

<b>Tab 1</b>	<b>SB 184</b> by <b>Avila (CO-INTRODUCERS) Hooper</b> ; (Similar to CS/H 00075) Impeding, Threatening, or Harassing First Responders					
<b>Tab 2</b>	<b>SB 216</b> by <b>Hooper</b> ; (Identical to H 00113) Tax Collections					
<b>Tab 3</b>	<b>SB 220</b> by <b>Wright</b> ; (Identical to H 00689) Ad Valorem Tax Exemption for Nonprofit Homes for the Aged					
<b>Tab 4</b>	<b>SB 224</b> by <b>Wright</b> ; (Similar to H 00413) Citizen Volunteer Advisory Committees					
<b>Tab 5</b>	<b>SB 328</b> by <b>Calatayud</b> ; (Identical to H 01239) Development					
477146	D	S	RCS	CA, Calatayud	Delete everything after	01/10 03:46 PM
371658	AA	S	RCS	CA, Osgood	Delete L.6 - 183:	01/10 03:46 PM
<b>Tab 6</b>	<b>SB 380</b> by <b>Hooper</b> ; (Similar to H 00295) Disclosure of Estimated Ad Valorem Taxes					
<b>Tab 7</b>	<b>SB 616</b> by <b>Simon</b> ; (Identical to H 00055) Tax Exemptions for Surviving Spouses of Quadriplegics					
368396	A	S	RCS	CA, Simon	Delete L.46:	01/10 03:27 PM
<b>Tab 8</b>	<b>SJR 618</b> by <b>Simon</b> ; (Identical to H 00053) Homestead Property Tax Exemption for the Surviving Spouse of Certain Quadriplegics					
<b>Tab 9</b>	<b>SB 688</b> by <b>Martin</b> ; (Identical to H 00479) Alternative Mobility Funding Systems					
<b>Tab 10</b>	<b>SB 712</b> by <b>Powell</b> ; (Similar to CS/H 00103) Public Records/County Attorneys and City Attorneys					

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

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

**MEETING DATE:** Tuesday, January 9, 2024  
**TIME:** 4:30—6:00 p.m.  
**PLACE:** James E. "Jim" King, Jr Committee Room, 401 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 184</b> Avila (Similar CS/H 75)	Impeding, Threatening, or Harassing First Responders; Defining the terms "first responder" and "harass"; prohibiting a person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, from violating such warning and approaching or remaining within a specified distance of the first responder with specified intent, etc.  CJ 12/05/2023 Favorable CA 01/09/2024 Favorable RC	Favorable Yeas 8 Nays 0
2	<b>SB 216</b> Hooper (Identical H 113)	Tax Collections; Deleting a specified processing fee; revising information to be included in a certain report; revising the calculation of interest for canceled tax deed applications, etc.  CA 01/09/2024 Favorable FT AP	Favorable Yeas 8 Nays 0
3	<b>SB 220</b> Wright (Identical H 689)	Ad Valorem Tax Exemption for Nonprofit Homes for the Aged; Revising an eligibility requirement for Florida limited partnerships applying for such exemption, etc.  CA 01/09/2024 Favorable FT AP	Favorable Yeas 8 Nays 0
4	<b>SB 224</b> Wright (Similar H 413)	Citizen Volunteer Advisory Committees; Authorizing specified regional citizen volunteer advisory committees to conduct public meetings and workshops by means of communications media technology; requiring that such technology allow all persons to audibly communicate; providing notice requirements for public meetings or workshops conducted by means of communications media technology, etc.  CA 01/09/2024 Favorable GO RC	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Tuesday, January 9, 2024, 4:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 328</b> Calatayud (Identical H 1239)	Development; Prohibiting counties and municipalities, respectively, from restricting the floor area ratio of certain proposed developments under certain circumstances; authorizing counties and municipalities, respectively, to restrict the height of proposed developments under certain circumstances; defining the term "substantial rehabilitation"; revising conditions for when multifamily projects are considered property used for a charitable purpose and are eligible to receive an ad valorem property tax exemption, etc.  CA 01/09/2024 Fav/CS FP	Fav/CS Yeas 8 Nays 0
6	<b>SB 380</b> Hooper (Similar H 295)	Disclosure of Estimated Ad Valorem Taxes; Requiring that certain listings to include estimated ad valorem taxes; prohibiting the current owner's ad valorem taxes from being displayed or used for certain purposes; providing requirements for listing platforms, the Department of Revenue, and property appraisers; requiring, beginning on a specified date, the department to annually publish a formula and certain information on its website, etc.  CA 01/09/2024 Favorable FT AP	Favorable Yeas 8 Nays 0
7	<b>SB 616</b> Simon (Identical H 55, Compare HJR 53, Linked SJR 618)	Tax Exemptions for Surviving Spouses of Quadriplegics; Authorizing the surviving spouses of certain quadriplegics to carry over a certain tax exemption in certain circumstances, etc.  CA 01/09/2024 Fav/CS FT AP	Fav/CS Yeas 8 Nays 0
8	<b>SJR 618</b> Simon (Identical HJR 53, Compare H 55, Linked S 616)	Homestead Property Tax Exemption for the Surviving Spouse of Certain Quadriplegics; Proposing amendments to the State Constitution to authorize the Legislature to provide for a homestead property tax exemption for the surviving spouse of certain quadriplegics, etc.  CA 01/09/2024 Favorable FT AP	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Tuesday, January 9, 2024, 4:30—6:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	<b>SB 688</b> Martin (Identical H 479)	Alternative Mobility Funding Systems; Authorizing certain local governments to adopt an alternative mobility planning and fee system or an alternative system in certain circumstances; prohibiting an alternative system from imposing responsibility for funding an existing transportation deficiency upon new development; providing that only local governments issuing building permits may charge for transportation impacts; revising requirements for the calculation of impact fees by certain local governments and special districts, etc.  CA 01/09/2024 Favorable TR RC	Favorable Yeas 8 Nays 0
10	<b>SB 712</b> Powell (Similar CS/H 103)	Public Records/County Attorneys and City Attorneys; Providing an exemption from public records requirements for the personal identifying and location information of current or former county attorneys, assistant county attorneys, deputy county attorneys, city attorneys, assistant city attorneys, and deputy city attorneys and the names and personal identifying and location information of the spouses and children of such attorneys; providing an exception; providing for future legislative review and repeal of the exemption; providing for retroactive application; providing a statement of public necessity, etc.  CA 01/09/2024 Favorable RC	Favorable Yeas 8 Nays 0
11	Other Related Meeting Documents		

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

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

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

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BILL: SB 184

INTRODUCER: Senators Avila and Hooper

SUBJECT: Impeding, Threatening, or Harassing First Responders

DATE: January 8, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wyant</u>	<u>Stokes</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 184 provides that it is a first degree misdemeanor for any person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, to violate the warning and approach or remain within 14 feet of the first responder, with the intent to:

- Interrupt, disrupt, hinder, impede, or interfere with the first responder’s ability to perform such duty;
- Threaten the first responder with physical harm; or
- Harass the first responder by interfering with the first responder performing such duty.

A “first responder” includes a law enforcement officer, correctional probation officer, firefighter, or an emergency medical care provider. “Harass” means to engage in a course of conduct directed at a first responder which causes substantial emotional distress in that first responder.

The bill does not have an impact on the state prison system but may have an indeterminate impact on county jails. See Section V. Fiscal Impact Statement.

The bill takes effect October 1, 2024.

**II. Present Situation:**

Currently, depending upon the facts of the case, interference with a law enforcement officer in the performance of his or her official duties can be punished as resisting an officer without violence<sup>1</sup> or resisting an officer with violence.<sup>2</sup>

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<sup>1</sup> Section 943.02, F.S.

<sup>2</sup> Section 843.01, F.S.

Section 843.02, F.S., provides that it is a first degree misdemeanor<sup>3</sup> to resist, obstruct, or oppose any of the following persons in the execution of legal process or in the lawful execution of any legal duty, without offering or doing violence to that person:

- A law enforcement officer;
- A correctional officer;
- A correctional probation officer;
- A part-time law enforcement officer;
- A part-time correctional officer;
- An auxiliary law enforcement officer;
- An auxiliary correctional officer;
- A member of the Florida Commission on Offender Review or any administrative aide or supervisor employed by the commission;
- A parole and probation supervisor;
- A county probation officer;
- Personnel or representative of the Department of Law Enforcement; or
- Other person legally authorized to execute process in the execution of legal process or in the lawful execution of any legal duty.

The Florida Supreme Court has found that to support a conviction of s. 843.02, F.S., the state must prove:

- The officer was engaged in the lawful execution of a legal duty; and
- The defendant's action, by his or her words, conduct, or combination thereof, constituted obstruction or resistance of that lawful duty.<sup>4</sup>

Additionally, in the context of obstruction of an officer without violence, it has been held that “a person’s exercise of free speech, without more, in an open public place while an officer is engaged in the execution of a legal duty must do more than merely irritate, annoy, or distract the officer to constitute a crime.”<sup>5</sup> Reviewing Florida cases on obstruction of an officer, one court opined that these cases seem to support the following general proposition: If a police officer is not engaged in executing process on a person, is not legally detaining that person, or has not asked the person for assistance with an ongoing emergency that presents a serious threat of imminent harm to person or property, the person’s words alone can rarely, if ever, rise to the level of an obstruction. This obstructive conduct rather than offensive words are normally required to support a conviction under this statute.<sup>6</sup>

Section 843.01, F.S., provides that it is a third degree felony<sup>7</sup> to knowingly and willfully resist, obstruct, or oppose any of the persons previously described in the lawful execution of any legal duty, by offering or doing violence to that person.

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<sup>3</sup> A first degree misdemeanor is punishable by not more than 1 year in county jail and a fine not exceeding \$1,000. Sections 775.082 and 775.083, F.S.

<sup>4</sup> *C.E.L. v. State*, 24 So. 3d 1181 (Fla. 2009) (citations omitted).

<sup>5</sup> *D.A.W. v. State*, 945 So. 2d 624, 627 (Fla. 2d DCA 2006).

<sup>6</sup> *D.G. v. State*, 661 So.2d 75, 76 (Fla. 2d DCA 1995).

<sup>7</sup> A third degree felony is generally punishable by not more than 5 years in state prison and a fine not exceeding \$5,000. Sections 775.082 and 775.083, F.S.

### III. Effect of Proposed Changes:

The bill creates s. 843.31, F.S., which provides that it is a first degree misdemeanor for any person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, to violate the warning and approach or remain within 14 feet of the first responder, with the intent to:

- Interrupt, disrupt, hinder, impede, or interfere with the first responder’s ability to perform such duty;
- Threaten the first responder with physical harm; or
- Harass the first responder by interfering with the first responder performing such duty.

A “first responder” includes a law enforcement officer,<sup>8</sup> a correctional probation officer,<sup>9</sup> a firefighter,<sup>10</sup> and an emergency medical care provider.<sup>11</sup>

The criminal offense does not appear to be violated if the person whom the warning is issued is within the 14-foot zone but the person does not have the required intent (e.g. impeding the first responder’s ability to perform his or her legal duty).

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

### IV. Constitutional Issues:

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

None.

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<sup>8</sup> “Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. The term also includes a special officer employed by a Class I, Class II, or Class III railroad pursuant to s. 354.01, F.S. Section 943.10(1), F.S.

<sup>9</sup> “Correctional probation officer” means a person who is employed full time by the state whose primary responsibility is the supervised custody, surveillance, and control of assigned inmates, probationers, parolees, or community controllees within institutions of the Department of Corrections or within the community. The term includes supervisory personnel whose duties include, in whole or in part, the supervision, training, and guidance of correctional probation officers, but excludes management and administrative personnel above, but not including, the probation and parole regional administrator level. Section 943.10(3), F.S.

<sup>10</sup> “Firefighter” means any person employed by any public employer of this state whose duty it is to extinguish fires; to protect life or property; or to enforce municipal, county, and state fire prevention codes, as well as any law pertaining to the prevention and control of fires. Section 784.07(1)(b), F.S.

<sup>11</sup> “Emergency medical care provider” means an ambulance driver, emergency medical technician, paramedic, registered nurse, physician as defined in s. 401.23, F.S., medical director as defined in s. 401.23, F.S., or any person authorized by an emergency medical service licensed under ch. 401, F.S., who is engaged in the performance of his or her duties. The term “emergency medical care provider” also includes physicians, employees, agents, or volunteers of hospitals as defined in ch. 395, F.S., who are employed, under contract, or otherwise authorized by a hospital to perform duties directly associated with the care and treatment rendered by the hospital’s emergency department or the security thereof. Section 784.07(1)(a), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

**Due Process**

Due process requires that a penal statute use “language sufficiently definite to apprise those to whom it applies what conduct on their part is prohibited. It is constitutionally impermissible for the Legislature to use such vague and broad language that a person of common intelligence must speculate about its meaning and be subjected to arrest and punishment if the guess is wrong.”

A vague statute, “because of its imprecision, may also invite arbitrary and discriminatory enforcement.”

Questions may arise when determining how the warning requirement and 14-foot requirement are to be applied, including, but not limited to, whether the distance is to be measured from the first responders position when he or she issued the warning, or whether such radius around the officer moves with the officer who issued the warning.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a first degree misdemeanor. The bill does not have impact on the state prison system but may have an indeterminate impact on county jails due to a potential increase in jail beds. However, some behavior that is captured under the new crime created in the bill may currently be captured under s. 843.02, F.S.



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 843.31 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

By Senator Avila

39-00061A-24

2024184\_\_

1                   A bill to be entitled  
2       An act relating to impeding, threatening, or harassing  
3       first responders; creating s. 843.31, F.S.; defining  
4       the terms "first responder" and "harass"; prohibiting  
5       a person, after receiving a warning not to approach  
6       from a first responder who is engaged in the lawful  
7       performance of a legal duty, from violating such  
8       warning and approaching or remaining within a  
9       specified distance of the first responder with  
10      specified intent; providing criminal penalties;  
11      providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Section 843.31, Florida Statutes, is created to  
16       read:

17       843.31 Approaching a first responder after a warning with  
18       intent to impede, threaten, or harass.—

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

20       (a) "First responder" includes a law enforcement officer as  
21       defined in s. 943.10(1), a correctional probation officer as  
22       defined in s. 943.10(3), a firefighter as defined in s. 784.07,  
23       and an emergency medical care provider as defined in s. 784.07.

24       (b) "Harass" means to engage in a course of conduct  
25       directed at a first responder which causes substantial emotional  
26       distress in that first responder.

27       (2) (a) It is unlawful for a person, after receiving a  
28       warning not to approach from a first responder who is engaged in  
29       the lawful performance of a legal duty, to violate such warning

39-00061A-24

2024184\_\_

30 and approach or remain within 14 feet of the first responder  
31 with the intent to:

32 1. Interrupt, disrupt, hinder, impede, or interfere with  
33 the first responder's ability to perform such duty;

34 2. Threaten the first responder with physical harm; or

35 3. Harass the first responder by interfering with the first  
36 responder performing such duty.

37 (b) A person who violates this subsection commits a  
38 misdemeanor of the first degree, punishable as provided in s.  
39 775.082 or s. 775.083.

40 Section 2. This act shall take effect October 1, 2024.

The Florida Senate

**APPEARANCE RECORD**

SB 184

1/9/24

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Martha Edenfield

Phone 850 214-5090

Address 106 E. College Ave Suite 1200

Email medenfield@joneswalker.com

Street

Tallahassee

FL

32301

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**The City of Clearwater**

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

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

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

S-001 (08/10/2021)

January 9, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

# APPEARANCE RECORD

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

SB184 - Impeding/Threatening

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jonathan Webber

Phone 954-593-4449

Address 400 Washington Ave

Email jonathan.webber@splcactionfund.org

Street

Montgomery

AL

36104

City

State

Zip

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

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**SPLC Action Fund**

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB-184

01.09.2024

Meeting Date

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

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

Amendment Barcode (if applicable)

Name FELIX DEL ROSARW

Phone 305-310-4081

Address 710 SW 12 Ave

Email PRESIDENT@FOPMIAMI1.COM

Street

MIAMI

FL

33130

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

# APPEARANCE RECORD

Deliver both copies of this form to  
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1.9.24

Meeting Date

SB 0184

Bill Number or Topic

Comm Aff

Committee

Amendment Barcode (if applicable)

Name

MICHAEL KELLEY/FL FOP

Phone

561 400 7604

Address

242 PLAZA LN

Email

Kelley.m@flfop.com

Street

Tau

FL

City

State

Zip

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.

I am a registered lobbyist,  
representing:

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

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

The Florida Senate

APPEARANCE RECORD

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

Jan 9 2024

Meeting Date

SB0184

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JIM SNIFFEN

FL FOP

Phone

561 965 7122

Address

242 PLAZA LN

Email

sniiffen@wfbfop.org

Street

Tallahassee

FL

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)



1/9/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 184

Bill Number or Topic

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

Comm. Affairs  
Committee

Amendment Barcode (if applicable)

Name NR Hines

Phone 786-363-1104

Address 4343 W Flagler St  
Street

Email nhines@adufi.org

Coral Gables FL  
City State Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

ACLU of Florida

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

11/19/24

Meeting Date

184

Bill Number or Topic

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

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name WILLIAM B. SMITH

Phone 305-333-4344

Address 300 E BREVARD ST.  
Street

Email WSMITH@FLPBA.ORG

TALLAHASSEE FL 32301  
City State Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL PBA

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

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

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

S-001 (08/10/2021)



**SENATOR Bryan Avila**  
39th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**

Government Oversight and Accountability, Chair  
Appropriations  
Appropriations Committee on Education  
Appropriations Committee of Health and Human  
Services  
Education Pre-K 12  
Ethics and Elections  
Health Policy  
Select Committee on Resiliency  
Joint Select Committee on Collective Bargaining

December 6, 2023

Honorable Alexis Calatayud  
Committee on Community Affairs

Honorable Chair Calatayud:

I respectfully request SB 184 Chinese and Cuban Government be placed on the next committee agenda.

SB 184 Impeding, Threatening, or Harassing First Responders; Defining the terms “first responder” and “harass”; prohibiting a person, after receiving a warning not to approach from a first responder who is engaged in the lawful performance of a legal duty, from violating such warning and approaching or remaining within a specified distance of the first responder with specified intent.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Bryan Avila".

---

Senator Bryan Avila  
Florida Senate, District 39

CC: Elizabeth Ryon, Staff Director  
Tatiana Warden, Committee Administrative Assistant  
Alian Collazo, Legislative Assistant

REPLY TO:

- 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
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Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

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

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

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

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BILL: SB 216

INTRODUCER: Senator Hooper

SUBJECT: Tax Collections

DATE: January 8, 2024

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

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

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**I. Summary:**

SB 216 makes various changes to local governments' tax collection administration. The bill:

- Removes a \$10 processing fee associated with partial payment of current year taxes;
- Requires that tax collectors include properties subject to federal bankruptcies, properties in which the taxes are below the minimum tax bill, and properties assigned to the list of lands available for taxes in their report on tax collections submitted annually to the board of county commissioners; and
- Clarifies the status of a tax certificate following cancellation of a tax deed application.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Partial Payment of Current Year Taxes**

At their own discretion, a tax collector may accept one or more partial payments of current year taxes and assessments on real or tangible personal property prior to the date of delinquency.<sup>1</sup> Each partial payment is credited to the associated tax account, less a \$10 processing fee.<sup>2</sup> Partial payments are not eligible for certain discounts, and do not affect the property owner's responsibility to pay taxes in full by their delinquency date.<sup>3</sup>

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<sup>1</sup> Section 197.374(2), F.S.

<sup>2</sup> Section 197.374(3), F.S.

<sup>3</sup> Section 197.374, F.S.

The Florida Tax Collectors Association has indicated that, following Hurricane Michael (October 2018) tax collectors began waiving the \$10 fee in an effort to help taxpayers affected by natural disasters.<sup>4</sup>

### **Tax Certificate Sales**

A tax certificate is a financial instrument representing the value of unpaid delinquent taxes and assessments, with associated costs and charges, issued against a parcel and sold thereafter at auction.<sup>5</sup> The tax certificate sale serves to reduce interest on unpaid taxes, from 18 percent to as low as .25 percent, in exchange for the local government collecting its expected tax roll.<sup>6</sup> The tax certificate is held as a lien on the property in the amount of unpaid dues, and is fulfilled when the unpaid taxes, assessments, costs, charges, and interest are paid by the property owner.<sup>7</sup> Two years after a tax certificate is sold, the certificate holder may apply for a tax deed.<sup>8</sup> A tax certificate expires after 7 years, unless it is subject to a tax deed application or other administrative or legal proceeding such as bankruptcy.<sup>9</sup>

### ***Errors and Insolvencies Report***

Within 60 days after the tax certificate sale is adjourned, tax collectors are required to submit an errors and insolvencies report to the board of county commissioners.<sup>10</sup> This report must show the discounts, errors, double assessments, and insolvencies relating to tax collections in which credit is to be given.<sup>11</sup> This report serves to explain discrepancies between expected and actual tax revenue.

### ***Tax Deed Application***

Two years after the April 1 of the year of the issuance of a tax certificate, the certificate holder may apply for a tax deed.<sup>12</sup> This brings into motion a process through which the property will ultimately be sold by the County in order to cover unpaid taxes.<sup>13</sup> Applying for a tax deed requires the certificate holder to pay to the tax collector all amounts required for redemption or purchase of all outstanding tax certificates, as a new certificate can be produced for each year's unpaid taxes, alongside associate costs, taxes, and interest, and any outstanding delinquent or current year taxes.<sup>14</sup> This application therefore redeems or collects tax certificates other than the one on which the tax deed application was based, and the property comes subject to a single tax certificate lien.

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<sup>4</sup> Office of Economic & Demographic Research, *Revenue Estimating Conference Impact Conference (November 17, 2023)* 29-30, available at <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2024/pdf/impact1117.pdf> (last visited Jan. 6, 2024).

<sup>5</sup> Section 197.102(1)(f), F.S.

<sup>6</sup> See generally sections 197.172 and 197.432, F.S.

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

<sup>8</sup> Section 197.502 (1), F.S.

<sup>9</sup> Section 197.482, F.S.

<sup>10</sup> Section 197.492, F.S.

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

<sup>12</sup> Section 197.502 (1), F.S.

<sup>13</sup> See generally section 197.502, F.S.

<sup>14</sup> Section 197.502(2), F.S.

After application for tax deed, the county clerk notifies the applicant of the costs required to bring the property to sale. These costs include property information searches, mailing and advertising costs, and resale costs. If the certificate holder-applicant fails to pay these costs within 30 days after notice from the clerk, the tax collector must cancel the tax deed application. All taxes and costs associated with the canceled tax deed application earn interest at the bid rate of the certificate on which the tax deed application was based, and the property is listed as land “available for taxes,” and taxed normally thereafter.<sup>15</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 197.374, F.S., to remove a \$10 processing fee associated with partial payment of current year taxes.

**Section 2** amends s. 197.492, F.S., to require that tax collectors include properties subject to federal bankruptcies, properties in which the taxes are below the minimum tax bill, and properties assigned to the list of lands available for taxes in their report on tax collections submitted annually to the board of county commissioners.

**Section 3** amends s. 197.502, F.S., to clarify that, upon cancellation of a tax deed application due to failure to pay costs to bring the property to sale, the tax certificate on which the canceled tax deed application was based shall earn interest at the original bid rate of that certificate and remain inclusive of other taxes and costs paid associated with bringing the application. This change appears clarifying and not substantive in nature.

**Section 4** provides that the bill takes effect July 1, 2024.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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<sup>15</sup> *Id.*, this paragraph.

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

The Revenue Estimating Committee adopted a negative indeterminate impact based on the permanent removal of fees for partial payment of current year taxes.<sup>16</sup>

**B. Private Sector Impact:**

Parties will permanently cease payment of the processing fee associated with partial payment of current year taxes.

**C. Government Sector Impact:**

Local governments will permanently cease collection of the \$10 processing fee associated with partial payment of current year taxes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 197.374, 197.492, and 197.502 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>16</sup> *Supra*, note 4.

By Senator Hooper

21-00409-24

2024216\_\_

1                                   A bill to be entitled  
 2       An act relating to tax collections; amending s.  
 3       197.374, F.S.; deleting a specified processing fee;  
 4       amending s. 197.492, F.S.; revising information to be  
 5       included in a certain report; amending s. 197.502,  
 6       F.S.; revising the calculation of interest for  
 7       canceled tax deed applications; providing an effective  
 8       date.

9  
 10 Be It Enacted by the Legislature of the State of Florida:

11  
 12       Section 1. Subsection (3) of section 197.374, Florida  
 13 Statutes, is amended to read:

14       197.374 Partial payment of current year taxes.—

15       (3) Each partial payment, ~~less a \$10 processing fee payable~~  
 16 ~~to the tax collector,~~ shall be credited to the tax account. A  
 17 partial payment is not eligible for any applicable discount set  
 18 forth in s. 197.162. The taxpayer has the responsibility to  
 19 ensure that the remaining amount due is paid.

20       Section 2. Section 197.492, Florida Statutes, is amended to  
 21 read:

22       197.492 Errors and insolvencies report.—

23       (1) On or before the 60th day after the tax certificate  
 24 sale is adjourned, the tax collector shall certify to the board  
 25 of county commissioners a report showing the following  
 26 situations for which credit is to be given:

- 27       (a) Discounts.₹
- 28       (b) Errors.₹
- 29       (c) Double assessments.₹ ~~and~~



21-00409-24

2024216\_\_

30 (d) Insolvencies.

31 (e) Federal bankruptcies.

32 (f) Properties in which the taxes are below the minimum tax  
33 bill under s. 197.212.

34 (g) Properties assigned to the list of lands available for  
35 taxes. relating to tax collections for which credit is to be  
36 given, including in every case except discounts,

37 (2) The report must include the names of the parties on  
38 whose account the credit is to be allowed, excluding credits  
39 given for discounts.

40 (3) The report may be submitted in an electronic format.

