohol and beverage laws require dealers to maintain and produce certain records. Without records, the Department is unable to conduct the audit and must resort to estimating the dealer's compliance.

Pursuant to s. 212.13(5), F.S., the Department is required to provide notification to a taxpayer of an audit at least 60 days before the audit begins. This 60-day period gives the taxpayer time to gather and prepare records, meet with their accountant, or secure the assistance of a professional. Some practitioners have argued that the Department can have no contact with the taxpayer during this 60-day period, even to answer questions asked by the taxpayer. It has also been argued that the Department must refrain from reviewing its own records or records voluntarily provided by the taxpayer prior to the end of the 60-day period or preparing internally for the audit.

*Proposed Changes:* **Section 11** creates s. 212.13(2)(b), F.S., which will allow the Department to immediately suspend a dealer's privilege to hold a resale certificate and purchase products tax exempt for resale on 30 days' notice when a dealer asserts that they have no records or refuse to provide records related to their purchase and/or sale of alcoholic beverages and tobacco. The dealer would still be able to purchase non-alcohol and non-tobacco products and take a credit for taxes paid against sales tax collected and remitted on the resale of the products. The bill will also allow the Division of Alcoholic Beverages and Tobacco within the Department of Business and Professional Regulation to remove the dealer's license to sell these regulated products for failure to maintain required records. A dealer that has had its resale certificate suspended may apply to the Department within 30 days after the receipt of the notice of suspension for an administrative hearing pursuant to ch. 120, F.S.

Section 11 also creates s. 212.13(5)(f), F.S., to clarify activities the Department may engage in during the 60-day period without violating the statute or receiving a waiver from the taxpayer. The bill provides that the Department may:

- Confirm receipt of the notification of intent to audit,
- Answer any questions raised by the taxpayer or taxpayer representative,
- Confirm date and location of the audit,
- Confirm the way the taxpayer would like to provide records,
- Discuss the scope of the audit,
- Review records voluntarily provided by the taxpayer, and
- Review records already in the Department's possession.

If the taxpayer believes the Department has prematurely commenced the audit, the taxpayer must object in writing to the Department before the issuance of an assessment or else the objection is waived. If the Department agrees that the audit was prematurely commenced, or a judge, a hearing officer, or an administrative law judge so determines, the tolling period provided for in s. 213.345, F.S., is considered lifted for the number of days equal to the difference between the date of premature commencement of audit and the 61st day after the date of the Department's notice of intent to audit.

The bill provides that the Department may adopt rules to administer s. 212.13, F.S.

### **Informal Compromises and Reopening of Final Assessments**

*Present Situation:* Florida's tax laws require taxpayers to maintain and provide records related to tax compliance and to provide those records during audit. While there are no specific statutory penalties imposed solely for failure to keep and provide records, delinquency penalties may be imposed up to 50 percent of any tax due. Under s. 213.21(3)(a), F.S., the Department is required to compromise 25 percent of the delinquency penalty if the Department determines that compliance errors were due to reasonable cause and not willful negligence, willful neglect, or fraud. The Department has discretion to compromise the remaining 25 percent for the same reason. Without records, the Department is forced to estimate any potential liability, and a determination regarding reasonable cause and penalty compromise is nearly impossible.

Section 213.21, F.S., does not currently provide the Department with the authority to reopen a final assessment for purposes of adjusting or compromising the liability, other than to resolve the outstanding liability for collectability.

*Proposed Changes:* **Section 15** amends s. 213.21(3)(a), F.S., to provide that a taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1), F.S., greater than 25 percent of the tax must be settled or compromised if the Department determines that the noncompliance is not due to willful negligence, willful neglect, or fraud. The bill creates a rebuttable presumption that a taxpayer's noncompliance is due to willful negligence, willful neglect, or fraud when adequate records as requested by the Department are not provided to the Department before the issuance of an assessment. In addition, a taxpayer's liability for penalties up to and including 25 percent of the tax may be settled or compromised if the Department determines that reasonable cause exists and the penalties greater than 25 percent of the tax were compromised because the noncompliance is not due to willful negligence, willful neglect, or fraud.

Section 15 also creates s. 213.21(11), F.S., to provide that following the expiration of time for a taxpayer to challenge an assessment as provided in s. 72.011, F.S., the Department may consider a request to settle or compromise any tax, interest, penalty, or other liability under s. 213.21, F.S., if the taxpayer demonstrates that the failure to initiate a timely challenge was due to a qualified event that directly impacted compliance with that section. For purposes of s. 213.21(11), F.S., a qualified event is limited to the occurrence of events during an audit or the expired protest period which were beyond the control of the taxpayer, including the death or life-threatening injury or illness of the taxpayer or an immediate family member of the taxpayer; the death or life-threatening injury or illness of the responsible party that controlled, managed, or directed the affected business entity; acts of war or terrorism; natural disasters; fire; or other

catastrophic loss. The Department may not consider a request received more than 180 days after the expiration of time allowed under s. 72.011, F.S.

The bill creates s. 213.21(12), F.S., to provide that any decision by the Department regarding a taxpayer's request to compromise or settle a liability under this s. 213.21, F.S., is not a final order subject to review under ch. 120, F.S.

### **Garnishment**

*Present Situation:* The Department has the authority to issue a levy upon credits, other personal property, or debts belonging to a delinquent taxpayer. Currently, s. 213.67, F.S., allows the Department to levy for any taxes, penalties, and interest. However, this section does not provide the Department with the authority to levy for fees (e.g., administrative collection processing fee (ACP fee), warrant filing fees, or any other fee or cost that might be enacted into the Florida Statutes), additional daily accrued interest, or the authority to issue notices to levy (garnishments) by electronic means. As a result, the Department typically continues with collection efforts for these additional fees after the initial levy is complete.

*Proposed Changes:* **Section 18** amends s. 213.67, F.S., to authorize the Department to include all taxes, penalties, interest, costs, and fees authorized by law to be included in a garnishment or levy, which has the effect of avoiding multiple collection efforts for additional amounts. The bill also allows the Department to deliver its notices of levy by electronic means, as requested by many financial institutions.

### **Rulemaking Proceedings and Litigation**

*Present Situation:* Current law provides certain requirements pursuant to a taxpayer contesting an assessment or denial of refund by filing a petition under the applicable provisions of ch. 120, F.S.<sup>5</sup>

Current law provides for a stay of litigation challenging an agency statement as an unadopted rule upon the publication of a notice of rulemaking under s. 120.54(3), F.S., addressing the agency statement.<sup>6</sup> These provisions do not apply to emergency rulemaking and are not consistent with the procedures of Cabinet agencies.

*Proposed Changes:* **Section 2** amends s. 120.80(14)(b), F.S., to prohibit the use of records pertaining to an assessment or refund claim as evidence in any proceeding brought pursuant to Ch. 120, F.S., as authorized by s. 72.011(1), F.S., if the records were withheld from the Department after a formal demand for records or subpoena. The proposal does not prohibit the offering of records where the records were not available to the taxpayer at the time of the demand or subpoena, unless the records were required to be kept by the taxpayer and the taxpayer failed to keep the records.

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<sup>5</sup> Section 120.80(14)(b), F.S.

<sup>6</sup> Sections 120.56(4) and 120.595, F.S.

Section 2 also creates s. 120.80(19), F.S., which provides that under s. 120.56(4), F.S., challenging a statement of an agency headed by the Governor and Cabinet, upon notification to the administrative law judge provided before the final hearing that the agency has published a notice of rule development under s. 120.54(2), F.S., regarding the statement and for which a notice of adoption of an emergency rule under s. 120.54(4), F.S., was also published, such notice automatically operates as a stay of proceedings pending adoption of the statement as a rule or while the emergency rule remains in effect. Other provisions of law allow the challenge of the emergency rule on an expedited basis.

### **Rulemaking Authority and Emergency Rules**

*Present Situation:* The Department has received at least one final order from the Division of Administrative Hearings (DOAH) holding that the Department may not rely on a general grant of rulemaking authority to adopt a rule implementing other specific revenue laws. The First District Court of Appeal has ruled inconsistently on this issue. It appears that a grant of rulemaking authority and a specific law to be implemented has been confused by some courts to require a grant of specific rulemaking authority. Most revenue laws, especially those predating the administrative procedures act, do not contain specific rulemaking authority for each provision.

Current law provides emergency rulemaking authority for revenue laws effective less than 60 days after the end of the session in which the change enacted under s. 213.06(2), F.S. This provision is extremely helpful but fails to include many revenue laws, which typically have an October 1 effective date or changes with an “upon becoming law” effective date when the bill is not transferred to the Governor from the Legislature for a number of weeks or months, delaying the Department’s ability to begin rulemaking.

*Proposed Changes:* **Section 14** amends s. 213.06(2), F.S., to provide that the Executive Director of the Department may adopt emergency rules when the effective date of a legislative change occurs sooner than 120 days after the close of the legislative session in which enacted or after the governor approves or fails to veto the legislative change, whichever is later, and the change affects a tax rate or a collection or reporting procedure which affects a substantial number of dealers or persons subject to the tax change or procedure.

Emergency rules adopted under s. 213.06(2), F.S., are exempt from s. 120.54(4)(c), F.S., remain in effect for 6 months or until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act, and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

The bill also creates subsection 213.06(3), F.S., which provides that the grants of rulemaking authority in ss. 213.06(1) and (2), F.S., are sufficient to allow the Department to adopt rules implementing all revenue laws administered by the Department. Each revenue law administered by the Department is an enabling statute authorizing the Department to implement it, regardless of whether the enabling statute contains its own grant of rulemaking authority.

## **Pandemic Benefit Charges Clarification**

*Present Situation:* Employers file quarterly reports listing their employees and the wages paid to those employees. A tax rate is issued to each employer every year and the tax due is determined by multiplying that tax rate by the amount of taxable wages reported by the employer.

Reemployment tax is only imposed on the first \$7,000 of wages. A new employer is assigned a tax rate of 2.7 percent. This tax rate is in effect for 8 chargeable quarters (approximately 2 ½ years), at which time the employer is eligible for an earned rate which can vary from the statutory minimum (1 percent) to the statutory maximum (5.4 percent) of taxable wages. One of the factors used in calculating the earned rate is the amount of reemployment assistance benefits paid to the employer's ex-employees.

In the 2021 Legislative Session, the rate calculation was amended by ch. 2021-2, L.O.F., to exclude benefit charges from the benefits paid during the period beginning April 1, 2020, and ending December 31, 2020, for rates effective through December 31, 2025. The amendment also included a provision that repealed this exclusion if the balance of the Unemployment Trust Fund exceeds \$4,071,519,600 on June 30 of any year, which could be interpreted to result in the inclusion of all benefit charges that were previously excluded, thereby substantially increasing tax rates.

*Proposed Changes:* **Section 21** amends s. 443.131, F.S., to clarify that the rate calculation “shall exclude any benefit that is excluded by the multipliers under subparagraph (b)2. and subparagraph 1. for rates effective January 1, 2021, through December 31, 2025, notwithstanding the repeal of subparagraph 5. as provided in ch. 2021-2, L.O.F.” Therefore, for the calculation of rates through 2025, Department will exclude benefit charges from the second through fourth quarters of 2020, even if the balance of the Unemployment Compensation Trust Fund exceeds \$4,071,519,600.

## **Federally Required Offset Program**

*Present Situation:* Federal law (42 U.S.C. s. 503, which incorporates 26 U.S.C. s. 6402) requires states to participate in the Treasury Offset Program (TOP) in order to receive grants for the administration of the reemployment assistance program. TOP requires states to send a list of delinquent employers to Treasury, which intercepts any federal income tax refund and sends it to the states to offset the employers' reemployment tax debt. Chapter 443, F.S., does not specifically give the Department the authority to participate in the intercept program nor does ch. 443, F.S., provide the legal authority to adopt any needed rules regarding the intercept program.

*Proposed Changes:* **Section 22** requires the Department to comply with the requirements of the Treasury Offset Program as it pertains to the recovery of unemployment compensation debts as required by the United States Department of Labor pursuant to 26 U.S.C. s. 6402. The Department is also given the authority to adopt rules to implement this provision.

## **State Fire Marshal Tax Percentages**

*Present Situation:* The Department works with the Office of Insurance Regulation (“Office”) to periodically update the rates for various lines of fire coverage. Some taxpayers pay rates based

on their own experience and avoid the published rate. The updating of these rates has not happened regularly. Out-of-date rates may cause taxpayers using the published rates to pay rates inconsistent with the intent of the law.

*Proposed Changes:* **Section 23** strikes language providing that when it is impractical, due to the nature of the business practices within the insurance industry, to determine the percentage of fire insurance contained within a line of insurance written by an insurer on risks located or resident in Florida, the Department may establish by rule such percentages for the industry and may also amend the percentages as the insurance industry changes its practices concerning the portion of fire insurance within a line of insurance.

Section 23 also establishes that annually before the due date of the first installment, the Department of Financial Services (“DFS”), with the assistance of the Office, shall make available in an electronic format or otherwise the percentage of fire insurance contained in lines of insurance for the industry for that taxable year. The percentages determined by the Office are exempt from ch. 120, F.S.

In the alternative, the bill provides that insurers may choose to use their own previous 5 years of loss experience or rate filings that have been approved by the Office instead of using the percentages provided by DFS. However, if an insurer chooses not to use the percentages provided by DFS, it must use the same alternative method for all lines of business, continue using the method for a minimum of 3 consecutive tax years, and attach documentation of the calculation and determination to the tax return.

### **Affidavit for Non-Resident Purchasers of Boats and Aircrafts**

*Current Situation:* Nonresident purchasers of boats and aircraft are required to sign an affidavit attesting that they have read the provisions of s. 212.05, F.S., in its entirety, in order to claim an exemption from sales tax. Section 212.05, F.S., is lengthy and includes many provisions that are not applicable to the purchaser of a boat or aircraft.

*Proposed Changes:* **Section 9** amends s. 212.05(1)(a)2.d., F.S., by removing the requirement that a purchaser attests to having read statutory provisions and replacing that language with the requirement that the nonresident purchaser complete an affidavit that affirms that the nonresident purchaser qualifies for exemption from sales tax pursuant to s. 212.05(1)(a)2., F.S., and attesting that the nonresident purchaser will provide the documentation required to substantiate the exemption claimed under s. 212.05(1)(a)2., F.S.

### **Building Materials**

*Present Situation:* The Florida Enterprise Zone Act (ss. 290.001-290.016, F.S.) was repealed December 31, 2015, by s. 11, Ch. 2005-287, L.O.F. Accordingly, s. 212.08(5)(g), F.S. (*Building materials used in the rehabilitation of real property located in an enterprise zone.*), has been rendered obsolete.

*Proposed Changes:* **Section 10** strikes s. 212.08(5)(g), F.S., and references to s. 212.08(5)(g), F.S., within s. 212.08, F.S.

### Methods of Accounting

*Present Situation:* Section 220.42(3), F.S., provides a taxpayer with an election to report any portion of its income for long-term contracts for Florida purposes on the percentage of completion method of accounting if the taxpayer reports any portion of its income for long-term contracts on the completed contract method of accounting for federal purposes. The completed contract method of accounting is obsolete and has not been available since 1989. Section 220.42(3), F.S., also references Treasury Regulation 1.451-3, which has been repurposed by the Internal Revenue Service.

*Proposed Changes:* **Section 19** strikes s. 220.42(3), F.S., and a reference to that subsection within s. 220.42(1), F.S.

### Pollutants Tax Registration Fees

*Present Situation:* An entity must pay a \$30 registration fee when requesting a pollutants tax license.<sup>7</sup> However, these registration fees were eliminated by ch. 2017-36, L.O.F.

*Proposed Change:* **Section 15** amends s. 206.9931, F.S., to remove obsolete language related to pollutants tax registration fees.

### Cross References and Deletions

**Section 24** replaces a reference to s. 212.08(5)(p), F.S., within s. 220.183(1)(c), F.S., with s. 212.08(5)(o), F.S., to conform with amendments made by s. 10 of the bill.

**Section 25** replaces a reference to s. 212.08(5)(j), F.S., within s. 288.0001(2)(c), F.S., with s. 212.08(5)(i), F.S., to conform with amendments made by s. 10 of the bill.

**Section 26** strikes a reference to s. 212.08(5)(h), F.S., within s. 290.0056(9)(a), F.S., to conform with amendments made by s. 10 of the bill.

**Section 27** strikes language referring to the sales tax exemption for building materials used in the rehabilitation of real property in enterprise zones and also replaces a reference to s. 212.08(5)(h), F.S., within s. 290.007, F.S., with s. 212.08(5)(g), F.S., to conform with amendments made by s. 10 of the bill.

**Section 28** replaces a reference to s. 290.007(8), F.S., within s. 377.809(4)(a), F.S., with s. 290.007(7), F.S., to conform with amendments made by s. 27 of the bill.

**Section 29** replaces a reference to s. 212.08(5)(p), F.S., within s. 624.5105(1)(c), F.S., with s. 212.08(5)(o), F.S., to conform with amendments made by s. 10 of the bill.

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<sup>7</sup> Section 206.9931, F.S.



**Section 30** replaces a reference to s. 212.08(5)(j), F.S., within s. 1011.94(1), F.S., with s. 212.08(5)(i), F.S., to conform with amendments made by s. 10 of the bill.

Except as otherwise provided in this act, this act shall take 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:

The Revenue Estimating Committee has analyzed the bill, determining the bill as a whole, excepting section 23, to have a positive indeterminate impact. Section 23, regarding the State Fire Marshall, was determined to have a negative impact.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Revenue has analyzed the bill and expects implementation to cost less than \$25,000.<sup>8</sup>

#### **VI. Technical Deficiencies:**

None.

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<sup>8</sup> Department of Revenue, 2022 *Agency Legislative Bill Analysis, SB 1382*, available at <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=33394> (last visited January 28, 2022).

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 72.011, 120.80, 201.02, 202.34, 202.36, 206.14, 206.9931, 211.125, 212.05, 212.08, 212.13, 212.14, 213.051, 213.06, 213.21, 213.34, 213.345, 213.67, 220.42, 220.735, 443.131, 443.171, 624.515, 220.183, 288.0001, 290.0056, 290.007, 377.809, 624.5105, and 1011.94 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 Gruters

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1 A bill to be entitled  
2 An act relating to tax administration; amending s.  
3 72.011, F.S.; prohibiting taxpayers from submitting  
4 certain records in tax proceedings under certain  
5 circumstances; amending s. 120.80, F.S.; prohibiting  
6 taxpayers from submitting certain records in tax  
7 proceedings under certain circumstances; specifying  
8 procedures relating to challenges to certain agency  
9 statements; amending s. 201.02, F.S.; clarifying  
10 existing law relating to establishing consideration  
11 before the transfer of real property; requiring the  
12 Department of Revenue to adopt rules; amending s.  
13 202.34, F.S.; authorizing the department to respond to  
14 contact initiated by taxpayers to discuss audits;  
15 authorizing taxpayers to provide records and other  
16 information to the department; authorizing the  
17 department to examine documentation and other  
18 information; providing construction; requiring  
19 taxpayers to object to premature audits within a  
20 certain timeframe; providing that a tolling period is  
21 considered lifted under certain circumstances;  
22 authorizing the department to adopt rules; amending s.  
23 202.36, F.S.; creating a presumption regarding  
24 proposed final agency action by the department;  
25 authorizing the department to create estimates for  
26 purposes of assessment under certain circumstances;  
27 providing construction; amending ss. 206.14, 211.125,  
28 212.14, and 220.735, F.S.; creating presumptions  
29 regarding proposed final agency action by the

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30 department; authorizing the department to create  
31 estimates for purposes of assessment under certain  
32 circumstances; amending s. 206.9931, F.S.; deleting  
33 obsolete language; amending s. 212.05, F.S.;  
34 clarifying conditions for application of an exemption  
35 for sales taxes for certain nonresident purchasers of  
36 boats or aircraft; revising requirements for an  
37 affidavit; amending s. 212.08, F.S.; deleting a tax  
38 exemption for building materials used in the  
39 rehabilitation of real property located in an  
40 enterprise zone; conforming provisions to changes made  
41 by the act; amending s. 212.13, F.S.; requiring  
42 certain dealers to maintain specified records;  
43 providing construction; requiring the department to  
44 notify the Division of Alcoholic Beverages and Tobacco  
45 of the Department of Business and Professional  
46 Regulation and dealers upon dealers' failure to comply  
47 with department requests for records; authorizing the  
48 department to suspend resale certificates issued to  
49 dealers under certain circumstances; authorizing  
50 dealers to apply for administrative hearings under  
51 certain circumstances; authorizing the department to  
52 respond to contact initiated by taxpayers to discuss  
53 audits; authorizing taxpayers to provide records and  
54 other information; authorizing the department to  
55 examine documentation and other information; providing  
56 construction; requiring taxpayers to object to  
57 premature audits within a certain timeframe; providing  
58 that a tolling period is considered lifted under

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59 certain circumstances; authorizing the department to  
 60 adopt rules; amending s. 213.051, F.S.; authorizing  
 61 the department to serve subpoenas on businesses  
 62 registered with the department; providing  
 63 construction; amending s. 213.06, F.S.; revising the  
 64 period in which, and conditions under which, the  
 65 executive director of the department may adopt  
 66 emergency rules; providing for an exemption from the  
 67 Administrative Procedure Act for any such emergency  
 68 rules; specifying conditions regarding the  
 69 effectiveness and the renewal of emergency rules;  
 70 providing construction; amending s. 213.21, F.S.;  
 71 providing for tolling of the statute of limitations  
 72 upon the issuance of assessments, rather than final  
 73 assessments; authorizing a taxpayer's liability to be  
 74 settled or compromised under certain circumstances;  
 75 creating a rebuttable presumption; conforming a  
 76 provision to changes made by the act; specifying the  
 77 conditions for the department to consider requests to  
 78 settle or compromise any tax, interest, penalty, or  
 79 other liability; providing construction; amending s.  
 80 213.34, F.S.; revising audit procedures of the  
 81 department; authorizing the department to adopt rules;  
 82 requiring the department to refund any overpayments;  
 83 amending s. 213.345, F.S.; specifying conditions under  
 84 which a period is tolled during an audit; providing  
 85 construction; amending s. 213.67, F.S.; authorizing  
 86 the executive director of the department or his or her  
 87 designee to include additional daily accrued interest,

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88 costs, and fees in a garnishment levy notice; revising  
 89 methods for delivery of levy notices; amending s.  
 90 220.42, F.S.; deleting obsolete language; amending s.  
 91 443.131, F.S.; excluding certain benefit charges from  
 92 the employer reemployment assistance contribution rate  
 93 calculation; amending s. 443.171, F.S.; requiring the  
 94 department and its tax collection service provider to  
 95 comply with requirements of the federal Treasury  
 96 Offset Program; authorizing the department or the tax  
 97 collection service provider to adopt rules; amending  
 98 s. 624.515, F.S.; requiring the department to make  
 99 available percentages of fire insurance; specifying  
 100 requirements for insurers choosing not to use  
 101 percentages of fire insurance calculated by the  
 102 department; amending ss. 220.183, 288.0001, 290.0056,  
 103 290.007, 377.809, 624.5105, and 1011.94, F.S.;  
 104 conforming provisions and cross-references to changes  
 105 made by the act; providing effective dates.

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

108  
 109 Section 1. Paragraph (c) is added to subsection (1) of  
 110 section 72.011, Florida Statutes, to read:

111 72.011 Jurisdiction of circuit courts in specific tax  
 112 matters; administrative hearings and appeals; time for  
 113 commencing action; parties; deposits.—

114 (1)

115 (c) A taxpayer may not submit records pertaining to an  
 116 assessment or refund claim as evidence in any proceeding under

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117 this section if those records were available to, or required to  
 118 be kept by, the taxpayer and were not timely provided to the  
 119 Department of Revenue during the audit or protest period and  
 120 before submission of a petition for hearing pursuant to chapter  
 121 120 or the filing of an action under paragraph (a).

122 Section 2. Paragraph (b) of subsection (14) of section  
 123 120.80, Florida Statutes, is amended, and subsection (19) is  
 124 added to that section, to read:

125 120.80 Exceptions and special requirements; agencies.—

126 (14) DEPARTMENT OF REVENUE.—

127 (b) *Taxpayer contest proceedings.*—

128 1. In any administrative proceeding brought pursuant to  
 129 this chapter as authorized by s. 72.011(1), the taxpayer shall  
 130 be designated the “petitioner” and the Department of Revenue  
 131 shall be designated the “respondent,” except that for actions  
 132 contesting an assessment or denial of refund under chapter 207,  
 133 the Department of Highway Safety and Motor Vehicles shall be  
 134 designated the “respondent,” and for actions contesting an  
 135 assessment or denial of refund under chapters 210, 550, 561,  
 136 562, 563, 564, and 565, the Department of Business and  
 137 Professional Regulation shall be designated the “respondent.”

138 2. In any such administrative proceeding, the applicable  
 139 department’s burden of proof, except as otherwise specifically  
 140 provided by general law, shall be limited to a showing that an  
 141 assessment has been made against the taxpayer and the factual  
 142 and legal grounds upon which the applicable department made the  
 143 assessment.

144 3.a. ~~Before~~ ~~Prior to~~ filing a petition under this chapter,  
 145 the taxpayer shall pay to the applicable department the amount

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146 of taxes, penalties, and accrued interest assessed by that  
 147 department which are not being contested by the taxpayer.  
 148 Failure to pay the uncontested amount shall result in the  
 149 dismissal of the action and imposition of an additional penalty  
 150 of 25 percent of the amount taxed.

151 b. The requirements of s. 72.011(2) and (3)(a) are  
 152 jurisdictional for any action under this chapter to contest an  
 153 assessment or denial of refund by the Department of Revenue, the  
 154 Department of Highway Safety and Motor Vehicles, or the  
 155 Department of Business and Professional Regulation.

156 4. Except as provided in s. 220.719, further collection and  
 157 enforcement of the contested amount of an assessment for  
 158 nonpayment or underpayment of any tax, interest, or penalty  
 159 shall be stayed beginning on the date a petition is filed. Upon  
 160 entry of a final order, an agency may resume collection and  
 161 enforcement action.

162 5. The prevailing party, in a proceeding under ss. 120.569  
 163 and 120.57 authorized by s. 72.011(1), may recover all legal  
 164 costs incurred in such proceeding, including reasonable attorney  
 165 ~~attorney's~~ fees, if the losing party fails to raise a  
 166 justiciable issue of law or fact in its petition or response.

167 6. Upon review pursuant to s. 120.68 of final agency action  
 168 concerning an assessment of tax, penalty, or interest with  
 169 respect to a tax imposed under chapter 212, or the denial of a  
 170 refund of any tax imposed under chapter 212, if the court finds  
 171 that the Department of Revenue improperly rejected or modified a  
 172 conclusion of law, the court may award reasonable attorney  
 173 ~~attorney's~~ fees and reasonable costs of the appeal to the  
 174 prevailing appellant.

