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<th>Tab 1</th>
<th>SB 728 by Lee; (Similar to CS/H 00437) Growth Management</th>
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<td>Tab 2</td>
<td>SB 806 by Perry; (Similar to CS/H 00167) Local Government Public Construction Works</td>
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<td>Tab 3</td>
<td>SB 902 by Perry; (Similar to H 00447) Open and Expired Building Permits</td>
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<td>Tab 4</td>
<td>SJR 326 by Brandes; (Identical to H 01389) Homestead Property Tax Assessments/Increased Portability Period</td>
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<td>SB 324 by Brandes; (Identical to H 01391) Limitations on Homestead Assessments</td>
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<td>Tab 6</td>
<td>CS/SB 540 by CJ, Book (CO-INTRODUCERS) Berman; (Similar to H 00851) Human Trafficking</td>
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<td>SB 568 by Diaz (CO-INTRODUCERS) Pizzo; (Identical to H 00443) Assessment of Property</td>
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<td>Tab 8</td>
<td>SB 856 by Gruters; (Identical to H 01151) Homestead Exemptions</td>
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# COMMITTEE MEETING EXPANDED AGENDA

**COMMITTEE:** Community Affairs  
**Chair:** Senator Flores  
**Vice Chair:** Senator Farmer  

**MEETING DATE:** Tuesday, March 12, 2019  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** 301 Senate Building  

**MEMBERS:** Senator Flores, Chair; Senator Farmer, Vice Chair; Senators Broxson, Pizzo, and Simmons  

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<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
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| 1   | SB 728 Lee (Similar CS/H 437) | Growth Management; Authorizing sufficiently contiguous lands located within the county or municipality which a petitioner anticipates adding to the boundaries of a new community development district to also be identified in a petition to establish the new district under certain circumstances; providing requirements for the petition; providing notification requirements for the petition, etc. | Favorable  
Yeas 5 Nays 0 |
| 2   | SB 806 Perry (Similar CS/H 167) | Local Government Public Construction Works; Requiring the governing board of a local government to consider estimated costs of certain projects using generally accepted cost-accounting principles that account for specified costs when making a specified determination; requiring that a local government that performs projects using its own services, employees, and equipment disclose the actual costs of the project after completion to the Auditor General; requiring estimated total construction project costs for certain projects to include specified costs, etc. | Favorable  
Yeas 5 Nays 0 |
| 3   | SB 902 Perry (Similar H 447) | Open and Expired Building Permits; Specifying conditions under which a building permit is considered an open permit, expired permit, or closed permit; authorizing an open or expired permit to be closed on by or on behalf of the current property owner if certain requirements are met; authorizing the owner of a home for sale to assume the role of an owner-builder in order to resolve an open permit under certain circumstances, etc. | Favorable  
Yeas 5 Nays 0 |
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<td>4</td>
<td>SJR 326 Brandes</td>
<td>Homestead Property Tax Assessments/Increased Portability Period; Proposing amendments to the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date, etc.</td>
<td>Favorable Yeas 5 Nays 0</td>
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<td>5</td>
<td>SB 324 Brandes</td>
<td>Limitations on Homestead Assessments; Revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election, etc.</td>
<td>Fav/CS Yeas 5 Nays 0</td>
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<td>6</td>
<td>CS/SB 540 Criminal Justice / Book</td>
<td>Human Trafficking; Requiring a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; requiring the Department of Children and Families, in consultation with the Department of Law Enforcement and the Attorney General, to establish a certain direct-support organization; requiring that the criminal history record of a person who is convicted of, or enters a plea of guilty or nolo contendere to, soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation be added to the Soliciting for Prostitution Registry, etc.</td>
<td>Fav/CS Yeas 5 Nays 0</td>
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<td>SB 568 Diaz</td>
<td>Assessment of Property; Authorizing local</td>
<td>Fav/CS</td>
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<td>(Identical H 443)</td>
<td>governments to enter into agreements with</td>
<td>Yeas 5 Nays 0</td>
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<td>certain property owners to authorize the</td>
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<td>local governments to record specified</td>
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<td>restrictive covenants related to affordable</td>
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<td>housing; authorizing such covenants to</td>
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<td>such restrictive covenants in arriving at the</td>
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<td>just value of such properties, etc.</td>
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| 8   | SB 856 Gruters         | Homestead Exemptions; Specifying that a      | Favorable       |
|     | (Identical H 1151)     | person must knowingly and intentionally       | Yeas 5 Nays 0   |
|     |                        | receive or claim a certain ad valorem tax    |                 |
|     |                        | exemption or credit in another state to      |                 |
|     |                        | be disqualified from a certain homestead     |                 |
|     |                        | exemption; providing that certain property is |                 |
|     |                        | not subject to the assessment of exempted    |                 |
|     |                        | taxes, penalties, and interest under certain |                 |
|     |                        | circumstances, etc.                          |                 |
|     | CA                     | 03/12/2019 Favorable                        |                 |
|     | FT                     |                                             |                 |
|     | AP                     |                                             |                 |

Other Related Meeting Documents
I. **Summary:**

SB 728 authorizes Community Development Districts (CDDs) of less than 2,500 acres and solely in one county or municipality to include a list of parcels in the CDD’s establishment petition that the CDD expects to add within the next 10 years. A parcel may only be included with the consent of the landowner. The bill provides a process for expanding the boundaries of the CDD to include these additional parcels. The bill also provides that the expansion of CDD boundaries to include these parcels does not alter the time period for transition from a landowner board to a board composed of qualified electors under s. 190.006, F.S., and states that the parcels may be added even if the resulting CDD is greater than 2,500 acres.

The bill provides that a CDD may also merge with another type of special district created by special act under certain circumstances.

II. **Present Situation:**

**Overview**

In general terms, a community development district (CDD) is a “local unit of special-purpose government”\(^1\) which is often created to facilitate the funding and management of new housing developments.

Expanding a CDD involves a somewhat different process depending on its original size. For CDDs that began as less than 2,500 acres in size, a person must file a petition with the county. For larger CDDs, a person must file a petition, along with a $1,500 filing fee, with the Florida Land and Water Adjudicatory Commission (FLWAC). Then, in either case, a public hearing must be held.

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\(^1\) Section 190.003(6), F.S.
However, special requirements apply if someone is seeking a particularly large expansion of a CDD. Any expansion of more than 50 percent of the initial size of the CDD or more than 1,000 acres must be processed according to the statute that governs creation of a new CDD.

CDDs in General

Chapter 190, F.S., the “Uniform Community Development District Act of 1980,” sets forth the exclusive and uniform procedures for establishing and operating a community development district (CDD). This type of independent special district is an alternative method to manage and finance basic services for community development. There are currently 685 active CDDs in Florida.

A CDD must act within the constraints of applicable comprehensive plans, ordinances, and regulations of the local general-purpose government. CDDs have certain general powers, including the authority to:

- Assess and impose ad valorem taxes upon lands in the CDD;
- Bring lawsuits (and be sued);
- Participate in the state retirement system;
- Contract for services;
- Borrow money;
- Accept gifts;
- Adopt rules and orders pursuant to the Administrative Procedure Act (APA);
- Maintain an office;
- Lease;
- Issue bonds;
- Raise money by user charges or fees; and
- Levy and enforce special assessments.

The statutes also authorize additional special powers pertaining to public improvements and community facilities, such as systems for water management, water supply, sewer, and wastewater management, as well as roads, bridges, culverts, street lights, buses, trolleys, transit shelters, ridesharing facilities and services, parking improvements, signage, environmental contamination, conservation areas, mitigation areas, and wildlife habitat. With the consent of

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2 Section 190.001, F.S.
3 Sections 190.004 and 190.005, F.S.
4 A “special district” is “a unit of local government created for a special purpose… within a limited geographic boundary … created by general law, special act, local ordinance, or by rule of the Governor and Cabinet.” Section 189.012(6), F.S. An “independent special district” is a special district that does not meet any of the criteria listed in s. 189.012(2), F.S. Additionally, any special district including more than one county is an independent special district, unless the district lies wholly within a single municipality. Section 189.012(3), F.S.
5 Section 190.003(6), F.S.
7 Section 190.004(3), F.S.
8 Ch. 120, F.S.
9 Section 190.011, F.S.
10 Section 190.012(1), F.S. The rule or ordinance establishing the CDD may restrict the special powers authorized in this subsection. Sections 190.005(1)(f) and (2)(d), F.S.
Establishing a CDD

Petition for Rulemaking by the Florida Land and Water Adjudicatory Commission

The process for establishing a CDD depends upon its size. CDDs of 2,500 acres or more are established by petitioning the Florida Land and Water Adjudicatory Commission (FLWAC) to adopt an administrative rule creating the district. The statute requires each petition to contain specified information, including the written consent to establishing the CDD by all landowners of real property to be included in the district. Prior to filing, the petitioner must submit copies of the petition and pay separate filing fees of $15,000 each to the county and any municipality in which the proposed CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district. The counties and municipalities required to receive copies of the petition may conduct public hearings and express support or objection to the proposed district by resolution and by stating their position before the FLWAC. Additionally, a public hearing on the petition must be held in the county where the CDD will be located; these hearings are conducted under the requirements of the Administrative Procedure Act (APA) before an administrative law judge. Once the hearing process is complete, the entire record is submitted to the FLWAC, reviewed by staff, and placed on the

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11 Section 190.012(2), F.S.
12 Created by s. 380.07, F.S., the FLWAC is comprised of the Administration Commission, which in turn is created by s. 14.202, F.S., and is composed of the Governor and Cabinet (Section 20.03, F.S., provides that “Cabinet” means the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture). This distinction affects the requirements for an affirmative vote by the FLWAC. Unless otherwise provided in law, the statutory voting requirements for the Administration Commission apply and affirmation by the FLWAC requires approval by the Governor and at least two Cabinet members.
13 Section 190.005(1), F.S.
14 “Landowner” means the owner of a freehold estate as appears by the deed record, including a trustee, a private corporation, and an owner of a condominium unit; it does not include a reversioner, remainderman, mortgagee, or any governmental entity, who shall not be counted and need not be notified of proceedings under this act. Landowner shall also mean the owner of a ground lease from a governmental entity, which leasehold interest has a remaining term, excluding all renewal options, in excess of 50 years. Section 190.003(14), F.S.
15 Section 190.005(1)(a), F.S.
16 Section 190.005(1)(b), F.S.
17 Section 190.005(1)(c), F.S.
18 See ch. 120, F.S. The general hearing requirements are stated in ss. 120.569 and 120.57(1), F.S.
19 Section 190.005(1)(d), F.S.: Rules 42-1.009 & 42-1.012, F.A.C. Chapter 42-1, F.A.C., the procedural rules of the FLWAC, remains substantially unchanged since its adoption in 1982.
FLWAC meeting agenda for final consideration with the petition. If the petition is approved, staff of the FLWAC initiates proceedings to adopt the rule creating the CDD.

**Petition for Ordinance Creating a CDD**

CDDs of less than 2,500 acres are generally established by ordinance of the county having jurisdiction over the majority of land in the area in which the CDD is to be located. A petition to establish a CDD is filed with the county commission. After conducting a local public hearing before a hearing officer, the commission may adopt an ordinance creating the CDD. If any of the land proposed for inclusion in the CDD lies within the area of a municipality, the county cannot create the district without approval of the affected municipality.

However, if all the land proposed for inclusion in the CDD lies within the territorial jurisdiction of a municipality, the petition is filed with that municipality which then exercises the duties otherwise performed by the county commission. In this case, the CDD would be created by municipal ordinance. Within 90 days after receiving the petition, the county commission (or municipality, as applicable) may transfer the petition to the FLWAC. Finally, if all the land of the proposed CDD lies within the territorial jurisdiction of two or more municipalities or two or more counties, the petition must be filed with the FLWAC even if the total area is less than 2,500 acres.

**Requirements for Notice, Meeting, and Vote of Landowners in a CDD**

The powers of a CDD are exercised by the board of supervisors elected by the landowners of the district. The board must have five members serving 2- or 4-year terms. The initial members of the board are designated in the original petition to create the CDD and serve until new members are elected after the district is established. A meeting of landowners for the purpose of electing the board must be held within 90 days after the effective date of the rule or ordinance creating the district. Each landowner is entitled to one vote for each acre owned. The top two candidates are elected to 4-year terms, while the next three candidates are elected to 2-year terms. A new board election, held among the qualified electors of the district, occurs when either the board proposes to exercise its ad valorem taxing authority or 6 years after the

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21 Section 190.005(2), F.S.

22 Section 190.005(2)(a), F.S. The petition must contain the same information as required for submission to the FLWAC.

23 Section 190.005(2)(b), F.S. The hearing must follow the same notice and procedural requirements as the local hearing for petitions before the FLWAC.

24 See s. 190.005(2)(d), F.S.

25 Section 190.005(2)(e), F.S.

26 Id.

27 Section 190.005(2)(f), F.S.

28 Section 190.005(2)(e), F.S.

29 Section 190.006(1), F.S.

30 Id.

31 Sections 190.005(1)(a)3., and 190.006(2)(a), F.S.

32 Section 190.006(2)(a), F.S.

33 Section 190.006(2)(b), F.S.

34 Id.
formation of the district (10 years for districts exceeding 5,000 acres).35 Elections of board members by qualified electors are non-partisan general elections conducted by the supervisor of elections.36

Financial Reporting by a CDD

CDDs are subject to the financial reporting requirements of Chs., 189, 190, and 218, F.S.37 The district manager is responsible for drafting a proposed budget on or before June 15 of each year.38 The board of the CDD considers the proposed budget, makes amendments as necessary, and adopts the budget by resolution.39 After the board adopts the budget, a public hearing on the budget is held and the board may make further changes as it deems necessary.40 At least 60 days prior to adoption, the district is required to submit its budget to the local government entities having jurisdiction over the area.41 This submission is for the purposes of disclosure and information only, but the local government entities may submit written comments to the CDD board.42 CDDs are also required to take affirmative steps to provide full disclosure of information related to public financing and maintenance of improvements constructed by the district.43 The district must provide any developer of residential property in the district with sufficient copies of this information to be able to provide a copy to each prospective initial purchaser of property.44 Districts must file disclosures of this information in the property records of each county in which the district is located.45 The Department of Economic Opportunity (DEO) is required to keep a current list of districts and their disclosures of public financing.46

CDDs, like other special districts, also must comply with the annual financial reporting and financial audit reporting requirements of Ch. 218, F.S.47 A CDD with revenues or total expenditures or expenses in excess of $100,000 is required to have an annual audit conducted by an independent certified public accountant.48 The auditor shall review the financial accounts and records of the district, reports on compliance and internal control, management letters, and financial statements, as required by rules adopted by the Auditor General.49 The auditor must present these findings to the chair of the district’s governing board and submit a copy of the...
report to the Auditor General. The audit report is a public record once the report is submitted by the auditor to the district. All CDDs are required to file an annual financial report with the Department of Financial Services.

Expansion or Contraction of a CDD

A landowner or the board of a CDD may petition for the boundaries of the district to be expanded or contracted. If the petition seeks to expand the district boundaries, the petition must include a proposed timetable for the construction of any district services in the new area, the estimated cost of constructing the proposed services, and the designation of the future land use plan for the area from the relevant local government local comprehensive plan. If the petition seeks to contract the district boundaries, the petition must include a list of services and facilities currently provided by the district to the removed area, as well as the future land use plan for the area from the relevant local government local comprehensive plan.

For districts established by county ordinance, the petition for expansion or contraction must be filed with the county commission, but there is no filing fee requirement. The county commission then conducts a public hearing on the petition in the same manner as for other ordinance amendments. For districts established by FLWAC rule, the petitioner must pay a $1,500 filing fee to each county or municipality in which the proposed resulting CDD will be located and also to each municipality contiguous with or containing a portion of the land proposed for inclusion in the district, and the required public meeting is conducted by the board of the CDD instead of a hearing officer.

The amount of land that can be added to a CDD is restricted. Whether a district was initially established by FLWAC rule or county or municipal ordinance, the cumulative additions to the district may not be greater than the lesser of 50 percent of the land area of the initial district or 1,000 acres.

Merger of a CDD

A CDD may be merged with another CDD with the filing of a petition for merger that states the elements for establishing a new CDD, including being evaluated by the criteria for creating a new district and the submission of the filing fee. A CDD may also be merged with other types of special districts using the process for creating a new district, with the CDD inheriting the rights and associated obligations of property and creditors of the merged special district(s). A CDD merging with another type of special district is required to enter a merger agreement to

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50 Sections 218.39(5) and (7), F.S.
51 See s. 119.0713(2)(b), F.S.
52 Section 218.32(1)(a), F.S.
53 Section 190.046(1), F.S.
54 Section 190.046(1)(a), F.S.
55 Id.
56 Section 190.046(1)(b), F.S.
57 Section 190.046(1)(d)1.-4., F.S.
58 Section 190.046(1)(e), F.S.
59 Section 190.046(3), F.S.
60 Id.
allocate indebtedness to be assumed by the new CDD and the process for retiring the debt.\textsuperscript{61} The approval of the merger agreement and the petition by the board of supervisors of the CDD is deemed to constitute the consent of the district landowners.\textsuperscript{62}

A CDD may also be merged with up to four other CDDs created by the same local general-purpose government, as long as the membership of each board of directors is composed entirely of qualified electors.\textsuperscript{63} This method may be used even if the merged district would have been required to receive FLWAC approval if the CDD was being newly created. The filing of a petition approved by the board of each CDD applying constitutes consent of the landowners within each district.

Before filing the merger petition, each CDD must hold a public hearing to take comments on the proposed merger, the merger agreement, and the assignment of board seats.\textsuperscript{64} The hearing must be noticed at least 14 days beforehand. If any CDD withdraws after the public hearing, the remaining districts considering merger must hold a public hearing on a revised merger agreement between the remaining parties. The petition may not be filed for at least 30 days after the last public hearing.

### III. Effect of Proposed Changes:

Section 1 amends s. 190.046, F.S., to provide that a petition to establish a new CDD of less than 2,500 acres located solely in one county or municipality may identify “sufficiently contiguous” lands beyond the CDD’s boundaries which the petitioner anticipates expanding the CDD to include within 10 years after the effective date of the ordinance establishing the district. However, these additional lands must be within the same county or municipality as the CDD. Additionally, the petition must include a legal description of each additional parcel within the sufficiently contiguous land, the current owner of the parcel, the acreage of each additional parcel, and the current land use designation of each parcel. The petitioner must provide notice to the current owner of each such parcel of the filing of the petition, the date and time of the public hearing on the petition, and the name and address of the petitioner at least 14 days before the public hearing pursuant to s. 190.005(2)(b), F.S., concerning the creation of the CDD. A parcel may only be included with written consent of the landowner.

After the district is established, a person may then petition the county or municipality to amend the boundaries of the CDD to include the previously identified parcel that was a proposed addition to the CDD before its establishment. A filing fee may not be charged for this petition. Additionally, each petition must include:

- A legal description by metes and bounds of the parcel to be added;
- A new legal description by metes and bounds of the district;
- Written consent of all landowners of the parcels to be added;
- A map of the district including the parcel to be added;
- A description of the development proposed on the additional parcel; and

\textsuperscript{61} Id.
\textsuperscript{62} Id.
\textsuperscript{63} Section 190.046(4)(a), F.S.
\textsuperscript{64} Section 190.046(4)(c), F.S.
• A copy of the original petition identifying the parcel to be added.

Before filing the petition with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

Once the petition is determined to be sufficient and complete, the county or municipality must process the addition of the parcel to the CDD as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance, even if, after adding such parcels, the district exceeds 2,500 acres.

The petitioner must publish a notice of the intent to amend the ordinance that establishes the district in a newspaper of general circulation in the proposed district. This notice is in addition to any notice required for the adoption of the ordinance amendment. The notice must be published at least 10 days before the scheduled hearing on the ordinance amendment and may be published in the section of the newspaper reserved for legal notices. The notice must include a general description of the land to be added to the district and the date and the time of the scheduled hearing to amend the ordinance. The petitioner must mail or hand-deliver the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

The amendment of a district by the addition of a parcel does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, F.S., even if the total size of the district after the addition exceeds 5,000 acres. After adoption of the ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

The bill provides that this new method of adding lands to a district does not preclude the addition of lands using procedures in other provisions of s. 190.046, F.S.

The bill also provides that a CDD may also merge with another type of special district created by special act pursuant to the terms of that special act or by filing a petition for establishment of a new district in accordance with s. 190.005, F.S.

Section 2 provides that the bill will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.
D. State Tax or Fee Increases:
None.

E. Other Constitutional Issues:
None 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:**

Line 71 states that “a person” may petition the county or municipality to amend the boundaries of the CDD to include a previously identified parcel that was a proposed addition to the district before its establishment. It is unclear if this provision could be exercised by persons other than the board of the district or the landowner of the property to be added.

Similarly, line 88 states that the “person” must provide the petition to the CDD and to the owner of the proposed additional parcel before filing the county or municipality if the owner is not the petitioner.

VIII. **Statutes Affected:**
This bill substantially amends section 190.046 of the Florida Statutes.

IX. **Additional Information:**

A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)
None.
B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard. This form is part of the public record for this meeting.

Appearing at request of Chair: [ ] Yes [ ] No

Representing

Communities

State

City

Affiliate

Job Title

Name

Topic

Bill Number (if applicable)

Meeting Date

APPEARANCE RECORD

The Florida Senate

(Submit BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting.)
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.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

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.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
By Senator Lee

A bill to be entitled An act relating to growth management; amending s. 190.046, F.S.; authorizing sufficiently contiguous lands located within the county or municipality which a petitioner anticipates adding to the boundaries of a new community development district to also be identified in a petition to establish the new district under certain circumstances; providing requirements for the petition; providing notification requirements for the petition; prohibiting a parcel from being included in the district without the written consent of the owner of the parcel; authorizing a person to petition the county or municipality to amend the boundaries of the district to include a certain parcel after establishment of the district; prohibiting a filing fee for such petition; providing requirements for the petition; requiring the person to provide the petition to the district and to the owner of the proposed additional parcel before filing the petition with the county or municipality; requiring the county or municipality to process the addition of the parcel to the district as an amendment to the ordinance that establishes the district once the petition is determined sufficient and complete; authorizing the county or municipality to process all such petitions even if the addition exceeds specified acreage; providing notice requirements for the intent to amend the ordinance establishing the district; providing that the amendment of a district by the addition of a parcel does not alter the transition from landowner voting to qualified elector voting; requiring the petitioner to cause to be recorded a certain notice of boundary amendment upon adoption of the ordinance expanding the district; providing construction; authorizing community development districts to merge with another type of special district created by special act or by filing a petition for establishment of a new district; authorizing a community development district merging with another type of district to enter into merger agreements for certain purposes; providing an effective date.

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

Section 1. Paragraph (h) is added to subsection (1) of section 190.046, Florida Statutes, and subsection (3) of that section is amended, to read:

190.046 Termination, contraction, or expansion of district.—
(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the following manner:
(h) For a petition to establish a new community development district of less than 2,500 acres on land located solely in one county or one municipality, sufficiently contiguous lands located within the county or municipality which the petitioner anticipates adding to the boundaries of the district within 10 years after the effective date of the ordinance establishing the district, the petition shall include a description of the property and a plan showing the boundaries of the new district and the boundaries of the existing district after the addition of the parcel, and shall be accompanied by a written consent of the owner or the board of the district, as applicable, to the addition of the parcel to the district. The petition may not include a parcel that contains a lake, wetland, or coastal area designated as a threatened or endangered species habitat, or a national natural landmark, or a property listed in the Florida state or federal historical databases. The petition shall be submitted to the county or municipality, and the county or municipality shall process the petition and determine if the petition is sufficient and complete. If the petition is sufficient and complete, the county or municipality shall adopt a resolution in which the county or municipality agrees to the addition of the parcel to the district. The resolution shall be submitted to the legislature for approval. If the legislature does not approve the resolution within 30 days after submission, the resolution is deemed approved. If the legislature approves the resolution, the county or municipality shall adopt an ordinance in which the county or municipality agrees to the addition of the parcel to the district. The ordinance shall be submitted to the legislature for approval. If the legislature does not approve the ordinance within 30 days after submission, the ordinance is deemed approved. If the legislature approves the ordinance, the county or municipality shall adopt an ordinance in which the county or municipality agrees to the addition of the parcel to the district. The ordinance shall be submitted to the legislature for approval. If the legislature does not approve the ordinance within 30 days after submission, the ordinance is deemed approved. If the legislature approves the ordinance, the county or municipality shall adopt an ordinance in which the county or municipality agrees to the addition of the parcel to the district. The ordinance shall be submitted to the legislature for approval. If the legislature does not approve the ordinance within 30 days after submission, the ordinance is deemed approved.
2. Before filing with the county or municipality, the petitioner must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance for parcels identified in the original petition, even if, by adding such parcels, the district exceeds 2,500 acres.

4. The petitioner shall cause to be published in a newspaper of general circulation in the proposed district a notice of the intent to amend the ordinance that establishes the district. The notice must be in addition to any notice required for adoption of the ordinance amendment. Such notice must be published at least 10 days before the scheduled hearing on the ordinance amendment and may be published in the section of the newspaper reserved for legal notices. The notice must include a general description of the land to be added to the district and the date and time of the scheduled hearing to amend the ordinance. The petitioner shall deliver, including by mail or hand delivery, the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

5. The amendment of a district by the addition of a parcel pursuant to this paragraph does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, even if the total size of the district after the addition of the parcel exceeds 5,000 acres. Upon adoption of the
ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

6. This paragraph is intended to facilitate the orderly addition of lands to a district under certain circumstances and does not preclude the addition of lands to any district using the procedures in the other provisions of this section.

(3) The district may merge with other community development districts upon filing a petition for merger, which petition shall include the elements set forth in s. 190.005(1) and which shall be evaluated using the criteria set forth in s. 190.005(1)(e). The filing fee shall be as set forth in s. 190.005(1)(b). In addition, the petition shall state whether a new district is to be established or whether one district shall be the surviving district. A community development district may also merge with another type of special district created by special act pursuant to the terms of that special act or by filing a petition for establishment of a new district under s. 190.005. The government formed by a merger involving a community development district pursuant to this section shall assume all indebtedness of, and receive title to, all property owned by the preexisting special districts, and the rights of creditors and liens upon property are not impaired by such merger. Any claim existing or action or proceeding pending by or against any district that is a party to the merger may be continued as if the merger had not occurred, or the surviving district may be substituted in the proceeding for the district that ceased to exist. Prior to filing a petition, the districts desiring to merge shall enter into a merger agreement and shall provide for the proper allocation of the indebtedness so assumed and the manner in which such debt shall be retired. The approval of the merger agreement and the petition by the board of supervisors of the district shall constitute consent of the landowners within the district. A community development district merging with another type of district may also enter into a merger agreement to address issues of transition, including the allocation of indebtedness and retirement of debt.

Section 2. This act shall take effect upon becoming a law.
### COMMITTEE VOTE RECORD

**COMMITTEE:** Community Affairs  
**ITEM:** SB 728  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Tuesday, March 12, 2019  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** 301 Senate Building

#### FINAL VOTE

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#### SENATORS

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#### CODES:
- FAV=Favorable
- UNF=Unfavorable
- R=Reconsidered
- RCS=Replaced by Committee Substitute
- RE=Replaced by Engrossed Amendment
- RS=Replaced by Substitute Amendment
- TP=Temporarily Postponed
- VA=Vote After Roll Call
- VC=Vote Change After Roll Call
- WD=Withdrawn
- OO=Out of Order
- AV=Abstain from Voting

**REPORTING INSTRUCTION:** Publish
I. Summary:

SB 806 specifies the manner in which the estimated cost of a public building construction project must be determined when a local government governing board is deciding whether it is in the local government’s best interest to perform the project using its own services, employees, and equipment. Specifically, the bill requires the estimated cost of the project to be determined using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment costs and maintenance, insurance costs, and the cost of materials.

For county construction and reconstruction projects of roads and bridges utilizing proceeds from the constitutional gas tax, the bill specifies that total construction project costs must include all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of materials.

II. Present Situation:

Procurement of Construction Services

Chapter 255, F.S., specifies the procedures to be followed in the procurement of construction services for public property and publicly owned buildings. The Department of Management Services is responsible for establishing the following by rule:

- Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts;
- Procedures for awarding each state agency construction project to the lowest qualified bidder;
- Procedures to govern negotiations for construction contracts and contract modifications when such negotiations are determined to be in the best interest of the state; and
- Procedures for entering into performance-based contracts for the development of public facilities when those contracts are determined to be in the best interest of the state.¹

Counties, municipalities, special districts, and other political subdivisions seeking to construct or improve a public building, structure, or other public construction works must competitively award the project if the projected cost is in excess of $300,000.² For electrical work, local governments must competitively award projects estimated to cost more than $75,000. Section 255.20(1), F.S., provides that the term “competitively award” means to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation.