41 Section 3. Subsection (2) of section 197.502, Florida  
42 Statutes, is amended to read:

43 197.502 Application for obtaining tax deed by holder of tax  
44 sale certificate; fees.—

45 (2) A certificateholder, other than the county, who applies  
46 for a tax deed shall pay the tax collector at the time of  
47 application all amounts required for redemption or purchase of  
48 all other outstanding tax certificates, plus interest, any  
49 omitted taxes, plus interest, any delinquent taxes, plus  
50 interest, and current taxes, if due, covering the property. In  
51 addition, the certificateholder shall pay the costs required to  
52 bring the property to sale as provided in ss. 197.532 and  
53 197.542, including property information searches, and mailing  
54 costs, as well as the costs of resale, if applicable. If the  
55 certificateholder fails to pay the costs to bring the property  
56 to sale within 30 days after notice from the clerk, the tax  
57 collector shall cancel the tax deed application. The tax  
58 certificate on which the all taxes and costs associated with a

21-00409-24

2024216\_\_

59 canceled tax deed application was based shall earn interest at  
60 the original bid rate of the tax certificate and remain  
61 inclusive of all tax years paid and costs associated with ~~on~~  
62 ~~which~~ the tax deed application ~~was based~~. Failure to pay the  
63 costs of resale, if applicable, within 30 days after notice from  
64 the clerk shall result in the clerk's entering the land on a  
65 list entitled "lands available for taxes."

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

The Florida Senate

APPEARANCE RECORD

SB 216

1/9/24

Meeting Date

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address 123 S. Adams St.

Email shepp@thesouthernrap.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Polk County Tax Collector + Pasco County Tax Collector

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

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S-001 (08/10/2021)

1/9/24

Meeting Date

Community Affairs

Committee

# The Florida Senate APPEARANCE RECORD

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216

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Drew Meiner**

Phone **309-531-0384**

Address **124 W. Jefferson St.**  
*Street*

Email **drew@cccfla.com**

**Tallahassee**

**FL**

**32311**

*City*

*State*

*Zip*

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

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Florida Tax Collector's Association**

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

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

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

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** November 7, 2023

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I respectfully request that **Senate Bill #216**, relating to Tax Collections, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper  
Florida Senate, District 21

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

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

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

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BILL: SB 220

INTRODUCER: Senator Wright

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

DATE: January 8, 2024

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

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

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**I. Summary:**

SB 220 modifies the ownership structures that will allow a nonprofit home for the aged to qualify for an exemption from ad valorem taxation. Currently, the owner may be a not-for-profit corporation, or a Florida limited partnership, the sole general partner of which is a not-for-profit corporation. The bill allows the exemption for homes owned by a Florida limited partnership whose sole general partner is an entity which is wholly owned by a not-for-profit corporation and not a licensed assisted living facility, adult family-care home, or adult day care center.

The bill takes effect January 1, 2025.

**II. Present Situation:**

**General Overview of Property Taxation**

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the “just value”<sup>2</sup> of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>3</sup> Property tax bills are mailed in

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

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

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

November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.<sup>4</sup>

The Florida Constitution prohibits the state from levying ad valorem taxes,<sup>5</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>6</sup>

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

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

Florida exempts nonprofit homes for the aged from property tax; however, the property must be owned in one of two ways: (1) owned directly by a not-for-profit corporation, or (2) owned by a Florida limited partnership whose sole general partner is a not-for-profit corporation.<sup>9</sup>

A qualified home for the aged is a residence where at least 75 percent of the occupants are over 62 years in age or totally and permanently disabled.<sup>10</sup> If the home qualifies, the exemption applies to units or apartments reserved for or occupied by a permanent resident of this state who is:

- An individual with a gross income of no more than \$38,869 per year who is at least 62 years of age or is totally and permanently disabled;<sup>11</sup>
- A couple with a combined gross income of no more than \$43,636 per year, or the surviving spouse of such a couple, if the surviving spouse lived with the deceased at the time of the deceased's death in a home for the aged, at least one of whom must be at least 62 years of age or is totally and permanently disabled;<sup>12</sup> or
- A totally and permanently disabled veteran who meets the requirements of s. 196.081, F.S., regardless of income.

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<sup>4</sup> Sections 197.162 and 197.322, F.S.; *see also* FLA. DEP'T OF REVENUE, *Florida Property Tax Calendar* (Dec. 2016), available at: <https://floridarevenue.com/property/Documents/taxcalendar.pdf>.

<sup>5</sup> FLA. CONST. art. VII, s. 1(a).

<sup>6</sup> *See* FLA. CONST. art. VII, s. 4.

<sup>7</sup> Section 193.011(2), F.S.

<sup>8</sup> FLA. CONST. art. VII, s. 4.

<sup>9</sup> Section 196.1975(1), F.S.

<sup>10</sup> Section 196.1975(2), F.S.

<sup>11</sup> The original statutory income threshold of \$7,200 is adjusted annually by the percentage change in the average cost-of-living index. Section 196.1975(4), F.S.; *see* FLA. DEP'T OF REVENUE, *Cost of Living Adjustments* (Jan. 2023), available at: <https://floridarevenue.com/property/Documents/CostofLivingAdjust.pdf>.

<sup>12</sup> The original statutory income threshold of \$8,000 is adjusted annually by the percentage change in the average cost-of-living index. Section 196.1975(4), F.S.; *see* FLA. DEP'T OF REVENUE, *Cost of Living Adjustments* (Jan. 2023), available at: <https://floridarevenue.com/property/Documents/CostofLivingAdjust.pdf>.

Common areas of the home for the aged are exempt if 25 percent or more of the units or apartments are restricted to or occupied by persons who meet the income requirements.<sup>13</sup>

The facility must annually file an application for exemption with the property appraiser and submit an affidavit from each person residing in a unit or apartment claiming an exemption.<sup>14</sup> The person signing the affidavit must attest that he or she resides in the unit or apartment claiming the exemption and, in good faith, makes that unit or apartment his or her permanent residence.<sup>15</sup>

### III. Effect of Proposed Changes:

The bill amends s. 196.1975, F.S., to provide that a nonprofit home for the aged owned by a Florida limited partnership, the sole general partner of which is an entity which is in turn wholly owned by a not-for-profit corporation qualifies for the associated ad valorem property tax exemption. The bill specifically excludes those facilities licensed under ch. 429, F.S., which include assisted living facilities, adult family-care homes, and adult day care centers.

The bill takes effect January 1, 2025.

### IV. Constitutional Issues:

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

Article VII, s. 18(b) of the Florida Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact,<sup>16</sup> which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.<sup>17</sup>

The Revenue Estimating Conference estimated that the bill provisions will reduce local government revenue by \$100,000 beginning in Fiscal Year 2025-2026.<sup>18</sup> Therefore, the mandates provision likely does not apply.

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

None.

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<sup>13</sup> Section 196.1975(8), F.S.

<sup>14</sup> Section 196.1975(9)(b), F.S.

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

<sup>16</sup> FLA. CONST. art. VII, s. 18(d).

<sup>17</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See FLA. SENATE COMM. ON CMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact* (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>.

<sup>18</sup> OFF. OF ECON. & DEMOGRAPHIC RSCH, *Revenue Estimating Conference Impact Results*, 26-27 (Nov. 17, 2023), available at: [http://edr.state.fl.us/content/conferences/revenueimpact/archives/2024/\\_pdf/impact1117.pdf](http://edr.state.fl.us/content/conferences/revenueimpact/archives/2024/_pdf/impact1117.pdf) (last visited January 4, 2024).



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 estimated that the bill provisions will reduce local government revenue by \$100,000 beginning in Fiscal Year 2025-2026.<sup>19</sup>

B. Private Sector Impact:

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

C. Government Sector Impact:

Local governments will be affected by an insignificant reduction in ad valorem property tax revenues.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 196.1975 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

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<sup>19</sup> *Id.*

B. Amendments:

None.

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

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By Senator Wright

8-00402-24

2024220\_\_

1                                   A bill to be entitled  
2           An act relating to an ad valorem tax exemption for  
3           nonprofit homes for the aged; amending s. 196.1975,  
4           F.S.; revising an eligibility requirement for Florida  
5           limited partnerships applying for such exemption;  
6           providing an effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. Subsection (1) of section 196.1975, Florida  
11           Statutes, is amended to read:

12           196.1975 Exemption for property used by nonprofit homes for  
13           the aged.—Nonprofit homes for the aged are exempt to the extent  
14           that they meet the following criteria:

15           (1) The applicant must be a corporation not for profit  
16           under ~~pursuant to~~ chapter 617 or a Florida limited partnership,  
17           the sole general partner of which is a corporation not for  
18           profit under ~~pursuant to~~ chapter 617 or an entity not licensed  
19           under chapter 429 and wholly owned by a corporation not for  
20           profit under chapter 617, and the corporation not for profit  
21           must have been exempt as of January 1 of the year for which  
22           exemption from ad valorem property taxes is requested from  
23           federal income taxation by having qualified as an exempt  
24           charitable organization ~~under the provisions of~~ s. 501(c)(3) of  
25           the Internal Revenue Code of 1954 or ~~of~~ the corresponding  
26           section of a subsequently enacted federal revenue act.

27           Section 2. This act shall take effect January 1, 2025.

January 9 2024

The Florida Senate  
**APPEARANCE RECORD**

220

Meeting Date

Community Affairs

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

Bill Number or Topic

477 146

Committee

Amendment Barcode (if applicable)

Name **Jeffrey Sharkey**

Phone **850-224-1660**

Address **106 E. College Avenue, Suite 1110**

Email **jeff@capitolalliancegroup.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

**WENDOVER HOUSING PARTNERS**

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/9/24

Meeting Date

220

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

JEFFREY SHARLEY

Phone

850 224 1060

Address

106 E College Ave #1110

Email

jeffsharley@gmail.com

Street

TH

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

BERKELEY HOUSING PARTNERS

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

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

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S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** November 15, 2023

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I respectfully request that **Senate Bill 218**, relating to Property Tax Exemption for Surviving Spouses of Veterans, **Senate Bill 220**, relating to Ad Valorem Tax Exemption for Nonprofit Homes for the Aged, and **Senate Bill 224**, relating to Citizen Volunteer Advisory Committees be placed on the:

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

A handwritten signature in cursive script that reads "Tom A. Wright".

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Senator Tom A. Wright  
Florida Senate, District 8

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

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

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

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BILL: SB 224

INTRODUCER: Senator Wright

SUBJECT: Citizen Volunteer Advisory Committees

DATE: January 8, 2024

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

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

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**I. Summary:**

SB 224 permits certain citizen volunteer advisory committees to conduct public meetings and workshops by means of communications media technology pursuant to the rules of the Administrative Procedures Act. The bill provides that an advisory committee member who participates in a meeting or workshop by means of communications media technology is deemed to be present at such meeting or workshop.

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

The bill takes effect upon becoming a law.

**II. Present Situation:**

**Open Meetings Law**

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

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

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

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

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

### **Administrative Procedure Act**

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

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

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

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

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

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

<sup>6</sup> Section 286.011(1)-(2), F.S.

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

<sup>8</sup> Section 286.011(6), F.S.

<sup>9</sup> Section 286.011(2), F.S.

<sup>10</sup> Section 286.011(1), F.S.

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

<sup>12</sup> *See* ch. 120, F.S.

<sup>13</sup> Joint Administrative Procedures Committee, *A Primer on Florida’s Administrative Procedure Act*, available at <http://www.japc.state.fl.us/Documents/Publications/PocketGuideFloridaAPA.pdf> (last visited Jan. 5, 2024).

<sup>14</sup> Section 20.04, F.S., specifies the structure of the executive branch of state government.



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

### **Use of Electronic Media and Public Meetings**

Section 120.54(5)(b)2, F.S., requires the Administration Commission<sup>16</sup> to create uniform rules of procedure for state agencies to use when conducting public meetings, hearings or workshops, including procedures for conducting meetings in person and by means of communications media technology.<sup>17</sup> Unless otherwise authorized by the Legislature, these procedures for communications media technology apply only to state agencies and not to local boards or commissions.

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

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

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

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

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

<sup>18</sup> Op. Att'y Gen. Fla. 98-28 (1998).

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

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

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

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

### **Citizen Volunteer Advisory Committees**

In Florida, there are a number of large regional collaborations made up of local governments including municipalities, counties, and special districts which advise their individual local government partners on policy.

Particularly, there are a group of resilience related advisory committees across the state made up of local governments at the forefront of preparing for and addressing flooding and sea level rise.<sup>23</sup> Examples of regional resilience entities that exist across the state include the Southeast Florida Regional Climate Change Compact,<sup>24</sup> East Central Florida Regional Resilience Collaborative,<sup>25</sup> and the Tampa Bay Regional Resiliency Coalition.<sup>26</sup> The majority of these type of entities follow the boundaries of Florida's Regional Planning Councils (RPC) and are often coordinated by the respective RPC.

Additionally, there are advisory committees relating to estuary partnerships across the state that advise on policy related to their watershed. These include the Indian River Lagoon National Estuary Program<sup>27</sup> and the Coastal and Heartland National Estuary Partnership<sup>28</sup>.

The bill may affect other citizen volunteer advisory committees that are subject to open meeting laws as well.

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

SB 224 amends s. 286.011, F.S., to authorize citizen advisory committees whose membership is composed solely of representatives of four or more counties, to conduct public meetings and workshops by means of communications media technology pursuant to the rules of the Administrative Procedures Act.

The bill provides that an advisory committee member who participates in a meeting or workshop by means of communications media technology is deemed to be present at such meeting. The bill

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<sup>23</sup> See *DEP Guidebook*, at I, available at <https://floridadep.gov/sites/default/files/AdaptationPlanningGuidebook.pdf> (last visited Jan. 5, 2024).

<sup>24</sup> Southeast Florida Regional Climate Change Compact, available at: <https://southeastfloridaclimatecompact.org/> (last visited Jan. 5, 2024)

<sup>25</sup> In 2018, the East Central Florida Regional Planning Council adopted a resolution to convene stakeholders across the region to develop a structure and framework for a regional resilience collaborative. Members include Lake, Orange, Osceola, Volusia, and Brevard counties and 22 member cities. See East Central Florida Regional Resilience Collaborative, available at: <https://www.ecfrpc.org/resiliencycollaborative> (last visited Jan. 5, 2024).

<sup>26</sup> The Tampa Bay Regional Resiliency Coalition is comprised of members from Citrus, Hernando, Hillsborough, Manatee, Pasco and Pinellas counties and the 21 municipalities that come together to discuss complex regional issues; develop strategic regional responses for resolving them; and build consensus for setting and accomplishing regional goals. See Tampa Bay Regional Resiliency Coalition, available at: <https://www.tbrpc.org/coalition/> (last visited Jan. 5, 2024).

<sup>27</sup> The Indian River Lagoon National Estuary Program executed an interlocal agreement between Volusia County, Brevard County, St. Lucie County, Martin County, Florida Department of Environmental Protection, St. Johns Water Management District, South Florida Water Management District, and the Indian River Lagoon Coalition to support the estuary available at [https://onelagoon.org/wp-content/uploads/irlnep\\_amended\\_interlocal\\_agreement\\_2015.pdf](https://onelagoon.org/wp-content/uploads/irlnep_amended_interlocal_agreement_2015.pdf) (last visited Jan. 5, 2024).

<sup>28</sup> The Coastal and Heartland National Estuary Partnership is made up of representatives from a number of cities and counties as well as members of the public. Their governance is available at <https://www.chnep.org/governance> (last visited Jan. 5, 2024).

requires that communications media technology must allow for all persons attending such public meeting or workshop to audibly communicate, as would be allowed if they were physically present.

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

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

The bill takes effect upon becoming a law.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 286.011 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

By Senator Wright

8-00403-24

2024224\_\_

1                   A bill to be entitled  
2           An act relating to citizen volunteer advisory  
3           committees; amending s. 286.011, F.S.; authorizing  
4           specified regional citizen volunteer advisory  
5           committees to conduct public meetings and workshops by  
6           means of communications media technology; providing  
7           that the use of such technology by a member  
8           constitutes that member's presence at the meeting or  
9           workshop; requiring that such technology allow all  
10          persons to audibly communicate; providing notice  
11          requirements for public meetings or workshops  
12          conducted by means of communications media technology;  
13          providing construction; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Subsection (9) is added to section 286.011,  
18 Florida Statutes, to read:

19           286.011 Public meetings and records; public inspection;  
20 criminal and civil penalties.—

21           (9) (a) Notwithstanding any law to the contrary, regional  
22 citizen volunteer advisory committees whose membership is  
23 composed solely of representatives from four or more counties  
24 may conduct public meetings and workshops by means of  
25 communications media technology as defined in s. 120.54(5)(b)2.  
26 An advisory committee member who participates in a public  
27 meeting or workshop by communications media technology is deemed  
28 to be present at the meeting or workshop. The use of  
29 communications media technology must allow for all persons

8-00403-24

2024224\_\_

30 attending the meeting or workshop to audibly communicate as if  
31 the person is physically present.

32 (b) The notice for a public meeting or workshop must state  
33 whether the meeting or workshop will be conducted using  
34 communications media technology, how an interested person may  
35 participate, and the location of facilities where communications  
36 media technology will be available during the meeting or  
37 workshop.

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

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

The Florida Senate

APPEARANCE RECORD

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

1/9/24

Meeting Date

204

Bill Number or Topic

Comm Affairs

Committee

Amendment Barcode (if applicable)

Name Kim Dinkins

Phone ~~352~~ 850-273-5055

Address 308 N Monroe Street

Email

Tallahassee FL

32314

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

1000 Friends of FL

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** November 15, 2023

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I respectfully request that **Senate Bill 218**, relating to Property Tax Exemption for Surviving Spouses of Veterans, **Senate Bill 220**, relating to Ad Valorem Tax Exemption for Nonprofit Homes for the Aged, and **Senate Bill 224**, relating to Citizen Volunteer Advisory Committees be placed on the:

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

A handwritten signature in cursive script that reads "Tom A. Wright".

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Senator Tom A. Wright  
Florida Senate, District 8



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

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

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

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BILL: CS/SB 328

INTRODUCER: Community Affairs Committee and Senator Calatayud

SUBJECT: Affordable Housing

DATE: January 10, 2024      REVISED: \_\_\_\_\_

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

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

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

- Removes the directive for local governments to approve qualifying developments in *industrial* areas, leaving the provisions applicable only to areas zoned for commercial and mixed-use.
- Preempts a local government’s “floor area ratio” for qualifying developments.
- Limits the height preemption by entitling qualifying developments to the highest currently allowed height for a building within *one-quarter mile* (instead of one mile) and provides additional considerations if the height of all adjacent buildings are three stories or less.
- Prohibits qualifying developments within one-quarter mile of a military installation from utilizing the act’s administrative approval process and exempts certain airport impacted areas from the act’s provisions.
- Clarifies that a local government’s “currently allowed” density, height, and floor area ratio does not include any bonuses, variances, or other special exceptions provided in their regulations.
- Requires developments authorized under the act be treated as a conforming use even after expiration of the development’s affordability period and after the expiration of the applicable statutes.

- Modifies parking reduction requirements for qualifying developments located near certain transportation facilities.
- Requires local governments to publish on its website a policy containing procedures and expectations for the administrative approval of qualifying developments.
- Clarifies that only the affordable units in a qualifying development must be rental units.
- Requires a qualifying development within a transit-oriented development or area to be mixed-use residential.

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

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

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

The bill takes effect upon becoming a law.

## II. Present Situation:

### Affordable Housing

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

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

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

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

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

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

Florida Statutes categorizes the levels of household income as follows:

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

### ***Florida Housing Finance Corporation***

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

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

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

- Made a material misrepresentation or engaged in fraudulent actions in connection with any corporation program.
- Been convicted or found guilty of, or entered a plea of guilty or no contest to, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds.
- Been excluded from any federal funding program related to the provision of housing.
- Been excluded from any Florida procurement programs.
- Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution.

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

<sup>5</sup> Section 420.0004(9), F.S.

<sup>6</sup> Section 420.0004(17), F.S.

<sup>7</sup> Section 420.0004(11), F.S.

<sup>8</sup> Section 420.0004(12), F.S.

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

<sup>10</sup> Section 420.504(1), F.S.

<sup>11</sup> Section 420.518(1)(a-f), F.S.

- Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the corporation in the construction, operation, or management of one or more developments funded through a corporation program.

### **Zoning and Land Use Preemption for Affordable Developments**

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development.<sup>12</sup> All development, both public and private, and all development orders<sup>13</sup> approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.<sup>14</sup> The Future Land Use Element in a comprehensive plan establishes a range of allowable uses and densities and intensities over large areas, and the specific use and intensities for specific parcels<sup>15</sup> within that range are decided by a more detailed, implementing zoning map.<sup>16</sup>

The Live Local Act (act)<sup>17</sup> preempts certain county and municipal zoning and land use decisions to encourage development of affordable multifamily rental housing in targeted land use areas. Specifically, the act requires counties and municipalities to allow a multifamily or mixed-use residential<sup>18</sup> rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.<sup>19</sup> To qualify, the proposed development must reserve 40 percent of the units for residents with incomes up to 120% AMI, for a period of at least 30 years.

Additionally, the local government may not restrict the density<sup>20</sup> of qualifying developments below the highest allowed density on land within its jurisdiction where residential development is allowed, and may not restrict the height below the highest currently allowed height for a commercial or residential development in its jurisdiction within 1 mile of the proposed development or 3 stories, whichever is higher.

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<sup>12</sup> Section 163.3167(2), F.S.

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

<sup>14</sup> Section 163.3194(3), F.S.

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

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

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

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

<sup>19</sup> See ss. 125.01055(7) and 166.04151(7), F.S.

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

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

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

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

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

These provisions are effective until October 1, 2033.

### **Ad Valorem Exemption for Newly Constructed Developments**

The ad valorem tax<sup>21</sup> or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts based on the taxable value of property as of January 1 of each year.<sup>22</sup> The Florida Constitution allows the Legislature to exempt from ad valorem taxation portions of property that are used predominantly for educational, literary, scientific, religious or charitable purposes.<sup>23</sup> The Legislature has implemented these exemptions and set forth criteria to determine whether property is entitled to an exemption.<sup>24</sup>

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

"Newly constructed" is defined as an improvement substantially completed within 5 years before the property owner's first application for this exemption. The units must be occupied by such individuals or families and rent limited so as to provide affordable housing at either the 80 or 120

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

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

<sup>23</sup> FLA. CONST. art. VII, s. 3(a).

<sup>24</sup> Section 196.196, F.S.

<sup>25</sup> Section 196.1978(3), F.S.

percent AMI threshold. Rent for such units also may not exceed 90 percent of the fair market value rent as determined by a rental market study.

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

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

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

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

### **Florida Hometown Hero Program**

The Live Local Act established in statute the Florida Hometown Hero Program,<sup>26</sup> a homeownership assistance program administered by the FHFC. Under the program, eligible first time homebuyers have access to zero-interest loans to reduce the amount of down payment and closing costs by a minimum of \$10,000 and up to 5 percent of the first mortgage loan, not exceeding \$35,000. Loans must be repaid when the property is sold, refinanced, rented, or transferred unless otherwise approved by the FHFC. Repayments for loans made under this program must be retained within the program to make additional loans.

Such loans are available to those first-time homebuyers<sup>27</sup> seeking first mortgages whose family incomes do not exceed 150 percent of the state or local AMI, whichever is greater, and is employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals, of 35 hours or more per week.

The Live Local Act appropriated \$100 million in non-recurring funds to the FHFC to implement the Florida Hometown Hero Program for the 2023-2034 fiscal year.<sup>28</sup> The FHFC obligated the

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<sup>26</sup> Section 420.5096, F.S.

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

<sup>28</sup> Chapter 2013-17, s. 44, Laws of Fla.

full appropriation by August 22, 2023, assisting over 6,400 families and leveraging approximately \$2 billion in first mortgages.<sup>29</sup>

### III. Effect of Proposed Changes:

#### Live Local Zoning and Land Use Preemption

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

First, the bill removes the directive for local governments to approve qualifying affordable multifamily developments in industrial areas, and clarifies that only the affordable units in a qualifying development must be rental units.

The bill additionally preempts counties and municipalities on “floor area ratio” for qualifying developments. As such, a local government may not restrict the floor area ratio of a proposed development below the highest currently allowed residential floor area ratio, pursuant to the locality’s land development regulations.

The bill limits the height entitlements for qualifying developments by reducing the distance from one mile to one-quarter mile. This change entitles a qualifying development to the highest currently allowed height for a commercial or residential building within one-quarter mile (instead of one mile) or three stories, whichever is higher. However, the bill provides that if the height of each building on property adjacent to the proposed development is three stories or less, the local government may restrict the height of the proposed development to 135 percent of the tallest adjacent building or 3 stories, whichever is higher.

The bill modifies the parking reduction requirements for qualifying developments by requiring local governments to:

- To consider reducing parking requirements for developments within one-quarter mile of any “transit stop” that is accessible from the development;
- Reduce parking requirements for developments within one-half mile of a “major transportation hub”<sup>30</sup> that is accessible from the development by safe pedestrian-friendly means; and
- Eliminate parking requirements for developments within a transportation oriented development or area, as recognized by the local government.

The bill clarifies that the currently allowed density, height, and floor area ratio does not include projects authorized under the act or any bonuses, variances, or other special exceptions provided in the local government’s land development regulations as incentives for development.

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<sup>29</sup> See Florida Senate Committee on Community Affairs, *Presentation by the Florida Housing Finance Corporation on its implementation of the Live Local Act (SB 102 – 2023 Regular Session)*, Nov. 7, 2023, available at [https://www.flsenate.gov/Committees/Show/CA/MeetingPacket/5940/10486\\_MeetingPacket\\_5940\\_2.pdf](https://www.flsenate.gov/Committees/Show/CA/MeetingPacket/5940/10486_MeetingPacket_5940_2.pdf) (last visited Jan. 8, 2024).

<sup>30</sup> The bill defines “major transportation hub” as any transit station, whether bus, train, or light rail, which is served by public transit with a mix of other transportation options.