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175       7. A taxpayer may not submit records pertaining to an  
 176       assessment or refund claim as evidence in any proceeding brought  
 177       pursuant to this chapter as authorized by s. 72.011(1) if those  
 178       records were available to, or required to be kept by, the  
 179       taxpayer and were not timely provided to the Department of  
 180       Revenue during the audit or protest period and before submission  
 181       of a petition for hearing under this chapter.

182       (19) AGENCIES HEADED BY THE GOVERNOR AND CABINET.—In a  
 183       proceeding under s. 120.56(4) challenging a statement of an  
 184       agency headed by the Governor and Cabinet, upon notification to  
 185       the administrative law judge provided before the final hearing  
 186       that the agency has published a notice of rule development under  
 187       s. 120.54(2) regarding the statement and for which a notice of  
 188       adoption of an emergency rule under s. 120.54(4) was also  
 189       published, such notice automatically operates as a stay of  
 190       proceedings pending adoption of the statement as a rule or while  
 191       the emergency rule remains in effect. The administrative law  
 192       judge may vacate the stay for good cause shown. A stay of  
 193       proceedings under this subsection remains in effect so long as  
 194       the agency is proceeding expeditiously and in good faith to  
 195       adopt the statement as a rule or the emergency rule remains in  
 196       effect.

197       Section 3. Paragraph (a) of subsection (1) of section  
 198       201.02, Florida Statutes, is amended, and subsection (12) is  
 199       added to that section, to read:

200       201.02 Tax on deeds and other instruments relating to real  
 201       property or interests in real property.—

202       (1)(a) On deeds, instruments, or writings whereby any  
 203       lands, tenements, or other real property, or any interest

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204       therein, ~~is shall be~~ granted, assigned, transferred, or  
 205       otherwise conveyed to, or vested in, the purchaser or any other  
 206       person by his or her direction, on each \$100 of the  
 207       consideration therefor the tax shall be 70 cents. When the full  
 208       amount of the consideration for the execution, assignment,  
 209       transfer, or conveyance is not shown in the face of such deed,  
 210       instrument, document, or writing, the tax ~~must shall~~ be at the  
 211       rate of 70 cents for each \$100 or fractional part thereof of the  
 212       consideration therefor. The parties to any document evidencing  
 213       the transfer of real property shall establish the consideration  
 214       before the transfer of the real property or the delivery of any  
 215       document evidencing the transfer of the real property. For  
 216       purposes of this section, consideration includes, but is not  
 217       limited to, the money paid or agreed to be paid; the discharge  
 218       of an obligation; and the amount of any mortgage, purchase money  
 219       mortgage lien, or other encumbrance, whether or not the  
 220       underlying indebtedness is assumed. If the consideration paid or  
 221       given in exchange for real property or any interest therein  
 222       includes property other than money, it is presumed that the  
 223       consideration is equal to the fair market value of the real  
 224       property or interest therein.

225       (12) The Department of Revenue shall adopt rules governing  
 226       the implementation and operation of this section.

227       Section 4. Paragraph (f) is added to subsection (4) of  
 228       section 202.34, Florida Statutes, and subsection (6) is added to  
 229       that section, to read:

230       202.34 Records required to be kept; power to inspect; audit  
 231       procedure.—

232       (4)

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(f) Once the notification required by paragraph (a) is issued, the department, at any time, may respond to contact initiated by a taxpayer to discuss the audit, and the taxpayer may provide records or other information, electronically or otherwise, to the department. The department may examine, at any time, documentation and other information voluntarily provided by the taxpayer, its representative, or other parties; information already in the department's possession; or publicly available information. The department's examination of such information does not mean an audit has commenced if the review takes place within 60 days after the notice of intent to conduct an audit. The requirement in paragraph (a) does not limit the department in making initial contact with the taxpayer to confirm receipt of the notification or to confirm the date that the audit will begin. If the taxpayer believes the department has prematurely commenced the audit, the taxpayer must object in writing to the department before the issuance of an assessment or else the objection is waived. If the department agrees that the audit was prematurely commenced, or a judge, a hearing officer, or an administrative law judge so determines, the tolling period provided for in s. 213.345 is considered lifted for the number of days equal to the difference between the date of premature commencement of audit and the 61st day after the date of the department's notice of intent to audit.

(6) The department may adopt rules to administer this section.

Section 5. Paragraph (a) of subsection (4) of section 202.36, Florida Statutes, is amended to read:

202.36 Departmental powers; hearings; distress warrants;

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bonds; subpoenas and subpoenas duces tecum.—

(4) (a) The department may issue subpoenas or subpoenas duces tecum compelling the attendance and testimony of witnesses and the production of books, records, written materials, and electronically recorded information. Subpoenas must be issued with the written and signed approval of the executive director or his or her designee on a written and sworn application by any employee of the department. The application must set forth the reason for the application, the name of the person subpoenaed, the time and place of appearance of the witness, and a description of any books, records, or electronically recorded information to be produced, together with a statement by the applicant that the department has unsuccessfully attempted other reasonable means of securing information and that the testimony of the witness or the written or electronically recorded materials sought in the subpoena are necessary for the collection of taxes, penalty, or interest or the enforcement of the taxes levied or administered under this chapter. A subpoena shall be served in the manner provided by law and by the Florida Rules of Civil Procedure and shall be returnable only during regular business hours and at least 20 calendar days after the date of service of the subpoena. Any subpoena to which this subsection applies must identify the taxpayer to whom the subpoena relates and to whom the records pertain and must provide other information to enable the person subpoenaed to locate the records required under the subpoena. The department shall give notice to the taxpayer to whom the subpoena relates within 3 days after the day on which the service of the subpoena is made. Within 14 days after service of the subpoena, the

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291 person to whom the subpoena is directed may serve written  
 292 objection to the inspection or copying of any of the designated  
 293 materials. If objection is made, the department may not inspect  
 294 or copy the materials, except pursuant to an order of the  
 295 circuit court. If an objection is made, the department may  
 296 petition any circuit court for an order to comply with the  
 297 subpoena. The subpoena must contain a written notice of the  
 298 right to object to the subpoena. Every subpoena served upon the  
 299 witness or custodian of records must be accompanied by a copy of  
 300 ~~the provisions of~~ this subsection. If a person refuses to obey a  
 301 subpoena or subpoena duces tecum, the department may apply to  
 302 any circuit court of this state to enforce compliance with the  
 303 subpoena. Witnesses are entitled to be paid a mileage allowance  
 304 and witness fees as authorized for witnesses in civil cases. The  
 305 failure of a taxpayer to provide documents available to, or  
 306 required to be kept by, the taxpayer and requested by a subpoena  
 307 issued under this section creates a presumption that the  
 308 resulting proposed final agency action by the department, as to  
 309 the requested documents, is correct and that the requested  
 310 documents not produced by the taxpayer would be adverse to the  
 311 taxpayer's position as to the proposed final agency action. The  
 312 department may create estimates for purposes of assessment if a  
 313 taxpayer fails to provide documents requested by a subpoena  
 314 issued under this section. The presumption and authority to  
 315 create estimates under this paragraph are not triggered merely  
 316 because a taxpayer or its representative requests a conference  
 317 to negotiate the production of a sample of records demanded by a  
 318 subpoena.

319 Section 6. Subsection (4) of section 206.14, Florida

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320 Statutes, is amended to read:

321 206.14 Inspection of records; audits; hearings; forms;  
 322 rules and regulations.—

323 (4) If any person unreasonably refuses access to such  
 324 records, books, papers or other documents, or equipment, or if  
 325 any person fails or refuses to obey such subpoenas duces tecum  
 326 or to testify, except for lawful reasons, before the department  
 327 or any of its authorized agents, the department shall certify  
 328 the names and facts to the clerk of the circuit court of any  
 329 county; and the circuit court shall enter such order against  
 330 such person in the premises as the enforcement of this law and  
 331 justice requires. The failure of a taxpayer to provide documents  
 332 available to, or required to be kept by, the taxpayer and  
 333 requested by a subpoena issued under this section creates a  
 334 presumption that the resulting proposed final agency action by  
 335 the department, as to the requested documents, is correct and  
 336 that the requested documents not produced by the taxpayer would  
 337 be adverse to the taxpayer's position as to the proposed final  
 338 agency action. The department may create estimates for purposes  
 339 of assessment if a taxpayer fails to provide documents requested  
 340 by a subpoena issued under this section.

341 Section 7. Subsection (1) of section 206.9931, Florida  
 342 Statutes, is amended to read:

343 206.9931 Administrative provisions.—

344 (1) Any person producing in, importing into, or causing to  
 345 be imported into this state taxable pollutants for sale, use, or  
 346 otherwise and who is not registered or licensed pursuant to  
 347 other parts of this chapter is hereby required to register and  
 348 become licensed for the purposes of this part. Such person shall

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349 register as either a producer or importer of pollutants and  
 350 shall be subject to all applicable registration and licensing  
 351 provisions of this chapter, as if fully set out in this part and  
 352 made expressly applicable to the taxes imposed herein,  
 353 including, but not limited to, ss. 206.02, 206.021, 206.022,  
 354 206.025, 206.03, 206.04, and 206.05. For the purposes of this  
 355 section, registrations required exclusively for this part shall  
 356 be made within 90 days of July 1, 1986, for existing businesses,  
 357 or ~~before~~ ~~prior to~~ the first production or importation of  
 358 pollutants for businesses created after July 1, 1986. ~~The fee~~  
 359 ~~for registration shall be \$30.~~ Failure to timely register is a  
 360 misdemeanor of the first degree, punishable as provided in s.  
 361 775.082 or s. 775.083.

362 Section 8. Paragraph (b) of subsection (3) of section  
 363 211.125, Florida Statutes, is amended to read:

364 211.125 Administration of law; books and records; powers of  
 365 the department; refunds; enforcement provisions;  
 366 confidentiality.—

367 (3)

368 (b) The department ~~may~~ shall have the power to inspect or  
 369 examine the books, records, or papers of any operator, producer,  
 370 purchaser, royalty interest owner, taxpayer, or transporter of  
 371 taxable products which are reasonably required for the purposes  
 372 of this part and may require such person to testify under oath  
 373 or affirmation or to answer competent questions touching upon  
 374 such person's business or production of taxable products in this  
 375 ~~the~~ state.

376 1. The department may issue subpoenas to compel third  
 377 parties to testify or to produce records or other evidence held

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378 by them.

379 2. Any duly authorized representative of the department may  
 380 administer an oath or affirmation.

381 3. If any person fails to comply with a request of the  
 382 department for the inspection of records, fails to give  
 383 testimony or respond to competent questions, or fails to comply  
 384 with a subpoena, a circuit court having jurisdiction over such  
 385 person may, upon application by the department, issue orders  
 386 necessary to secure compliance. The failure of a taxpayer to  
 387 provide documents available to, or required to be kept by, the  
 388 taxpayer and requested by a subpoena issued under this section  
 389 creates a presumption that the resulting proposed final agency  
 390 action by the department, as to the requested documents, is  
 391 correct and that the requested documents not produced by the  
 392 taxpayer would be adverse to the taxpayer's position as to the  
 393 proposed final agency action. The department may create  
 394 estimates for purposes of assessment if a taxpayer fails to  
 395 provide documents requested by a subpoena issued under this  
 396 section.

397 Section 9. Paragraph (a) of subsection (1) of section  
 398 212.05, Florida Statutes, is amended to read:

399 212.05 Sales, storage, use tax.—It is hereby declared to be  
 400 the legislative intent that every person is exercising a taxable  
 401 privilege who engages in the business of selling tangible  
 402 personal property at retail in this state, including the  
 403 business of making or facilitating remote sales; who rents or  
 404 furnishes any of the things or services taxable under this  
 405 chapter; or who stores for use or consumption in this state any  
 406 item or article of tangible personal property as defined herein

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and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a)1.a. At the rate of 6 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is ~~shall be~~ subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable

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as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

2. This paragraph does not apply to the sale of a boat or aircraft by or through a registered dealer under this chapter to a purchaser who, at the time of taking delivery, is a nonresident of this state, does not make his or her permanent place of abode in this state, and is not engaged in carrying on in this state any employment, trade, business, or profession in which the boat or aircraft will be used in this state, or is a corporation none of the officers or directors of which is a resident of, or makes his or her permanent place of abode in, this state, or is a noncorporate entity that has no individual vested with authority to participate in the management, direction, or control of the entity's affairs who is a resident of, or makes his or her permanent abode in, this state. For purposes of this exemption, either a registered dealer acting on his or her own behalf as seller, a registered dealer acting as broker on behalf of a seller, or a registered dealer acting as broker on behalf of the nonresident purchaser may be deemed to be the selling dealer. This exemption is ~~shall~~ not ~~be~~ allowed unless:

a. The nonresident purchaser removes a qualifying boat, as described in sub-subparagraph f., from this ~~the~~ state within 90 days after the date of purchase or extension, or the nonresident

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purchaser removes a nonqualifying boat or an aircraft from this state within 10 days after the date of purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of the repairs or alterations; or if the aircraft will be registered in a foreign jurisdiction and:

(I) Application for the aircraft's registration is properly filed with a civil airworthiness authority of a foreign jurisdiction within 10 days after the date of purchase;

(II) The nonresident purchaser removes the aircraft from ~~this the~~ state to a foreign jurisdiction within 10 days after the date the aircraft is registered by the applicable foreign airworthiness authority; and

(III) The aircraft is operated in this the state solely to remove it from ~~this the~~ state to a foreign jurisdiction.

For purposes of this sub-subparagraph, the term "foreign jurisdiction" means any jurisdiction outside of the United States or any of its territories;

b. The nonresident purchaser, within 90 days ~~after from~~ the date of departure, provides the department with written proof that the nonresident purchaser licensed, registered, titled, or documented the boat or aircraft outside ~~this the~~ state. If such written proof is unavailable, within 90 days the nonresident purchaser ~~must shall~~ provide proof that the nonresident purchaser applied for such license, title, registration, or documentation. The nonresident purchaser shall forward to the department proof of title, license, registration, or documentation upon receipt;

c. The nonresident purchaser, within 30 days after removing

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the boat or aircraft from this state ~~Florida~~, furnishes the department with proof of removal in the form of receipts for fuel, dockage, slippage, tie-down, or hangaring from outside of ~~this state Florida~~. The information so provided must clearly and specifically identify the boat or aircraft;

d. The selling dealer, within 30 days after the date of sale, provides to the department a copy of the sales invoice, closing statement, bills of sale, and the original affidavit signed by the nonresident purchaser affirming that the nonresident purchaser qualifies for exemption from sales tax pursuant to this subparagraph and attesting that the nonresident purchaser will provide the documentation required to substantiate the exemption claimed under this subparagraph attesting that he or she has read the provisions of this section;

e. The seller makes a copy of the affidavit a part of his or her record for as long as required by s. 213.35; and

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser applies to the selling dealer for a decal which authorizes 90 days after the date of purchase for removal of the boat. The nonresident purchaser of a qualifying boat may apply to the selling dealer within 60 days after the date of purchase for an extension decal that authorizes the boat to remain in this state for an additional 90 days, but not more than a total of 180 days, before the nonresident purchaser is required to pay the tax

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imposed by this chapter. The department is authorized to issue decals in advance to dealers. The number of decals issued in advance to a dealer shall be consistent with the volume of the dealer's past sales of boats which qualify under this sub-subparagraph. The selling dealer or his or her agent shall mark and affix the decals to qualifying boats in the manner prescribed by the department, before delivery of the boat.

(I) The department is hereby authorized to charge dealers a fee sufficient to recover the costs of decals issued, except the extension decal shall cost \$425.

(II) The proceeds from the sale of decals will be deposited into the administrative trust fund.

(III) Decals shall display information to identify the boat as a qualifying boat under this sub-subparagraph, including, but not limited to, the decal's date of expiration.

(IV) The department is authorized to require dealers who purchase decals to file reports with the department and may prescribe all necessary records by rule. All such records are subject to inspection by the department.

(V) Any dealer or his or her agent who issues a decal falsely, fails to affix a decal, mismarks the expiration date of a decal, or fails to properly account for decals will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VI) Any nonresident purchaser of a boat who removes a

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decal before permanently removing the boat from ~~this the~~ state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date before its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

(VII) The department is authorized to adopt rules necessary to administer and enforce this subparagraph and to publish the necessary forms and instructions.

(VIII) The department is hereby authorized to adopt emergency rules pursuant to s. 120.54(4) to administer and enforce ~~the provisions of~~ this subparagraph.

If the nonresident purchaser fails to remove the qualifying boat from this state within the maximum 180 days after purchase or a nonqualifying boat or an aircraft from this state within 10 days after purchase or, when the boat or aircraft is repaired or altered, within 20 days after completion of such repairs or alterations, or permits the boat or aircraft to return to this state within 6 months after from the date of departure, except as provided in s. 212.08(7)(fff), or if the nonresident purchaser fails to furnish the department with any of the documentation required by this subparagraph within the prescribed time period, the nonresident purchaser ~~is shall be~~ liable for use tax on the cost price of the boat or aircraft

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and, in addition thereto, payment of a penalty to the Department of Revenue equal to the tax payable. This penalty shall be in lieu of the penalty imposed by s. 212.12(2). The maximum 180-day period following the sale of a qualifying boat tax-exempt to a nonresident may not be tolled for any reason.

Section 10. Paragraphs (g) and (h) of subsection (5) and paragraph (f) of subsection (15) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

~~(g) Building materials used in the rehabilitation of real property located in an enterprise zone.~~

~~1. Building materials used in the rehabilitation of real property located in an enterprise zone are exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor at the time the real property is rehabilitated, but only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property must file an application under oath with the governing body or enterprise zone development agency having~~

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~~jurisdiction over the enterprise zone where the business is located, as applicable. A single application for a refund may be submitted for multiple, contiguous parcels that were part of a single parcel that was divided as part of the rehabilitation of the property. All other requirements of this paragraph apply to each parcel on an individual basis. The application must include:~~

- ~~a. The name and address of the person claiming the refund.~~
- ~~b. An address and assessment roll parcel number of the rehabilitated real property for which a refund of previously paid taxes is being sought.~~
- ~~c. A description of the improvements made to accomplish the rehabilitation of the real property.~~
- ~~d. A copy of a valid building permit issued by the county or municipal building department for the rehabilitation of the real property.~~
- ~~e. A sworn statement, under penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to rehabilitate the real property, which lists the building materials used to rehabilitate the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. If a general contractor was not used, the applicant, not a general contractor, shall make the sworn statement required by this sub subparagraph. Copies of the invoices that evidence the purchase of the building materials used in the rehabilitation and the payment of sales tax on the building materials must be attached to the sworn statement provided by the general contractor or by the~~

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applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes is documented by a general contractor or by the applicant in this manner, the cost of the building materials is deemed to be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.

f. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located.

g. A certification by the local building code inspector that the improvements necessary to rehabilitate the real property are substantially completed.

h. A statement of whether the business is a small business as defined by s. 288.703.

i. If applicable, the name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides.

2. This exemption inures to a municipality, county, other governmental unit or agency, or nonprofit community-based organization through a refund of previously paid taxes if the building materials used in the rehabilitation are paid for from the funds of a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program. To receive a refund, a municipality, county, other governmental unit or agency, or nonprofit community-based organization must file an application that includes the same information required in subparagraph 1. In addition, the

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application must include a sworn statement signed by the chief executive officer of the municipality, county, other governmental unit or agency, or nonprofit community-based organization seeking a refund which states that the building materials for which a refund is sought were funded by a community development block grant, State Housing Initiatives Partnership Program, or similar grant or loan program.

3. Within 10 working days after receipt of an application, the governing body or enterprise zone development agency shall review the application to determine if it contains all the information required by subparagraph 1. or subparagraph 2. and meets the criteria set out in this paragraph. The governing body or agency shall certify all applications that contain the required information and are eligible to receive a refund. If applicable, the governing body or agency shall also certify if 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary and part-time employees. The certification must be in writing, and a copy of the certification shall be transmitted to the executive director of the department. The applicant is responsible for forwarding a certified application to the department within the time specified in subparagraph 4.

4. An application for a refund must be submitted to the department within 6 months after the rehabilitation of the property is deemed to be substantially completed by the local building code inspector or by November 1 after the rehabilitated property is first subject to assessment.

5. Only one exemption through a refund of previously paid taxes for the rehabilitation of real property is permitted for

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697 any single parcel of property unless there is a change in  
 698 ownership, a new lessor, or a new lessee of the real property. A  
 699 refund may not be granted unless the amount to be refunded  
 700 exceeds \$500. A refund may not exceed the lesser of 97 percent  
 701 of the Florida sales or use tax paid on the cost of the building  
 702 materials used in the rehabilitation of the real property as  
 703 determined pursuant to sub-subparagraph 1.c. or \$5,000, or, if  
 704 at least 20 percent of the employees of the business are  
 705 residents of an enterprise zone, excluding temporary and part-  
 706 time employees, the amount of refund may not exceed the lesser  
 707 of 97 percent of the sales tax paid on the cost of the building  
 708 materials or \$10,000. A refund shall be made within 30 days  
 709 after formal approval by the department of the application for  
 710 the refund.

711 ~~6. The department shall adopt rules governing the manner~~  
 712 ~~and form of refund applications and may establish guidelines as~~  
 713 ~~to the requisites for an affirmative showing of qualification~~  
 714 ~~for exemption under this paragraph.~~

715 ~~7. The department shall deduct an amount equal to 10~~  
 716 ~~percent of each refund granted under this paragraph from the~~  
 717 ~~amount transferred into the Local Government Half-cent Sales Tax~~  
 718 ~~Clearing Trust Fund pursuant to s. 212.20 for the county area in~~  
 719 ~~which the rehabilitated real property is located and shall~~  
 720 ~~transfer that amount to the General Revenue Fund.~~

721 ~~8. For the purposes of the exemption provided in this~~  
 722 ~~paragraph, the term:~~

723 ~~a. "Building materials" means tangible personal property~~  
 724 ~~that becomes a component part of improvements to real property.~~

725 ~~b. "Real property" has the same meaning as provided in s.~~

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726 ~~192.001(12), except that the term does not include a condominium~~  
 727 ~~parcel or condominium property as defined in s. 718.103.~~

728 ~~c. "Rehabilitation of real property" means the~~  
 729 ~~reconstruction, renovation, restoration, rehabilitation,~~  
 730 ~~construction, or expansion of improvements to real property.~~

731 ~~d. "Substantially completed" has the same meaning as~~  
 732 ~~provided in s. 192.042(1).~~

733 ~~9. This paragraph expires on the date specified in s.~~  
 734 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

735 ~~(g) (h) Business property used in an enterprise zone.-~~

736 1. Business property purchased for use by businesses  
 737 located in an enterprise zone which is subsequently used in an  
 738 enterprise zone shall be exempt from the tax imposed by this  
 739 chapter. This exemption inures to the business only through a  
 740 refund of previously paid taxes. A refund shall be authorized  
 741 upon an affirmative showing by the taxpayer to the satisfaction  
 742 of the department that the requirements of this paragraph have  
 743 been met.

744 2. To receive a refund, the business must file under oath  
 745 with the governing body or enterprise zone development agency  
 746 having jurisdiction over the enterprise zone where the business  
 747 is located, as applicable, an application which includes:

748 a. The name and address of the business claiming the  
 749 refund.

750 b. The identifying number assigned pursuant to s. 290.0065  
 751 to the enterprise zone in which the business is located.

752 c. A specific description of the property for which a  
 753 refund is sought, including its serial number or other permanent  
 754 identification number.

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755 d. The location of the property.

756 e. The sales invoice or other proof of purchase of the

757 property, showing the amount of sales tax paid, the date of

758 purchase, and the name and address of the sales tax dealer from

759 whom the property was purchased.

760 f. Whether the business is a small business as defined by

761 s. 288.703.

762 g. If applicable, the name and address of each permanent

763 employee of the business, including, for each employee who is a

764 resident of an enterprise zone, the identifying number assigned

765 pursuant to s. 290.0065 to the enterprise zone in which the

766 employee resides.

767 3. Within 10 working days after receipt of an application,

768 the governing body or enterprise zone development agency shall

769 review the application to determine if it contains all the

770 information required pursuant to subparagraph 2. and meets the

771 criteria set out in this paragraph. The governing body or agency

772 shall certify all applications that contain the information

773 required pursuant to subparagraph 2. and meet the criteria set

774 out in this paragraph as eligible to receive a refund. If

775 applicable, the governing body or agency shall also certify if

776 20 percent of the employees of the business are residents of an

777 enterprise zone, excluding temporary and part-time employees.

778 The certification shall be in writing, and a copy of the

779 certification shall be transmitted to the executive director of

780 the Department of Revenue. The business shall be responsible for

781 forwarding a certified application to the department within the

782 time specified in subparagraph 4.

783 4. An application for a refund pursuant to this paragraph

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784 must be submitted to the department within 6 months after the

785 tax is due on the business property that is purchased.

786 5. The amount refunded on purchases of business property

787 under this paragraph shall be the lesser of 97 percent of the

788 sales tax paid on such business property or \$5,000, or, if no

789 less than 20 percent of the employees of the business are

790 residents of an enterprise zone, excluding temporary and part-

791 time employees, the amount refunded on purchases of business

792 property under this paragraph shall be the lesser of 97 percent

793 of the sales tax paid on such business property or \$10,000. A

794 refund approved pursuant to this paragraph shall be made within

795 30 days after formal approval by the department of the

796 application for the refund. A refund may not be granted under

797 this paragraph unless the amount to be refunded exceeds \$100 in

798 sales tax paid on purchases made within a 60-day time period.

799 6. The department shall adopt rules governing the manner

800 and form of refund applications and may establish guidelines as

801 to the requisites for an affirmative showing of qualification

802 for exemption under this paragraph.

803 7. If the department determines that the business property

804 is used outside an enterprise zone within 3 years from the date

805 of purchase, the amount of taxes refunded to the business

806 purchasing such business property shall immediately be due and

807 payable to the department by the business, together with the

808 appropriate interest and penalty, computed from the date of

809 purchase, in the manner provided by this chapter.

