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|--------------|--|---|-----|--------------|-------------------------|----------------|--|
| Tab 1 | SB 278 by Martin; (Similar to H 00979) Estoppel Certificates | | | | | | |
| 951562 | D | S | RCS | FP, Martin | Delete everything after | 01/18 04:44 PM | |
| Tab 2 | SB 280 by DiCeglie; (Similar to H 01537) Vacation Rentals | | | | | | |
| 696386 | A | S | RCS | FP, DiCeglie | Delete L.241 - 815: | 01/18 04:48 PM | |
| Tab 3 | SB 298 by Polsky (CO-INTRODUCERS) Stewart; (Similar to H 01079) Saltwater Intrusion Vulnerability Assessments | | | | | | |
| 847466 | A | S | RCS | FP, Polsky | Before L.22: | 01/18 04:51 PM | |
| Tab 4 | CS/SB 328 by CA, Calatayud; (Similar to H 01239) Affordable Housing | | | | | | |
| Tab 5 | SB 588 by Yarborough; (Identical to H 00447) Alcohol or Drug Defense | | | | | | |

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Hutson, Chair
Senator Stewart, Vice Chair

MEETING DATE: Thursday, January 18, 2024
TIME: 1:30—3:30 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Hutson, Chair; Senator Stewart, Vice Chair; Senators Albritton, Berman, Boyd, Burton, Calatayud, Collins, DiCeglie, Garcia, Jones, Mayfield, Osgood, Rodriguez, Simon, Thompson, Torres, Trumbull, Wright, and Yarborough

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|---|---|--------------------------|
| 1 | SB 278 Martin (Similar H 979) | Estoppel Certificates; Prohibiting community associations from charging a fee for the production and delivery of estoppel certificates, etc. JU 12/13/2023 Temporarily Postponed JU 01/09/2024 Favorable FP 01/18/2024 Fav/CS | Fav/CS Yeas 15 Nays 5 |
| 2 | SB 280 DiCeglie (Similar H 1537) | Vacation Rentals; Requiring advertising platforms to collect and remit specified taxes for certain vacation rental transactions; defining the term “advertising platform”; adding licensing to the regulated activities of public lodging establishments and public food service establishments which are preempted to the state; requiring advertising platforms to require that persons placing advertisements or listings for vacation rentals include certain information in the advertisements or listings and attest to certain information; authorizing the division to revoke, refuse to issue or renew, or suspend vacation rental licenses under certain circumstances, etc. RI 12/13/2023 Favorable FP 01/18/2024 Fav/CS | Fav/CS Yeas 12 Nays 5 |
| 3 | SB 298 Polsky (Similar H 1079) | Saltwater Intrusion Vulnerability Assessments; Authorizing the Department of Environmental Protection to provide coastal counties, beginning on a specified date, with Resilient Florida Grant Program grants to fund saltwater intrusion vulnerability assessments; specifying the purpose of and requirements for the assessments; requiring the department to update the comprehensive statewide flood vulnerability and sea level rise data set and make certain information received from the saltwater intrusion vulnerability assessments publicly available on its website, etc. EN 12/06/2023 Favorable FP 01/18/2024 Fav/CS | Fav/CS Yeas 20 Nays 0 |

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, January 18, 2024, 1:30—3:30 p.m.

| TAB | BILL NO. and INTRODUCER | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS | COMMITTEE ACTION |
|-----|--|--|-----------------------------|
| 4 | CS/SB 328 Community Affairs / Calatayud (Similar H 1239, Compare S 386) | Affordable Housing; 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; requiring counties and municipalities, respectively, to consider reducing parking requirements under certain circumstances; 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 01/18/2024 Temporarily Postponed | Temporarily Postponed |
| 5 | SB 588 Yarborough (Identical H 447) | Alcohol or Drug Defense; Deleting a provision that prohibits a plaintiff from recovering certain damages in a civil action if the plaintiff was under the influence of alcoholic beverages or drugs, etc. JU 01/09/2024 Favorable FP 01/18/2024 Favorable RC | Favorable Yeas 20 Nays 0 |

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 278

INTRODUCER: Fiscal Policy Committee and Senator Martin

SUBJECT: Estoppel Certificates

DATE: January 19, 2024 **REVISED:** _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-------------|----------------|-----------|------------------|
| 1. | <u>Bond</u> | <u>Cibula</u> | <u>JU</u> | Favorable |
| 2. | <u>Bond</u> | <u>Yeatman</u> | <u>FP</u> | Fav/CS |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 278 restores the limits on fees for preparation of an estoppel certificate by a condominium, cooperative, or homeowners association to \$250, which was the maximum allowed in law before July 1, 2022, and repeals the future automatic increases mandated by current law. The bill provides that any fee in excess of that authorized by statute is void. The deadline for completion and delivery of an estoppel certificate is reduced from 10 business days to 5 business days, and the option to charge an extra fee for expedited 3-day service is repealed. An association board of directors must annually establish the authority to impose a fee and the amount of such fee. Payment of the estoppel certificate fee is changed from the time that the certificate is ordered to the time of the closing. The effect is that closing agents will no longer have to advance the fee but can pay it from the closing proceeds. If the closing does not occur, the property owner must pay the estoppel certificate fee to the association.

The bill prohibits a community association manager or firm from including in their management agreement a provision requiring the association to indemnify the manager for errors or omissions in an estoppel certificate. The bill also adds the following offenses that may lead to professional discipline against a community association manager or firm: charging or attempting to charge a fee related to an estoppel certificate in excess of statutory limits, failing to timely furnish an estoppel certificate, or failing to fully complete an estoppel certificate form.

The bill is effective July 1, 2024.