**Exemption from Competitive Solicitation for Local Governments Performing Work**

If the governing board of a local government seeking to construct or improve a public building or structure conducts a public meeting and finds by majority vote that it is in the public’s best interest to perform the project using its own services, employees, and equipment, then the local government is exempt from the requirement to competitively award the contract for the project.³ The meeting of the governing board must have been publicly noticed at least 21 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the components and scope of the project, and the estimated cost of the project using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the project, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. The notice must state that the purpose of the meeting is to consider whether it is in the best interest of the public to perform the project using the local government’s own services, employees, and equipment.⁴

At the public meeting, the governing board must allow any qualified contractor or vendor who could have been awarded the project had the project been competitively bid to present evidence regarding the project and the accuracy of the local government’s estimated cost of the project. In making a determination, the governing board must consider the estimated cost of the project and the accuracy of the estimated cost in light of any other information that may be presented at the public meeting. In addition, the board must consider whether the project requires an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. The governing body may further consider the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public’s best interest.⁵

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¹ Section 255.29, F.S.
² Section 255.20(1), F.S.
³ Section 255.20(1)(c)9., F.S.
⁴ Id.
⁵ Id.
Construction and Maintenance of Roads and Bridges

Current law authorizes counties to employ labor and provide road equipment to construct and open new roads or bridges and to repair and maintain any existing roads and bridges under certain circumstances. However, counties must competitively bid and award to the lowest bidder all projects for construction and reconstruction of roads and bridges, including resurfacing, that utilize the proceeds of the 80 percent portion of the surplus of the constitutional gas tax. An exception to this requirement allows a county to use its own forces for these construction and reconstruction projects under the following circumstances:

- Construction and maintenance in emergency situations;
- When a construction or reconstruction project has a total cumulative annual value not to exceed five percent of its 80-percent portion of the constitutional gas tax or $400,000, whichever is greater; or
- When constructing sidewalks, curbing, accessibility ramps, or appurtenances incidental to roads and bridges if each project is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of less than $400,000.

In addition, if, after proper advertising, the county receives no bids for a specific project, the county may use its own forces to construct the project. A county is not prohibited from performing routine maintenance as authorized by law.

III. Effect of Proposed Changes:

Section 1 amends s. 255.20, F.S., relating to local bids and contracts for public construction works. The bill specifies the manner in which the estimated cost of a public building construction project must be determined when a local government governing board is deciding whether it is in the local government’s best interest to perform the project using its own services, employees, and equipment. The bill requires the estimated cost of the project to be determined using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment costs and maintenance, insurance costs, and the cost of materials.

The bill prohibits the local government from performing the project using its own services, employees, and equipment if the project requires an increase in the number of government employees or an increase in such capital expenditures.

The bill requires a local government that performs a public building construction project using its own services, employees, and equipment to disclose the actual costs of the project after completion to the Auditor General, who must review such disclosures as part of his or her routine audits of local governments.

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6 See s. 336.41, F.S.
7 Section 336.41(4), F.S. An excise or license tax of 2 cents per net gallon, which is the tax as levied by s. 16, Art. IX of the State Constitution of 1885, as amended, and continued by s. 9(c), Art. XII of the 1968 State Constitution, as amended, which is therein referred to as the “second gas tax,” and which is hereby designated the “constitutional fuel tax.” See s. 206.41(1)(a), F.S.
8 Id.
9 Id.
Section 2 amends s. 336.41, F.S., relating to the construction and reconstruction of roads and bridges by counties utilizing proceeds from the constitutional gas tax. The bill specifies that estimated total construction project costs must include all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of materials.

Section 3 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. Other Constitutional Issues:

   None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

   None.

B. Private Sector Impact:

   Any increase in projects awarded to private contractors would result in a positive fiscal impact on the private sector.

C. Government Sector Impact:

   The bill may have an indeterminate positive fiscal impact on local governments if the estimated cost for a local government to complete a construction project causes governing boards to select private contractors that can perform the projects at a lower cost.

VI. Technical Deficiencies:

   None.
VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 255.20 and 336.41 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Community Affairs (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 155 - 158 and insert:
other capital assets. The local

And the title is amended as follows:
Delete lines 8 - 12 and insert:
determination; requiring
This form is part of the public record for this meeting.

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.

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<th>Appearance at request of Chair:</th>
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Lobbyist Registered with Legislature: | Yes | NO |

The Chair will read this information into the Record: (The Chair will read this information into the Record) Waving Agreement: | Against | For | In Support |

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Meeting Date: 5/2/18

**APPEARANCE RECORD**

**THE FLORIDA SENATE**

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting.
This form is part of the public record for this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

DELIVER BOTH COPIES OF THIS FORM TO THE SENATOR OR SENATE PROFESSIONAL STAFF CONDUCTING THE MEETING.
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard.

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

Appearing at request of Chair: ☐ Yes ☐ No

Repeating (The Chair will read this information into the record)

 against Againt

 Speaking Information

Phone 850 610 6273

Amendment (if applicable) straw

Bill Number (if applicable) 806

Meeting Date 3/12/19

APPEARANCE RECORD

LOCAL GOVERNMENT, PUBLIC CONSTRUCTION WORKS

The Florida Senate
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard.

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

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Appearing at request of Chair:

Representing
Florida Associated General Contractors Council

Waive Speaking:

In Support: [ ]
Against: [ ]

Date of Appearance:

**APPEARANCE RECORD**

The Florida Senate

Lawyer (850) 205-9000

Email:

Phone:

Address:

Job Title:

Name:

Warren Husband

Local Government Public Construction Works

Meeting Date:

03-12-2019

Bill Number (if applicable):

806

(Delete BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
This form is part of the public record for this meeting.

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Appearing at request of Chair: [ ] Yes [ ] No

Representing (list): [ ] Lobbyist registered with Legislature: [ ] Yes [ ] No

Appearing in Support of Agenda Item: [ ] Yes [ ] No

Email

Phone

Address

City

State Zip

Job Title

Name

Organization

Local Government Public Records

Bill Number (if applicable)

Meeting Date

(Copies of this form to be submitted with the bill before it is filed)

APPEARANCE RECORDED

THE FLORIDA SENATE
By Senator Perry

A bill to be entitled
An act relating to local government public
construction works; amending s. 255.20, F.S.;
requiring the governing board of a local government to
consider estimated costs of certain projects using
generally accepted cost-accounting principles that
account for specified costs when making a specified
determination; prohibiting a local government from
performing a project using its own services,
employees, and equipment if the project requires an
increase in the number of government employees or an
increase in certain capital expenditures; requiring
that a local government that performs projects using
its own services, employees, and equipment disclose
the actual costs of the project after completion to
the Auditor General; requiring that the Auditor
General review such disclosures as part of his or her
routine audits of local governments; amending s.
336.41, F.S.; requiring estimated total construction
project costs for certain projects to include
specified costs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Paragraph (c) of subsection (1) of section
255.20, Florida Statutes, is amended to read:
255.20 Local bids and contracts for public construction
works; specification of state-produced lumber.—
(1) A county, municipality, special district as defined in

(c) The provisions of this subsection do not apply:
1. If the project is undertaken to replace, reconstruct, or
8-00922A-19  2019806_  Page 3 of 9

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

59 repair an existing public building, structure, or other public
60 construction works damaged or destroyed by a sudden unexpected
61 turn of events such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or
62 destruction creates:
63 a. An immediate danger to the public health or safety;
64 b. Other loss to public or private property which requires
65 emergency government action; or
66 c. An interruption of an essential governmental service.
67 2. If, after notice by publication in accordance with the
68 applicable ordinance or resolution, the governmental entity does
69 not receive any responsive bids or proposals.
70 3. To construction, remodeling, repair, or improvement to a
71 public electric or gas utility system if such work on the public
72 utility system is performed by personnel of the system.
73 4. To construction, remodeling, repair, or improvement by a
74 utility commission whose major contracts are to construct and
75 operate a public electric utility system.
76 5. If the project is undertaken as repair or maintenance of
77 an existing public facility. For the purposes of this paragraph,
78 the term "repair" means a corrective action to restore an
79 existing public facility to a safe and functional condition and
80 the term "maintenance" means a preventive or corrective action
81 to maintain an existing public facility in an operational state
82 or to preserve the facility from failure or decline. Repair or
83 maintenance includes activities that are necessarily incidental
84 to repairing or maintaining the facility. Repair or maintenance
85 does not include the construction of any new building,
86 structure, or other public construction works or any substantial
87

8-00922A-19  2019806_  Page 4 of 9

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

addition, extension, or upgrade to an existing public facility.
Such additions, extensions, or upgrades shall be considered
substantial if the estimated cost of the additions, extensions,
or upgrades included as part of the repair or maintenance
project exceeds the threshold amount in subsection (1) and
exceeds 20 percent of the estimated total cost of the repair or
maintenance project using generally accepted cost-accounting
principles that fully account for all costs associated with
performing and completing the work, including employee
compensation and benefits, equipment cost and maintenance,
insurance costs, and materials. An addition, extension, or
upgrade shall not be considered substantial if it is undertaken
pursuant to the conditions specified in subparagraph 1. Repair
and maintenance projects and any related additions, extensions,
or upgrades may not be divided into multiple projects for the
purpose of evading the requirements of this subparagraph.
6. If the project is undertaken exclusively as part of a
public educational program.
7. If the funding source of the project will be diminished
or lost because the time required to competitively award the
project after the funds become available exceeds the time within
which the funding source must be spent.
8. If the local government competitively awarded a project
to a private sector contractor and the contractor abandoned the
project before completion or the local government terminated the
contract.
9. If the governing board of the local government complies
with all of the requirements of this subparagraph, conducts a
public meeting under s. 286.011 after public notice, and finds
by majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 21 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the components and scope of the work, and the estimated cost of the project using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and materials. The notice must specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. Upon publication of the public notice and for 21 days thereafter, the local government shall make available for public inspection, during normal business hours and at a location specified in the public notice, a detailed itemization of each component of the estimated cost of the project and documentation explaining the methodology used to arrive at the estimated cost. At the public meeting, any qualified contractor or vendor who could have been awarded the project had the project been competitively bid shall be provided with a reasonable opportunity to present evidence to the governing board regarding the project and the accuracy of the local government’s estimated cost of the project. In deciding whether it is in the public’s best interest for the local government to perform a project using its own services, employees, and equipment, the governing board must consider the estimated cost of the project using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment costs and maintenance, insurance costs, and the cost of materials, and the accuracy of the estimated cost in light of any other information that may be presented at the public meeting and whether the project requires an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. If the project requires an increase in the number of government employees or an increase in such capital expenditures, the local government may not perform the project using its own services, employees, and equipment. The local government may further consider the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public’s best interest. A local government that performs projects using its own services, employees, and equipment must disclose the actual costs of the project after completion to the Auditor General. The Auditor General shall review such disclosures as part of his or her routine audits of local governments.

10. If the governing board of the local government determines upon consideration of specific substantive criteria that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor pursuant to administrative procedures established by
and expressly set forth in a charter, ordinance, or resolution of the local government adopted before July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid awarding a project in an arbitrary or capricious manner. This exception applies only if all of the following occur:

a. The governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public’s best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public’s best interest to award the project using the criteria and procedures permitted by the preexisting charter, ordinance, or resolution.

b. The project is to be awarded by any method other than a competitive selection process, and the governing board finds evidence that:

   (I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

   (II) The time to competitively award the project will jeopardize the funding for the project, materially increase the cost of the project, or create an undue hardship on the public health, safety, or welfare.

c. The project is to be awarded by any method other than a competitive selection process, and the published notice clearly specifies the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. The project is to be awarded by a method other than a competitive selection process, and the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection, and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

II. To projects subject to chapter 336.

Section 2. Subsection (4) of section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(4) All construction and reconstruction of roads and bridges, including resurfacing, full scale mineral seal coating, and major bridge and bridge system repairs, to be performed utilizing the proceeds of the 80-percent portion of the surplus of the constitutional gas tax shall be let to contract to the lowest responsible bidder by competitive bid, except for:

(a) Construction and maintenance in emergency situations;

(b) In addition to emergency work, construction and
reconstruction, including resurfacing, mineral seal coating, and bridge repairs, having a total cumulative annual value not to exceed 5 percent of its 80-percent portion of the constitutional gas tax or $400,000, whichever is greater, and
(c) Construction of sidewalks, curbing, accessibility ramps, or appurtenances incidental to roads and bridges if each project is estimated in accordance with generally accepted cost-accounting principles to have total construction project costs of less than $400,000 or as adjusted by the percentage change in the Construction Cost Index from January 1, 2008, for which the county may utilize its own forces. Estimated total construction project costs must include all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of materials. However, if, after proper advertising, no bids are received by a county for a specific project, the county may use its own forces to construct the project, notwithstanding the limitation of this subsection. Nothing in this section shall prevent the county from performing routine maintenance as authorized by law.

Section 3. This act shall take effect July 1, 2019.
### COMMITTEE VOTE RECORD

**COMMITTEE:** Community Affairs  
**ITEM:** SB 806  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Tuesday, March 12, 2019  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** 301 Senate Building

**FINAL VOTE**  
3/12/2019  
Amendment 693864  

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**CODES:**  
FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered  
RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment  
TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call  
WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**REPORTING INSTRUCTION:** Publish
I. Summary:

SB 902 provides statutory clarity with respect to open and expired building permits, institutes various disclosures, standards, and procedures to close such permits, and establishes notices for local enforcement agencies and property owners to utilize during the permit process.

Specifically, the bill creates a procedure by which a property owner, regardless of whether the owner is the same owner who originally applied for the permit or is a subsequent owner, may close an open or expired building permit. To do so, a property owner may do one of the following:

- Enter into a mutual agreement with the local enforcement agency to close an open or expired permit;
- Retain a licensed contractor to satisfy the conditions of an open or expired permit in order to close or reactivate the permit; or
- Hire a licensed engineer or architect to inspect the work, direct any repairs necessary to comply with the permit, and submit an affidavit to the local enforcement agency confirming compliance with the requirements of the open or expired permit.

Additionally, an owner of a home for sale may assume the role of an owner-builder under certain circumstances to resolve an open or expired permit for a substantially completed project.

The bill addresses other ancillary requirements pertaining to the methods described above and to building permits generally.
II. Present Situation:  

Florida Building Code

Part IV of ch. 553, F.S., is known as the “Florida Building Codes Act.” The purpose and intent of the Florida Building Codes Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered and enforced uniformly and consistently from jurisdiction to jurisdiction. The Florida Building Commission develops and maintains the Florida Building Code.

Enforcement of the Florida Building Code: Permits and Inspections

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public’s health, safety, and welfare. Authorized state and local government agencies enforce the Florida Building Code and issue building permits.

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity. It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local enforcing agency upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency. A local building department or enforcement agency must post each type of building permit application on its website. Each application must be inscribed with the date of application and the Florida Building Code in effect as of that date. All permits must contain a disclosure stating that there may be other permitting requirements from other governmental entities beyond the local building department or enforcement agency.

Abandoned or Expired Permits

Section 105 of the Florida Building Code provides certain activity-related characterizations of building permits although it does not explicitly define open permits. An application for a building permit is deemed abandoned 180 days after the filing of the permit application unless the application has been pursued in good faith or an extension has been granted by the local

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1 Section 553.72(1), F.S.
2 Id.
3 Section 553.74, F.S. The Florida Building Commission is a 27-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Florida Building Code.
4 Section 553.72(2), F.S.
5 See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.
6 See ss. 125.01(1)(bb), 125.56(1), 553.72(3), and 553.80(1) F.S.
7 See ss. 125.56(4)(a) and 553.79(1), F.S. Other entities may, by resolution or regulation, be directed to issue permits.
8 Section 553.79(1)(b), F.S.
9 Section 105.3., 2017 Florida Building Code.
10 Section 553.79(10), F.S.
building department. In addition, a permit becomes invalid if no work starts within six months after issuance of the permit or if work on the project ceases for a period of six months after work has commenced on the project. A new permit is required if a permit is revoked after work has commenced, becomes null and void, or expires because of a lack of progress on the project. If a new permit is not obtained within 180 days from the date the permit becomes null and void, the local enforcement agency may require the removal of all work that has been performed on the project. Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. The fee for renewal, reissuance, and extension of a permit is set forth by the administrative authority.

Real Estate Disclosure Agreement Forms

Florida’s real estate industry has developed standardized forms for many real property transactions that are used by owners, real estate agents, and attorneys. It is common for a seller of real property to complete a property disclosure form prior to the sale of the property to disclose all known facts that materially affect the value of the property being sold and that are not readily observable or known by the buyer. A recent addition to the seller’s property disclosure form includes questions pertaining to active or open permits on the property which have not been closed by a final inspection.

Created jointly by the Florida Bar and Florida Realtors, the FAR/BAR Standard Contract and the FAR/BAR ‘AS IS’ Contract are accepted forms used for transactions of varied configurations and complexities. The forms outline responsibilities and obligations of parties in real estate transaction closings related to inspection periods, seller disclosures, and building permits. Under paragraph 12 of the Standard Contract, if the buyer gives notice of permit issues, the seller is obligated to resolve open or expired permits and obtain permits for any unpermitted improvements up to a certain dollar amount. Under paragraph 12 of the “As Is” Contract the seller must assist the buyer with closing permits but is not obligated to spend money for this purpose.

In response to the disclosure requirements pertaining to open or expired permits on the seller’s disclosure form and the FAR/BAR forms, title companies, closing agents, and real estate attorneys research properties to determine if open or expired permits exist. Without resolution of

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11 Section 105.3.2, 2017 Florida Building Code.
12 Section 105.4.1, 2017 Florida Building Code.
13 Section 105.4.1.1, 2017 Florida Building Code.
14 Section 105.4.1.2, 2017 Florida Building Code.
15 Section 105.4.1.3, 2017 Florida Building Code.
16 Section 105.4.1.4, 2017 Florida Building Code.
18 An example of the FAR/BAR Standard Contract is available at: [https://www.floridarealtors.org/LegalCenter/HotTopics/upload/FloridaRealtors-FloridaBar-5_032217_Watermarked-3.pdf](https://www.floridarealtors.org/LegalCenter/HotTopics/upload/FloridaRealtors-FloridaBar-5_032217_Watermarked-3.pdf) (last visited Mar. 9, 2019).
such permits, closings may be delayed and clarity on buyer, seller, contractor, and enforcement agency understanding and accountability for permit resolution can be compromised.

**Construction Work Performed by Owners of Property**

Section 489.103(7), F.S., exempts construction work performed by owners of property acting as their own contractor and providing direct, onsite supervision themselves of all work not performed by licensed contractors, from licensure requirements. To qualify for the exemption an owner must appear and sign the building permit application and must satisfy all local permitting requirements.

**III. Effect of Proposed Changes:**

Section 1 creates s. 553.7905, F.S., to provide statutory clarity with respect to open and expired building permits, institute various procedures to close such permits and establish notices for local enforcement agencies and owners to utilize during the permit process.

An open permit is defined using a combination of comment notice information, permit issuance dates, and determinations of whether and when permit inspections or final inspections occurred. An open permit that expires without a final inspection is considered an expired permit as provided in the Florida Building Code. A permit is deemed closed per a final inspection approval or, if no work has begun within six months of permit issuance.

Beyond the above clarifying permit status definitions, the bill also establishes a set of satisfying conditions required for all permit closings. Among the conditions is a mutual agreement between the current property owner and the local enforcement agency to engage specified licensed contractors to fulfill closing requirements. Owner-permit holder liability factors, subcontractor usage guidelines, and determination of the applicable building code effective date for inspection and approval requirements are all delineated.

In addition to engaging licensed contractors, specified, experienced engineers or architects may be hired to manage a permit closing. Such hired persons must confirm requirements compliance by submitting an affidavit, provided for by the bill, to the issuing local enforcement agency. Additional licensed engineers or architects may be hired to assure inspection expertise and are subject to similar affidavit submissions to the local enforcement agency.

Submitted affidavits are deemed to satisfy permit closing requirements unless the local enforcement agency conducts its own final inspection within seven business days of an affidavit receipt and discovers code or permit violations.

The local enforcement agency may approve an alternative to the set of satisfying conditions required for permit closings outlined above. This option allows the owner of a home for sale to act as owner-builder to resolve certain open permit issues in dwellings up to four units in size. The owner need not reside in the home for one year.

A local enforcement agency may not deny a building permit, issue a notice of violation or otherwise penalize or sanction a purchaser of property for an improperly closed permit within
five years of a recorded commencement notice or its last amendment. If no commencement notice was issued, the prevailing time period and qualifying event changes to within seven years after a building permit issuance. A local government agency’s rights and remedies against the property remain in the case of either above scenarios.

Any permit type determined by a local enforcement agency may be closed six years after issuance of the permit subject to findings of documented code violations or safety hazards.

Beginning on October 1, 2019, if a building permit is issued but not closed within one to three years, the local enforcement agency must send an advisory notice to the property owner regarding proper permit closing procedures. Failure to receive a notice does not relieve the property owner or contractor from closing the permit.

Additional provisions of the bill include:
- A contractor may hold an unlimited number of active permits.
- A prescribed informational building permit compliance and inspection notice that local enforcement agencies must provide property owners explicating the importance of timely meeting permit conditions.
- Applicable government entities may only charge a single search fee to identify open or unexpired building permits commensurate with research and time costs incurred.

The bill does not prevent a local government entity from enforcing any consistent local land development codes or other local ordinances.

Section 2 provides an effective date of October 1, 2019.

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:

Property owners may incur additional costs to instigate searches for open and expired permits. To the extent that these searches identify such permits early on, their costs may be less than the attendant costs to resolve open or expired permits at a later date.

C. Government Sector Impact:

Local building departments and local enforcement agencies may incur costs related to the additional notice and permit disclosure requirements by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

An analysis of the bill by the Department of Business and Professional Regulation (DBPR) cited possible issues with the bill’s newly created s. 553.7095(4), F.S. According to DBPR, provisions in this section may release substitute contractors from liability for existing work which could relieve a new contractor from disciplinary liability. Additionally, DBPR opined that rulemaking authority may be required.

VIII. Statutes Affected:

This bill creates section 553.7905 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

20 Florida Department of Business and Professional Regulation, Agency Analysis of HB 447 (Feb. 12, 2019) (on file with the Senate Committee on Community Affairs).
This form is part of the public record for this meeting.

No [ ] Yes [X] Appearing at Request of Chair: No [ ] Yes [X]

Representing Florida Realtors

Appearing at Request of Legislature: No [ ] Yes [X]

Waive Speaking: Yes [X] In Support Against

The Chair will Read this Information into the Record:

Street

City

Address

Email danielles@floridestate.org

Phone 850.443.1942

Amendment Barcode (If applicable)

Bill Number (If applicable)

[ ] [ ] [ ]

Meeting Date 3/12/19

Topic Open and Expired Building Permits

APPEARANCE RECORD

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

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.

Appearing at request of Chair: [ ] Yes [X] No

Representing [ ] Yes [X] No

The chair will read this information into the record.

Waiving Speaking: [ ] Yes [X] No

For: [ ] Yes [X] No

Attorney [ ] Yes [X] No

Spending: [ ] Yes [X] No

By: [ ] Yes [X] No

In Support: [ ] Yes [X] No

Against: [ ] Yes [X] No

Email [ ] Yes [X] No

Phone [ ] Yes [X] No

Amendment barcode (if applicable)

Bill Number (if applicable) SB 902

Meeting Date 3/12

APPEARANCE RECORD

THE FLORIDA SENATE
# APPEARANCE RECORD

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

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<tr>
<td>Email:</td>
<td><a href="mailto:AFLTRISS@14C.COM">AFLTRISS@14C.COM</a></td>
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(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting.)

THE FLORIDA SENATE

APPEARANCE RECORD
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.

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

(To be completed by the person appearing before the Senate.)

Representing (Name of Firm, Corporation, etc.):

Address:

City:

State:

Zip:

Phone:

Email:

Date of Appearance:

Meeting Date:

Bill Number (if applicable): SB 902

Topic

Statement of Purpose

S-001 (10/14/14)
This form is part of the public record for this meeting.

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.

Appearing at request of Chair: Yes □ No □

Representing Florida Associated General Contractors Council

Waive Speaking:
□ In Support
□ Against

Information □ For □ Against

Email

Phone (850) 205-9000

Bill Number (if applicable)

Meeting Date 03-12-2019

APPEARANCE RECORD

THE FLORIDA SENATE
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 553.7905, Florida Statutes, is created to read:

553.7905 Open and expired permits; procedures for closing; notices to owners applying for permits.—

(1) A building permit shall be considered an open permit if it is issued for any portion of construction of any commercial, residential, or mixed-use project that has not received final inspection approval with one of the following periods:

(a) One year after the expiration of the notice of commencement or the last amendment thereto.

(b) In the absence of a notice of commencement:

1. One year after the last inspection conducted under the permit; or

2. If an inspection has not been performed on the project, 2 years after the date of issuance of the permit.

(2) If an open permit expires without receiving final inspection approval and without complying with other requirements of the permit at issue, the open permit shall be considered an expired permit as provided in s. 105.4 of the...
Florida Building Code.

(3) A closed permit is a building permit in which any of the following apply:

(a) A final inspection approval has been obtained upon satisfaction of permit requirements.

(b) No work is started under the original permit within 6 months after issuance of the permit.

(c) The requirements of subsection (4) are satisfied.

(4) An open or expired permit may be closed by or on behalf of the current property owner, regardless of whether the property owner is the same owner who originally applied for the permit or is a subsequent owner, by complying with the requirements for closing permits pursuant to a mutual agreement between the current property owner and the local enforcement agency that issued the permit or, absent such an agreement, by complying with the following requirements:

(a) The property owner may retain the original contractor who obtained the permit or may hire a different contractor licensed in this state who possesses any license required for the performance of any work necessary to satisfy the conditions of the permit at issue, in order to close the open or expired permit; reactivate the permit if it is expired; or satisfy any requirement of the permit at issue not yet satisfied, including correcting of any code violation in accordance with the building code that was in effect when the application for the permit was filed, and obtaining any necessary inspection.

1. The state license of the contractor who performs these functions must be current and active.

2. After providing the local enforcement agency a written notice of change to a new licensed contractor and reactivation of the permit, if applicable, the contractor is not liable for any existing defect or existing work that fails to comply with any applicable code, rule, regulation, ordinance, permit requirement, or law other than the work actually performed by the contractor.

3. The property owner and the permitholder under the original open or expired permit remain liable, within the period of any applicable statute of limitations or repose and as provided by applicable law, for any defect in the work or for failure to comply with any applicable code, rule, regulation, ordinance, permit requirement, or law.

4. To the extent required by chapter 489, the owner or the contractor may hire licensed subcontractors in the scope of the permitted work who may perform the functions of the contractor as outlined in this subsection to the extent the work is covered by the subcontractor’s license.

5. All work required to properly close an open or expired permit under this section must be performed in accordance with the building code in effect on the date the application for the open or expired permit was filed, unless, pursuant to the building code in effect when the work is performed, the contractor has sought and received approval from the local enforcement agency for an alternative material, design, or method of construction.

(b) As an alternative to the procedures required in paragraph (a), a property owner may hire an engineer or architect who possesses a current and active license in this state; is experienced in designing, supervising, or inspecting
work of the nature covered by the open or expired permit at issue; and has at least 3 years of experience in performing field inspections regarding such work to inspect the construction work subject to the open or expired building permit, direct any repair necessary to comply with all the requirements of the permit, and confirm compliance by submitting an affidavit bearing the seal of the engineer or architect to the issuing local enforcement agency. The affidavit must be substantially in the following form:

I, ...(specify name)...., possess a current and active ...(specify engineering or architectural).... license in the State of Florida. I am experienced in designing, supervising, or inspecting work of the nature covered by the open or expired permit at the real property located at ...(specify address).... I have at least 3 years of experience in performing field inspections as to such work. I have inspected the construction work subject to the open or expired building permit number ...(specify number)...., and I confirm that the construction work complies with all known requirements of the permit at issue.

Signed:

...(affix licensing seal)...

2. If any of the permitted work includes construction outside the engineer’s or architect’s area of expertise, the property owner, engineer, or architect may hire an engineer or architect licensed in the scope of the permitted work who may direct any necessary repairs to comply with all requirements of the permit at issue. The engineer or architect hired by the property owner, engineer, or architect must confirm compliance by submitting to the local enforcement agency issuing the permit a signed and sealed affidavit attesting to compliance with all requirements of the permit at issue.