810 Notwithstanding this subparagraph, business property used

811 exclusively in:

812 a. Licensed commercial fishing vessels,

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813 b. Fishing guide boats, or  
 814 c. Ecotourism guide boats  
 815  
 816 that leave and return to a fixed location within an area  
 817 designated under s. 379.2353, Florida Statutes 2010, are  
 818 eligible for the exemption provided under this paragraph if all  
 819 requirements of this paragraph are met. Such vessels and boats  
 820 must be owned by a business that is eligible to receive the  
 821 exemption provided under this paragraph. This exemption does not  
 822 apply to the purchase of a vessel or boat.  
 823 8. The department shall deduct an amount equal to 10  
 824 percent of each refund granted under this paragraph from the  
 825 amount transferred into the Local Government Half-cent Sales Tax  
 826 Clearing Trust Fund pursuant to s. 212.20 for the county area in  
 827 which the business property is located and shall transfer that  
 828 amount to the General Revenue Fund.  
 829 9. For the purposes of this exemption, "business property"  
 830 means new or used property defined as "recovery property" in s.  
 831 168(c) of the Internal Revenue Code of 1954, as amended, except:  
 832 a. Property classified as 3-year property under s.  
 833 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;  
 834 b. Industrial machinery and equipment as defined in sub-  
 835 subparagraph (b)6.a. and eligible for exemption under paragraph  
 836 (b); and  
 837 c. ~~Building materials as defined in sub-subparagraph~~  
 838 ~~(g)8.a.; and~~  
 839 ~~d.~~ Business property having a sales price of under \$5,000  
 840 per unit.  
 841 10. This paragraph expires on the date specified in s.

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842 290.016 for the expiration of the Florida Enterprise Zone Act.  
 843 (15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—  
 844 (f) For the purpose of the exemption provided in this  
 845 subsection, the term "qualified business" means a business which  
 846 is:  
 847 1. First occupying a new structure to which electrical  
 848 service, other than that used for construction purposes, has not  
 849 been previously provided or furnished; or  
 850 2. Newly occupying an existing, remodeled, renovated, or  
 851 rehabilitated structure to which electrical service, other than  
 852 that used for remodeling, renovation, or rehabilitation of the  
 853 structure, has not been provided or furnished in the three  
 854 preceding billing periods. ~~, or~~  
 855 ~~3. Occupying a new, remodeled, rebuilt, renovated, or~~  
 856 ~~rehabilitated structure for which a refund has been granted~~  
 857 ~~pursuant to paragraph (5)(g).~~  
 858 Section 11. Subsections (2) and (5) of section 212.13,  
 859 Florida Statutes, are amended, and subsection (7) is added to  
 860 that section, to read:  
 861 212.13 Records required to be kept; power to inspect; audit  
 862 procedure.—  
 863 (2) (a) Each dealer, as defined in this chapter, shall  
 864 secure, maintain, and keep as long as required by s. 213.35 a  
 865 complete record of tangible personal property or services  
 866 received, used, sold at retail, distributed or stored, leased or  
 867 rented by said dealer, together with invoices, bills of lading,  
 868 gross receipts from such sales, and other pertinent records and  
 869 papers as may be required by the department for the reasonable  
 870 administration of this chapter. All such records must be made

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871 available to the department at reasonable times and places and  
 872 by reasonable means, including in an electronic format when so  
 873 kept by the dealer. Any dealer subject to this chapter who  
 874 violates this subsection commits a misdemeanor of the first  
 875 degree, punishable as provided in s. 775.082 or s. 775.083. If,  
 876 however, any subsequent offense involves intentional destruction  
 877 of such records with an intent to evade payment of or deprive  
 878 the state of any tax revenues, such subsequent offense is a  
 879 felony of the third degree, punishable as provided in s. 775.082  
 880 or s. 775.083.

881 (b) Dealers licensed under chapter 561 shall maintain  
 882 records of all monthly sales and all monthly purchases of  
 883 alcoholic beverages and produce such records for inspection by  
 884 any department employee within 10 days after written request  
 885 therefor. The failure of a dealer licensed under chapter 561 to  
 886 comply with such a request is deemed sufficient cause under s.  
 887 561.29(1)(a), and the department shall promptly notify the  
 888 Division of Alcoholic Beverages and Tobacco and the dealer of  
 889 such failure for further appropriate action by the division. The  
 890 department may suspend the resale certificate issued to a dealer  
 891 licensed under chapter 561 if the dealer fails to produce the  
 892 records requested by the department under this section, unless  
 893 such dealer, within 30 days after the receipt of notice by the  
 894 department, corrects such failure or establishes reasonable  
 895 cause to the department why the requested records do not exist.  
 896 A dealer licensed under chapter 561 aggrieved by an action of  
 897 the department which suspends the resale certificate of that  
 898 dealer may apply to the department within 30 days after the  
 899 receipt of the notice of suspension for an administrative

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900 hearing pursuant to chapter 120.

901 (5) (a) The department shall send written notification at  
 902 least 60 days ~~before~~ ~~prior to~~ the date an auditor is scheduled  
 903 to begin an audit, informing the taxpayer of the audit. The  
 904 department is not required to give 60 days' prior notification  
 905 of a forthcoming audit in any instance in which the taxpayer  
 906 requests an emergency audit.

907 (b) Such written notification ~~must~~ ~~shall~~ contain:

908 1. The approximate date on which the auditor is scheduled  
 909 to begin the audit.

910 2. A reminder that all of the records, receipts, invoices,  
 911 resale certificates, and related documentation of the taxpayer  
 912 must be made available to the auditor.

913 3. Any other requests or suggestions the department may  
 914 deem necessary.

915 (c) Only records, receipts, invoices, resale certificates,  
 916 and related documentation that ~~which~~ are available to the  
 917 auditor when such audit begins are ~~shall be~~ deemed acceptable  
 918 for the purposes of conducting such audit. A resale certificate  
 919 containing a date ~~before~~ ~~prior to~~ the date the audit commences  
 920 ~~is~~ ~~shall be~~ deemed acceptable documentation of the specific  
 921 transaction or transactions which occurred in the past, for the  
 922 purpose of conducting an audit.

923 (d) The provisions of this chapter concerning fraudulent or  
 924 improper records, receipts, invoices, resale certificates, and  
 925 related documentation ~~shall~~ apply when conducting any audit.

926 (e) The requirement in paragraph (a) of 60 days' written  
 927 notification does not apply to the distress or jeopardy  
 928 situations referred to in s. 212.14 or s. 212.15.

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929 (f) Once the notification required by paragraph (a) is  
 930 issued, the department, at any time, may respond to contact  
 931 initiated by a taxpayer to discuss the audit, and the taxpayer  
 932 may provide documentation or other information, electronically  
 933 or otherwise, to the department. The department may examine, at  
 934 any time, documentation and other information voluntarily  
 935 provided by the taxpayer, its representative, or other parties;  
 936 information already in the department's possession; or publicly  
 937 available information. The department's examination of such  
 938 information does not mean an audit has commenced if the review  
 939 takes place within 60 days after the notice of intent to conduct  
 940 an audit. The requirement in paragraph (a) does not limit the  
 941 department in making initial contact with the taxpayer to  
 942 confirm receipt of the notification or to confirm the date that  
 943 the audit will begin. If the taxpayer believes the department  
 944 has prematurely commenced the audit, the taxpayer must object in  
 945 writing to the department before the issuance of an assessment  
 946 or else the objection is waived. If the department agrees that  
 947 the audit was prematurely commenced, or a judge, a hearing  
 948 officer or an administrative law judge so determines, the  
 949 tolling period provided for in s. 213.345 is considered lifted  
 950 for the number of days equal to the difference between the date  
 951 of premature commencement of audit and the 61st day after the  
 952 date of the department's notice of intent to audit.

953 (7) The department may adopt rules to administer this  
 954 section.

955 Section 12. Paragraph (a) of subsection (7) of section  
 956 212.14, Florida Statutes, is amended to read:  
 957 212.14 Departmental powers; hearings; distress warrants;

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958 bonds; subpoenas and subpoenas duces tecum.—

959 (7) (a) For purposes of collection and enforcement of taxes,  
 960 penalties, and interest levied under this chapter, the  
 961 department may issue subpoenas or subpoenas duces tecum  
 962 compelling the attendance and testimony of witnesses and the  
 963 production of books, records, written materials, and  
 964 electronically recorded information. Subpoenas shall be issued  
 965 with the written and signed approval of the executive director  
 966 or his or her designee on written and sworn application by any  
 967 employee of the department. The application must set forth the  
 968 reason for the application, the name of the person subpoenaed,  
 969 the time and place of appearance of the witness, and a  
 970 description of any books, records, or electronically recorded  
 971 information to be produced, together with a statement by the  
 972 applicant that the department has unsuccessfully attempted other  
 973 reasonable means of securing information and that the testimony  
 974 of the witness or the written or electronically recorded  
 975 materials sought in the subpoena are necessary for the  
 976 collection of taxes, penalty, or interest or the enforcement of  
 977 the taxes levied under this chapter. A subpoena must ~~shall~~ be  
 978 served in the manner provided by law and by the Florida Rules of  
 979 Civil Procedure and ~~is shall be~~ returnable only during regular  
 980 business hours and at least 20 calendar days after the date of  
 981 service of the subpoena. Any subpoena to which this subsection  
 982 applies must ~~shall~~ identify the taxpayer to whom the subpoena  
 983 relates and to whom the records pertain and must ~~shall~~ provide  
 984 other information to enable the person subpoenaed to locate the  
 985 records required under the subpoena. The department shall give  
 986 notice to the taxpayer to whom the subpoena relates within 3

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987 days ~~after~~ of the day on which the service of the subpoena is  
 988 made. Within 14 days after service of the subpoena, the person  
 989 to whom the subpoena is directed may serve written objection to  
 990 inspection or copying of any of the designated materials. If  
 991 objection is made, the department ~~is shall~~ not be entitled to  
 992 inspect and copy the materials, except pursuant to an order of  
 993 the circuit court. If an objection is made, the department may  
 994 petition any circuit court for an order to comply with the  
 995 subpoena. The subpoena ~~must shall~~ contain a written notice of  
 996 the right to object to the subpoena. Every subpoena served upon  
 997 the witness or records custodian must be accompanied by a copy  
 998 of ~~the provisions of~~ this subsection. If a person refuses to  
 999 obey a subpoena or subpoena duces tecum, the department may  
 1000 apply to any circuit court of this state to enforce compliance  
 1001 with the subpoena. Witnesses ~~must shall~~ be paid mileage and  
 1002 witness fees as authorized for witnesses in civil cases. The  
 1003 failure of a taxpayer to provide documents available to, or  
 1004 required to be kept by, the taxpayer and requested by a subpoena  
 1005 issued under this section creates a presumption that the  
 1006 resulting proposed final agency action by the department, as to  
 1007 the requested documents, is correct and that the requested  
 1008 documents not produced by the taxpayer would be adverse to the  
 1009 taxpayer's position as to the proposed final agency action. The  
 1010 department may create estimates for purposes of assessment if a  
 1011 taxpayer fails to provide documents requested by a subpoena  
 1012 issued under this section. The presumption and authority to  
 1013 create estimates under this paragraph are not triggered merely  
 1014 because a taxpayer or its representative requests a conference  
 1015 to negotiate the production of a sample of records demanded by a

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1016 subpoena.

1017 Section 13. Section 213.051, Florida Statutes, is amended

1018 to read:

1019 213.051 Service of subpoenas.—

1020 (1) For the purpose of administering and enforcing the  
 1021 provisions of the revenue laws of this state, the executive  
 1022 director of the Department of Revenue, or any of his or her  
 1023 assistants designated in writing by the executive director, may  
 1024 shall be authorized to serve subpoenas and subpoenas duces tecum  
 1025 issued by the state attorney relating to investigations  
 1026 concerning the taxes enumerated in s. 213.05.

1027 (2) In addition to the procedures for service prescribed by  
 1028 chapter 48, the department may serve subpoenas it issues  
 1029 pursuant to ss. 202.36, 206.14, 211.125, 212.14, and 220.735  
 1030 upon any business registered with the department at the address  
 1031 on file with the department if it received correspondence from  
 1032 the business from that address within 30 days after issuance of  
 1033 the subpoena or if the address is listed with the Department of  
 1034 State Division of Corporations as a principal or business  
 1035 address. If a business' address is not in this state, service is  
 1036 made upon proof of delivery by registered mail or under the  
 1037 notice provisions of s. 213.0537.

1038 Section 14. Section 213.06, Florida Statutes, is amended,

1039 to read:

1040 213.06 Rules of department; circumstances requiring

1041 emergency rules.—

1042 (1) The Department of Revenue ~~may has the authority to~~  
 1043 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
 1044 provisions of the revenue laws.

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(2) The executive director of the department may adopt emergency rules pursuant to s. 120.54 on behalf of the department when the effective date of a legislative change occurs sooner than 120 ~~60~~ days after the close of a legislative session in which enacted or after the governor approves or fails to veto the legislative change, whichever is later, and the change affects a tax rate or a collection or reporting procedure which affects a substantial number of dealers or persons subject to the tax change or procedure. The Legislature finds that such circumstances qualify as an exception to the prerequisite of a finding of immediate danger to the public health, safety, or welfare as set forth in s. 120.54(4)(a) and qualify as circumstances requiring an emergency rule. Emergency rules adopted under this subsection are exempt from s. 120.54(4)(c), remain in effect for 6 months or until replaced by rules adopted under the nonemergency rulemaking procedures of the Administrative Procedure Act, and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(3) The grants of rulemaking authority in subsections (1) and (2) are sufficient to allow the department to adopt rules implementing all revenue laws administered by the department. Each revenue law administered by the department is an enabling statute authorizing the department to implement it, regardless of whether the enabling statute contains its own grant of rulemaking authority.

Section 15. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 213.21, Florida Statutes, are amended, and subsections (11) and (12) are added to that

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section, to read:

213.21 Informal conferences; compromises.—

(1)

(b) The statute of limitations upon the issuance of ~~final~~ assessments and the period for filing a claim for refund as required by s. 215.26(2) for any transactions occurring during the audit period shall be tolled during the period in which the taxpayer is engaged in a procedure under this section.

(3) (a) A taxpayer's liability for any tax or interest specified in s. 72.011(1) may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer's liability for interest under any of the chapters specified in s. 72.011(1) shall be settled or compromised in whole or in part whenever or to the extent that the department determines that the delay in the determination of the amount due is attributable to the action or inaction of the department. A taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) greater than 25 percent of the tax must ~~may~~ be settled or compromised if ~~it is determined by~~ the department determines that the noncompliance is not due to ~~reasonable cause and not to~~ willful negligence, willful neglect, or fraud. There is a rebuttable presumption that a taxpayer's noncompliance is due to willful negligence, willful neglect, or fraud when adequate records as requested by the department are not provided to the department before the issuance of an assessment. In addition, a taxpayer's liability for penalties under any of the chapters specified in s. 72.011(1) up to and including 25 percent of the tax may be settled or compromised if the department determines that

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1103 reasonable cause exists and the penalties greater than 25  
 1104 percent of the tax were compromised because the noncompliance is  
 1105 not due to willful negligence, willful neglect, or fraud. The  
 1106 facts and circumstances are subject to de novo review to  
 1107 determine the existence of reasonable cause in any  
 1108 administrative proceeding or judicial action challenging an  
 1109 assessment of penalty under any of the chapters specified in s.  
 1110 72.011(1). A taxpayer who establishes reasonable reliance on the  
 1111 written advice issued by the department to the taxpayer is will  
 1112 be deemed to have shown reasonable cause for the noncompliance.  
 1113 In addition, a taxpayer's liability for penalties under any of  
 1114 the chapters specified in s. 72.011(1) in excess of 25 percent  
 1115 of the tax shall be settled or compromised if the department  
 1116 determines that the noncompliance is due to reasonable cause and  
 1117 not to willful negligence, willful neglect, or fraud. The  
 1118 department shall maintain records of all compromises, and the  
 1119 records shall state the basis for the compromise. The records of  
 1120 compromise under this paragraph are shall not be subject to  
 1121 disclosure pursuant to s. 119.07(1) and are shall be considered  
 1122 confidential information governed by the provisions of s.  
 1123 213.053.

1124 (11) Following the expiration of time for a taxpayer to  
 1125 challenge an assessment as provided in s. 72.011, the department  
 1126 may consider a request to settle or compromise any tax,  
 1127 interest, penalty, or other liability under this section if the  
 1128 taxpayer demonstrates that the failure to initiate a timely  
 1129 challenge was due to a qualified event that directly impacted  
 1130 compliance with that section. For purposes of this subsection, a  
 1131 qualified event is limited to the occurrence of events during an

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1132 audit or the expired protest period which were beyond the  
 1133 control of the taxpayer, including the death or life-threatening  
 1134 injury or illness of the taxpayer or an immediate family member  
 1135 of the taxpayer; the death or life-threatening injury or illness  
 1136 of the responsible party that controlled, managed, or directed  
 1137 the affected business entity; acts of war or terrorism; natural  
 1138 disasters; fire; or other catastrophic loss. The department may  
 1139 not consider a request received more than 180 days after the  
 1140 expiration of time allowed under s. 72.011.

1141 (12) Any decision by the department regarding a taxpayer's  
 1142 request to compromise or settle a liability under this section  
 1143 is not a final order subject to review under chapter 120.

1144 Section 16. Section 213.34, Florida Statutes, is amended to  
 1145 read:

1146 213.34 Authority to audit.—

1147 (1) The Department of Revenue may shall have the authority  
 1148 to audit and examine the accounts, books, or records of all  
 1149 persons who are subject to a revenue law made applicable to this  
 1150 chapter, or otherwise placed under the control and  
 1151 administration of the department, for the purpose of  
 1152 ascertaining the correctness of any return which has been filed  
 1153 or payment which has been made, or for the purpose of making a  
 1154 return where none has been made.

1155 (2) The department, or its duly authorized agents, may  
 1156 inspect such books and records necessary to ascertain a  
 1157 taxpayer's compliance with the revenue laws of this state,  
 1158 provided that the department's power to make an assessment or  
 1159 grant a refund has not terminated under s. 95.091(3).

1160 (a) During the course of an audit, but before the issuance

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1161 of an assessment other than a jeopardy assessment, the  
 1162 department shall issue to the taxpayer a notice explaining the  
 1163 audit findings. No later than 14 days after the issuance of the  
 1164 notice, the taxpayer may request in writing an exit conference  
 1165 at a mutually agreeable date and time with the department's  
 1166 audit staff to discuss the audit findings. The exit conference  
 1167 must be conducted no later than 30 days after the date of the  
 1168 notice, unless the taxpayer and the department enter into an  
 1169 agreement to extend the audit tolling period pursuant to s.  
 1170 213.23. The taxpayer shall be given an opportunity at or before  
 1171 the exit conference to provide additional information and  
 1172 documents to the department to rebut the audit findings. Upon  
 1173 the mutual written agreement between the department and the  
 1174 taxpayer to extend the audit tolling period pursuant to s.  
 1175 213.23, the exit conference may be continued to allow the  
 1176 taxpayer additional time to provide information and documents to  
 1177 the department. The department shall review any information  
 1178 provided by the taxpayer and, if the department revises the  
 1179 audit findings, a copy of the revised audit findings must be  
 1180 provided to the taxpayer. Such revision of the audit findings  
 1181 does not provide a right to any additional conference.

1182 (b) If an exit conference is timely requested in writing,  
 1183 the limitations in s. 95.091(3) are tolled an additional 30  
 1184 days. If the department fails to offer a taxpayer the  
 1185 opportunity to hold an exit conference despite a timely written  
 1186 request, the limitations period in s. 95.091(3) may not be  
 1187 tolled for the additional 30 days. If the assessment is issued  
 1188 outside of the limitations period, the assessment must be  
 1189 reduced by the amount of those taxes, penalties, and interest

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1190 for reporting periods outside of the limitations period, as  
 1191 modified by any other tolling or extension provisions.

1192 (c) If a request for an exit conference is not timely made,  
 1193 the right to a conference is waived. A taxpayer may also  
 1194 affirmatively waive its right to an exit conference. Failure to  
 1195 hold an exit conference does not preclude the department from  
 1196 issuing an assessment.

1197 (d) The department may adopt rules to implement this  
 1198 subsection.

1199 (3) The department may correct by credit or refund any  
 1200 overpayment of tax, penalty, or interest revealed by an audit  
 1201 and shall make assessment of any deficiency in tax, penalty, or  
 1202 interest determined to be due.

1203 (4) Notwithstanding ~~the provisions of~~ s. 215.26, the  
 1204 department shall offset the overpayment of any tax during an  
 1205 audit period against a deficiency of any tax, penalty, or  
 1206 interest determined to be due during the same audit period.

1207 (5) After the application of subsection (4), if the  
 1208 department's audit finds that the tax paid is more than the  
 1209 correct amount, the department must refund the overpayment that  
 1210 is within the applicable period provided by s. 215.26. Such  
 1211 action by the department does not prevent a taxpayer from  
 1212 challenging the amount of the refund pursuant to chapter 120 and  
 1213 this chapter or applying for a refund of additional tax within  
 1214 the applicable period.

1215 Section 17. Section 213.345, Florida Statutes, is amended  
 1216 to read:

1217 213.345 Tolling of periods during an audit.—The limitations  
 1218 in s. 95.091(3) and the period for filing a claim for refund as

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1219 required by s. 215.26(2) ~~are shall be~~ tolled for a period of 1  
 1220 year if the Department of Revenue has, on or after July 1, 1999,  
 1221 issued a notice of intent to conduct an audit or investigation  
 1222 of the taxpayer's account within the applicable period of time.  
 1223 The 1-year period is tolled upon receipt of written objections  
 1224 to the subpoena and for the entire pendency of any action that  
 1225 seeks an order to enforce compliance with or to challenge any  
 1226 subpoena issued by the department compelling the attendance and  
 1227 testimony of witnesses and the production of books, records,  
 1228 written materials, and electronically recorded information. The  
 1229 department must commence an audit within 120 days after it  
 1230 issues a notice of intent to conduct an audit, unless the  
 1231 taxpayer requests a delay. If the taxpayer does not request a  
 1232 delay and the department does not begin the audit within 120  
 1233 days after issuing the notice, the tolling period terminates  
 1234 ~~shall terminate~~ unless the taxpayer and the department enter  
 1235 into an agreement to extend the period pursuant to s. 213.23. If  
 1236 the department issues a notice explaining its audit findings  
 1237 under s. 213.34(2) (a) based on an estimate because the taxpayer  
 1238 has failed or refuses to provide records, the audit will be  
 1239 deemed to have commenced for purposes of this section. In the  
 1240 event the department issues an assessment beyond the tolling  
 1241 period, the assessment will be considered late and the  
 1242 assessment shall be reduced by the amount of those taxes,  
 1243 penalties, and interest for reporting periods outside of the  
 1244 limitations period, as modified by any other tolling or  
 1245 extension provisions.

1246 Section 18. Subsections (1), (3), and (6) of section  
 1247 213.67, Florida Statutes, are amended to read:

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1248 213.67 Garnishment.—

1249 (1) If a person is delinquent in the payment of any taxes,  
 1250 penalties, ~~and~~ interest, additional daily accrued interest,  
 1251 costs, and fees owed to the department, the executive director  
 1252 or his or her designee may give notice of the amount of such  
 1253 delinquency by registered mail, by personal service, or by  
 1254 electronic means, including, but not limited to, facsimile  
 1255 transmissions, electronic data interchange, or use of the  
 1256 Internet, to all persons having in their possession or under  
 1257 their control any credits or personal property, exclusive of  
 1258 wages, belonging to the delinquent taxpayer, or owing any debts  
 1259 to such delinquent taxpayer at the time of receipt by them of  
 1260 such notice. Thereafter, any person ~~who has been~~ notified may  
 1261 not transfer or make any other disposition of such credits,  
 1262 other personal property, or debts until the executive director  
 1263 or his or her designee consents to a transfer or disposition or  
 1264 until 60 days after the receipt of such notice. However, the  
 1265 credits, other personal property, or debts that exceed the  
 1266 delinquent amount stipulated in the notice are not subject to  
 1267 this section, wherever held, if the taxpayer does not have a  
 1268 prior history of tax delinquencies. If during the effective  
 1269 period of the notice to withhold, any person so notified makes  
 1270 any transfer or disposition of the property or debts required to  
 1271 be withheld under this section, he or she is liable to the state  
 1272 for any indebtedness owed to the department by the person with  
 1273 respect to whose obligation the notice was given to the extent  
 1274 of the value of the property or the amount of the debts thus  
 1275 transferred or paid if, solely by reason of such transfer or  
 1276 disposition, the state is unable to recover the indebtedness of

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the person with respect to whose obligation the notice was given. If the delinquent taxpayer contests the intended levy in circuit court or under chapter 120, the notice under this section remains effective until that final resolution of the contest. Any financial institution receiving such notice ~~maintains will maintain~~ a right of setoff for any transaction involving a debit card occurring on or before the date of receipt of such notice.

(3) During the last 30 days of the 60-day period set forth in subsection (1), the executive director or his or her designee may levy upon such credits, other personal property, or debts. The levy must be accomplished by delivery of a notice of levy by registered mail, by personal service, or by electronic means, including, but not limited to, facsimile transmission, electronic data exchange, or use of the Internet. Upon receipt of the notice of levy, ~~which~~ the person possessing the credits, other personal property, or debts shall transfer them to the department or pay to the department the amount owed to the delinquent taxpayer.

(6) (a) Levy may be made under subsection (3) upon credits, other personal property, or debt of any person with respect to any unpaid tax, penalties, ~~and~~ interest, additional daily accrued interest, costs, and fees only after the executive director or his or her designee has notified such person in writing of the intention to make such levy.

(b) No less than 30 days before the day of the levy, the notice of intent to levy required under paragraph (a) must ~~shall~~ be given in person or sent by certified or registered mail to the person's last known address.

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(c) The notice required in paragraph (a) must include a brief statement that sets forth in simple and nontechnical terms:

1. The provisions of this section relating to levy and sale of property;

2. The procedures applicable to the levy under this section;

3. The administrative and judicial appeals available to the taxpayer with respect to such levy and sale, and the procedures relating to such appeals; and

4. Any ~~The alternatives, if any,~~ available to taxpayers which could prevent levy on the property.

Section 19. Section 220.42, Florida Statutes, is amended to read:

220.42 Methods of accounting.—

(1) For purposes of this code, a taxpayer's method of accounting must ~~shall~~ be the same as such taxpayer's method of accounting for federal income tax purposes, ~~except as provided in subsection (3).~~ If no method of accounting has been regularly used by a taxpayer, net income for purposes of this code must ~~shall~~ be computed by the ~~such~~ method that ~~as in the opinion of~~ the department determines most fairly reflects income.

(2) If a taxpayer's method of accounting is changed for federal income tax purposes, the taxpayer's method of accounting for purposes of this code must ~~shall~~ be similarly changed.

~~(3) Any taxpayer which has elected for federal income tax purposes to report any portion of its income on the completed contract method of accounting under Treasury Regulation 1.451-3(b) (2) may elect to return the income so reported on the~~

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~~percentage of completion method of accounting under Treasury Regulation 1.451-3(b)(1), provided the taxpayer regularly maintains its books of account and reports to its shareholders on the percentage of completion method. The election provided by this subsection shall be allowed only if it is made, in such manner as the department may prescribe, not later than the due date, including any extensions thereof, for filing a return for the taxpayer's first taxable year under this code in which a portion of its income is returned on the completed contract method of accounting for federal tax purposes. An election made pursuant to this subsection shall apply to all subsequent taxable years of the taxpayers unless the department consents in writing to its revocation.~~

Section 20. Subsection (4) is added to section 220.735, Florida Statutes, to read:

220.735 Production of witnesses and records.—

(4) The failure of a taxpayer to provide documents available to, or required to be kept by, the taxpayer and requested by a subpoena issued under this section creates a presumption that the resulting proposed final agency action by the department, as to the requested documents, is correct and that the requested documents not produced by the taxpayer would be adverse to the taxpayer's position as to the proposed final agency action. The department may create estimates for purposes of assessment if a taxpayer fails to provide documents requested by a subpoena issued under this section.