II. Present Situation:

Estoppel Certificates

In general, an estoppel certificate is a legal document that stops someone from later claiming different facts or terms regarding an agreement.¹ It is sometimes referred to as an estoppel letter.

In regards to real estate, estoppel certificates are typically used to confirm amounts of moneys owed that attach to a certain piece of property, such as mortgage debt, condominium association fees, homeowners' association fees, and outstanding claims or deposits due to tenants. Estoppel certificates are sought prior to closing on a real estate transaction as part of the closing agent's due diligence. Closing agents rely on estoppel certificates to determine proper amounts due as part of the settlement process, and real estate purchasers rely on such certificates to warrant that old charges or violations will not appear after closing.

Where the property being transferred is subject to a condominium association, cooperative association, or homeowners' association, a closing agent will solicit an estoppel certificate from the association to determine if any past due monies are due the association, determine the proper allocation of current assessments between the seller and buyer, and certify whether there are any unresolved violations of the covenants and restrictions.

The forms of these estoppel certificates are provided in the statutes. The forms that apply to condominiums, cooperatives and homeowners' associations are nearly the same. The estoppel certificate must contain all of the following information and must be substantially in the following form:

1. Date of issuance: _____
2. Name(s) of the unit owner(s) as reflected in the books and records of the association: _____
3. Unit designation and address: _____
4. Parking or garage space number, as reflected in the books and records of the association: _____
5. Attorney's name and contact information if the account is delinquent and has been turned over to an attorney for collection. No fee may be charged for this information.
6. Fee for the preparation and delivery of the estoppel certificate: _____
7. Name of the requestor: _____
8. Assessment information and other information: _____

Assessment Information:

- a. The regular periodic assessment levied against the unit is \$ _____ per (insert frequency of payment).
- b. The regular periodic assessment is paid through (insert date paid through).
- c. The next installment of the regular periodic assessment is due (insert due date) in the amount of \$ _____

¹ *Estoppel Letter*, CREPedia, <https://www.crepedia.com/dictionary/definitions/estoppel-letter/> (last visited Jan. 18, 2024); and *What is an Estoppel Certificate*, Redfin <https://www.redfin.com/definition/estoppel-certificate> (last visited Jan. 18, 2024).

- d. An itemized list of all assessments, special assessments, and other moneys owed on the date of issuance to the association by the unit owner for a specific unit is provided.
- e. An itemized list of any additional assessments, special assessments, and other moneys that are scheduled to become due for each day after the date of issuance for the effective period of the estoppel certificate is provided. In calculating the amounts that are scheduled to become due, the association may assume that any delinquent amounts will remain delinquent during the effective period of the estoppel certificate.

Other Information:

- f. Is there a capital contribution fee, resale fee, transfer fee, or other fee due? ____ (Yes) ____ (No). If yes, specify the type and the amount of the fee.
- g. Is there any open violation of rule or regulation noticed to the unit owner in the association official records? ____ (Yes) ____ (No).
- h. Do the rules and regulations of the association applicable to the unit require approval by the board of directors of the association for the transfer of the unit? ____ (Yes) ____ (No). If yes, has the board approved the transfer of the unit? ____ (Yes) ____ (No).
- i. Is there a right of first refusal provided to the members or the association? ____ (Yes) ____ (No). If yes, have the members or the association exercised that right of first refusal? ____ (Yes) ____ (No).
- j. Provide a list of, and contact information for, all other associations of which the unit is a member.
- k. Provide contact information for all insurance maintained by the association.
- l. Provide the signature of an officer or authorized agent of the association.

Completing the form requires time and skill. The association risks a financial loss should it incorrectly calculate monies due and thereafter is unable to collect; and the association risks difficulties in enforcing its covenants and rules if a current violation is overlooked. The applicable statutes allow an association up to 10 business days to furnish the certificate, and waive the fees if the certificate is furnished after the deadline. An association may charge an additional fee if an estoppel certificate is requested on an expedited basis and the certificate is delivered within 3 business days.

The authority to charge a fee, and the amount of the fee, for preparation and delivery of an estoppel certificate must be established by a vote of the board of directors of the association. To account for the time and risk of production, current law allows the association to charge up to \$299 for a single unit or parcel, plus \$119 for expedited service (3 business days rather than 10) and an additional \$179 should the owner's account be delinquent at the time.² A sliding scale applies to a certificate covering multiple units.³ The fees were originally set in 2017 at \$250 base fee, \$100 additional for expedited service, plus \$150 if the owner is delinquent.⁴ The current fees were set in 2022 by administrative action by the Department of Business and Professional Regulation pursuant to a required inflationary adjustment, and are scheduled for inflationary adjustment again in 2027 and every 5 years thereafter.

² Department of Business and Professional Regulation, *Estoppel Certificate Fees Revised: Chapter 2017-93 Laws of Florida*, http://www.myfloridalicense.com/dbpr/lsc/documents/ESTOPPEL_CERTIFICATE_FEES.pdf

³ For 25 or fewer units, \$896; for 26 to 50 units, \$1,194; for 51 to 100 units, \$1,791; and for more than 100 units, \$2,985.

⁴ Chapter 2017-93, Laws of Fla.