3. The local enforcement agency issuing the permit shall accept the affidavit or affidavits referenced in this paragraph as satisfaction of all requirements of the permit at issue and shall thereafter close the building permit, unless the agency conducts its own final inspection within 7 business days after receipt of the affidavit or affidavits and discovers code or permit violations within the scope of work covered by the permit. Such violations must be corrected to the local enforcement agency’s satisfaction as a condition to closing the permit. All work required to properly close an open or expired permit under this paragraph must be performed in accordance with the building code in effect on the date the application for the open or expired permit was filed, unless, pursuant to the building code in effect when the work is performed, the engineer or architect has sought and received approval from the local enforcement agency for an alternative material, design, or method of construction.

(5) The requirements of subsection (4) apply regardless of whether the building permit is open or has expired.

(6)(a) A local enforcement agency may not deny issuance of a building permit or issue a notice of violation to, or fine, the property owner, engineer, or architect for failure to comply with all requirements of the building permit.
(9) A contractor may hold an unlimited number of active permits.

(10) Provisions in the Florida Building Code which authorize permits to be administratively closed by a local enforcement agency are not applicable to a permit subject to regulation by an agency not specifically enforcing the Florida Building Code, except where the local enforcement agency has regulatory authority over other areas related to the permit, such as zoning or other land development code provisions. Regulations not subject to such provisions in the Florida Building Code include, but are not limited to, local zoning and land use rules, local stormwater management rules, local platting and subdivision requirements, rules implemented by the Department of Health and the Department of Business and Professional Regulation, local utility standards, and provisions of the National Flood Insurance Program Community Rating System.

(ii) When issuing a building permit, a local enforcement agency shall provide to the property owner a written notice, which may be electronically provided if the permit package is electronically provided, in substantially the following form:

**IMPORTANT NOTICE REGARDING COMPLIANCE WITH THE INSPECTION AND APPROVAL PROCESS FOR ALL BUILDING PERMITS**

You are receiving a building permit authorizing the construction referenced in the application that was submitted to this local enforcement agency by you or on your behalf. The permit is issued with conditions, including required building inspections and assurances that the construction complies with the design...
submitted with the permit application and any other conditions referenced in the permit. It is critical that you ensure that all necessary building inspections are passed before the expiration of any notice of commencement or amendment thereto, as these inspections are important to ensure that construction has been performed in a safe and proper manner. If you have any questions regarding these procedures, please call the local enforcement agency. Your failure to comply may also result in unsafe conditions arising from your construction.

(12) The applicable governmental entity may charge only one search fee for searching for and identifying open or unexpired building permits for a tax parcel, regardless of how many units or subunits may be assigned by a municipality or county to a particular tax parcel identification number, in an amount commensurate with research and time costs incurred by the governmental entity.

(13) For all building permits issued after October 1, 2019, a local enforcement agency shall send a written notice to the property owner if a building permit has not been properly closed within 1 to 3 years after issuance of any such permit. The notice must advise the property owner of the need to properly close the permit upon completion of the work covered by the permit. Failure to receive written notice does not relieve the contractor or the property owner from taking the necessary actions to legally close the permit.

(14) This act does not prevent a local governmental entity from enforcing any provision of a local land development code or other local ordinance not inconsistent with this section.

Section 2. This act shall take effect October 1, 2019.
## COMMITTEE VOTE RECORD

**COMMITTEE:** Community Affairs  
**ITEM:** SB 902  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Tuesday, March 12, 2019  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** 301 Senate Building

### FINAL VOTE

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**CODES:**  
FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered  
RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment  
TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call  
WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

REPORTING INSTRUCTION: Publish
The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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

BILL: SJR 326
INTRODUCER: Senator Brandes
SUBJECT: Homestead Property Tax Assessments/Increased Portability Period
DATE: March 7, 2019

1. Peacock
2. Yeatman
3. CA

ANALYST STAFF DIRECTOR REFERENCE ACTION

Favorable

I. Summary:

SJR 326 proposes an amendment to the Florida Constitution to extend from 2 to 3 years the “portability” period during which a Florida citizen has the ability to transfer up to $500,000 of accumulated Save Our Homes Cap Benefits from an existing or prior homestead property to a new homestead property.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2020.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2021.

II. Present Situation:

General Overview of Property Taxation

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

---

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

2 Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. Fla. Const. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See Walter v. Shuler, 176 So. 2d 81 (Fla. 1965); Deltona Corp. v. Bailey, 336 So. 2d 1163 (Fla. 1976); Southern Bell Tel. & Tel. Co. v. Dade County, 275 So. 2d 4 (Fla. 1973).
exemptions to determine the property’s “taxable value.” 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 and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.

The just valuation standard generally requires the property appraiser to consider the highest and best use of property; 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.

Save Our Homes Assessment Limitation and Portability

In 1992, Florida voters approved an amendment to the Florida Constitution known as the Save Our Homes amendment. Article VII, section 4(d) of the Florida Constitution limits the amount that the assessed value of a homestead property may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index (CPI). The accumulated difference between the assessed value and the just value is the Save Our Homes Benefit. The assessed value may increase even if the value of the home decreases, but only by this limited amount. In addition, the assessed value of a homestead property will never be more than the just value.

In 2008, Florida voters approved an additional amendment to Article VII, section 4(d) of the Florida Constitution to provide for the portability of the accrued benefit under the Save Our Homes assessment limitation. This amendment allows homestead property owners who relocate to a new homestead to transfer, or “port,” up to $500,000 of the accrued benefit to the new homestead. To transfer the Save Our Homes benefit, you must establish a homestead exemption for the new home within 2 years of January 1 of the year you abandoned the old homestead (not 2 years after the sale).

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3 See s. 192.001(2) and (16), F.S.
4 FLA. CONST. art. VII, s. 1(a).
5 See FLA. CONST. art. VII, s. 4.
6 Section 193.011(2), F.S.
7 FLA. CONST. art. VII, s. 4(a).
8 FLA. CONST. art. VII, s. 4(b).
9 FLA. CONST. art. VII, s. 4(e).
10 FLA. CONST. art. VII, s. 4(j).
11 The Florida Legislature implemented the Saves Our Homes amendment in s. 193.155, F.S.
12 FLA. CONST. art. VII, s. 4(d).
13 The Florida Legislature implemented the Saves Our Homes amendment in s. 193.155(8), F.S.
III. **Effect of Proposed Changes:**

The joint resolution proposes an amendment to the Florida Constitution to extend from 2 to 3 years the “portability” period during which a Florida citizen has the ability to transfer up to $500,000 of accumulated Save our Homes Cap Benefits from an existing or prior homestead property to a new homestead property.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2020.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2021.

IV. **Constitutional Issues:**

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

None.

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

None.

C. **Trust Funds Restrictions:**

None.

D. **Other Constitutional Issues:**

Article XI, Section 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, Section 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Section 101.161(1), F.S., requires constitutional amendments submitted to the electors to be printed in clear and unambiguous language on the ballot. In determining whether a ballot title and summary are in compliance with the accuracy requirement, Florida courts utilize a two-prong test, asking “first, whether the ballot title and summary ‘fairly inform the voter of the chief purpose of the amendment,’ and second, ‘whether the language of the title and summary, as written, misleads the public.’”

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each

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15 Section 97.012(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

16 Roberts v. Doyle, 43 So. 3d 654, 659 (Fla. 2010), citing Florida Dep’t of State v. Slough, 992 So. 2d 142, 147 (Fla. 2008).
county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, Section 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective after the next general election or at an earlier special election specifically authorized by law for that purpose.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference determined that the joint resolution has a zero/negative indeterminate impact because of the need for voter approval. If the constitutional amendment does not pass, the impact is zero. However, if approved, the Revenue Estimating Conference determined that the joint resolution will reduce local property taxes by $2.1 million, beginning in Fiscal Year 2021–2022, with a recurring reduction of $6.5 million. The fiscal impact includes a $0.8 million reduction in school taxes, beginning in Fiscal Year 2021–2022, with a $2.4 million recurring reduction.

B. Private Sector Impact:

If the proposed amendment is approved by a 60 percent vote of the electors, homeowners will have an additional year to transfer their existing homestead Save Our Homes benefit to a new homestead property.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments. According to the Division, the cost to advertise constitutional amendments for the 2018 primary and general election cycle was $92.93 per word.

If the proposed amendment is approved by a 60 percent vote of the electors, the Department of Revenue would need to amend Forms DR-490PORT, DR-501, and DR-501RVSH; and Rules 12D-8.0065(2)(a) and 12D-16.002, F.A.C. However, the department will implement those changes with existing fiscal resources.

If the proposed amendment is approved by a 60 percent vote of the electors, local governments may receive less ad valorem tax revenue.

VI. Technical Deficiencies:

None.
VII. Related Issues:
None.

VIII. Statutes Affected:
This bill substantially amends Article VII, section 4 of the Florida Constitution. This bill creates a new section in Article XII of the Florida Constitution.

IX. Additional Information:
A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)
None.

B. Amendments:
None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
This form is part of the public record for this meeting.

Appearing at request of Chair: No Yes

Representing:

The Chair will read this information into the record.

In Support Against

Speaking:

Email: 

Phone: 562-571-3740

Address: 201 W. Tallahassee Tallahassee, FL 32301

State: Zip:

Job Title:

Name: 

Bill Number (if applicable):

March 12, 2014

Meeting Date

3-12-14

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting.
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.

Lobbyist Registered with Legislature: Yes ☐ No ☐
Representing Property Appraiser: Yes or No ☐
Appearing at request of Chair: Yes ☐ No ☐

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

Speaking:

For ☐ Against ☐

Name: Loren Levy
Job Title: General Counsel, Property Appraiser
Address: 1828 Bighassee Pk, Tallahassee, FL 32308
City: Tallahassee
State: FL
Zip: 32308
Phone: 850-245-0220
Email: [Proper email]

Amendment Number (if applicable) 522, 326, 218, 324

Bill Number (if applicable) 522

Meeting Date: 3/12/19

(DELIVER BOTH COPIES OF THIS FORM TO THE SENATOR OR SENATE PROFESSIONAL STAFF CONDUCTING THE MEETING)
Florida Senate - 2019  SJR 326

By Senator Brandes

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

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date.

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

That the following amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida’s aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.
(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8) A person who establishes a new homestead as of January 1, 2008, or January 1 of any subsequent year and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of any either of the three years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. If this revision is approved in January of 2008, a person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007. The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of $500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than $500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals $500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law,
property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner’s spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.
(i) The legislature, by general law and subject to conditions specified therein, may prohibit the consideration of the following in the determination of the assessed value of real property:

(1) Any change or improvement to real property used for residential purposes made to improve the property’s resistance to wind damage.

(2) The installation of a solar or renewable energy source device.

(j)(1) The assessment of the following working waterfront properties shall be based upon the current use of the property:

a. Land used predominantly for commercial fishing purposes.

b. Land that is accessible to the public and used for vessel launches into waters that are navigable.

c. Marinas and drystacks that are open to the public.

d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

(2) The assessment benefit provided by this subsection is subject to conditions and limitations and reasonable definitions as specified by the legislature by general law.

ARTICLE XII
SCHEDULE

Transfer of the accrued benefit from specified limitations on homestead property tax assessments; increased portability period.—This section and the amendment to Section 4 of Article VII, which extends to three years the time period during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead, shall take effect January 1, 2021.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 4
ARTICLE XII
LIMITATIONS ON HOMESTEAD PROPERTY TAX ASSESSMENTS;
INCREASED PORTABILITY PERIOD TO TRANSFER ACCRUED BENEFIT.—Proposing an amendment to the State Constitution, effective January 1, 2021, to increase, from 2 years to 3 years, the period of time during which accrued Save-Our-Homes benefits may be transferred from a prior homestead to a new homestead.
The Florida Senate

COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SJR 326
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 12, 2019
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Building

### FINAL VOTE

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- Pizzo
- Simmons
- Farmer, VICE CHAIR
- Flores, CHAIR

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- OO=Out of Order
- RS=Replaced by Substitute Amendment
- VC=Vote Change After Roll Call
- AV=Abstain from Voting
I. **Summary:**

CS/SB 324 is the implementing bill for SJR 326 which proposes an amendment to the Florida Constitution to extend from 2 to 3 years the “portability” period during which a Florida citizen has the ability to transfer up to $500,000 of accumulated Save our Homes Cap Benefits from an existing or prior homestead property to a new homestead property.

II. **Present Situation:**

**General Overview of Property Taxation**

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

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

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. Fla. Const. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. See Walter v. Shuler, 176 So. 2d 81 (Fla. 1965); Deltona Corp. v. Bailey, 336 So. 2d 1163 (Fla. 1976); Southern Bell Tel. & Tel. Co. v. Dade County, 275 So. 2d 4 (Fla. 1973).
exemptions to determine the property’s “taxable value.” 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 and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.

The just valuation standard generally requires the property appraiser to consider the highest and best use of property; 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.

**Save Our Homes Assessment Limitation and Portability**

In 1992, Florida voters approved an amendment to the Florida Constitution known as the Save Our Homes amendment. Article VII, section 4(d) of the Florida Constitution limits the amount that the assessed value of a homestead property may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index (CPI). The accumulated difference between the assessed value and the just value is the Save Our Homes Benefit. The assessed value may increase even if the value of the home decreases, but only by this limited amount. In addition, the assessed value of a homestead property will never be more than the just value.

In 2008, Florida voters approved an additional amendment to Article VII, section 4(d) of the Florida Constitution to provide for the portability of the accrued benefit under the Save Our Homes assessment limitation. This amendment allows homestead property owners who relocate to a new homestead to transfer, or “port,” up to $500,000 of the accrued benefit to the new homestead. To transfer the Save Our Homes benefit, you must establish a homestead exemption for the new home within 2 years of January 1 of the year you abandoned the old homestead (not 2 years after the sale).

---

3 See s. 192.001(2) and (16), F.S.
4 FLA. CONST. art. VII, s. 1(a).
5 See FLA. CONST. art. VII, s. 4.
6 Section 193.011(2), F.S.
7 FLA. CONST. art. VII, s. 4(a).
8 FLA. CONST. art. VII, s. 4(b).
9 FLA. CONST. art. VII, s. 4(e).
10 FLA. CONST. art. VII, s. 4(j).
11 The Florida Legislature implemented the Saves Our Homes amendment in s. 193.155, F.S.
12 FLA. CONST. art. VII, s. 4(d).
13 The Florida Legislature implemented the Saves Our Homes amendment in s. 193.155(8), F.S.
III. Effect of Proposed Changes:

Section 1 amends s. 193.155, F.S., to extend from 2 to 3 years the “portability” period during which a Florida citizen has the ability to transfer up to $500,000 of accumulated Save our Homes Cap Benefits from an existing or prior homestead property to a new homestead property.

Section 2 provides that this act applies beginning with the 2021 tax roll.

Section 3 provides that the act shall take effect on the effective date of the amendment to the Florida Constitution proposed by SJR 326 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the Florida Constitution is approved at the general election\(^\text{15}\) held in November 2020.

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 Conference determined that the bill has a zero/negative indeterminate fiscal impact due to the requirement for a state referendum for the related joint resolution (SJR 326). If the constitutional amendment does not pass, the impact is zero. However, if approved, the Revenue Estimating Conference determined that the bill will reduce local property taxes by $2.1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of $6.5 million. The fiscal impact includes a $0.8 million

\(^{15}\) Section 97.012(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.
reduction in school taxes, beginning in Fiscal Year 2021–2022, with a $2.4 million recurring reduction.

B. Private Sector Impact:

If the proposed amendment is approved by a 60 percent vote of the electors, homeowners will have an additional year to transfer their existing homestead Save Our Homes benefit to a new homestead property.

C. Government Sector Impact:

If the proposed amendment is approved by a 60 percent vote of the electors, local governments may receive less ad valorem tax revenue.

If the proposed amendment is approved by a 60 percent vote of the electors, the Department of Revenue would need to amend Forms DR-490PORT, DR-501, and DR-501RVSH; and Rules 12D-8.0065(2)(a) and 12D-16.002, F.A.C. However, the department will implement those changes with existing fiscal resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 193.155 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 March 12, 2019:
The committee substitute made technical amendment to reference SJR 326.

B. Amendments:

None.
The Committee on Community Affairs (Brandes) recommended the following:

**Senate Amendment**

1. Delete line 306
2. and insert:
3. of the amendment to the State Constitution proposed by SJR 326
APPEARANCE RECORD

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

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.

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A bill to be entitled An act relating to limitations on homestead assessments; amending s. 193.155, F.S.; revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; deleting obsolete provisions; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election; providing accountability; providing a contingent effective date.

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

Section 1. Subsection (8) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(8) Property assessed under this section shall be assessed at less than just value when the person who establishes a new homestead has received a homestead exemption as of January 1 of any two immediately preceding years. A person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007, and only if this subsection applies retroactive to January 1, 2008. For purposes of this subsection, a husband and wife who owned and both permanently resided on a previous homestead shall each be considered to have received the homestead exemption even though only the husband or the wife applied for the homestead exemption on the previous homestead. The assessed value of the newly established homestead shall be determined as provided in this subsection.

(a) If the just value of the new homestead as of January 1 is greater than or equal to the just value of the immediate prior homestead as of January 1 of the year in which the immediate prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of $500,000 or the difference between the just value and the assessed value of the immediate prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this section.

(b) If the just value of the new homestead as of January 1 is less than the just value of the immediate prior homestead as of January 1 of the year in which the immediate prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the immediate prior homestead and multiplied by the assessed value of the immediate prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this paragraph is greater than $500,000, the assessed value of the
new homestead shall be increased so that the difference between
the just value and the assessed value equals $500,000.
Thereafter, the homestead shall be assessed as provided in this
section.

(c) If two or more persons who have each received a
homestead exemption as of January 1 of any either of the 3 preceding years and who would otherwise be eligible
to have a new homestead property assessed under this subsection establish a single new homestead, the reduction from just value
is limited to the higher of the difference between the just
value and the assessed value of either of the prior eligible
homesteads as of January 1 of the year in which either of the
eligible prior homesteads was abandoned, but may not exceed
$500,000.

(d) If two or more persons abandon jointly owned and
jointly titled property that received a homestead exemption as
of January 1 of any either of the 3 immediately preceding
years, and one or more such persons who were entitled to and
received a homestead exemption on the abandoned property
establish a new homestead that would otherwise be eligible for
assessment under this subsection, each such person establishing
a new homestead is entitled to a reduction from just value for
the new homestead equal to the just value of the prior homestead
minus the assessed value of the prior homestead divided by the
number of owners of the prior homestead who received a homestead
exemption, unless the title of the property contains specific
ownership shares, in which case the share of reduction from just
value shall be proportionate to the ownership share. In the case
of a husband and wife abandoning jointly titled property, the

(e) If two or more persons who previously owned a single
homestead and each received the homestead exemption qualify for
a new homestead where all persons who qualify for homestead
exemption in the new homestead also qualified for homestead
exemption in the previous homestead without an additional person
qualifying for homestead exemption in the new homestead, the
reduction in just value shall be calculated pursuant to
paragraph (a) or paragraph (b), without application of paragraph
(c) or paragraph (d).

(f) A husband and wife abandoning jointly titled property
who wish to designate the ownership share to be attributed to
each person for purposes of paragraph (d) must file a form
provided by the department with the property appraiser in the
county where such property is located. The form must include a
24-00632A-19 2019324__

117 sworn statement by each person designating the ownership share
118 to be attributed to each person for purposes of paragraph (d)
119 and must be filed prior to either person filing the form
120 required under paragraph (h) to have a parcel of property
121 assessed under this subsection. Such a designation, once filed
122 with the property appraiser, is irrevocable.
123
124 (g) For purposes of receiving an assessment reduction
125 pursuant to this subsection, a person entitled to assessment
126 under this section may abandon his or her homestead even though
127 it remains his or her primary residence by notifying the
128 property appraiser of the county where the homestead is located.
129 This notification must be in writing and delivered at the same
130 time as or before timely filing a new application for homestead
131 exemption on the property.
132
133 (h) In order to have his or her homestead property assessed
134 under this subsection, a person must file a form provided by the
135 department as an attachment to the application for homestead
136 exemption, including a copy of the form required to be filed
137 under paragraph (f), if applicable. The form, which must include
138 a sworn statement attesting to the applicant’s entitlement to
139 assessment under this subsection, shall be considered sufficient
140 documentation for applying for assessment under this subsection.
141
142 The department shall require by rule that the required form be
143 submitted with the application for homestead exemption under the
144 timeframes and processes set forth in chapter 196 to the extent
145 practicable.
146
147 (i) If the previous homestead was located in a different
148 county than the new homestead, the property appraiser in the
149 county where the new homestead is located must transmit a copy
150 of the completed form together with a completed application for
151 homestead exemption to the property appraiser in the county
152 where the previous homestead was located. If the previous
153 homesteads of applicants for transfer were in more than one
154 county, each applicant from a different county must submit a
155 separate form.
156
157 2. The property appraiser in the county where the previous
158 homestead was located must return information to the property
159 appraiser in the county where the new homestead is located by
160 April 1 or within 2 weeks after receipt of the completed
161 application from that property appraiser, whichever is later. As
162 part of the information returned, the property appraiser in the
163 county where the previous homestead was located must provide
164 sufficient information concerning the previous homestead to
165 allow the property appraiser in the county where the new
166 homestead is located to calculate the amount of the assessment
167 limitation difference which may be transferred and must certify
168 whether the previous homestead was abandoned and has been or
169 will be reassessed at just value or reassessed according to the
170 provisions of this subsection as of the January 1 following its
171 abandonment.
172
173 3. Based on the information provided on the form from the
174 property appraiser in the county where the previous homestead
175 was located, the property appraiser in the county where the new
176 homestead is located shall calculate the amount of the
177 assessment limitation difference which may be transferred and
178 apply the difference to the January 1 assessment of the new
179 homestead.
180
181 4. All property appraisers having information-sharing
agreements with the department are authorized to share confidential tax information with each other pursuant to s. 195.084, including social security numbers and linked information on the forms provided pursuant to this section.

5. The transfer of any limitation is not final until any values on the assessment roll on which the transfer is based are final. If such values are final after tax notice bills have been sent, the property appraiser shall make appropriate corrections and a corrected tax notice bill shall be sent. Any values that are under administrative or judicial review shall be noticed to the tribunal or court for accelerated hearing and resolution so that the intent of this subsection may be carried out.

6. If the property appraiser in the county where the previous homestead was located has not provided information sufficient to identify the previous homestead and the assessment limitation difference is transferable, the taxpayer may file an action in circuit court in that county seeking to establish that the property appraiser must provide such information.

7. If the information from the property appraiser in the county where the previous homestead was located after the procedures in this section are exercised, the property appraiser in the county where the new homestead is located shall make appropriate corrections and a corrected tax notice and tax bill shall be sent.

8. This subsection does not authorize the consideration or adjustment of the just, assessed, or taxable value of the previous homestead property.

9. The property appraiser in the county where the new homestead is located shall promptly notify a taxpayer if the information received, or available, is insufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable. Such notification shall be sent on or before July 1 as specified in s. 196.151.

10. The taxpayer may correspond with the property appraiser in the county where the previous homestead was located to further seek to identify the homestead and the amount of the assessment limitation difference which is transferable.

11. If the property appraiser in the county where the previous homestead was located supplies sufficient information to the property appraiser in the county where the new homestead is located, such information shall be considered timely if provided in time for inclusion on the notice of proposed property taxes sent pursuant to ss. 194.011 and 200.065(1).

12. If the property appraiser has not received information sufficient to identify the previous homestead and the amount of the assessment limitation difference which is transferable before mailing the notice of proposed property taxes, the taxpayer may file a petition with the value adjustment board in the county where the new homestead is located.

(j) Any person who is qualified to have his or her property assessed under this subsection and who fails to file an application by March 1 may file an application for assessment under this subsection and may, pursuant to s. 194.011(3), file a petition with the value adjustment board requesting that an assessment under this subsection be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding s.
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194.013, such person must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the assessment under this subsection and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the assessment, the property appraiser or the value adjustment board may grant an assessment under this subsection. For the 2008 assessments, all petitioners for assessment under this subsection shall be considered to have demonstrated particular extenuating circumstances.

(k) Any person who is qualified to have his or her property assessed under this subsection and who fails to timely file an application for his or her new homestead in the first year following eligibility may file in a subsequent year. The assessment reduction shall be applied to assessed value in the year the transfer is first approved, and refunds of tax may not be made for previous years.

(l) The property appraiser of the state shall, as soon as practicable after March 1 of each year and on or before July 1 of that year, carefully consider all applications for assessment under this subsection which have been filed in their respective offices on or before March 1 of that year. If, upon investigation, the property appraiser finds that the applicant is entitled to assessment under this subsection, the property appraiser shall make such entries upon the tax rolls of the county as are necessary to allow the assessment. If, after due consideration, the property appraiser finds that the applicant is not entitled to the assessment under this subsection, the property appraiser shall immediately prepare a notice of such decision of the property appraiser refusing to allow the assessment under this subsection to the value adjustment board, and the board shall review the application and evidence presented to the property appraiser upon which the applicant based the claim and hear the applicant in person or by agent on behalf of his or her right to such assessment. Such appeal shall be heard by an attorney special magistrate if the value adjustment board uses special magistrates. The value adjustment board shall reverse the decision of the property appraiser in the cause and grant assessment under this subsection to the applicant if, in its judgment, the applicant is entitled to the assessment or shall affirm the decision of the property appraiser. The action of the board is final in the cause unless the applicant, within 60 days following the date of refusal of the application by the board, files in the circuit court of the county in which the homestead is located a proceeding against the property appraiser for a declaratory judgment as is provided under chapter 86 or other appropriate proceeding. The failure of the taxpayer to appear before the property appraiser or value adjustment board or to file any paper other than the application as provided in this subsection does not constitute a bar to or defense in the proceedings.

(m) For purposes of receiving an assessment reduction pursuant to this subsection, an owner of a homestead property that was significantly damaged or destroyed as a result of a...
named tropical storm or hurricane may elect, in the calendar year following the named tropical storm or hurricane, to have the significantly damaged or destroyed homestead deemed to have been abandoned as of the date of the named tropical storm or hurricane even though the owner received a homestead exemption on the property as of January 1 of the year immediately following the named tropical storm or hurricane. The election provided for in this paragraph is available only if the owner establishes a new homestead as of January 1 of the third second year immediately following the storm or hurricane. This paragraph shall apply to homestead property damaged or destroyed on or after January 1, 2017.

Section 2. This act applies beginning with the 2021 tax roll.

Section 3. This act shall take effect on the effective date of the amendment to the State Constitution proposed by SJR ___ or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose.
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RCS: -
The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT
(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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

BILL: CS/CS/SB 540

INTRODUCER: Community Affairs Committee; Criminal Justice Committee; and Senators Book and Berman

SUBJECT: Human Trafficking

DATE: March 14, 2019

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 540 requires the creation and implementation of human trafficking awareness training for certain employees of public lodging and massage establishments and law enforcement officers.

Additionally, the bill creates the Soliciting for Prostitution Public Database (Database) and requires certain criminal history records to be included in the Database.

The bill also creates a direct-support organization (DSO) that will provide assistance, funding, and support to the Statewide Council on Human Trafficking. The bill provides that the DSO is repealed October 1, 2024, unless reviewed and saved from repeal by the Legislature.

The bill also provides that a victim of human trafficking will be eligible to petition for the expunction of his or her criminal history record relating to the offense of kidnapping that resulted from the arrest or filing of charges that was committed or reported to have been committed as part of the human trafficking scheme of which he or she was a victim.

The implementation of the training required by the bill is expected to have a fiscal impact on public lodging establishments, massage establishments, and the Florida Department of Law Enforcement (FDLE). Additionally, the FDLE is expected to incur costs associated with the administration of the Database. See Section V. Fiscal Impact Statement.
The bill is effective July 1, 2019.