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

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

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

**Section 5** of the bill amends s. 333.03, F.S., to identify certain airport-impact areas where the land use preemption provisions of the act do not apply. Specifically, ss. 125.01055(7) and 166.04151(7), F.S., do not apply to proposed developments:

- Within 10,000 feet of the nearest point of any existing airport runway or planned airport runway identified in the local government's airport master plan;
- Within any airport noise zone identified in the federal land use compatibility table; or
- That exceeds maximum height restrictions identified in the political subdivision's airport zoning regulation adopted pursuant to this section.

### **Live Local Ad Valorem Exemption for Newly Constructed Developments**

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

- Clarifies that units that have been substantially rehabilitated may also qualify for the exemption. "Substantial rehabilitation" means the repair or restoration of a unit which increases the market value of such unit by at least 40 percent.
- Requires fewer units in developments located in the Florida Keys<sup>31</sup> to be set aside for income-limited persons and families (10 instead of 70). This acknowledges the stricter land development regulations for that area as compared to the rest of the state.
- Clarifies that FHFC duties are ministerial while property appraisers maintain the ultimate authority to grant exemptions.
- Outlines the method for property appraisers to determine values of exempted units in a manner that is similar to other exemptions in statute.

As provided in **section 4** of the bill, these changes are intended to be remedial and clarifying in nature and apply retroactively to January 1, 2024.

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<sup>31</sup> As provided in the bill, "...an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code..." refers to the City of Key West and the Florida Keys Area, which includes unincorporated Monroe County and the municipalities of Layton, Islamorada, Marathon and Key Colony Beach.



### **Florida Hometown Hero Program**

**Section 7** of the bill amends s. 420.5096, F.S., to remove the requirement that borrowers provide documentation to the FHFC that their full-time employment or self-employment status equates to 35 hours or more per week.

**Section 9** of the bill appropriates \$100 million in nonrecurring funds from the General Revenue Fund to the FHFC to implement the Florida Hometown Hero Program.

### **Precluding Participation in FHFC Programs**

**Section 8** of the bill amends s. 420.518, F.S., to expand the authority for the FHFC to preclude developers and sponsors from participating in its programs for certain violations, which include:

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

**Section 6** of the bill amends s. 420.507, F.S., to conform to the changes provided in section 8.

### **Effective Date**

**Section 10** provides that the bill shall take effect upon becoming a law.

## **IV. Constitutional Issues:**

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

Article VII, s. 18(b) of the Florida Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact,<sup>32</sup> which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.<sup>33</sup>

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

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<sup>32</sup> FLA. CONST. art. VII, s. 18(d).

<sup>33</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See FLA. SENATE COMM. ON CMTY. AFFAIRS, *Interim Report 2012-115: Insignificant Impact* (Sept. 2011), available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>.

**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:**

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

**C. Government Sector Impact:**

The provisions amending the ad valorem tax exemption on newly constructed affordable housing, which include substantially renovated improvements and a reduction in required units in areas of critical state concern, are stated by the bill to be clarifying in nature, and as such should not generate a fiscal impact. To the extent that this clarification attracts further development or alters administration of the exemption, local governments may see a negative impact.

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

This bill creates undesignated section of Florida law.

**IX. Additional Information:**

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

**CS by Community Affairs on January 9, 2024:**

The CS makes the following changes to the bill:

- Changes a percentage relating to height entitlements from 125% to 135%.
- Clarifies that the non-restricted units in qualifying developments may be offered for sale or for rent, but maintains that the affordable units must be rental units.
- Requires a qualifying development within a transit-oriented development or area to be mixed-use residential.
- Requires counties and cities to publish on its website a policy containing procedures and expectations for the administrative approval of qualifying developments.
- Modifies parking reduction requirements for certain qualifying developments.
- Expands the authority for the FHFC to preclude developers from participating in its programs for certain violations.
- Changes the title of the bill to Affordable Housing.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
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The Committee on Community Affairs (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraphs (g), (h), and (i) of subsection (7) of section 125.01055, Florida Statutes, are redesignated as paragraphs (h), (i), and (j), respectively, a new paragraph (g) is added to that subsection, a new subsection



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10 (8) is added to that section, and paragraphs (a) through (d),  
11 (f), and present paragraph (h) of subsection (7) of that section  
12 are amended, to read:

13 125.01055 Affordable housing.—

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

28 (b) A county may not restrict the density or floor area  
29 ratio of a proposed development authorized under this subsection  
30 below the highest currently allowed density or floor area ratio  
31 on any unincorporated land in the county where residential  
32 development is allowed under the county's land development  
33 regulations. The currently allowed density or floor area ratio  
34 does not include the density or floor area ratio of any  
35 development that meets the requirements of this subsection or  
36 any bonus, variance, or other special exception for density or  
37 floor area ratio provided in the county's land development  
38 regulations as an incentive for development.



39 (c) A county may not restrict the height of a proposed  
40 development authorized under this subsection below the highest  
41 currently allowed height for a commercial or residential  
42 building development located in its jurisdiction within one-  
43 quarter ± mile of the proposed development or 3 stories,  
44 whichever is higher. If the height of each building on property  
45 adjacent to the proposed development is 3 stories or less, the  
46 county may restrict the height of the proposed development to  
47 135 percent of the tallest building on property adjacent to the  
48 proposed development or 3 stories, whichever is higher. The  
49 currently allowed height does not include the height of any  
50 development that meets the requirements of this subsection or  
51 any bonus, variance, or other special exception for height  
52 provided in the county's land development regulations as an  
53 incentive for development.

54 (d) A proposed development authorized under this subsection  
55 must be administratively approved and no further action by the  
56 board of county commissioners is required if the development  
57 satisfies the county's land development regulations for  
58 multifamily developments in areas zoned for such use and is  
59 otherwise consistent with the comprehensive plan, with the  
60 exception of provisions establishing allowable densities,  
61 height, and land use. Such land development regulations include,  
62 but are not limited to, regulations relating to setbacks and  
63 parking requirements. A proposed development located within one-  
64 quarter mile of a military installation identified in s.  
65 163.3175(2) may not be administratively approved. Each county  
66 shall maintain on its website a policy containing procedures and  
67 expectations for administrative approval pursuant to this



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68 subsection.

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

78 (g) For proposed multifamily developments located within a  
79 transit-oriented development or area, as recognized by the  
80 respective county, a county must authorize such development, as  
81 provided in this subsection, only if the development is mixed-  
82 use residential and otherwise complies with requirements of the  
83 county's regulations applicable to the transit-oriented  
84 development or area except for use, height, density, and floor  
85 area ratio as provided in this section or as otherwise agreed to  
86 by the county and the applicant for the development.

87 (i) ~~(h)~~ This subsection does not apply to airport-impacted  
88 areas as provided in s. 333.03 property defined as recreational  
89 and commercial working waterfront in s. 342.201(2) (b) in any  
90 area zoned as industrial.

91 (8) Any development authorized under paragraph (7) (a) must  
92 be treated as a conforming use even after the expiration of  
93 subsection (7) and the development's affordability period as  
94 provided in paragraph (7) (a), notwithstanding the county's  
95 comprehensive plan, future land use designation, or zoning. If  
96 at any point during the development's affordability period the



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97 development violates the affordability period requirement  
98 provided in paragraph (7) (a), the development must be allowed a  
99 reasonable time to cure such violation. If the violation is not  
100 cured within a reasonable time, the development must be treated  
101 as a nonconforming use.

102 Section 2. Present paragraphs (g), (h), and (i) of  
103 subsection (7) of section 166.04151, Florida Statutes, are  
104 redesignated as paragraphs (h), (i), and (j), respectively, a  
105 new paragraph (g) is added to that subsection, a new subsection  
106 (8) is added to that section, and paragraphs (a) through (d),  
107 (f), and present paragraph (h) of subsection (7) of that section  
108 are amended, to read:

109 166.04151 Affordable housing.—

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

124 (b) A municipality may not restrict the density or floor  
125 area ratio of a proposed development authorized under this





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126 subsection below the highest currently allowed density or floor  
127 area ratio on any land in the municipality where residential  
128 development is allowed under the municipality's land development  
129 regulations. The currently allowed density or floor area ratio  
130 does not include the density or floor area ratio of any  
131 development that meets the requirements of this subsection or  
132 any bonus, variance, or other special exception for density or  
133 floor area ratio provided in the municipality's land development  
134 regulations as an incentive for development.

135 (c) A municipality may not restrict the height of a  
136 proposed development authorized under this subsection below the  
137 highest currently allowed height for a commercial or residential  
138 building development located in its jurisdiction within one-  
139 quarter mile ~~1 mile~~ of the proposed development or 3 stories,  
140 whichever is higher. If the height of each building on property  
141 adjacent to the proposed development is 3 stories or less, the  
142 municipality may restrict the height to 135 percent of the  
143 tallest building on property adjacent to the proposed  
144 development or 3 stories, whichever is higher. The currently  
145 allowed height does not include the height of any development  
146 that meets the requirements of this subsection or any bonus,  
147 variance, or other special exception for height provided in the  
148 municipality's land development regulations as an incentive for  
149 development.

150 (d) A proposed development authorized under this subsection  
151 must be administratively approved and no further action by the  
152 governing body of the municipality is required if the  
153 development satisfies the municipality's land development  
154 regulations for multifamily developments in areas zoned for such



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

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

171 (g) For proposed multifamily developments located within a  
172 transit-oriented development or area, as recognized by the  
173 municipality, a municipality must authorize, as provided in this  
174 subsection, such development only if the development is mixed-  
175 use residential and otherwise complies with requirements of the  
176 municipality's regulations applicable to the transit-oriented  
177 development or area except for use, height, density, and floor  
178 area ratio as provided in this section or as otherwise agreed to  
179 by the municipality and the applicant for the development.

180 (i) ~~(h)~~ This subsection does not apply to airport-impacted  
181 areas as provided in s. 333.03 ~~property defined as recreational~~  
182 ~~and commercial working waterfront in s. 342.201(2) (b) in any~~  
183 ~~area zoned as industrial.~~



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

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

197       196.1978 Affordable housing property exemption.—

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

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

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

207       3. "Substantially completed" has the same meaning as in s.  
208 192.042(1).

209       4. "Substantial rehabilitation" means the repair or  
210 restoration of a unit which increases the market value of such  
211 unit by at least 40 percent.

212       (b) Notwithstanding ss. 196.195 and 196.196, portions of



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213 property in a multifamily project are considered property used  
214 for a charitable purpose and are eligible to receive an ad  
215 valorem property tax exemption if such portions meet all of the  
216 following conditions:

217 1. Provide affordable housing to natural persons or  
218 families meeting the income limitations provided in paragraph  
219 (d).<sup>†</sup>

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

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

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

237 (c) If a unit that in the previous year received ~~qualified~~  
238 ~~for~~ the exemption under this subsection and was occupied by a  
239 tenant is vacant on January 1, the vacant unit is eligible for  
240 the exemption if the use of the unit is restricted to providing  
241 affordable housing that would otherwise meet the requirements of



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242 this subsection and a reasonable effort is made to lease the  
243 unit to eligible persons or families.

244 (d)1. The property appraiser shall exempt:

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

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

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

269 (e) To be eligible to receive an exemption under this  
270 subsection, a property owner must submit an application on a



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271 form prescribed by the department by March 1 for the exemption,  
272 accompanied by a certification notice from the corporation to  
273 the property appraiser. The property appraiser shall review the  
274 application and determine whether the applicant meets all of the  
275 requirements of this subsection and is entitled to an exemption.  
276 A property appraiser may request and review additional  
277 information necessary to make such determination. A property  
278 appraiser may grant an exemption only for a property for which  
279 the corporation has issued a certification notice and which the  
280 property appraiser determines is entitled to an exemption.

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

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

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

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

294 4. If the units for which the property owner seeks an  
295 exemption have been substantially rehabilitated but have not  
296 been certified previously by the corporation pursuant to  
297 paragraph (g), a market value analysis meeting the requirements  
298 of paragraph (m) demonstrating that the units meet the  
299 definition of substantial rehabilitation in subparagraph (a)4.



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300 After receiving an initial certification notice for  
301 substantially rehabilitated units, a property owner is not  
302 required to submit a new market value analysis when requesting  
303 certification notices for subsequent years.

304       5. A sworn statement, under penalty of perjury, from the  
305 applicant restricting the property for a period of not less than  
306 3 years to housing persons or families who meet the income  
307 limitations under this subsection.

308       (g) The corporation shall review the request for a  
309 certification notice and certify whether a property ~~that~~ meets  
310 the ~~eligibility~~ criteria of paragraphs (b) and (c) ~~this~~  
311 ~~subsection~~. A determination by the corporation regarding a  
312 request for a certification notice does not constitute a grant  
313 of an exemption pursuant to this subsection or final agency  
314 action pursuant to chapter 120.

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

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

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

326       (i) ~~The property appraiser shall review the application and~~  
327 ~~determine if the applicant is entitled to an exemption. A~~  
328 ~~property appraiser may grant an exemption only for a property~~



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329 ~~for which the corporation has issued a certification notice.~~

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

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

351 (k)~~(l)~~ Property receiving an exemption pursuant to s.  
352 196.1979 is not eligible for this exemption.

353 (l)~~(m)~~ A rental market study submitted as required by  
354 subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market  
355 value rent of each unit for which a property owner seeks an  
356 exemption. Only a certified general appraiser as defined in s.  
357 475.611 may issue a rental market study. The certified general





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358 appraiser must be independent of the property owner who requests  
359 the rental market study. In preparing the rental market study, a  
360 certified general appraiser shall comply with the standards of  
361 professional practice pursuant to part II of chapter 475 and use  
362 comparable property within the same geographic area and of the  
363 same type as the property for which the exemption is sought. A  
364 rental market study must have been completed within 3 years  
365 before submission of the application.

366 (m) A market value analysis submitted as required by  
367 subparagraph (f)4. must identify the change in the market value  
368 of the unit attributable to the rehabilitation of the unit,  
369 expressed as a percentage of the market value before the  
370 rehabilitation, for each unit that has undergone rehabilitation.  
371 Only a certified general appraiser as defined in s. 475.611 may  
372 issue a market value analysis. The certified general appraiser  
373 must be independent of the property owner who requests the  
374 market value analysis. In preparing the market value analysis, a  
375 certified general appraiser shall comply with the standards of  
376 professional practice pursuant to part II of chapter 475 and use  
377 comparable property within the same geographic area and of the  
378 same type as the property for which the exemption is sought.

379 (n) The corporation may adopt rules to implement this  
380 section.

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

383 Section 4. The amendments made by this act to s. 196.1978,  
384 Florida Statutes, are intended to be remedial and clarifying in  
385 nature and apply retroactively to January 1, 2024.

386 Section 5. Present subsection (5) of section 333.03,



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387 Florida Statutes, is redesignated as subsection (6), and a new  
388 subsection (5) is added to that section, to read:

389 333.03 Requirement to adopt airport zoning regulations.—

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

392 (a) A proposed development within 10,000 feet of the  
393 nearest point of any existing airport runway or planned airport  
394 runway identified in the local government's airport master plan.

395 (b) A proposed development within any airport noise zone  
396 identified in the federal land use compatibility table.

397 (c) A proposed development that exceeds maximum height  
398 restrictions identified in the political subdivision's airport  
399 zoning regulation adopted pursuant to this section.

400 Section 6. Subsection (35) of section 420.507, Florida  
401 Statutes, is amended to read:

402 420.507 Powers of the corporation.—The corporation shall  
403 have all the powers necessary or convenient to carry out and  
404 effectuate the purposes and provisions of this part, including  
405 the following powers which are in addition to all other powers  
406 granted by other provisions of this part:

407 (35) To preclude any applicant, sponsor, or affiliate of an  
408 applicant or sponsor from further participation in any of the  
409 corporation's programs as provided in s. 420.518, ~~any applicant~~  
410 ~~or affiliate of an applicant which has made a material~~  
411 ~~misrepresentation or engaged in fraudulent actions in connection~~  
412 ~~with any application for a corporation program.~~

413 Section 7. Subsection (3) of section 420.5096, Florida  
414 Statutes, is amended to read:

415 420.5096 Florida Hometown Hero Program.—



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416 (3) For loans made available pursuant to s.  
417 420.507(23)(a)1. or 2., the corporation may underwrite and make  
418 those mortgage loans through the program to persons or families  
419 who have household incomes that do not exceed 150 percent of the  
420 state median income or local median income, whichever is  
421 greater. A borrower must be seeking to purchase a home as a  
422 primary residence; must be a first-time homebuyer and a Florida  
423 resident; and must be employed full-time by a Florida-based  
424 employer. The borrower must provide documentation of full-time  
425 employment, or full-time status for self-employed individuals,  
426 ~~of 35 hours or more per week.~~ The requirement to be a first-time  
427 homebuyer does not apply to a borrower who is an active duty  
428 servicemember of a branch of the armed forces or the Florida  
429 National Guard, as defined in s. 250.01, or a veteran.

430 Section 8. Section 420.518, Florida Statutes, is amended to  
431 read:

432 420.518 Preclusion from participation in corporation  
433 programs ~~Fraudulent or material misrepresentation.~~-

434 (1) An applicant, a sponsor, or an affiliate of an  
435 applicant or a sponsor may be precluded from participation in  
436 any corporation program if the applicant or affiliate of the  
437 applicant has:

438 (a) Made a material misrepresentation or engaged in  
439 fraudulent actions in connection with any corporation program.

440 (b) Been convicted or found guilty of, or entered a plea of  
441 guilty or nolo contendere to, regardless of adjudication, a  
442 crime in any jurisdiction which directly relates to the  
443 financing, construction, or management of affordable housing or  
444 the fraudulent procurement of state or federal funds. The record



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445 of a conviction certified or authenticated in such form as to be  
446 admissible in evidence under the laws of the state shall be  
447 admissible as prima facie evidence of such guilt.

448 (c) Been excluded from any federal funding program related  
449 to the provision of housing, including debarment from  
450 participation in federal housing programs by the United States  
451 Department of Housing and Urban Development.

452 (d) Been excluded from any federal or Florida procurement  
453 programs.

454 (e) Offered or given consideration, other than the  
455 consideration to provide affordable housing, with respect to a  
456 local contribution.

457 (f) Demonstrated a pattern of noncompliance and a failure  
458 to correct any such noncompliance after notice from the  
459 corporation in the construction, operation, or management of one  
460 or more developments funded through a corporation program.

461 (g) Materially or repeatedly violated any condition imposed  
462 by the corporation in connection with the administration of a  
463 corporation program, including a land use restriction agreement,  
464 an extended use agreement, or any other financing or regulatory  
465 agreement with the corporation.

466 (2) Upon a determination by the board of directors of the  
467 corporation that an applicant or affiliate of the applicant be  
468 precluded from participation in any corporation program, the  
469 board may issue an order taking any or all of the following  
470 actions:

471 (a) Preclude such applicant or affiliate from applying for  
472 funding from any corporation program for a specified period. The  
473 period may be a specified period of time or permanent in nature.



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474 With regard to establishing the duration, the board shall  
475 consider the facts and circumstances, inclusive of the  
476 compliance history of the applicant or affiliate of the  
477 applicant, the type of action under subsection (1), and the  
478 degree of harm to the corporation's programs that has been or  
479 may be done.

480 (b) Revoke any funding previously awarded by the  
481 corporation for any development for which construction or  
482 rehabilitation has not commenced.

483 (3) Before any order issued under this section can be  
484 final, an administrative complaint must be served on the  
485 applicant, affiliate of the applicant, or its registered agent  
486 that provides notification of findings of the board, the  
487 intended action, and the opportunity to request a proceeding  
488 pursuant to ss. 120.569 and 120.57.

489 (4) Any funding, allocation of federal housing credits,  
490 credit underwriting procedures, or application review for any  
491 development for which construction or rehabilitation has not  
492 commenced may be suspended by the corporation upon the service  
493 of an administrative complaint on the applicant, affiliate of  
494 the applicant, or its registered agent. The suspension shall be  
495 effective from the date the administrative complaint is served  
496 until an order issued by the corporation in regard to that  
497 complaint becomes final.

498 Section 9. For the 2024-2025 fiscal year, from the funds  
499 received and deposited into the General Revenue Fund from the  
500 state's allocation from the federal Coronavirus State Fiscal  
501 Recovery Fund created under the American Rescue Plan Act of  
502 2021, Pub. L. No. 117-2, the sum of \$100 million in nonrecurring



503 funds is appropriated to the State Housing Trust Fund for use by  
504 the Florida Housing Finance Corporation to implement the Florida  
505 Hometown Hero Program established in s. 420.5096, Florida  
506 Statutes.

507 Section 10. This act shall take effect upon becoming a law.

508

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

510 And the title is amended as follows:

511 Delete everything before the enacting clause  
512 and insert:

513 A bill to be entitled  
514 An act relating to affordable housing; amending ss.  
515 125.01055 and 166.04151, F.S.; deleting a provision  
516 related to the authorization of multifamily and mixed-  
517 use residential development uses in any area zoned for  
518 industrial use; prohibiting counties and  
519 municipalities, respectively, from restricting the  
520 floor area ratio of certain proposed developments  
521 under certain circumstances; providing that the  
522 density or floor area ratio of certain developments,  
523 bonuses, variances, or other special exceptions are  
524 not included in the calculation of the currently  
525 allowed density or floor area ratio by counties and  
526 municipalities, respectively; revising prohibitions  
527 relating to counties' and municipalities' restrictions  
528 of the height of certain proposed developments,  
529 respectively; authorizing counties and municipalities,  
530 respectively, to restrict the height of proposed  
531 developments under certain circumstances; providing



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532 that certain factors may not be taken into account in  
533 the calculation of the currently allowed height;  
534 prohibiting the administrative approval by counties  
535 and municipalities, respectively, of a proposed  
536 development within a specified proximity to a military  
537 installation; requiring counties and municipalities,  
538 respectively, to maintain a certain policy on their  
539 websites; making technical changes; providing  
540 requirements for developments authorized as a transit-  
541 oriented development or area; revising applicability;  
542 authorizing specified developments to be treated as a  
543 conforming use; amending s. 196.1978, F.S.; revising  
544 the definition of the term "newly constructed";  
545 defining the term "substantial rehabilitation";  
546 revising conditions for when multifamily projects are  
547 considered property used for a charitable purpose and  
548 are eligible to receive an ad valorem property tax  
549 exemption; making technical changes; requiring  
550 property appraisers to make certain exemptions from ad  
551 valorem property taxes; providing the method for  
552 determining the value of a unit for certain purposes;  
553 requiring property appraisers to review certain  
554 applications and make certain determinations;  
555 authorizing property appraisers to request and review  
556 additional information; authorizing property  
557 appraisers to grant exemptions only under certain  
558 conditions; revising requirements for property owners  
559 seeking a certification notice from the Florida  
560 Housing Finance Corporation; providing that a certain



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561 determination by the corporation does not constitute  
562 an exemption; specifying requirements for a market  
563 value analysis; conforming provisions to changes made  
564 by the act; providing for retroactive application;  
565 amending s. 333.03, F.S.; excluding certain proposed  
566 developments from specified airport zoning provisions;  
567 amending s. 420.507, F.S.; revising the enumerated  
568 powers of the Florida Housing Finance Corporation;  
569 amending s. 420.5096, F.S.; making technical changes;  
570 amending s. 420.518, F.S.; specifying conditions under  
571 which the Florida Housing Finance Corporation may  
572 preclude applicants from corporation programs;  
573 providing an appropriation; providing an effective  
574 date.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
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The Committee on Community Affairs (Osgood) recommended the following:

1           **Senate Amendment to Amendment (477146) (with title**  
2 **amendment)**

3  
4           Delete lines 6 - 183  
5 and insert:

6           Section 1. Subsection (7) of section 125.01055, Florida  
7 Statutes, is amended, and subsection (8) is added to that  
8 section, to read:

9           125.01055 Affordable housing.—

10           (7) (a) A county must authorize multifamily and mixed-use



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

24 (b) A county may not restrict the density or floor area  
25 ratio of a proposed development authorized under this subsection  
26 below the highest currently allowed density or floor area ratio  
27 on any unincorporated land in the county where residential  
28 development is allowed under the county's land development  
29 regulations. The currently allowed density or floor area ratio  
30 does not include the density or floor area ratio of any  
31 development that meets the requirements of this subsection or  
32 any bonus, variance, or other special exception for density or  
33 floor area ratio provided in the county's land development  
34 regulations as an incentive for development.

35 (c) A county may not restrict the height of a proposed  
36 development authorized under this subsection below the highest  
37 currently allowed height for a commercial or residential  
38 building development located in its jurisdiction within one-  
39 quarter 1/4 mile of the proposed development or 3 stories,



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40 whichever is higher. If the height of each building on property  
41 adjacent to the proposed development is 3 stories or less, the  
42 county may restrict the height of the proposed development to  
43 135 percent of the tallest building on property adjacent to the  
44 proposed development or 3 stories, whichever is higher. The  
45 currently allowed height does not include the height of any  
46 development that meets the requirements of this subsection or  
47 any bonus, variance, or other special exception for height  
48 provided in the county's land development regulations as an  
49 incentive for development.

50 (d) A proposed development authorized under this subsection  
51 must be administratively approved and no further action by the  
52 board of county commissioners is required if the development  
53 satisfies the county's land development regulations for  
54 multifamily developments in areas zoned for such use and is  
55 otherwise consistent with the comprehensive plan, with the  
56 exception of provisions establishing allowable densities,  
57 height, and land use. Such land development regulations include,  
58 but are not limited to, regulations relating to setbacks and  
59 parking requirements. A proposed development located within one-  
60 quarter mile of a military installation identified in s.  
61 163.3175(2) may not be administratively approved. Each county  
62 shall maintain on its website a policy containing procedures and  
63 expectations for administrative approval pursuant to this  
64 subsection.

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



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69 code, and the ~~major~~ transit stop is accessible from the  
70 development.

71 2. A county must reduce parking requirements for a proposed  
72 development authorized under this subsection if the development  
73 is located within one-half mile of a major transportation hub  
74 that is accessible from the development by safe, pedestrian-  
75 friendly means, such as sidewalks, crosswalks, elevated  
76 pedestrian or bike paths, or other multimodal design features.