Section 21. Paragraph (e) of subsection (3) of section 443.131, Florida Statutes, is amended to read:

443.131 Contributions.—

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(3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.—

(e) *Assignment of variations from the standard rate.*—

1. As used in this paragraph, the terms "total benefit payments," "benefits paid to an individual," and "benefits charged to the employment record of an employer" mean the amount of benefits paid to individuals multiplied by:

- a. For benefits paid ~~before~~ prior to July 1, 2007, 1.
- b. For benefits paid during the period beginning on July 1, 2007, and ending March 31, 2011, 0.90.
- c. For benefits paid after March 31, 2011, 1.
- d. For benefits paid during the period beginning April 1, 2020, and ending December 31, 2020, 0.
- e. For benefits paid during the period beginning January 1, 2021, and ending June 30, 2021, 1, except as otherwise adjusted in accordance with paragraph (f).

2. For the calculation of contribution rates effective January 1, 2012, and thereafter:

- a. The tax collection service provider shall assign a variation from the standard rate of contributions for each calendar year to each eligible employer. In determining the contribution rate, varying from the standard rate to be assigned each employer, adjustment factors computed under sub-sub-paragraphs (I)-(IV) are added to the benefit ratio. This addition shall be accomplished in two steps by adding a variable adjustment factor and a final adjustment factor. The sum of these adjustment factors computed under sub-sub-subparagraphs (I)-(IV) shall first be algebraically summed. The sum of these adjustment factors shall next be divided by a gross benefit

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ratio determined as follows: Total benefit payments for the 3-year period described in subparagraph (b)3. are charged to employers eligible for a variation from the standard rate, minus excess payments for the same period, divided by taxable payroll entering into the computation of individual benefit ratios for the calendar year for which the contribution rate is being computed. The ratio of the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) to the gross benefit ratio is multiplied by each individual benefit ratio that is less than the maximum contribution rate to obtain variable adjustment factors; except that if the sum of an employer's individual benefit ratio and variable adjustment factor exceeds the maximum contribution rate, the variable adjustment factor is reduced in order for the sum to equal the maximum contribution rate. The variable adjustment factor for each of these employers is multiplied by his or her taxable payroll entering into the computation of his or her benefit ratio. The sum of these products is divided by the taxable payroll of the employers who entered into the computation of their benefit ratios. The resulting ratio is subtracted from the sum of the adjustment factors computed under sub-sub-subparagraphs (I)-(IV) to obtain the final adjustment factor. The variable adjustment factors and the final adjustment factor must be computed to five decimal places and rounded to the fourth decimal place. This final adjustment factor is added to the variable adjustment factor and benefit ratio of each employer to obtain each employer's contribution rate. An employer's contribution rate may not, however, be rounded to less than 0.1 percent. In determining the contribution rate,

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varying from the standard rate to be assigned, the computation shall exclude any benefit that is excluded by the multipliers under subparagraph (b)2. and subparagraph 1. for rates effective January 1, 2021, through December 31, 2025, notwithstanding the repeal of subparagraph 5. as provided in chapter 2021-2, Laws of Florida. The computation of the contribution rate, varying from the standard rate to be assigned, shall also exclude any benefit paid as a result of a governmental order related to COVID-19 to close or reduce capacity of a business. In addition, the contribution rate for the 2021 and 2022 calendar years shall be calculated without the application of the positive adjustment factor in sub-sub-subparagraph (III).

(I) An adjustment factor for noncharge benefits is computed to the fifth decimal place and rounded to the fourth decimal place by dividing the amount of noncharge benefits during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the taxable payrolls for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-subparagraph, the term "noncharge benefits" means benefits paid to an individual, as adjusted pursuant to subparagraph (b)2. and subparagraph 1., from the Unemployment Compensation Trust Fund which were not charged to the employment record of any employer, but excluding any benefit paid as a result of a governmental order related to COVID-19 to close or

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reduce capacity of a business.

(II) An adjustment factor for excess payments is computed to the fifth decimal place, and rounded to the fourth decimal place by dividing the total excess payments during the 3-year period described in subparagraph (b)3. by the taxable payroll of employers eligible for a variation from the standard rate who have a benefit ratio for the current year which is less than the maximum contribution rate. For purposes of computing this adjustment factor, the taxable payroll of these employers is the same figure used to compute the adjustment factor for noncharge benefits under sub-sub-subparagraph (I). As used in this sub-subparagraph, the term "excess payments" means the amount of benefits charged to the employment record of an employer, as adjusted pursuant to subparagraph (b)2. and subparagraph 1., during the 3-year period described in subparagraph (b)3., but excluding any benefit paid as a result of a governmental order related to COVID-19 to close or reduce capacity of a business, less the product of the maximum contribution rate and the employer's taxable payroll for the 3 years ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the same calendar year. As used in this sub-sub-subparagraph, the term "total excess payments" means the sum of the individual employer excess payments for those employers that were eligible for assignment of a contribution rate different from the standard rate.

(III) With respect to computing a positive adjustment factor:

(A) Beginning January 1, 2012, if the balance of the Unemployment Compensation Trust Fund on September 30 of the

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calendar year immediately preceding the calendar year for which the contribution rate is being computed is less than 4 percent of the taxable payrolls for the year ending June 30 as reported to the tax collection service provider by September 30 of that calendar year, a positive adjustment factor shall be computed. The positive adjustment factor is computed annually to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fifth of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(B) Beginning January 1, 2018, and for each year thereafter, the positive adjustment shall be computed by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of that calendar year and the sum of 5 percent of the total taxable payrolls for that

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year. The positive adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution rate equals or exceeds 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year.

(IV) If, beginning January 1, 2015, and each year thereafter, the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the calendar year for which the contribution rate is being computed exceeds 5 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year, a negative adjustment factor must be computed. The negative adjustment factor shall be computed annually beginning on January 1, 2015, and each year thereafter, to the fifth decimal place and rounded to the fourth decimal place by dividing the sum of the total taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of the calendar year into a sum equal to one-fourth of the difference between the balance of the fund as of September 30 of the current calendar year and 5 percent of the total taxable payrolls of that year. The negative adjustment factor remains in effect for subsequent years until the balance of the Unemployment Compensation Trust Fund as of September 30 of the year immediately preceding the effective date of the contribution

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rate is less than 5 percent, but more than 4 percent of the taxable payrolls for the year ending June 30 of the current calendar year as reported to the tax collection service provider by September 30 of that calendar year. The negative adjustment authorized by this section is suspended in any calendar year in which repayment of the principal amount of an advance received from the federal Unemployment Compensation Trust Fund under 42 U.S.C. s. 1321 is due to the Federal Government.

(V) The maximum contribution rate that may be assigned to an employer is 5.4 percent, except employers participating in an approved short-time compensation plan may be assigned a maximum contribution rate that is 1 percent greater than the maximum contribution rate for other employers in any calendar year in which short-time compensation benefits are charged to the employer's employment record.

(VI) As used in this subsection, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000. Beginning January 1, 2012, "taxable payroll" shall be determined by excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year as described in s. 443.1217(2). For the purposes of the employer rate calculation that will take effect in January 1, 2012, and in January 1, 2013, the tax collection service provider shall use the data available for taxable payroll from 2009 based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$7,000, and from 2010 and 2011, the data available for taxable

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payroll based on excluding any part of the remuneration paid to an individual by an employer for employment during a calendar year in excess of the first \$8,500.

b. If the transfer of an employer's employment record to an employing unit under paragraph (g) which, before the transfer, was an employer, the tax collection service provider shall recompute a benefit ratio for the successor employer based on the combined employment records and reassign an appropriate contribution rate to the successor employer effective on the first day of the calendar quarter immediately after the effective date of the transfer.

3. The tax collection service provider shall reissue rates for the 2021 calendar year. However, an employer shall continue to timely file its employer's quarterly reports and pay the contributions due in a timely manner in accordance with the rules of the Department of Economic Opportunity. The Department of Revenue shall post the revised rates on its website to enable employers to securely review the revised rates. For contributions for the first quarter of the 2021 calendar year, if any employer remits to the tax collection service provider an amount in excess of the amount that would be due as calculated pursuant to this paragraph, the tax collection service provider shall refund the excess amount from the amount erroneously collected. Notwithstanding s. 443.141(6), refunds issued through August 31, 2021, for first quarter 2021 contributions must be paid from the General Revenue Fund.

4. The tax collection service provider shall calculate and assign contribution rates effective January 1, 2022, through December 31, 2022, excluding any benefit charge that is excluded

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by the multipliers under subparagraph (b)2. and subparagraph 1.; without the application of the positive adjustment factor in sub-sub-subparagraph 2.a.(III); and without the inclusion of any benefit charge directly related to COVID-19 as a result of a governmental order to close or reduce capacity of a business, as determined by the Department of Economic Opportunity, for each employer ~~who is~~ eligible for a variation from the standard rate pursuant to paragraph (d). The Department of Economic Opportunity shall provide the tax collection service provider with all necessary benefit charge information by August 1, 2021, including specific information for adjustments related to COVID-19 charges resulting from a governmental order to close or reduce capacity of a business, to enable the tax collection service provider to calculate and issue tax rates effective January 1, 2022. The tax collection service provider shall calculate and post rates for the 2022 calendar year by March 1, 2022.

5. Subject to subparagraph 6., the tax collection service provider shall calculate and assign contribution rates effective January 1, 2023, through December 31, 2025, excluding any benefit charge that is excluded by the multipliers under subparagraph (b)2. and subparagraph 1.; without the application of the positive adjustment factor in sub-sub-subparagraph 2.a.(III); and without the inclusion of any benefit charge directly related to COVID-19 as a result of a governmental order to close or reduce capacity of a business, as determined by the Department of Economic Opportunity, for each employer ~~who is~~ eligible for a variation from the standard rate pursuant to paragraph (d). The Department of Economic Opportunity shall

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provide the tax collection service provider with all necessary benefit charge information by August 1 of each year, including specific information for adjustments related to COVID-19 charges resulting from a governmental order to close or reduce capacity of a business, to enable the tax collection service provider to calculate and issue tax rates effective the following January.

6. If the balance of the Unemployment Compensation Trust Fund on June 30 of any year exceeds \$4,071,519,600, subparagraph 5. is repealed for rates effective the following years. The Office of Economic and Demographic Research shall advise the tax collection service provider of the balance of the trust fund on June 30 by August 1 of that year. After the repeal of subparagraph 5. and notwithstanding the dates specified in that subparagraph, the tax collection service provider shall calculate and assign contribution rates for each subsequent calendar year as otherwise provided in this section.

Section 22. Paragraph (a) of subsection (9) of section 443.171, Florida Statutes, is amended to read:

443.171 Department of Economic Opportunity and commission; powers and duties; records and reports; proceedings; state-federal cooperation.—

(9) STATE-FEDERAL COOPERATION.—

(a)1. In the administration of this chapter, the Department of Economic Opportunity and its tax collection service provider shall cooperate with the United States Department of Labor to the fullest extent consistent with this chapter and shall take those actions, through the adoption of appropriate rules, administrative methods, and standards, necessary to secure for this state all advantages available under the provisions of

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federal law relating to reemployment assistance.

2. In the administration of the provisions in s. 443.1115, which are enacted to conform with the Federal-State Extended Unemployment Compensation Act of 1970, the department shall take those actions necessary to ensure that those provisions are interpreted and applied to meet the requirements of the federal act as interpreted by the United States Department of Labor and to secure for this state the full reimbursement of the federal share of extended benefits paid under this chapter which is reimbursable under the federal act.

3. The department and its tax collection service provider shall comply with the regulations of the United States Department of Labor relating to the receipt or expenditure by this state of funds granted under federal law; shall submit the reports in the form and containing the information the United States Department of Labor requires; and shall comply with directions of the United States Department of Labor necessary to assure the correctness and verification of these reports.

4. The department and its tax collection service provider shall comply with the requirements of the federal Treasury Offset Program as it pertains to the recovery of unemployment compensation debts as required by the United States Department of Labor pursuant to 26 U.S.C. s. 6402. The department or the tax collection service provider may adopt rules to implement this subparagraph.

Section 23. Effective January 1, 2023, paragraph (b) of subsection (1) of section 624.515, Florida Statutes, is amended to read:

624.515 State Fire Marshal regulatory assessment and

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surcharge; levy and amount.—

(1)

1. Annually before the due date of the first installment, the department, with the assistance of the office, shall make available in an electronic format or otherwise the percentage of fire insurance contained in lines of insurance for the industry for that taxable year. The percentages determined by the office are exempt from chapter 120.

2. Insurers may choose to use their own previous 5 years of loss experience or rate filings that have been approved by the office instead of using the percentages provided by the department pursuant to subparagraph 1. However, if an insurer chooses not to use the percentages provided by the department, it must use the same alternative method for all lines of business, continue using the method for a minimum of 3 consecutive tax years, and attach documentation of the calculation and determination to the tax return ~~When it is impractical, due to the nature of the business practices within the insurance industry, to determine the percentage of fire insurance contained within a line of insurance written by an insurer on risks located or resident in Florida, the Department of Revenue may establish by rule such percentages for the industry. The Department of Revenue may also amend the percentages as the insurance industry changes its practices concerning the portion of fire insurance within a line of insurance.~~

Section 24. Paragraph (c) of subsection (1) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

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(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(c) The total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(o) ~~s. 212.08(5)(p)~~, and s. 624.5105 is \$12.5 million in the 2018-2019 fiscal year, \$13.5 million in the 2019-2020 fiscal year, and \$10.5 million in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 and homeownership opportunities for low-income households or very-low-income households as defined in s. 420.9071 and \$3.5 million each fiscal year for all other projects.

Section 25. Paragraph (c) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(c) By January 1, 2016, and every 3 years thereafter, an analysis of the following:

1. The qualified defense contractor and space flight business tax refund program established under s. 288.1045.

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1741 2. The tax exemption for semiconductor, defense, or space  
 1742 technology sales established under s. 212.08(5)(i) ~~s.~~  
 1743 ~~212.08(5)(j)~~.

1744 3. The Military Base Protection Program established under  
 1745 s. 288.980.

1746 4. The Quick Response Training Program established under s.  
 1747 288.047.

1748 5. The Incumbent Worker Training Program established under  
 1749 s. 445.003.

1750 6. International trade and business development programs  
 1751 established or funded under s. 288.826.

1752 Section 26. Paragraph (a) of subsection (9) of section  
 1753 290.0056, Florida Statutes, is amended to read:

1754 290.0056 Enterprise zone development agency.—

1755 (9) The following powers and responsibilities shall be  
 1756 performed by the governing body creating the enterprise zone  
 1757 development agency acting as the managing agent of the  
 1758 enterprise zone development agency, or, contingent upon approval  
 1759 by such governing body, such powers and responsibilities shall  
 1760 be performed by the enterprise zone development agency:

1761 (a) To review, process, and certify applications for state  
 1762 enterprise zone tax incentives pursuant to ss. 212.08(5)(g) and  
 1763 (15); 212.096; 220.181; and 220.182 ~~ss. 212.08(5)(g), (h), and~~  
 1764 ~~(15); 212.096; 220.181; and 220.182~~.

1765 Section 27. Subsections (4) and (5) of section 290.007,  
 1766 Florida Statutes, are amended to read:

1767 290.007 State incentives available in enterprise zones.—The  
 1768 following incentives are provided by the state to encourage the  
 1769 revitalization of enterprise zones:

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1770 (4) ~~The sales tax exemption for building materials used in~~  
 1771 ~~the rehabilitation of real property in enterprise zones provided~~  
 1772 ~~in s. 212.08(5)(g).~~

1773 ~~(5)~~ The sales tax exemption for business equipment used in  
 1774 an enterprise zone provided in s. 212.08(5)(g) ~~s. 212.08(5)(h)~~.

1775 Section 28. Paragraph (a) of subsection (4) of section  
 1776 377.809, Florida Statutes, is amended to read:

1777 377.809 Energy Economic Zone Pilot Program.—

1778 (4)(a) Beginning July 1, 2012, all the incentives and  
 1779 benefits provided for enterprise zones pursuant to state law  
 1780 shall be available to the energy economic zones designated  
 1781 pursuant to this section on or before July 1, 2010. In order to  
 1782 provide incentives, by March 1, 2012, each local governing body  
 1783 that has jurisdiction over an energy economic zone must, by  
 1784 local ordinance, establish the boundary of the energy economic  
 1785 zone, specify applicable energy-efficiency standards, and  
 1786 determine eligibility criteria for the application of state and  
 1787 local incentives and benefits in the energy economic zone.  
 1788 However, in order to receive benefits provided under s. 288.106,  
 1789 a business must be a qualified target industry business under s.  
 1790 288.106 for state purposes. An energy economic zone's boundary  
 1791 may be revised by local ordinance. Such incentives and benefits  
 1792 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,  
 1793 288.106, and 624.5105 and the public utility discounts provided  
 1794 in s. 290.007(7) ~~s. 290.007(8)~~. The exemption provided in s.  
 1795 212.08(5)(c) shall be for renewable energy as defined in s.  
 1796 377.803. For purposes of this section, any applicable  
 1797 requirements for employee residency for higher refund or credit  
 1798 thresholds must be based on employee residency in the energy

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economic zone or an enterprise zone. A business in an energy economic zone may also be eligible for funding under ss. 288.047 and 445.003, and a transportation project in an energy economic zone shall be provided priority in funding under s. 339.2821. Other projects shall be given priority ranking to the extent practicable for grants administered under state energy programs.

Section 29. Paragraph (c) of subsection (1) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(o) and 220.183 ~~ss. 212.08(5)(p) and 220.183~~ is \$12.5 million in the 2018-2019 fiscal year, \$13.5 million in the 2019-2020 fiscal year, and \$10.5 million in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071 and \$3.5 million each fiscal year for all other projects.

Section 30. Subsection (1) of section 1011.94, Florida Statutes, is amended to read:

1011.94 University Major Gifts Program.—

(1) There is established a University Major Gifts Program. The purpose of the program is to enable each university to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments and

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sales tax exemption matching funds received pursuant to s. 212.08(5)(i) ~~s. 212.08(5)(j)~~, which must be invested, with the proceeds of the investment used to support libraries and instruction and research programs, as defined by the Board of Governors.

Section 31. Except as otherwise provided in this act, 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.)

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

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BILL: CS/SB 1420

INTRODUCER: Community Affairs Committee and Senator Burgess

SUBJECT: Public Records/County and City Attorneys

DATE: February 3, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1420 creates a public records exemption for specified personal information of current and former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys. Personal information relating to their spouses and children is likewise exempt. The specific personal information made exempt from public records disclosure requirements includes:

- Home addresses, telephone numbers, places of employment, and dates of birth;
- Names, home addresses, telephone numbers, places of employment, and dates of birth of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The exemption, however, does not apply to a current or former county attorney, deputy county attorney, assistant county attorney, city attorney, deputy city attorney, or assistant city attorney who qualifies as a candidate for election to public office. A statement of public necessity is included in the bill as required by the State Constitution.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2024, unless reviewed and saved from the repeal through reenactment by the Legislature.

Because this bill creates a public records exemption, it will require a two-thirds vote of each house in order to pass.

The bill is effective July 1, 2022.

## **II. Present Situation:**

### **Position of County Attorney and City Attorney**

The term “county attorney” is not defined by statute, but is referenced in eight statutes as a local government employee expected to assist in the enforcement of various laws.<sup>1</sup> Similarly, the term “city attorney” is not defined by statute, but is referenced in four statutes, again as a local government employee expected to assist in the enforcement of various laws.<sup>2</sup>

The duties of a county attorney or city attorney vary and are set by the governing board of the local government. The duties of an assistant county attorney or assistant city attorney are set by their respective county attorney or city attorney. As an example, one county has defined the duties of its county attorney:

- Employing and managing all personnel of the County Attorney’s Office, establishing the organizational framework of the Office, and supervising the conduct of all employees of the Office of the County Attorney.
- Providing legal advice and counsel to, and legal representation of the Board and County departments, agencies, officers and employees on matters pertaining to the business of the County or in connection with the duties of the Board, department, agency, officer or employee.
- Representing the County in all litigation, administrative hearings, mediation, appeals and judicial proceedings in which the County, the Board, or a County department or agency under the jurisdiction of the Board is a party.
- Providing legal advice and counsel to, and legal representation of, constitutional officers of Sarasota County and its employees on matters pertaining to the respective business and duties of the constitutional officers and employees at the request of constitutional officers.
- Representing any constitutional officer or employee of the officer in any litigation, administrative hearing, mediation, appeal or judicial proceeding upon request of said constitutional officer.
- Advising and providing recommendations to the Board regarding the need for the selection of any special counsel to be retained by the County to provide legal representation in specified matters.
- Supervising, monitoring and coordinating, as appropriate, the representation, services and work of any special counsel.
- At the request of the Board, the County Attorney is hereby authorized to represent the Board or a Board member when the Board or a member is acting as a separate agency or board or in an ex-officio capacity or is otherwise officially representing the county at the direction of the Board.

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<sup>1</sup> Sections 60.05, 373.609, 381.0012, 409.2554, 499.002, 499.81, 509.285, and 705.106, F.S.

<sup>2</sup> Sections 60.05, 409.2554, 705.106, and 849.44, F.S.

- Providing legal advice and counsel to and representation of any other State or local governmental office, unit, or entity as may be required by law or interlocal agreement entered into by the Board.<sup>3</sup>

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

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>4</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>5</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.<sup>6</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>7</sup> Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

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

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>8</sup>

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

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<sup>3</sup> Sarasota County ordinance 2-63.

<sup>4</sup> FLA. CONST. art. I, s. 24(a).

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

<sup>6</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2020-2022).

<sup>7</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

<sup>8</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>9</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>10</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>11</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>12</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>13</sup>

General exemptions from the public records requirements are contained in the Public Records Act.<sup>14</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>15</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>16</sup> Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>17</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>18</sup>

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<sup>9</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>10</sup> Section 119.07(1)(a), F.S.

<sup>11</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>12</sup> FLA. CONST. art. I, s. 24(c).

<sup>13</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

<sup>14</sup> *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>15</sup> *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>16</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

<sup>17</sup> *Id.*

<sup>18</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

## Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>19</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>20</sup> public records or open meetings exemptions, with specified exceptions.<sup>21</sup> The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>22</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>23</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>24</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however; only personal identifying information is exempt;<sup>25</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>26</sup>

The Act also requires specified questions to be considered during the review process.<sup>27</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>28</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote

<sup>19</sup> Section 119.15, F.S.

<sup>20</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>21</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>22</sup> Section 119.15(3), F.S.

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

<sup>24</sup> Section 119.15(6)(b)1., F.S.

<sup>25</sup> Section 119.15(6)(b)2., F.S.

<sup>26</sup> Section 119.15(6)(b)3., F.S.

<sup>27</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

<sup>28</sup> See generally s. 119.15, F.S.

for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>29</sup>

### **General Public Records Exemptions for State and Local Agency Personnel**

There are three general public records exemptions that apply to all state and local agency personnel: disclosure of an employee's social security number, medical information, and personal identifying information of dependent children who are insured by an agency group insurance plan.<sup>30</sup>

#### ***Social Security Numbers***

Social security numbers of all current and former agency personnel are confidential and exempt when held by the employing agency.<sup>31</sup> An employing agency may only release social security numbers for the following reasons:

- It is required by federal or state law, or court order.
- A receiving government agency needs the social security number to perform its duties.
- The employee consents to disclose his or her social security number.<sup>32</sup>

In addition, there is a general exemption for social security numbers which applies to the public that makes social security numbers confidential and exempt.<sup>33</sup> This exemption applies to any agency that holds anyone's social security number, including those belonging to the personnel of that agency. This exemption, however, permits the agency to disclose social security numbers of agency personnel in order to administer health or retirement benefits.<sup>34</sup>

#### ***Medical Information***

A prospective, current, or former agency employee's medical information is also exempt from public disclosure if the medical information could identify the employee. Such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission pursuant to a court order.<sup>35</sup>

#### ***Personal Identifying Information***

The personal identifying information of a dependent child of an agency employee who is insured by an agency group insurance plan is exempt from public disclosure. This exemption applies to the dependent children of current and former employees and is also retroactively applied.<sup>36</sup>

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<sup>29</sup> Section 119.15(7), F.S.

<sup>30</sup> Section 119.071(4)(a) and (b), F.S.

<sup>31</sup> Section 119.071(4)(a)1., F.S.

<sup>32</sup> Section 119.071(4)(a), F.S.

<sup>33</sup> Section 119.071(5)(a)5., F.S.

<sup>34</sup> Section 119.071(5)(a)6.f. and g., F.S.

<sup>35</sup> Section 119.071(4)(b)1., F.S.

<sup>36</sup> Section 119.071(4)(b)2., F.S.



**Public Records Exemptions for Specified Personnel and Their Families (s. 119.071(4)(d), F.S.)**

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure certain personal identification and location information of specified state and local government agency personnel and their spouses and children. Personnel covered by these exemptions include, in part:

- Active or former sworn or civilian law enforcement personnel employed by a law enforcement agency, including correctional and correctional probation officers, certain investigative personnel of the DCF and the Department of Health, and certain personnel of the Department of Revenue and local governments involved in revenue collection and child support enforcement;<sup>37</sup>
- Certain current or former nonsworn investigative personnel of the Department of Financial Services;<sup>38</sup>
- Certain current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations;<sup>39</sup>
- Current or former certified firefighters;<sup>40</sup>
- Current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;<sup>41</sup>
- Current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors;<sup>42</sup>
- Current or former code enforcement officers;<sup>43</sup>
- Current or former guardians ad litem;<sup>44</sup>
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;<sup>45</sup>
- Current or former investigators or inspectors of the Department of Business and Professional Regulation;<sup>46</sup>
- County tax collectors;<sup>47</sup>
- Current or former certified emergency medical technicians and paramedics;<sup>48</sup>
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;<sup>49</sup>
- Current or former directors, managers, supervisors, and clinical employees of certain child advocacy centers;<sup>50</sup> and

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<sup>37</sup> Section 119.071(4)(d)2.a., F.S.

<sup>38</sup> Section 119.071(4)(d)2.b., F.S.

<sup>39</sup> Section 119.071(4)(d)2.c., F.S.

<sup>40</sup> Section 119.071(4)(d)2.d., F.S.

<sup>41</sup> Section 119.071(4)(d)2.e., F.S.