II. Present Situation:

Human Trafficking

Human trafficking is a form of modern-day slavery. Young children, teenagers, and adults are all victims of human trafficking, who are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.\(^1\) Human trafficking is the third-largest international crime industry, generating a profit of an estimated $32 billion every year.\(^2\) In 2016, there were an estimated 40.3 million victims of human trafficking.\(^3\)

From 2007-2017, there were 40,987 human trafficking cases reported to the National Human Trafficking Hotline (Hotline). In 2017, the Hotline and BeFree Textline recorded a total of 8,759 human trafficking cases in the U.S. alone, which represented a 13 percent jump in the number of identified human trafficking cases from the year prior.\(^4\) The Hotline receives an average of 150 calls per day.\(^5\)

Forced labor and sex trafficking are the most common types of human trafficking. Labor trafficking is “all work or service which is extracted from any person under the threat of penalty and for which the person has not offered himself or herself voluntarily.”\(^6\) Sex trafficking “occurs when someone uses force, fraud or coercion to cause a commercial sex act with an adult or causes a minor to commit a commercial sex act.”\(^7\) Sex trafficking accounted for 6,244 of the reported cases of human trafficking in 2017.\(^8\)

Traffickers coerce victims into sex trafficking in numerous ways. Some victims may be forced into prostitution by an intimate partner while others may be recruited with a false job offer. Fake massage businesses, truck stops, and hotels and motels are all venues used in sex trafficking operations.\(^9\)

In an effort to combat human trafficking in the United States, Congress passed the Trafficking Victims Protection Act (Act) in 2000 which established several methods of prosecuting

\(^1\) Section 787.06(1)(a), F.S.
\(^8\) Supra n. 4.
traffickers, preventing human trafficking, and protecting victims and survivors of trafficking. The Act contained severe penalties and mandated restitution for victims of human trafficking.¹⁰

**Human Trafficking in Florida**

Florida ranks third in the nation for reported cases of human trafficking.¹¹ From January through June of 2018, the Hotline had 367 human trafficking cases reported in Florida.¹² Children are often those targeted in trafficking operations, with 12-14 being the average age that a trafficked victim is first used for commercial sex.¹³

Florida law defines “human trafficking” to mean the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining of another person for the purpose of exploitation of that person.¹⁴ In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking commits the crime of human trafficking.¹⁵ Such an offense is punishable as a first degree felony,¹⁶ unless the person being sex trafficked is a child under the age of 18, mentally defective, or mentally incapacitated, then such an offense is punishable as a life felony.¹⁷

The number of human trafficking cases listed in reports may not accurately reflect the number of actual cases of human trafficking due to the fact that many traffickers are prosecuted for other crimes.¹⁸ Additionally, prosecutors often have difficulty proving the relationship at issue is that of human trafficking or when dealing with a victim who might be unwilling to testify against his or her trafficker in court.¹⁹

Human trafficking cases are often hidden operations that require law enforcement agencies to engage in intricate investigations. In November 2018, an investigation in Polk County lead to the arrest of 103 people for charges including prostitution and human trafficking.²⁰ Similarly, in January 2019, a two month-long investigation lead to the arrest of a 36-year-old male in

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¹⁴ Section 787.06(2)(d), F.S.
¹⁵ Section 787.06(3), F.S.
¹⁶ A first degree felony is punishable by a state prison term not exceeding 30 years, a fine not exceeding $10,000, or both. Sections 775.082 and 775.083, F.S.
¹⁷ Section 787.06(3)(a)-(g), F.S. A life felony is punishable by a state prison term for life, by a term of imprisonment not exceeding 40 years, a fine not exceeding $15,000, or both. Sections 775.082 and 775.083, F.S.
¹⁹ Id.
Tallahassee on prostitution and sex trafficking charges involving a 14-year old girl. At the time of his arrest, the male was already facing charges for sex trafficking a child in 2014.\textsuperscript{21}

**Human Trafficking in Public Lodging Establishments**

The Division of Hotels and Restaurants (Division) is a division within the Department of Business and Professional Regulation (DBPR) that licenses, inspects, and regulates public lodging and food service establishments pursuant to ch. 509, F.S.\textsuperscript{22} The term “public lodging establishment” includes both transient\textsuperscript{23} and nontransient\textsuperscript{24} public lodging establishments. There are currently 44,903 public lodging establishments that are licensed by the Division.\textsuperscript{25} The following are classified as public lodging establishments:\textsuperscript{26}

- Hotel;
- Motel;
- Vacation rental;
- Nontransient apartment;
- Transient apartment;
- Bed and breakfast inn; and
- Timeshare project.\textsuperscript{27}

Public lodging establishments, such as hotels and motels, can be attractive locations for human traffickers, due to the privacy and anonymity afforded.\textsuperscript{28} Also, trafficking operations can maintain secrecy in such establishments due to the lack of facility maintenance or upkeep expenses.\textsuperscript{29}

Sex trafficking operations are often set up in public lodging establishments via online advertising, without the establishment operator’s knowledge.\textsuperscript{30} The use of websites to communicate and arrange meeting times and locations enables those involved in the operation to

\textsuperscript{22} Sections 509.013 and 509.032, F.S.
\textsuperscript{23} “Transient public lodging establishment” means 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. Section 509.013(4)(a)1., F.S.
\textsuperscript{24} “Nontransient public lodging establishment” means 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. Section 509.013(4)(a)2., F.S.
\textsuperscript{26} Section 509.242(1)(a)-(g), F.S., sets out criteria that must be met in order for an establishment to be classified as a public lodging establishment pursuant to ch. 509, F.S.
\textsuperscript{27} Id.
\textsuperscript{29} National Human Trafficking Hotline, *Hotel/Motel-Based*, available at https://humantraffickinghotline.org/sex-trafficking-venuesindustries/hotelmotel-based (last visited February 13, 2019).
remain anonymous. From December 2007 to December 2017, the Hotline recorded 3,596 cases of human trafficking involving a hotel or motel. Additionally, 75 percent of human trafficking survivors reported coming into contact with hotels at some point while being trafficked.

The Division has emphasized the importance in educating staff at public lodging establishments on signs of trafficking activity. The following are ways to identify a victim of human trafficking:

- Signs of physical abuse or malnourishment;
- Person seems coached or controlled;
- Victim rarely left alone;
- Suspicious tattoos or branding on victim;
- Living conditions unsuitable;
- Victim demeaned or treated aggressively;
- Accompanied by older male;
- Avoids interaction with others;
- “Do not Disturb” sign used constantly;
- Receives lots of visitors;
- Pays for room with cash;
- Dresses inappropriately or provocatively;
- Few personal belongings;
- Refuses cleaning services;
- Room smells of bodily fluids and musk;
- Lots of cash in room;
- Alcohol and/or drugs in room; and
- Room monitored outside or in hallway.

In an effort to deter traffickers from utilizing public lodging establishments in their operations, states have begun passing legislation. In 2016, Connecticut passed a law and became the first state to require hospitality workers to be trained to detect and report human trafficking when they suspect such activity is going on at their place of employment. The training teaches workers about sex and labor trafficking, along with how to deter traffickers and help victims connect with services. Additionally, Minnesota passed a law in 2018 that requires sex trafficking prevention training for all hotels and motels in the state. The training requires all owners, managers, and

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34 Public Act No. 16-71, State of Connecticut (Substitute HB 5621) effective October 1, 2016.
36 90th Legislature, State of Minnesota (SF 3367) effective August 1, 2018.
employees who work on site to be trained in identifying sex trafficking in their establishments and knowing how to respond.37

**Human Trafficking in Massage Establishments**

The Department of Health (DOH), Division of Medical Quality Assurance, Board of Massage Therapy (Board), licenses and regulates massage establishments\(^38\) and massage therapists\(^39\) pursuant to ch. 480, F.S.\(^40\) There are currently 8,659 active massage establishments and 32,387 in-state active massage therapists that are licensed by the Board.\(^41\) Sexual misconduct in the practice of massage therapy is prohibited.\(^42\)

Sex trafficking operations are often set up in fake massage businesses claiming to offer legitimate services, such as massage, acupuncture, and other therapeutic, health, and spa services.\(^43\) Common characteristics of these fake massage businesses that help them to appear like legitimate businesses include:

- Operating out of commercial spaces, such as strip malls,\(^44\) office buildings, or medical complexes;
- Advertising in mainstream public venues, such as major newspapers and magazines, well-known online classified sites like Craigslist, and the Yellow Pages;
- Paying rent to legitimate landlords and paying taxes to the government;
- Offering a legal service, such as a massage;
- Displaying and utilizing items commonly used in therapeutic massage businesses, such as massage tables, saunas, and health related posters; and
- Acquiring proper business occupancy permits and licensure.\(^45\)

The National Human Trafficking Hotline notes that illicit spa/massage business is one of the top venues for sex trafficking.\(^46\)

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38 Section 480.043, F.S.
39 Section 480.041, F.S.
40 Also, see ch. 456 (Health Professions and Occupations: General Provisions), F.S.
42 Section 480.0485, F.S.
45 See supra note ___.
**Human Trafficking Expunction of Criminal History Record**

Florida law makes adult criminal history records accessible to the public unless the record has been sealed or expunged.\(^{47}\) Sealed records are placed under highly restricted access, while expunged records are removed from record systems and destroyed.\(^{48}\)

Section 943.0583, F.S., establishes the process available to a victim of human trafficking\(^ {49}\) who is seeking to have his or her criminal history record expunged. A “victim of human trafficking” means a person subjected to coercion\(^ {50}\) for the purpose of being used in human trafficking, a child younger than 18 years of age who is subjected to human trafficking, or an individual subjected to human trafficking as defined by federal law.\(^ {51}\)

A victim of human trafficking is permitted to petition for the expunction of his or her criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed as part of the human trafficking scheme of which he or she was a victim. The expunction process is applicable to violations including, but not limited to, those listed under chs. 796\(^ {52}\) and 847, F.S.,\(^ {53}\) without regard to the disposition of the arrest or of any charges.\(^ {54}\)

However, this expunction process is not allowed if a person has committed one of the following enumerated offenses:

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;

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\(^{48}\) “Expunction of a criminal history record” is the court-ordered physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order, except that criminal history records in the custody of the Florida Department of Law Enforcement (FDLE) must be retained in all cases for purposes of evaluating subsequent requests by the subject of the record for sealing or expunction, or for purposes of recreating the record in the event an order to expunge is vacated by a court of competent jurisdiction. Section 943.045(16), F.S.

\(^ {49}\) Human trafficking has the same meaning as provided in s. 787.06(2)(d), F.S.

\(^ {50}\) “Coercion” means using or threatening to use physical force against any person; restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will; using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined; destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person; causing or threatening to cause financial harm to any person; enticing or luring any person by fraud or deceit; or providing a controlled substance as outlined in s. 893.03, F.S., to any person for the purpose of exploitation of that person. Section 787.06(2)(a)1.-7., F.S.

\(^ {51}\) Section 943.0583(1)(c), F.S.

\(^ {52}\) Ch. 796, F.S., covers prostitution and other related acts.

\(^ {53}\) Ch. 847, F.S., covers obscenity and other related acts.

\(^ {54}\) Section 943.0583(3), F.S.
- Manslaughter;
- Aggravated manslaughter of an elderly person or disabled adult;
- Aggravated manslaughter of a child;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary;
- Aggravated battery; or
- Aggravated stalking.  

### Prostitution and Other Prohibited Acts

Prostitution is prohibited throughout the United States, with the exception of a few counties in Nevada. Broadly defined, it involves the exchange of sexual activity for money. While laws relating to prostitution vary across jurisdictions, many are often closely related to laws concerning human trafficking.  

Current law in Florida defines prostitution as the giving or receiving of the body for sexual activity for hire. Prostitution rings are often hidden operations. As a result, police officers go undercover in an effort to conduct prostitution stings. In the City of Cocoa, six suspects were arrested in January 2019 after an undercover police officer who was posing as a prostitute was approached by the individuals who subsequently agreed to pay the officer for the services of a prostitute.  

Another tool commonly employed by those engaging in prostitution is the Internet, which is utilized similarly in human trafficking operations. Thus, law enforcement agencies use the Internet to attempt to crack down on prostitution activity. In January 2019, four people were arrested in Tallahassee in conjunction with an undercover prostitution operation that was aimed at reducing street level prostitution in the capital city. After an undercover police officer contacted the suspects through an online advertisement that had indicators of being associated with prostitution activity and met with each suspect individually at an undisclosed hotel, the officer placed each of them under arrest.  

Section 796.07(2)(f), F.S., prohibits the solicitation, inducement, enticement, or procurement of another to commit prostitution, lewdness, or assignation. Those terms are defined in the following ways:

- “Lewdness” means any indecent or obscene act; and  

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55 Sections 943.0583(3) and 775.084(1)(b)1., F.S.
57 This definition excludes sexual activity between spouses. Section 796.07(1)(a), F.S.
60 Section 796.07(2)(f), F.S.
• “Assignation” means the making of any appointment or engagement for prostitution or lewdness, or any act in furtherance of such appointment or engagement.61

A person who violates s. 796.07(2)(f), F.S., commits:
• A misdemeanor of the first degree62 for a first violation;
• A felony of the third degree63 for a second violation; and
• A felony of the second degree64 for a third or subsequent violation.65

Statewide Council on Human Trafficking

In 2014, the Statewide Council on Human Trafficking was created within the Department of Legal Affairs.66 The purpose of the council is to enhance the development and coordination of state and local law enforcement and social services responses to fight commercial sexual exploitation as a form of human trafficking and to support victims.67 The fifteen member council is chaired by the Attorney General.68 The council’s duties include:
• Developing recommendations for comprehensive programs and services for victims of human trafficking, including recommendations for certification criteria for safe houses and safe foster homes;
• Making recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
• Holding an annual statewide policy summit with an institution of higher learning;
• Working with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in each county; and
• Developing policy recommendations that advance the duties of the council and further the efforts to combat human trafficking in Florida.69

Direct-Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily-created private entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The purpose and functions of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

61 Section 796.07(1)(b) and (c), F.S.
62 A first degree misdemeanor is punishable by a state prison term not exceeding 1 year, a fine not exceeding $1,000, or both. Sections 775.082 and 775.083, F.S.
63 A third degree felony is punishable by a state prison term not exceeding 5 years, a fine not exceeding $5,000, or both. Sections 775.082 and 775.083, F.S.
64 A second degree felony is punishable by a state prison term not exceeding 15 years, a fine not exceeding $10,000, or both. Sections 775.082 and 775.083, F.S.
65 Section 796.07(5)(a).1-3., F.S.
67 Section 16.617(1), F.S.
68 Section 16.617(2), F.S.
69 Section 16.617(4), F.S.
Section 20.058, F.S., establishes the rules and procedures that a CSO or DSO must follow to remain in compliance. By August 1 of each year, a CSO or DSO must submit the following information to the agency it was created, approved, or is administered by:

- The name, mailing address, phone number, and website of the organization;
- The statutory authority or executive order pursuant to which the organization was created;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the plans of the organization for the next three fiscal years;
- A copy of the organization’s code of ethics; and
- A copy of the organization’s most recent tax exemption form.\(^{70}\)

Each agency receiving such information from a CSO or DSO must make it available to the public through the agency’s website. By August 15 of each year, each agency must submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability with the information provided and must include a recommendation to continue, terminate, or modify the agency’s association with each CSO or DSO in the report. Furthermore, any contract between an agency and a CSO or DSO must be contingent upon the timely submission and posting of the information listed above. The contract must also provide for the cessation of operations and the reversion of state funds held by the CSO or DSO in the event that the statute authorizing the creation of the CSO or DSO is repealed, the contract is terminated, or the organization is dissolved. If an organization fails to submit the required information for two consecutive years, the agency head must terminate any contract between the agency and the CSO or DSO.\(^{71}\)

Additionally, each CSO or DSO with annual expenditures in excess of $100,000, created or authorized pursuant to law, and created, approved, or administered by a state agency, must provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant. The audit must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency responsible for the creation, administration, or approval of the CSO or DSO.\(^{72}\)

Laws creating or authorizing a CSO or DSO repeal on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature.\(^{73}\)

### III. Effect of Proposed Changes:

**Human Trafficking Training**

**Public Lodging Establishments (Section 3, creating s. 509.096, F.S.)**

The bill requires a public lodging establishment to create and implement human trafficking awareness training and policies for employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check-in or check out.

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\(^{70}\) Section 20.058(1)(a)-(f), F.S.
\(^{71}\) Section 20.058(2)-(4), F.S.
\(^{72}\) Section 215.981(1), F.S.
\(^{73}\) Section 20.058(5), F.S.
A public lodging establishment must:

- Train certain employees on human trafficking awareness within 6 months after employment, or by January 1, 2020, whichever occurs later. Proof of such employee training must be provided to the Division upon request;
- Implement a procedure for the reporting of suspected human trafficking to the Hotline or to a local law enforcement agency by January 1, 2020; and
- Post a sign with the relevant provisions of the reporting procedure in a conspicuous place in the establishment that is accessible to employees by January 1, 2020.

Such training must include:

- The definition of human trafficking and the differences between sex trafficking and labor trafficking;
- Guidance specific to the public lodging sector on how to identify individuals who may be victims of human trafficking; and
- Guidance on the role of the employees of a public lodging establishment in reporting and responding to suspected human trafficking.

The training must be submitted to and approved by the Division before being provided to employees. The Division may take disciplinary action against a public lodging establishment that has operated or is operating in violation of the human trafficking training required pursuant to the bill.

The bill does not establish a private cause of action and a public lodging establishment is not liable for any harm resulting from the failure of an employee to prevent, detect, or report suspected human trafficking if the public lodging establishment was in compliance with the training requirements at the time of such harm.

**Massage Establishments (Section 2, amending s. 480.043, F.S.)**

The bill requires a massage establishment to create and implement human trafficking awareness to massage therapists and employees of the establishment who ordinarily interact with guests.

A massage establishment must:

- Train certain employees on human trafficking awareness within 6 months after employment, or by January 1, 2020, whichever occurs later. Proof of such employee training must be provided to the Board upon request;
- Implement a procedure for the reporting of suspected human trafficking to the Hotline or to a local law enforcement agency by January 1, 2020; and
- Post a sign with the relevant provisions of the reporting procedure in a conspicuous place in the establishment that is accessible to employees by January 1, 2020.

Such training must include:

- The definition of human trafficking and the differences between sex trafficking and labor trafficking;

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74 Section 509.261, F.S., establishes potential consequences that a public lodging establishment may be subjected to if it is in violation of ch. 509, F.S., or the rules of the Division.
• Guidance specific to the massage establishment sector on how to identify individuals who may be victims of human trafficking; and
• Guidance on the role of the employees of a massage establishment in reporting and responding to suspected human trafficking.

The training must be submitted to and approved by DOH before being provided to employees. The Board may take disciplinary action against a massage establishment that has operated or is operating in violation of the human trafficking training required pursuant to the bill.

The bill does not establish a private cause of action and a massage establishment is not liable for any harm resulting from the failure of an employee to prevent, detect, or report suspected human trafficking if the massage establishment was in compliance with the training requirements at the time of such harm.

**Law Enforcement (Section 7, creating s. 943.17297, F.S.)**

Section 943.13, F.S., establishes minimum qualifications that must be met for a person to become a certified law enforcement officer. Identifying and investigating human trafficking has been a part of this basic training since 2007. Additionally, the Criminal Justice Standards and Training Commission (Commission) offers a 40-hour post-basic course on Advanced Investigative Techniques of Human Trafficking Offenses, which provides a framework for initiating and conducting investigations of human trafficking offenses including the nature and scope of human trafficking and rescue and restoration of the victim.

The bill requires certified law enforcement officers to complete 4 hours of training on identifying and investigating human trafficking as part of basic recruit training required under s. 943.13(9), F.S., or continuing education required under s. 943.135(1), F.S., before July 1, 2022. The training must be developed by the Commission in consultation with the Department of Children and Families (DCF) and the Statewide Council on Human Trafficking and must be part of the required basic recruit and continuing education training.

The bill provides that an officer who fails to complete the required training will have an inactive certification until the employing agency notifies the Commission that the officer has completed the training.

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75 Florida Department of Law Enforcement, 2019 Legislative Bill Analysis for SB 540, (February 4, 2019) (on file with the Senate Criminal Justice Committee).
76 The Criminal Justice Standards and Training Commission is within the FDLE and was created pursuant to s. 943.11, F.S. The Commission is tasked with establishing uniform minimum training standards for the training of officers in the various criminal justice disciplines and establishing minimum curricular requirements for criminal justice training schools, among other things. See generally s. 943.12, F.S.
77 Supra n. 62.
78 The Statewide Council on Human Trafficking was created in 2014 pursuant to s. 16.617, F.S. The Council was created to support human trafficking victims by enhancing care options available to them. The Attorney General chairs the Council, which is tasked with working with the DCF to create and maintain an inventory of human trafficking programs and services in Florida, developing overall policy recommendations, among other things. Section 16.617(4), F.S., and supra. n. 13.
Human Trafficking Victim Expunction (Section 6, amending s. 943.0583, F.S.)

Current law provides that a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges for an offense committed while the person was a victim of human trafficking. However, a victim of human trafficking is not eligible to petition for such an expunction if the record at issue involves a violation of an enumerated offense in s. 775.084(1)(b)1., F.S. Kidnapping is among those listed offenses; however, the bill excludes kidnapping from this list and as a result, a victim of human trafficking would be eligible to petition for the expunction of a violation of kidnapping from his or her criminal history record.

Soliciting for Prostitution Public Database (Section 4, amending s. 796.07, F.S., and Section 5, creating s. 943.0433, F.S.)

The bill creates the Soliciting for Prostitution Public Database (Database) and requires the FDLE to adopt rules to administer the Database. The bill requires the clerk of the court to forward the criminal history record of a person who is convicted or pleads guilty or nolo contendere to soliciting, inducing, enticing, or procuring another to commit prostitution, lewdness, or assignation, pursuant to s. 796.07(2)(f), F.S., regardless of whether adjudication is withheld, to the FDLE for inclusion in the Database.

The FDLE must automatically remove the criminal history record of a person on the Database for a first violation of s. 796.07(2)(f), F.S., if, after 5 years after the person’s conviction, such person has not again violated s. 796.07(2)(f), F.S., and has not committed any other offense within that time that would constitute a sexual offense, including, but not limited to, human trafficking or an offense that would require registration as a sexual offender.

The FDLE may not remove a criminal history record from the Database if a person violates s. 796.07(2)(f), F.S., a second or subsequent time.

The Database must include all of the following on each offender:
- His or her full legal name;
- His or her last known address;
- A color photograph of him or her; and
- The offense for which he or she was convicted.

Direct-support organization (Section 1, creating s. 16.618, F.S.)

The bill requires the Department of Legal Affairs (DLA), to establish a DSO to provide assistance, funding, and support to the Statewide Council on Human Trafficking and to assist in the fulfillment of the council’s purpose. The DSO must be:
- A Florida corporation, not for profit, incorporated under ch. 617, F.S., and approved by the Secretary of State;
- Organized and operated exclusively to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, property and funds; and make expenditures in support of the purposes specified in the bill; and
Certified by the DLA, after review, to be operating in a manner consistent with the purposes of the DSO and in the best interests of the state.

The bill requires the DSO to operate under written contract with the DLA, which must provide for:

- Approval of the DSO’s articles of incorporation and bylaws by the DLA;
- Submission of an annual budget for approval by the DLA;
- Annual certification by the DLA that the DSO is complying with the contractual terms and operating in a manner consistent with the DSO’s purposes and in the best interests of the state;
- Reversion to the Florida Council Against Sexual Violence of moneys and property held in trust by the DSO if the DSO is no longer approved to operate or ceases to exist;
- Disclosure of the material provisions of the contract and the distinction between the board of directors and the DSO to donors of gifts, contributions, or bequests, which disclosures must be included in all promotional and fundraising publications;
- An annual financial audit in accordance with s. 215.981, F.S.;
- Establishment of the fiscal year of the DSO as beginning on July 1 of each year and ending on June 30 of the following year;
- Appointment of the board of directors, as specified below; and
- Authority of the DSO’s board of directors to hire an executive director.

The bill requires the DSO’s board of directors to consist of 7 members, each being appointed to a four-year term. However, for the purpose of providing staggered terms, the bill provides that the Speaker of the House of Representatives and the President of the Senate must each initially appoint one member and the Attorney General must initially appoint two members. These four initial appointments are for two-year terms and all subsequent appointments are for four-year terms.

The board of directors is appointed as follows:

- Four members appointed by the Attorney General, one of which must be a survivor of human trafficking and one of which must be a mental health expert;
- One member appointed by the Governor;
- One member appointed by the Speaker of the House of Representatives; and
- One member appointed by the President of the Senate.

Any vacancy that occurs must be filled in the same manner as the original appointment for the unexpired term of that seat.

In conjunction with the Statewide Council on Human Trafficking, and funded exclusively by the DSO, the DSO shall form strategic partnerships to foster the development of community and private sector resources to advance the goals of the council.

The DSO must consider the participation of counties and municipalities in this state which

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79 The Florida Council Against Sexual Violence (FCASV) is a statewide nonprofit organization committed to victims and survivors of sexual violence and the sexual assault crisis programs that serve them. See FCASV, About FCASV, available at https://www.fcasv.org/about-fcasv (last visited February 13, 2019).
demonstrate a willingness to participate and an ability to be successful in any programs funded by the DSO.

The DLA may authorize the appropriate use without charge, of the DLA’s property, facilities, and personnel by the DSO. The use must be for the approved purposes of the DSO and may not be made at times or places that would unreasonably interfere with opportunities for the general public to use departmental facilities.

The DLA shall prescribe by agreement conditions with which the DSO must comply in order to use DLA property, facilities, or personnel. Such conditions must provide for budget and audit review and oversight by the DLA.

The DLA may not authorize the use of property, facilities, or personnel of the council, department, or designated program by the DSO which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

The DSO may conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the council or designated program.

Notwithstanding s. 287.025(1)(e), F.S., the DSO may enter into contracts to insure the property of the council or designated programs and may insure objects or collections on loan from other entities in satisfying security terms of the lender.

A DLA employee, a DSO or council employee, a volunteer, or a director or a designated program may not:

- Receive a commission, fee, or financial benefit in connection with serving on the council; or
- Be a business associate of any individual, firm, or organization involved in the sale or the exchange of real or personal property to the DSO, the council, or a designated program.

All moneys received by the DSO shall be deposited into an account of the DSO and shall be used in a manner consistent with the goals of the council or designated program.

The DLA may terminate its agreement with the DSO at any time if the DLA determines that the DSO does not meet the objectives of this section.

The bill provides that the DSO is repealed October 1, 2024, unless reviewed and saved from repeal by the Legislature.

The bill is effective July 1, 2019.

80 Section 287.025(1)(e), F.S., prohibits certain insurance coverage on specified state property or insurable subjects.
IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**
   - None.

B. **Public Records/Open Meetings Issues:**
   - None.

C. **Trust Funds Restrictions:**
   - None.

D. **State Tax or Fee Increases:**
   - None.

E. **Other Constitutional Issues:**
   - None identified.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**
   - None.

B. **Private Sector Impact:**
   - None.

C. **Government Sector Impact:**
   - The FDLE and public lodging and massage establishments are expected to incur costs associated with the training required by the bill. The FDLE anticipates such fiscal impact to be approximately $19,910, due to the Commission being able to revise current law enforcement training to comply with the bill.\(^{81}\)

   The fiscal impact for the bill is indeterminate in regards to the administration of the Database. The FDLE would need further clarifying information relating to the logistics of the Database in order to assess the fiscal impact required for its maintenance.\(^{82}\)

VI. **Technical Deficiencies:**

- None.

\(^{81}\) *Supra* n. 62.
\(^{82}\) *Id.*
VII. Related Issues:

Language in the whereas clauses contained in CS/CS/SB 540 describes the purpose for establishing the Database as creating a deterrent for the commission of human trafficking. However, the Database in operation will collect and centralize information relating to those convicted of soliciting prostitution, regardless of whether the person subject to the solicitation is a victim of human trafficking or not. Therefore, the Database may not be narrowly tailored in its execution to carry out the intent for its creation.

Furthermore, the Database operates very similarly to a registry and therefore, may be regarded as such by the courts. If the courts determine that the purpose of the Database is to establish a civil regulatory scheme, then an inquiry will be made into whether the statute creating the Database is primarily punitive in nature. If it is determined that the statutory scheme is so punitive either in purpose or effect as to negate the intention to deem it civil, then it could be held unconstitutional.83

Additionally, in contrast to other registry statutes, the Database is devoid of explicit language to indicate it will operate prospectively. For example, s. 775.21, F.S., creates the sex offender registry and provides in part that a person will be designated as a sexual predator following the commission of certain acts on or after October 1, 1993.84 If the Database operates retroactively, the court may find that it is unconstitutional in violation of the Ex Post Facto Clause, which prohibits states from enacting laws that change the punishment, and inflict a greater punishment, than the law in place when committed.85

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 480.043, 796.07 and 954.0583.