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

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

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

94 (g) A development authorized under this section which is  
95 located within a transit-oriented development or area, as  
96 recognized by the county, must be mixed-use residential and  
97 otherwise comply with requirements of the county's regulations



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98 applicable to the transit-oriented development or area except  
99 for use, height, density, and floor area ratio as provided in  
100 this section or as otherwise agreed to by the county and the  
101 applicant for the development.

102 (h) Except as otherwise provided in this subsection, a  
103 development authorized under this subsection must comply with  
104 all applicable state and local laws and regulations.

105 (i) ~~(h)~~ This subsection does not apply to airport-impacted  
106 areas as provided in s. 333.03 ~~property defined as recreational~~  
107 and commercial working waterfront in s. 342.201(2) (b) in any  
108 area zoned as industrial.

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

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

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

124 166.04151 Affordable housing.—

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



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

139 (b) A municipality may not restrict the density or floor  
140 area ratio of a proposed development authorized under this  
141 subsection below the highest currently allowed density or floor  
142 area ratio on any land in the municipality where residential  
143 development is allowed under the municipality's land development  
144 regulations. The currently allowed density or floor area ratio  
145 does not include the density or floor area ratio of any  
146 development that meets the requirements of this subsection or  
147 any bonus, variance, or other special exception for density or  
148 floor area ratio provided in the municipality's land development  
149 regulations as an incentive for development.

150 (c) A municipality may not restrict the height of a  
151 proposed development authorized under this subsection below the  
152 highest currently allowed height for a commercial or residential  
153 building development located in its jurisdiction within one-  
154 quarter ± mile of the proposed development or 3 stories,  
155 whichever is higher. If the height of each building on property



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156 adjacent to the proposed development is 3 stories or less, the  
157 municipality may restrict the height to 135 percent of the  
158 tallest building on property adjacent to the proposed  
159 development or 3 stories, whichever is higher. The currently  
160 allowed height does not include the height of any development  
161 that meets the requirements of this subsection or any bonus,  
162 variance, or other special exception for height provided in the  
163 municipality's land development regulations as an incentive for  
164 development.

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

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



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185 is accessible from the development.

186 2. A municipality must reduce parking requirements for a  
187 proposed development authorized under this subsection if the  
188 development is located within one-half mile of a major  
189 transportation hub that is accessible from the development by  
190 safe, pedestrian-friendly means, such as sidewalks, crosswalks,  
191 elevated pedestrian or bike paths, or other multimodal design  
192 features.

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

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

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

208 (g) A development authorized under this section which is  
209 located within a transit-oriented development or area, as  
210 recognized by the municipality, must be mixed-use residential  
211 and otherwise comply with requirements of the municipality's  
212 regulations applicable to the transit-oriented development or  
213 area except for use, height, density, and floor area ratio as





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214 provided in this section or as otherwise agreed to by the  
215 municipality and the applicant for the development.

216 (h) Except as otherwise provided in this subsection, a  
217 development authorized under this subsection must comply with  
218 all applicable state and local laws and regulations.

219 (i)~~(h)~~ This subsection does not apply to airport-impacted  
220 areas as provided in s. 333.03 ~~property defined as recreational~~  
221 ~~and commercial working waterfront in s. 342.201(2)(b) in any~~  
222 ~~area zoned as industrial.~~

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

224

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

226 And the title is amended as follows:

227 Delete line 539

228 and insert:

229 websites; requiring counties and municipalities,  
230 respectively, to consider reducing parking  
231 requirements under certain circumstances; requiring  
232 counties and municipalities, respectively, to reduce  
233 or eliminate parking requirements for certain proposed  
234 mixed-use developments that meet certain requirements;  
235 defining the term "major transportation hub";  
236 providing certain requirements for developments  
237 located within a transit-oriented development or area;  
238 making technical changes; providing

By Senator Calatayud

38-01638C-24

2024328\_\_

1                   A bill to be entitled  
2       An act relating to development; amending ss. 125.01055  
3       and 166.04151, F.S.; deleting a provision related to  
4       the authorization of multifamily and mixed-use  
5       residential development uses in any area zoned for  
6       industrial use; prohibiting counties and  
7       municipalities, respectively, from restricting the  
8       floor area ratio of certain proposed developments  
9       under certain circumstances; providing that the  
10      density or floor area ratio of certain developments,  
11      bonuses, variances, or other special exceptions are  
12      not included in the calculation of the currently  
13      allowed density or floor area ratio by counties and  
14      municipalities, respectively; revising prohibitions  
15      relating to counties' and municipalities' restrictions  
16      of the height of certain proposed developments,  
17      respectively; authorizing counties and municipalities,  
18      respectively, to restrict the height of proposed  
19      developments under certain circumstances; providing  
20      that certain factors may not be taken into account in  
21      the calculation of the currently allowed height;  
22      prohibiting the administrative approval by counties  
23      and municipalities, respectively, of a proposed  
24      development within a specified proximity to a military  
25      installation; making technical changes; revising  
26      applicability; authorizing specified developments to  
27      be treated as a conforming use; amending s. 196.1978,  
28      F.S.; revising the definition of the term "newly  
29      constructed"; defining the term "substantial

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30 rehabilitation"; revising conditions for when  
31 multifamily projects are considered property used for  
32 a charitable purpose and are eligible to receive an ad  
33 valorem property tax exemption; making technical  
34 changes; requiring property appraisers to make certain  
35 exemptions from ad valorem property taxes; providing  
36 the method for determining the value of a unit for  
37 certain purposes; requiring property appraisers to  
38 review certain applications and make certain  
39 determinations; authorizing property appraisers to  
40 request and review additional information; authorizing  
41 property appraisers to grant exemptions only under  
42 certain conditions; revising requirements for property  
43 owners seeking a certification notice from the Florida  
44 Housing Finance Corporation; providing that a certain  
45 determination by the corporation does not constitute  
46 an exemption; specifying requirements for a market  
47 value analysis; conforming provisions to changes made  
48 by the act; providing for retroactive application;  
49 amending s. 333.03, F.S.; excluding certain proposed  
50 developments from specified airport zoning provisions;  
51 amending s. 420.5096, F.S.; making technical changes;  
52 providing an appropriation; providing an effective  
53 date.

54  
55 Be It Enacted by the Legislature of the State of Florida:  
56

57 Section 1. Paragraphs (a) through (d), (f), and (h) of  
58 subsection (7) of section 125.01055, Florida Statutes, are

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59 amended, and subsection (8) is added to that section, to read:

60 125.01055 Affordable housing.—

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

74 (b) A county may not restrict the density or floor area  
75 ratio of a proposed development authorized under this subsection  
76 below the highest currently allowed density or floor area ratio  
77 on any unincorporated land in the county where residential  
78 development is allowed under the county's land development  
79 regulations. The currently allowed density or floor area ratio  
80 does not include the density or floor area ratio of any  
81 development that meets the requirements of this subsection or  
82 any bonuses, variances, or other special exceptions for density  
83 or floor area ratio provided in the county's land development  
84 regulations as incentives for development.

85 (c) A county may not restrict the height of a proposed  
86 development authorized under this subsection below the highest  
87 currently allowed height for a commercial or residential

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88 ~~building development~~ located in its jurisdiction within one-  
89 quarter ± mile of the proposed development or 3 stories,  
90 whichever is higher. If the height of each building on property  
91 adjacent to the proposed development is 3 stories or less, the  
92 county may restrict the height of the proposed development to  
93 125 percent of the tallest building on property adjacent to the  
94 proposed development or 3 stories, whichever is higher. The  
95 currently allowed height does not include the height of any  
96 development that meets the requirements of this subsection or  
97 any bonuses, variances, or other special exceptions for height  
98 provided in the county's land development regulations as  
99 incentives for development.

100 (d) A proposed development authorized under this subsection  
101 must be administratively approved and no further action by the  
102 board of county commissioners is required if the development  
103 satisfies the county's land development regulations for  
104 multifamily developments in areas zoned for such use and is  
105 otherwise consistent with the comprehensive plan, with the  
106 exception of provisions establishing allowable densities,  
107 height, and land use. Such land development regulations include,  
108 but are not limited to, regulations relating to setbacks and  
109 parking requirements. A proposed development located within one-  
110 quarter mile of a military installation identified in s.  
111 163.3175(2) may not be administratively approved.

112 (f) For proposed multifamily developments in an  
113 unincorporated area zoned for commercial ~~or industrial~~ use which  
114 is within the boundaries of a multicounty independent special  
115 district that was created to provide municipal services and is  
116 not authorized to levy ad valorem taxes, and less than 20

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117 percent of the land area within such district is designated for  
118 commercial ~~or industrial~~ use, a county must authorize, as  
119 provided in this subsection, such development only if the  
120 development is mixed-use residential.

121 (h) This subsection does not apply to airport-impacted  
122 areas as provided in s. 333.03 ~~property defined as recreational~~  
123 ~~and commercial working waterfront in s. 342.201(2)(b) in any~~  
124 ~~area zoned as industrial.~~

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

136 Section 2. Paragraphs (a) through (d), (f), and (h) of  
137 subsection (7) of section 166.04151, Florida Statutes, are  
138 amended, and subsection (8) is added to that section, to read:

139 166.04151 Affordable housing.—

140 (7)(a) A municipality must authorize multifamily and mixed-  
141 use residential as allowable uses in any area zoned for  
142 commercial, ~~industrial~~, or mixed use if at least 40 percent of  
143 the residential units in a proposed multifamily rental  
144 development are, for a period of at least 30 years, affordable  
145 as defined in s. 420.0004. Notwithstanding any other law, local

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

153 (b) A municipality may not restrict the density or floor  
154 area ratio of a proposed development authorized under this  
155 subsection below the highest currently allowed density or floor  
156 area ratio on any land in the municipality where residential  
157 development is allowed under the municipality's land development  
158 regulations. The currently allowed density or floor area ratio  
159 does not include the density or floor area ratio of any  
160 development that meets the requirements of this subsection or  
161 any bonuses, variances, or other special exceptions for density  
162 or floor area ratio provided in the municipality's land  
163 development regulations as incentives for development.

164 (c) A municipality may not restrict the height of a  
165 proposed development authorized under this subsection below the  
166 highest currently allowed height for a commercial or residential  
167 building development located in its jurisdiction within one-  
168 quarter mile ~~1-mile~~ of the proposed development or 3 stories,  
169 whichever is higher. If the height of each building on property  
170 adjacent to the proposed development is 3 stories or less, the  
171 municipality may restrict the height to 125 percent of the  
172 tallest building on property adjacent to the proposed  
173 development or 3 stories, whichever is higher. The currently  
174 allowed height does not include the height of any development

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175 that meets the requirements of this subsection or any bonuses,  
176 variances, or other special exceptions for height provided in  
177 the municipality's land development regulations as incentives  
178 for development.

179 (d) A proposed development authorized under this subsection  
180 must be administratively approved and no further action by the  
181 governing body of the municipality is required if the  
182 development satisfies the municipality's land development  
183 regulations for multifamily developments in areas zoned for such  
184 use and is otherwise consistent with the comprehensive plan,  
185 with the exception of provisions establishing allowable  
186 densities, height, and land use. Such land development  
187 regulations include, but are not limited to, regulations  
188 relating to setbacks and parking requirements. A proposed  
189 development located within one-quarter mile of a military  
190 installation identified in s. 163.3175(2) may not be  
191 administratively approved.

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

198 (h) This subsection does not apply to airport-impacted  
199 areas as provided in s. 333.03 ~~property defined as recreational~~  
200 ~~and commercial working waterfront in s. 342.201(2) (b) in any~~  
201 ~~area zoned as industrial.~~

202 (8) Any development authorized under paragraph (7) (a) must  
203 be treated as a conforming use even after the expiration of



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204 subsection (7) and the development's affordability period as  
205 provided in paragraph (7) (a), notwithstanding the municipality's  
206 comprehensive plan, future land use designation, or zoning. If  
207 at any point during the development's affordability period the  
208 development violates the affordability period requirement  
209 provided in paragraph (7) (a), the development must be allowed a  
210 reasonable time to cure such violation. If the violation is not  
211 cured within a reasonable time, the development must be treated  
212 as a nonconforming use.

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

215 196.1978 Affordable housing property exemption.—

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

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

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

225 3. "Substantially completed" has the same meaning as in s.  
226 192.042(1).

227 4. "Substantial rehabilitation" means the repair or  
228 restoration of a unit which increases the market value of such  
229 unit by at least 40 percent.

230 (b) Notwithstanding ss. 196.195 and 196.196, portions of  
231 property in a multifamily project are considered property used  
232 for a charitable purpose and are eligible to receive an ad

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233 valorem property tax exemption if such portions meet all of the  
234 following conditions:

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

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

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

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

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

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262 (d)1. The property appraiser shall exempt:

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

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

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

287 (e) To be eligible to receive an exemption under this  
288 subsection, a property owner must submit an application on a  
289 form prescribed by the department by March 1 for the exemption,  
290 accompanied by a certification notice from the corporation to

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291 the property appraiser. The property appraiser shall review the  
292 application and determine whether the applicant meets all of the  
293 requirements of this subsection and is entitled to an exemption.  
294 A property appraiser may request and review additional  
295 information necessary to make such determination. A property  
296 appraiser may grant an exemption only for a property for which  
297 the corporation has issued a certification notice and which the  
298 property appraiser determines is entitled to an exemption.

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

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

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

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

312 4. If the units for which the property owner seeks an  
313 exemption have been substantially rehabilitated but have not  
314 been certified previously by the corporation pursuant to  
315 paragraph (g), a market value analysis meeting the requirements  
316 of paragraph (m) demonstrating that the units meet the  
317 definition of substantial rehabilitation in subparagraph (a)4.  
318 After receiving an initial certification notice for  
319 substantially rehabilitated units, a property owner is not

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320 required to submit a new market value analysis when requesting  
321 certification notices for subsequent years.

322 5. A sworn statement, under penalty of perjury, from the  
323 applicant restricting the property for a period of not less than  
324 3 years to housing persons or families who meet the income  
325 limitations under this subsection.

326 (g) The corporation shall review the request for a  
327 certification notice and certify whether a property ~~that~~ meets  
328 the ~~eligibility~~ criteria of paragraphs (b) and (c) ~~this~~  
329 ~~subsection~~. A determination by the corporation regarding a  
330 request for a certification notice does not constitute a grant  
331 of an exemption pursuant to this subsection or final agency  
332 action pursuant to chapter 120.

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

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

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

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

348 ~~(j)~~ If the property appraiser determines that for any year

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349 during the immediately previous 10 years a person who was not  
350 entitled to an exemption under this subsection was granted such  
351 an exemption, the property appraiser must serve upon the owner a  
352 notice of intent to record in the public records of the county a  
353 notice of tax lien against any property owned by that person in  
354 the county, and that property must be identified in the notice  
355 of tax lien. Any property owned by the taxpayer and situated in  
356 this state is subject to the taxes exempted by the improper  
357 exemption, plus a penalty of 50 percent of the unpaid taxes for  
358 each year and interest at a rate of 15 percent per annum. If an  
359 exemption is improperly granted as a result of a clerical  
360 mistake or an omission by the property appraiser, the property  
361 owner improperly receiving the exemption may not be assessed a  
362 penalty or interest.

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

369 (k)~~(l)~~ Property receiving an exemption pursuant to s.  
370 196.1979 is not eligible for this exemption.

371 (l)~~(m)~~ A rental market study submitted as required by  
372 subparagraph (f)1. ~~paragraph (f)~~ must identify the fair market  
373 value rent of each unit for which a property owner seeks an  
374 exemption. Only a certified general appraiser as defined in  
375 s. 475.611 may issue a rental market study. The certified  
376 general appraiser must be independent of the property owner who  
377 requests the rental market study. In preparing the rental market

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378 study, a certified general appraiser shall comply with the  
379 standards of professional practice pursuant to part II of  
380 chapter 475 and use comparable property within the same  
381 geographic area and of the same type as the property for which  
382 the exemption is sought. A rental market study must have been  
383 completed within 3 years before submission of the application.

384 (m) A market value analysis submitted as required by  
385 subparagraph (f)4. must identify the change in the market value  
386 of the unit attributable to the rehabilitation of the unit,  
387 expressed as a percentage of the market value before the  
388 rehabilitation, for each unit that has undergone rehabilitation.  
389 Only a certified general appraiser as defined in s. 475.611 may  
390 issue a market value analysis. The certified general appraiser  
391 must be independent of the property owner who requests the  
392 market value analysis. In preparing the market value analysis, a  
393 certified general appraiser shall comply with the standards of  
394 professional practice pursuant to part II of chapter 475 and use  
395 comparable property within the same geographic area and of the  
396 same type as the property for which the exemption is sought.

397 (n) The corporation may adopt rules to implement this  
398 section.

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

401 Section 4. The amendments made by this act to s. 196.1978,  
402 Florida Statutes, are intended to be remedial and clarifying in  
403 nature and apply retroactively to January 1, 2024.

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

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407 333.03 Requirement to adopt airport zoning regulations.—

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

410 (a) A proposed development within 10,000 feet of the  
411 nearest point of any existing airport runway or planned airport  
412 runway identified in the local government's airport master plan.

413 (b) A proposed development within any airport noise zone  
414 identified in the federal land use compatibility table.

415 (c) A proposed development that exceeds maximum height  
416 restrictions identified in the political subdivision's airport  
417 zoning regulation adopted pursuant to this section.

418 Section 6. Subsection (3) of section 420.5096, Florida  
419 Statutes, is amended to read:

420 420.5096 Florida Hometown Hero Program.—

421 (3) For loans made available pursuant to s.  
422 420.507(23)(a)1. or 2., the corporation may underwrite and make  
423 those mortgage loans through the program to persons or families  
424 who have household incomes that do not exceed 150 percent of the  
425 state median income or local median income, whichever is  
426 greater. A borrower must be seeking to purchase a home as a  
427 primary residence; must be a first-time homebuyer and a Florida  
428 resident; and must be employed full-time by a Florida-based  
429 employer. The borrower must provide documentation of full-time  
430 employment, or full-time status for self-employed individuals,  
431 ~~of 35 hours or more per week.~~ The requirement to be a first-time  
432 homebuyer does not apply to a borrower who is an active duty  
433 servicemember of a branch of the armed forces or the Florida  
434 National Guard, as defined in s. 250.01, or a veteran.

435 Section 7. For the 2024-2025 fiscal year, from the funds



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436 received and deposited into the General Revenue Fund from the  
437 state's allocation from the federal Coronavirus State Fiscal  
438 Recovery Fund created under the American Rescue Plan Act of  
439 2021, Pub. L. No. 117-2, the sum of \$100 million in nonrecurring  
440 funds is appropriated to the State Housing Trust Fund for use by  
441 the Florida Housing Finance Corporation to implement the Florida  
442 Hometown Hero Program established in s. 420.5096, Florida  
443 Statutes.

444 Section 8. This act shall take effect upon becoming a law.

The Florida Senate

APPEARANCE RECORD

328

Bill Number or Topic

Amendment Barcode (if applicable)

Jan 9 2023

Meeting Date

Community Affairs

Committee

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

Name Rudy Payta

Phone 850-507-1073

Address 1319 Thongswed Blvd

Email rpayta@FHBA.org

Street

Tolly

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Home Builders Association

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/9/2024

Meeting Date

328

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Jeff Branch

Phone 701-3701

Address

Email jbranch@flcsire.com

Street

Tallahassee FL

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida League of Cities

SD 328

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

328

January 9 2024

Meeting Date

Community Affairs

Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jeffrey Sharkey**

Phone **850-224-1660**

Address **106 E. College Avenue, Suite 1110**

Email **jeff@capitolalliancegroup.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Wendover Housing Partners**

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

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

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

S-001 (08/10/2021)

The Florida Senate

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11/9/2024

Meeting Date

328

Bill Number or Topic

477146

Amendment Barcode (if applicable)

Committee

Name Bob Mcker

Phone 850 766-1952

Address 100 S Monroe

Email bmcker@fl-counties.com

Street

Tallahassee FL 32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Bob FL Assoc of Counties

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

# APPEARANCE RECORD

328

January 9, 2024

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Gia Arvin Phone (352) 372-3930

Address 3947 West Newberry Road Email gia@giaandscott.com

Street

Gainesville FL 32607

City State Zip

**Reset Form**

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB328

1/9/2024

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name David A. Goldstein, Esq.

Phone 727-847-8120

Address 8731 Citizens Drive, Suite 340

Email dgoldstein@pascocountyfl.net

Street

New Port Richey

FL

34654

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

11/9/24

Meeting Date

Live Local

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Greg Armstrong

Phone 727-534-9951

Address 9251 Alcott Way

Street

Email armgreg@verizon.net

Trinity

City

FL

State

34655

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

5-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

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

1/9/24

Meeting Date

328

Bill Number or Topic

477146

Amendment Barcode (if applicable)

Name Stephanie Suttan

Committee

Phone 850-508-6889

Address 2914 Tyson Circle

Street

Email

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

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

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

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

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BILL: SB 380

INTRODUCER: Senator Hooper

SUBJECT: Disclosure of Estimated Ad Valorem Taxes

DATE: January 8, 2024

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

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

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## I. Summary:

SB 380 requires that online listings of residential property include an estimate of property taxes the purchaser would pay based on a formula developed by the Florida Department of Revenue (DOR). A listing platform must alternatively provide a link to the respective county property appraiser’s website for a more detailed property tax estimate for the residential parcel.

The bill further requires each property appraiser to provide DOR with information needed to calculate such an estimate. DOR must publish this information alongside a formula to calculate an estimate of ad valorem taxes annually.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Online Real Property Listing Platforms

The marketplace for real estate has greatly shifted over time in favor of online listings of property; more than half of all homebuyers in 2022 found the home they purchased on the internet.<sup>1</sup> There are many large online platforms which list real estate, the most familiar of which being Zillow, Realtor.com, Trulia, and Redfin. In addition to large platforms, many individual realtors have websites which include listings of real estate for sale.<sup>2</sup>

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<sup>1</sup> National Ass’n of Realtors, *Quick Real Estate Statistics*, Nov. 3, 2022, available at <https://www.nar.realtor/research-and-statistics/quick-real-estate-statistics> (last visited Jan. 5, 2024).

<sup>2</sup> *Id.* The National Association of Realtors posits that it has more than 1,600,000 members, 70% of brokers and sales agents have a website, and 81% of their members have their own listings on their website.

Online real property listing platforms are not unified in the information displayed to the user. Some, but not all, include the property's public tax history, a link to the county property appraiser's website, and an estimate of property taxes.<sup>3</sup>

### Property Tax Estimates

Estimating an individual's tax estimate requires many pieces of information. These might include the parcel's millage rate, applicable exemptions, the property's value, applicable classified property uses, and other assessments on the property.<sup>4</sup> While there is no requirement to this effect, some property appraisers include on their website a tool or worksheet to assist homeowners in estimating property taxes.<sup>5</sup>

### Ad Valorem Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.<sup>6</sup> The property appraiser annually determines the "just value"<sup>7</sup> of property within the taxing jurisdiction and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."<sup>8</sup> Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31 of the following year.

The Florida Constitution prohibits the state from levying ad valorem taxes,<sup>9</sup> and it limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.<sup>10</sup>

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;<sup>11</sup> however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often results in lower

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<sup>3</sup> For example, Zillow's listings include all of the listed information, and the website's mortgage calculator includes estimated property taxes based on the home's value. <https://www.zillowhomeloans.com/calculators/mortgage-calculator/> (last visited Jan. 5, 2024).

<sup>4</sup> Florida Department of Revenue, *Property Tax Information for First-Time Florida Homebuyers*, available at <https://floridarevenue.com/property/Documents/pt107.pdf> (last visited Jan. 5, 2024).

<sup>5</sup> See, e.g., Miami-Dade County, *Tax Estimator*, available at <https://www.miamidade.gov/Apps/PA/PAOnlineTools/Taxes/TaxEstimator.aspx> (last visited Jan. 5, 2024).

<sup>6</sup> Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

<sup>7</sup> Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

<sup>8</sup> See s. 192.001(2) and (16), F.S.

<sup>9</sup> FLA. CONST. art. VII, s. 1(a).

<sup>10</sup> See FLA. CONST. art. VII, s. 4.

<sup>11</sup> Section 193.011(2), F.S.

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;<sup>12</sup> land used for conservation purposes;<sup>13</sup> historic properties when authorized by the county or municipality;<sup>14</sup> and certain working waterfront property.<sup>15</sup>

### ***Property Tax Exemptions for Homesteads***

A homestead exemption is a reduction of assessed value, and therefore tax liability, based on the individual's maintaining a property as their primary residence. Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>16</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.<sup>17</sup> This exemption does not apply to ad valorem taxes levied by school districts.

The Florida Constitution authorizes various additional homestead exemptions, either directly through legislation or through statutory permission for local governments to enact. These homesteads are based largely on the status or profession of the person maintaining the homestead property.<sup>18</sup>

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

The bill amends s. 689.261, F.S., to provide that online listings of residential property visible on any public-facing online real property listing platform, including websites and web or mobile applications, must include an estimate of ad valorem taxes. This estimate must use a formula produced by the Florida Department of Revenue which calculates the ad valorem tax that would be due, both with and without the homestead exemption, if the purchaser were taxed on the listing price of the property at current millage rates. The calculated tax must be identified as the purchaser's property tax estimate and must specify that the estimate does not represent actual taxes due for the property. The platform must explain that the jurisdiction of applicable taxing authorities may vary within a county and that the estimate does not include applicable non-ad valorem assessments, exemptions, discounts, or other benefits. The tool may not display actual taxes previously paid by the seller.

The bill further provides that each property appraiser shall annually provide the DOR with the information needed to calculate such an estimate, including the county name, tax district code, and applicable summary millage rates. DOR must publish this information alongside a formula to calculate an estimate of ad valorem taxes annually by December 15. DOR may adopt rules to implement this provision.

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<sup>12</sup> FLA. CONST. art. VII, s. 4(a).