Community Association Managers and Management Firms

Community association managers and community association management firms are licensed and regulated by the Department of Business and Professional Regulation.⁵ The term “community association management” means any of the following practices requiring substantial specialized knowledge, judgment, and managerial skill when done for remuneration and when the association or associations served contain more than 10 units or have an annual budget or budgets in excess of \$100,000:

- Controlling or disbursing funds of a community association,
- Preparing budgets or other financial documents for a community association, assisting in the noticing or conduct of community association meetings,
- Determining the number of days required for statutory notices, determining amounts due to the association,
- Collecting amounts due to the association before the filing of a civil action,
- Calculating the votes required for a quorum or to approve a proposition or amendment,
- Completing forms related to the management of a community association that have been created by statute or by a state agency,
- Drafting meeting notices and agendas,
- Calculating and preparing certificates of assessment and estoppel certificates, and responding to requests for certificates of assessment and estoppel certificates,
- Negotiating monetary or performance terms of a contract subject to approval by an association,
- Drafting prearbitration demands,
- Coordinating or performing maintenance for real or personal property and other related routine services involved in the operation of a community association, and
- Complying with the association’s governing documents and the requirements of law as necessary to perform such practices.⁶

Community association managers and community association management firms are, like all other professions regulated by the Department of Business and Professional Regulation, subject to professional disciplinary proceedings.⁷

Practical Considerations

While some smaller associations are self-managed, most associations employ a licensed community association management firm who employs one or more community association managers. Some associations keep estoppel certificate fees as additional income, but most give some or all of the estoppel certificate fee to the management firm as additional income to account for the added work and related assumption of liability. Statutory changes to the estoppel certificate fees which occur during the term of a management agreement may impact community association managers, associations, owners, and their respective reasonable contract expectations. Statutory changes to the fee may also impact association budgets and may require mid-year amendments to association budgets.

⁵ See generally, part VIII of ch. 468, F.S., and ch. 455, F.S.

⁶ Section 468.431(2), F.S.

⁷ Section 468.436, F.S.

It is reported that some associations are effectively charging fees in excess of those authorized by the statutes. They do so by adding additional fees that are designated by other titles, such as “convenience fee,” “archive fee,” “service fee,” “processing fee,” or “third party fee.”⁸ Current law implies that such add-on fees are not authorized, but does not specifically prohibit such add-on fees.

III. Effect of Proposed Changes:

The bill makes the following changes regarding the preparation and delivery of an estoppel certificate by a condominium, cooperative, or homeowners association:

- The deadline for completion and delivery of an estoppel certificate is reduced from 10 business days to 5 business days, and the option to charge an extra fee for expedited 3-day service is repealed.
- The inflationary adjustment provisions are repealed, thereby restoring the previous limits that were changed by administrative action effective July 1, 2022. Accordingly, the fee for an estoppel certificate regarding a single unit or parcel may not exceed \$250, plus, if applicable, an additional fee of up to \$150 if the owner is delinquent. The tiered fees related to a multiple unit or multiple parcel closing are also restored to those in effect June 30, 2022.⁹
- A condominium, cooperative, or homeowners’ association board of directors must annually establish the authority to impose a fee and the amount of such fee.
- The time for payment of the estoppel certificate fee is changed from the time that the certificate is ordered to the time of the closing. The effect is that closing agents will no longer have to advance the fee but can pay it from the closing proceeds. The ability of a closing agent to seek a refund if the closing does not occur is repealed as unnecessary, and replaced with a duty of the property owner to pay the fee to the association if the closing does not occur. If the owner does not timely pay the association, the amount due may be collected as an assessment against the property.
- Fees or charges in any form that are in excess of those authorized are considered void and may be ignored.

The bill amends the statutes regulating community association managers and management firms (CAM) to add that:

- A contract between a CAM and an association may not require an association to indemnify a CAM for errors and omissions related to the preparation or provision of an estoppel certificate.
- A CAM may be disciplined by the Department of Business and Professional Regulation for charging or attempting to charge an estoppel certificate fee in excess of the fees authorized by statute.
- A CAM may be disciplined by the Department of Business and Professional Regulation for failing to timely prepare and deliver an estoppel certificate, or for delivering an incomplete estoppel certificate.

The bill takes effect July 1, 2024.

⁸ Examples are on file with the Senate Committee on Judiciary.

⁹ For 25 or fewer units, \$750; for 26 to 50 units, \$1,000; for 51 to 100 units, \$1,500; and for more than 100 units, \$2,500.

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:

Under Florida law, statutes are presumed to operate prospectively, not retroactively. In other words, statutes generally apply only to actions that occur on or after the effective date of the legislation, not before the legislation becomes effective. The Florida Supreme Court has noted that, under the rules of statutory construction, if statutes are to operate retroactively, the Legislature must clearly express that intent for the statute to be valid.¹⁰ When statutes that are expressly retroactive have been litigated and appealed, the courts have been asked to determine whether the statute applies to cases that were pending at the time the statute went into effect. The conclusion often depends on whether the statute is procedural or substantive.

In a recent Florida Supreme Court case, the Court acknowledged that “[t]he distinction between substantive and procedural law is neither simple nor certain.”¹¹ The Court further acknowledged that their previous pronouncements regarding the retroactivity of procedural laws have been less than precise and have been unclear.¹²

Courts, however, have invalidated the retroactive application of a statute if the statute impairs vested rights, creates new obligations, or imposes new penalties.¹³ Still, in other cases, the courts have permitted statutes to be applied retroactively if they do not create new, or take away, vested rights, but only operate to further a remedy or confirm rights that already exist.¹⁴

¹⁰ *Walker & LaBerge, Inc., v. Halligan*, 344 So. 2d 239 (Fla. 1977).

¹¹ *Love v. State*, 286 So. 3d 177, 183 (Fla. 2019) (quoting *Caple v. Tuttle’s Design-Build, Inc.*, 753 So. 2d 49, 53 (Fla. 2000)).

¹² *Love*, at 184.

¹³ *R.A.M. of South Florida, Inc. v. WCI Communities, Inc.*, 869 So. 2d 1210, 1217 (Fla. 2004) (quoting *LaForet* 658 So. 2d 55, 61 (Fla. 1995)).

¹⁴ *Ziccardi v. Strother*, 570 So. 2d 1319 (Fla. 2d DCA 1990).