This bill creates the following sections of the Florida Statutes: 16.618, 509.096, 943.0433, and 943.17297.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Community Affairs on March 12, 2019:
The Committee Substitute:

- Moves the statutory authority for the human trafficking DSO from DCF to the DLA and requires the DSO to provide assistance and support to the Statewide Council on Human Trafficking;

84 Section 775.21(5), F.S.
• Reduces the membership of the DSO board of directors from 13 members to 7 and requires a survivor of human trafficking and a mental health expert be appointed to the board;
• Requires certain employees of a massage establishment to complete human trafficking training within 6 months of being hired or by January 1, 2020, whichever occurs later;
• Requires the human trafficking training for massage establishment employees be submitted to DOH for approval before being given to employees;
• Requires the training to educate employees on what human trafficking is, in addition to how to identify individuals who may be victims;
• Permits the Board of Massage Therapy to take disciplinary action against a massage establishment that doesn’t meet the training requirements established;
• Changes the due date to January 1, 2020, for human trafficking awareness training to specified employees of public lodging establishments, implementation of procedures for reporting suspected human trafficking to the Hotline or local law enforcement, and posting of sign with reporting procedures;
• Creates the Soliciting for Prostitution Public Database, in place of the Soliciting for Prostitution Registry; and
• Requires FDLE to remove and maintain certain criminal history records on the Database under specified circumstances.

CS by Criminal Justice on February 19, 2019:
The Committee Substitute:
• Requires certain employees of a public lodging establishment to complete human trafficking training within 6 months of being hired or by January 1, 2021, whichever occurs later;
• Requires the human trafficking training be submitted to the Division for approval before being given to employees;
• Requires the training to educate employees on what human trafficking is, in addition to how to identify individuals who may be victims;
• Permits the Division to take disciplinary action against a public lodging establishment that doesn’t meet the training requirements established;
• Clarifies the purposes for the direct-support organization created; and
• Requires the Commission and others to develop a 4-hour training for law enforcement officers to complete either as part of basic recruit training or continuing education.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Community Affairs (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 16.618, Florida Statutes, is created to read:

16.618 Direct-support organization.—

(1) The Department of Legal Affairs shall establish a direct-support organization to provide assistance, funding, and support to the Statewide Council on Human Trafficking and to assist in the fulfillment of the council’s purposes. The direct-
support organization must be:

   (a) A Florida corporation, not for profit, incorporated
under chapter 617, and approved by the Secretary of State;

   (b) Organized and operated exclusively to solicit funds;
request and receive grants, gifts, and bequests of money;
acquire, receive, hold, invest, and administer, in its own name,
property and funds; and make expenditures in support of the
purposes specified in this section; and

   (c) Certified by the department, after review, to be
operating in a manner consistent with the purposes of the
organization and in the best interests of this state.

(2) The direct-support organization shall operate under
written contract with the department. The contract must provide
for all of the following:

   (a) Approval of the articles of incorporation and bylaws of
the direct-support organization by the department.

   (b) Submission of an annual budget for approval by the
department.

   (c) Annual certification by the department that the direct-
support organization is complying with the terms of the contract
and is operating in a manner consistent with the purposes of the
organization and in the best interests of this state.

   (d) Reversion to the Florida Council Against Sexual
Violence of moneys and property held in trust by the direct-
support organization if the direct-support organization is no
longer approved to operate or if it ceases to exist.

   (e) Disclosure of the material provisions of the contract
and the distinction between the board of directors and the
direct-support organization to donors of gifts, contributions,
or bequests, which disclosures must be included in all promotional and fundraising publications.

(f) An annual financial audit in accordance with s. 215.981.

(g) Establishment of the fiscal year of the direct-support organization as beginning on July 1 of each year and ending on June 30 of the following year.

(h) Appointment of the board of directors, pursuant to this section.

(i) Authority of the board of directors of the direct-support organization to hire an executive director.

(3) The board of directors of the direct-support organization shall consist of seven members. Each member of the board of directors shall be appointed to a 4-year term; however, for the purpose of providing staggered terms, the appointee of the President of the Senate and the appointee of the Speaker of the House of Representatives shall each initially be appointed to a 2-year term, and the Attorney General shall initially appoint two members to serve 2-year terms. All subsequent appointments shall be for 4-year terms. Any vacancy that occurs must be filled in the same manner as the original appointment and is for the unexpired term of that seat. The board of directors shall be appointed as follows:

(a) Four members appointed by the Attorney General, one of which must be a survivor of human trafficking and one of which must be a mental health expert.

(b) One member appointed by the Governor.

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

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

(4) In conjunction with the Statewide Council on Human Trafficking, and funded exclusively by the direct-support organization, the direct-support organization shall form strategic partnerships to foster the development of community and private sector resources to advance the goals of the council.

(5) The direct-support organization shall consider the participation of counties and municipalities in this state which demonstrate a willingness to participate and an ability to be successful in any programs funded by the direct-support organization.

(6)(a) The department may authorize the appropriate use without charge, of the department’s property, facilities, and personnel by the direct-support organization. The use must be for the approved purposes of the direct-support organization and may not be made at times or places that would unreasonably interfere with opportunities for the general public to use departmental facilities.

(b) The department shall prescribe by agreement conditions with which the direct-support organization must comply in order to use department property, facilities, or personnel. Such conditions must provide for budget and audit review and oversight by the department.

(c) The department may not authorize the use of property, facilities, or personnel of the council, department, or designated program by the direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national
(7)(a) The direct-support organization may conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the council or designated program.

(b) Notwithstanding s. 287.025(1)(e), the direct-support organization may enter into contracts to insure the property of the council or designated programs and may insure objects or collections on loan from other entities in satisfying security terms of the lender.

(8) A departmental employee, a direct-support organization or council employee, a volunteer, or a director or a designated program may not:

(a) Receive a commission, fee, or financial benefit in connection with serving on the council; or

(b) Be a business associate of any individual, firm, or organization involved in the sale or the exchange of real or personal property to the direct-support organization, the council, or a designated program.

(9) All moneys received by the direct-support organization shall be deposited into an account of the direct-support organization and shall be used in a manner consistent with the goals of the council or designated program.

(10) The department may terminate its agreement with the direct-support organization at any time if the department determines that the direct-support organization does not meet
the objectives of this section.

(11) This section is repealed October 1, 2024, unless reviewed and saved from repeal by the Legislature.

Section 2. Section 480.043, Florida Statutes, is amended to read:

480.043 Massage establishments; requisites; licensure; inspection; human trafficking awareness training and policies; enforcement.—

(1) No massage establishment shall be allowed to operate without a license granted by the department in accordance with rules adopted by the board.

(2) A person who has an ownership interest in an establishment shall submit to the background screening requirements under s. 456.0135. However, if a corporation submits proof of having more than $250,000 of business assets in this state, the department shall require the owner, officer, or individual directly involved in the management of the establishment to submit to the background screening requirements of s. 456.0135. The department may adopt rules regarding the type of proof that may be submitted by a corporation.

(3) The board shall adopt rules governing the operation of establishments and their facilities, personnel, safety and sanitary requirements, financial responsibility, insurance coverage, and the license application and granting process.

(4) Any person, firm, or corporation desiring to operate a massage establishment in the state shall submit to the department an application, upon forms provided by the department, accompanied by any information requested by the department and an application fee.
(5) Upon receiving the application, the department may cause an investigation to be made of the proposed massage establishment.

(6) If, based upon the application and any necessary investigation, the department determines that the proposed establishment would fail to meet the standards adopted by the board under subsection (3), the department shall deny the application for license. Such denial shall be in writing and shall list the reasons for denial. Upon correction of any deficiencies, an applicant previously denied permission to operate a massage establishment may reapply for licensure.

(7) If, based upon the application and any necessary investigation, the department determines that the proposed massage establishment may reasonably be expected to meet the standards adopted by the department under subsection (3), the department shall grant the license under such restrictions as it shall deem proper as soon as the original licensing fee is paid.

(8) The department shall deny an application for a new or renewal license if a person with an ownership interest in the establishment or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of the establishment has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of s. 796.07(2)(a) which is reclassified under s. 796.07(7) or a felony offense under any of the following provisions of state law or a similar provision in another jurisdiction:

(a) Section 787.01, relating to kidnapping.
(b) Section 787.02, relating to false imprisonment.
(c) Section 787.025, relating to luring or enticing a child.
(d) Section 787.06, relating to human trafficking.
(e) Section 787.07, relating to human smuggling.
(f) Section 794.011, relating to sexual battery.
(g) Section 794.08, relating to female genital mutilation.
(h) Former s. 796.03, relating to procuring a person under the age of 18 for prostitution.
(i) Former s. 796.035, relating to selling or buying of minors into prostitution.
(j) Section 796.04, relating to forcing, compelling, or coercing another to become a prostitute.
(k) Section 796.05, relating to deriving support from the proceeds of prostitution.
(l) Section 796.07(4)(a)3., relating to a felony of the third degree for a third or subsequent violation of s. 796.07, relating to prohibiting prostitution and related acts.
(m) Section 800.04, relating to lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
(n) Section 825.1025(2)(b), relating to lewd or lascivious offenses committed upon or in the presence of an elderly or disabled person.
(o) Section 827.071, relating to sexual performance by a child.
(p) Section 847.0133, relating to the protection of minors.
(q) Section 847.0135, relating to computer pornography.
(r) Section 847.0138, relating to the transmission of
material harmful to minors to a minor by electronic device or equipment.

(s) Section 847.0145, relating to the selling or buying of minors.

(9)(a) Once issued, no license for operation of a massage establishment may be transferred from one owner to another.

(b) A license may be transferred from one location to another only after inspection and approval by the board and receipt of an application and inspection fee set by rule of the board, not to exceed $125.

(c) A license may be transferred from one business name to another after approval by the board and receipt of an application fee set by rule of the board, not to exceed $25.

(10) Renewal of license registration for massage establishments shall be accomplished pursuant to rules adopted by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(11) The board is authorized to adopt rules governing the periodic inspection of massage establishments licensed under this act.

(12) A person with an ownership interest in or, for a corporation that has more than $250,000 of business assets in this state, the owner, officer, or individual directly involved in the management of an establishment that was issued a license before July 1, 2014, shall submit to the background screening requirements of s. 456.0135 before January 31, 2015.

(13)(a) A massage establishment shall:

1. Provide training regarding human trafficking awareness
to massage therapists and employees of the establishment who
ordinarily interact with guests. Such training must be provided
to such massage therapists and employees within 6 months after
their employment in that role, or by January 1, 2021, whichever
occurs later. Proof of such employee training must be provided
to the board upon request.

2. By January 1, 2021, implement a procedure for the
reporting of suspected human trafficking to the National Human
Trafficking Hotline or to a local law enforcement agency.

3. By January 1, 2021, post in a conspicuous place in the
establishment which is accessible to employees a sign with the
relevant provisions of the reporting procedure provided for in
subparagraph 2.

(b) The human trafficking awareness training required under
subparagraph 1. must be submitted to and approved by the
department before the training is provided to employees and must
include the following:

1. The definition of human trafficking and the difference
between the two forms of human trafficking: sex trafficking and
labor trafficking.

2. Guidance specific to the massage establishment sector
concerning how to identify individuals who may be victims of
human trafficking.

3. Guidance concerning the role of the employees of a
massage establishment in reporting and responding to suspected
human trafficking.

(c) The board must take disciplinary action against a
massage establishment that has operated or that is operating in
violation of this section.
(d) This section does not establish a private cause of action. A massage establishment is not liable for any harm resulting from the failure of an employee to prevent, detect, or report suspected human trafficking if the massage establishment was in compliance with the requirements of this section at the time of such harm.

(14) This section does not apply to a physician licensed under chapter 458, chapter 459, or chapter 460 who employs a licensed massage therapist to perform massage on the physician’s patients at the physician’s place of practice. This subsection does not restrict investigations by the department for violations of chapter 456 or this chapter.

Section 3. Section 509.096, Florida Statutes, is created to read:

509.096 Human trafficking awareness training and policies for employees of public lodging establishments; enforcement.—

(1) A public lodging establishment shall:

(a) Provide training regarding human trafficking awareness to employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check-in or check-out. Such training must be provided to such employees within 6 months after their employment in that role, or by January 1, 2020, whichever occurs later. Proof of such employee training must be provided to the division upon request.

(b) By January 1, 2020, implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.

(c) By January 1, 2020, post in a conspicuous place in the
establishment which is accessible to employees a sign with the relevant provisions of the reporting procedure provided for in paragraph (b).

(2) The human trafficking awareness training required under paragraph (1)(a) must be submitted to and approved by the division before the training is provided to employees and must include all of the following:

(a) The definition of human trafficking and the difference between the two forms of human trafficking: sex trafficking and labor trafficking.

(b) Guidance specific to the public lodging sector concerning how to identify individuals who may be victims of human trafficking.

(c) Guidance concerning the role of the employees of a public lodging establishment in reporting and responding to suspected human trafficking.

(3) Pursuant to s. 509.261, the division must take disciplinary action against a public lodging establishment that has operated or that is operating in violation of this section.

(4) This section does not establish a private cause of action. A public lodging establishment is not liable for any harm resulting from the failure of an employee to prevent, detect, or report suspected human trafficking if the public lodging establishment was in compliance with the requirements of this section at the time of such harm.

Section 4. Effective October 1, 2019, subsection (5) of section 796.07, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

796.07 Prohibiting prostitution and related acts.—
(2) It is unlawful:

(a) To own, establish, maintain, or operate any place, structure, building, or conveyance for the purpose of lewdness, assignation, or prostitution.

(b) To offer, or to offer or agree to secure, another for the purpose of prostitution or for any other lewd or indecent act.

(c) To receive, or to offer or agree to receive, any person into any place, structure, building, or conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose.

(d) To direct, take, or transport, or to offer or agree to direct, take, or transport, any person to any place, structure, or building, or to any other person, with knowledge or reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

(e) For a person 18 years of age or older to offer to commit, or to commit, or to engage in, prostitution, lewdness, or assignation.

(f) To solicit, induce, entice, or procure another to commit prostitution, lewdness, or assignation.

(g) To reside in, enter, or remain in, any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness, or assignation.

(h) To aid, abet, or participate in any of the acts or things enumerated in this subsection.

(i) To purchase the services of any person engaged in prostitution.
(5)(a) A person who violates paragraph (2)(f) commits:

1. A misdemeanor of the first degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.
2. A felony of the third degree for a second violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
3. A felony of the second degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) In addition to any other penalty imposed, the court shall order a person convicted of a violation of paragraph (2)(f) to:

1. Perform 100 hours of community service; and
2. Pay for and attend an educational program about the negative effects of prostitution and human trafficking, such as a sexual violence prevention education program, including such programs offered by faith-based providers, if such programs exist in the judicial circuit in which the offender is sentenced.

(c) In addition to any other penalty imposed, the court shall sentence a person convicted of a second or subsequent violation of paragraph (2)(f) to a minimum mandatory period of incarceration of 10 days.

(d) 1. If a person who violates paragraph (2)(f) uses a vehicle in the course of the violation, the judge, upon the person’s conviction, may issue an order for the impoundment or immobilization of the vehicle for a period of up to 60 days. The order of impoundment or immobilization must include the names and telephone numbers of all immobilization agencies meeting all of the conditions of s. 316.193(13). Within 7 business days
after the date that the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the vehicle.

2. The owner of the vehicle may request the court to dismiss the order. The court must dismiss the order, and the owner of the vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the following:
   a. The owner’s family has no other private or public means of transportation;
   b. The vehicle was stolen at the time of the offense;
   c. The owner purchased the vehicle after the offense was committed, and the sale was not made to circumvent the order and allow the defendant continued access to the vehicle; or
   d. The vehicle is owned by the defendant but is operated solely by employees of the defendant or employees of a business owned by the defendant.

3. If the court denies the request to dismiss the order, the petitioner may request an evidentiary hearing. If, at the evidentiary hearing, the court finds to be true any of the circumstances described in sub-subparagraphs (d)2.a.-d., the court must dismiss the order and the owner of the vehicle will incur no costs.

(e) The criminal history record of a person who violates paragraph (2)(f) and who is found guilty as a result of a trial or who enters a plea of guilty or nolo contendere, regardless of
whether adjudication is withheld, must be added to the Soliciting for Prostitution Public Database established under s. 943.0433. Upon the person’s conviction, the clerk of the court shall forward the criminal history record of the convicted person to the Department of Law Enforcement for inclusion in the database.

Section 5. Effective October 1, 2019, section 943.0433, Florida Statutes, is created to read:

943.0433 Soliciting for Prostitution Public Database.—
(1) The department shall create and administer the Soliciting for Prostitution Public Database. The clerk of the court shall forward to the department the criminal history record of a person in accordance with s. 796.07(5)(e), and the department must add the criminal history record to the database.

(2)(a) The department shall automatically remove the criminal history record of a person on the database for a first violation of s. 796.07(2)(f) if, after 5 years after the person’s conviction, such person has not again violated s. 796.07(2)(f) and has not committed any other offense within that time that would constitute a sexual offense, including, but not limited to, human trafficking or an offense that would require registration as a sexual offender.

(b) The department may not remove a criminal history record from the database if a person violates s. 796.07(2)(f) a second or subsequent time.

(3) The database must include all of the following on each offender:

(a) His or her full legal name.

(b) His or her last known address.
(c) A color photograph of him or her.

(d) The offense for which he or she was convicted.

(4) The department shall adopt rules to administer this section.

Section 6. Subsection (3) of section 943.0583, Florida Statutes, is amended to read:

943.0583 Human trafficking victim expunction.—

(3) A person who is a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking, which offense was committed or reported to have been committed as a part of the human trafficking scheme of which the person was a victim or at the direction of an operator of the scheme, including, but not limited to, violations under chapters 796 and 847, without regard to the disposition of the arrest or of any charges. However, this section does not apply to any offense listed in s. 775.084(1)(b)1., except for kidnapping. Determination of the petition under this section should be by a preponderance of the evidence. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. If a person is adjudicated not guilty by reason of insanity or is found to be incompetent to stand trial for any such charge, the expunction of the criminal history record may not prevent the entry of the judgment or finding in state and national databases for use in determining eligibility to purchase or possess a firearm or to carry a concealed firearm, as authorized in s. 790.065(2)(a)4.c. and 18 U.S.C. s.
922(t), nor shall it prevent any governmental agency that is authorized by state or federal law to determine eligibility to purchase or possess a firearm or to carry a concealed firearm from accessing or using the record of the judgment or finding in the course of such agency’s official duties.

Section 7. Section 943.17297, Florida Statutes, is created to read:

943.17297 Training in identifying and investigating human trafficking.—Each certified law enforcement officer must successfully complete four hours of training on identifying and investigating human trafficking as a part of the basic recruit training of the officer required in s. 943.13(9) or continuing education under s. 943.135(1) before July 1, 2022. The training must be developed by the commission in consultation with the Department of Children and Families and the Statewide Council on Human Trafficking. If an officer fails to complete the required training, his or her certification shall be inactive until the employing agency notifies the commission that the officer has completed the training.

Section 8. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:
Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to human trafficking; creating s. 16.618, F.S.; requiring the Department of Legal 16.618, F.S.; requiring the Department of Legal
Affairs to establish a certain direct-support organization; providing requirements for the direct-support organization; requiring the direct-support organization to operate under written contract with the department; providing contractual requirements; providing for the membership of and the appointment of directors to the board of directors of the direct-support organization; requiring the direct-support organization, in conjunction with the Statewide Council on Human Trafficking, to form certain partnerships for specified purposes; authorizing the department to allow appropriate use of department property, facilities, and personnel by the direct-support organization; providing requirements and conditions for such use of department property, facilities, and personnel by the direct-support organization; authorizing the direct-support organization to engage in certain activities for the direct or indirect benefit of the council; providing for moneys received by the direct-support organization; prohibiting certain persons and employees from receiving specified benefits as they relate to the council or the direct-support organization; authorizing the department to terminate its agreement with the direct-support organization if the department determines that the direct-support organization does not meet specified objectives; providing for future review and repeal by the Legislature; amending s. 480.043, F.S.; requiring a
massage establishment to train certain employees and
create certain policies relating to human trafficking
by a specified date; providing requirements for such
training; requiring the Board of Massage Therapy to
take disciplinary action against a massage
establishment for failure to comply with such
requirements; providing that this section does not
establish a private cause of action against a massage
establishment under certain circumstances; creating s.
509.096, F.S.; requiring a public lodging
establishment to train certain employees and create
certain policies relating to human trafficking by a
specified date; providing requirements for such
training; requiring the Division of Hotels and
Restaurants of the Department of Business and
Professional Regulation to take disciplinary action
against a public lodging establishment for failure to
comply with such requirements; providing that this
section does not establish a private cause of action
against a public lodging establishment under certain
circumstances; amending s. 796.07, F.S.; requiring
that the criminal history record of a person who is
convicted of, or who enters a plea of guilty or nolo
contendere to, soliciting, inducing, enticing, or
procuring another to commit prostitution, lewdness, or
assignation be added to the Soliciting for
Prostitution Public Database; requiring the clerk of
the court to forward the criminal history record of
such persons to the Department of Law Enforcement for
certain purposes; creating s. 943.0433, F.S.;
requiring the Department of Law Enforcement to create
and administer the Soliciting for Prostitution Public
Database; requiring the department to add certain
criminal history records to the database; requiring
the department to automatically remove certain
criminal history records from the database under
certain circumstances; prohibiting the department from
removing certain criminal history records from the
database under certain circumstances; requiring the
database to include specified information on
offenders; requiring the department to adopt rules;
amending s. 943.0583, F.S.; creating an exception to a
prohibition that bars certain victims of human
trafficking from petitioning for the expunction of a
criminal history record for offenses committed while
the person was a victim of human trafficking as part
of the human trafficking scheme or at the direction of
an operator of the scheme; creating s. 943.17297,
F.S.; requiring each certified law enforcement officer
to successfully complete training on identifying and
investigating human trafficking before a certain date;
requiring that the training be developed in
consultation with specified entities; specifying that
an officer’s certification shall be inactive if he or
she fails to complete the required training until the
employing agency notifies the Criminal Justice
Standards and Training Commission that the officer has
completed the training; providing effective dates.
WHEREAS, the state of Florida is ranked third nationally for human trafficking abuses, and the Legislature recognizes that the crime of human trafficking is a gross violation of human rights, and has taken measures to raise awareness of the practices of human sex trafficking and of labor trafficking of children and adults in this state, and

WHEREAS, the Legislature deems it critical to the health, safety, and welfare of the people in this state to prevent and deter human trafficking networks, and persons who would aid and abet these networks, from operating in this state, and

WHEREAS, repeat offenses to aid and abet traffickers by way of recruitment or financial support, and clients of human trafficking networks who use physical violence, are a particularly extreme threat to public safety, and

WHEREAS, repeat offenders are extremely likely to use violence and to repeat their offenses, and to commit many offenses with many victims, many of whom are never given justice, and these offenders are only prosecuted for a small fraction of their crimes, and

WHEREAS, traffickers and clients of human trafficking networks often use hotels, motels, public lodging establishments, massage establishments, spas, or property rental sharing sites to acquire facilities wherein men, women, and children are coerced into performing sexual acts, which places the employees of these establishments in direct and frequent contact with victims of human trafficking, and

WHEREAS, this state is in critical need of a coordinated and collaborative human trafficking law enforcement response to
prepare for future large-scale events taking place in this state, and the Legislature finds that a statewide effort focused on law enforcement training, detection, and enforcement, with additional focus on the safe rehabilitation of survivors, will benefit such critical need, and

WHEREAS, research from 2011 has demonstrated that a majority of human trafficker’s clients are not interviewed by law enforcement, despite having extensive knowledge of the traffickers and the traffickers’ practices, and are even used as recruiters for traffickers, and

WHEREAS, human trafficker’s clients who were interviewed in the same 2011 research stated that they would think twice about purchasing sex from a victim of human trafficking if they were named on a public database, and

WHEREAS, client and trafficker anonymity has allowed for trafficking networks to continue in the shadows, and the publication of client and trafficker identities would protect the public from potential harm and protect victims of trafficking from future harm, NOW, THEREFORE,
This form is part of the public record for this meeting.

Meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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. Therefore, those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Lobbyist Registered with Legislature:

Appearing at Request of Chair: □ Yes □ No

Representing
Florida N.O.W. Natl Org. For Women

(The Chair will read this information into the record.)

Speaking: In Support □ Against □

WAIVER: Waive Speaking

Email

Phone
341-413-4763

Address
218 1st Ave

City
Melbourne Beach

State FL

Zip 32951

Job Title
Retired Teacher

Name Karen Manno

Human Trafficking

Topic

Bill Number (If applicable)
38540

Meeting Date
3/11/19

APPEARANCE RECORD

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

Appearing at request of Chair: Yes [X] No □

Representing: [ ] A bill or resolution [ ] An amendment

(Signature) (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Appearence Record
The Florida Senate

[Signature]

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While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard. This form is part of the public record for this meeting.

Lobbyist Registered with Legislature: Yes \[ ] No \[ ]

Appearing at Request of Chair: Yes \[\] No \[\]

Representing: \[\]

(The Chair will read this information into the record.)

Speaking In Support Against Against Information \[\]

Email: \[\]

Phone: 386-671-1560

Address: 517 Dovercourt Lane, Clearwater, FL 34614

City: Clearwater

State: FL

Zip: 34614

State Senate Professional Staff conducting the meeting: \[\]

Bill Number (if applicable): 640

Meeting Date: 3/12/19

(Disclaimer: Both copies of this form to the Senate or Senator Professional Staff conducting the meeting.)
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard.

This form is part of the public record for this meeting. While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard.

Lobbyist registered with Legislature: ☐ Yes ☐ No

Appearing at request of Chair: ☐ Yes ☐ No

Representing: ☐ American University, Washington, D.C.

(The Chair will read this information into the record.)

Agreement: In support ☐ Against ☐

Speaking: ☐ For ☐ Against Information

Zip: 32118

State: FL

City: Tallahassee

Address: 2711 N. Monroe St.

#387

Phone: 386-795-6353

Email: Mac_08C.9.799@gmail.com

Job Title:

Name: Mary Ann Siners

Humanty iczing

Bill Number (if applicable)

0

Meeting Date: 3-12-19

APPEARANCE RECORD

THE FLORIDA SENATE
THIS FORM IS PART OF THE PUBLIC RECORD FOR THIS MEETING.

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

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist Registered with Legislature: [ ] Yes [ ] No

Representing: [ ] For [ ] Against

Speaking Information: [ ] Yes [ ] No

Waving Speech: [ ] In Support [ ] Against

The Chair will read this information into the record.

The appearance record for this form must be provided to the Senator or Senate Professional Staff conducting the meeting.

APPEARANCE RECORD

THE FLORIDA SENATE

[Date] 3/1/19

Bill Number (if applicable)

S.B. 572

(Delete BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)
This form is part of the public record for this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak at this meeting.

Appearing at request of Chair: Yes □ No □

Representing

(The Chair will read this information into the record.)

Waive Speaking: □ In Favor □ Against

Speaking: □ For □ Against Information

Email ____________________________

Phone 2/15-716-6510

Address 103 Fulton Ave

Job Title CEO of Renovis

Name Michelle McKeeman

Human Trafficking

Meeting Date 3/12/19

(APPEARANCE RECORD)

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

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

Appearing at request of Chair: (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Yes ☐ No ☐

Representing

☐ Florida, NO ☐

☐ Florida, YES ☐

☐ Florida, NO ☐

☐ Florida, YES ☐

The Chair will read this information into the record.

Waving Speaking:

☐ In Support ☐ Against ☐

☐ In Support ☐ Against ☐

☐ In Support ☐ Against ☐

☐ In Support ☐ Against ☐

Email President:

☐ 111 S.W. 8th Ave., Room 510

☐ 111 S.W. 8th Ave., Room 510

☐ 111 S.W. 8th Ave., Room 510

☐ 111 S.W. 8th Ave., Room 510

Phone:

☐ 321-401-5133

☐ 321-401-5133

☐ 321-401-5133

☐ 321-401-5133

Amendment Barcode (if applicable):

☐ S40

☐ S40

☐ S40

☐ S40

Bill Number (if applicable):

☐ 3/12/14

☐ 3/12/14

☐ 3/12/14

☐ 3/12/14

Meeting Date

☐ 3/12/14

☐ 3/12/14

☐ 3/12/14

☐ 3/12/14

Payment of Fees

☐ $0

☐ $0

☐ $0

☐ $0

(To receive BOTH copies of this form, to the Senator or Senate Professional Staff conducting the meeting)

APPEARANCE RECORD

THE FLORIDA SENATE
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.