<sup>13</sup> FLA. CONST. art. VII, s. 4(b).

<sup>14</sup> FLA. CONST. art. VII, s. 4(e).

<sup>15</sup> FLA. CONST. art. VII, s. 4(j).

<sup>16</sup> FLA. CONST. art. VII, s. 6(a) and s. 196.031, F.S.

<sup>17</sup> Section 196.031(1)(b), F.S.

<sup>18</sup> See, e.g., FLA. CONST. art. VII, s. 6(d); Sections 196.081, 196.082, 196.091, and 196.102, F.S.

The bill takes effect July 1, 2024.

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

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

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The bill requires that property appraisers submit certain information to DOR annually, which would likely not incur additional expense for local governments.

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an “insignificant fiscal impact” are exempt from the mandate requirements, which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.<sup>19,20</sup> Any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies.

##### **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.

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<sup>19</sup> FLA. CONST. art. VII, s. 18(d).

<sup>20</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 5, 2024).

**B. Private Sector Impact:**

Those operating online real property listings may incur minor expenses in implementing the tax estimator tool.

**C. Government Sector Impact:**

The DOR analysis for a comparable bill with similar effects, HB 1097 (2023), indicates no fiscal impact as a result of the bill.<sup>21</sup> While the DOR and local property appraisers are obligated to take certain actions, these are not likely to incur additional expense.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 689.261 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>21</sup> Florida Department of Revenue, *2023 Agency Legislative Bill Analysis HB 1097*, on file with Senate Committee on Community Affairs.

By Senator Hooper

21-00260C-24

2024380\_\_

1                   A bill to be entitled  
2           An act relating to disclosure of estimated ad valorem  
3           taxes; amending s. 689.261, F.S.; defining the term  
4           "listing platform"; requiring that certain listings to  
5           include estimated ad valorem taxes; prohibiting the  
6           current owner's ad valorem taxes from being displayed  
7           or used for certain purposes; providing requirements  
8           for listing platforms, the Department of Revenue, and  
9           property appraisers; providing construction;  
10          prohibiting certain materials from including specified  
11          information; requiring, beginning on a specified date,  
12          the department to annually publish a formula and  
13          certain information on its website; authorizing the  
14          department to adopt rules; providing an effective  
15          date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Subsection (3) is added to section 689.261,  
20           Florida Statutes, to read:

21           689.261 Sale of residential property; disclosure of ad  
22           valorem taxes to prospective purchaser.—

23           (3) (a) As used in this subsection, the term "listing  
24           platform" means any public-facing online real property listing  
25           platform, including, but not limited to, websites, web  
26           applications, and mobile applications.

27           (b) Any residential property visible on a listing platform  
28           must include the estimated ad valorem taxes for such property.

29           1. The current owner's ad valorem taxes may not be

21-00260C-24

2024380\_\_

30 displayed or used to calculate the estimated ad valorem taxes.

31 2. If the ad valorem taxes are estimated using a tax  
32 estimator or buyer payment calculator, the listing platform must  
33 calculate and display the ad valorem taxes that would be due,  
34 both with and without the homestead tax exemption, if the  
35 purchaser were taxed on the listing price of the property at  
36 current millage rates using the data and formula published under  
37 paragraph (d). The use of such data and formula constitutes a  
38 reasonable estimate of ad valorem taxes. The listing platform  
39 must include a disclaimer next to the estimated ad valorem taxes  
40 that the millage rates of applicable taxing authorities may vary  
41 within a county and that the estimated ad valorem taxes do not  
42 include all applicable non-ad valorem assessments or exemptions,  
43 discounts, and other tax benefits, including, but not limited  
44 to, transfer of the homestead assessment difference under s. 4,  
45 Art. VII of the State Constitution.

46 3. If ad valorem taxes are not estimated using a tax  
47 estimator or buyer payment calculator as provided in  
48 subparagraph 2., the listing platform shall include a link to  
49 the property appraiser's tax estimator for the county in which  
50 the property is located, if available, or to such property  
51 appraiser's home page. The Department of Revenue must maintain a  
52 table of links to each property appraiser's home page and tax  
53 estimator, if available, on its website. Each property appraiser  
54 is responsible for providing the department the link to its tax  
55 estimator.

56 (c) Printed listing materials produced by real estate sales  
57 agents may comply with these requirements by not displaying a  
58 seller's ad valorem taxes.



21-00260C-24

2024380\_\_

59       (d) The department shall annually develop a formula that  
60 may be used by a listing platform to calculate the estimated ad  
61 valorem taxes required under this subsection. The department  
62 shall require each property appraiser to provide the department  
63 with any information needed to develop the formula, including,  
64 at a minimum, the county name, tax district code, summary school  
65 millage rate, and summary millage rate for all other applicable  
66 taxing authorities. Beginning December 15, 2024, and annually  
67 thereafter, the department shall publish the formula and the  
68 information collected from each property appraiser under this  
69 paragraph on its website.

70       (e) The department may adopt rules to implement paragraph  
71 (d).

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

The Florida Senate

APPEARANCE RECORD

SB 380

1/9/24

Meeting Date

Bill Number or Topic

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Loren Levy

Phone 850-219-0220

Address 1828 Riggins Rd

Street

Email llevy@levylawtax.com

Tallahassee

City

FL

State

32308

Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

Property Appraisers' Assn of Fla.

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

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

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

S-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** November 15, 2023

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I respectfully request that **Senate Bill #380**, relating to Disclosure of Estimated Ad Valorem Taxes, be placed on the:

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

A handwritten signature in black ink, appearing to read "Ed Hooper", written over a horizontal line.

Senator Ed Hooper  
Florida Senate, District 21

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

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

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

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BILL: CS/SB 616

INTRODUCER: Community Affairs Committee and Senator Simon

SUBJECT: Tax Exemptions for Surviving Spouses of Quadriplegics

DATE: January 10, 2024

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

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

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

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 616 is linked to SJR 618, which proposes an amendment to the Florida Constitution to permit the legislature to provide ad valorem tax relief to the surviving spouse of a quadriplegic who was receiving a property tax exemption on their homestead property at the time of their death.

The bill amends the associated statutory provision to provide that if a quadriplegic receiving an ad valorem tax exemption under current law predeceases his or her spouse, and the surviving spouse owns the same property thereafter, the benefit carries over to the surviving spouse. The surviving spouse may carry over the benefit to a new residence provided he or she does not remarry.

The bill will take effect on the effective date of the constitutional amendment proposed by SJR 618 or a similar joint resolution having substantially the same intent and purpose. If approved by the electors in the next general election in November 2024, the proposed amendment and this bill will take effect on January 1, 2025.

## II. Present Situation:

### General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.<sup>1</sup> The property appraiser annually determines the assessed or “just value”<sup>2</sup> of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”<sup>3</sup> Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

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

### Property Tax Exemptions for Homesteads

#### *Statewide Homestead Exemption*

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>6</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.<sup>7</sup> This exemption does not apply to ad valorem taxes levied by school districts.

#### *Homestead Exemption for the Blind or Totally and Permanently Disabled*

Article VII, s. 3(b) of the State Constitution, requires that general law establish an exemption of property tax for widows and widowers, and persons who are blind or totally and permanently disabled. Subsections (1) and (2) of s. 196.101, F.S., exempt the total value of a homestead used and owned by a person who has been certified<sup>8</sup> as totally and permanently disabled, including any quadriplegic, paraplegic, or hemiplegic.

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

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

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

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

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

<sup>6</sup> FLA. CONST. art VII, s. 6(a) and s. 196.031, F.S.

<sup>7</sup> Section 196.031(1)(b), F.S.

<sup>8</sup> Section 196.101(3), F.S., permits the use of certification from two licensed Florida doctors or from the United States Department of Veterans Affairs as proof of total and permanent disability.

### III. Effect of Proposed Changes:

**Section 1** amends section 196.101(1) to provide that if a quadriplegic granted a homestead exemption under this section predeceases his or her spouse, and the spouse holds title to the homestead property thereafter, the ad valorem tax exemption carries over to the benefit of the spouse until such time as he or she remarries or disposes of the property. The value of the exemption may be carried over by the spouse to new homestead property provided the surviving spouse does not remarry.

The section also makes a technical change to subsection (3).

**Section 2** provides that the Department of Revenue may adopt emergency rules pursuant to s. 120.54(4), F.S., to administer the act.

**Section 3** provides that this bill will take effect on the effective date of the constitutional amendment proposed by SJR 618, or a similar joint resolution having substantially the same specific intent and purpose.

### IV. Constitutional Issues:

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

Article VII, s. 18(b) of the Florida Constitution provides that except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The mandate requirement does not apply to laws having an insignificant impact, which for Fiscal Year 2023-2024 is forecast at approximately \$2.3 million.

The Revenue Estimating Conference estimated that the bill provisions will reduce local government revenue by \$1,000,000 beginning in Fiscal Year 2025-2026.<sup>9</sup> Therefore, the mandates provision likely does not apply.

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

None.

#### C. Trust Funds Restrictions:

None.

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

None.

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<sup>9</sup> OFF. OF ECON. & DEMOGRAPHIC RSCH, *Revenue Estimating Conference Impact Results*, 9-10 (Nov. 3, 2023), available at: <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2024/pdf/impact1103.pdf> (last visited January 4, 2024).

E. **Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

The Revenue Estimating Conference reviewed this bill and adopted a zero/negative indeterminate due to the requirement for a statewide referendum. The Conference estimated the potential recurring impact should the amendment pass to be \$1 million on local governments.

B. **Private Sector Impact:**

If the proposed amendment (SJR 618) is approved by 60 percent of voters in November 2024, additional households will be eligible for full homestead exemptions, where applicable. This will result in an indeterminate positive fiscal impact as homeowners take advantage of ad valorem tax savings.

C. **Government Sector Impact:**

If the proposed amendment (SJR 618) is approved by 60 percent of voters in November 2024, additional households will be eligible for full homestead exemptions, where applicable. This will result in an indeterminate negative fiscal impact on local governments as total assessments on homestead property will be reduced.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 196.101 of the Florida Statutes.

**IX. Additional Information:**

A. **Committee Substitute – Statement of Changes:**

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

**CS by Community Affairs on January 9, 2024:**

The CS makes a technical change to insert the reference to SJR 618 for the purpose of linking the bill's effective date to a proposed constitutional amendment.

B. Amendments:

None.

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

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368396

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
	.	
	.	
	.	

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

**Senate Amendment**

Delete line 46  
and insert:  
of the amendment to the State Constitution proposed by SJR 618,

By Senator Simon

3-01269-24

2024616\_\_

1                   A bill to be entitled  
2           An act relating to tax exemptions for surviving  
3           spouses of quadriplegics; amending s. 196.101, F.S.;  
4           authorizing the surviving spouses of certain  
5           quadriplegics to carry over a certain tax exemption in  
6           certain circumstances; authorizing the Department of  
7           Revenue to adopt emergency rules; providing a  
8           contingent effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Subsections (1) and (3) of section 196.101,  
13   Florida Statutes, are amended to read:

14           196.101 Exemption for totally and permanently disabled  
15   persons; surviving spouse carryover.—

16           (1) (a) Any real estate used and owned as a homestead by any  
17   quadriplegic is exempt from taxation.

18           (b) If the quadriplegic granted an exemption under  
19   paragraph (a) predeceases his or her spouse and if, upon the  
20   death of the quadriplegic, the spouse holds legal or beneficial  
21   title to the homestead and permanently resides thereon as  
22   specified in s. 196.031, the discount from ad valorem tax that  
23   the quadriplegic received carries over to the benefit of the  
24   quadriplegic's spouse until such time as he or she remarries or  
25   sells or otherwise disposes of the property. If the spouse sells  
26   or otherwise disposes of the property, a discount not to exceed  
27   the dollar amount granted from the most recent ad valorem tax  
28   roll may be transferred to his or her new residence, as long as  
29   the new residence is used as his or her primary residence and he

3-01269-24

2024616\_\_

30 or she does not remarry.

31 (3) The production by any ~~totally and permanently disabled~~  
32 person entitled to the exemption in subsection (1) or subsection  
33 (2) of a certificate of such disability from two licensed  
34 doctors of this state or from the United States Department of  
35 Veterans Affairs or its predecessor to the property appraiser of  
36 the county wherein the property lies, is prima facie evidence of  
37 the fact that he or she is entitled to such exemption.

38 Section 2. The Department of Revenue may, and all  
39 conditions are deemed met to, adopt emergency rules pursuant to  
40 s. 120.54(4), Florida Statutes, to administer this act.  
41 Notwithstanding any other law, emergency rules adopted pursuant  
42 to this section are effective for 6 months after adoption and  
43 may be renewed during the pendency of procedures to adopt  
44 permanent rules addressing the subject of the emergency rules.

45 Section 3. This act shall take effect on the effective date  
46 of the amendment to the State Constitution proposed by SJR \_\_\_\_,  
47 or a similar joint resolution having substantially the same  
48 specific intent and purpose, if such amendment is approved at  
49 the next general election or at an earlier special election  
50 specifically authorized by law for that purpose.

The Florida Senate

APPEARANCE RECORD

SB616

1-9-2024

Meeting Date

Bill Number or Topic

Comm. Affairs

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

Committee

Amendment Barcode (if applicable)

Name

JR Harding

Phone

850-510-4628

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Email

Street

Tallah

32312

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

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

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

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S-001 (08/10/2021)

# APPEARANCE RECORD

616

1-9-24

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
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Community Affairs

Committee

Amendment Barcode (if applicable)

Name Albert Balido

Phone 850 251 3440

Address 201 W Paul Ave

Email \_\_\_\_\_

Street

Tall FL 32301

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Association of Property Appraisers

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

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

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

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BILL: SJR 618

INTRODUCER: Senator Simon

SUBJECT: Homestead Property Tax Exemption for the Surviving Spouse of Certain Quadriplegics

DATE: January 8, 2024      REVISED: \_\_\_\_\_

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

---

**I. Summary:**

SJR 618 proposes an amendment to the Florida Constitution to permit the legislature to provide ad valorem tax relief to the surviving spouse of a quadriplegic who was receiving a property tax exemption on their homestead property at the time of their death.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025.

**II. Present Situation:**

**General Overview of Property Taxation**

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

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

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

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

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

## **Property Tax Exemptions for Homesteads**

### ***Statewide Homestead Exemption***

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.<sup>6</sup> An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.<sup>7</sup> This exemption does not apply to ad valorem taxes levied by school districts.

### ***Homestead Exemption for the Blind or Totally and Permanently Disabled***

Article VII, s. 3(b) of the State Constitution, requires that general law establish an exemption of property tax for widows and widowers, and persons who are blind or totally and permanently disabled. Subsections (1) and (2) of s. 196.101, F.S., exempt the total value of a homestead used and owned by a person who has been certified<sup>8</sup> as totally and permanently disabled, including any quadriplegic, paraplegic, or hemiplegic.

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

The joint resolution proposes an amendment to the Florida Constitution to permit the legislature to provide ad valorem tax relief to the surviving spouse of a quadriplegic who was receiving a property tax exemption on their homestead property at the time of their death.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2024.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2025.

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

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

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

<sup>6</sup> FLA. CONST. art VII, s. 6(a) and s. 196.031, F.S.

<sup>7</sup> Section 196.031(1)(b), F.S.

<sup>8</sup> Section 196.101(3), F.S., permits the use of certification from two licensed Florida doctors or from the United States Department of Veterans Affairs as proof of total and permanent disability.

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

The mandate provisions in Article VII, section 18 of the Florida Constitution, do not apply to joint resolutions.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election<sup>9</sup> held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.<sup>10</sup>

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

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<sup>9</sup> Section 97.021(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

<sup>10</sup> Section 101.161(1), F.S.



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

The Revenue Estimating Conference adopted a zero impact because this is a joint resolution proposing an amendment to be submitted to the voters, which is not self-executing.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the 6th week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,<sup>11</sup> typically paid from non-recurring General Revenue funds.<sup>12</sup> Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement. Beginning in 2020, the summary of such financial information statements was also included as part of the booklets.<sup>13</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>11</sup> Pursuant to *Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)*.

<sup>12</sup> *See* Ch. 2020-111, Specific Appropriation 3132, Laws of Fla.

<sup>13</sup> Section 100.371(13)(e)4., F.S. *See also* Ch. 2019-64, s. 3, Laws of Fla.

**VIII. Statutes Affected:**

This resolution substantially amends section 6, Article VII of the Florida Constitution.

This resolution also creates a new section in Article XII of the Florida Constitution.

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

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

None.

**B. Amendments:**

None.

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

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By Senator Simon

3-01281-24

2024618\_\_

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution to authorize the Legislature to provide for a homestead property tax exemption for the surviving spouse of certain quadriplegics.

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

That the following amendment to Section 6 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 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the

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2024618\_\_

30 entireties, jointly, in common, as a condominium, or indirectly  
31 by stock ownership or membership representing the owner's or  
32 member's proprietary interest in a corporation owning a fee or a  
33 leasehold initially in excess of ninety-eight years. The  
34 exemption shall not apply with respect to any assessment roll  
35 until such roll is first determined to be in compliance with the  
36 provisions of section 4 by a state agency designated by general  
37 law. This exemption is repealed on the effective date of any  
38 amendment to this Article which provides for the assessment of  
39 homestead property at less than just value.

40 (b) Not more than one exemption shall be allowed any  
41 individual or family unit or with respect to any residential  
42 unit. No exemption shall exceed the value of the real estate  
43 assessable to the owner or, in case of ownership through stock  
44 or membership in a corporation, the value of the proportion  
45 which the interest in the corporation bears to the assessed  
46 value of the property.

47 (c) By general law and subject to conditions specified  
48 therein, the Legislature may provide to renters, who are  
49 permanent residents, ad valorem tax relief on all ad valorem tax  
50 levies. Such ad valorem tax relief shall be in the form and  
51 amount established by general law.

52 (d) The legislature may, by general law, allow counties or  
53 municipalities, for the purpose of their respective tax levies  
54 and subject to the provisions of general law, to grant either or  
55 both of the following additional homestead tax exemptions:

56 (1) An exemption not exceeding fifty thousand dollars to a  
57 person who has the legal or equitable title to real estate and  
58 maintains thereon the permanent residence of the owner, who has

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2024618\_\_

59 attained age sixty-five, and whose household income, as defined  
60 by general law, does not exceed twenty thousand dollars; or

61 (2) An exemption equal to the assessed value of the  
62 property to a person who has the legal or equitable title to  
63 real estate with a just value less than two hundred and fifty  
64 thousand dollars, as determined in the first tax year that the  
65 owner applies and is eligible for the exemption, and who has  
66 maintained thereon the permanent residence of the owner for not  
67 less than twenty-five years, who has attained age sixty-five,  
68 and whose household income does not exceed the income limitation  
69 prescribed in paragraph (1).

70

71 The general law must allow counties and municipalities to grant  
72 these additional exemptions, within the limits prescribed in  
73 this subsection, by ordinance adopted in the manner prescribed  
74 by general law, and must provide for the periodic adjustment of  
75 the income limitation prescribed in this subsection for changes  
76 in the cost of living.

77 (e) (1) Each veteran who is age 65 or older who is partially  
78 or totally permanently disabled shall receive a discount from  
79 the amount of the ad valorem tax otherwise owed on homestead  
80 property the veteran owns and resides in if the disability was  
81 combat related and the veteran was honorably discharged upon  
82 separation from military service. The discount shall be in a  
83 percentage equal to the percentage of the veteran's permanent,  
84 service-connected disability as determined by the United States  
85 Department of Veterans Affairs. To qualify for the discount  
86 granted by this paragraph, an applicant must submit to the  
87 county property appraiser, by March 1, an official letter from

3-01281-24

2024618\_\_

88 the United States Department of Veterans Affairs stating the  
89 percentage of the veteran's service-connected disability and  
90 such evidence that reasonably identifies the disability as  
91 combat related and a copy of the veteran's honorable discharge.  
92 If the property appraiser denies the request for a discount, the  
93 appraiser must notify the applicant in writing of the reasons  
94 for the denial, and the veteran may reapply. The Legislature  
95 may, by general law, waive the annual application requirement in  
96 subsequent years.

97 (2) If a veteran who receives the discount described in  
98 paragraph (1) predeceases his or her spouse, and if, upon the  
99 death of the veteran, the surviving spouse holds the legal or  
100 beneficial title to the homestead property and permanently  
101 resides thereon, the discount carries over to the surviving  
102 spouse until he or she remarries or sells or otherwise disposes  
103 of the homestead property. If the surviving spouse sells or  
104 otherwise disposes of the property, a discount not to exceed the  
105 dollar amount granted from the most recent ad valorem tax roll  
106 may be transferred to the surviving spouse's new homestead  
107 property, if used as his or her permanent residence and he or  
108 she has not remarried.

109 (3) This subsection is self-executing and does not require  
110 implementing legislation.

111 (f) By general law and subject to conditions and  
112 limitations specified therein, the Legislature may provide ad  
113 valorem tax relief equal to the total amount or a portion of the  
114 ad valorem tax otherwise owed on homestead property to:

115 (1) The surviving spouse of a veteran who died from  
116 service-connected causes while on active duty as a member of the

3-01281-24

2024618\_\_

117 United States Armed Forces.

118 (2) The surviving spouse of a first responder who died in  
119 the line of duty.

120 (3) A first responder who is totally and permanently  
121 disabled as a result of an injury or injuries sustained in the  
122 line of duty. Causal connection between a disability and service  
123 in the line of duty shall not be presumed but must be determined  
124 as provided by general law. For purposes of this paragraph, the  
125 term "disability" does not include a chronic condition or  
126 chronic disease, unless the injury sustained in the line of duty  
127 was the sole cause of the chronic condition or chronic disease.

128 (4) The surviving spouse of a quadriplegic who was  
129 receiving a property tax exemption on real estate used and owned  
130 as a homestead at the time of his or her death.

131  
132 As used in this subsection and as further defined by general  
133 law, the term "first responder" means a law enforcement officer,  
134 a correctional officer, a firefighter, an emergency medical  
135 technician, or a paramedic, and the term "in the line of duty"  
136 means arising out of and in the actual performance of duty  
137 required by employment as a first responder.

138 ARTICLE XII

139 SCHEDULE

140 Ad valorem tax exemption for surviving spouses of  
141 quadriplegics.—This section and the amendment to Section 6 of  
142 Article VII authorizing the Legislature to provide for a  
143 homestead property tax exemption for the surviving spouse of a  
144 quadriplegic who was receiving a property tax exemption on real  
145 estate used and owned as a homestead at the time of his or her

3-01281-24

2024618\_\_

146 death shall take effect January 1, 2025.

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

149 CONSTITUTIONAL AMENDMENT

150 ARTICLE VII, SECTION 6

151 ARTICLE XII

152 AD VALOREM TAX EXEMPTION FOR SURVIVING SPOUSES OF  
153 QUADRIPLÉGICS.—Proposing an amendment to the State Constitution  
154 to authorize the Legislature to provide for a property tax  
155 exemption for the surviving spouse of a quadriplegic who was  
156 receiving a property tax exemption on real estate used and owned  
157 as a homestead at the time of his or her death. The amendment  
158 takes effect January 1, 2025.



The Florida Senate

APPEARANCE RECORD

1.9.24

Meeting Date

618

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Albert Balichio

Phone 850 257 3440

Address 201 W Park Ave

Email

Street

Tall. fl 32301

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [X] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

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[X] I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

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

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

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

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BILL: SB 688

INTRODUCER: Senator Martin

SUBJECT: Alternative Mobility Funding Systems

DATE: January 8, 2024

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

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

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**I. Summary:**

SB 688 revises provisions concerning impact fees and concurrency and provides additional guidance concerning mobility fees. The bill:

- Provides definitions for “mobility fee” and “mobility plan” to be used within the Community Planning Act;
- Provides that local governments adopting and collecting impact fees by ordinance or resolution must use localized data available within the previous 12 months of adoption for the local government’s calculation of impact fees;
- Provides that after an applicant makes its contribution or constructs its proportionate share, the project must be allowed to proceed;
- Prohibits local governments from charging for transportation impacts if they are not the local government that is issuing a building permit;
- Requires that local governments collect for extra-jurisdictional impacts if they are issuing building permits;
- Prohibits local governments from assessing multiple charges for the same transportation impact; and
- Provides that holders of transportation or road impact fee credits which existed before the adoption of the mobility fee-based funding system, are entitled to the full benefit of the intensity and density prepaid.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Transportation Impact Fees

The Community Planning Act requires Counties and Municipalities to produce and maintain a comprehensive plan for future development and growth.<sup>1</sup> Each comprehensive plan must include a transportation element, the purpose of which is to plan for a multimodal transportation system emphasizing feasible public transportation, addressing mobility issues pertinent to the size and character of the local government, and designed to support all other elements of the comprehensive plan.<sup>2</sup> The transportation element must address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.<sup>3</sup>

In furtherance of comprehensive planning, local governments charge impact fees, generally as a condition for the issuance of a project's building permit, to maintain various civic services amid growth. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.<sup>4</sup> Impact fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.<sup>5</sup> In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, through which the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.<sup>6</sup>

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.<sup>7</sup> Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee

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<sup>1</sup> Part II, chapter 163, F.S.

<sup>2</sup> Section 163.3177(6)(b), F.S.

<sup>3</sup> Section 163.3177(6)(b)1., F.S.

<sup>4</sup> *Contractors & Builders Ass'n of Pinellas County v. City of Dunedin*, 329 So. 2d 314, 317-318 (Fla. 1976).

<sup>5</sup> *St. Johns County v. Ne. Florida Builders Ass'n, Inc.*, 583 So. 2d 635, 638 (Fla. 1991); section 163.31801(2), F.S.

<sup>6</sup> See *St. Johns County* at 637. Codified as s. 163.31801(3)(f) and (g), F.S.

<sup>7</sup> Section 163.31801(5), F.S.

zone or district or within an adjoining impact fee zone or district within the same local government jurisdiction.<sup>8</sup>

### **Concurrency and Proportionate Share**

“Concurrency” is a phrase referring to a set of land use regulations requiring local governments to ensure that new development does not outstrip a local government’s ability to provide necessary services. Developments meet concurrency requirements when the local government has the infrastructure capacity to serve the new growth.