Florida’s contracts clause states that “no bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed.”¹⁵ Regarding the impairment of an existing contract by the retroactive application of a statute, the Florida Supreme Court recently said:

“[V]irtually no degree of contract impairment is tolerable.” However, we also recognized that the holding that “virtually” no impairment is tolerable “necessarily implies that some impairment is tolerable.” The question thus becomes how much impairment is tolerable and how to determine that amount. To answer that question, in *Pomponio* we proposed a balancing test that “allow[ed] the court to consider the actual effect of the provision on the contract and to balance a party’s interest in not having the contract impaired against the State’s source of authority and the evil sought to be remedied.” “[T]his becomes a balancing process to determine whether the nature and extent of the impairment is constitutionally tolerable in light of the importance of the State’s objective, or whether it unreasonably intrudes into the parties’ bargain to a degree greater than is necessary to achieve that objective.”

An impairment may be constitutional if it is reasonable and necessary to serve an important public purpose. However, where the impairment is severe, “[t]he severity of the impairment is said to increase the level of scrutiny to which the legislation will be subjected.” There must be a “significant and legitimate public purpose behind the regulation.”¹⁶

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce revenues to community associations and their management companies related to the preparation and delivery of an estoppel certificate. The lost revenues may create incentives for associations and management companies to raise other assessments or fees.

The bill may reduce expenditures for those seeking an estoppel certificate as part of a real estate transaction. The reduction of the estoppel certificate fee may facilitate real estate transactions by reducing transaction costs.

C. Government Sector Impact:

None.

¹⁵ FLA. CONST. art. I, s. 10.

¹⁶ *Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State*, 209 So. 3d 1181, 1192 (Fla. 2017) (internal citations omitted for clarity).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.4334, 468.436, 718.116, 719.108, and 720.30851.

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 Fiscal Policy Committee on January 18, 2024:

The CS removed from the bill the provisions that would have prohibited charging any fee for the preparation and delivery of an estoppel certificate. The CS added the following to the bill:

- Estoppel certificate fee limits revert to those in effect June 30, 2022, and future automatic inflationary increases are repealed.
- Delivery is reduced to 5 business days, and the 3 day expedited delivery option with related additional fee is repealed.
- The time for payment is moved from pay on order to pay from closing.
- It is expressly prohibited to charge or collect any fee beyond the limit.
- A community association manager or firm may not be indemnified for errors or omissions related to an estoppel certificate, and can be disciplined for late or incomplete estoppel certificates.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

| | | |
|------------|---|-------|
| Senate | . | House |
| Comm: RCS | . | |
| 01/18/2024 | . | |
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The Committee on Fiscal Policy (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (b) of subsection (2) of section
468.4334, Florida Statutes, is amended to read:

468.4334 Professional practice standards; liability.-
(2)

(b) Indemnification under paragraph (a) may not cover any
errors or omissions relating to the preparation or provision of



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11 an estoppel certificate, or any act or omission that violates a
12 criminal law; derives an improper personal benefit, either
13 directly or indirectly; is grossly negligent; or is reckless, is
14 in bad faith, is with malicious purpose, or is in a manner
15 exhibiting wanton and willful disregard of human rights, safety,
16 or property.

17 Section 2. Paragraph (b) of subsection (2) of section
18 468.436, Florida Statutes, is amended to read:

19 468.436 Disciplinary proceedings.—

20 (2) The following acts constitute grounds for which the
21 disciplinary actions in subsection (4) may be taken:

22 (b)1. Violation of ~~any provision of~~ this part.

23 2. Violation of any lawful order or rule rendered or
24 adopted by the department or the council.

25 3. Being convicted of or pleading nolo contendere to a
26 felony in any court in the United States.

27 4. Obtaining a license or certification or any other order,
28 ruling, or authorization by means of fraud, misrepresentation,
29 or concealment of material facts.

30 5. Committing acts of gross misconduct or gross negligence
31 in connection with the profession.

32 6. Contracting, on behalf of an association, with any
33 entity in which the licensee has a financial interest that is
34 not disclosed.

35 7. Violating any provision of chapter 718, chapter 719, or
36 chapter 720 during the course of performing community
37 association management services pursuant to a contract with a
38 community association as defined in s. 468.431(1).

39 8.a. Charging or attempting to charge fees or charges for



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40 an estoppel certificate, for which fees are not authorized or
41 are in excess of the amounts authorized by chapter 718, chapter
42 719, or chapter 720.

43 b. Failing to timely provide an estoppel certificate or
44 providing an incomplete estoppel certificate.

45 Section 3. Subsection (8) of section 718.116, Florida
46 Statutes, is amended to read:

47 718.116 Assessments; liability; lien and priority;
48 interest; collection.—

49 (8) Within 5 ~~10~~ business days after receiving a written or
50 electronic request therefor from a unit owner or the unit
51 owner's designee, or a unit mortgagee or the unit mortgagee's
52 designee, the association shall issue the estoppel certificate.
53 Each association shall designate on its website a person or
54 entity with a street or e-mail address for receipt of a request
55 for an estoppel certificate issued pursuant to this section. The
56 estoppel certificate must be provided by hand delivery, regular
57 mail, or e-mail to the requestor on the date of issuance of the
58 estoppel certificate.

59 (a) An estoppel certificate may be completed by any board
60 member, authorized agent, or authorized representative of the
61 association, including any authorized agent, authorized
62 representative, or employee of a management company authorized
63 to complete this form on behalf of the board or association. The
64 estoppel certificate must contain all of the following
65 information and must be substantially in the following form:

66 1. Date of issuance:....

67 2. Name(s) of the unit owner(s) as reflected in the books
68 and records of the association:....



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98 the effective period of the estoppel certificate.