Appearing at request of Chair? Yes □ No □

Representing (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Sue Beining

(Chair will read this information into the record)

Speaking: □ Against □ For □

Information

In Support □ Against □

Waive Speaking: □ Yes □ No

Lobbyist Registered with Legislature: □ Yes □ No

Appearing at request of Chair: □ Yes □ No

Email: SueBeining@senate.state.fl.us

Phone: 877-776-2004 x 227

Address:

PO Box 4013 Tallahassee, Florida 32304

Job Title: Advocate

Name: Sue Beining

In Plate 23540

Meeting Date: 1/22/19

Bill Number (if applicable) SB 540

Amendment Barcode (if applicable)

APPEARANCE RECORD

THE FLORIDA SENATE
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard. This form is part of the public record for this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Appearing at request of Chair: Yes [ ] No [ ]

Lobbyist Registered with Legislature: Yes [ ] No [ ]

Representing: Success Behind Bars

(The Chair will read this information into the record.)

Waving: Speaking: In Support: [ ] Against: [ ]

Email: [ ]

Address: [ ]

Phone: [ ]

City: [ ]

State: [ ]

Zip: [ ]

A Legislative Sponsor: [ ]

Job Title: [ ]

Name: [ ]

Address: [ ]

Billing Number (if applicable): [ ]

Amendment Barcode (if applicable): [ ]

Meeting Date: [ ]

[ ]

Deliver both copies of this form to the senator or Senate Professional Staff conducting the meeting.

APPAREANCE RECORD
THE FLORIDA SENATE
This form is part of the public record for this meeting. This form 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.

Apparentance Record
The Florida Senate

[ ] Yes [ ] No

Apparenting at request of Chair:

[ ] Yes [ ] No

Representing:

Sex Worker Solidarity Network

The chair will read this information into the record.

Waving Speaking:

For [ ] Against [ ]

[ ] For [ ] Against

Chair Information

Attamante Speaking, FL 32714

City

Address 100 South Ponce de Leon #1011

Job Title Higher Education (College) Professional

Name Diana Shanks

Topic End Demand Approach - Public Database

Bill Number SB 540

Bill Number (if applicable):
This form is part of the public record for this meeting.

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

Appearing at request of Chair: [ ] Yes [ ] No

Representing: [ ] Suite of: [ ] Lobbyist Registered with Legislature: [ ] Yes [ ] No

(The Chair will read this information into the record.)

Waving Speaking: [ ] In Support [ ] Against

Speaking: [ ] For [ ] Against

City: [ ] Wimauma

State: [ ] Florida

Zip: [ ] 32708

Address: 285 Alabama Ave.

Communit Organiz: [ ] Christine Hanau

Job Title: [ ] Muse

Name: [ ] Soliciting for Preservation Public Database

Topic: [ ]

Bill Number (if applicable): [ ] SB 540

Meeting Date: [ ] 3/12/19

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting.

APPEARANCE RECORD

THE FLORIDA SENATE
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.

Lobbyist Registered with Legislature: ☐ Yes ☐ No

Appearing at Request of Chair: ☐ Yes ☐ No

Super Brand Bags and Surf Tampa Bay

Representing:

The Chair will read this information into the record.

Waive Speaking: ☐ Against Against

Speak:

☐ In Support

Email: Jill Mckeegan

Address:

2815 Edwards Ave S

St Petersburg, FL 33710

Phone: 1-817-776-2004 ext. 105

Job Title:

Director, CA- Director

Name:

Dr. Jill Mckeegan

Topic:

Bill Number (if applicable):

SB 540

Meeting Date:

3/12/19

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting.

APPEARANCE RECORD

THE FLORIDA SENATE
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Lobbyists Registered with Legislature: Yes ☐ No ☑
Appearing at Request of Chair: Yes ☐ No ☑
Representing
Myself ☑
Wife/Son/Sister ☐
Other ☐

We are speaking in support: ☐
Against: ☒

We believe this information into the record:
☐ In Support of Bill
☐ Against Bill

This is a Human Trafficking Survivor

Bill Number (if applicable) 05SB 540
Meeting Date 3/12/2019

APPEARANCE RECORD
THE FLORIDA SENATE
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Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist Registered with Legislature: [ ] Yes [ ] No

Appearing for: [ ] Against [ ] For

Representing: [ ] American Association of University Professors

(The Chair will read this information into the record.)

Supporting: [ ] Yes [ ] No

Appearing Speaking: [ ] In Support [ ] Against

Zip

City

Phone

State

Address

Street

Phone 386-352-1659

Email ParossC@OL.com

Bill Number (if applicable) 540

Meeting Date March 13/19

APPEARANCE RECORD

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

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard.

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Appearing at request of Chair: [ ] Yes [ ] No

Representing (The Chair will read this information into the record):

Against [ ] In Support [X]

Waving Speaking: [ ] Against [ ] For

Speaking:

City:

State:

Zip:

Address:

Phone:

Email:

Amendment Barcode (if applicable)

Bill Number (if applicable)

(Deadline BOTH copies of this form to the Senate or Senate Professional Staff conducting the meeting.)

APPEARANCE RECORD

THE FLORIDA SENATE

[Signature]
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.

Appearing at request of Chair: [ ] Yes [ ] No

Representing [ ] For [ ] Against

Information

Speaking: [ ] In Support [ ] Against

Waive Appearance Record

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Address

4348 Carson Lane, Tampa, FL

Phone

3-429-3

Email

Myname@myemail.com

ZIP 33438

City

Tampa

State

FL

Date

3-12-19

Bill Number (if applicable)

5-40

Topic

APPEARANCE RECORD

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

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard. As many persons as possible can be heard.

Appearing at request of Chair: [ ] Yes [ ] No

Representing

The Chair will read this information into the record.

Waive Speaking: [ ] In Support [ ] Against

Speaking: [ ] For [ ] Against

Information

City

State

Zip

New P.O. Box

Street

Address

8830 First Ave

Street

8830 Second Ave

Street

Job Title

Assistant

Name

Lawyer

Topic

Amendment Barcode (if applicable)

Bill Number (if applicable)

519

Date

Meeting Date

3/12/19

APPEARANCE RECORD

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

Appearing at request of Chair: □ Yes □ No

Lobbyist Registered with Legislature: □ Yes □ No

Representing:

(Agent, if any)

The Chair will read this information into the Record.

Waving Speaker:

□ In Support

□ Against

Speaking:

□ For

□ Against

Information

City:

State:

Zip:

Phone:

Email:

Topic:

Bill Number:

□ 490

Meeting Date:

□ 3-1-09

(Alter both copies of this form to the Senate or Senate Professional Staff conducting the meeting)

APPEARANCE RECORD

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

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Appearances Record

Deliver both copies of this form to the Senator or Senate Professional Staff conducting the meeting.

Bill Number (if applicable)

[Signature]

Meeting Date

3/12/18

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

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While registered with Legislature:

☐ Yes  ☐ No

Appearing at request of Chair:

☐ Yes  ☐ No

Representing:

Place of Hope

Speaking:

Against  ☐ For  ☐ Information

City:

State:

County:

Address:

701 Stanley Drive

Phone:

407-261-6049

Email:

for@gen.com

Amendment Barcode (if applicable):

Bill Number (if applicable):

53590

Meeting Date:

3-12-19

APPEARANCE RECORD

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

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Appearing at request of Chair: [ ] Yes [ ] No

Representing [ ] Lobbyist Registered with Legislature: [ ] Yes [ ] No

The Chair will read this information into the record.

In Support [ ] Against [ ]

Spending [ ] Against Information

Attorney, Legal Assistant, or Legislation Associate

Email: [ ]

Phone: [ ]

Address: [ ]

Job Title: [ ]

Name: [ ]

Topic: [ ]

Meeting Date: [ ]

APPEARANCE RECORD

THE FLORIDA SENATE
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard. This record is part of the public record for this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. The Chair will read this information into the record.

PRESIDENT: I would like to introduce you to Senator Bill Galvano, representing Senate District 8.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

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Lobbyist Registered with Legislature: Yes □  No □
Appearing at request of Chair: Yes □  No □
Representing Florida Police Chiefs Association

Waving Speaking: In Support □  Against □  For □  Against □

Email ghester@flpca.com
Phone 850-219-3631

Agenda Information

Amendment Barcode (if applicable)

Bill Number (if applicable)

540

(T)he Chair will read this information into the record.

Meeting Date
3/12/19

Address 2636 Michigan Drive

City Tallahassee

State FL

Zip 32308

Job Title Government Affairs

Name Gary Hester

Human Trafficking

Meeting Date
3/12/19

APPEARANCE RECORD

THE FLORIDA SENATE
While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard.

Appearing at request of Chair: No

Representing:

(The Chair will read this information into the record)

Waving Speaking:

Against □ In Support □

Spreading Information:

For □ Against □

City:

State:

Zip:

Email:

Phone:

Address:

Job Title:

Name:

Topic:

Meeting Date:

APPEARANCE RECORD

THE FLORIDA SENATE

S-001 (10/14/14)
By the Committee on Criminal Justice; and Senator Book

A bill to be entitled
An act relating to human trafficking; creating s. 509.096, F.S.; requiring a public lodging establishment to train certain employees and create certain policies relating to human trafficking by a specified date; providing requirements for such training; permitting the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to take disciplinary action against a public lodging establishment for failure to comply with such requirements; providing that this section does not establish a private cause of action against a public lodging establishment; creating s. 787.08, F.S.; requiring the Department of Children and Families, in consultation with the Department of Law Enforcement and the Attorney General, to establish a certain direct-support organization; providing requirements for the direct-support organization; requiring the direct-support organization to focus on human trafficking issues by forming strategic partnerships and serving as a liaison with specified public and private sector partners; requiring the direct-support organization to assist agencies in creating training on certain topics; requiring the direct-support organization to provide resources for such training and strategize the funding of inpatient care for victims of human trafficking in treatment centers throughout the state; requiring the direct-support organization to operate under a written contract with the Department of Children and Families; providing contractual requirements; providing for the membership of and the appointment of directors to the board of the direct-support organization; providing for future review and repeal by the Legislature; amending s. 943.17297, F.S.; requiring the direct-support organization to operate under a written contract with the Department of Children and Families; requiring the department to focus on human trafficking issues by forming strategic partnerships and serving as a liaison with specified public and private sector partners; requiring the department to assist agencies in creating training on certain topics; requiring the department to provide resources for such training and strategize the funding of inpatient care for victims of human trafficking in treatment centers throughout the state; requiring the department to operate under a written contract with the Department of Children and Families; and Senator Book.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 509.096, Florida Statutes, is created to read:

509.096 Human trafficking awareness training and policies for employees of public lodging establishments; enforcement.—

(1) A public lodging establishment shall:

(a) Provide training regarding human trafficking awareness to employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check-in or check-out. Such training shall be provided within 6 months after employment in that role, or by January 1, 2021, whichever occurs later. Proof of such employee training shall be provided to the division upon request.

(b) By January 1, 2021, implement a procedure for the reporting of suspected human trafficking to the National Human Trafficking Hotline or to a local law enforcement agency.

(c) By January 1, 2021, post in a conspicuous place in the establishment accessible to employees a sign with the relevant provisions of the reporting procedure provided for in paragraph (b). The human trafficking awareness training required in this section at the time of such harm.

Section 2. Section 787.08, Florida Statutes, is created to read:

787.08 Direct-support organization.—

(1) The Department of Children and Families, in consultation with the Department of Law Enforcement and the Attorney General, shall establish a direct-support organization that is:
(a) A Florida corporation, not for profit, incorporated under chapter 617, and approved by the Secretary of State.

(b) Organized and operated exclusively to solicit funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, property and funds; and make expenditures in support of the organization by the department.

(c) Certified by the department, after review, to be operating in a manner consistent with the purposes of the organization and in the best interests of the state.

(2) The direct-support organization shall focus on human trafficking issues within the state by forming strategic partnerships to foster the development of community and private sector resources and serving as a liaison with state agencies, other state governments, and the public and private sectors. Additionally, the direct-support organization shall assist agencies in creating training on the detection of human trafficking and the best practices of intervention and treatment for survivors of human trafficking. The direct-support organization shall also provide resources for such training, and strategize the funding of inpatient care for victims of human trafficking in treatment centers throughout the state.

(3) The direct-support organization shall operate under written contract with the Department of Children and Families. The contract must provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the department.

(b) Submission of an annual budget for approval by the department.

(c) Annual certification by the department that the direct-support organization is complying with the terms of the contract and operating in a manner consistent with the purposes of the organization and in the best interests of the state.

(d) Reversion to the Florida Council Against Sexual Violence of moneys and property held in trust by the direct-support organization to provide services for victims of sexual violence if the direct-support organization is no longer approved to operate or ceases to exist.

(e) Disclosure of the material provisions of the contract and the distinction between the board of directors and the direct-support organization to donors of gifts, contributions, or bequests, which disclosures must be included in all promotional and fundraising publications.

(f) An annual financial audit in accordance with s. 215.991.

(g) Establishment of the fiscal year of the direct-support organization as beginning on July 1 of each year and ending on June 30 of the following year.

(h) Appointment of the board of directors, pursuant to this section.

(i) Authority of the board of directors of the direct-support organization to hire an executive director.

(4) The board of directors of the direct-support organization consists of 13 members. Each member of the board of directors must be appointed to a 4-year term; however, for the purpose of providing staggered terms, the Speaker of the House of Representatives and the President of the Senate shall each initially appoint two members to serve a 2-year term, and the
executive director of the Department of Law Enforcement and the
Attorney General shall each initially appoint one member to
serve a 2-year term. All subsequent appointments must be for 4-
year terms. Any vacancy that occurs must be filled in the same
manner as the original appointment for the unexpired term of
that seat. The board of directors is appointed as follows:

(a) Two members with a law enforcement background who have
knowledge in the area of human trafficking, appointed by the
executive director of the Department of Law Enforcement.

(b) Three members appointed by the Attorney General.

(c) Four members appointed by the Speaker of the House of
Representatives.

(d) Four members appointed by the President of the Senate.

(5) This section is repealed October 1, 2024, unless
reviewed and saved from repeal by the Legislature.

Section 3. Subsection (5) of section 796.07, Florida
Statutes, is amended, and subsection (2) of that section is
republished, to read:

796.07 Prohibiting prostitution and related acts.—
(2) It is unlawful:
(a) To own, establish, maintain, or operate any place,
structure, building, or conveyance for the purpose of lewdness,
assignation, or prostitution.

(b) To offer, or to offer or agree to secure, another for
the purpose of prostitution or for any other lewd or indecent
act.

(c) To receive, or to offer or agree to receive, any person
into any place, structure, building, or conveyance for the
purpose of prostitution, lewdness, or assignation, or to permit

In addition to any other penalty imposed, the court
shall order a person convicted of a violation of paragraph
To receive, or to offer or agree to receive, any person
into any place, structure, building, or conveyance for the
purpose of prostitution, lewdness, or assignation.

To offer, or to offer or agree to secure, another for
the purpose of prostitution or for any other lewd or indecent
act.

To direct, take, or transport, or to offer or agree to
direct, take, or transport, any person to any place, structure,
or building, or to any other person, with knowledge or
reasonable cause to believe that the purpose of such directing,
taking, or transporting is prostitution, lewdness, or
assignation.

(e) For a person 18 years of age or older to offer to
commit, or to commit, or to engage in, prostitution, lewdness,
or assignation.

(f) To solicit, induce, entice, or procure another to
commit prostitution, lewdness, or assignation.

(g) To reside in, enter, or remain in, any place,
structure, or building, or to enter or remain in any conveyance,
for the purpose of prostitution, lewdness, or assignation.

(h) To aid, abet, or participate in any of the acts or
things enumerated in this subsection.

(i) To purchase the services of any person engaged in
prostitution.

(5)(a) A person who violates paragraph (2)(f) commits:
1. A misdemeanor of the first degree for a first violation,
punishable as provided in s. 775.082 or s. 775.083.
2. A felony of the third degree for a second violation,
punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
3. A felony of the second degree for a third or subsequent
violation, punishable as provided in s. 775.082, s. 775.083, or
s. 775.084.

(b) In addition to any other penalty imposed, the court
shall order a person convicted of a violation of paragraph
vehicle will incur no costs, if the owner of the vehicle alleges and the court finds to be true any of the circumstances described in sub-subparagraphs (d)2.a.-d., the court must dismiss the order and the owner of the vehicle will incur no costs.

(e) The criminal history record of a person who violates paragraph (2)(f) and is found guilty as a result of a trial or enters a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, must be added to the Soliciting for Prostitution Registry. Upon the person’s conviction, the clerk of the court shall forward the criminal history record of the convicted person to the Department of Law Enforcement for inclusion in the Soliciting for Prostitution Registry.

Section 4. Section 943.0433, Florida Statutes, is created to read:

943.0433 Soliciting for Prostitution Registry.—

(i) The department shall create and administer the

Page 9 of 12

CODING: Words are deletions; words are additions.
Soliciting for Prostitution Registry. The clerk of the court shall forward to the department the criminal history record of a person in accordance with s. 796.07(5)(e), and the department must add the criminal history record to the registry.

(2) The department shall adopt rules to administer this section.

Section 5. Subsection (3) of section 943.0583, Florida Statutes, is amended to read:

943.0583 Human trafficking victim expunction.—

(3) A person who is a victim of human trafficking may petition for the expunction of a criminal history record resulting from the arrest or filing of charges for an offense committed or reported to have been committed while the person was a victim of human trafficking, which offense was committed or reported to have been committed as a part of the human trafficking scheme of which the person was a victim or at the direction of an operator of the scheme, including, but not limited to, violations under chapters 796 and 847, without regard to the disposition of the arrest or of any charges. However, this section does not apply to any offense listed in s. 775.084(1)(b)1., except for kidnapping. Determination of the evidence. A conviction expunged under this section is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings. If a person is adjudicated not guilty by reason of insanity or is found to be incompetent to stand trial for any such charge, the expunction of the criminal history record may not prevent the entry of the judgment or finding in state and national databases for use in determining eligibility.

Section 6. Section 943.17297, Florida Statutes, is created to read:

943.1729 Training in identifying and investigating human trafficking.—

Each certified law enforcement officer must successfully complete four hours of training on identifying and investigating human trafficking as a part of the basic recruit training of the officer required in s. 943.13(9) or continuing education under s. 943.135(1) before July 1, 2022. The training must be developed by the commission in consultation with the Department of Children and Families and the Statewide Council on Human Trafficking. If an officer fails to complete the required training, his or her certification shall be inactive until the employing agency notifies the commission that the officer has completed the training.

Section 7. This act shall take effect July 1, 2019.
2019 Regular Session
The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: CS/SB 540
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, March 12, 2019
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Building

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CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
-R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

REPORTING INSTRUCTION: Publish
03142019,1228
S-010 (10/10/09) Page 1 of 1
I. Summary:

CS/SB 568 authorizes a county or municipality to enter into restrictive covenant agreements with owners of property providing affordable housing. A restrictive covenant is deemed a land use regulation for the life of the covenant. A restrictive covenant would run with the land for at least 20 years, it is amendable, and it may include resale restrictions. By December 1 of each calendar year, a county or municipality must provide to the property appraiser a list of all recorded covenant agreements. The property appraiser is required to consider covenants within the context of factors used to arrive at just value.

The bill also allows, at the discretion of the property appraiser, for currently assessed property to qualify for the tangible personal property exemption without the filing of an initial return.

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

**Just Valuation**

Section 193.011, F.S., requires property appraisers to take into consideration the following factors in arriving at just valuation:

- Present cash value of the property, which is the amount a willing purchaser would pay a willing seller, exclusive of reasonable fees and costs of purchase, in cash or the immediate equivalent thereof in a transaction at arm’s length;
- Highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, taking into consideration any applicable judicial limitation, local or state land use regulation, or historic preservation ordinance, and considering any executive order, ordinance, regulation, resolution, or proclamation or judicial limitation when it prohibits or restricts the development or improvement of property;
- Location of the property;
- Quantity or size of the property;
- Cost of the property and the present replacement value of any improvements thereon;
- Condition of the property;
- Income from the property; and
- Net proceeds of the sale of the property, as received by the seller, after deduction of all of the usual and reasonable fees and costs of sale.

The Florida Supreme Court has held that “the appraisal of real estate is an art, not a science,” and “the tax assessor is, of necessity, provided with great discretion due to the difficulty in fixing property values with certainty.” In *Lanier v. Walt Disney World Company*, the court held that property appraisers are not obliged, under the law, to give each factor equal weight, provided each factor is first carefully considered and such weight is given to a factor as the facts justify.

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

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

3 See s. 192.001(2) and (16), F.S.

4 See ss 193.011(1)-193.011(8), F.S.

5 Powell v. Kelley, 223 So. 2d 305, 309 (Fla. 1969).

6 District School Board of Lee County v. Askew, 278 So. 2d 272, 276 (Fla. 1973).

7 Lanier v. Walt Disney World Company, 316 So. 2d 59, 62 (Fla. 4 DCA 1975); certiorari denied 330 So. 2d 19 (Fla. Feb 03, 1976) (TABLE, NO. 47876)
While the just valuation standard generally requires the property appraiser to consider the highest and best use of property, 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.

**Affordable Housing in Florida**

As a public corporation and the state’s lead affordable housing entity, Florida Housing Finance Corporation (Florida Housing) utilizes federal and state resources to finance the development and preservation of affordable homeowner and rental housing and assist eligible homebuyers with financing and down payment assistance. To fulfill its mission, Florida Housing partners with a number of non-state entities including private lenders and investors, mortgage and bond insurers, federal agencies, for profit and nonprofit developers and property managers, and local governments.

Affordable housing for Florida Housing programs is defined in terms of the income of the household living in the housing. Housing is generally said to be affordable when a family is spending no more than 30 percent of its income on housing. On the rental side, this includes utilities, while on the homeownership side, principal, interest, taxes, and insurance are all part of the equation.

Resident eligibility for Florida Housing programs is governed by area median income (AMI) levels. AMI eligibility levels for many programs is provided for in s. 420.0004, F.S., based on the county or group of counties in which a property is located as well as family size. Generally speaking:

- Extremely low-income means total household income up to 30 percent of AMI;
- Very low-income means total household income from 30.01 to 50 percent of AMI;
- Low-income means total household income from 50.01 to 80 percent of AMI; and
- Moderate income means total household income from 80.01 to 120 percent of AMI.

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8 Fla. Const. art. VII, s. 4(a).
9 Fla. Const. art. VII, s. 4(b).
10 Fla. Const. art. VII, s. 4(e).
11 Fla. Const. art. VII, s. 4(j).
12 Chapter 97-167, Laws of Fla., created Florida Housing as a public-private entity to replace the Florida Housing Finance Agency for the ostensible purposes of reducing bureaucracy and streamlining administrative processes.
14 Id.
15 AMI data is determined annually by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area.
16 See supra note 13.
17 See s. 420.0004(9), F.S.
18 See s. 420.0004(17), F.S.
19 See s. 420.0004(11), F.S.
20 See s. 420.0004(12), F.S.
AMI affordability parameters for “workforce housing” in the state are set at slightly higher household income levels. As used in the Community Workforce Housing Innovation Pilot Program (CWHIP) under s. 420.5095, F.S., workforce housing means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent of AMI, adjusted for household size, or 150 percent of AMI, adjusted for household size, in areas of critical state concern. The critical state concern is designated under s. 380.05, F.S., for which the Legislature has declared its intent to provide affordable housing.

Florida Housing’s programs feature a variety of financing resources to developers of affordable housing including federal Low Income Housing Tax Credits (LIHTC) and loans provided through the State Apartment Incentive Loan (SAIL) Program. To receive financing, developments must meet certain tests that restrict both the amount of rent charged to tenants and the income of eligible tenants.

Property Taxation of Affordable Housing

The Florida Constitution provides no exception to the just value standard for assessment of property in affordable housing programs. Section 196.1978(1), F.S., provides a property tax exemption for property owned by certain exempt entities which provide affordable housing under the charitable purposes exemption. The property must be owned entirely by a not-for-profit corporation and provide affordable housing to serve extremely-low-income, very-low-income, or low-income persons. Section 196.1978(2), F.S., provides that certain, qualifying multifamily affordable housing projects may receive a 50 percent discount from the amount of ad valorem tax owed after the 15th completed year of a recorded affordable housing agreement with Florida Housing.

In assessing property used for affordable housing in the LIHTC Program, s. 193.017, F.S., provides that:

- Neither the tax credits nor the financing generated by the tax credits may be considered income to the property;
- The actual rental income from rent-restricted units must be recognized by the property appraiser; and
- If an extended low-income housing agreement is filed in the official public records of the county, the agreement, and any recorded amendment or supplement, shall be considered a

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21 Section 380.0552, F.S., designates the Florida Keys as an area of critical state concern, and includes legislative intent to provide affordable housing in close proximity to places of employment in the Florida Keys. Section 380.0555, F.S., provides a like designation and affordable housing legislative intent to the Apalachicola Bay Area.

22 Section 420.5095(1)(a), F.S. Per the subsection, the intent to provide affordable housing also applies to areas that were designated as areas of critical state concern for at least 20 consecutive years prior to removal of the designation.

23 See Tax Reform Act of 1986 (P.L. 99-514) and s. 420.5099, F.S. Federal tax credits are sold to investors to be used for a dollar-for-dollar reduction in their federal tax liability in exchange for equity to finance the acquisition, rehabilitation and/or new construction of affordable rental housing.

24 Section 420.5087, F.S. SAIL provides gap financing to developers through non-amortizing, low-interest loans to leverage mortgage revenue bonds or federal LIHTC resources and obtain the full financing needed to construct affordable rental units for very low-income families.

25 The not-for-profit corporation must qualify as charitable under s. 501(c)(3) of the Internal Revenue Code.
land-use regulation and a limitation on the highest and best use of the property during the term of the agreement, amendment, or supplement.26

Restrictive Covenants Running with the Land

In general, a restrictive covenant is a written agreement that limits the use of property for specific purposes and regulates the structures that may be built on it.27 A covenant is said to “run with the land” when not only the original parties or their representatives but each successive owner of the land will be entitled to its benefit or be liable (as the case may be) to its obligation.28

Florida Housing Land Use Restrictive Agreements29

Rental property developers who receive financing from Florida Housing must agree to enter a Land Use Restrictive Agreement (LURA) which subjects the rental property to certain limitations in exchange for preferable financing. The land use restrictions are documented in the LURA and recorded in the public record. Recording the LURA means its restrictions run with the land, so that if the property is sold during the term of the agreement, then the buyer must also abide by the terms of the LURA.

Ad Valorem Exemption for Tangible Personal Property

“All tangible personal property” means all goods, chattels, and other articles of value (not including vehicles) capable of manual possession and whose chief value is intrinsic to the article itself.30 All tangible personal property is subject to ad valorem taxation unless expressly exempted.31 Household goods and personal effects,32 items of inventory,33 and up to $25,000 of assessed value for each tangible personal property tax return34 are exempt from ad valorem taxation.

Anyone who owns tangible personal property on January 1 of each year and who has a proprietorship, partnership, or corporation, or is a self-employed agent or a contractor, must file a tangible personal property return to the property appraiser by April 1 each year.35 Property owners who lease, lend, or rent property must also file a return. Each tangible personal property

26 See ss. 420.5093(5)-(6) and 420.5099(5)-(6), F.S., for conforming provisions of this guidance within programs for the allocation of State Housing Tax Credits and LIHTCs both of which are administered by Florida Housing. Section 193.018, F.S., on the assessment of community trust land for affordable housing provides that ground leases recorded in a county which restrict how parcels may be sold are deemed as land use regulations during the term of the lease.
28 Id. Section 193.505(1)(b), F.S., allows for a covenant “running with the land” for a term of not less than 10 years with the governing body of the county in which the property is located that the property shall not be used for any purpose inconsistent with historic preservation or the historic qualities of the property.
30 s. 192.001(11)(d), F.S.
31 s. 196.001(1), F.S.
32 s. 196.181, F.S.
33 s. 196.185, F.S.
34 s. 196.183, F.S.
tax return is eligible for an exemption from ad valorem taxation of up to $25,000 of assessed value.36

A single return must be filed for each site in the county where the owner of tangible personal property transacts business. Section 196.183(4), F.S., states that owners of property previously assessed by a property appraiser without a return being filed may qualify for the tangible personal property exemption without filing an initial return. This qualification is at the discretion of the property appraiser. The exemption for tangible personal property does not apply in any year a taxpayer fails to timely file a return that is not waived.37

III. Effect of Proposed Changes:

Section 1 creates s. 193.019, F.S., to establish provisions for the assessment of property subject to certain restrictive covenants. A county or municipality is permitted to enter into an agreement with a property owner and file a restrictive covenant with the clerk of court running with the land for at least 20 years. The covenant will state that the property will be used to provide affordable housing to statutorily-defined low-income persons or workforce housing and may contain resale restrictions. A property owner and a county or municipality may amend the restrictive covenant if the amended covenant does not significantly change the intention of the original restrictive covenant.