A concurrency requirement is a law stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.<sup>9</sup> For example, before a local government can approve a building permit to allow a new development, it must consult with its water suppliers to ensure adequate supplies to serve the new development will be available by the time citizens can move in.<sup>10</sup> Certain services are subject to concurrency statewide (sanitary sewer, solid waste, drainage, and potable water) while other services, such as public transportation or schools, may optionally be subjected to concurrency by a local government.<sup>11</sup>

Proportionate share is a tool local governments may use to require developers to help mitigate the impacts of their development notwithstanding a failure to achieve and maintain the adopted level of service standards.<sup>12</sup> Proportionate share generally requires developers to contribute to costs, or build facilities, necessary to offset a new development’s impacts.<sup>13</sup>

### ***Transportation Concurrency***

Local governments utilizing transportation concurrency must use professionally accepted studies to evaluate levels of service and techniques to measure such levels of service when evaluating potential impacts of proposed developments.<sup>14</sup> While local governments implementing a transportation concurrency system are encouraged to develop and use certain tools and guidelines, such as addressing potential negative impacts on urban infill and redevelopment<sup>15</sup> and adopting long-term multimodal strategies,<sup>16</sup> such local governments must follow specific concurrency requirements including consulting with the Florida Department of Transportation if proposed amendments to the plan affect the Strategic Intermodal System, exempting public

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<sup>8</sup> Section 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.

<sup>9</sup> Section 163.3180(2), F.S.

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

<sup>11</sup> Section 163.3180(1), F.S.

<sup>12</sup> Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency: Best Practices Guide*, pg. 64 (2007), retrieved from [http://www.cutr.usf.edu/pdf/DCA\\_TCBP%20Guide.pdf](http://www.cutr.usf.edu/pdf/DCA_TCBP%20Guide.pdf) (last visited Jan. 5, 2024).

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

<sup>14</sup> Section 163.3180(5)(b)-(c), F.S.

<sup>15</sup> Section 163.3180(5)(e), F.S.

<sup>16</sup> Section 163.3180(f), F.S.

transit facilities from concurrency requirements, and allowing a developer to contribute a proportionate share to mitigate transportation impacts for a specific development.<sup>17</sup>

### **Mobility Plans and Fees**

In the Community Renewal Act<sup>18</sup> of 2009 (Act), the Legislature found that the concept and application of transportation concurrency was “complex, inequitable, lack(ed) uniformity among jurisdictions, (was) too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevent(ed) the attainment of important growth management goals.”<sup>19</sup> The Act required completion and submission of a mobility fee methodology study<sup>20</sup> and stated the Legislature’s intent that a mobility fee “should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.”<sup>21</sup> In 2013, the concept of a mobility fee-based funding system was added to the comprehensive planning statutes as an encouraged alternative to transportation concurrency.<sup>22</sup>

Alternative mobility funding systems using a mobility fee are encouraged to incorporate one or more of the statutory tools and techniques, including:

- Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, appropriate land use mixes, intensity and density;
- Adoption of an area wide level of service not dependent on any single road segment function;
- Exempting or discounting impacts of locally desired development;
- Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment with convenient interconnection to transit;
- Establishing multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate a level of mobility; and
- Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.<sup>23</sup>

Some local governments have adopted mobility plans and mobility fees.<sup>24</sup>

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<sup>17</sup> Section 163.3180(5)(h), F.S.

<sup>18</sup> Chapter 2009-96, s. 1, Laws of Fla.

<sup>19</sup> Chapter 2009-96, s. 13(1)(a), Laws of Fla.

<sup>20</sup> Center for Urban Transportation Research, *Evaluation of the Mobility Fee Concept Final Report*, University of South Florida (Nov. 2009), available at <https://cutr.usf.edu/wp-content/uploads/2012/08/Evaluation-of-the-Mobility-Fee-Concept-CUTR-Webcast-04.21.11.pdf> (last visited Jan. 5, 2024).

<sup>21</sup> Chapter 2009-96, s. 13(1)(b), Laws of Fla.

<sup>22</sup> Chapter 2013-78, s. 1, Laws of Fla.

<sup>23</sup> Section 163.3180(5)(f), F.S.

<sup>24</sup> See Hillsborough County Code of County Ordinances, ch. 40, art. III, div. 2, *Mobility Fees*; Pasco County Code of Ordinances, Land Development Code, ch. 1300, s. 1302.2; City of Port St. Lucie Code of Ordinances, Title XV, ch. 159, s. 159.101, *Port St. Lucie Mobility Fee Ordinance*.

### III. Effect of Proposed Changes:

The bill revises provisions concerning impact fees and concurrency while providing additional guidance concerning mobility fees.

**Section 1** amends s. 163.3164, F.S., to provide definitions for “mobility fee” and “mobility plan” to be used within the Community Planning Act.

**Section 2** amends s. 163.3180, F.S., to provide that, pursuant to a transportation concurrency agreement, after an applicant makes its contribution or constructs its proportionate share, the project shall be considered to have mitigated its transportation impacts and must be allowed to proceed. The section also provides that local governments may not prevent a single applicant from proceeding after the applicant has satisfied its proportionate-share contribution.

The section further prohibits local governments from charging for transportation impacts if they are not the local government that is issuing a building permit, requires that local governments collect for extra-jurisdictional impacts if they are issuing building permits, and prohibits local governments from assessing multiple charges for the same transportation impact.

**Section 3** amends s. 163.31801, F.S., to provide that local governments adopting and collecting impact fees must use localized data available within the previous 12 months of adoption for the local government’s calculation of impact fees. A local government must also credit against the collection of the impact any contribution identified in the development order or any form of exaction, including monetary contributions.

The section also provides that holders of transportation or road impact fee credits which existed before the adoption of the mobility fee-based funding system, are entitled to the full benefit of the intensity and density prepaid by the credit balance as of the date it was first established.

**Section 4** amends s. 212.055, F.S., to correct a statutory cross-reference.

**Section 5** provides that the bill takes effect July 1, 2024.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

**E. Other Constitutional Issues:**

None identified.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Ideally local governments in cooperation will continue to collect the full amount of expected transportation and mobility related impact fees. Local governments may nonetheless see costs implementing the provision of the bill requiring only the building permit issuing local government to collect such fees before dispersing them to other affected governments to the extent that current administration, such as operation through interlocal agreement, differs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 163.3164, 163.3180, 163.31801, and 212.055 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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By Senator Martin

33-01545-24

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1                   A bill to be entitled  
2       An act relating to alternative mobility funding  
3       systems; amending s. 163.3164, F.S.; providing  
4       definitions; amending s. 163.3180, F.S.; revising  
5       requirements relating to agreements to pay for or  
6       construct certain improvements; authorizing certain  
7       local governments to adopt an alternative mobility  
8       planning and fee system or an alternative system in  
9       certain circumstances; providing requirements for the  
10      application of an adopted alternative system;  
11      prohibiting an alternative system from imposing  
12      responsibility for funding an existing transportation  
13      deficiency upon new development; providing that only  
14      local governments issuing building permits may charge  
15      for transportation impacts; requiring local  
16      governments that issue building permits to collect for  
17      extrajurisdictional impacts; prohibiting local  
18      governments from assessing multiple charges for the  
19      same transportation impact; amending s. 163.31801,  
20      F.S.; revising requirements for the calculation of  
21      impact fees by certain local governments and special  
22      districts; requiring local governments transitioning  
23      to alternative funding systems to provide holders of  
24      impact fee credits with full benefit of intensity and  
25      density of prepaid credit balances as of a specified  
26      date; amending s. 212.055, F.S.; conforming a cross-  
27      reference; providing an effective date.

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

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Section 1. Present subsections (32) through (52) of section 163.3164, Florida Statutes, are redesignated as subsections (34) through (54), respectively, and new subsections (32) and (33) are added to that section, to read:

163.3164 Community Planning Act; definitions.—As used in this act:

(32) "Mobility fee" means a local government fee schedule established by ordinance and based on the projects included in the local government's adopted mobility plan.

(33) "Mobility plan" means an integrated land use and alternative mobility transportation plan adopted into a local government comprehensive plan that promotes a compact, mixed-use, and interconnected development served by a multimodal transportation system in an area that is urban in character as defined in s. 171.031.

Section 2. Paragraphs (h) and (i) of subsection (5) of section 163.3180, Florida Statutes, are amended, and paragraph (j) is added to that subsection, to read:

163.3180 Concurrency.—

(5)

(h)1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must:

a. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

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59           b. Exempt public transit facilities from concurrency. For  
60 the purposes of this sub-subparagraph, public transit facilities  
61 include transit stations and terminals; transit station parking;  
62 park-and-ride lots; intermodal public transit connection or  
63 transfer facilities; fixed bus, guideway, and rail stations; and  
64 airport passenger terminals and concourses, air cargo  
65 facilities, and hangars for the assembly, manufacture,  
66 maintenance, or storage of aircraft. As used in this sub-  
67 subparagraph, the terms "terminals" and "transit facilities" do  
68 not include seaports or commercial or residential development  
69 constructed in conjunction with a public transit facility.

70           c. Allow an applicant for a development-of-regional-impact  
71 development order, development agreement, rezoning, or other  
72 land use development permit to satisfy the transportation  
73 concurrency requirements of the local comprehensive plan, the  
74 local government's concurrency management system, and s. 380.06,  
75 when applicable, if:

76           (I) The applicant in good faith offers to enter into a  
77 binding agreement to pay for or construct its proportionate  
78 share of required improvements in a manner consistent with this  
79 subsection. The agreement must provide that after an applicant  
80 makes its contribution or constructs its proportionate share  
81 pursuant to this sub-sub-subparagraph, the project shall be  
82 considered to have mitigated its transportation impacts and be  
83 allowed to proceed.

84           (II) The proportionate-share contribution or construction  
85 is sufficient to accomplish one or more mobility improvements  
86 that will benefit a regionally significant transportation  
87 facility. A local government may accept contributions from

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88 multiple applicants for a planned improvement if it maintains  
89 contributions in a separate account designated for that purpose.  
90 A local government may not prevent a single applicant from  
91 proceeding after the applicant has satisfied its proportionate-  
92 share contribution.

93 d. Provide the basis upon which the landowners will be  
94 assessed a proportionate share of the cost addressing the  
95 transportation impacts resulting from a proposed development.

96 2. An applicant shall not be held responsible for the  
97 additional cost of reducing or eliminating deficiencies. When an  
98 applicant contributes or constructs its proportionate share  
99 pursuant to this paragraph, a local government may not require  
100 payment or construction of transportation facilities whose costs  
101 would be greater than a development's proportionate share of the  
102 improvements necessary to mitigate the development's impacts.

103 a. The proportionate-share contribution shall be calculated  
104 based upon the number of trips from the proposed development  
105 expected to reach roadways during the peak hour from the stage  
106 or phase being approved, divided by the change in the peak hour  
107 maximum service volume of roadways resulting from construction  
108 of an improvement necessary to maintain or achieve the adopted  
109 level of service, multiplied by the construction cost, at the  
110 time of development payment, of the improvement necessary to  
111 maintain or achieve the adopted level of service.

112 b. In using the proportionate-share formula provided in  
113 this subparagraph, the applicant, in its traffic analysis, shall  
114 identify those roads or facilities that have a transportation  
115 deficiency in accordance with the transportation deficiency as  
116 defined in subparagraph 4. The proportionate-share formula

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117 provided in this subparagraph shall be applied only to those  
118 facilities that are determined to be significantly impacted by  
119 the project traffic under review. If any road is determined to  
120 be transportation deficient without the project traffic under  
121 review, the costs of correcting that deficiency shall be removed  
122 from the project's proportionate-share calculation and the  
123 necessary transportation improvements to correct that deficiency  
124 shall be considered to be in place for purposes of the  
125 proportionate-share calculation. The improvement necessary to  
126 correct the transportation deficiency is the funding  
127 responsibility of the entity that has maintenance responsibility  
128 for the facility. The development's proportionate share shall be  
129 calculated only for the needed transportation improvements that  
130 are greater than the identified deficiency.

131 c. When the provisions of subparagraph 1. and this  
132 subparagraph have been satisfied for a particular stage or phase  
133 of development, all transportation impacts from that stage or  
134 phase for which mitigation was required and provided shall be  
135 deemed fully mitigated in any transportation analysis for a  
136 subsequent stage or phase of development. Trips from a previous  
137 stage or phase that did not result in impacts for which  
138 mitigation was required or provided may be cumulatively analyzed  
139 with trips from a subsequent stage or phase to determine whether  
140 an impact requires mitigation for the subsequent stage or phase.

141 d. In projecting the number of trips to be generated by the  
142 development under review, any trips assigned to a toll-financed  
143 facility shall be eliminated from the analysis.

144 e. The applicant shall receive a credit on a dollar-for-  
145 dollar basis for impact fees, mobility fees, and other

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146 transportation concurrency mitigation requirements paid or  
147 payable in the future for the project. The credit shall be  
148 reduced up to 20 percent by the percentage share that the  
149 project's traffic represents of the added capacity of the  
150 selected improvement, or by the amount specified by local  
151 ordinance, whichever yields the greater credit.

152 3. This subsection does not require a local government to  
153 approve a development that, for reasons other than  
154 transportation impacts, is not qualified for approval pursuant  
155 to the applicable local comprehensive plan and land development  
156 regulations.

157 4. As used in this subsection, the term "transportation  
158 deficiency" means a facility or facilities on which the adopted  
159 level-of-service standard is exceeded by the existing,  
160 committed, and vested trips, plus additional projected  
161 background trips from any source other than the development  
162 project under review, and trips that are forecast by established  
163 traffic standards, including traffic modeling, consistent with  
164 the University of Florida's Bureau of Economic and Business  
165 Research medium population projections. Additional projected  
166 background trips are to be coincident with the particular stage  
167 or phase of development under review.

168 (i) If a local government elects to repeal transportation  
169 concurrency, the local government may ~~it is encouraged to~~ adopt  
170 an alternative mobility planning and fee funding system or an  
171 alternative system that is not mobility plan and fee based. The  
172 local government ~~that uses one or more of the tools and~~  
173 ~~techniques identified in paragraph (f).~~ Any alternative mobility  
174 ~~funding system adopted~~ may not use an alternative system ~~be used~~

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175 to deny, time, or phase an application for site plan approval,  
176 plat approval, final subdivision approval, building permits, or  
177 the functional equivalent of such approvals provided that the  
178 developer agrees to pay for the development's identified  
179 transportation impacts via the funding mechanism implemented by  
180 the local government. The revenue from the funding mechanism  
181 used in the alternative system must be used to implement the  
182 needs of the local government's plan which serves as the basis  
183 for the fee imposed. An alternative ~~A mobility fee-based funding~~  
184 ~~system must comply with s. 163.31801 governing impact fees. An~~  
185 ~~alternative system may not impose that is not mobility fee-based~~  
186 ~~shall not be applied in a manner that imposes~~ upon new  
187 development any responsibility for funding an existing  
188 transportation deficiency as defined in paragraph (h).

189 (j) Only the local government issuing the building permit  
190 may charge for transportation impacts within its jurisdiction.  
191 Such local government must collect and account for any  
192 extrajurisdictional impacts pursuant to s. 163.3177(6)(h),  
193 regardless of whether it implements a transportation concurrency  
194 system or an alternative system. A local government may not  
195 charge new development or redevelopment for the same  
196 transportation impacts.

197 Section 3. Paragraph (a) of subsection (4), paragraph (a)  
198 of subsection (5), and subsection (7) of section 163.31801,  
199 Florida Statutes, are amended to read:

200 163.31801 Impact fees; short title; intent; minimum  
201 requirements; audits; challenges.—

202 (4) At a minimum, each local government that adopts and  
203 collects an impact fee by ordinance and each special district

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204 that adopts, collects, and administers an impact fee by  
205 resolution must:

206 (a) Ensure that the calculation of the impact fee is based  
207 on the most recent and localized data available within the  
208 previous 12 months before adoption.

209 (5) (a) Notwithstanding any charter provision, comprehensive  
210 plan policy, ordinance, development order, development permit,  
211 or resolution, the local government or special district that  
212 requires any improvement or contribution must credit against the  
213 collection of the impact fee any contribution, whether  
214 identified in a development order, proportionate share  
215 agreement, or any other form of exaction, related to public  
216 facilities or infrastructure, including monetary contributions,  
217 land dedication, site planning and design, or construction. Any  
218 contribution must be applied on a dollar-for-dollar basis at  
219 fair market value to reduce any impact fee collected for the  
220 general category or class of public facilities or infrastructure  
221 for which the contribution was made.

222 (7) If an impact fee is increased, the holder of any impact  
223 fee credits, whether such credits are granted under s. 163.3180,  
224 s. 380.06, or otherwise, which were in existence before the  
225 increase, is entitled to the full benefit of the intensity or  
226 density prepaid by the credit balance as of the date it was  
227 first established. If a local government adopts an alternative  
228 funding system pursuant to s. 163.3180(5)(i), the holder of any  
229 transportation or road impact fee credits granted under s.  
230 163.3180 or s. 380.06 or otherwise that were in existence before  
231 the adoption of the alternative funding system is entitled to  
232 the full benefit of the intensity and density prepaid by the



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233 credit balance as of the date the alternative funding system was  
234 first established.

235 Section 4. Paragraph (d) of subsection (2) of section  
236 212.055, Florida Statutes, is amended to read:

237 212.055 Discretionary sales surtaxes; legislative intent;  
238 authorization and use of proceeds.—It is the legislative intent  
239 that any authorization for imposition of a discretionary sales  
240 surtax shall be published in the Florida Statutes as a  
241 subsection of this section, irrespective of the duration of the  
242 levy. Each enactment shall specify the types of counties  
243 authorized to levy; the rate or rates which may be imposed; the  
244 maximum length of time the surtax may be imposed, if any; the  
245 procedure which must be followed to secure voter approval, if  
246 required; the purpose for which the proceeds may be expended;  
247 and such other requirements as the Legislature may provide.  
248 Taxable transactions and administrative procedures shall be as  
249 provided in s. 212.054.

250 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

251 (d) The proceeds of the surtax authorized by this  
252 subsection and any accrued interest shall be expended by the  
253 school district, within the county and municipalities within the  
254 county, or, in the case of a negotiated joint county agreement,  
255 within another county, to finance, plan, and construct  
256 infrastructure; to acquire any interest in land for public  
257 recreation, conservation, or protection of natural resources or  
258 to prevent or satisfy private property rights claims resulting  
259 from limitations imposed by the designation of an area of  
260 critical state concern; to provide loans, grants, or rebates to  
261 residential or commercial property owners who make energy

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262 efficiency improvements to their residential or commercial  
263 property, if a local government ordinance authorizing such use  
264 is approved by referendum; or to finance the closure of county-  
265 owned or municipally owned solid waste landfills that have been  
266 closed or are required to be closed by order of the Department  
267 of Environmental Protection. Any use of the proceeds or interest  
268 for purposes of landfill closure before July 1, 1993, is  
269 ratified. The proceeds and any interest may not be used for the  
270 operational expenses of infrastructure, except that a county  
271 that has a population of fewer than 75,000 and that is required  
272 to close a landfill may use the proceeds or interest for long-  
273 term maintenance costs associated with landfill closure.  
274 Counties, as defined in s. 125.011, and charter counties may, in  
275 addition, use the proceeds or interest to retire or service  
276 indebtedness incurred for bonds issued before July 1, 1987, for  
277 infrastructure purposes, and for bonds subsequently issued to  
278 refund such bonds. Any use of the proceeds or interest for  
279 purposes of retiring or servicing indebtedness incurred for  
280 refunding bonds before July 1, 1999, is ratified.

281 1. For the purposes of this paragraph, the term  
282 "infrastructure" means:

283 a. Any fixed capital expenditure or fixed capital outlay  
284 associated with the construction, reconstruction, or improvement  
285 of public facilities that have a life expectancy of 5 or more  
286 years, any related land acquisition, land improvement, design,  
287 and engineering costs, and all other professional and related  
288 costs required to bring the public facilities into service. For  
289 purposes of this sub-subparagraph, the term "public facilities"  
290 means facilities as defined in s. 163.3164(41) ~~s. 163.3164(39)~~,

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291 s. 163.3221(13), or s. 189.012(5), and includes facilities that  
292 are necessary to carry out governmental purposes, including, but  
293 not limited to, fire stations, general governmental office  
294 buildings, and animal shelters, regardless of whether the  
295 facilities are owned by the local taxing authority or another  
296 governmental entity.

297 b. A fire department vehicle, an emergency medical service  
298 vehicle, a sheriff's office vehicle, a police department  
299 vehicle, or any other vehicle, and the equipment necessary to  
300 outfit the vehicle for its official use or equipment that has a  
301 life expectancy of at least 5 years.

302 c. Any expenditure for the construction, lease, or  
303 maintenance of, or provision of utilities or security for,  
304 facilities, as defined in s. 29.008.

305 d. Any fixed capital expenditure or fixed capital outlay  
306 associated with the improvement of private facilities that have  
307 a life expectancy of 5 or more years and that the owner agrees  
308 to make available for use on a temporary basis as needed by a  
309 local government as a public emergency shelter or a staging area  
310 for emergency response equipment during an emergency officially  
311 declared by the state or by the local government under s.  
312 252.38. Such improvements are limited to those necessary to  
313 comply with current standards for public emergency evacuation  
314 shelters. The owner must enter into a written contract with the  
315 local government providing the improvement funding to make the  
316 private facility available to the public for purposes of  
317 emergency shelter at no cost to the local government for a  
318 minimum of 10 years after completion of the improvement, with  
319 the provision that the obligation will transfer to any

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320 subsequent owner until the end of the minimum period.

321 e. Any land acquisition expenditure for a residential  
322 housing project in which at least 30 percent of the units are  
323 affordable to individuals or families whose total annual  
324 household income does not exceed 120 percent of the area median  
325 income adjusted for household size, if the land is owned by a  
326 local government or by a special district that enters into a  
327 written agreement with the local government to provide such  
328 housing. The local government or special district may enter into  
329 a ground lease with a public or private person or entity for  
330 nominal or other consideration for the construction of the  
331 residential housing project on land acquired pursuant to this  
332 sub-subparagraph.

333 f. Instructional technology used solely in a school  
334 district's classrooms. As used in this sub-subparagraph, the  
335 term "instructional technology" means an interactive device that  
336 assists a teacher in instructing a class or a group of students  
337 and includes the necessary hardware and software to operate the  
338 interactive device. The term also includes support systems in  
339 which an interactive device may mount and is not required to be  
340 affixed to the facilities.

341 2. For the purposes of this paragraph, the term "energy  
342 efficiency improvement" means any energy conservation and  
343 efficiency improvement that reduces consumption through  
344 conservation or a more efficient use of electricity, natural  
345 gas, propane, or other forms of energy on the property,  
346 including, but not limited to, air sealing; installation of  
347 insulation; installation of energy-efficient heating, cooling,  
348 or ventilation systems; installation of solar panels; building

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349 modifications to increase the use of daylight or shade;  
350 replacement of windows; installation of energy controls or  
351 energy recovery systems; installation of electric vehicle  
352 charging equipment; installation of systems for natural gas fuel  
353 as defined in s. 206.9951; and installation of efficient  
354 lighting equipment.

355       3. Notwithstanding any other provision of this subsection,  
356 a local government infrastructure surtax imposed or extended  
357 after July 1, 1998, may allocate up to 15 percent of the surtax  
358 proceeds for deposit into a trust fund within the county's  
359 accounts created for the purpose of funding economic development  
360 projects having a general public purpose of improving local  
361 economies, including the funding of operational costs and  
362 incentives related to economic development. The ballot statement  
363 must indicate the intention to make an allocation under the  
364 authority of this subparagraph.

365       Section 5. This act shall take effect July 1, 2024.

The Florida Senate

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SB 688

Bill Number or Topic

1/9/24

Meeting Date

Comm. Affairs

Committee

Amendment Barcode (if applicable)

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Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

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S-001 (08/10/2021)

The Florida Senate

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1/9/24

Meeting Date

SB 688

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Gary Hunter

Phone 850-567-5763

Address 119 S. Monroe Street Suite 500

Street

Email g.hunter@holtzmanvogel.com

Tallahassee

City

FL

State

32301

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Association of Florida Community Developers

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/9/2024

Meeting Date

688

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Bob Mulkee

Phone 850 766-1952

Address 100 S Monroe

Email bmulkee@fl-counties.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Assoc of Counties

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

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

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S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

SB 688

1/9/24

Meeting Date

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Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name David Cruz

Phone 701-3474

Address P.O. Box 1757

Email DCRUZ@FLCITIES.COM

Street

Tallahassee FL

32302

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida League of Cities

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/9/24

Meeting Date

688

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Kasey Denny

Phone (954) 495 6333

Address 301 N Olive Ave

Email kdenny@pbccgov.org

Street

West Palm Beach FL 33401

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Palm Beach county

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/9/24

Meeting Date

5B688

Bill Number or Topic

Comm Affairs

Committee

Amendment Barcode (if applicable)

CHESEA REED

Name

Phone

561-346-1860

Address

Street

11000 Military Trail

Email

creed@phgft.com

City

PBq

State

FL

Zip

33410

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

City of Palm Beach Gardens

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 698

Bill Number or Topic

1/9/24 Meeting Date

COMMUNITY AFFAIRS Committee

Amendment Barcode (if applicable)

Name R. MAX LOHMAN

Phone SA-373-0278

Address 16500 N. MILITARY TRAIL Street

Email MALOHMAN@PBGFL.COM

PALM BEACH GARDENS FL 33401 City State Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[ ] I am a registered lobbyist, representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Jan 9, 2023

Meeting Date

688 / Mobility Fair

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Rusty Payton

Phone 850-567-1073

Address 1319 Thomaswood Drive

Email rpayton@fhba.com

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Home Business Association

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/9/24 Meeting Date

688 Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Louis Rotundo

Phone 407-699-9361

Address 302 Pinestraw Circle Street

Email LCR5002@AOL.COM

Altamonte Springs FL 32701 City State Zip

Speaking: [X] For [ ] Against [ ] Information OR Waive Speaking: [ ] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

- City of Altamonte Springs
- Celebration Pointe LLC

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 688

Bill Number or Topic

1/9/24

Meeting Date

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Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Ken Pruitt

Phone

772-971-5760

Address

2835 SHERRY BROOK LN

Email

Kenpruitt95@gmail.com

Street

Lutz

FL

33559

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

St. Lucie County

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

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

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The Florida Senate

APPEARANCE RECORD

688

1/9/24

Meeting Date

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Patrick Rutter

Phone

561 355 2034

Address

301 N. Olive Ave.

Email

prutter@pbugov.org

Street

West Palm Beach FL

33401

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)





# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

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

## SELECT COMMITTEE:

Select Committee on Resiliency

## SENATOR JONATHAN MARTIN

33rd District

January 3, 2024

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

### RE: SB 688, Alternative Mobility Funding Systems

Dear Chair Calatayud:

Please allow this letter to serve as my respectful request to place SB 688, relating to Alternative Mobility Funding Systems, on the next committee agenda.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Martin".