99

100

OTHER INFORMATION:

101

102 f. Is there a capital contribution fee, resale fee,
103 transfer fee, or other fee due?(Yes)(No). If yes,
104 specify the type and the amount of the fee.

105 g. Is there any open violation of rule or regulation
106 noticed to the unit owner in the association official records?
107(Yes)(No).

108 h. Do the rules and regulations of the association
109 applicable to the unit require approval by the board of
110 directors of the association for the transfer of the unit?
111(Yes)(No). If yes, has the board approved the transfer
112 of the unit?(Yes)(No).

113 i. Is there a right of first refusal provided to the
114 members or the association?(Yes)(No). If yes, have the
115 members or the association exercised that right of first
116 refusal?(Yes)(No).

117 j. Provide a list of, and contact information for, all
118 other associations of which the unit is a member.

119 k. Provide contact information for all insurance maintained
120 by the association.

121 l. Provide the signature of an officer or authorized agent
122 of the association.

123

124 The association, at its option, may include additional
125 information in the estoppel certificate.

126 (b) An estoppel certificate that is hand delivered or sent



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127 by electronic means has a 30-day effective period. An estoppel
128 certificate that is sent by regular mail has a 35-day effective
129 period. If additional information or a mistake related to the
130 estoppel certificate becomes known to the association within the
131 effective period, an amended estoppel certificate may be
132 delivered and becomes effective if a sale or refinancing of the
133 unit has not been completed during the effective period. A fee
134 may not be charged for an amended estoppel certificate. An
135 amended estoppel certificate must be delivered on the date of
136 issuance, and a new 30-day or 35-day effective period begins on
137 such date.

138 (c) An association waives the right to collect any moneys
139 owed in excess of the amounts specified in the estoppel
140 certificate from any person who in good faith relies upon the
141 estoppel certificate and from the person's successors and
142 assigns.

143 (d) If an association receives a request for an estoppel
144 certificate from a unit owner or the unit owner's designee, or a
145 unit mortgagee or the unit mortgagee's designee, and fails to
146 deliver the estoppel certificate within 5 ~~10~~ business days, a
147 fee may not be charged for the preparation and delivery of that
148 estoppel certificate.

149 (e) A summary proceeding pursuant to s. 51.011 may be
150 brought to compel compliance with this subsection, and in any
151 such action the prevailing party is entitled to recover
152 reasonable attorney fees.

153 (f) Notwithstanding any limitation on transfer fees
154 contained in s. 718.112(2)(k), an association or its authorized
155 agent may charge a reasonable fee for the preparation and



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156 delivery of an estoppel certificate, which may not exceed \$250,
157 if, on the date the certificate is issued, no delinquent amounts
158 are owed to the association for the applicable unit. ~~If an~~
159 ~~estoppel certificate is requested on an expedited basis and~~
160 ~~delivered within 3 business days after the request, the~~
161 ~~association may charge an additional fee of \$100.~~ If a
162 delinquent amount is owed to the association for the applicable
163 unit, an additional fee for the estoppel certificate may not
164 exceed \$150.

165 (g) If estoppel certificates for multiple units owned by
166 the same owner are simultaneously requested from the same
167 association and there are no past due monetary obligations owed
168 to the association, the statement of moneys due for those units
169 may be delivered in one or more estoppel certificates, and, even
170 though the fee for each unit shall be computed as set forth in
171 paragraph (f), the total fee that the association may charge for
172 the preparation and delivery of the estoppel certificates may
173 not exceed, in the aggregate:

- 174 1. For 25 or fewer units, \$750.
- 175 2. For 26 to 50 units, \$1,000.
- 176 3. For 51 to 100 units, \$1,500.
- 177 4. For more than 100 units, \$2,500.

178 (h) The authority to charge a fee for the preparation and
179 delivery of the estoppel certificate must be established
180 annually by a written resolution adopted by the board or
181 provided by a written management, bookkeeping, or maintenance
182 contract and ~~is payable upon the preparation of the certificate.~~
183 ~~If the certificate is requested in conjunction with the sale or~~
184 ~~mortgage of a unit but the closing does not occur and no later~~



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185 ~~than 30 days after the closing date for which the certificate~~
186 ~~was sought the preparer receives a written request, accompanied~~
187 ~~by reasonable documentation, that the sale did not occur from a~~
188 ~~payor that is not the unit owner, the fee shall be refunded to~~
189 ~~that payor within 30 days after receipt of the request. The~~
190 ~~refund is the obligation of the unit owner, and the association~~
191 ~~may collect it from that owner in the same manner as an~~
192 ~~assessment as provided in this section. The right to~~
193 ~~reimbursement may not be waived or modified by any contract or~~
194 ~~agreement. The prevailing party in any action brought to enforce~~
195 ~~a right of reimbursement shall be awarded damages and all~~
196 ~~applicable attorney fees and costs.~~

197 (i) An association may not directly or indirectly charge
198 any fee for an estoppel certificate other than those expressly
199 authorized by this section. Unauthorized fees or charges,
200 whether described as a convenience fee, archive fee, service
201 fee, processing fee, delivery fee, credit card fee,
202 certification fee, third-party fee, or any other fee or charge,
203 are void and may be ignored by the requestor of the certificate.