The restrictive covenant must be recorded in the public records of the county and each county or municipality must provide the property appraiser with lists of all agreements entered into for the calendar year by December 1 of the year prior to the year in which each revised assessment takes effect.

In addition to the factors found in s. 193.011, F.S., for determining just value, property appraisers are to consider properties with a restrictive covenant in conformation with the covenant terms including any amendments or changes to a covenant. A restrictive covenant and any amendments are to be recorded in the official records of the county and is considered a land use regulation during the life of the covenant.

Section 2 amends s. 196.183, F.S., to allow a property owner who fails to file an initial tangible personal property tax return and whose property is assessed by the property appraiser without a tax return to receive the $25,000 exemption for any year of assessment, including the first year. The decision whether or not to apply an exemption when a tax return is not filed remains at the discretion of the property appraiser. Under current law, a property appraiser may not apply the exemption to the first year in which a tax return was due but not filed, but may apply it to subsequent years.

Section 3 provides an effective date of July 1, 2019.

36 Fla. Const. art. VII, s. 3.
37 Section 196.183(5), F.S.
IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined section 2 of the bill will reduce local property tax revenues by $3.2 million beginning in Fiscal Year 2019-2020, with a $3.2 million recurring, negative impact. The $3.2 million reduction includes a school tax reduction of $1.2 million and a non-school tax reduction of $2 million. This estimate assumes that every property appraiser would choose to grant the exemption authorized in section 2 of the bill.\(^3\)

B. Private Sector Impact:

A property appraiser’s consideration of an affordable housing restrictive covenant for just valuation purposes may work to limit such valuations for the property owners (Section 1). Certain filers for tangible personal property exemptions may qualify for an exemption for any year of assessment without filing an initial tax return (Section 2).

C. Government Sector Impact:

The Department of Revenue would need to amend Florida Administrative Code Rules 12D-7.019 on tangible personal property exemptions and 12D-8.007 on preparation of assessment roles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 193.019 of the Florida Statutes.
This bill amends section 196.183 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 12, 2019:
• Specifies that a county or municipality may enter into the bill’s restrictive covenants.
• Clarifies that restrictive covenants entered into are pursuant to the bill’s newly created section of law.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Community Affairs (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 193.019, Florida Statutes, is created to read:

193.019 Assessment of property with restrictive covenants.—

(1)(a) A county or municipality may enter into an agreement with a property owner which authorizes the county or municipality to record with the clerk of court a restrictive
covenant running with the land for a term of at least 20 years and stating that the property will be used to provide affordable housing to extremely-low-income, very-low-income, low-income, or moderate-income persons as defined in s. 420.0004 or provide workforce housing as defined in s. 420.5095(3). The covenant may contain resale restrictions.

(b) A property owner and the county or municipality may agree to amend, supplement, or attach an addendum to the recorded covenant, so long as the amendment, supplement, or addendum does not significantly alter the intent of the original covenant.

(2) Each restrictive covenant entered into pursuant to this section must be recorded in the public records of the county where the property is located. Each county or municipality that enters into an agreement with a property owner shall provide the property appraiser with a list of all agreements entered into for the calendar year no later than December 1 of the year before the year in which the revised assessment will take effect.

(3) In addition to considering the factors listed in s. 193.011 in arriving at just value, the property appraiser shall consider each property with a restrictive covenant entered into pursuant to this section in accordance with the terms of the covenant, including any recorded amendment, supplement, or addendum to, or resale restriction in, the covenant.

(4) Each covenant entered into pursuant to this section, including any amendment, supplement, or addendum to the covenant, or resale restriction therein, which is recorded in the official public records of the county in which the land is
located is deemed a land use regulation during the term of the covenant.

Section 2. Subsection (4) of section 196.183, Florida Statutes, is amended to read:

196.183 Exemption for tangible personal property.—
(4) Owners of property previously assessed by the property appraiser without a return being filed may, at the option of the property appraiser, qualify for the exemption under this section without filing an initial return.

Section 3. This act shall take effect July 1, 2019.

Title Amendment
And the title is amended as follows:
Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to the assessment of property; creating s. 193.019, F.S.; authorizing counties and municipalities to enter into agreements with property owners to record certain restrictive covenants running with the land; authorizing property owners and the county or municipality to amend the covenant under certain circumstances; providing requirements for counties and municipalities in recording covenants and in providing property appraisers with a list of agreements; requiring property appraisers to consider the terms of covenants in arriving at just value; providing construction; amending s. 196.183, F.S.; revising a condition under which a property owner may
qualify for the tangible personal property exemption without filing an initial return; providing an effective date.
Quick Facts

- **Florida Housing Finance Corporation** (Florida Housing) is a public corporation of the State of Florida. As a financial institution, Florida Housing administers federal and state resources to provide low interest financing to homebuyers and to finance the development and preservation of affordable homeowner and rental housing.

- Florida Housing is not a department of the executive branch of state government but is an instrumentality of the State.

- Amount of state General Revenue appropriated to Florida Housing annually: None.

- Number of state employees working at Florida Housing: None.

### Program Funding vs. Administrative Expenses

#### 2018 / 2019

<table>
<thead>
<tr>
<th>Program Type</th>
<th>Percentage</th>
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<tr>
<td>Federal Program Funds</td>
<td>80.52%</td>
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<tr>
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Introduction

Florida Housing Finance Corporation is a public corporation of the State of Florida and is considered to be a financial institution. Florida Housing administers federal and state resources to finance the development and preservation of affordable homeowner and rental housing and assist homebuyers with financing and down payment assistance. When the 1980 Legislature created Florida Housing Finance Corporation’s precursor, Florida Housing Finance Agency, the Agency was an arm of the Florida Department of Community Affairs.
(DCA). In the 2011 legislative session, statutory changes moved Florida Housing’s functional relationship from DCA to the Florida Department of Economic Opportunity (DEO). Florida Housing’s purpose as outlined in Section 420.502, F.S., is to:

- Provide access to federal housing resources;
- Stabilize the flow of funds for affordable housing;
- Promote affordable housing; and
- Boost Florida’s construction industry.

As a result of revisions made by the 1997 Legislature, on January 1, 1998, Florida Housing became a public-private entity to reduce bureaucracy, streamline many administrative processes and operate more effectively within the real estate and financial markets. Two changes were particularly important in this regard: accelerated disbursal of trust fund dollars to the private sector and local governments, and elimination of duplicative services in the issuance of bonds. Funds disbursed by Florida Housing in loan closings for developments and homeowner mortgages, which took up to six weeks before Florida Housing became a public corporation, were processed through both DCA (now the Department of Economic Opportunity) and the Comptroller (now the Chief Financial Officer). The lengthy process was costly to private sector partners, created construction delays and slowed down implementation of local housing programs. The 1997 legislative changes authorized Florida Housing to disburse funds directly, typically within five business days. The bond issuance process also was streamlined by authorizing Florida Housing to issue bonds directly. Prior to this change, the Division of Bond Finance issued these bonds, requiring both agencies to provide staff for this purpose. The statute still requires the State Board of Administration to approve a fiscal determination for each bond issue carried out by Florida Housing.

Florida Housing is also subject to the Government-in-the-Sunshine Law, the Public Records Act, the Administrative Procedure Act, audits by the Chief Financial Officer for the State of Florida and the State Auditor General, and various other state and federal entities. Florida Housing is not a department of the executive branch of state government within the scope and meaning of Section 6, Article IV of the State Constitution, but is an instrumentality of the State. Sections 420.0006 and 420.504, F.S., require Florida Housing and DEO to sign a performance contract outlining the conduct of business by Florida Housing.

**Statutory Responsibilities**

Section 420.507, F.S., assigns responsibilities to Florida Housing, which are summarized below:

- To carry out analyses of housing needs within the state and ways of meeting those needs;
- To participate in federal housing programs and federal community development, insurance and guarantee programs;
- To develop and administer the state rental and homeownership programs as outlined by statute;
- To designate and administer private activity tax exempt bond allocation received by Florida Housing pursuant to Part VI of Chapter 159 between the single family and multifamily programs;
- To set standards for and monitor compliance of residential housing financed by Florida Housing; and
- To conduct demonstration programs and projects which further the statutory purposes of Florida Housing.
Governance

Florida Housing is governed by a Board of Directors, with eight members appointed by the Governor and subject to Senate confirmation, and the executive director of the Department of Economic Opportunity as an ex officio, voting member, or their designee. The following interests must be represented on the Board, pursuant to Section 420.504(3), F.S.:

- Residential home building industry;
- Commercial building industry;
- Banking or mortgage banking industry;
- Home building labor representative;
- Low income advocate with experience in housing development;
- Former local government elected official;
- Two Florida citizens who are none of the above; and
- The Executive Director of the Florida Department of Economic Opportunity or a designee (ex officio voting).

Each member of Florida Housing’s board of directors must file full and public disclosure of financial interests at the times and places and in the same manner required of elected constitutional officers under s. 8, Art. II of the State Constitution and any law implementing s. 8, Art. II of the State Constitution.¹

The Board typically meets eight times per year. Day-to-day operations are managed by Florida Housing’s executive director, who is appointed by the DEO Executive Director with the advice and consent of the Board, and a staff of about 125.

Financial Role

As a financial institution, Florida Housing works with a variety of entities to finance affordable housing: private lenders and investors, mortgage and bond insurers, the Federal Home Loan Banks, liquidity facility providers, government sponsored enterprises (GSEs), federal agencies, for profit and nonprofit developers and property managers, local governments, public housing authorities and local housing finance authorities. In developing and implementing program priorities, the Florida Housing Board and staff must balance financial and market forces with our mission of serving Floridians who need well maintained, affordable housing. With more than 200,000 rental units currently financed and on the ground or in the construction pipeline, Florida Housing has approximately $4.8 billion in assets. These assets are primarily in the form of loans receivable and securities resulting from single and multifamily loan transactions and are restricted by various bond indentures or by statute.

What Is Affordable Housing?

Affordable housing is defined in terms of the income of the household living in the housing. Housing is generally said to be affordable when a family is spending no more than 30 percent of its income on housing. On the rental side, this includes utilities, while on the homeownership side, principal, interest, taxes and insurance are all part of the equation. A household is said to be severely cost burdened if it is paying more

¹ Section 420.504(7), F.S.
than 50 percent of its income for housing. Households at the lower end of the income spectrum are more likely to be cost burdened.

Resident eligibility for Florida Housing programs is typically governed by area median income (AMI) levels. AMI data is published by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area. While Florida’s 2018 state median income is $62,500, the AMI eligibility for a particular program is determined by the county or group of counties in which the property is located as well as family size. The following are standard household income level definitions and, for perspective, their relationship to the 2018 state median shown above (as a family’s size increases or decreases, these income ranges also increase or decrease; the average household size in Florida is just above two persons):

- Extremely low income – earning up to 30 percent AMI (at or below $18,750);
- Very low income – earning from 30.01 to 50 percent AMI ($18,751 to $31,250);
- Low income – earning from 50.01 to 80 percent of AMI ($31,251 to $50,000); and
- Moderate income – earning from 80.01 to 120 percent of AMI ($50,001 to $75,000).

**Florida Housing Finance Corporation’s Role in the Financial Market**

Florida Housing uses federal and state resources to make loans and guarantees of loans to further our mission, including private activity tax exempt bonds. Each resource for financing brings with it certain financial risks. Every bond transaction is structured to provide an array of protections to assure that the mortgage and the bonds will be paid. Credit enhancement is the primary means of protection.

As an issuer of tax exempt bonds, Florida Housing understands the necessity of effecting efficient transactions in the bond market to achieve the best interest rate for the bonds sold. These transactions require Florida Housing to establish and maintain good working relationships with the following:

- The State Board of Administration;
- The Division of Bond Finance;
- The three major rating agencies;
- Credit enhancers;
- Investment bankers;
- Tax credit syndicators; and
- Bond investors.

Each one of these parties plays a pivotal role in financing affordable housing and bringing tax exempt bond transactions to completion.

Private activity tax exempt bonds are allocated to Florida Housing pursuant to the calculation in Part VI of Chapter 159 performed by the Division of Bond Finance on an annual basis. Florida Housing receives approximately 25 percent of the annual state private activity bond volume. In 2018, the allocation to Florida Housing was $526.5 million.

These are revenue bonds; they are a not general obligation debt of the State of Florida, nor is the State liable for the debt in any way. Florida Housing Statutes clarify the revenue bond issuance process:
• **Section 420.51, F.S., State and local government not liable on bonds or notes** – The bonds of the corporation shall not be a debt of the state or of any local government, and neither the state nor any local government shall be liable thereon. The corporation shall not have the power to pledge the credit, the revenues, nor the taxing power of the state or of any local government shall be, or shall be deemed to be, pledged to the payment of any bonds of the corporation; and

• **Section 420.509(2), F.S., Revenue Bonds** – The State Board of Administration is designated as the state fiscal agency to make the determinations required by s. 16, Art. VII of the State Constitution in connection with the issuance of such bonds that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed the pledged revenues available for such debt service requirements.

The cash flow documents created for each issue and submitted to the State Board of Administration must demonstrate that it is in compliance with the above statutory and Constitutional requirement. For multifamily issues (each issue is a standalone indenture), revenues of the individual issue must meet these criteria. For single family issues which reside in a master indenture, the individual issue and the master indenture must both meet these criteria.

**Who is responsible for the debt service payments on the revenue bonds?**

For **multifamily rental**, it is the indenture trust estate; the development (borrower) which is funded by the bonds. For **single family homeownership**, it is the indenture trust estate; for securitized loans in the indenture, the timely loan payment guarantees by Fannie Mae, Freddie Mac and Ginnie Mae (as of September 30, 2018 this is 90.22 percent of the 1995 single family bond indenture and 100 percent of the 2009 New Issue Bond Program single family indenture2); or for the whole loans in the 1995 master indenture, the borrower along with a primary mortgage insurer and a pool insurer.

**How Mortgage Revenue Bonds Work at Florida Housing**

**Multifamily Rental** – Florida Housing facilitates the issuance of bonds by serving in a conduit capacity to lend bond proceeds to multifamily developers to construct/rehabilitate rental housing serving low income households. Each bond indenture is for a single purpose entity, i.e., each development that is financed. Only the development funded by the bonds supports the debt service of that indenture.

**Homeownership** – Single family bonds are part of one of two master indentures with all issuance of bonds (supplements to the master indenture) incorporated into one indenture. The indenture is the legal mechanism created to establish the trust estate related to the issued bonds and governs the assets and liabilities accumulated in the indenture.

In 2002, Florida Housing changed its homeownership program from a whole loan program in which Florida Housing took all financial responsibility for payment of the debt service on the bonds to a mortgage backed securities (MBS) program in which there is a guarantee as to the timely payment of loan principal and interest by Fannie Mae, Freddie Mac, or Ginnie Mae. This change further insulated Florida Housing’s financial risk related to debt service on the bonds. The 2009 indenture, created solely to cover single family bonds issued

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2 The New Issue Bond Program was a short term response to the national credit and liquidity crisis which created extremely high interest rates on tax exempt bonds making them difficult to use for affordable housing programs.
under the authority of the New Issue Bond Program, is 100 percent MBS, resulting in no financial risk to Florida Housing related to debt service on the bonds.

To achieve the most advantageous pricing for program loans, Florida Housing settles MBS in various ways. As an alternative to selling tax exempt mortgage revenue bonds into the market, Florida Housing sells a portion of its securitized loans as specified pools in the secondary market. Depending on market conditions having both options available provides the best outcome for generating ongoing program resources. When sold, these securitized loans are no longer a part of Florida Housing’s single family bond indentures. In February of 2013, in response to the continuously changing financial markets, Florida Housing added the To Be Announced (TBA) forward delivery market for selling conventional loans. The market products for selling securitized single family loan pools continues to evolve and Florida Housing will utilize the market products that are deemed most beneficial for homeownership including but not limited to tax exempt bonds, the specified pool market, and the TBA market.

In addition, Florida Housing also allocates Mortgage Credit Certificates to homebuyers. These certificates, which are made available from single family mortgage revenue bond volume cap, are tax credits which can be applied against a home buyer’s annual federal tax liability each year the homeowner uses the home as their primary residence, increasing the homebuyer’s after-tax wages and thus increasing their ability to afford a home.

Both the securities, as indenture assets, and the bonds, as indenture liabilities, are included on Florida Housing’s balance sheet. The trust estate of the indenture, which is comprised of the indenture assets and liabilities, financially stands on its own. Neither the State of Florida nor Florida Housing general operations are responsible for the debt of the indenture.

While Florida Housing provides financing for homebuyer mortgages, we have never participated in subprime lending. Florida Housing reviews the performance of its homebuyer mortgages on a regular basis. At the end of the fourth quarter of 2017, 0.91 percent of the active loans originated by Florida Housing were in foreclosure, compared to the 1.70 percent of all loans statewide in foreclosure at that time.

**Summary of Key Affordable Housing Programs Administered by Florida Housing Finance Corporation**

Florida Housing recognizes that not all Floridians are candidates for homeownership. Our affordable housing programs provide a range of housing types, both rental and homeowner, to ensure that residents have decent, affordable housing options that are appropriate for them.

**Homebuyer Loan Programs**

*Objective:* To originate 30-year, fixed-rate, high loan-to-value mortgage loans for eligible first-time homebuyers who meet credit worthiness tests, have incomes within federal program limits and receive homebuyer education. For homeownership, the proceeds from tax exempt mortgage revenue bonds issued by Florida Housing are used by participating private lenders to originate 30-year, fixed-rate mortgage loans through this program; we have never participated in subprime lending. Florida Housing generally pairs some type of second mortgage purchase assistance with these mortgages to assist homebuyers, either through state
or federal funding, if available. The average sales price in the third quarter of 2018 was $159,604 and the average loan amount was $147,089.

**Source of Financing:** Primarily federal private activity bond volume allocated to states and secondary securities markets such as TBA and specified pool

**Homeownership Assistance Program/Florida Assist 2nd Mortgage**

**Objective:** In conjunction with Homebuyer Loan Programs, to assist eligible homebuyers in purchasing their home, primarily by providing up to $7,500 of down payment assistance in the form of a 0-percent interest, non-amortizing second mortgage loan that runs concurrently with the first mortgage, which means the homebuyer does not make any monthly payments. Instead, the loan is repaid when the homebuyer sells the home, transfers ownership, satisfies or refinances the first mortgage, or ceases to occupy the home.

**Source of Financing:** Appropriations from the State Housing Trust Fund

**Mortgage Credit Certificates**

**Objective:** To provide eligible homebuyers with an annual federal tax credit that can be applied against their federal tax liability each year as long as the home is the primary residence, thus increasing the homebuyer’s after-tax income and thereby increasing their ability to afford a home.

**Source of Financing:** Federal private activity bond volume allocated to states

**Multifamily Mortgage Revenue Bonds**

**Objective:** To finance the development and preservation of rental apartments through proceeds from taxable and tax exempt bonds issued to provide below market rate loans to developers who set aside a certain percentage of their apartments for low income families.

**Source of Financing:** Federal private activity bond volume allocated to states

**Low Income Housing Tax Credits**

**Objective:** To provide equity to developers through private sector investment by providing a dollar-for-dollar reduction in federal tax liability in exchange for the acquisition/substantial rehabilitation and new construction of affordable rental housing for low income households. Affordable housing developers sell these tax credits to large, private investors and use the cash from the sale to infuse equity into the construction of the property, lessening the need for additional debt.

**Source of Financing:** Federal population-based allocation to states

**HOME Investment Partnership Program**

**Objective:** Provides low-interest or zero-interest loans to developers to finance the construction and rehabilitation of homes and rental apartments. Additionally, HOME funds may be used for Tenant Based Rental Assistance to provide rent subsidy and security deposit assistance for very low- to moderate income households.

**Source of Financing:** Federal funding
State Apartment Incentive Loan Program (SAIL)

**Objective:** To provide gap financing through non-amortizing, low-interest loans to developers to leverage mortgage revenue bonds or competitive Low Income Housing Tax Credit resources and obtain the full financing needed to construct affordable rental units for very low income families.

**Source of Financing:** The state affordable housing trust funds and unobligated Florida Affordable Housing Guarantee funds

Florida Affordable Housing Guarantee Program

**Objective:** Authorized by the Legislature in 1992, the Guarantee Program was created to provide credit enhancement (i.e., mortgage repayment guarantees) primarily on bond-financed affordable rental housing developments at the time when such products for bond transactions were mostly unavailable in the private market. During its active phase, the program guaranteed 120 transactions, representing approximately $1.4 billion and over 28,000 rental units, the majority of which partnered with HUD’s Risk-Sharing Program (Section 542c), with HUD assuming 50 percent of the default risk. The program’s last transaction was in 2005 and, in March 2009, Florida Housing’s Board of Directors officially confirmed the suspension of new guarantees.

Capitalization of the Guarantee Fund occurred through the statutorily authorized issuance of debt, and the Guarantee Fund corpus is current invested in the Florida Treasury. Documentary stamp taxes distributed to the State Housing Trust Fund are the essential element for maintaining the Guarantee Fund’s insurer financial strength (IFS) credit rating; currently A+/Stable by Standard & Poor’s and Fitch Ratings. In the event the Guarantee Fund is rated less than in the top three claims paying ratings by any of the rating agencies, the state would be required to use collections distributed to the State Housing Trust Fund to replenish the Guarantee Fund at the amount necessary to maintain the minimum IFS claims paying rating.

As of December 31, 2017, the program guarantees covered 829 units in 3 multifamily transactions, representing approximately $20 million risk in force. Capital not needed to support the outstanding Guarantees was made available for use in the 2017 competitive solicitations. Specifically, $40 million was made available to workforce housing and the remaining $73 million to SAIL.

State Housing Initiatives Partnership Program (SHIP)

**Objective:** To provide funds to all 67 county local governments and Florida’s larger cities on a population-based formula to finance and preserve affordable housing for very low, low, and moderate income families based on locally adopted housing plans. A minimum of 20% of funds must be used to serve persons with special needs. At least 65 percent of funds must be used for homeownership, although on average 85 percent of the funds have gone for this purpose annually. Funding is routinely used for such strategies as rehabilitation, emergency repairs, down payment assistance and homeownership counseling.

**Source of Funding:** Local Government Housing Trust Fund

Hardest-Hit Fund

In 2010, U.S. Treasury provided funds to states with housing markets that were hardest hit with foreclosures, housing price declines, and unemployment. There are 18 states and the District of Columbia participating in the Hardest-Hit Fund (HHF) Program. Florida’s total allocation has equaled more than $1.1 billion. From program inception through June of 2018 more than $1 billion in HHF funds was reserved to assist over 52,000
Floridians. A number of strategies have been funded through the HHF. Many of these strategies were discontinued in 2018 and the program is no longer accepting new applicants.

- **Unemployment Mortgage Assistance Program (UMAP)** - The UMAP provides up to $24,000 for up to 12 months (whichever comes first) in monthly first mortgage payment assistance on behalf of qualified borrowers with an eligible hardship.

- **Mortgage Loan Reinstatement Program (MLRP)** - MLRP funds (when used in conjunction with UMAP) are available in an amount of up to $18,000 to help satisfy all or some of the arrearages on the first mortgage prior to UMAP payments commencing. When used without UMAP, MLRP-only funds are available in an amount of up to $25,000 as a one-time payment to assist in bringing a delinquent first mortgage current for a homeowner who has returned to work or recovered from an eligible hardship.

- **Principal Reduction (PR)** - The HHF-PR program is designed to assist eligible homeowners by providing up to $50,000 applied to the principal balance of the first mortgage to reduce the loan-to-value to no less than 100 percent.

- **Modification Enabling Pilot (MEP) Program** - The MEP program is designed to provide assistance to eligible borrowers with the intent to permanently modify and reduce the borrower’s loan amount to an affordable level.

- **Elderly Mortgage Assistance Program (ELMORE)** - The ELMORE program pays up to $50,000 to assist seniors who are in default on their reverse mortgage because of their inability to pay their taxes, insurance and other property charges.

- **Downpayment Assistance (DPA) Program** - The DPA Program provides eligible borrowers with up to $15,000 in the form of a 0-percent, forgivable second mortgage, which can be used for downpayment, closing costs, prepaid expenses, mortgage insurance premiums, or as a principal reduction to the first mortgage. There are 11 counties currently approved by US Treasury where this program may be used.

**Source of Funding:** Federal Troubled Asset Relief Program (TARP)

**Foreclosure Counseling Program**

**Objective:** To provide counseling services throughout the state to help homeowners avoid foreclosure; provide good financial management education to help families better manage their money; provide extended financial coaching; and assist families with credit problems to become financially stable. Foreclosure counseling services are provided through a network of U.S. Department of Housing and Urban Development-approved nonprofit housing counseling agencies throughout the state through fee-for-service contracts with Florida Housing. In 2016, funding was also made available to SHIP local governments to provide these services directly or through a community partner. These SHIP funds began to flow in 2017.

**Source of Funding:** National Mortgage Settlement funds appropriated by the 2013 Legislature

**National Housing Trust Fund (NHTF)**

**Objective:** Federal program to increase and preserve the supply of rental housing for ELI households and Very Low Income (VLI) households. Florida’s funding preferences are for rental developments that set aside a very small portion of units to serve ELI populations with incomes at or near the Supplemental Security Income levels (about 22% of AMI), targeted to homeless persons, those at risk of homelessness, or persons with
special needs. NHTF funds may be used for development hard costs, demolition, acquisition of real property, related soft costs and operating cost reserves.

**Source of Funding:** Federal block grant to the states from HUD with exact amounts determined by a need based formula

**Financing Initiatives Targeting Persons with a Disabling Condition**

**Objective:** To provide financing for affordable rental housing developments targeting persons with developmental disabilities. Developments may include new construction or renovation of existing units. Funding is provided as grants which are competitively offered to nonprofit organizations.

**Source of Funding:** State Housing Trust Fund (Legislation in 2016 requires Florida Housing to annually reserve a minimum of 5% of its SHTF appropriation for such initiatives going forward)

**Hurricane Housing Recovery Programs**

**Objective:** Construction of new affordable rental housing in areas impacted by Hurricane Irma and in areas that experienced a population influx because of migration from Puerto Rico and the U.S. Virgin Islands due to Hurricane Maria. FHFC will serve as a sub-recipient to the Department of Economic Opportunity (DEO), administering competitive solicitations seeking applications from for-profit and not-for-profit developers. Development will be new construction and may include re-development of uninhabitable dwellings, and public housing authorities to build affordable housing in targeted areas of the state.

**Source of Financing:** Federal funding

**Affordable Housing Catalyst Program**

**Objective:** Provide on-site and telephone/email technical assistance as well as training through workshops and webinars on state and federal affordable housing programs being implemented in Florida. The program is targeted to local governments and nonprofit organizations. Florida Housing contracts with an experienced provider to implement this program.

**Source of Funding:** State Housing Trust Fund

**Web-Based Affordable Rental Locator for the Public (FloridaHousingSearch.org)**

**Objective:** Provide a free, online affordable rental housing locator that helps citizens search for housing throughout Florida. FloridaHousingSearch.org allows users to search for and find available rental units by many different search criteria, including rent amount, city, county, and zip code. Map links also are offered to allow users to search for housing near schools, transportation and employment.

**Source of Funding:** Florida Housing

**Funding Affordable Housing Leads to Economic Benefits for Florida**

Construction and development are important job and economic generators for local communities and states. In carrying out its mission to provide a range of affordable housing opportunities for residents that help make Florida communities great places to live, work and do business, Florida Housing provides financing through a range of federal and state programs that provide important economic benefits for the state.

To assist us in estimating the economic impact of Florida Housing’s programs, we have worked with Florida State University to develop an analysis. The most recent information available showing Florida Housing’s
economic impact to the state is for program activity in 2016. In 2016, Florida Housing leveraged funding to create a total of $5.48 billion in economic activity. The total annual economic impact as a result of the development activities resulting from Florida Housing’s programs, as well as operations, is estimated to be:

- $5.48 billion in economic output,
- $1.85 billion in income,
- $3.05 billion in value added, and
- 38,803 full and part-time jobs.