<sup>42</sup> Section 119.071(4)(d)2.f., F.S.

<sup>43</sup> Section 119.071(4)(d)2.i., F.S.

<sup>44</sup> Section 119.071(4)(d)2.j., F.S. Guardians ad litem are volunteers who offer their services to the program.

<sup>45</sup> Section 119.071(4)(d)2.l., F.S.

<sup>46</sup> Section 119.071(4)(d)2.m., F.S.

<sup>47</sup> Section 119.071(4)(d)2.n., F.S.

<sup>48</sup> Section 119.071(4)(d)2.q., F.S.

<sup>49</sup> Section 119.071(4)(d)2.s., F.S.

<sup>50</sup> Section 119.071(4)(d)2.t., F.S.

- Current or former staff of domestic violence centers, including domestic violence advocates.<sup>51</sup>

The employing agency as well as the employee may assert the right to the exemption by submitting a written request to each agency that holds the employee's information.<sup>52</sup> Further, all of these exemptions have retroactive application.<sup>53</sup>

The information exempted by the various provisions of s. 119.071(4)(d)2., F.S., is similar but not identical. All of the provisions in s. 119.071(4)(d)2., F.S., exempt from public disclosure the home addresses,<sup>54</sup> telephone numbers,<sup>55</sup> and dates of birth of the specified personnel. However, exemptions are not uniform for names, photographs, and places of employment.

Section 119.071(4)(d)2., F.S., also exempts from public disclosure certain types of information about employees' spouses and children. The exemptions for family members include home addresses, telephone numbers, spouses' places of employment, and names and locations of children's schools and day care facilities. However, exemptions are not uniform for names, dates of birth, and photographs of family members.

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

CS/SB 1420 creates a public records exemption from public records disclosure for specified personal information of current and former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys. Personal information relating to their spouses and children is likewise exempt. The specific personal information made exempt from public records disclosure requirements includes:

- Home addresses, telephone numbers, places of employment, and dates of birth;
- Names, home addresses, telephone numbers, places of employment, and dates of birth of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The exemption does not apply to a current or former county attorney, deputy county attorney, assistant county attorney, city attorney, deputy city attorney, or assistant city attorney who qualifies as a candidate for election to public office.

The bill provides a public necessity statement as required by Article I, s. 24(c) of the State Constitution. The public necessity statement provides that:

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<sup>51</sup> Section 119.071(4)(d)2.u., F.S.

<sup>52</sup> Section 119.071(4)(d)3. and 4., F.S.

<sup>53</sup> Section 119.071(4)(d)5., F.S.

<sup>54</sup> Section 119.071(4)(d)1.a., F.S., defines "home addresses" to mean "the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address."

<sup>55</sup> Section 119.071(4)(d)1.b., F.S., defines "telephone numbers" to include "home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices."

The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current or former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature further finds that it is a public necessity that the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current or former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys, and the names and locations of schools and day care facilities attended by the children of such attorneys, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The responsibilities of county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys regularly involve legal enforcement proceedings in areas of neglect and abuse related to violations of codes and ordinances. Legal enforcement proceedings have led to retribution and threats by defendants and other persons on numerous occasions. Such attorneys have received death threats and e-mails from disgruntled persons advocating the murder of other attorneys. Other incidents have included the stalking of such attorneys and their spouses and children. The Legislature finds that the release of such personal identifying and location information could place such persons in danger of being physically or emotionally harmed or stalked by a defendant or another person. The Legislature finds that the harm that may result from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information

The bill is subject to the Open Government Sunset Review Act and is repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature

The bill is effective on July 1, 2022.

#### **IV. Constitutional Issues:**

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

None.

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

##### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for the personal identifying and location information of current and former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys, thus, the bill requires a two-thirds vote to be enacted.

**Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2. of the bill contains a statement of public necessity for the exemption.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the law is to protect the attorneys and their families from the danger of becoming a victim of stalking, emotional abuse, and physical violence. This bill exempts only certain personal identifying information from the public records requirements, consistent with 21 similar exemptions. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

CS/SB 1420 does not appear to have a fiscal impact on state or local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 119.071 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 February 2, 2022:**

The CS removes photographs of specified state employees from the public records exemption, and adds deputy county and city attorneys in addition to assistant county and city attorneys.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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The Committee on Community Affairs (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 283 - 396

and insert:

v. The home addresses, telephone numbers, and dates of birth of current or former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former



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county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys; and the names and locations of schools and day care facilities attended by the children of current or former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption does not apply to a current or former county attorney, deputy county attorney, assistant county attorney, city attorney, deputy city attorney, or assistant city attorney who qualifies as a candidate for election to public office.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page



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number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section are not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s.





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624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must



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specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

10. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, and dates of birth of current or former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature further finds that it is a public necessity that the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys, and the names and locations of schools and day care facilities attended by the children of such attorneys, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The responsibilities of county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:



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127       Delete lines 6 - 7  
128 and insert:  
129       attorneys, deputy county attorneys, assistant county  
130       attorneys, city attorneys, deputy city attorneys, and  
131       assistant city attorneys, and the names and

By Senator Burgess

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for the personal identifying and location information of current and former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys, and the names and personal identifying and location information of the spouses and children of such attorneys; providing applicability; providing for retroactive application; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Telephone numbers" includes home telephone numbers,

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

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personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties include the investigation of fraud, theft, workers' compensation coverage requirements and compliance, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such

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

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personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the

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names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative

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Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended

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by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; and the names and locations of schools and day care facilities attended by the children of

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175 current or former public defenders, assistant public defenders,  
 176 criminal conflict and civil regional counsel, and assistant  
 177 criminal conflict and civil regional counsel are exempt from s.  
 178 119.07(1) and s. 24(a), Art. I of the State Constitution.

179 m. The home addresses, telephone numbers, dates of birth,  
 180 and photographs of current or former investigators or inspectors  
 181 of the Department of Business and Professional Regulation; the  
 182 names, home addresses, telephone numbers, dates of birth, and  
 183 places of employment of the spouses and children of such current  
 184 or former investigators and inspectors; and the names and  
 185 locations of schools and day care facilities attended by the  
 186 children of such current or former investigators and inspectors  
 187 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 188 Constitution.

189 n. The home addresses, telephone numbers, and dates of  
 190 birth of county tax collectors; the names, home addresses,  
 191 telephone numbers, dates of birth, and places of employment of  
 192 the spouses and children of such tax collectors; and the names  
 193 and locations of schools and day care facilities attended by the  
 194 children of such tax collectors are exempt from s. 119.07(1) and  
 195 s. 24(a), Art. I of the State Constitution.

196 o. The home addresses, telephone numbers, dates of birth,  
 197 and photographs of current or former personnel of the Department  
 198 of Health whose duties include, or result in, the determination  
 199 or adjudication of eligibility for social security disability  
 200 benefits, the investigation or prosecution of complaints filed  
 201 against health care practitioners, or the inspection of health  
 202 care practitioners or health care facilities licensed by the  
 203 Department of Health; the names, home addresses, telephone

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204 numbers, dates of birth, and places of employment of the spouses  
 205 and children of such personnel; and the names and locations of  
 206 schools and day care facilities attended by the children of such  
 207 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
 208 the State Constitution.

209 p. The home addresses, telephone numbers, dates of birth,  
 210 and photographs of current or former impaired practitioner  
 211 consultants who are retained by an agency or current or former  
 212 employees of an impaired practitioner consultant whose duties  
 213 result in a determination of a person's skill and safety to  
 214 practice a licensed profession; the names, home addresses,  
 215 telephone numbers, dates of birth, and places of employment of  
 216 the spouses and children of such consultants or their employees;  
 217 and the names and locations of schools and day care facilities  
 218 attended by the children of such consultants or employees are  
 219 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 220 Constitution.

221 q. The home addresses, telephone numbers, dates of birth,  
 222 and photographs of current or former emergency medical  
 223 technicians or paramedics certified under chapter 401; the  
 224 names, home addresses, telephone numbers, dates of birth, and  
 225 places of employment of the spouses and children of such  
 226 emergency medical technicians or paramedics; and the names and  
 227 locations of schools and day care facilities attended by the  
 228 children of such emergency medical technicians or paramedics are  
 229 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 230 Constitution.

231 r. The home addresses, telephone numbers, dates of birth,  
 232 and photographs of current or former personnel employed in an

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233 agency's office of inspector general or internal audit  
 234 department whose duties include auditing or investigating waste,  
 235 fraud, abuse, theft, exploitation, or other activities that  
 236 could lead to criminal prosecution or administrative discipline;  
 237 the names, home addresses, telephone numbers, dates of birth,  
 238 and places of employment of spouses and children of such  
 239 personnel; and the names and locations of schools and day care  
 240 facilities attended by the children of such personnel are exempt  
 241 from s. 119.07(1) and s. 24(a), Art. I of the State  
 242 Constitution.

243 s. The home addresses, telephone numbers, dates of birth,  
 244 and photographs of current or former directors, managers,  
 245 supervisors, nurses, and clinical employees of an addiction  
 246 treatment facility; the home addresses, telephone numbers,  
 247 photographs, dates of birth, and places of employment of the  
 248 spouses and children of such personnel; and the names and  
 249 locations of schools and day care facilities attended by the  
 250 children of such personnel are exempt from s. 119.07(1) and s.  
 251 24(a), Art. I of the State Constitution. For purposes of this  
 252 sub-subparagraph, the term "addiction treatment facility" means  
 253 a county government, or agency thereof, that is licensed  
 254 pursuant to s. 397.401 and provides substance abuse prevention,  
 255 intervention, or clinical treatment, including any licensed  
 256 service component described in s. 397.311(26).

257 t. The home addresses, telephone numbers, dates of birth,  
 258 and photographs of current or former directors, managers,  
 259 supervisors, and clinical employees of a child advocacy center  
 260 that meets the standards of s. 39.3035(2) and fulfills the  
 261 screening requirement of s. 39.3035(3), and the members of a

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262 Child Protection Team as described in s. 39.303 whose duties  
 263 include supporting the investigation of child abuse or sexual  
 264 abuse, child abandonment, child neglect, and child exploitation  
 265 or to provide services as part of a multidisciplinary case  
 266 review team; the names, home addresses, telephone numbers,  
 267 photographs, dates of birth, and places of employment of the  
 268 spouses and children of such personnel and members; and the  
 269 names and locations of schools and day care facilities attended  
 270 by the children of such personnel and members are exempt from s.  
 271 119.07(1) and s. 24(a), Art. I of the State Constitution.

272 u. The home addresses, telephone numbers, places of  
 273 employment, dates of birth, and photographs of current or former  
 274 staff and domestic violence advocates, as defined in s.  
 275 90.5036(1)(b), of domestic violence centers certified by the  
 276 Department of Children and Families under chapter 39; the names,  
 277 home addresses, telephone numbers, places of employment, dates  
 278 of birth, and photographs of the spouses and children of such  
 279 personnel; and the names and locations of schools and day care  
 280 facilities attended by the children of such personnel are exempt  
 281 from s. 119.07(1) and s. 24(a), Art. I of the State  
 282 Constitution.

283 v. The home addresses, telephone numbers, dates of birth,  
 284 and photographs of current or former county attorneys, assistant  
 285 county attorneys, city attorneys, and assistant city attorneys;  
 286 the names, home addresses, telephone numbers, dates of birth,  
 287 photographs, and places of employment of the spouses and  
 288 children of current or former county attorneys, assistant county  
 289 attorneys, city attorneys, and assistant city attorneys; and the  
 290 names and locations of schools and day care facilities attended



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 291 by the children of current or former county attorneys, assistant  
 292 county attorneys, city attorneys, and assistant city attorneys  
 293 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 294 Constitution. This exemption does not apply to a current or  
 295 former county attorney, assistant county attorney, city  
 296 attorney, or assistant city attorney who qualifies as a  
 297 candidate for election to public office.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1,

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 320 2021. A county property appraiser or county tax collector may  
 321 not remove the street address, legal description, or other  
 322 information identifying real property within the agency's  
 323 records so long as a name or personal information otherwise  
 324 exempt from inspection and copying pursuant to this section are  
 325 not associated with the property or otherwise displayed in the  
 326 public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the

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Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

10. This paragraph is subject to the Open Government Sunset

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Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs of current or former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature further finds that it is a public necessity that the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current or former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys, and the names and locations of schools and day care facilities attended by the children of such attorneys, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The responsibilities of county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys regularly involve legal enforcement proceedings in areas of neglect and abuse related to violations of codes and ordinances. Legal enforcement proceedings have led to retribution and threats by defendants and other persons on numerous occasions. Such attorneys have received death threats and e-mails from disgruntled persons advocating the murder of other attorneys. Other incidents have included the stalking of such attorneys and their spouses and children. The Legislature finds that the release of such personal identifying and location information could place such persons in danger of being

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407 physically or emotionally harmed or stalked by a defendant or  
408 another person. The Legislature finds that the harm that may  
409 result from the release of such personal identifying and  
410 location information outweighs any public benefit that may be  
411 derived from the disclosure of the information.

412 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.)

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

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BILL: CS/CS/SB 1432

INTRODUCER: Community Affairs Committee, Environment and Natural Resources Committee and Senator Rodriguez

SUBJECT: Vessel Anchoring

DATE: February 3, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1432 amends statutes relating to vessel anchoring and mooring. The bill provides that approved and permitted moorings or mooring fields in Monroe County have a 10 year limit on general tenancies and that a sovereign submerged land or other proprietary lease may not prohibit a vessel from an approved and permitted mooring or mooring field, or limit the tenancy of a vessel, because it is an established domicile or a primary residence.

The bill clarifies that Monroe County is designated as an anchoring limitation area in which vessels anchored on waters of the state within the county and within 10 linear nautical miles of a public mooring field or designated anchoring area must:

- Pull anchor,
- Move under their own power, and
- Re-anchor a certain distance away or in a different designated anchoring area.

This must occur at least once every 90 days. The requirement does not apply to vessels moored to approved and permitted moorings, or to domiciled vessels on the waters of the state within the county until at least 100 new moorings are available for public use within 1 mile of Key West Bight City Dock. The bill removes the provisions requiring the county to approve of a certain number of moorings at certain locations.

The bill requires the Fish and Wildlife Conservation Commission to consult with Monroe County and the Florida Keys National Marine Sanctuary to establish designated anchoring areas throughout the county that meet certain criteria.

The bill requires certain vessels on the waters of the state within Monroe County that are equipped with a marine sanitation device to maintain a record of the date and location of each pump-out of the device, which must occur every 30 days, for one year after the date of the pump-out.

## **II. Present Situation:**

### **Sovereign Submerged Lands**

Sovereign submerged lands are owned by the state and include, but are not limited to, tidal lands, islands, sandbars, shallow banks, and lands waterward of the ordinary or mean high water line,<sup>1</sup> beneath navigable fresh water or tidally-influenced waters.<sup>2</sup> Under the Florida Constitution, the title to all sovereign submerged lands is held by the state in trust for the people.<sup>3</sup> The public generally has the right to use sovereign submerged lands for traditional recreational purposes such as swimming, boating, and fishing.<sup>4</sup>

The Board of Trustees of the Internal Improvement Trust Fund, comprised of the Governor and Cabinet, holds title to all sovereign submerged lands in the state.<sup>5</sup> Chapter 18-21 of the Florida Administrative Code lists the various forms of authorization necessary for specified activities on sovereign submerged lands, including submerged land leases.<sup>6</sup>

Rule 18-21.0041 specifically addresses leases, easements, or consent to use sovereignty submerged lands in Monroe County for multi-slip docking facilities.<sup>7</sup> Certain general policies and specific criteria must be considered in determining whether to allow the use of sovereignty submerged lands for multi-slip docking facilities.<sup>8</sup> The general policies include:

- Taking into account the proximity to and potential adverse impacts on any rare, threatened, or endangered species, or species of special concern, or their habitat, or on any portion of the Florida Reef Tract and other corals;
- Eliminating any adverse impacts on wetland or submerged vegetation or benthic communities;
- Maintaining or enhancing water quality;

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<sup>1</sup> Fla. Admin. Code R. 18-21.003(67). The mean high water line is the point on the shore marking the average height of the high waters over a 19-year period, and it is the boundary between the state-owned foreshore (land alternately covered and uncovered by the tide) and the dry area above the mean high water line that is subject to private ownership. *See ss.* 177.27(14), (15) and 177.28(1), F.S.

<sup>2</sup> Fla. Admin. Code R. 18-21.003(67).

<sup>3</sup> FLA. CONST. art. X, s. 11.

<sup>4</sup> Fla. Admin. Code R. 18-21.004(2)(a); *see also 5F, LLC v. Hawthorne*, 317 So. 3d 220, 223 (Fla. 2d DCA 2021) (identifying the same traditional uses).

<sup>5</sup> Sections 253.03 and 253.12(1), F.S.

<sup>6</sup> *See* Fla. Admin. Code R. 18-21.005.

<sup>7</sup> A multi-slip docking facility is a marina or dock designed to moor three or more vessels. Fla. Admin. Code R. 18-20.003(41).

<sup>8</sup> Fla. Admin. Code R. 18-20.003.

- Requiring adequate water depths to avoid dredging and other bottom disturbance;
- Requiring consistency and conformity with local government land use plans, zoning, and other land use or development regulations; and
- Requiring consistency and conformity with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern.<sup>9</sup>

The specific criteria include:

- A moratorium on the approval of all leases of state owned submerged lands for multi-slip docking facilities from Tea Table Channel north to the Monroe County Line;
- No docking facilities that require either dredging or filling to provide access;
- Water depth requirements;
- Requirements for the size of the dock;
- For any new or expanded docking facility for 10 or more boats, a specific lease condition that the lessee shall maintain water quality standards;
- An application review for new docking facilities or expansions to existing facilities to identify ways to improve, mitigate or restore adverse environmental impacts caused by previous activities;
- A lease requirement for all applicants proposing docking facilities designed to moor 10 or more boats;
- Documentation from all applicants to show that there is an economic demand for the number of boat slips requested;
- No benthic communities present where the boat mooring area, turning basins, mooring piles, or other structures are to be located, excepting any main access docks required to cross benthic communities to reach acceptable areas; and
- Special consideration for certain projects to further the commercial fishing village or commercial fishing enterprise zone concept.<sup>10</sup>

### **Fish and Wildlife Conservation Commission**

The Division of Law Enforcement Boating and Waterways Section of the Florida Fish and Wildlife Conservation Commission (FWC) oversees and coordinates statewide regulatory waterway markers to ensure compliance with uniform markers and state boating and resource protection zones for the benefit of all waterway users and fish and wildlife resources in the state.<sup>11</sup> The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.<sup>12</sup>

FWC's boating laws are enforced by the Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.<sup>13</sup> The

<sup>9</sup> Fla. Admin. Code R. 18-20.003(2).

<sup>10</sup> Fla. Admin. Code R. 18-20.003(3).

<sup>11</sup> FWC, *Waterway Management*, <https://myfwc.com/boating/waterway/> (last visited Jan. 11, 2022).

<sup>12</sup> *Id.*

<sup>13</sup> Section 327.70(1), F.S.; *see s. 943.10(1), F.S.*, which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management

Division of Law Enforcement manages the state's waterways to ensure boating safety for residents of and visitors to the state.<sup>14</sup> This includes enforcing boating rules and regulations; coordinating boating safety campaigns and education; managing public waters and access to the waters; conducting boating accident investigations; identifying and removing derelict vessels; and investigating vessel theft and title fraud.<sup>15</sup>

### **Anchoring or Mooring**

Anchoring or mooring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.<sup>16</sup> Mooring is accomplished through the use of moorings permanently affixed to the bottom of the water body. Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not. Mooring fields are areas designated and used for a system of properly spaced moorings.<sup>17</sup>

### ***Local Regulation of Anchoring or Mooring of Vessels***

Local governments are authorized by general permit to construct, operate, and maintain public mooring fields, each for up to 100 vessels.<sup>18</sup> Mooring fields must be located where navigational access already exists between the mooring field and the nearest customarily used access channel or navigable waters that the mooring field is designed to serve. Each mooring field must be associated with a land-based support facility that provides amenities and conveniences, such as parking, bathrooms, showers, and laundry facilities. Major boat repairs and maintenance, fueling activities other than from the land-based support facility, and boat hull scraping and painting are not authorized within mooring fields.<sup>19</sup>

Local governments are authorized to enact and enforce ordinances that prohibit or restrict the mooring or anchoring of floating structures<sup>20</sup> or live-aboard vessels<sup>21</sup> within their jurisdictions and vessels that are within the marked boundaries of permitted mooring fields.<sup>22</sup> However, local governments are prohibited from enacting, continuing in effect, or enforcing any ordinance or

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responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>14</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Jan. 11, 2022).

<sup>15</sup> FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Jan. 11, 2022). See s. 327.70(1) and (4), F.S.

<sup>16</sup> Section 327.02, F.S., defines the term "vessel" to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

<sup>17</sup> Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at [https://www.flseagrant.org/wp-content/uploads/anchoring\\_away\\_5\\_12\\_update\\_web.pdf](https://www.flseagrant.org/wp-content/uploads/anchoring_away_5_12_update_web.pdf) (last visited Jan. 11, 2022).

<sup>18</sup> See s. 373.118, F.S., and Fla. Admin. Code R. 62-330.420(1).

<sup>19</sup> See Fla. Admin. Code R. 62-330.420.

<sup>20</sup> Section 327.02, F.S., defines the term "floating structure" as a "floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes an entity used as a residence, place of business, or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such."

<sup>21</sup> Section 327.02, F.S., defines the term "live-aboard vessel" as "a vessel used solely as a residence and not for navigation; a vessel for which a declaration of domicile has been filed; or a vessel used as a residence that does not have an effective means of propulsion for safe navigation. The definition expressly excludes commercial fishing boats."

<sup>22</sup> Section 327.60(3), F.S.

local regulation that regulates the anchoring of vessels, other than live-aboard vessels and non-fishing commercial vessels, outside the marked boundaries of permitted mooring fields.<sup>23</sup>

### ***Anchoring Limitation Areas***

State law designates certain densely populated urban areas as anchoring limitation areas.<sup>24</sup> These areas usually have narrow state waterways, residential docking facilities, and significant recreational boating traffic.<sup>25</sup> Counties may create more anchoring limitation areas under certain circumstances.<sup>26</sup>

In 2021, Monroe County was designated as an anchoring limitation area within which a vessel on waters of the state may only be anchored in the same location for a maximum of 90 days.<sup>27</sup> FWC adopts rules to implement this.<sup>28</sup> Notwithstanding FWC's rules, this limitation is only effective for Monroe County until the county approves, permits, and opens new moorings for public use, including at least 250 moorings within 1 mile of the Key West Bight City Dock and at least 50 moorings within the Key West Garrison Bight Mooring Field.<sup>29</sup>

The following are some exceptions that allow anchoring in an anchoring limitation area:

- When a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors;
- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors;
- During certain special events;<sup>30</sup> or
- Certain government, construction, and fishing vessels.<sup>31</sup>

Law enforcement officers or agencies may remove and impound, for up to 48 hours, vessels from anchoring limitation areas when a vessel operator who was previously issued a citation:

- Continues to anchor the vessel in an anchoring limitation area within 12 hours of being issued a citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.<sup>32</sup>

In addition to the civil penalty imposed by a citation, a vessel operator whose vessel has been impounded must pay all of the applicable removal and storage fees before the vessel is released.<sup>33</sup>

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<sup>23</sup> Section 327.60(2)(f), F.S.

<sup>24</sup> Section 327.4108(1), F.S.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*; Section 327.4108(2), F.S.

<sup>27</sup> Section 327.4108(3), F.S.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Section 327.4108(3), F.S.; *see also* s. 327.48, F.S.

<sup>31</sup> Section 327.4108(4), F.S.

<sup>32</sup> Section 327.4108(5), F.S.

<sup>33</sup> *Id.*



An owner or operator of a vessel who anchors in an anchoring limitation area commits a noncriminal infraction and is subject to a uniform boating citation and penalties. The civil penalty provided is up to a maximum of:

- \$50 for a first offense;
- \$100 for a second offense; and
- \$250 for a third or subsequent offense.<sup>34</sup>

Section 327.73(1) F.S., provides that any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of \$500 and no more than 60 days imprisonment.<sup>35</sup>

### **Marine Sanitation Devices**

A marine sanitation device is equipment, other than a toilet, for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage.<sup>36</sup> The U.S. Coast Guard categorizes marine sanitation devices into three types:

- Type I devices are flow-through treatment devices that commonly use maceration and disinfection for the treatment of sewage;
- Type II devices are flow-through treatment devices that may employ biological treatment and disinfection;
- Type III devices are typically a holding tank where sewage is stored until it can be discharged shore-side or at sea (beyond three miles from shore).<sup>37</sup>

Raw sewage cannot be discharged from any vessel or any floating structure in Florida waters.<sup>38</sup> All waste from Type III marine sanitation devices must be disposed of in an approved sewage pump-out facility.<sup>39</sup> A violation of the marine sanitation laws is a noncriminal infraction.<sup>40</sup>

### **No-Discharge Zones**

A no-discharge zone is a designated body of water that prohibits the discharge of treated and untreated boat sewage.<sup>41</sup> Within the boundaries of a no-discharge zone, vessel operators are required to retain their sewage discharges onboard for discharge at sea (beyond three miles from the Atlantic shore and beyond nine miles from the Gulf shore) or onshore at a pump-out facility.

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<sup>34</sup> Section 327.73(1)(z), F.S.

<sup>35</sup> Sections 775.082 and 775.083, F.S.

<sup>36</sup> Section 327.02, F.S.

<sup>37</sup> EPA, *Marine Sanitation Devices (MSDs)*, <https://www.epa.gov/vessels-marinas-and-ports/marine-sanitation-devices-msds> (last visited Jan. 11, 2022).

<sup>38</sup> Section 327.53(4), F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 327.53(6)(a), F.S.

<sup>41</sup> U.S. Environmental Protection Agency, *Vessel Sewage Discharges: No-Discharge Zones*, <https://www.epa.gov/vessels-marinas-and-ports/vessel-sewage-no-discharge-zones> (last visited Jan. 12, 2022).

Currently, Florida has three designated no-discharge zones. They are Destin Harbor,<sup>42</sup> the city of Key West waters,<sup>43</sup> and the state waters within the Florida Keys National Marine Sanctuary.<sup>44</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 253.0346, F.S., to provide that notwithstanding any other law, all of the following conditions apply for approved and permitted moorings or mooring fields in Monroe County:

- The general tenancy on a mooring may exceed 12 months, if requested, but not 10 years.
- A sovereign submerged land or other proprietary lease may not prohibit a vessel from an approved and permitted mooring or mooring field or limit a vessel's tenancy because it is a domicile or primary residence.