204 (j) If an estoppel certificate is requested in conjunction
205 with the sale or refinancing of a unit, the fee for the
206 preparation and delivery of the estoppel certificate shall be
207 paid to the association from the closing or settlement proceeds.
208 If the closing does not occur, the fee for the preparation and
209 delivery of the estoppel certificate remains the obligation of
210 the unit owner, and the association may collect the fee in the
211 same manner as an assessment against the unit. The fees
212 ~~specified in this subsection shall be adjusted every 5 years in~~
213 ~~an amount equal to the total of the annual increases for that 5-~~



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214 ~~year period in the Consumer Price Index for All Urban Consumers,~~
215 ~~U.S. City Average, All Items. The Department of Business and~~
216 ~~Professional Regulation shall periodically calculate the fees,~~
217 ~~rounded to the nearest dollar, and publish the amounts, as~~
218 ~~adjusted, on its website.~~

219 Section 4. Subsection (6) of section 719.108, Florida
220 Statutes, is amended to read:

221 719.108 Rents and assessments; liability; lien and
222 priority; interest; collection; cooperative ownership.—

223 (6) Within 5 ~~10~~ business days after receiving a written or
224 electronic request for an estoppel certificate from a unit owner
225 or the unit owner's designee, or a unit mortgagee or the unit
226 mortgagee's designee, the association shall issue the estoppel
227 certificate. Each association shall designate on its website a
228 person or entity with a street or e-mail address for receipt of
229 a request for an estoppel certificate issued pursuant to this
230 section. The estoppel certificate must be provided by hand
231 delivery, regular mail, or e-mail to the requestor on the date
232 of issuance of the estoppel certificate.

233 (a) An estoppel certificate may be completed by any board
234 member, authorized agent, or authorized representative of the
235 association, including any authorized agent, authorized
236 representative, or employee of a management company authorized
237 to complete this form on behalf of the board or association. The
238 estoppel certificate must contain all of the following
239 information and must be substantially in the following form:

240 1. Date of issuance:....

241 2. Name(s) of the unit owner(s) as reflected in the books
242 and records of the association:....



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- 243 3. Unit designation and address:....
- 244 4. Parking or garage space number, as reflected in the
245 books and records of the association:....
- 246 5. Attorney's name and contact information if the account
247 is delinquent and has been turned over to an attorney for
248 collection. No fee may be charged for this information.
- 249 6. Fee for the preparation and delivery of the estoppel
250 certificate:....
- 251 7. Name of the requestor:....
- 252 8. Assessment information and other information:
- 253
- 254 ASSESSMENT INFORMATION:
- 255
- 256 a. The regular periodic assessment levied against the unit
257 is \$.... per ...(insert frequency of payment)....
- 258 b. The regular periodic assessment is paid through
259 ...(insert date paid through)....
- 260 c. The next installment of the regular periodic assessment
261 is due ...(insert due date)... in the amount of \$.....
- 262 d. An itemized list of all assessments, special
263 assessments, and other moneys owed by the unit owner on the date
264 of issuance to the association for a specific unit is provided.
- 265 e. An itemized list of any additional assessments, special
266 assessments, and other moneys that are scheduled to become due
267 for each day after the date of issuance for the effective period
268 of the estoppel certificate is provided. In calculating the
269 amounts that are scheduled to become due, the association may
270 assume that any delinquent amounts will remain delinquent during
271 the effective period of the estoppel certificate.



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OTHER INFORMATION:

f. Is there a capital contribution fee, resale fee, transfer fee, or other fee due?(Yes)(No). If yes, specify the type and amount of the fee.

g. Is there any open violation of rule or regulation noticed to the unit owner in the association official records?(Yes)(No).

h. Do the rules and regulations of the association applicable to the unit require approval by the board of directors of the association for the transfer of the unit?(Yes)(No). If yes, has the board approved the transfer of the unit?(Yes)(No).

i. Is there a right of first refusal provided to the members or the association?(Yes)(No). If yes, have the members or the association exercised that right of first refusal?(Yes)(No).

j. Provide a list of, and contact information for, all other associations of which the unit is a member.

k. Provide contact information for all insurance maintained by the association.

l. Provide the signature of an officer or authorized agent of the association.

The association, at its option, may include additional information in the estoppel certificate.

(b) An estoppel certificate that is hand delivered or sent by electronic means has a 30-day effective period. An estoppel



301 certificate that is sent by regular mail has a 35-day effective
302 period. If additional information or a mistake related to the
303 estoppel certificate becomes known to the association within the
304 effective period, an amended estoppel certificate may be
305 delivered and becomes effective if a sale or refinancing of the
306 unit has not been completed during the effective period. A fee
307 may not be charged for an amended estoppel certificate. An
308 amended estoppel certificate must be delivered on the date of
309 issuance, and a new 30-day or 35-day effective period begins on
310 such date.

311 (c) An association waives the right to collect any moneys
312 owed in excess of the amounts specified in the estoppel
313 certificate from any person who in good faith relies upon the
314 estoppel certificate and from the person's successors and
315 assigns.

316 (d) If an association receives a request for an estoppel
317 certificate from a unit owner or the unit owner's designee, or a
318 unit mortgagee or the unit mortgagee's designee, and fails to
319 deliver the estoppel certificate within 5 ~~10~~ business days, a
320 fee may not be charged for the preparation and delivery of that
321 estoppel certificate.

322 (e) A summary proceeding pursuant to s. 51.011 may be
323 brought to compel compliance with this subsection, and in any
324 such action the prevailing party is entitled to recover
325 reasonable attorney fees.

326 (f) Notwithstanding any limitation on transfer fees
327 contained in s. 719.106(1)(i), an association or its authorized
328 agent may charge a reasonable fee for the preparation and
329 delivery of an estoppel certificate, which may not exceed \$250



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330 if, on the date the certificate is issued, no delinquent amounts
331 are owed to the association for the applicable unit. ~~If an~~
332 ~~estoppel certificate is requested on an expedited basis and~~
333 ~~delivered within 3 business days after the request, the~~
334 ~~association may charge an additional fee of \$100.~~ If a
335 delinquent amount is owed to the association for the applicable
336 unit, an additional fee for the estoppel certificate may not
337 exceed \$150.