In addition, researchers at Florida State University analyzed the on-going economic impact created each year for the first 15 years of each rental property based on their projected operations. The additional average annual economic impact over this period of operations is projected to be:

- $519 million in economic output (equal to $7.79 billion over 15 years),
- $355 million in personal income (equal to $5.33 billion over 15 years),
- 2,781 full and part-time jobs (equal to 41,715 over 15 years).

Florida Housing’s objective is to carefully target any new rental construction to those areas of the state where there is a defined need for such housing. The data show us there is currently a need for new affordable rental units in many markets in Florida, particularly because of rent increases as urban markets strengthen. In areas where new construction is not currently needed, economic benefit results when we finance rehabilitation of older, existing affordable apartments (generally 20+ years old) to extend affordability and ensure that they remain in good condition.

**Florida Housing Finance Corporation’s Role in the State’s Housing Delivery System**

In the first years of its operation, Florida Housing accessed only federal resources to finance housing, but these funds proved difficult to use on their own. To leverage and augment these programs, the Florida Legislature began appropriating some funding for state programs in the late 1980s. However, it was the enactment of the William E. Sadowski Affordable Housing Act in 1992 that created a dedicated source of revenue for affordable housing from a portion of documentary stamp taxes on the transfer of real estate. This legislation provided both the funding mechanism for state and local programs, as well as a flexible, but accountable framework for local programs to operate. The dedicated revenue comes from:

- A ten-cent increase to the documentary stamp tax paid on the transfer of real estate, which began in August 1992; and
- A re-allocation of ten cents of existing documentary stamp tax revenues from general revenue to the affordable housing trust funds, which began in July 1995.

Charts showing the history of trust fund appropriations and allocations are provided on the next pages.

The 2005 Legislature adopted a cap restricting the amount of revenue that may flow into the housing trust funds to $243 million per year, with a mechanism for a small increase over time. The cap went into effect July 1, 2007. The 2011 Legislature removed the cap, but created a new annual requirement starting July 1, 2012, which provides that the first $75 million in documentary stamp tax collections credited to the housing trust
funds is automatically transferred to the State Economic Enhancement and Development (SEED) Trust Fund within DEO. The statutory change maintains the priority of payments for the Guarantee Fund as needed. The SEED fund gives the Governor a certain level of flexibility to create economic development opportunities. Florida Housing has the ability to compete for funding from the SEED trust fund. At this time, all of Florida Housing’s state funds are appropriated through the housing trust funds created by the Sadowski Act or through one-time initiatives such as the National Mortgage Settlement; no appropriations are made to us from general revenue.
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**FLORIDA HOUSING FINANCE CORPORATION**

_November 2018_  
13 | Page
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How Florida Housing Finance Corporation Makes Resource Allocation Decisions

Florida Housing targets funding to specific populations and geographic areas of the state based on a number of factors. Federal and state programs target all or a portion of funds to households at or below income levels set by each program.

On the homeownership side, Florida Housing follows federal income targeting requirements, allowing us to provide financing to households with incomes as high as 115 percent of AMI in the government loan program or 140 percent of AMI for the conventional TBA program. On the rental side, targeted program incomes are generally lower to assist families that are unlikely to be able to afford homeownership. For example, the federal Low Income Housing Tax Credit Program requires that a portion of rental units in an apartment complex be set aside for families with incomes at or below 50-60 percent of area median income. Other federal rental programs are similar. As specified in s. 420.507, F.S., Florida Housing undertakes and uses studies and analyses of housing needs within the state, along with regular input from stakeholders and current market conditions to target program resources. Continuing input from stakeholders provides context and direction to Florida Housing’s Board and staff. Interested parties are encouraged to provide comments and critiques of our programs by mail, phone, personal contact and public meetings that are held regularly each year as we modify programs to respond to changing policies and market conditions.

Florida Housing’s Board and staff are constantly analyzing data, seeking input on financial and economic conditions and trends, and weighing this information with the range of changing housing needs to provide a set of balanced programs to finance affordable housing in an economically feasible manner. The Florida Housing Board and staff strive to allocate resources in a fair, open and rational way that is stable, predictable and user-friendly for the many participants in our programs and processes.

On the rental side, Florida Housing allocates program resources, such as federal Low Income Housing Tax Credits, through a competitive solicitation process whereby a series of approximately 15 “Requests for Applications” (RFAs) are issued each year to focus on various geographic areas of the state and offer funding for different types of housing and to serve different populations in need. For each RFA issued, a draft is circulated for public comment and one or more public workshops are held to seek input. Stakeholders may submit comments at these meetings or via phone, email or letter. This allocation process maintains a balanced, open, and transparent process that is flexible and is capable of reacting to changing markets and needs.

On the homeownership side, participating private lenders throughout the state originate mortgages through the Homebuyer Loan Programs to homebuyers on a first come, first served basis according to federal and state regulations and indenture criteria. Through Florida Housing’s Home Ownership Pool Program, builders may apply to reserve down payment assistance on a first come, first served basis for their homebuyers when funding is available.
According to statute, SHIP funds are distributed to counties and eligible cities on a population-based formula. Local governments must follow statutory and administrative rule requirements in the disbursement of funds, but the program’s premise is to allow them to set their own priorities within these guidelines according to local need as outlined in a locally adopted plan.

**Accountability – How Florida Housing Finance Corporation Ensures Program Resources Are Appropriately Used**

**Multifamily Rental Process**

The rental funding process begins with rule making and development of one or more Requests for Applications. Applications are submitted, scored independently by each member of a staff review committee, discussed and ranked by the full committee and the final recommendation is sent to Florida Housing’s Board of Directors for approval. Applicants have the right to contest the findings through an administrative hearing process.

Once recommended orders are issued through the hearing process and brought back to the Board for final action, developments awarded financing are invited to enter the credit underwriting process. Developments are assigned to one of three independent credit underwriters under contract with Florida Housing. Independent professionals approved by the credit underwriter complete necessary evaluations, such as appraisals and market studies. Credit underwriting reports are reviewed and approved by Florida Housing staff and the Board of Directors before loan closing may proceed. At loan closing, Florida Housing receives construction completion guarantees and operating deficit guarantees as applicable. The developer signs personal guarantees for these.

Throughout the construction process, Florida Housing’s servicers manage the draw process, construction inspections and other duties to ensure commitments. Once the development is completed, Florida Housing’s compliance monitoring agents visit every development at least every year for the portion of our portfolio with state funds, and at least once every three years (as required by federal regulations) for those properties with Low Income Housing Tax Credits only that are in their first 15 years of their federal compliance period. For the remaining affordability period, these properties are monitored annually. The monitors ensure compliance with applicable federal and state statutes and rules, and with the loan closing documents. Florida Housing’s staff and servicers also receive and review audited financial statements for each property annually as a part of our permanent loan servicing and asset management processes.

**Single Family Homeownership Process**

In Florida Housing’s Single Family construction programs, the process for credit underwriting and construction loan servicing works in the same way that it does for our multifamily process. Applications for Florida Housing’s down payment assistance loans by builders on behalf of homebuyers are also reviewed by our servicers who verify income and purchase price limits. Funds are not released until Florida Housing has sign-off from the servicer. In Florida Housing’s down payment assistance programs, which are coupled with our Homebuyer Loan Programs, our Compliance servicer provides our “bond compliance” function. They review each loan made by participating lenders to make sure that it complies with federal and state income and purchase price limits.
State Housing Initiatives Partnership Program

SHIP eligible local jurisdictions submit their Local Housing Assistance Plans (LHAPs) to Florida Housing for review to ensure that they meet the broad statutory guidelines and requirements of the program rules. Florida Housing must approve an LHAP before a local government may receive SHIP funding. Florida Housing reviews each local jurisdiction’s annual report which details how they have spent or encumbered their SHIP funds. Local jurisdictions are also required to send Florida Housing their annual audited financial statements and their Florida Single Audit Act reports for review.

Compliance monitoring is performed using a risk based approach with the amount of SHIP dollars received by the local government as one of the risk factors considered. Florida Housing’s Inspector General may also audit local governments at any time. If problems are found, follow-up and annual reviews are scheduled, and Florida Housing may assign technical assistance providers to assist the local jurisdiction with formulating and implementing a corrective action plan. When funds have been found to have been misused, the local jurisdiction has reimbursed that amount of funds. If technical assistance and/or training fail to correct the problems and a pattern of violations is established, Florida Housing has statutory authority to suspend or possibly terminate disbursement of funds to the local jurisdiction.

Other Accountability Measures

Quality Assurance Reviews are performed by Florida Housing to determine compliance with external contract requirements for such areas as: credit underwriting, loan servicing, compliance monitoring and bond trustee services. Internally, Florida Housing’s Inspector General oversees the audit and investigative functions for all aspects of the Corporation’s programs and operations. Audits or other engagements can be initiated by internal audit risk assessments, the Board, Executive Director and internal or external complaints. Florida Housing contracts with an independent audit firm to carry out annual audits of the financial statements. The independent auditor opines on the financial statements, internal control over financial reporting and on compliance and other matters, and compliance and internal controls applicable to each major federal award program. Florida Housing is also subject to audits by the Auditor General, the State of Florida Chief Financial Officer, DEO, the Office of Program Policy Analysis and Government Accountability (OPPAGA), HUD, U.S. Treasury, the Internal Revenue Service and other state and federal entities at their discretion.

In addition, the following best business practices and financial transparency information is readily available on Florida Housing’s website:

- Reports that include metrics and return on investment calculations;
- All relevant audits, tax returns, financial reports and summaries;
- All statutorily required reports;
- All vendor contracts;
- External reports detailing Corporation spending; and
- An organizational chart, and employee position and salary information.
Background Materials
The following linked materials provide more information about Florida Housing Finance Corporation and its programs. All materials are also available on the Florida Housing website or by accessing the State of Florida Auditor General website.

Transparency Webpage on Florida Housing’s Public Website
https://www.floridahousing.org/about-florida-housing/transparency

2017 Audited Financial Statements

2017 Annual Report

Florida Housing Finance Corporation’s Strategic Plan [adopted September 19, 2014]

Chapter 420, Part V, Florida Statutes [pertaining to Florida Housing Finance Corporation]
http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0420/0420PARTVContentsIndex.html

Florida Administrative Code Rules that Apply to Florida Housing Programs
https://www.floridahousing.org/legal/rules

Affordable Housing Services Contract with DEO


2017 Affordable Housing Workgroup Final Report
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.

Appearing at request of Chair: [ ] Yes [ ] No

Representing [ ] Florida Association of County Attorneys
[ ] Other Association

Waive Speaking: [ ] In Support [x] Against

Email: [ ] Yes [ ] No

Phone: 552-213-410

Address: 201 W. PAISLEY Rd 100

City: [ ] For [ ] Against

Zip: 32311

State: FL

Job Title: [ ] For [ ] Against

Name: [ ] For [ ] Against

Meeting Date: 3.12.19

Bill Number (if applicable) 518

Amendment Barcode (if applicable) [ ] Yes [ ] No

DELIVER BOTH COPIES OF THIS FORM TO THE SENATOR OR SENATE PROFESSIONAL STAFF CONDUCTING THE MEETING

APPEARANCE RECORD

THE FLORIDA SENATE
A bill to be entitled
An act relating to the assessment of property;
creating s. 193.019, F.S.; authorizing local
governments to enter into agreements with certain
property owners to authorize the local governments to
record specified restrictive covenants related to
affordable housing; authorizing such covenants to
contain resale restrictions and to be amended or
supplemented under certain circumstances; specifying
where such covenants must be recorded; requiring such
local governments to provide property appraisers with
a certain list by a certain date; requiring property
appraisers to consider such restrictive covenants in
arriving at the just value of such properties;
specifying that such restrictive covenants and the
changes and updates to and resale restrictions in the
covenants are deemed a land use regulation; amending
s. 196.183, F.S.; revising the requirements that allow
property appraisers to exempt certain property from
the tangible personal property tax; providing an
effective date.

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

Section 1. Section 193.019, Florida Statutes, is created to
read:

193.019 Assessment of property with restrictive covenants.—
(1)(a) A local government may enter into an agreement with
a property owner which authorizes the local government to record

CODING: Words stricken are deletions; words underlined are additions.
Statutes, is amended to read:

196.183 Exemption for tangible personal property.—
(4) Owners of property previously assessed by the property appraiser without a return being filed may, at the option of the property appraiser, qualify for the exemption under this section without filing an initial return.

Section 3. This act shall take effect July 1, 2019.
**COMMITTEE VOTE RECORD**

**COMMITTEE:** Community Affairs  
**ITEM:** SB 568  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Tuesday, March 12, 2019  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** 301 Senate Building

### FINAL VOTE

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**3/12/2019**

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**TOTALS**

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**CODES:**  
FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered  
RCS=Replaced by Committee Substitute  
TP=Temporarily Postponed  
WD=Withdrawn  
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VA=Vote After Roll Call  
OO=Out of Order  
RS=Replaced by Substitute Amendment  
VC=Vote Change After Roll Call  
AV=Abstain from Voting

**REPORTING INSTRUCTION:** Publish
I. Summary:

SB 856 provides that a person receiving a homestead ad valorem tax exemption in Florida and simultaneously receiving, in another state, a similar exemption that requires permanent residency in that state is entitled to the Florida homestead exemption unless the person was knowingly and intentionally receiving the ad valorem exemption in the other state. Current law provides that a property owner who is receiving or claiming an ad valorem tax exemption in another state that is conditioned upon permanent residency in that state may not receive the ad valorem homestead exemption in Florida.

The bill also attempts to establish a process for the circuit court to determine if a person was a permanent resident of this state during the year or years when a homestead exemption, as determined by a property appraiser, was improperly granted.

The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

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. The property appraiser annually determines the assessed or “just value”

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

2 Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. Fla. Const. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing
of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”

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 and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.

The just valuation standard generally requires the property appraiser to consider the highest and best use of property; 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.

**Statewide Homestead Exemption**

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a $25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts. An additional $25,000 exemption applies to homestead property value between $50,000 and $75,000. This exemption does not apply to ad valorem taxes levied by school districts.

Section 196.031(5), F.S., provides that a person who is receiving or claiming an ad valorem tax exemption or a tax credit in another state where permanent residency is required as a basis for the granting of that exemption or tax credit is not entitled to a homestead exemption in Florida.

**Improperly Granted Homestead Exemptions**

Florida provides several property tax exemptions for homestead property. Since Florida’s homestead exemption requires that the property owner use the homestead property as a permanent residence, a property owner can only have one homestead exemption.

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3 See s. 192.001(2) and (16), F.S.
4 FLA. CONST. art. VII, s. 1(a).
5 See FLA. CONST. art. VII, s. 4.
6 Section 193.011(2), F.S.
7 FLA. CONST. art. VII, s. 4(a).
8 FLA. CONST. art. VII, s. 4(b).
9 FLA. CONST. art. VII, s. 4(e).
10 FLA. CONST. art. VII, s. 4(j).
11 FLA. CONST. art VII, s. 6(a).
12 See, e.g., ss. 196.031, 196.071, 196.075, 196.081, and 196.091, F.S.
If a property appraiser determines that for any year or years within the prior 10 years a property owner was granted a homestead exemption, but was not entitled to it, the property appraiser must send the owner a notice of intent to file a tax lien on any property owned by the owner in that county. The property owner has 30 days to pay the taxes owed, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. If not paid within 30 days of notice, the property appraiser may file a tax lien. The tax lien remains on the property until it is paid or until it expires after 20 years.

If a homestead exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the person improperly receiving the exemption shall not be assessed penalty and interest.

The property appraiser may become aware of a property owner having a homestead within Florida and a homestead exemption in another state when the property owner dies and the estate of the decedent is administered in another state because it is alleged that the decedent was a resident of that other state. In such cases, property appraisers are required to use the lien process described above, unless the circuit court having jurisdiction over the ancillary administration in Florida determines that the decedent was a resident of Florida for the years in question.

III. Effect of Proposed Changes:

Section 1 amends s. 196.031, F.S., to specify that a person must knowingly and intentionally receive or claim an ad valorem tax exemption or tax credit in another state to be disqualified from the homestead tax exemption in Florida.

Section 2 amends s. 196.161, F.S., to provide a process for the circuit court to determine if a person was a permanent resident of this state during the year or years when a homestead exemption, as determined by a property appraiser, was improperly granted. However, as written, this process would apply during ancillary estate administration in Florida, and thus does not appear applicable to s. 196.161(1)(b), F.S. (See Section VI. Technical Deficiencies below)

Section 3 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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13 See ss. 196.011(9)(a), 196.075, and 196.161(1)(b), F.S.

14 Id.

15 Section 95.091(1)(b), F.S.

16 Supra note 12.

17 See s. 196.161(1)(a), F.S.

18 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:
   The Revenue Estimating Conference has not yet determined the fiscal impact of the bill.

B. Private Sector Impact:
   A property owner may qualify for the homestead exemption in Florida if he or she is unknowingly and unintentionally receiving an exemption in another state.

C. Government Sector Impact:
   None.

VI. Technical Deficiencies:

Section 196.161(1)(a), F.S., codifies the process for a property appraiser to record a tax lien on the estate of a decedent who was improperly granted a homestead exemption prior to death, and allows a circuit court, during ancillary estate administration in Florida, to determine if a decedent was a Florida resident during the year(s) in question. Section 196.161(1)(b), F.S., codifies the process to record a similar tax lien on property of living owners. Section 2 of the bill amends s. 196.161(1)(b), F.S., to insert the ancillary administration provision found in s. 196.161(1)(a), F.S.; however, the ancillary administration provision does not appear applicable to s. 196.161(1)(b), F.S.

VII. Related Issues:

None.
VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 196.031 and 196.161

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
   (Summarizing differences between the Committee Substitute and the prior version of the bill.)

   None.

B. Amendments:

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Florida Senate - 2019 SB 856

By Senator Gruters

23-01127-19

A bill to be entitled

An act relating to homestead exemptions; amending s. 196.031, F.S.; specifying that a person must knowingly and intentionally receive or claim a certain ad

valorem tax exemption or credit in another state to be disqualified from a certain homestead exemption;

amending s. 196.161, F.S.; providing that certain property is not subject to the assessment of exempted taxes, penalties, and interest under certain circumstances; providing that, under such circumstances, a lien may not be filed or must be canceled by the property appraiser; providing an effective date.

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

Section 1. Subsection (5) of section 196.031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.—

(5) A person who is knowingly and intentionally receiving or claiming the benefit of an ad valorem tax exemption or a tax credit in another state where permanent residency is required as a basis for the granting of that ad valorem tax exemption or tax credit is not entitled to the homestead exemption provided by this section. This subsection does not apply to a person who has the legal or equitable title to real estate in Florida and maintains thereon the permanent residence of another legally or naturally dependent upon the owner.

Section 2. Paragraph (b) of subsection (1) of section

196.161, Florida Statutes, is amended to read:

196.161 Homestead exemptions; lien imposed on property of person claiming exemption although not a permanent resident.—

(1)

(b) In addition, upon determination by the property appraiser that for any year or years within the prior 10 years a person who was not entitled to a homestead exemption was granted a homestead exemption from ad valorem taxes, it shall be the duty of the property appraiser making such determination to serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property shall be identified in the notice of tax lien. Such property which is situated in this state shall be subject to the taxes exempted thereby, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum, unless the circuit court having jurisdiction over the ancillary administration in this state determines that the person was a permanent resident of this state during the year or years when an exemption was allowed. If the circuit court makes such a determination, a lien may not be filed; or, if filed, the lien must be canceled of record by the property appraiser of the county where the real estate is located. However, if a homestead exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the person improperly receiving the exemption shall not be assessed penalty and interest. Before any lien under this paragraph may be filed, the owner so notified must be given 30 days to pay the taxes, penalties, and interest.
Section 3. This act shall take effect July 1, 2019.
2019 Regular Session
The Florida Senate

COMMITTEE VOTE RECORD

COMMITTEE: Community Affairs
ITEM: SB 856
FINAL ACTION: Favorable
MEETING DATE: Tuesday, March 12, 2019
TIME: 4:00—6:00 p.m.
PLACE: 301 Senate Building

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<tr>
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REPORTING INSTRUCTION: Publish
03132019.0847
Page 1 of 1
4:02:33 PM Meeting Called to Order
4:02:39 PM Roll Call
4:02:44 PM Quorum is Present
4:02:48 PM Tab 2 SB 806
4:03:04 PM Senator Perry Explains SB 806
4:03:06 PM Amendment Barcode 693864
4:03:34 PM Amendment Barcode 693846 is Withdrawn
4:03:39 PM Question from Senator Farmer
4:03:51 PM Response from Senator Perry
4:04:13 PM No Further Questions
4:04:51 PM Brett Farrell Waives in Support of SB 806
4:05:07 PM Cam Fentriss Representing Fla. Roofing & Sheet Metal Contractors Assoc. Waives in Support of SB 806
4:05:15 PM Scott Jenkins Representing Nat'l Utility Contractors Association of Florida Waives in Support
4:05:18 PM Warren Husband Representing FL Associated General Contractors Council Waives in Support
4:05:26 PM Jeff Branch Representing the Florida League of Cities Waives Against SB 806
4:05:36 PM No Debate on SB 806
4:05:45 PM Senator Perry Waives Close on SB 806
4:05:48 PM Roll Call on SB 806
4:05:52 PM SB 806 is Reported Favorably
4:06:02 PM Tab 3 SB 902
4:06:07 PM Perry Explains SB 902
4:06:12 PM No Questions on SB 902
4:06:31 PM Danielle Scoggins Representing Florida Realtors Waives in Support
4:06:44 PM French Brown Representing Real Property, Probate, and Trust Law Section of the FL Bar Waives in Support
4:06:51 PM Cam Fentriss Representing FL Refrigeration and AC Contractors Association Waives in Support
4:06:57 PM Cam Fentriss Representing FL Roofing & Sheet Metal Contractors Association Waives in Support
4:07:03 PM Warren Husband Representing FL Associated General Contractors Council Waives in Support
4:07:09 PM Senator Pizzo with a Question
4:07:23 PM Response from Senator Perry
4:07:51 PM Follow-up Question from Senator Pizzo
4:08:10 PM Response from Senator Perry
4:08:20 PM No Debate on SB 902
4:08:27 PM Senator Perry Waives Close on SB 902
4:08:33 PM Roll Call on SB 902
4:08:35 PM SB 902 is Reported Favorably
4:08:42 PM Tab 6 CS/SB 540
4:09:07 PM Senator Book Introduces Amendment Barcode 237898
4:13:56 PM No Questions on the Amendment
4:14:01 PM No Debate on the Amendment
4:14:09 PM Amendment Barcode 237898 is Adopted
4:14:12 PM Back on Bill as Amended
4:14:13 PM No Questions on SB 540
4:14:17 PM Karen Manno Representing Florida NOW Waives against SB 540
4:14:27 PM Patricia DeWitt Representing AAUW of Florida Waives in Support of SB 540
4:14:44 PM Susan Bayley Waives in Support of SB 540
4:14:52 PM Mary Ann Sines Representing AAUW Waives in Support of SB 540
4:14:59 PM Laura Fausone Representing FL National Organization for Women Waives Against SB 540
4:15:09 PM Michael "Mick" McKeown Speaks in Support of SB 540
4:15:37 PM Terry Sanders Representing Florida NOW Speaks Against SB 540
4:18:47 PM Kristen Cain Representing SWOP Behind Bars Speaks Against SB 540
4:20:26 PM Gabrielle Monroe Representing SWOP Behind Bars Speaks Against SB 540
4:27:54 PM Diana Shanks Representing Sex Worker Solidarity Network Speaks Against SB 540
4:33:11 PM Christine Hanavan, MSW, Representing SWOP Behind Bars and SWOP Orlando Speaks Against SB 540
4:43:39 PM Dr. Jill McCracken Representing SWOP Behind Bars and SWOP Tampa Bays Speaks Against SB 540
4:47:52 PM Question from Senator Pizzo
4:49:24 PM Back and forth between Senator Pizzo and Dr. McCracken
4:50:23 PM Question from Senator Simmons
4:51:19 PM Response from Dr. McCracken
4:52:18 PM Follow-up Question from Senator Simmons
4:53:13 PM Back and forth between Senator Simmons and Dr. McCracken
4:54:11 PM Christine Phytolen Speaks Against SB 540
5:00:01 PM Patricia Ross from American Association of University Florida Waives in Support of SB 540
5:01:01 PM Dr. Kay Lee-Smith Representing American Association of Univ. Women Waives in Support of SB 540
5:01:07 PM Jane Farley Representing Place of Hope Waives in Support of SB 540
5:01:12 PM Allen Willett from Pasco County Sheriff's Office Speaks in Support of SB 540
5:05:52 PM Question from Senator Broxson
5:06:00 PM Response from Allen Willett
5:06:50 PM Paula Dulesici Representing AAUW Venice Waives in Support of SB 540
5:07:46 PM Elizabeth Christensen Representing FL Action Committee & Registry Reform Speaks Against SB 540
5:08:55 PM Jordan Connors Representing Place of Hope Waives in Support of SB 540
5:08:59 PM Samantha Padgett Representing the Florida Restaurant & Lodging Association Waives in Support of SB 540
5:09:09 PM Steve Geller Representing Broward County Speaks in Support of SB 540
5:12:09 PM Chief Gary Hester Representing FL Police Chiefs Association Speaks in Support of SB 540
5:18:00 PM Question from Senator Pizzo
5:18:46 PM Response from Senator Book
5:18:56 PM Follow-up Question from Senator Pizzo
5:19:32 PM Response from Senator Book
5:19:41 PM Back and forth between Senator Book and Chair Flores
5:20:08 PM Question from Senator Pizzo
5:20:42 PM Response from Senator Book
5:21:27 PM Senator Broxson in Debate
5:22:53 PM Senator Book Closes on SB 540
5:25:54 PM Roll Call on CS/SB 540
5:26:02 PM CS/SB 540 is Reported Favorably
5:26:11 PM Tab 4 SB SJR 326
5:26:28 PM Senator Brandes Explains SJR 326
5:27:20 PM No Questions on SJR 326
5:27:20 PM Albert Balido Representing FL Association of Property Appraisers Waives in Support of SJR 326
5:27:25 PM Loren Levy Representing Property Appraiser's Assoc. of Florida Waives in Support of SJR 326
5:27:40 PM No Debate on SJR 326
5:27:46 PM Senator Brandes Closes on SJR 326
5:27:59 PM Roll Call on SJR 326
5:28:07 PM SJR 326 is Reported Favorably
5:28:15 PM Tab 5 SB 324
5:28:15 PM Senator Brandes Explains SB 324
5:28:20 PM Senator Brandes Introduces Amendment Barcode 244756
5:28:37 PM Amendment Barcode 244756 is Adopted
5:28:42 PM Albert Balido Representing FL Association of Property Appraisers Waives in Support of SB 324
5:28:50 PM No Debate on SB 324
5:28:54 PM Senator Brandes Waives Close on SB 324
5:28:58 PM Roll Call on SB 324
5:29:08 PM SB 324 is Reported Favorably
5:29:17 PM Tab 1 SB 728
5:29:27 PM Senator Simmons Explains SB 728
5:30:05 PM No Questions on SB 728
5:30:10 PM Cheryl Stuart Representing the Association of Florida Community Developers Waives in Support of SB 728
5:30:17 PM David Ramba Representing Neal Communities Waives in Support of SB 728
5:30:22 PM No Debate on SB 728
5:30:27 PM Senator Simmons Waives Close on SB 728
5:30:31 PM Roll Call on SB 728
5:30:36 PM SB 728 is Reported Favorably
5:30:46 PM  Tab 7 SB 568
5:30:52 PM  Senator Pizzo Explains SB 568
5:31:09 PM  Senator Pizzo Explains Amendment Barcode 865756
5:31:21 PM  No Questions on the Amendment
5:31:32 PM  Back on Bill as Amended
5:31:32 PM  Amendment Barcode 865756 is Adopted
5:31:32 PM  No Questions on SB 568
5:31:37 PM  Albert Balido Representing the Florida Assoc. of Property Appraisers Waives in Support of SB 568
5:31:51 PM  No Debate on SB 568
5:31:55 PM  Roll Call on SB 568
5:31:59 PM  SB 568 is Reported Favorably
5:32:05 PM  Tab 8 SB 856
5:32:12 PM  Senator Pizzo Explains SB 856
5:32:52 PM  No Questions on SB 856
5:32:54 PM  No Debate on SB 856
5:32:58 PM  Senator Pizzo Waives Close on SB 856
5:33:04 PM  Roll Call on SB 856
5:33:08 PM  SB 856 is Reported Favorably
5:33:18 PM  Senator Simmons Moves to Adjourn
5:33:32 PM  Meeting is Adjourned