Jonathan Martin  
Senate District 33

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

#### REPLY TO:

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

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

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

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

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

---

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

---

BILL: SB 712

INTRODUCER: Senator Powell

SUBJECT: Public Records/County Attorneys and City Attorneys

DATE: January 8, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
2.	_____	_____	<u>RC</u>	_____

---

**I. Summary:**

SB 712 creates a public records exemption for specified personal information of current and former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys. Personal information relating to their spouses and children is likewise exempt. The specific personal information made exempt from public records disclosure requirements includes:

- Home addresses, telephone numbers, places of employment, photographs and dates of birth;
- Names, home addresses, telephone numbers, photographs, places of employment, and dates of birth of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The exemption, however, does not apply to a current or former county attorney, deputy county attorney, assistant county attorney, city attorney, deputy city attorney, or assistant city attorney who qualifies as a candidate for election to public office.

A statement of public necessity is included in the bill as required by the State Constitution.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2029, unless reviewed and saved from the repeal through reenactment by the Legislature.

Because this bill creates a public records exemption, it will require a two-thirds vote of each house in order to pass.

The bill is effective July 1, 2024.

## II. Present Situation:

### Access to Public Records - Generally

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

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

### Executive Agency Records – The Public Records Act

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

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>6</sup>

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

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

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2020-2022).

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

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

<sup>6</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person's right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>9</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup>

General exemptions from the public records requirements are contained in the Public Records Act.<sup>11</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>12</sup>

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>13</sup> Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

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

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>16</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> The Act requires the repeal of

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<sup>7</sup> Section 119.07(1)(a), F.S.

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST. art. I, s. 24(c).

<sup>10</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

<sup>11</sup> *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>12</sup> *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>13</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

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

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

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

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

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

such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>19</sup>

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>21</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however; only personal identifying information is exempt;<sup>22</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

The Act also requires specified questions to be considered during the review process.<sup>24</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

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

### **General Public Records Exemptions for State and Local Agency Personnel**

There are three general public records exemptions that apply to all state and local agency<sup>27</sup> personnel: disclosure of an employee's social security number, medical information, and

---

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

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

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

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

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

<sup>24</sup> Section 119.15(6)(a), F.S. The specified questions are:

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

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

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

<sup>27</sup> See *Supra* note 5.

personal identifying information of dependent children who are insured by an agency group insurance plan.<sup>28</sup>

### ***Social Security Numbers***

Social security numbers of all prospective, current, and former agency personnel are confidential and exempt when held by the employing agency.<sup>29</sup> An employing agency may only release social security numbers for the following reasons:

- It is required by federal or state law, or court order.
- A receiving government agency needs the social security number to perform its duties.
- The employee consents to disclose his or her social security number.<sup>30</sup>

In addition, there is a general exemption for social security numbers which applies to the public that makes social security numbers confidential and exempt.<sup>31</sup> This exemption applies to any agency that holds anyone's social security number, including those belonging to the personnel of that agency. This exemption, however, permits the agency to disclose social security numbers of agency personnel in order to administer health or retirement benefits.<sup>32</sup>

### ***Medical Information***

A prospective, current, or former agency employee's medical information is also exempt from public disclosure if the medical information could identify the employee. Such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission pursuant to a court order.<sup>33</sup>

### ***Personal Identifying Information***

The personal identifying information of a dependent child of an agency employee who is insured by an agency group insurance plan is exempt from public disclosure. This exemption applies to the dependent children of current and former employees and is also retroactively applied.<sup>34</sup>

### **Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4)(d), F.S.)**

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure certain personal identification and location information of specified state and local government agency personnel and their spouses and children. Personnel covered by these exemptions include, in part:

- Active or former sworn or civilian law enforcement personnel employed by a law enforcement agency;<sup>35</sup>

<sup>28</sup> Section 119.071(4)(a) and (b), F.S.

<sup>29</sup> Section 119.071(4)(a)1., F.S.

<sup>30</sup> Section 119.071(4)(a), F.S.

<sup>31</sup> Section 119.071(5)(a)5., F.S.

<sup>32</sup> Section 119.071(5)(a)6.f. and g., F.S.

<sup>33</sup> Section 119.071(4)(b)1., F.S.

<sup>34</sup> Section 119.071(4)(b)2., F.S.

<sup>35</sup> Section 119.071(4)(d)2.a., F.S.

- Certain current or former nonsworn investigative personnel of the Department of Financial Services;<sup>36</sup>
- Certain current or former nonsworn investigative personnel of the Office of Financial Regulation’s Bureau of Financial Investigations;<sup>37</sup>
- Current or former certified firefighters;<sup>38</sup>
- Current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;<sup>39</sup>
- Current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors;<sup>40</sup>
- Current or former code enforcement officers;<sup>41</sup>
- Current or former guardians ad litem;<sup>42</sup>
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;<sup>43</sup>
- Current or former investigators or inspectors of the Department of Business and Professional Regulation;<sup>44</sup>
- County tax collectors;<sup>45</sup>
- Current or former certified emergency medical technicians and paramedics;<sup>46</sup>
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;<sup>47</sup>
- Current or former directors, managers, supervisors, and clinical employees of certain child advocacy centers;<sup>48</sup> and
- Current or former staff of domestic violence centers, including domestic violence advocates.<sup>49</sup>

The specified exempt information for each profession provided in s. 119.071(4)(d), F.S., varies among the professions, however, generally, the home addresses,<sup>50</sup> telephone numbers,<sup>51</sup> dates of birth of the specified personnel are exempt, and also identifying information of their spouse and children, including place of employment, school and/or daycare facility. For many of the

<sup>36</sup> Section 119.071(4)(d)2.b., F.S.

<sup>37</sup> Section 119.071(4)(d)2.c., F.S.

<sup>38</sup> Section 119.071(4)(d)2.d., F.S.

<sup>39</sup> Section 119.071(4)(d)2.e., F.S.

<sup>40</sup> Section 119.071(4)(d)2.f., F.S.

<sup>41</sup> Section 119.071(4)(d)2.i., F.S.

<sup>42</sup> Section 119.071(4)(d)2.j., F.S.

<sup>43</sup> Section 119.071(4)(d)2.l., F.S.

<sup>44</sup> Section 119.071(4)(d)2.m., F.S.

<sup>45</sup> Section 119.071(4)(d)2.n., F.S.

<sup>46</sup> Section 119.071(4)(d)2.q., F.S.

<sup>47</sup> Section 119.071(4)(d)2.s., F.S.

<sup>48</sup> Section 119.071(4)(d)2.t., F.S.

<sup>49</sup> Section 119.071(4)(d)2.u., F.S.

<sup>50</sup> Section 119.071(4)(d)1.a., F.S., defines “home addresses” to mean “the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.”

<sup>51</sup> Section 119.071(4)(d)1.b., F.S., defines “telephone numbers” to include “home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.”

professions photographs of the employee are exempt,<sup>52</sup> and in some instances, the photographs of the employee's spouse and children are exempt as well.<sup>53</sup>

The employing agency or the employee must assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's information.<sup>54</sup> Further, all of these exemptions have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.<sup>55</sup>

The exemptions for specified agency personnel in s. 119.071(4)(d), F.S., are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2029, unless reviewed and saved from repeal by the Legislature.

### **Position of County Attorney and City Attorney**

The term "county attorney" is not defined by statute, but is referenced in eight statutes as a local government employee expected to assist in the enforcement of various laws.<sup>56</sup> Similarly, the term "city attorney" is not defined by statute, but is referenced in four statutes, again as a local government employee expected to assist in the enforcement of various laws.<sup>57</sup>

The duties of a county attorney or city attorney vary and are set by the governing board of the local government. The duties of an assistant county attorney or assistant city attorney are set by their respective county attorney or city attorney. As an example, one county defines the duties of its county attorney as follows:

- Employing and managing all personnel of the County Attorney's Office, establishing the organizational framework of the office, and supervising the conduct of all employees of the Office of the County Attorney.
- Providing legal advice and counsel to, and legal representation of the board of county commissioners and county departments, agencies, officers and employees on matters pertaining to the business of the county or in connection with the duties of the board, department, agency, officer or employee.
- Representing the county in all litigation, administrative hearings, mediation, appeals and judicial proceedings in which the county, the board, or a county department or agency under the jurisdiction of the board is a party.
- Providing legal advice and counsel to, and legal representation of, constitutional officers of the county and its employees on matters pertaining to the respective business and duties of the constitutional officers and employees at the request of constitutional officers.
- Representing any constitutional officer or employee of the officer in any litigation, administrative hearing, mediation, appeal or judicial proceeding upon request of said constitutional officer.

<sup>52</sup> See, e.g., s. 119.071(4)(d)2.1, F.S.

<sup>53</sup> See, e.g., s. 119.071(4)(d)2.a., F.S.

<sup>54</sup> Section 119.071(4)(d)3. and 4., F.S.

<sup>55</sup> Section 119.071(4)(d)6., F.S.

<sup>56</sup> Sections 60.05, 373.609, 381.0012, 409.2554, 499.002, 499.81, 509.285, and 705.106, F.S.

<sup>57</sup> Sections 60.05, 409.2554, 705.106, and 849.44, F.S.



- Advising and providing recommendations to the board regarding the need for the selection of any special counsel to be retained by the county to provide legal representation in specified matters.
- Supervising, monitoring and coordinating, as appropriate, the representation, services and work of any special counsel.
- At the request of the board, the county attorney is hereby authorized to represent the board or a board member when the board or a member is acting as a separate agency or board or in an ex-officio capacity or is otherwise officially representing the county at the direction of the Board.
- Providing legal advice and counsel to and representation of any other State or local governmental office, unit, or entity as may be required by law or interlocal agreement entered into by the board.<sup>58</sup>

### III. Effect of Proposed Changes:

SB 712 creates a public records exemption from public records disclosure for specified personal information of current and former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys. Personal information relating to their spouses and children is likewise exempt. The specific personal information made exempt from public records disclosure requirements includes:

- Home addresses, telephone numbers, places of employment, photographs, and dates of birth;
- Names, home addresses, telephone numbers, places of employment, photographs, and dates of birth of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The exemption does not apply to a current or former county attorney, deputy county attorney, assistant county attorney, city attorney, deputy city attorney, or assistant city attorney who qualifies as a candidate for election to public office.

The bill provides a public necessity statement as required by Article I, s. 24(c) of the State Constitution. The public necessity statement provides that:

The Legislature finds that it is a public necessity that the home addresses, telephone numbers, dates of birth, and photographs, of current or former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature further finds that it is a public necessity that the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys, and the names and locations of schools and day care facilities attended by the children of such attorneys, be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The responsibilities of county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys regularly

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<sup>58</sup> Sarasota County ordinance 2-63.

involve legal enforcement proceedings in areas of neglect and abuse related to violations of codes and ordinances. Legal enforcement proceedings have led to retribution and threats by defendants and other persons on numerous occasions. Such attorneys have received death threats and e-mails from disgruntled persons advocating the murder of other attorneys. Other incidents have included the stalking of such attorneys and their spouses and children. The Legislature finds that the release of such personal identifying and location information could place such persons in danger of being physically or emotionally harmed or stalked by a defendant or another person. The Legislature finds that the harm that may result from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information, except in the case of a current county attorney, assistant county attorney, deputy county attorney, city attorney, assistant city attorney, or deputy city attorney who qualifies as a candidate for election to public office.

The bill is subject to the Open Government Sunset Review Act and is repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature

The bill is effective on July 1, 2024.

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

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

None.

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

###### **Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for the personal identifying and location information of current and former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys, thus, the bill requires a two-thirds vote to be enacted.

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

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2. of the bill contains a statement of public necessity for the exemption.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the law is to protect the attorneys and their families from the danger of becoming a victim of stalking, emotional abuse, and physical violence. This bill exempts only certain personal identifying information from the public records requirements, consistent with 21 similar exemptions. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

SB 712 may cause cities and counties to incur costs associated with redacting the exempt information prior to releasing a record. However, the costs would likely be absorbed as they are part of the day-to-day responsibilities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 19.071 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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By Senator Powell

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       119.071, F.S.; providing an exemption from public  
4       records requirements for the personal identifying and  
5       location information of current or former county  
6       attorneys, assistant county attorneys, deputy county  
7       attorneys, city attorneys, assistant city attorneys,  
8       and deputy city attorneys and the names and personal  
9       identifying and location information of the spouses  
10      and children of such attorneys; providing an  
11      exception; providing for future legislative review and  
12      repeal of the exemption; providing for retroactive  
13      application; providing a statement of public  
14      necessity; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18       Section 1. Paragraph (d) of subsection (4) of section  
19       119.071, Florida Statutes, is amended to read:

20       119.071 General exemptions from inspection or copying of  
21       public records.—

22       (4) AGENCY PERSONNEL INFORMATION.—

23       (d)1. For purposes of this paragraph, the term:

24       a. "Home addresses" means the dwelling location at which an  
25       individual resides and includes the physical address, mailing  
26       address, street address, parcel identification number, plot  
27       identification number, legal property description, neighborhood  
28       name and lot number, GPS coordinates, and any other descriptive  
29       property information that may reveal the home address.

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30 b. "Judicial assistant" means a court employee assigned to  
31 the following class codes: 8140, 8150, 8310, and 8320.

32 c. "Telephone numbers" includes home telephone numbers,  
33 personal cellular telephone numbers, personal pager telephone  
34 numbers, and telephone numbers associated with personal  
35 communications devices.

36 2.a. The home addresses, telephone numbers, dates of birth,  
37 and photographs of active or former sworn law enforcement  
38 personnel or of active or former civilian personnel employed by  
39 a law enforcement agency, including correctional and  
40 correctional probation officers, personnel of the Department of  
41 Children and Families whose duties include the investigation of  
42 abuse, neglect, exploitation, fraud, theft, or other criminal  
43 activities, personnel of the Department of Health whose duties  
44 are to support the investigation of child abuse or neglect, and  
45 personnel of the Department of Revenue or local governments  
46 whose responsibilities include revenue collection and  
47 enforcement or child support enforcement; the names, home  
48 addresses, telephone numbers, photographs, dates of birth, and  
49 places of employment of the spouses and children of such  
50 personnel; and the names and locations of schools and day care  
51 facilities attended by the children of such personnel are exempt  
52 from s. 119.07(1) and s. 24(a), Art. I of the State  
53 Constitution.

54 b. The home addresses, telephone numbers, dates of birth,  
55 and photographs of current or former nonsworn investigative  
56 personnel of the Department of Financial Services whose duties  
57 include the investigation of fraud, theft, workers' compensation  
58 coverage requirements and compliance, other related criminal

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59 activities, or state regulatory requirement violations; the  
60 names, home addresses, telephone numbers, dates of birth, and  
61 places of employment of the spouses and children of such  
62 personnel; and the names and locations of schools and day care  
63 facilities attended by the children of such personnel are exempt  
64 from s. 119.07(1) and s. 24(a), Art. I of the State  
65 Constitution.

66 c. The home addresses, telephone numbers, dates of birth,  
67 and photographs of current or former nonsworn investigative  
68 personnel of the Office of Financial Regulation's Bureau of  
69 Financial Investigations whose duties include the investigation  
70 of fraud, theft, other related criminal activities, or state  
71 regulatory requirement violations; the names, home addresses,  
72 telephone numbers, dates of birth, and places of employment of  
73 the spouses and children of such personnel; and the names and  
74 locations of schools and day care facilities attended by the  
75 children of such personnel are exempt from s. 119.07(1) and s.  
76 24(a), Art. I of the State Constitution.

77 d. The home addresses, telephone numbers, dates of birth,  
78 and photographs of current or former firefighters certified in  
79 compliance with s. 633.408; the names, home addresses, telephone  
80 numbers, photographs, dates of birth, and places of employment  
81 of the spouses and children of such firefighters; and the names  
82 and locations of schools and day care facilities attended by the  
83 children of such firefighters are exempt from s. 119.07(1) and  
84 s. 24(a), Art. I of the State Constitution.

85 e. The home addresses, dates of birth, and telephone  
86 numbers of current or former justices of the Supreme Court,  
87 district court of appeal judges, circuit court judges, and

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88 county court judges, and of current judicial assistants; the  
89 names, home addresses, telephone numbers, dates of birth, and  
90 places of employment of the spouses and children of current or  
91 former justices and judges and of current judicial assistants;  
92 and the names and locations of schools and day care facilities  
93 attended by the children of current or former justices and  
94 judges and of current judicial assistants are exempt from s.  
95 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
96 sub-subparagraph is subject to the Open Government Sunset Review  
97 Act in accordance with s. 119.15 and shall stand repealed on  
98 October 2, 2028, unless reviewed and saved from repeal through  
99 reenactment by the Legislature.

100 f. The home addresses, telephone numbers, dates of birth,  
101 and photographs of current or former state attorneys, assistant  
102 state attorneys, statewide prosecutors, or assistant statewide  
103 prosecutors; the names, home addresses, telephone numbers,  
104 photographs, dates of birth, and places of employment of the  
105 spouses and children of current or former state attorneys,  
106 assistant state attorneys, statewide prosecutors, or assistant  
107 statewide prosecutors; and the names and locations of schools  
108 and day care facilities attended by the children of current or  
109 former state attorneys, assistant state attorneys, statewide  
110 prosecutors, or assistant statewide prosecutors are exempt from  
111 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

112 g. The home addresses, dates of birth, and telephone  
113 numbers of general magistrates, special magistrates, judges of  
114 compensation claims, administrative law judges of the Division  
115 of Administrative Hearings, and child support enforcement  
116 hearing officers; the names, home addresses, telephone numbers,



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117 dates of birth, and places of employment of the spouses and  
118 children of general magistrates, special magistrates, judges of  
119 compensation claims, administrative law judges of the Division  
120 of Administrative Hearings, and child support enforcement  
121 hearing officers; and the names and locations of schools and day  
122 care facilities attended by the children of general magistrates,  
123 special magistrates, judges of compensation claims,  
124 administrative law judges of the Division of Administrative  
125 Hearings, and child support enforcement hearing officers are  
126 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
127 Constitution.

128 h. The home addresses, telephone numbers, dates of birth,  
129 and photographs of current or former human resource, labor  
130 relations, or employee relations directors, assistant directors,  
131 managers, or assistant managers of any local government agency  
132 or water management district whose duties include hiring and  
133 firing employees, labor contract negotiation, administration, or  
134 other personnel-related duties; the names, home addresses,  
135 telephone numbers, dates of birth, and places of employment of  
136 the spouses and children of such personnel; and the names and  
137 locations of schools and day care facilities attended by the  
138 children of such personnel are exempt from s. 119.07(1) and s.  
139 24(a), Art. I of the State Constitution.

140 i. The home addresses, telephone numbers, dates of birth,  
141 and photographs of current or former code enforcement officers;  
142 the names, home addresses, telephone numbers, dates of birth,  
143 and places of employment of the spouses and children of such  
144 personnel; and the names and locations of schools and day care  
145 facilities attended by the children of such personnel are exempt

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146 from s. 119.07(1) and s. 24(a), Art. I of the State  
147 Constitution.

148 j. The home addresses, telephone numbers, places of  
149 employment, dates of birth, and photographs of current or former  
150 guardians ad litem, as defined in s. 39.820; the names, home  
151 addresses, telephone numbers, dates of birth, and places of  
152 employment of the spouses and children of such persons; and the  
153 names and locations of schools and day care facilities attended  
154 by the children of such persons are exempt from s. 119.07(1) and  
155 s. 24(a), Art. I of the State Constitution.

156 k. The home addresses, telephone numbers, dates of birth,  
157 and photographs of current or former juvenile probation  
158 officers, juvenile probation supervisors, detention  
159 superintendents, assistant detention superintendents, juvenile  
160 justice detention officers I and II, juvenile justice detention  
161 officer supervisors, juvenile justice residential officers,  
162 juvenile justice residential officer supervisors I and II,  
163 juvenile justice counselors, juvenile justice counselor  
164 supervisors, human services counselor administrators, senior  
165 human services counselor administrators, rehabilitation  
166 therapists, and social services counselors of the Department of  
167 Juvenile Justice; the names, home addresses, telephone numbers,  
168 dates of birth, and places of employment of spouses and children  
169 of such personnel; and the names and locations of schools and  
170 day care facilities attended by the children of such personnel  
171 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
172 Constitution.

173 l. The home addresses, telephone numbers, dates of birth,  
174 and photographs of current or former public defenders, assistant

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175 public defenders, criminal conflict and civil regional counsel,  
176 and assistant criminal conflict and civil regional counsel; the  
177 names, home addresses, telephone numbers, dates of birth, and  
178 places of employment of the spouses and children of current or  
179 former public defenders, assistant public defenders, criminal  
180 conflict and civil regional counsel, and assistant criminal  
181 conflict and civil regional counsel; and the names and locations  
182 of schools and day care facilities attended by the children of  
183 current or former public defenders, assistant public defenders,  
184 criminal conflict and civil regional counsel, and assistant  
185 criminal conflict and civil regional counsel are exempt from s.  
186 119.07(1) and s. 24(a), Art. I of the State Constitution.

187 m. The home addresses, telephone numbers, dates of birth,  
188 and photographs of current or former investigators or inspectors  
189 of the Department of Business and Professional Regulation; the  
190 names, home addresses, telephone numbers, dates of birth, and  
191 places of employment of the spouses and children of such current  
192 or former investigators and inspectors; and the names and  
193 locations of schools and day care facilities attended by the  
194 children of such current or former investigators and inspectors  
195 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
196 Constitution.

197 n. The home addresses, telephone numbers, and dates of  
198 birth of county tax collectors; the names, home addresses,  
199 telephone numbers, dates of birth, and places of employment of  
200 the spouses and children of such tax collectors; and the names  
201 and locations of schools and day care facilities attended by the  
202 children of such tax collectors are exempt from s. 119.07(1) and  
203 s. 24(a), Art. I of the State Constitution.

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204           o. The home addresses, telephone numbers, dates of birth,  
205 and photographs of current or former personnel of the Department  
206 of Health whose duties include, or result in, the determination  
207 or adjudication of eligibility for social security disability  
208 benefits, the investigation or prosecution of complaints filed  
209 against health care practitioners, or the inspection of health  
210 care practitioners or health care facilities licensed by the  
211 Department of Health; the names, home addresses, telephone  
212 numbers, dates of birth, and places of employment of the spouses  
213 and children of such personnel; and the names and locations of  
214 schools and day care facilities attended by the children of such  
215 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of  
216 the State Constitution.

217           p. The home addresses, telephone numbers, dates of birth,  
218 and photographs of current or former impaired practitioner  
219 consultants who are retained by an agency or current or former  
220 employees of an impaired practitioner consultant whose duties  
221 result in a determination of a person's skill and safety to  
222 practice a licensed profession; the names, home addresses,  
223 telephone numbers, dates of birth, and places of employment of  
224 the spouses and children of such consultants or their employees;  
225 and the names and locations of schools and day care facilities  
226 attended by the children of such consultants or employees are  
227 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
228 Constitution.

229           q. The home addresses, telephone numbers, dates of birth,  
230 and photographs of current or former emergency medical  
231 technicians or paramedics certified under chapter 401; the  
232 names, home addresses, telephone numbers, dates of birth, and

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233 places of employment of the spouses and children of such  
234 emergency medical technicians or paramedics; and the names and  
235 locations of schools and day care facilities attended by the  
236 children of such emergency medical technicians or paramedics are  
237 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
238 Constitution.

239 r. The home addresses, telephone numbers, dates of birth,  
240 and photographs of current or former personnel employed in an  
241 agency's office of inspector general or internal audit  
242 department whose duties include auditing or investigating waste,  
243 fraud, abuse, theft, exploitation, or other activities that  
244 could lead to criminal prosecution or administrative discipline;  
245 the names, home addresses, telephone numbers, dates of birth,  
246 and places of employment of spouses and children of such  
247 personnel; and the names and locations of schools and day care  
248 facilities attended by the children of such personnel are exempt  
249 from s. 119.07(1) and s. 24(a), Art. I of the State  
250 Constitution.

251 s. The home addresses, telephone numbers, dates of birth,  
252 and photographs of current or former directors, managers,  
253 supervisors, nurses, and clinical employees of an addiction  
254 treatment facility; the home addresses, telephone numbers,  
255 photographs, dates of birth, and places of employment of the  
256 spouses and children of such personnel; and the names and  
257 locations of schools and day care facilities attended by the  
258 children of such personnel are exempt from s. 119.07(1) and s.  
259 24(a), Art. I of the State Constitution. For purposes of this  
260 sub-subparagraph, the term "addiction treatment facility" means  
261 a county government, or agency thereof, that is licensed

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262 pursuant to s. 397.401 and provides substance abuse prevention,  
263 intervention, or clinical treatment, including any licensed  
264 service component described in s. 397.311(26).