338 (g) If estoppel certificates for multiple units owned by
339 the same owner are simultaneously requested from the same
340 association and there are no past due monetary obligations owed
341 to the association, the statement of moneys due for those units
342 may be delivered in one or more estoppel certificates, and, even
343 though the fee for each unit shall be computed as set forth in
344 paragraph (f), the total fee that the association may charge for
345 the preparation and delivery of the estoppel certificates may
346 not exceed, in the aggregate:

- 347 1. For 25 or fewer units, \$750.
- 348 2. For 26 to 50 units, \$1,000.
- 349 3. For 51 to 100 units, \$1,500.
- 350 4. For more than 100 units, \$2,500.

351 (h) The authority to charge a fee for the preparation and
352 delivery of the estoppel certificate must be established
353 annually by a written resolution adopted by the board or
354 provided by a written management, bookkeeping, or maintenance
355 contract ~~and is payable upon the preparation of the certificate.~~
356 ~~If the certificate is requested in conjunction with the sale or~~
357 ~~mortgage of a parcel but the closing does not occur and no later~~
358 ~~than 30 days after the closing date for which the certificate~~



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359 ~~was sought the preparer receives a written request, accompanied~~
360 ~~by reasonable documentation, that the sale did not occur from a~~
361 ~~payor that is not the parcel owner, the fee shall be refunded to~~
362 ~~that payor within 30 days after receipt of the request. The~~
363 ~~refund is the obligation of the parcel owner, and the~~
364 ~~association may collect it from that owner in the same manner as~~
365 ~~an assessment as provided in this section. The right to~~
366 ~~reimbursement may not be waived or modified by any contract or~~
367 ~~agreement. The prevailing party in any action brought to enforce~~
368 ~~a right of reimbursement shall be awarded damages and all~~
369 ~~applicable attorney fees and costs.~~

370 (i) An association may not directly or indirectly charge
371 any fee for an estoppel certificate other than those expressly
372 authorized by this section. Unauthorized fees or charges,
373 whether described as a convenience fee, archive fee, service
374 fee, processing fee, delivery fee, credit card fee,
375 certification fee, third-party fee, or any other fee or charge,
376 are void and may be ignored by the requestor of the certificate.

377 (j) If an estoppel certificate is requested in conjunction
378 with the sale or refinancing of a unit, the fee for the
379 preparation and delivery of the estoppel certificate shall be
380 paid to the association from the closing or settlement proceeds.
381 If the closing does not occur, the fee for the preparation and
382 delivery of the estoppel certificate remains the obligation of
383 the unit owner, and the association may collect the fee in the
384 same manner as an assessment against the unit. The fees
385 specified in this subsection shall be adjusted every 5 years in
386 an amount equal to the total of the annual increases for that 5-
387 year period in the Consumer Price Index for All Urban Consumers,



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388 ~~U.S. City Average, All Items. The Department of Business and~~
389 ~~Professional Regulation shall periodically calculate the fees,~~
390 ~~rounded to the nearest dollar, and publish the amounts, as~~
391 ~~adjusted, on its website.~~

392 Section 5. Section 720.30851, Florida Statutes, is amended
393 to read:

394 720.30851 Estoppel certificates.—Within 5 ~~10~~ business days
395 after receiving a written or electronic request for an estoppel
396 certificate from a parcel owner or the parcel owner's designee,
397 or a parcel mortgagee or the parcel mortgagee's designee, the
398 association shall issue the estoppel certificate. Each
399 association shall designate on its website a person or entity
400 with a street or e-mail address for receipt of a request for an
401 estoppel certificate issued pursuant to this section. The
402 estoppel certificate must be provided by hand delivery, regular
403 mail, or e-mail to the requestor on the date of issuance of the
404 estoppel certificate.

405 (1) An estoppel certificate may be completed by any board
406 member, authorized agent, or authorized representative of the
407 association, including any authorized agent, authorized
408 representative, or employee of a management company authorized
409 to complete this form on behalf of the board or association. The
410 estoppel certificate must contain all of the following
411 information and must be substantially in the following form:

412 (a) Date of issuance:....

413 (b) Name(s) of the parcel owner(s) as reflected in the
414 books and records of the association:....

415 (c) Parcel designation and address:....

416 (d) Parking or garage space number, as reflected in the



417 books and records of the association:....

418 (e) Attorney's name and contact information if the account
419 is delinquent and has been turned over to an attorney for
420 collection. No fee may be charged for this information.

421 (f) Fee for the preparation and delivery of the estoppel
422 certificate:....

423 (g) Name of the requestor:....

424 (h) Assessment information and other information:

425

426 ASSESSMENT INFORMATION:

427

428 1. The regular periodic assessment levied against the
429 parcel is \$.... per ...(insert frequency of payment)....

430 2. The regular periodic assessment is paid through
431 ...(insert date paid through)....

432 3. The next installment of the regular periodic assessment
433 is due ...(insert due date)... in the amount of \$.....

434 4. An itemized list of all assessments, special
435 assessments, and other moneys owed on the date of issuance to
436 the association by the parcel owner for a specific parcel is
437 provided.

438 5. An itemized list of any additional assessments, special
439 assessments, and other moneys that are scheduled to become due
440 for each day after the date of issuance for the effective period
441 of the estoppel certificate is provided. In calculating the
442 amounts that are scheduled to become due, the association may
443 assume that any delinquent amounts will remain delinquent during
444 the effective period of the estoppel certificate.

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OTHER INFORMATION:

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6. Is there a capital contribution fee, resale fee, transfer fee, or other fee due?(Yes)(No). If yes, specify the type and amount of the fee.

7. Is there any open violation of rule or regulation noticed to the parcel owner in the association official records?(Yes)(No).