**Section 2** amends s. 327.4108, F.S., to clarify that Monroe County is designated as an anchoring limitation area within which no less than once every 90 days each vessel anchored within Monroe County on waters of the state within 10 linear nautical miles of a public mooring field or a designated anchoring area must pull anchor, be moved from its location using the vessel's propulsion system,<sup>45</sup> and be re-anchored in a new location. The bill provides that the location must be:

- No less than one-half linear nautical mile from the vessel's starting location. A vessel may not be re-anchored within one-half linear nautical mile from the vessel's starting location for at least 90 days; or
- In a different designated anchoring area. A vessel may not be re-anchored in its originating designated anchoring area for at least 90 days after anchoring within a new designated anchoring area.

This relocation requirement does not apply to:

- Vessels moored to approved and permitted moorings and
- Vessels for which domicile has been established, until at least 100 new moorings are available for public use within one mile of the Key West Bight City Dock.

The changes above replace the following provisions:

- Anchoring limitations do not apply to mooring fields; and
- Anchoring limitations are not effective for Monroe County until the county approves, permits, and opens new moorings, including at least 250 moorings within one mile of the Key West Bight City Dock and at least 50 moorings in the Key West Garrison Bight Mooring Field.

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<sup>42</sup> Marine Sanitation Device Standard for Destin Harbor, 53 Fed. Reg. 1,678 (Jan. 21, 1988).

<sup>43</sup> City of Key West No Discharge Zone Determination, 64 Fed. Reg. 46,390 (Aug. 25, 1999).

<sup>44</sup> Regulation to Establish a No Discharge Zone for State Waters within the Boundary of the Florida Keys National Marine Sanctuary, 67 FR 35735 (May 21, 2002). The Florida Keys National Marine Sanctuary protects the 3,800 square miles of waters surrounding the Florida Keys from Miami to the Tortugas. NOAA, *Florida Keys National Marine Sanctuary Boundary*, <https://floridakeys.noaa.gov/about/welcome.html?s=about> (last visited Jan. 12, 2022).

<sup>45</sup> "Effective means of propulsion for safe navigation" means a vessel, other than a barge, that is equipped with: a functioning motor, controls, and steering system; or rigging and sails that are present and in good working order, and a functioning steering system. Section 327.02(13), F.S.

The bill replaces the Fish and Wildlife Conservation Commission's (FWC's) existing rulemaking authority with the requirement that FWC, in consultation with Monroe County and the Florida Keys National Marine Sanctuary, establish by rule designated anchoring areas throughout the county. The designated anchoring areas must:

- Specify a maximum vessel draft for each area;
- Be created only in locations where the water depth is sufficient to allow vessels whose drafts are less than the area's specified maximum vessel draft to navigate the areas without grounding or stranding;
- Not be located over coral reefs or other sensitive fish or wildlife habitat, to the maximum extent practicable, as determined by FWC;
- Not be located in an area subject to ongoing hazardous water currents or tides or containing navigational hazards; and
- Not be located within navigational channels, setbacks established by the U.S. Army Corps of Engineers associated with federal channels, areas where anchoring is prohibited, or any other lawfully established areas that prohibit anchoring.

The bill provides that all of the following vessels within Monroe County on waters of the state which are equipped with a marine sanitation device, other than a marine composting toilet, that processes and manages human waste using technologies that comply with U.S. Coast Guard requirements must maintain a record of the date and location of each pump-out of the marine sanitation device, which must occur every 30 days, for one year after the date of the pump-out:

- A vessel that has enclosed living spaces or rooms and is used by a person as a dwelling or living space overnight at any time, notwithstanding whether the vessel is also used for navigation; and
- A vessel moored in a public mooring field.

The bill finally clarifies that it may not be construed to prohibit anchoring for less than 90 days within Monroe County.

**Section 3** provides an effective date of 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:**

A general law operates universally throughout the state, uniformly on specific subjects throughout the state, or uniformly within a permissible classification, or relates to a state function or entity.<sup>46</sup> Uniform operation of a general law does not require application throughout the state; instead there must be a reasonable possibility that others in the future may meet the criteria of the classification.<sup>47</sup> A general law of local application is a form of general law that operates within only a portion of the state due to a valid classification based on proper distinctions and differences.<sup>48</sup> Article III, Section 10 of the Florida Constitution does not place any burdens or requirements on the Legislature's ability to pass a general law of local application.

A special law is a law that operates on a specific category of people or subjects, and the classification is impermissible or illegal.<sup>49</sup> A special law requires prior publication of a notice of intent to seek passage, or it may become effective after approval by the affected voters in a referendum.<sup>50</sup> A local law is a form of special law that operates only in a specific geographic area or in a classified territory when classification is impermissible or illegal.<sup>51</sup>

The bill amends statutes relating to vessel anchoring and mooring and documentation of marine sanitation device pump-out in Monroe County.

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

None.

**B. Private Sector Impact:**

Owners of vessels in Monroe County on waters of the state that are equipped with a marine sanitation device and that have enclosed living spaces or rooms and are used as a dwelling or living space overnight at any time, may experience a negative fiscal impact due to the requirement that they have proof of a marine sanitation device pumpout every 30 days.

**C. Government Sector Impact:**

None.

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<sup>46</sup> State Affairs Committee and Local Administration and Veterans Affairs Subcommittee, *Local Bills Policies and Procedures Manual 2020-2022*, 1, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Bill+Policy+and+Procedures+Manual.pdf>.

<sup>47</sup> *Id.* at 1-2.

<sup>48</sup> *Id.* at 2.

<sup>49</sup> *Id.* at 2-3.

<sup>50</sup> *Id.* at 3.

<sup>51</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 253.0346 and 327.4108 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/CS by Community Affairs on February 2, 2022:**

The CS clarifies that the bill may not be construed to prohibit anchoring for less than 90 days within Monroe County.

**CS by Environment and Natural Resources on January 18, 2022:**

- Clarifies that a bill requirement applies to “linear” nautical miles.
- Adds that the record of the date and location of each marine sanitation device pumpout that certain vessels in Monroe County are required to maintain must also indicate that the vessel was pumped out within the last 30 days.

**B. Amendments:**

None.



386100

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
	.	
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The Committee on Community Affairs (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 109 and 110  
insert:

(f) This subsection may not be construed to prohibit  
anchoring for less than 90 days in areas within Monroe County.

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

And the title is amended as follows:

Delete line 18



386100

11 and insert:  
12       specified records of such devices; providing  
13       construction; providing an

By the Committee on Environment and Natural Resources; and  
Senator Rodriguez

592-02073-22

20221432c1

A bill to be entitled

An act relating to vessel anchoring; amending s. 253.0346, F.S.; providing tenancy and lease conditions for approved and permitted mooring and mooring fields in Monroe County; amending s. 327.4108, F.S.; requiring certain anchored vessels in Monroe County to be re-anchored in a new location that meets certain requirements according to a specified timeframe; requiring the Fish and Wildlife Conservation Commission, in consultation with certain entities, to establish designated anchoring areas within the county by rule; providing requirements for the designated anchoring areas; providing an exception for certain domiciled vessels; removing provisions requiring the county to approve a specified number of moorings at specified locations; requiring certain vessels equipped with marine sanitation devices to maintain specified records of such devices; providing an effective date.

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

Section 1. Present subsection (4) of section 253.0346, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

253.0346 Lease of sovereignty submerged lands for marinas, boatyards, mooring fields, and marine retailers.-

(4) Notwithstanding any other law, all of the following conditions apply for approved and permitted moorings or mooring

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

592-02073-22

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fields in Monroe County:

(a) The general tenancy on a mooring may exceed 12 months, if requested, but may not exceed 10 years.

(b) A sovereign submerged land or other proprietary lease may not prohibit a vessel from an approved and permitted mooring or mooring field or limit the tenancy of a vessel because an individual has established it as his or her domicile in accordance with s. 222.17 or because the vessel is an individual's primary residence.

Section 2. Subsection (3) of section 327.4108, Florida Statutes, is amended to read:

327.4108 Anchoring of vessels in anchoring limitation areas.-

(3) (a) Monroe County is designated as an anchoring limitation area within which no less than once every ~~a vessel on waters of the state may only be anchored in the same location for a maximum of~~ 90 days each vessel anchored within Monroe County on waters of this state within 10 linear nautical miles of a public mooring field or a designated anchoring area must pull anchor and be moved from its location using the vessel's propulsion system and be re-anchored in a new location. The new location must be:

1. No less than one-half linear nautical mile from the vessel's starting location. A vessel may not be re-anchored within one-half linear nautical mile from the vessel's starting location for at least 90 days; or

2. In a different designated anchoring area. A vessel may not be re-anchored in its originating designated anchoring area for at least 90 days after anchoring within a new designated

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



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59 anchoring area. ~~The commission shall adopt rules to implement~~  
 60 ~~this subsection.~~

61 (b) The commission, in consultation with Monroe County and  
 62 the Florida Keys National Marine Sanctuary, shall establish by  
 63 rule designated anchoring areas throughout the county. The  
 64 designated anchoring areas must:

- 65 1. Specify a maximum vessel draft for each area;
- 66 2. Be created only in locations where the water depth is  
 67 sufficient to allow vessels whose drafts are less than the  
 68 area's specified maximum vessel draft to navigate into and out  
 69 of the areas without grounding or stranding;
- 70 3. Not be located over coral reefs or other sensitive fish  
 71 or wildlife habitat, to the maximum extent practicable, as  
 72 determined by the commission;
- 73 4. Not be located in an area subject to ongoing hazardous  
 74 water currents or tides or containing navigational hazards; and
- 75 5. Not be located within navigational channels, setbacks  
 76 established by the United States Army Corps of Engineers  
 77 associated with federal channels, areas where anchoring is  
 78 prohibited pursuant to s. 327.4109, or any other lawfully  
 79 established areas that prohibit anchoring.

80 (c) Paragraph (a) does ~~The anchoring limitations in this~~  
 81 ~~subsection do~~ not apply to vessels moored to approved and  
 82 permitted moorings ~~or mooring fields.~~

83 (d) ~~(c)~~ A vessel upon the waters of this state and within  
 84 Monroe County for which the owner or occupant has established  
 85 the vessel as a domicile in accordance with s. 222.17 is exempt  
 86 from paragraph (a) ~~Notwithstanding the commission rules adopted~~  
 87 ~~pursuant to this section, this section is not effective for~~

592-02073-22

20221432c1

88 ~~Monroe County~~ until at least 100 ~~the county approves, permits,~~  
 89 ~~and opens~~ new moorings are available for public use, ~~including~~  
 90 ~~at least 250 moorings~~ within 1 mile of the Key West Bight City  
 91 Dock ~~and at least 50 moorings within the Key West Garrison Bight~~  
 92 ~~Mooring Field.~~ Until such time, the commission shall designate  
 93 the area within 1 mile of the Key West Bight City Dock as a  
 94 priority for the investigation and removal of derelict vessels.

95 (e) All of the following vessels within Monroe County on  
 96 waters of this state which are equipped with a marine sanitation  
 97 device other than a marine composting toilet that processes and  
 98 manages human waste using technologies that comply with United  
 99 States Coast Guard requirements must maintain a record of the  
 100 date of each pumpout of the marine sanitation device and the  
 101 location of the pumpout station or waste reception facility for  
 102 1 year after the date of the pumpout, and the record must  
 103 indicate that the vessel was pumped out within the last 30 days:

- 104 1. A vessel that:
  - 105 a. Has enclosed living spaces or rooms; and
  - 106 b. Is used by a person as a dwelling or living space  
 107 overnight at any time, notwithstanding whether or not the vessel  
 108 is also used for navigation.
- 109 2. A vessel moored in a public mooring field.

110 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.)

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

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BILL: CS/SB 1124

INTRODUCER: Community Affairs Committee and Senator Gruters

SUBJECT: Preemption of Local Government Wage Mandates

DATE: February 3, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1124 creates the “Wage Mandate Preemption Act,” amending s. 218.077, F.S., which is the state’s preemption of local variations in minimum wage mandates. The bill amends the current preemption to prohibit political subdivisions from enacting, maintaining, or enforcing, by any means, a “wage mandate” in an amount greater than the state or the federal minimum wage rate, with some exceptions. “Wage mandate” is defined as any requirement enacted by a political subdivision which requires an employer to pay any or all of its employees a wage rate not otherwise required under state or federal law. The bill provides that any wage mandate in conflict with the state or federal minimum wage rate is void.

The bill further removes the existing statutory authority for political subdivisions to enact a wage mandate for employers, including subcontractors, who contract to provide goods or services to a political subdivision.

The bill takes effect upon becoming a law.

**II. Present Situation:**

**Federal and State Minimum Wage Laws**

In 1938, the United States Congress enacted the federal Fair Labor Standards Act (29 U.S.C.

ss. 201, et seq.), establishing an initial federal minimum wage of \$0.25 per hour. The minimum wage for all covered, nonexempt employees has remained at \$7.25 per hour since 2009.<sup>1</sup> The Act includes several exemptions from the federal minimum hourly wage, including:<sup>2</sup>

- Executive, administrative and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations;
- Employees in certain seasonal amusement or recreational establishments, employees in certain small newspapers, seamen employed on foreign vessels, employees engaged in fishing operations, and employees engaged in newspaper delivery;
- Farm workers employed by anyone who used no more than 500 “man-days” of farm labor in any calendar quarter of the preceding calendar year; and
- Causal babysitters and persons employed as companions for the elderly or infirm.

Employers also must pay tipped employees (e.g., servers in restaurants) who customarily and regularly receive more than \$30 per month in tips the federal minimum wage of \$7.25 per hour. The employer may account for tips received by a tipped employee as part of the wage rate, but must also pay the employee a base wage of at least \$2.13 per hour.<sup>3</sup>

The Wage and Hour Division of the United States Department of Labor enforces the federal Fair Labor Standards Act, including the federal minimum wage.

According to the United States Department of Labor, five states do not have an established minimum wage requirement: Alabama, Louisiana, Mississippi, South Carolina and Tennessee.

Twenty seven states, Puerto Rico, and the District of Columbia have minimum wage rates higher than the federal rate:<sup>4</sup>

- Alaska (\$10.34)
- Arizona (\$12.80)
- California (\$14.00)
- Colorado (\$12.56)
- Connecticut (\$13.00)
- Florida (\$10.00)
- Illinois (\$12.00)
- Maine (\$12.75)
- Maryland (\$12.50)
- Massachusetts (\$14.25)
- Michigan (\$9.87)
- Minnesota (\$10.33)

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<sup>1</sup> U.S. Department of Labor, Minimum Wage, available at <https://www.dol.gov/general/topic/wages/minimumwage> (last visited Jan. 19, 2022)

<sup>2</sup> U.S. Department of Labor, Fair Labor Standards Act Advisor available at: <https://webapps.dol.gov/elaws/whd/flsa/screen75.asp> (last visited Jan. 19, 2022)

<sup>3</sup> U.S. Department of Labor, Tipped Employees, available at <https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa#1> (last visited Jan. 19, 2022)

<sup>4</sup> U.S. Department of Labor, State Minimum Wage Laws, available at <https://www.dol.gov/agencies/whd/minimum-wage/state> (last visited Jan. 19, 2022)

- Missouri (\$11.15)
- Montana (\$9.20)
- Nebraska (\$9.00)
- Nevada (\$9.75)
- New Mexico (\$11.50)
- New Jersey (\$13.00)
- New York (\$13.20)
- Ohio (\$9.30)
- Oregon (\$12.75)
- Rhode Island (\$12.25)
- South Dakota (\$9.95)
- Vermont (\$12.55)
- Virginia (\$11.00)
- Washington (\$14.49)
- West Virginia (\$8.75)

Georgia and Wyoming have minimum wage rates lower than the federal minimum wage. If an employee is subject to both a state and federal minimum wage law, the employee is entitled to the higher of the two minimum wages.

### **The Florida Minimum Wage Act**

Under the State Constitution, all working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.<sup>5</sup> The amount of the minimum wage and the procedure for calculating increases in the minimum wage are established in the State Constitution.<sup>6</sup> The State Constitution first provided for a minimum wage at an hourly rate of \$6.15, which became effective on May 2, 2005.<sup>7</sup>

On November 3, 2020, Florida voters approved Amendment 2, which amended the State Constitution to gradually increase the state's minimum wage to \$15.00 an hour by the year 2026.<sup>8</sup> Pursuant to the passage of Amendment 2, on September 30, 2021, Florida's minimum wage increased to \$10.00 per hour. Each year, thereafter, Florida's minimum wage will increase by \$1.00 until the minimum wage reaches \$15.00 per hour on September 30, 2026.<sup>9</sup> Beginning in 2027, the minimum wage will be adjusted annually for inflation, as it has been since 2005.

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<sup>5</sup> FLA. CONST. art. X, s. 24(a).

<sup>6</sup> FLA. CONST. art. X, s. 24(c).

<sup>7</sup> The Department of Economic Opportunity annually calculates an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. Each adjusted state minimum wage rate takes effect on the following January 1.

<sup>8</sup> United States Department of State, Notice of Increase to State of Florida's Minimum Wage, available at <https://www.state.gov/wp-content/uploads/2021/01/2021-01-29-Notice-FL-Minimum-Wage-Increase.pdf> (last visited Jan. 23, 2022).

<sup>9</sup> Department of Economic Opportunity, Florida's Minimum Wage, available at [https://floridajobs.org/docs/default-source/business-growth-and-partnerships/for-employers/posters-and-required-notice/2021-minimum-wage/september-2021/florida-minimum-wage-september-2021-announcement.pdf?sfvrsn=c12151b0\\_4](https://floridajobs.org/docs/default-source/business-growth-and-partnerships/for-employers/posters-and-required-notice/2021-minimum-wage/september-2021/florida-minimum-wage-september-2021-announcement.pdf?sfvrsn=c12151b0_4) (last visited Jan. 19, 2022).

The constitutional provision has been implemented by the Florida Minimum Wage Act.<sup>10</sup> The statute establishes procedures with respect to civil actions alleging violations of its provisions. The Florida minimum wage provisions may be enforced by the bringing of a civil suit by an aggrieved person<sup>11</sup> or by the Attorney General.<sup>12</sup>

## **Power of Local Governments to Enact Minimum Wage Ordinances**

### ***Home Rule Power***

The State Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>13</sup> Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>14</sup> Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.<sup>15</sup>

### ***Preemption***

State preemption precludes a local government from exercising authority in a particular area, and requires consistency with the state constitution or state statute. A local government enactment may be found inconsistent with state law if (1) the Legislature has preempted a particular subject area to the state or (2) the local regulation conflicts with a state statute.<sup>16</sup>

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.<sup>17</sup> Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.<sup>18</sup>

Implied preemption is a legal doctrine that addresses situations in which the Legislature has not expressly preempted an area but, for all intents and purposes, the area is dominated by the state. Findings of implied preemption are for a very narrow class of areas in which the state has legislated pervasively.<sup>19</sup>

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<sup>10</sup> Section 448.110, F.S.

<sup>11</sup> Section 448.110(6), F.S.

<sup>12</sup> Section 448.110(7), F.S.

<sup>13</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>14</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>15</sup> FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

<sup>16</sup> James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 18, 2022).

<sup>17</sup> *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).

<sup>18</sup> *Mulligan*, 934 So. 2d at 1243.

<sup>19</sup> Wolf and Bolinder, *supra*.

In cases determining the validity of ordinances enacted in the face of state preemption, such ordinances are found null and void.<sup>20</sup>

### ***Statutory Restriction of Minimum Wage Requirements***

In 2003, the Legislature preempted the establishment of minimum wages to the state.<sup>21</sup> However, a political subdivision<sup>22</sup> retains the authority to establish a minimum wage other than a state or federal minimum wage or to provide employment benefits not otherwise required under state or federal law for:

- Its employees;
- The employees of an employer contracting to provide goods or services for the political subdivision, or the employees of a subcontractor of such an employer; or
- The employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.<sup>23</sup>

The law also provides an exception for domestic violence or sexual abuse ordinances, orders, rules, or policies adopted by a political subdivision.<sup>24</sup>

The law contains an exception for situations where compliance with the law would prevent a political subdivision from receiving federal funds. This allows compliance with the Davis-Bacon and related acts,<sup>25</sup> which direct the Department of Labor to determine fair wages for contractors and subcontractors working on public buildings and public works. Florida law only allows non-compliance with regard to local minimum wage alterations to the extent necessary to allow receipt of federal funds.<sup>26</sup>

Additionally, political subdivisions are prohibited from requiring an employer to provide employment benefits<sup>27</sup> not required by state or federal law.<sup>28</sup>

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

The bill amends s. 218.077, F.S., addressing preemption of local variations in minimum wage mandates. The bill renames the section the “Wage Mandate Preemption Act.” The bill provides new definitions, including the term “wage mandate” which is defined as “any requirement

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<sup>20</sup> See, e.g., *Nat’l Rifle Ass’n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

<sup>21</sup> S. 218.077(2), F.S.

<sup>22</sup> Defined as a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law. S. 218.077(1)(f), F.S.

<sup>23</sup> Section 218.077(3)(a), F.S.

<sup>24</sup> Section 218.077(3)(b), F.S.

<sup>25</sup> See, e.g., 40 U.S.C. 3141 *et seq.*

<sup>26</sup> Section 218.077(4), F.S.

<sup>27</sup> Defined as anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health benefits; disability benefits; death benefits; group accidental death and dismemberment benefits; paid or unpaid days off for holidays, sick leave, vacation, and personal necessity; retirement benefits; and profit-sharing benefits. S. 218.077(1)(d), F.S.

<sup>28</sup> Section 218.077(2), F.S.; However, federally authorized and recognized tribal governments are not prohibited from requiring employment benefits for a person employed within a territory over which the tribe has jurisdiction. S. 218.077(5), F.S.

enacted by a political subdivision which requires an employer to pay any or all of its employees a wage rate not otherwise required under state or federal law.”

The bill prohibits political subdivisions from enacting, maintaining, or enforcing by any means a wage mandate in an amount greater than the state minimum wage rate, calculated pursuant to s. 24(c), art. X of the Florida Constitution, or the federal minimum wage rate. The bill provides that any wage mandates in conflict with the state or federal minimum wage are void.

The bill further removes the existing statutory authority for political subdivisions to enact a wage mandate for employers, including subcontractors, who contract to provide goods or services to a political subdivision. Current law is maintained to allow a political subdivision to enact a wage mandate for employees of a political subdivision and for employers receiving a tax abatement or subsidy from a political subdivision.

The bill clarifies that the language does not limit, restrict, or expand a prevailing wage required under state law.

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:**

The bill will no longer allow political subdivisions to establish a minimum wage other than a state or federal minimum wage or to require employment benefits not otherwise required under state or federal law for private employers that have contracts or subcontracts with a political subdivision. This change may lower operating costs for these private employers.

In certain circumstances, employees of such contractors may see a reduction in wages if said wages are tied to a local ordinance requiring the contractor or subcontractor to pay their employers a wage that exceeds the state or federal minimum wage.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 218.077 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 February 2, 2022:**

The CS amends rather than substantially rewrites s. 218.077, F.S. The CS removes the legislative findings provided in the bill and preserves current law allowing a political subdivision to enact a wage mandate for employees of an employer receiving a direct tax abatement or subsidy from a political subdivision.

**B. Amendments:**

None.





192142

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2022	.	
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	.	

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 218.077, Florida Statutes, is amended to  
read:

218.077 Wage Mandate Preemption Act ~~and employment benefits~~  
~~requirements by political subdivisions; restrictions.~~—

(1) This section may be cited as the "Wage Mandate  
Preemption Act."



192142

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

12        (a) "Employ" has the same meaning as established under the  
13 federal Fair Labor Standards Act and its implementing  
14 regulations.

15        (b) "Employee" means any natural person who is entitled  
16 under state or federal law to receive a state or federal minimum  
17 wage.

18        (c) ~~(b)~~ "Employer" means any person who is required under  
19 state or federal law to pay a state or federal minimum wage to  
20 the person's employees.

21        ~~(c) "Employer contracting to provide goods or services for~~  
22 ~~the political subdivision" means a person contracting with the~~  
23 ~~political subdivision to provide goods or services to, for the~~  
24 ~~benefit of, or on behalf of, the political subdivision in~~  
25 ~~exchange for valuable consideration, and includes a person~~  
26 ~~leasing or subleasing real property owned by the political~~  
27 ~~subdivision.~~

28        (d) "Employment benefits" means anything of value that an  
29 employee may receive from an employer in addition to wages and  
30 salary. The term includes, but is not limited to, health  
31 benefits; disability benefits; death benefits; group accidental  
32 death and dismemberment benefits; paid or unpaid days off for  
33 holidays, sick leave, vacation, and personal necessity;  
34 retirement benefits; and profit-sharing benefits.

35        (e) "Federal minimum wage" means a minimum wage required  
36 under federal law, including the federal Fair Labor Standards  
37 Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.

38        (f) "Political subdivision" means a county, municipality,  
39 department, commission, district, board, or other public body,



192142

whether corporate or otherwise, created by or under state law.

(g) "Wage" means that compensation for employment to which any state or federal minimum wage applies.

(h) "Wage mandate" means any requirement enacted by a political subdivision which requires an employer to pay any or all of its employees a wage rate not otherwise required under state or federal law.

(3)(2) Except as otherwise provided in subsection (4) (3), a political subdivision may not enact establish, maintain mandate, or enforce by charter, ordinance, purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly, a wage mandate in an amount greater than the state minimum wage rate calculated pursuant to s. 24, Art. X of the State Constitution or the federal minimum wage rate. Any wage mandate that conflicts with this subsection is void.  
Additionally, a political subdivision may not otherwise require an employer to pay a minimum wage, other than a state or federal minimum wage, to apply a state or federal minimum wage to wages exempt from a state or federal minimum wage, or require an employer to provide employment benefits not otherwise required by state or federal law.

(4)(3) This section does not:

(a) Limit the authority of a political subdivision to enact, maintain, or enforce, through a collective bargaining agreement or other means, establish a minimum wage requirement other than a state or federal minimum wage or to provide employment benefits not otherwise required under state or federal law:

1. For the employees of the political subdivision; or



192142

~~2. For the employees of an employer contracting to provide goods or services for the political subdivision, or for the employees of a subcontractor of such an employer, under the terms of a contract with the political subdivision; or~~

~~3.~~ For the employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.

(b) Apply to a domestic violence or sexual abuse ordinance, order, rule, or policy adopted by a political subdivision.

(c) Limit, restrict, or expand a prevailing wage required under state law.

(5)~~(4)~~ If it is determined by the officer or agency responsible for distributing federal funds to a political subdivision that compliance with this act would prevent receipt of those federal funds, or would otherwise be inconsistent with federal requirements pertaining to such funds, then this act does not apply, but only to the extent necessary to allow receipt of the federal funds or to eliminate the inconsistency with such federal requirements.

(6)~~(5)~~ This section does not prohibit a federally authorized and recognized tribal government from requiring employment benefits for a person employed within a territory over which the tribe has jurisdiction.