265 t. The home addresses, telephone numbers, dates of birth,  
266 and photographs of current or former directors, managers,  
267 supervisors, and clinical employees of a child advocacy center  
268 that meets the standards of s. 39.3035(2) and fulfills the  
269 screening requirement of s. 39.3035(3), and the members of a  
270 Child Protection Team as described in s. 39.303 whose duties  
271 include supporting the investigation of child abuse or sexual  
272 abuse, child abandonment, child neglect, and child exploitation  
273 or to provide services as part of a multidisciplinary case  
274 review team; the names, home addresses, telephone numbers,  
275 photographs, dates of birth, and places of employment of the  
276 spouses and children of such personnel and members; and the  
277 names and locations of schools and day care facilities attended  
278 by the children of such personnel and members are exempt from s.  
279 119.07(1) and s. 24(a), Art. I of the State Constitution.

280 u. The home addresses, telephone numbers, places of  
281 employment, dates of birth, and photographs of current or former  
282 staff and domestic violence advocates, as defined in s.  
283 90.5036(1)(b), of domestic violence centers certified by the  
284 Department of Children and Families under chapter 39; the names,  
285 home addresses, telephone numbers, places of employment, dates  
286 of birth, and photographs of the spouses and children of such  
287 personnel; and the names and locations of schools and day care  
288 facilities attended by the children of such personnel are exempt  
289 from s. 119.07(1) and s. 24(a), Art. I of the State  
290 Constitution.

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291 v. The home addresses, telephone numbers, dates of birth,  
292 and photographs of current or former inspectors or investigators  
293 of the Department of Agriculture and Consumer Services; the  
294 names, home addresses, telephone numbers, dates of birth, and  
295 places of employment of the spouses and children of current or  
296 former inspectors or investigators; and the names and locations  
297 of schools and day care facilities attended by the children of  
298 current or former inspectors or investigators are exempt from s.  
299 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
300 sub-subparagraph is subject to the Open Government Sunset Review  
301 Act in accordance with s. 119.15 and shall stand repealed on  
302 October 2, 2028, unless reviewed and saved from repeal through  
303 reenactment by the Legislature.

304 w. The home addresses, telephone numbers, dates of birth,  
305 and photographs of current or former county attorneys, assistant  
306 county attorneys, deputy county attorneys, city attorneys,  
307 assistant city attorneys, and deputy city attorneys; the names,  
308 home addresses, telephone numbers, photographs, dates of birth,  
309 and places of employment of the spouses and children of current  
310 or former county attorneys, assistant county attorneys, deputy  
311 county attorneys, city attorneys, assistant city attorneys, and  
312 deputy city attorneys; and the names and locations of schools  
313 and day care facilities attended by the children of current or  
314 former county attorneys, assistant county attorneys, deputy  
315 county attorneys, city attorneys, assistant city attorneys, and  
316 deputy city attorneys are exempt from s. 119.07(1) and s. 24(a),  
317 Art. I of the State Constitution. This exemption does not apply  
318 to a current county attorney, assistant county attorney, deputy  
319 county attorney, city attorney, assistant city attorney, or

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320 deputy city attorney who qualifies as a candidate for election  
321 to public office. This sub-subparagraph is subject to the Open  
322 Government Sunset Review Act in accordance with s. 119.15 and  
323 shall stand repealed on October 2, 2029, unless reviewed and  
324 saved from repeal through reenactment by the Legislature.

325 3. An agency that is the custodian of the information  
326 specified in subparagraph 2. and that is not the employer of the  
327 officer, employee, justice, judge, or other person specified in  
328 subparagraph 2. must maintain the exempt status of that  
329 information only if the officer, employee, justice, judge, other  
330 person, or employing agency of the designated employee submits a  
331 written and notarized request for maintenance of the exemption  
332 to the custodial agency. The request must state under oath the  
333 statutory basis for the individual's exemption request and  
334 confirm the individual's status as a party eligible for exempt  
335 status.

336 4.a. A county property appraiser, as defined in s.  
337 192.001(3), or a county tax collector, as defined in s.  
338 192.001(4), who receives a written and notarized request for  
339 maintenance of the exemption pursuant to subparagraph 3. must  
340 comply by removing the name of the individual with exempt status  
341 and the instrument number or Official Records book and page  
342 number identifying the property with the exempt status from all  
343 publicly available records maintained by the property appraiser  
344 or tax collector. For written requests received on or before  
345 July 1, 2021, a county property appraiser or county tax  
346 collector must comply with this sub-subparagraph by October 1,  
347 2021. A county property appraiser or county tax collector may  
348 not remove the street address, legal description, or other



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349 information identifying real property within the agency's  
350 records so long as a name or personal information otherwise  
351 exempt from inspection and copying pursuant to this section is  
352 not associated with the property or otherwise displayed in the  
353 public records of the agency.

354 b. Any information restricted from public display,  
355 inspection, or copying under sub-subparagraph a. must be  
356 provided to the individual whose information was removed.

357 5. An officer, an employee, a justice, a judge, or other  
358 person specified in subparagraph 2. may submit a written request  
359 for the release of his or her exempt information to the  
360 custodial agency. The written request must be notarized and must  
361 specify the information to be released and the party authorized  
362 to receive the information. Upon receipt of the written request,  
363 the custodial agency must release the specified information to  
364 the party authorized to receive such information.

365 6. The exemptions in this paragraph apply to information  
366 held by an agency before, on, or after the effective date of the  
367 exemption.

368 7. Information made exempt under this paragraph may be  
369 disclosed pursuant to s. 28.2221 to a title insurer authorized  
370 pursuant to s. 624.401 and its affiliates as defined in s.  
371 624.10; a title insurance agent or title insurance agency as  
372 defined in s. 626.841(1) or (2), respectively; or an attorney  
373 duly admitted to practice law in this state and in good standing  
374 with The Florida Bar.

375 8. The exempt status of a home address contained in the  
376 Official Records is maintained only during the period when a  
377 protected party resides at the dwelling location. Upon

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378 conveyance of real property after October 1, 2021, and when such  
379 real property no longer constitutes a protected party's home  
380 address as defined in sub-subparagraph 1.a., the protected party  
381 must submit a written request to release the removed information  
382 to the county recorder. The written request to release the  
383 removed information must be notarized, must confirm that a  
384 protected party's request for release is pursuant to a  
385 conveyance of his or her dwelling location, and must specify the  
386 Official Records book and page, instrument number, or clerk's  
387 file number for each document containing the information to be  
388 released.

389 9. Upon the death of a protected party as verified by a  
390 certified copy of a death certificate or court order, any party  
391 can request the county recorder to release a protected  
392 decedent's removed information unless there is a related request  
393 on file with the county recorder for continued removal of the  
394 decedent's information or unless such removal is otherwise  
395 prohibited by statute or by court order. The written request to  
396 release the removed information upon the death of a protected  
397 party must attach the certified copy of a death certificate or  
398 court order and must be notarized, must confirm the request for  
399 release is due to the death of a protected party, and must  
400 specify the Official Records book and page number, instrument  
401 number, or clerk's file number for each document containing the  
402 information to be released. A fee may not be charged for the  
403 release of any document pursuant to such request.

404 10. Except as otherwise expressly provided in this  
405 paragraph, this paragraph is subject to the Open Government  
406 Sunset Review Act in accordance with s. 119.15 and shall stand

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407 repealed on October 2, 2024, unless reviewed and saved from  
408 repeal through reenactment by the Legislature.

409       Section 2. The Legislature finds that it is a public  
410 necessity that the home addresses, telephone numbers, dates of  
411 birth, and photographs of current or former county attorneys,  
412 assistant county attorneys, deputy county attorneys, city  
413 attorneys, assistant city attorneys, and deputy city attorneys  
414 be made exempt from s. 119.07(1), Florida Statutes, and s.  
415 24(a), Article I of the State Constitution. The Legislature  
416 further finds that it is a public necessity that the names, home  
417 addresses, telephone numbers, photographs, dates of birth, and  
418 places of employment of the spouses and children, and the names  
419 and locations of schools and day care facilities attended by  
420 such children, of current or former county attorneys, assistant  
421 county attorneys, deputy county attorneys, city attorneys,  
422 assistant city attorneys, and deputy city attorneys be made  
423 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
424 Article I of the State Constitution. The responsibilities of  
425 county attorneys, assistant county attorneys, deputy county  
426 attorneys, city attorneys, assistant city attorneys, and deputy  
427 city attorneys regularly involve legal enforcement proceedings  
428 in areas of neglect and abuse related to violations of codes and  
429 ordinances. Legal enforcement proceedings have led to  
430 retribution and threats by defendants and other persons on  
431 numerous occasions. Such attorneys have received death threats  
432 and e-mails from disgruntled persons advocating the murder of  
433 other attorneys. Other incidents have included the stalking of  
434 such attorneys and their spouses and children. The Legislature  
435 finds that the release of such personal identifying and location

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436 information could place such attorneys and their spouses and  
437 children in danger of being stalked or physically and  
438 emotionally harmed by a defendant or other person. The  
439 Legislature finds that the harm that may result from the release  
440 of such personal identifying and location information outweighs  
441 any public benefit that may be derived from the disclosure of  
442 the information, except in the case of a current county  
443 attorney, assistant county attorney, deputy county attorney,  
444 city attorney, assistant city attorney, or deputy city attorney  
445 who qualifies as a candidate for election to public office.

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

The Florida Senate

APPEARANCE RECORD

712

1/9/2024

Meeting Date

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Bob McKee

Name

Phone

850 766-1952

Address

100 S Monroe

Email

bmckee@fl-counties.com

Street

Tallahassee FL

32308

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Assoc of Counties

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

11/9/24

Meeting Date

712

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Kasey Denny

Phone (954) 495 6333

Address 301 N Olive Ave

Street

Email kdenny@pbccgov.org

West Palm Beach FL 33401

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Palm Beach County

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

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

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB712

1/9/2024

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name David A. Goldstein, Esq.

Phone 727-847-8120

Address 8731 Citizens Drive, Suite 340

Email dgoldstein@pascocountyfl.net

Street

New Port Richey

FL

34654

City

State

Zip

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

**PLEASE CHECK ONE OF THE FOLLOWING:**

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)

1/9/24

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

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

SB 712

Bill Number or Topic

Amendment Barcode (if applicable)

Name Martha Edenfield

Phone 850 214-5090

Address 106 E. College Ave Suite 1200

Email medenfield@joneswalker.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Charlotte County

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

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

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

S-001 (08/10/2021)





The Florida Senate

## Committee Agenda Request

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

**Subject:** Committee Agenda Request

**Date:** January 3, 2024

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I respectfully request that **Senate Bill #712**, relating to **PUBLIC RECORDS/COUNTY ATTORNEYS AND CITY ATTORNEYS**, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Bobby Powell".

---

Senator Bobby Powell  
Florida Senate, District 24





# 2023 AGENCY LEGISLATIVE BILL ANALYSIS

## DEPARTMENT OF REVENUE

### BILL INFORMATION

<b>BILL NUMBER:</b>	HB 1097
<b>BILL TITLE:</b>	Disclosure of Estimated Property Taxes
<b>BILL SPONSOR:</b>	Representative Anderson
<b>EFFECTIVE DATE:</b>	07/01/23

### COMMITTEES OF REFERENCE

1) Ways & Means Committee
2) Regulatory Reform & Economic Development Subcommittee
3) Commerce Committee
4)
5)

### CURRENT COMMITTEE

Ways & Means Committee
------------------------

### SIMILAR BILLS

<b>BILL NUMBER:</b>	N/A
<b>SPONSOR:</b>	

### IDENTICAL BILLS

<b>BILL NUMBER:</b>	N/A
<b>SPONSOR:</b>	

### PREVIOUS LEGISLATION

<b>YEAR/BILL NUMBER/SPONSOR/LAST ACTION:</b>
N/A

### BILL ANALYSIS INFORMATION

<b>DATE OF ANALYSIS:</b>	March 10, 2023
<b>AGENCY CONTACT:</b>	Alec Yarger (850) 717-6153

**POLICY ANALYSIS**

**1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.**

Section 1 (pp. 1-3). Unlawful acts and practices by real property listing platforms.

**PRESENT SITUATION**

There is currently no requirement that a real property listing platform include a property tax estimate or link to a property appraiser’s website.

**EFFECT OF THE BILL**

Creates section 501.2042, F.S.

Paragraph 501.2042(1)(a) defines “buyer’s property tax estimate” as a reasonable estimate of ad valorem taxes for a tax year beginning January 1 of the year after a property was purchased. The estimate is based on the asking or listed price of the property with and without the application of homestead exemption under s. 196.031.

Paragraph 501.2042(1)(b) defines “real property listing platform” as a website, web application, mobile application, or similar technology allowing a person to view the listings for residential property for sale.

Subsection 501.2042(2) states listings for residential property displayed on a real property listing platform must include:

- The buyer’s property tax estimate. The estimate must include language that explains the estimate does not include all tax benefits that the buyer may qualify for or any non-ad valorem assessments.
- A link to the property appraiser’s website for the county in which the property is located.

Paragraph 501.2042(3)(a) states the Department of Revenue shall develop a formula for real property listing platforms to use.

Paragraph 501.2042(3)(b) states the Department sets a date by which each property appraiser must provide the Department with information needed to calculate the buyer’s property tax estimate. This information includes, but is not limited to, county name, tax district code, and the most current summary school millage rate and summary millage rate for all other applicable taxing authorities

Paragraph 501.2042(3)(c) states that by December 15 of each year, the Department must publish, on its website, the formula developed under s. 501.2042(3)(a) and information needed to calculate the buyer’s property tax estimate.

Subsection 501.2042(4) states that a residential property listing platform’s use of the formula and information published under s. 501.2042(3)(c) is an affirmative defense to a violation of s. 501.2042(2)(a).

Section 2 (p. 3). This act shall take effect July 1, 2023.

**2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES?**

YES     NO

If yes, explain:	The formula provided by the Department should be in rule.
Rule(s) impacted (provide references to F.A.C., etc.):	

**3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A**

**4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS?**  YES  NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

**5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?**  YES  NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

**FISCAL ANALYSIS**

**6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.

**7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?**

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: <i>(Department of Revenue expenditures and operational impacts)</i>	<input checked="" type="checkbox"/> NO IMPACT <input type="checkbox"/> LESS THAN \$25,000 <input type="checkbox"/> MORE THAN \$25,000 <input type="checkbox"/> UNABLE TO DETERMINE <input type="checkbox"/> OPERATIONAL IMPACT ONLY
Does the legislation contain an appropriation to the Department?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?** The Department of Revenue does not conduct this analysis.

**9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.

**TECHNOLOGY IMPACT**

If any, see attached Fiscal Impact Analysis.

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**FEDERAL IMPACT**

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If any, see Additional Comments section below.

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**ADDITIONAL COMMENTS**

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**10. STATUTE(S) AFFECTED:** Section 501.2042, F.S.

**11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION?**  YES  NO  
If no, go to #12. If yes:

**A. Identify bill number or source.**

**B. Were issues/problems identified?**  YES  NO

**a. If yes, have they been resolved?**  YES  NO If no, briefly explain.

**C. Are new issues/problems created?**  YES  NO If yes, briefly identify.

**12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT?**  YES  NO

If yes, describe administrative problems, technical errors, or other difficulties:

1. The Department does not have rulemaking authority as the bill is drafted.
2. Line 40 of the bill. No date is specified for when the property appraiser must submit the updated information in (3)(b).
3. The information is not requested to be provided in an electronic format.
4. A deadline is not provided for when the real property listing platform for residential property will provide annual updates.
5. There is no specific language for explanations to be added to the real property listing platform, lines 31-34.

**13. RECOMMENDED CORRECTIONS:**

1. Recommend language be amended to include the formula in statute or provide rulemaking authority. Beginning at line 50, a new paragraph (c) could be created to separate the property appraiser and Department duties:  
The Department will adopt by rule the data fields necessary to calculate an estimate of ad valorem taxes, to include the county name, tax district (authority) code, summary school millage rate, the summary millage rate, and any information the Department deems necessary for all applicable taxing authorities in the county where the parcel is located together with the formula to calculate the estimate both with and without application of a homestead exemption.
2. Suggestion changing the language to “Annually, after the property appraiser certifies the millage rates to the Department per s. 193.122, F.S., each property appraiser must provide the Department...” PAs provide millage and tax roll information around October 1 and this would fit into the current DOR process.
3. Specifically state that the information be provided in an electronic format. Add to (3)(b) The property appraiser shall submit his or her information in a compatible electronic format specified by the Department of Revenue.
4. State the real property listing platform will update calculations annually by January 1.

5. Provide specific language for explanations on how to use the formula, generally what the calculations mean and who to contact if they have questions. This language will be consistent on all real property listing platforms.

**14. OTHER:** N/A

# CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Community Affairs Committee

Judge:

Started: 1/9/2024 4:31:29 PM

Ends: 1/9/2024 6:31:13 PM Length: 01:59:45

4:31:41 PM Chair Calatayud calls meeting to order  
4:31:52 PM Roll call by CAA  
4:31:57 PM Quorum is present  
4:32:10 PM Tab 10 SB 712 by Powell, Public Records/County Attorneys and City Attorneys  
4:32:17 PM Senator Powell recognized to explain bill  
4:34:19 PM Senator Pizzo recognized for question  
4:34:44 PM Senator Powell recognized for answer  
4:36:01 PM Public Appearances waive speaking time  
4:36:39 PM Roll call for SB 712  
4:37:02 PM SB 712 recorded favorably  
4:37:04 PM Tab 8 SJR 618 by Senator Simon, Homestead Property Tax Exemption for the Surviving Spouse of Certain Quadriplegics  
4:37:22 PM Senator Simon recognized to explain bill  
4:37:28 PM Senator Simon requests to explain Tab 7 SB 616 first, approved. Tax Exemptions for Surviving Spouses of Quadriplegics  
4:39:16 PM Senator Simon recognized to waive close  
4:39:24 PM Voice Vote on amendment, amendment is adopted  
4:39:37 PM JR Harding recognized for public appearance  
4:41:47 PM Public Testimony recognized  
4:41:54 PM Senator Simon recognized to close bill as amended  
4:42:00 PM Senator Simon waives close  
4:42:03 PM Roll Call CS/SB 616  
4:42:25 PM Recorded Favorably  
4:42:30 PM Tab 8 SJR 618 by Senator Simon, Homestead Property Tax Exemption for the Surviving Spouse of Certain Quadriplegics  
4:42:37 PM Senator Simon recognized to explain the Senate Joint Resolution  
4:43:17 PM Public Testimony recognized  
4:43:22 PM Senator Simon recognized to waive close  
4:43:25 PM Senator Simon waives close  
4:43:32 PM Roll Call SJR 618  
4:43:45 PM Reported favorably  
4:43:56 PM Chair Calatayud passes gavel to Senator Brodeur  
4:44:12 PM Tab 5 SB 328 by Calatayud, Development  
4:45:20 PM Senator Calatayud recognized to explain bill  
4:45:49 PM Senator Calatayud recognized to explain amendment 477146, the delete all amendment  
4:50:04 PM No questions  
4:50:12 PM Take up the amendment to the amendment, barcode 371658 by Senator Osgood  
4:50:24 PM Senator Osgood recognized to explain the amendment to the amendment  
4:51:48 PM Senator Martin recognized for question  
4:51:56 PM Senator Pizzo recognized for question  
4:52:03 PM Senator Osgood recognized for answer  
4:53:15 PM Senator Calatayud recognized for comment  
4:53:25 PM Senator Osgood recognized to close on the amendment to the amendment  
4:53:34 PM Senator Osgood waives close  
4:53:36 PM Voice Vote for the amendment to the amendment  
4:53:44 PM Amendment to the amendment has been adopted  
4:53:56 PM Back on the strike all as amended  
4:54:03 PM Senator Berman recognized for question  
4:54:41 PM Senator Calatayud recognized for answer  
4:55:18 PM Public Testimony on the strike all, waives in support  
4:55:43 PM Senator Calatayud recognized to close  
4:55:51 PM Senator Calatayud waives close on the delete all amendment



4:55:56 PM Voice vote on delete all amendment as amended, adopted  
4:56:05 PM Back on the bill as amended  
4:56:21 PM Public Testimony  
4:56:26 PM Greg Armstrong  
4:57:35 PM David Goldstein  
5:00:33 PM Senator Pizzo recognized for question  
5:01:03 PM Mr. Goldstein recognized for answer  
5:01:11 PM Senator Pizzo  
5:01:16 PM Mr. Goldstein  
5:01:39 PM Senator Pizzo  
5:02:01 PM Mr. Goldstein  
5:02:11 PM Public Appearance Gia Arvin  
5:04:07 PM Public Appearance Bob McKee, FL Association of Counties  
5:04:50 PM Public Testimony recognized  
5:05:07 PM Senator Calatayud recognized to close bill as amended  
5:06:04 PM Roll call for CS/SB 328  
5:06:23 PM CS/SB 328 reported favorably  
5:06:32 PM Chair Brodeur passes gavel back to Senator Calatayud  
5:06:42 PM Tab 2 SB 216 by Senator Hooper, Tax Collections  
5:06:47 PM Senator Hooper recognized to explain the bill  
5:08:14 PM Public Testimony recognized  
5:08:29 PM Senator Hooper recognized to close  
5:08:31 PM Senator Hooper waives close  
5:08:35 PM Roll Call SB 216  
5:08:51 PM SB 216 reported favorably  
5:08:57 PM Tab 6 SB 380, Disclosure of Estimated Ad Valorem Taxes  
5:09:20 PM Senator Hooper recognized to explain bill  
5:10:39 PM Questions?  
5:10:43 PM Senator Pizzo recognized for question  
5:12:27 PM Follow up by Senator Pizzo  
5:13:43 PM Public appearance by Loren Levy, Property Appraisers Association of Florida  
5:15:29 PM Senator Pizzo recognized for question  
5:17:15 PM Follow up question from Senator Pizzo  
5:17:58 PM Senator Hooper recognized to waive close  
5:18:17 PM Roll call on SB 380  
5:18:39 PM Reported favorably  
5:18:45 PM Tab 1 SB 184 by Senator Avila, Impeding, Threatening, or Harassing First Responders  
5:18:51 PM Senator Avila recognized to explain the bill  
5:19:45 PM Senator Pizzo recognized for question  
5:20:26 PM Follow up by Senator Pizzo  
5:22:08 PM Public Testimony recognized  
5:22:11 PM Public Appearance by NR Hines  
5:25:15 PM Senator Pizzo recognized for question  
5:25:28 PM Follow up by Senator Pizzo  
5:26:20 PM Senator Pizzo follow up question  
5:26:29 PM Back and Forth  
5:30:16 PM Public Testimony recognized  
5:30:58 PM Senator Pizzo recognized for debate  
5:33:25 PM Senator Avila recognized to close bill  
5:33:41 PM Comments by Senator Avila  
5:34:36 PM Roll Call SB 184  
5:34:56 PM SB 184 reported favorably  
5:35:11 PM Tab 3 SB 220 by Senator Wright, Ad Valorem Tax Exemption for Nonprofit Homes for the Aged  
5:35:16 PM Senator Wright recognized to explain bill  
5:36:35 PM Senator Berman recognized for question  
5:37:12 PM Senator Pizzo recognized for question  
5:38:00 PM Follow up question by Senator Pizzo  
5:38:52 PM Public Appearance from Jeff Sharkey, Wendover Housing Partners  
5:40:31 PM Senator Pizzo recognized for question  
5:40:47 PM Back and forth  
5:41:18 PM Senator Wright waives close  
5:41:27 PM Roll Call SB 220

**5:41:39 PM** SB 220 reported favorably  
**5:41:55 PM** Tab 4 SB 224 by Wright, Citizen Volunteer Advisory Committees  
**5:42:06 PM** Senator Wright recognized to explain bill  
**5:43:11 PM** Public Appearance by Kim Dinkins, 1000 Friends of Florida  
**5:44:00 PM** Senator Wright recognized to close bill  
**5:44:05 PM** Senator Wright waives close  
**5:44:08 PM** Roll Call SB 224  
**5:44:22 PM** SB 224 reported favorably  
**5:44:28 PM** Tab 9 SB 688 by Senator Martin, Alternative Mobility Funding Systems  
**5:44:39 PM** Senator Martin recognized to explain the bill  
**5:45:52 PM** Senator Berman recognized for question  
**5:46:51 PM** Follow up from Senator Berman  
**5:47:57 PM** Back and Forth  
**5:51:57 PM** Senator Pizzo recognized for question  
**5:52:31 PM** Follow up question from Senator Pizzo  
**5:53:18 PM** Back and forth  
**5:56:46 PM** Public Appearance from Patrick Rutter  
**5:57:01 PM** Comment from Senator Pizzo  
**5:57:13 PM** Patrick Rutter continuation of speaking  
**6:00:10 PM** Public Appearance from Ken Pruitt, St. Lucie County  
**6:03:29 PM** Public Appearance from Louis Rotundo, Celebration Pointe LLC  
**6:07:13 PM** Senator Pizzo recognized for question  
**6:10:43 PM** Follow up question from Senator Pizzo  
**6:12:57 PM** Public Testimony recognized  
**6:13:20 PM** Public Appearance from R. Max Lohman  
**6:16:10 PM** Senator Pizzo recognized for question  
**6:17:51 PM** Follow up question from Senator Pizzo  
**6:18:47 PM** Back and forth  
**6:19:21 PM** Public appearance from Chelsea Reed, Mayor of Palm Beach Gardens  
**6:22:13 PM** Public Testimony recognized  
**6:22:29 PM** Public Appearance from Bob McKee, Florida Association of Counties  
**6:26:36 PM** Public Testimony recognized  
**6:26:52 PM** Senator Berman recognized for debate on the bill  
**6:28:24 PM** Senator Martin recognized to close the bill  
**6:28:35 PM** Comments from Senator Martin  
**6:29:48 PM** Roll Call SB 688  
**6:29:58 PM** SB 688 reported favorably  
**6:30:18 PM** Recorded voting on bills  
**6:30:41 PM** Senator Pizzo moves to adjourn  
**6:30:57 PM** Meeting adjourned