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

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:



192142

98                               A bill to be entitled  
99       An act relating to preemption of local government wage  
100       mandates; amending s. 218.077, F.S.; providing a short  
101       title; defining the terms "employ" and "wage mandate";  
102       deleting the definition of the term "employer  
103       contracting to provide goods or services for the  
104       political subdivision"; revising prohibitions relating  
105       to political subdivisions enacting, maintaining, or  
106       enforcing wage mandates in an amount greater than the  
107       state or federal minimum wage; specifying that any  
108       wage mandate that conflicts with such prohibitions is  
109       void; revising applicability; providing construction;  
110       providing an effective date.



716180

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2022	.	
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	.	
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The Committee on Community Affairs (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 14 - 18

and insert:

Section 1. Section 218.079, Florida Statutes, is created to read:

218.079 Wage Mandate Preemption Act.—

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

And the title is amended as follows:



716180

11 Delete lines 3 - 9  
12 and insert:  
13 mandates; creating s. 218.079, F.S.; providing a short  
14 title; providing legislative findings and  
15 declarations; defining terms; prohibiting political  
16 subdivisions from enacting, maintaining, or enforcing  
17 wage mandates in an amount greater than the state  
18 minimum wage rate; providing construction and  
19 applicability; providing an

By Senator Gruters

23-00841-22

20221124\_\_

A bill to be entitled

An act relating to preemption of local government wage mandates; amending s. 218.077, F.S.; providing a short title; providing legislative findings and declarations; revising and defining terms; revising prohibitions relating to political subdivisions enacting, maintaining, or enforcing wage mandates in an amount greater than the state minimum wage rate; revising construction and applicability; providing an effective date.

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

Section 1. Section 218.077, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 218.077, F.S., for present text.)

218.077 Wage Mandate Preemption Act.—

(1) This section may be cited as the “Wage Mandate Preemption Act.”

(2) The Legislature finds and declares all of the following:

(a) That economic stability and growth are among the most important factors affecting the general welfare of the residents of this state and are among the most important matters for which the Legislature is responsible.

(b) That mandated wage rates comprise a major cost component for private enterprises and are among the chief factors affecting the economic stability and growth of this

23-00841-22

20221124\_\_

state.

(c) That prevailing wage laws increase the costs of government and business and diminish the number of jobs generated by the economy.

(d) That local variations in mandated wage rates threaten many businesses with a loss of employees to areas that require higher mandated wage rates, threaten many other businesses with the loss of patrons to areas that allow lower mandated wage rates, and are detrimental to the business environment of this state, to local labor markets, and to the citizens, businesses, and governments of the political subdivisions of this state.

(e) That in order for businesses to remain competitive while attracting and retaining the highest possible caliber of employees, private enterprises in this state must be allowed to function in a uniform environment with respect to mandated wage rates.

(f) That legislated wage disparity between political subdivisions of this state creates an anticompetitive marketplace that fosters job and business relocation.

(g) That prevailing wage laws are most harmful to the young, to minorities, and to other new or potential entrants to the workplace.

(h) That prohibiting and repealing prevailing wage laws will increase the efficiency of public investments, reduce the cost of government, and eliminate government’s preferential treatment.

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

(a) “Employ” has the same meaning as established under the federal Fair Labor Standards Act and its implementing



23-00841-22

20221124\_\_

59 regulations.

60 (b) "Employee" means any individual employed by an  
 61 employer.

62 (c) "Employer" means any person who employs employees. The  
 63 term includes, but is not limited to, any person acting directly  
 64 or indirectly in the interest of an employer in relation to an  
 65 employee and includes a public agency other than the government  
 66 of the United States, as well as employers that have contracts  
 67 or subcontracts with a political subdivision or that have  
 68 received tax abatements, loan guarantees, or other financial  
 69 assistance from a political subdivision.

70 (d) "Political subdivision" includes, but is not limited  
 71 to, any municipality, city, county, village, school district,  
 72 special purpose district, or local government of this state.

73 (e) "Wage mandate" means any requirement enacted by a  
 74 political subdivision which requires an employer to pay any or  
 75 all of its employees a wage rate not otherwise required under  
 76 state or federal law.

77 (4) Except as provided in subsection (5), a political  
 78 subdivision may not enact, maintain, or enforce by charter,  
 79 ordinance, purchase agreement, contract, regulation, rule, or  
 80 resolution, either directly or indirectly, a wage mandate in an  
 81 amount greater than the state minimum wage rate calculated  
 82 pursuant to s. 24, Art. X of the State Constitution. Any wage  
 83 mandate that conflicts with this subsection is void.

84 (5) Subsection (4) does not:

85 (a) Prohibit a political subdivision from enacting,  
 86 maintaining, or enforcing through a collective bargaining  
 87 agreement or other means a minimum wage requirement governing

23-00841-22

20221124\_\_

88 compensation paid by the political subdivision to employees of  
 89 the political subdivision.

90 (b) Apply to a collective bargaining agreement negotiated  
 91 between a political subdivision and the bargaining  
 92 representative of the employees of the political subdivision.

93 (c) Limit, restrict, or expand a prevailing wage required  
 94 under state law.

95 (d) Apply if federal law requires the payment of a  
 96 prevailing or minimum wage to persons working on projects funded  
 97 in whole or in part by federal funds.

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/22

Meeting Date

SB 302

Bill Number (if applicable)

Topic HOMES FOR THE AGED

Amendment Barcode (if applicable)

Name JEFFREY SHARKEY

Job Title CEO CAPITOL ALLIANCE GROUP

Address 106 E College Ave #110

Phone 850 224 1660

Street

City

Tallah

FL

State

32301

Zip

Email JEFFREY.SHARKEY@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing WENDOVER HOUSING PARTNERS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

2/2/22

The Florida Senate  
**APPEARANCE RECORD**

442

Meeting Date

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

Bill Number or Topic

CA

Committee

Amendment Barcode (if applicable)

Name

Ryan Matthews

Phone

850 294 5591

Address

301 S. Brandy St

Email

ryan-matthews@grayrobinson.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:

Monroe 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. 511.045 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

2/2/2022

Meeting Date

CS/SB 578

Bill Number or Topic

Community College

Committee

Amendment Barcode (if applicable)

Name Nancy Stewart

Phone 850-385-7805

Address 1400 Village Square Blvd Ste 3-156

Email nancy.stewart@nancyblackstewart.com

Tallahassee 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:

Federation of Manufactured Home Owners of Florida, Inc. (FMH)

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

2/2/21

Meeting Date

Community Affairs

Committee

SB 1058

Bill Number or Topic

Amendment Barcode (if applicable)

Name Grant Phillips

Phone \_\_\_\_\_

Address 200 E Ganes St

Street

Email \_\_\_\_\_

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Office of Insurance Regulation

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

1058

Bill Number or Topic

Amendment Barcode (if applicable)

2/2/22  
Meeting Date  
Community Affairs  
Committee

Name Austin Stowers Phone 850 413 5939

Address 200 E Gaines St.  
Street Email austin.stowers@myfloridacfo.com

Tallahassee FL 32399  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

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

CFO & State Fire Marshal Jimmy Patronis

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

2/2/22

Meeting Date

SB 1058

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name TASHA CARTER, INSURANCE CONSUMER ADVOCATE Phone 850-413-2868

Address 200 E. GAINES STREET Email TASHA.CARTER@myfloridacfo.com  
Street

TALLAHASSEE FL 32399  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

OFFICE OF THE INSURANCE  
CONSUMER ADVOCATE

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/2/22

1058

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Greg Black**

Phone **509-8022**

Address **PO Box 838**

Email **greg@waypointstrat.com**

Street

**TLH**

City

**FL**

State

**32302**

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:

**R Street Institute**

☐ 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**

882

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

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

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

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

Florida conservation 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. 511.045 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)

02/022022

Meeting Date

Community Affairs

Committee

The Florida Senate

# APPEARANCE RECORD

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

728

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Nathan Trail**

Phone **(703)907-5226**

Address **108 E Jefferson St Suite A**

Email **nathan.trail@supernal.aero**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

2/2/2022

Meeting Date

SB 728

Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Kyle Shephard

Phone (407) 579-5952

Address 400 S. Orange Ave.  
Street

Email kyle.shephard@orlando.gov

Orlando  
City

FL  
State

32801  
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 Orlando

☐ 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)

02/02/22

**APPEARANCE RECORD**

SB 728

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 **Anna Grace Lewis**Phone **850-521-1200**Address **136 S. Bronough St**Email **alewis@flchamber.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 Chamber's Autonomous  
Florida**☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

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

S-001 (08/10/2021)

2/2/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 728

Bill Number or Topic

Sen. Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Lisa Waters

Phone

561-608-3624

Address

325 John Knox Rd

Email

lisa@Floridaairports.org

Street

Tallahassee, 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:

Fl. Airports Council

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)

February 2, 2022

Meeting Date

Community Affairs

Committee

The Florida Senate

# APPEARANCE RECORD

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

728

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Matthew Broffman**

Phone **407-782-0645**

Address **1001 North Orange Avenue**  
Street

Email **matthew.broffman@lilium.com**

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

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

2/2  
Meeting Date  
Community Affairs  
Committee

884  
Bill Number, or Topic  
564668  
Amendment Barcode (if applicable)

Name Jonathan Kilman Phone 850-459-3829

Address 5600 Pine Tree Dr.  
Street  
Miami Beach FL 33140  
City State Zip

Email jonathan@convergepublic.com

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing: Rhino

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/2/22  
Meeting Date  
Community Affairs  
Committee

884  
Bill Number or Topic  
455136  
Amendment Barcode (if applicable)

Name Letitia Harmon Phone \_\_\_\_\_

Address 1010 N. Davis St Email Letitia@floriderising.org  
Street  
Jacksonville, 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:

Florida  
Rising

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

2/2/22  
Meeting Date

884

Bill Number or Topic

455136

Amendment Barcode (if applicable)

Committee  
Name David Peery

Phone 305-345-7037

Address 139 31st Ct  
Street

Email peerylaw@gmail.com

Miami, FL 33135  
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**

Meeting Date

2/2/22

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

Bill Number or Topic

884

Committee

Amendment Barcode (if applicable)

455136

Name

Zelalem Adenis

Phone

657855098

Address

1236 West Ave

Email

Z.adenis@gmail.com

Street

Miami Beach

State

FL

Zip

33139

City

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

884

Bill Number or Topic

455136

Amendment Barcode (if applicable)

Meeting Date

2/2/22

Committee

Community Affairs

Name

Ida V. ESKamani

Phone

Address

134 E. Colonial Dr

Email

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:

Florida Rising  
Florida Housing Justice Alliance

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2-22-27

Meeting Date

Community Affairs

Committee

884

Bill Number or Topic

455136

Amendment Barcode (if applicable)

Name

Shirley Stargh.11

Phone

313-736-0812

Address

1172 Pavia Dr

Email

Shirley.Starghillethefightfor  
15.org

Street

Apopka

City

FL

State

32703

Zip

Speaking:

☐ For

☐ Against

☐ Information

**OR**

Waive Speaking:

☒ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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

2-22-22

Meeting Date

Community Affairs

Committee

Name

Jamela Fairley

Phone

321-746-3939

Address

122 Vista Verde Circle

Street

Lake Mary FL 32746

City

State

Zip

Email

884  
Bill Number or Topic

455136

Amendment Barcode (if applicable)

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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**

2-22-2022

Meeting Date

884

Bill Number or Topic

455136

Amendment Barcode (if applicable)

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

Committee

Name

Sade Wood Andrews

Phone

813-447-4231

Address

4767 puritan Circle

Email

swa3544@hotmail.com

Street

Tampa

City

FL

State

33617

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

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

02/02/22  
Meeting Date  
COMMUNITY AFFAIRS  
Committee

SB 884  
Bill Number or Topic  
499136  
Amendment Barcode (if applicable)

Name NATALIA BROWN Phone 954-681-5562  
Address 14849 SW 39th St Email nataliab@catalystmiami.org  
DAVID FL 33331  
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:

catalyst miami

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

2/2/2022

Meeting Date

884

Bill Number or Topic

455136

Amendment Barcode (if applicable)

Committee

Name

Nicole Crooks

Phone

Address

1000 NW 1<sup>st</sup> Ave #805

Email

nicolec@catalystmiami.org

Street

Miami

FL

33136

City

State

Zip

Speaking:



For

☐

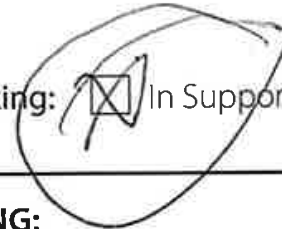
Against

☐

Information

**OR**

Waive Speaking:



In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:



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

Catalyst Miami

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

2/2/22  
Meeting Date

SB 884  
Bill Number or Topic

Community Affairs  
Committee

455136  
Amendment Barcode (if applicable)

Name Ariel Oscaiz Phone 786-258-1611

Address 275 NE 18th St. #202 Email ariel.oscaiz@gmail.com  
Street

Miami FL 33132  
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:

Catalyst Miami

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)

2/02/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 884

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Alyssa

Phone

305 812 5276

Address

7941 NW 10 St

Email

alyssa.d@catalystmiami.org

Street

Pembroke Pines FL

33024

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:

Catalyst Miami

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

2/2/2022

Meeting Date

SB884

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Janelle Murphy

Phone

786-218-7587

Address

7085 NW 28th Ave

Email

jmurphy02@yahoo.com

Street

Miami

FL

33177

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:

Catalyst  
Miami

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**

2/2/22

Meeting Date

884

Bill Number or Topic

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Ida V. Eskamani

Phone

Address

134 E. Colonial Dr

Email

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:

Florida Rising +  
Florida Housing Justice Alliance

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/2/2022

Meeting Date

SB 884

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Nicole Crooks

Phone

786-263-8063

Address

1000 NW 1<sup>st</sup> ave #805

Street

Email

nicolec@catalystmiami.org

miami

City

FL

State

33136

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:

Catalyst miami

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

884

Bill Number or Topic

Amendment Barcode (if applicable)

2/2/22  
Meeting Date  
Comm Affairs  
Committee

Name Rev DR Russell Meyer Phone 813 763 3610

Address 1308 Windsor Pl Email russellmeyer@att.net  
Street

JAX FL 32205  
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

884

Bill Number or Topic

Amendment Barcode (if applicable)

2/2/22

Meeting Date

Community Affairs

Committee

Name

Letitia Harmon

Phone

Address

1010 N. Davis St

Email

Letitia@floridarising.org

Street

Jacksonville, 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:

Florida  
Rising

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

2/2/22

Meeting Date

004887

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Zelalem Adfns

Phone

651 7855098

Address

1236 Drexel Ave

Email

z.adfns@gmail.com

Street

Miami Beach

FL

33139

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Catalyst Miami

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

2/2/2022

Meeting Date

884

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Jon Potter

Phone

202-494-5444

Address

14 Windermere Court

Email

jpotter@alexisstrategies.com

Street

Rockville

MD

20852

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:

Lease/ock

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 884

Bill Number or Topic

BILL AS AMENDED

Amendment Barcode (if applicable)

2/2/22

Meeting Date

COMMUNITY AFFAIRS

Committee

Name

SIATER BAILISS

Phone

850-222-4900

Address

204 S. MONROE ST

Email

Street

TALLAHASSEE

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

LEASELOCK

☐

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

2/2  
Meeting Date

SB884  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Crystal Morales

Phone

3039244385

Address

9021 SW 156 St

Email

Street

Miami FL

33157

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:

Catalyst Miami

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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

2/2/22

Meeting Date

SB 884

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Lynette Purcell

Phone

305-751-7044

Address

451 NE 88th Street

Email

angel.aboard1p@gmail.com

Street

Miami Fla. 33138

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:

Catalyst Miami

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/2/22

Meeting Date

SB 884

Bill Number or Topic

senate community affairs

Committee

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

Amendment Barcode (if applicable)

Name

Maybelyn Rodriguez Laureano

Phone

305 409 1155

Address

645 NW 1st St. Apt. 604

Email

maybelyn.r@gmail.com

Street

Miami

City

FL

State

33128

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:

Catalyst Miami

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

2/2/22

Meeting Date

SB 884

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Rhodie Toussaint

Phone 305 942 0320

Address 211 NE 170<sup>th</sup> St  
Street

Email rtoussaint0272@gmail.com

Miami  
City

FL  
State

33162  
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**

2/2/22

Meeting Date

SB 884

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Shannon Charles

Phone 305-281-9689

Address 21050 SW 87th Ave  
Street

Email Shannon.C@catalysthearings.org

Miami, FL 33189  
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**

2/2/22

Meeting Date

SB884

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

Aida Oscan

Phone

786-288-1641

Address

275 NE 18 St. #202

Email

aidiloscan@gmail.com

Street

miami

City

State

FL

Zip

33132

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:

Catalyst Miami

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

2-22-22

Meeting Date

884

Bill Number or Topic

Community affairs

Committee

Amendment Barcode (if applicable)

Name Jamelia Fairley

Phone 321-746-3939

Address 122 Vista Verdi Circle

Email Jamelia.Fairley@gmail.com

Lake Mary

City

FL

State

32746

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

2/22/2022  
Meeting Date

Community Affairs  
Committee

884

Bill Number or Topic

Amendment Barcode (if applicable)

Name Scade Wood Andrews

Phone 813-447-4731

Address 4767 puritan Circle  
Street

Email SWA3544@hotmail.com

Tampa  
City

FL

State

33617

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support

☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

**APPEARANCE RECORD**

2-22-22

Meeting Date

884

Bill Number or Topic

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Shirley Starghill

Phone

313-736-0812

Address

1172 Pavia Dr

Email

Shirley.Starghill@thefightfor  
15.org

Street

Apopka

State

FL

Zip

32703

Speaking:

☐ For☐ Against☐ Information**OR**

Waive Speaking:

☐ In Support☒ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☐I am a registered lobbyist,  
representing:☒I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

2/2/2022

Meeting Date

Community Affairs

Committee

884

Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St

Street

Email fc.fep@yahoo.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ 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)

2/2/2022

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 884

Bill Number or Topic

Senate Community affairs

Committee

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

Name Paul Jackson II

Phone 954 881 9668  
Amendment Barcode (if applicable)

Address 20411 N.W. 32nd Court

Street

Miami Gardens

City

FL

State

33056

Zip

Email 334015@dadeschools.net

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:

~~SA~~

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

02/02/2022

Meeting Date

SB 884

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name Natalia Brown

Phone 954-681-5562

Address 14849 SW 36th St

Email nataliab@catalystmiami.org

Street

DAVE

City

FL

State

33331

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:

catalyst miami

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**

2/2/22

Meeting Date

SB 884

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Antrice Joy Melkins Jackson

Phone

786-486-3177

Address

236 NW 16<sup>th</sup>

Street

Email

AntriceJackson@gmail.com

Miami

FL

33136

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Catalyst

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**

2.2.22

Meeting Date

SB 884

Bill Number or Topic

Catalyst Miami

Committee

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

Amendment Barcode (if applicable)

Name

Alecia Tramel

Phone

305-494-4538

Address

2930 NW 184th Street

Email

alecia-tramel@gmail.com

Street

Miami

City

Fl.

State

33054

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

2/2/22

Meeting Date

884

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Alexi Delagarza

Phone

786 234 3855

Address

15510 SW 298 ter

Email

alexi.dela13@gmail.com

Street

Homestead

FL

33033

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**

2.2.22

Meeting Date

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

SB884

Bill Number or Topic

Catalyst Miam.

Committee

Amendment Barcode (if applicable)

Name

HAROLD MCINTYRE

Phone

786 488 1153

Address

2930 N.W. 184 St

Email

ARCHIE3807410@gmail.com

Street

Miami

City

Fl.

State

33056

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

02/02/2022

Meeting Date

SB 884

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Yolanda Flores

Phone

786 4876496

Address

3287 SW 24th

Email

yolanda.flores@yohoo.es

Street

Miami

City

FL

State

33133

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**

02-02-22

Meeting Date

SB 884

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 Chamanta Prod-Homme

Phone 407 580 1200

Address 5862 Harrington Dr.  
Street

Email pchamanta@gmail.com

Orlando

City

FL

State

32808

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:

C2C

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

2/2/2022  
Meeting Date

SB 884  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

David Peery

Phone

305 345 7037

Address

139 SW 31<sup>st</sup> Ct

Email

peerylaw@gmail.com

Street

Miami, FL 33135

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:

Catalyst Miami

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

2/2/22

Meeting Date

Community Affairs

Committee

SB 884

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dahlia Perryman

Phone

561-386-0681

Address

4001 NW 192nd St

Email

artider100@  
yahoo.com

Street

Miami Gardens

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

2/2/22

Meeting Date

Community Affairs

Committee

884

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Anaroth Solache

Phone

305-528-8445

Address

6776 NW 187 ter.

Email

Anarothsa@catalystmiami.org

Street

Healea

City

FL

State

33065

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:

Catalyst Miami

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 884  
Bill Number or Topic

Amendment Barcode (if applicable)

2/2/22  
Meeting Date  
Catalyst Miami  
Committee

Name Dr. H. Mary Leonce-James

Phone (786) 728-1018

Address 14062 SW 260<sup>th</sup> St #107  
Street

Email h.leonce@yahoo.com

Miami  
City

FL  
State

33032  
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**

2/2/2022

Meeting Date

SB 884

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 Laurette Philipson

Phone 727-484-0237

Address 7240 Westwind Drive

Street

Email advocatephilipson@gmail.com

Port Richey FL 34668

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

2/2/2022  
Meeting Date

SB 884  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Denise Rack Phone 561-502-0393

Address 11147 Blue Violet Lane Email denise@racklegal.com  
Street

WPB FL 33411  
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)

2/2/21  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 884  
Bill Number or Topic

Amendment Barcode (if applicable)

Committee  
Name Stephanie Dukes  
Address P.O. Box 120522  
Clearmont, FL 34712  
Street City State Zip

Phone \_\_\_\_\_  
Email soothlake102@gmail.com

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-2-2022.

Meeting Date

884

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Raissa Fernandez

Phone

Address

992 NW 5 St.

Email

Rfern007@Fiv.edu

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:

☒

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

2/2/22

Meeting Date

Community Affairs

Committee

SB 512

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Green

Phone 850-841-1726

Address 113 E. College Ave.  
Street

Email jennifer@libertypartnersfl.com

Tallahassee  
City

FL  
State

32302  
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:

Expedia



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

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

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

S-001 (08/10/2021)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/2/22  
Meeting Date

512  
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Samantha Padgett

Job Title VP Government Relations / General Counsel

Address 230 S Adams St  
Street

Phone 850-224-2250

Tallahassee FL 32301  
City State Zip

Email spadgett@frla.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Restaurant & Lodging Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/14/14)

2/2/27

The Florida Senate  
**APPEARANCE RECORD**

SB 512

Meeting Date

Deliver both copies of this form to

Senate professional staff conducting the meeting

Bill Number or Topic

Senate Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Samuel Hutkin

Phone

610-781-7662

Address

755 Eldorado ave

Email

lhutloan@Aol.com

Street

Clearwater Beach FL 33767

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. § 100.01 and § 100.02.

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

SB 517  
Bill Number or Topic

2/2/2022  
Meeting Date

Cent Rep  
Committee

JACK CORP  
Name

850-843-0000  
Phone

730 E 9th St NW  
Address  
Street

Jack@corp.com  
Email

TL  
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:

JACKSONVILLE BEACH

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 \(flsenate.gov\)](#)



From: **Lauren Whritenour** lauren.claire.henderson@gmail.com  
Subject: Print  
Date: February 1, 2022 at 3:41 PM  
To: Cynthia Henderson cyhenderson@me.com

2 February 2022

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

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

512

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Cynthia Henderson**

Phone **8505590855**

Address **108 E Jefferson Street Suite A**

Email **cyhenderson@me.com**

Street

Tallahassee

City

FL

State

32301

Zip

Reset Form

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

FPVRC

☐ 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. <http://www.flcourts.gov/legislative>

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

JACKSONVILLE BEACH

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)

February 2, 2022

**APPEARANCE RECORD**

512

Meeting Date

Community Affairs

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

Bill Number or Topic

404456

Committee

Amendment Barcode (if applicable)

Name **Edgar G. Fernandez**Phone **(866) 960-5939**Address **201 W Park Avenue, Suite 100**Email **Edgar@Anfieldflorida.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:**Indian River 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

## The Florida Senate

**APPEARANCE RECORD**

SB 1420

2/2/22

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Martha Edenfield**Phone **850-999-4100**Address **106 E. College Ave #1200**Email **medenfield@deanmead.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:**Charlotte 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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/02/22

**APPEARANCE RECORD**

SB 1420

Meeting Date

Senate 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 **Edward Labrador**Phone **(954)-826-1155**Address **100 S Monroe St.**Email **elabrador@fl-counties.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 Association of Counties**☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

## The Florida Senate

2/2/22

**APPEARANCE RECORD**

SB 1420 - PR/Attorneys

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 **Tara Taggart**

Phone \_\_\_\_\_

Address **PO Box 1757**

Email \_\_\_\_\_

Street

**Tallahassee****FL****32302**

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☒I am a registered lobbyist,  
representing:**Florida League of Cities**☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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

02/02/22

Meeting Date

1382

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

Jim Zingale, DOR

Phone

850-717-1153

Address

2450 Shumard Oak Blvd

Email

jim.zingale@flrevenue.com

Street

TLH

City

FL

State

32399

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FL Dept.  
of Revenue

☐

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

02/02/22

Meeting Date

1382

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 Lisa Vickers

Phone 850-717-1253

Address 2450 Shumard Oak Blvd

Street

Email lisa.vickers@flrevenue.com

TLH

City

FL

State

32349

Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing: FL Dept.  
of Revenue

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

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

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

5-001 (08/10/2021)



February 2, 2002

Meeting Date

Community Affairs

Committee

The Florida Senate

# APPEARANCE RECORD

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

1382

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Patrick Loebig**

Phone **(850)329-5216**

Address **3500 Financial Plaza, Suit 300**

Email **PatrickLoebig@FloridaSalesTax.com**

Street

**Tallahassee**

**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:

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**

Feb 2 2022

Meeting Date

1260

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

Mike Weiner

Phone

727 992 8119

Address

3167 OHARA DR

Email

mikeweiner@yahoo.com

Street

New Port Richey FL

State

Zip

34655

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

FEB 2, 2022 **APPEARANCE RECORD**

Meeting Date

Deliver both copies of this form to

Senate professional staff conducting the meeting

1260  
Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name

JOSEPH PASCARELLA

Phone

813 854 1471

Address

640 SATINLEAF AVE.

Street

Email

PRES2319@VERIZON  
NET

OLDSMAR FL.

City

State

34677

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**

2/2/22

Meeting Date

SB1260

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Cheyne Seleski

Phone

(561) 254-9123

Address

48 SE Sedona Circle

Email

Cseleski@gmail.com

Street

Stuart

City

FL

State

34994

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/2/22

Meeting Date

SB 1260

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 Dr. Rich Templin

Phone 850-224-6926

Address 135 S. Monroe

Street

Email

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☒ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida AFL-CIO

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

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

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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

2/2/22  
Meeting Date

Community Affairs  
Committee

1260  
Bill Number or Topic

711064  
Amendment Barcode (if applicable)

Name Michael Nachev Phone 239-343-6509

Address 9800 S. Health Park Dr Suite 45 Email Michael.Nachev@leehealth.org  
Street

Fort Myers FL 33908  
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:

Lee Health

☐ 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)

2-2-2020

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

1260

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Michael Nachev

Phone

239-393-6509

Address

9800 S. HealthPark Dr, Suite 105

Email

Michael.Nachev@leehealth.org

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:

Lee Health



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**

1124

2-1-22

Meeting Date

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 B MARY-DON COUNTY COMM'R EILEEN HIGGINS Phone 305-375-5924

Address 111 NW 1<sup>ST</sup> ST 2ND FLOR Email \_\_\_\_\_

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:



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**

2/2/22

Meeting Date

Comm. Affairs

Committee

SB 1124

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Ana Ciereszko

Phone 305 321 0016

Address 7550 SW 61 St.  
Street

Email aciereszko@yahoo.com

Miami FL 33143  
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:

representing myself

☐ 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

2/2/22  
Meeting Date

1124  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Robert Howell Phone 407 284 9801

Address 3120 Roland Dr Email Bob\_Howell78@gmail.com  
Street

Deltona FL 32738  
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

2-2-22

Meeting Date

Community Affairs

Committee

SB 1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Raymond Caldwell

Phone

407-670-4560

Address

552 Bison Cir.

Email

BigKrogg6669@gmail.com

Street

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:

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

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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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

2/1/22

Meeting Date

1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Shawntrel Jackson

Phone

786 217 5363

Address

15455 N.E. 6 Ave C319

Email

shawntrelj12@gmail.com  
shawntrelj12@gmail

Street

MIAMI

FL

33162

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

2/2/22

Meeting Date

1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

MATT NELSON

Phone

386-295-4006

Address

1172 Tracy Dr.

Email

msnelson@79@gmail.com

Street

Deer ORANGE FL

32129

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**

2/21/2022

Meeting Date

424

Bill Number or Topic

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

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 465-6811

Address 3730 Coconut Creek Parkway  
Street

Email cbowen@cbwestflorida.com

Coconut Creek FL 33066  
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:

Assoc. Builders and  
Contractors of Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-2-22

Meeting Date

SB 1124

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Sandra McClinton

Phone

239-471-7704

Address

5028 Pelican Blvd.

Email

sandra.mcclinton@comcast.net

Street

Cape Coral

State

FL

Zip

33914

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**

2/2/22

Meeting Date

SB 1124

Bill Number or Topic

Comm AFFAIRS

Committee

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

(SEE-BEN-AH-LER)

Amendment Barcode (if applicable)

Name

JEAN SIEBENALER

Phone

513-532-5408

Address

7502 OLD BAY POINTE RD

Email

j.siebenaler@gmail.com

Street

MILTON

State

FL

32583

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**

2-2-22

Meeting Date

1124

Bill Number or Topic

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

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

251-4280

Address

425 E. Bernard St

Email

barbadevane1@yahoo.com

Street

Tallahassee

State

FL 32308

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FL National Organization  
for Women

☐ 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

Feb 2 2022

Meeting Date

Community Affairs

Committee

SB 1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name J Ferguson

Phone (813) 462-6575

Address 5102 Belmere Rkwy #1207

Street

Tampa FL 33624

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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S-001 (08/10/2021)

2/2/22

Meeting Date

Community Affairs

Committee

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1124

Bill Number or Topic

DUPLICATE

Name **Anna Grace Lewis**

Phone **521-1200**

Amendment Barcode (if applicable)

Address **136 S Bronough St**

Street

Email **cjohnson@flchamber.com**

**Tallahassee**

**FL**

**32301**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**FL Chamber of Commerce**

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

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

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

2-2-2022

Meeting Date

COMMUNITY AFFAIRS

Committee

SB1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name STEVE POLADIAN

Phone 239-940-4085

Address 1422 NE 1ST STREET

Street

Email POLADS1@GMAIL.COM

CAPE CORAL FL 33909

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

2/2/22

Meeting Date

1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Camila Cisneros

Phone (786) 499-4393

Address 1780 79<sup>th</sup> St SW

Street

Email \_\_\_\_\_

Miami Beach FL 33141

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

2.2.22

Meeting Date

Community Affairs

Committee

1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name

MARINA STEVENS

Phone

813 482 2048

Address

3405 E. Jean St

Email

mstevens1947@aol.com

Street

Ampt

City

FL

State

33610

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)

2/2/22  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1124  
Bill Number or Topic

Amendment Barcode (if applicable)

Committee  
Name Stephanie Rudes  
Address P.O. Box 120522  
Cherment, FL 32712  
Street City State Zip

Phone —  
Email Srothlake dc 2@gmail

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)



2-2-22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

André Brown

Phone

Address

19031 N.W. 9th

Email

Street

Miami

FL

33169

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**

2/2/2022

Meeting Date

SB 1124

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Jane Schlechtweg

Phone

513-312-9001

Address

1618 Briarwood Court

Email

js363@me.com

Street

Marco Island

State

FL 34145

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**

2-2-22

Meeting Date

1124

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

André Brown

Phone

Address

19031 N.W. 70th

Email

Street

Miami

City

FL

State

33169

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

2/2/22

Meeting Date

SB 1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 880 224 6926

Address 135 S. Monroe

Email

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 AFL-CIO

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

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

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S-001 (08/10/2021)

2-2-2022

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

1124

Bill Number or Topic

Committee

Name

Genette Kealy

Phone

813-431-2441

Address

1811 Greenridge Rd

Email

gkealy@aol.com

Street

Tampa FL 33619

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

2-2-2022

Meeting Date

SB 1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Raissa Fernandez

Phone

Address

992 NW 5 Street

Email

Rfern007@Fiv.edu

Street

Miami

City

FL

State

33128

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**

2-2-22

Meeting Date

1124

Bill Number or Topic

Community

Committee

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

Amendment Barcode (if applicable)

Name

Richard Myers

Phone

904 610-5609

Address

940 17th Ave N

Email

Street

Jacksonville Beach FL

32250

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**

2/2/22

Meeting Date

SB 1124

Bill Number or Topic

Catalyst Miami

Committee

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

Amendment Barcode (if applicable)

Name

Dr. H. Mary Leonce-James

Phone

728-1018

Address

14062 SW 260<sup>th</sup> St #107

Email

hleonce@yahoo.com

Street

Miami

City

FL

State

33032

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

2/2/22

Meeting Date

SB 1124

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

Dalhia Perryman

Phone

561-386-0681

Address

4001 NW 192nd St

Email

art10der100@yahoo.com

Street

Miami Gardens, FL 33055

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**

SB1124

Bill Number or Topic

2-2-2022

Meeting Date

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Sonia Johnson

Phone

561-602-1599

Address

8480 Winnipesaukee Way

Street

Email

Lake Worth, FL 33467

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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Senate professional staff conducting the meeting

2/2/2022

Meeting Date

SB 1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Matthew Tomko

Phone 610-202-2390

Address 3938 W. Sandpiper Dr Apt 3

Street

Email Tomheary@gmail.com

Boynton Beach FL

City

State

33436

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**

2/2/2022

Meeting Date

SB 1124

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

EIE Knight

Phone

(361) 460-9075

Address

41313 Althea Way

Email

eievknight@gmail.com

Street

PBG, FL 33410

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

02/02/2022

Meeting Date

SB 1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Uplanda Flores

Phone

786 487 6496

Address

3087 SW 29th

Street

Email

uplandaflores@yahoo.es

City

miami

State

FL

Zip

33133

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

2.2.22

Meeting Date

Positive People Network, Inc.  
Committee

SB 1124

Bill Number or Topic

Name

Alecia Tramel

Phone

305-494-4538

Address

2930 NW 184th St

Email

alecia.tramel@gmail.com

Street

Miami

City

Fl

State

33054

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking:

ERROR

☒ 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

2-2-22  
Meeting Date

Catalyst Miami  
Committee

SB 1124  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Harold McIntyre

Phone 786 488 1153

Address 2930 N.W. 184 St.  
Street

Email Archib38094@gmail.com

Miami Fl. 33056  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☒ Against

ERROR

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.



2/2/2022

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Nicole Crooks

Phone

786-263-8063

Address

1000 NW 1st Ave #502

Email

nicolec@catalystmiami.org

Street

Miami

City

FL

State

33136

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:

Catalyst Miami

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

2/22/22

Meeting Date

SB 1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Antrice Joy McKinnis Jackson

Phone

786-486-3177

Address

236 ~ 16th

Email

Antrice@ckson.com

Equal.00

Street

miami

fl

33132

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:

Catalyst

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**

02-02-22

Meeting Date

SB 1124

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Chamanta Prid-Homme

Phone 407 580 1200

Address 5802 Harrington Dr  
Street

Email Pchamanta@gmail.com

Orlando  
City

FL  
State

32808  
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: C2C

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

2/2/2022

Meeting Date

Community Affairs

Committee

SB 1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name Paul Jackson II

Phone

Address 20711 N.W. 32nd Court

Street

Email 334015@dadeschools.net

Miami Gardens FL

City

State

33056

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)

2/2/2022  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1124

Bill Number or Topic

Committee

Name

Jahielte Murphy

Phone

786-28-7587

Address

7035 NW 28th Ave

Email

jmurf882@yahoo.com

Street

Miami

FL

33117

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:

catalyst  
Miami

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

2-2-2022

Meeting Date

531124

Bill Number or Topic

Community AFFAIRS

Committee

Amendment Barcode (if applicable)

Name FRANK ANGEL

Phone

Address 21180 VIA EDEN

Street

Email

BOCA RATON 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:

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

2/21/22

Meeting Date

Senate Community Affairs

Committee

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

SB1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Anaruth Solache

Phone

305-528-8495

Address

6776 NW 187 ter. 1

Street

Email

Anaruth.s@catalystmiami.org

Hialeah

City

FL

State

33015

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:

Catalyst Miami

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.

2/2/22

The Florida Senate  
**APPEARANCE RECORD**

1124

Meeting Date  
**Community Affairs**

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

Bill Number or Topic

Committee  
**Tim Nungesser**

Name

Amendment Barcode (if applicable)

**850-445-5367**

Phone

Address  
**110 East Jefferson Street**

Email

**Tim.nungesser@nfib.org**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

**Reset Form**

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:

**NFIB (National Federation of  
Independent Business)**

☐ 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**

2/2/22

Meeting Date

SB 124

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

Aidil Oscariz

Phone

786-258-1641

Address

275 NE 18 St. #202

Street

Email

aidiloscariz@gmail.com

miami

City

FL

State

33132

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Catalyst Miami

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)



2/21/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

1124

Bill Number or Topic

Committee

Name

Shannon Charters

Phone

305-281-9689

Address

21050 SW PTH AVE

Email

ShannonC@catalystmission.org

Street

Miami, FL 33189

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

2/2/2022  
Meeting Date

SB 1124  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name David Peery Phone 305-345-7037

Address 139 SW 31st Ct Email peerylaw@gmail.com  
Street

Miami, FL 33135  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

February 2, 2022

Meeting Date

SB 1124

Bill Number or Topic

Committee

Name

Rhodie Toussaint

Phone

Address

211 NE 175<sup>th</sup> St

Email

rtoussaint0272@gmail.com

Street

Miami

City

FL

State

33162

Zip

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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

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)

2/2/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1124

Bill Number or Topic

Committee

Name

Alyssa Delgado

Phone

305 812 5276

Address

7941 NW 10 ST

Street

Email

alyssada@catalystmiami.org

Pembroke Pines FL

City

State

33024

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:

Catalyst

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**

SB 1124

Bill Number or Topic

2/2/22

Meeting Date

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

Senate Community Affairs

Committee

Amendment Barcode (if applicable)

Name Maybelyn Rodriguez Laureano

Phone 305 409 1155

Address 645 NW 1st St. Apt 604

Email maybelynrc@gmail.com

Street

Miami

City

FL

State

33128

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:

Catalyst Miami

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)

02/02/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1124

Bill Number or Topic

COMMUNITY AFFAIRS  
Committee

Name

NATALIA BROWN

Phone

994-681-9902

Amendment Barcode (if applicable)

Address

14849 SW 35th Street

Email

nataliab@catalystmiami.org

DAVID FL

City

State

33331

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:

catalyst miami

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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2/2/22

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

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

SB 1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Lynette Russell

Phone

305-751-7044

Address

451 NE 88th Street

Email

angel.aboard1p@gmail.com

Street

Miami Fla. 33138

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:

Catalyst Miami

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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

2/2  
Meeting Date

SB1124  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Crystal Morales Phone 305 924 4385

Address 9021 SW 156 St Apt 217 Email crystalmorales.law  
Street

Palmetto Bay FL 33157 @gmail.com  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

Catalyst Miami

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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

2/2/22

Meeting Date

1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Alexi Delagarza

Phone

786-234-3855

Address

13510 SW 298 terr

Email

alexi.dela13@gmail.com

Street

Homestead

FL

33033

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

2/2/22

Meeting Date

1124

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Zelulem Adefris

Phone

681 785 8098

Address

1236 Oxeel Ave

Email

z.adebris@gmail.com

Street

Miami

FL

33139

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

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

Catalyst Miami

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**

Feb. 2 2022

Meeting Date

community Affairs

Committee

1124

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Mike Weinert

Phone

727 992 8119

Address

3167 OHARA DR

Email

mikewjet@yahoo.com

Street

New Port Richey FL 34655

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**

FEB 2, 2022  
Meeting Date

COMMUNITY AFFAIRS  
Committee

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

1124  
Bill Number or Topic

Name JOSEPH PASCARIELLA

Amendment Barcode (if applicable)  
Phone (813) 854-1471

Address 640 SATINLEAF AVE  
Street

Email PRES2319@  
VERIZON.NET

OLDSMAR FL 34677  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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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

FEB 2, 2022

Meeting Date

COMMUNITY AFFAIRS

Committee

1124

Bill Number or Topic

MEANS TAX

Amendment Barcode (if applicable)

Name

JOSEPH PASCARELLA

Phone

(813) 854-1471

Address

640 SATINLEAF AVE

Street

Email

PRES 2319 Q  
VERTZOW.NET

DADEMAR FL.

City

State

34677

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

2-2-22

Meeting Date

community Affairs

Committee

SB 1124

Bill Number or Topic

Name

Jeff Estes

Phone

321-360-2531

Address

3747 Canberra Ct

Street

Tusville

AA

32780

City

State

Zip

Email

estes15@yahoo.com

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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The Florida Senate

**APPEARANCE RECORD**

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

02/02/2022

Meeting Date

Community Affairs

Committee

SB1129

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Richard Gilland

Phone

321-298-6351

Address

7140 Milton Ave

Street

Email

gillandrl@gmail.com

Port St. John FL

City

State

32927

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

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

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

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

Meeting Date

2-2-22

Committee

Com. Affairs

Bill Number or Topic

SB 1124

Amendment Barcode (if applicable)

Name

DIANE JONES

Phone

321-514-8804

Address

Street

1120 Cheney Hwy Unit H

Email

djones004@fl.senate.gov

City

Titusville

State

FL

Zip

32786

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)



# CourtSmart Tag Report

**Room:** SB 37  
**Caption:** Senate Community Affairs Committee

**Type:**  
**Judge:**

**Started:** 2/2/2022 8:31:11 AM  
**Ends:** 2/2/2022 10:30:16 AM  
**Length:** 01:59:06

8:31:10 AM Community Affairs meeting called to order by Chair Bradley  
8:31:25 AM Roll called  
8:32:11 AM Tab 15 - SB 1124 by Senator Gruters  
8:32:57 AM Debate on SB 1124  
8:34:25 AM Senator Gruters closes on the bill  
8:36:35 AM Roll is called on SB1124  
8:37:30 AM Tab 11 - SB 1260 by Senator Gruters  
8:37:40 AM Senator Gruters explains the bill  
8:38:49 AM Michael Nachev, Lee Health, speaking for  
8:39:49 AM Amendment 711064 passes favorably  
8:40:08 AM Senator Cruz has questions on SB1260  
8:41:26 AM Dr. Rich Templin, Florida AFL-CIO, speaking for information  
8:44:42 AM Cheyenne Seleski waiving in opposition  
8:45:04 AM Senator Farmer in debate  
8:48:07 AM Joseph Pascarella waives against  
8:48:14 AM Mike Weinert waives against  
8:49:19 AM Sen. Cruz in debate  
8:49:41 AM Sen. Brodeur in debate  
8:50:00 AM Sen. closes on bill as amended  
8:50:42 AM Roll is called  
8:52:03 AM SB 1260 passes favorably  
8:52:12 AM Tab 12 - SB 1382 by Sen. Gruters  
8:52:14 AM Sen. Gruters introduces the bill  
8:52:53 AM Patrick Loebig speaking against  
8:54:03 AM Lisa Vickers, FL Dept. of Revenue, speaking for information  
8:55:54 AM Jim Zingale, FL Dept. of Revenue, speaking for information  
8:57:52 AM Senator Cruz has a question for the speaker  
9:01:32 AM Senator Gruters closes on SB 1382  
9:03:07 AM Tab 9 - SB 1002 by Sen. Burgess  
9:03:08 AM Senator Burgess introduces SB 1002  
9:03:32 AM Sen. Burgess introduces amendment 628822 to bill  
9:04:07 AM Sen Cruz has questions on bills  
9:04:21 AM Amendment adopted favorably, back on bill as amended  
9:04:43 AM roll is called  
9:04:48 AM CS/SB 1002 passes favorably  
9:05:14 AM Tab 13 - SB 1420 by Sen. Burgess  
9:05:15 AM Sen. Bruggess introduces SB 1420  
9:05:46 AM Amendment 431530 on SB 1420 is introduced  
9:06:03 AM Amendment passes  
9:06:16 AM Back on bill as amended  
9:06:21 AM Roll is called  
9:06:31 AM CS/SB 1420 passes favorably  
9:06:35 AM Martha Edenfield, Charlotte County, waives in support of SB 1420  
9:06:37 AM Edward Labrador, Florida Association of Counties, waives in support  
9:06:39 AM Tara Taggard, Florida League of Cities, waives in support of SB 1420  
9:06:58 AM Tab 3 - SB 512 by Sen. Burgess  
9:06:59 AM Senator Burgess introduces SB 512  
9:07:26 AM Sen. Bruggess introduces Amendment 404456  
9:08:46 AM Sen Cruz in questions  
9:09:52 AM Sen. Polsky in questions  
9:12:05 AM Edgar G. Fernandez, Indian River County, waiving in support  
9:12:10 AM Jack Cori, Jacksonville Beach, speaking against

9:13:48 AM In debate on amendment  
9:14:34 AM Amendment passes favorably  
9:15:34 AM Sen. Cruz has question on bill as amended  
9:15:44 AM Sen. Burgess answers  
9:18:16 AM Cynthia Henderson, FPVRC, waives in support  
9:19:16 AM Jack Corey, Jacksonville Beach, speaking against  
9:21:17 AM Sen. Hutson has question for the speaker  
9:22:55 AM Jack Corey answers  
9:24:17 AM Samuel Hutkin speaking against bill  
9:25:17 AM Sen. Cruz has a question for speaker  
9:28:31 AM Samantha Padgett, Florida Restaurant and Lodging Association, speaking for information  
9:32:33 AM Jennifer Green, Expedia, speaking for the bill  
9:34:01 AM On debate on bill as amended  
9:34:52 AM Sen. Polsky and Sen. Hooper in debate  
9:35:56 AM Sen. Farmer in debate  
9:38:14 AM Sen. Cruz in debate  
9:39:59 AM Sen. Burgess closes on the bill  
9:42:53 AM Roll is called  
9:43:05 AM SB 512 passes favorably  
9:43:14 AM Tab 1 - SB 362 by Sen. Rodriguez  
9:43:15 AM Sen. Rodriguez introduces SB 362  
9:44:23 AM Jeffrey Sharkey, Wendover Housing Partners, waives in support  
9:44:36 AM Roll is called  
9:44:52 AM SB 362 passes favorably  
9:45:09 AM Tab 2 - SB 442 by Sen. Rodriguez  
9:45:10 AM Sen. Rodriguez introduces SB 442  
9:45:33 AM Ryan Matthews, Monroe County, waives in support  
9:46:15 AM Roll is called  
9:46:18 AM SB 442 passes favorably  
9:46:33 AM Tab 14 - CS/SB 1432 by Sen. Rodriguez  
9:46:34 AM Sen Rodriguez introduces CS/SB 1432  
9:47:04 AM Amendment 386100 introduced by Sen Rodriguez  
9:47:25 AM Amendment passes favorably  
9:47:33 AM Back on the bill as amended  
9:47:37 AM Sen. Rodriguez closes on bill  
9:47:50 AM roll is called  
9:47:53 AM CS/CS/SB 1432 passes favorably  
9:48:07 AM Tab 4 - CS/SB 578 by Sen. Hooper  
9:48:08 AM Sen. Hooper introduces CS/SB 578  
9:48:48 AM On amendment 936294  
9:49:05 AM Amendment passes favorably  
9:49:44 AM Back on the bill as amended  
9:49:53 AM Nancy Stewart, Federation of Manufactured Home Owners of Florida, Inc. (FMO), waives in support  
9:50:13 AM Roll is called  
9:50:16 AM CS/CS/SB 578 passes favorably  
9:50:39 AM Tab 10 - SB 1058 by Sen. Hutson  
9:50:40 AM Sen. Hutson introduces SB 1058  
9:51:23 AM Greg Black, R Street institute, waiving in support  
9:51:47 AM Tasha Carter, Office of the Insurance Consumer Advocate, waive in support  
9:51:55 AM Austin Stowers, CFO and State Fire Marshal Jimmy Patronis, waives in support  
9:51:59 AM Grant Phillips, Office of Insurance Regulation, waives in support  
9:52:04 AM roll is called  
9:52:10 AM SB 1058 passes favorably  
9:52:27 AM Tab 7 - SB 882 by Sen. Brodeur  
9:52:28 AM Sen. Brodeur introduces SB 882  
9:53:12 AM Sen. Brodeur introduces amendment 922104  
9:54:12 AM Amendment is adopted, back on bill as amended  
9:54:24 AM Lindsay Cross, Florida Conservation Voters, speaking for information  
9:54:47 AM Roll is called  
9:55:46 AM CS/SB 882 passes favorably  
9:55:56 AM Tab 5 - CS/SB 608 by Sen Brodeur  
9:55:57 AM Sen. Brodeur introduces CS/SB 608

9:56:42 AM Sen. Farmer has a question on bill  
9:57:09 AM Roll is called  
9:57:32 AM CS/SB 608 passes favorably  
9:57:38 AM In recess  
9:59:09 AM Tab 6 - SB 728 by Sen. Harrell  
9:59:10 AM Sen. Hutson introduces SB 728  
10:00:27 AM Nathan Trail speaking for  
10:05:08 AM Mathew Broffman waiving in support  
10:05:21 AM Lisa Waters, Fl. Airports Council, waiving in support  
10:05:30 AM Anna Grace Lewis, Florida Chamber's Autonomous Florida, waiving in support  
10:05:47 AM Kyles Shephard, City of Orlando, waiving in support  
10:05:57 AM Roll is called  
10:06:05 AM SB 728 passes favorably  
10:06:20 AM Tab 8 - CS/SB 884 by Sen. Boyd  
10:06:21 AM Sen. Brodeur introduces CS/SB 884  
10:07:07 AM Amendment 564668 is introduced  
10:08:07 AM Jonathan Kilman, Rhino, waives in support  
10:08:52 AM Sen. Farmer has question on amendment  
10:09:42 AM Amendment passes favorably  
10:10:41 AM On amendment 455136  
10:10:54 AM Sen. Brodeur explains amendment  
10:11:49 AM Sen. Farmer withdraws amendment  
10:12:49 AM Back on bill as amended by 564668  
10:13:01 AM Sen. Baxley has question on bill  
10:13:37 AM Jon Potter, Leaselock, waives in support  
10:13:40 AM Zelalem Adfris, Catalyst Miami, speaking against  
10:14:36 AM Dalhia Perryman speaking against  
10:15:39 AM Letitia Harmon, Florida Rising, speaking against  
10:16:59 AM Rev Dr Russell Myer speaking against  
10:19:06 AM Nicole Crooks, Catalyst Miami, speaking against  
10:20:32 AM Ida V. Eskamani, Florida Rising and Florida Housing Justice Alliance, speaking against  
10:21:41 AM Janelle Mundry, Catalyst Miami, waive in opposition  
10:22:41 AM Alyssa, Catalyst Miami, waiving against  
10:22:46 AM Raissa Fernandez, waiving against  
10:22:49 AM Stephanie Dukes, waiving against  
10:22:52 AM Denise Rock waiving against  
10:23:00 AM Dr. H. Mary Leonce-James waiving against  
10:23:13 AM Anaroth Solache, Catalyst Miami, waiving against  
10:23:14 AM Laurett Philipsen waiving against  
10:23:15 AM David Peery, Catalyst Miami, waiving against  
10:23:16 AM Chamanta Prud-Homme, C2C, waiving against  
10:23:20 AM Yolanda Flores waiving against  
10:23:24 AM Harold McIntyre waiving against  
10:23:27 AM Alexi Delgarza waiving against  
10:23:29 AM Alecia Tramel, waiving against  
10:23:33 AM Anitrice Joy McKinnis Jacks, Catalyst, waiving against  
10:23:37 AM Natalia Brown, Catalyst Miami, waiving against  
10:23:42 AM Paul Jackson II waiving against  
10:23:46 AM Karen Woodall waiving against  
10:23:51 AM Shirl Starghill waiving against  
10:23:56 AM Sade Wood Andrews waiving against  
10:23:59 AM Jamelia Fairley, waiving against  
10:24:03 AM Aidil Oscariz, Catalyst Miami, waiving against  
10:24:07 AM Shannon Charles waiving against  
10:24:09 AM Robbie Toussaint waiving against  
10:24:17 AM Maybelyn Rodriguez Laureano, Catalyst Miami, waiving against  
10:24:22 AM Lynette Purcell, Catalyst Miami, waiving against  
10:24:24 AM Crystal Morales, Catalyst Miami, waiving against  
10:24:31 AM Slater Bailiss, Leaselock, waiving in support  
10:24:41 AM Sen. Baxley in debate  
10:25:48 AM Roll call on time-certain vote  
10:26:07 AM Time certain vote passes

**10:26:23 AM** Sen. Farmer on debate  
**10:28:19 AM** roll is called  
**10:29:26 AM** CS/CS/SB 884 passes favorably  
**10:29:32 AM** Meeting is adjourned