8. Do the rules and regulations of the association applicable to the parcel require approval by the board of directors of the association for the transfer of the parcel?(Yes)(No). If yes, has the board approved the transfer of the parcel?(Yes)(No).

9. Is there a right of first refusal provided to the members or the association?(Yes)(No). If yes, have the members or the association exercised that right of first refusal?(Yes)(No).

10. Provide a list of, and contact information for, all other associations of which the parcel is a member.

11. Provide contact information for all insurance maintained by the association.

12. Provide the signature of an officer or authorized agent of the association.

The association, at its option, may include additional information in the estoppel certificate.

(2) An estoppel certificate that is hand delivered or sent by electronic means has a 30-day effective period. An estoppel certificate that is sent by regular mail has a 35-day effective



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475 period. If additional information or a mistake related to the
476 estoppel certificate becomes known to the association within the
477 effective period, an amended estoppel certificate may be
478 delivered and becomes effective if a sale or refinancing of the
479 parcel has not been completed during the effective period. A fee
480 may not be charged for an amended estoppel certificate. An
481 amended estoppel certificate must be delivered on the date of
482 issuance, and a new 30-day or 35-day effective period begins on
483 such date.

484 (3) An association waives the right to collect any moneys
485 owed in excess of the amounts specified in the estoppel
486 certificate from any person who in good faith relies upon the
487 estoppel certificate and from the person's successors and
488 assigns.

489 (4) If an association receives a request for an estoppel
490 certificate from a parcel owner or the parcel owner's designee,
491 or a parcel mortgagee or the parcel mortgagee's designee, and
492 fails to deliver the estoppel certificate within 5 ~~10~~ business
493 days, a fee may not be charged for the preparation and delivery
494 of that estoppel certificate.

495 (5) A summary proceeding pursuant to s. 51.011 may be
496 brought to compel compliance with this section, and the
497 prevailing party is entitled to recover reasonable attorney
498 fees.

499 (6) An association or its authorized agent may charge a
500 reasonable fee for the preparation and delivery of an estoppel
501 certificate, which may not exceed \$250, if, on the date the
502 certificate is issued, no delinquent amounts are owed to the
503 association for the applicable parcel. ~~If an estoppel~~



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504 ~~certificate is requested on an expedited basis and delivered~~
505 ~~within 3 business days after the request, the association may~~
506 ~~charge an additional fee of \$100.~~ If a delinquent amount is owed
507 to the association for the applicable parcel, an additional fee
508 for the estoppel certificate may not exceed \$150.

509 (7) If estoppel certificates for multiple parcels owned by
510 the same owner are simultaneously requested from the same
511 association and there are no past due monetary obligations owed
512 to the association, the statement of moneys due for those
513 parcels may be delivered in one or more estoppel certificates,
514 and, even though the fee for each parcel shall be computed as
515 set forth in subsection (6), the total fee that the association
516 may charge for the preparation and delivery of the estoppel
517 certificates may not exceed, in the aggregate:

- 518 (a) For 25 or fewer parcels, \$750.
519 (b) For 26 to 50 parcels, \$1,000.
520 (c) For 51 to 100 parcels, \$1,500.
521 (d) For more than 100 parcels, \$2,500.

522 (8) The authority to charge a fee for the preparation and
523 delivery of the estoppel certificate must be established
524 annually by a written resolution adopted by the board or
525 provided by a written management, bookkeeping, or maintenance
526 contract ~~and is payable upon the preparation of the certificate.~~
527 ~~If the certificate is requested in conjunction with the sale or~~
528 ~~mortgage of a parcel but the closing does not occur and no later~~
529 ~~than 30 days after the closing date for which the certificate~~
530 ~~was sought the preparer receives a written request, accompanied~~
531 ~~by reasonable documentation, that the sale did not occur from a~~
532 ~~payor that is not the parcel owner, the fee shall be refunded to~~



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533 ~~that payor within 30 days after receipt of the request. The~~
534 ~~refund is the obligation of the parcel owner, and the~~
535 ~~association may collect it from that owner in the same manner as~~
536 ~~an assessment as provided in this section. The right to~~
537 ~~reimbursement may not be waived or modified by any contract or~~
538 ~~agreement. The prevailing party in any action brought to enforce~~
539 ~~a right of reimbursement shall be awarded damages and all~~
540 ~~applicable attorney fees and costs.~~

541 (9) An association may not directly or indirectly charge
542 any fee for an estoppel certificate other than those expressly
543 authorized by this section. Unauthorized fees or charges,
544 whether described as a convenience fee, archive fee, service
545 fee, processing fee, delivery fee, credit card fee,
546 certification fee, third-party fee, or any other fee or charge,
547 are void and may be ignored by the requestor of the certificate.

548 (10) If an estoppel certificate is requested in conjunction
549 with the sale or refinancing of a parcel, the fee for the
550 preparation and delivery of the estoppel certificate shall be
551 paid to the association from the closing or settlement proceeds.
552 If the closing does not occur, the fee for the preparation and
553 delivery of the estoppel certificate remains the obligation of
554 the parcel owner, and the association may collect the fee in the
555 same manner as an assessment against the parcel. The fees
556 specified in this section shall be adjusted every 5 years in an
557 amount equal to the total of the annual increases for that 5-
558 year period in the Consumer Price Index for All Urban Consumers,
559 U.S. City Average, All Items. The Department of Business and
560 Professional Regulation shall periodically calculate the fees,
561 rounded to the nearest dollar, and publish the amounts, as



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562 ~~adjusted, on its website.~~

563 Section 6. This act shall take effect July 1, 2024.

564

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

566 And the title is amended as follows:

567 Delete everything before the enacting clause
568 and insert:

569 A bill to be entitled
570 An act relating to estoppel certificates; amending s.
571 468.4334, F.S.; prohibiting agreements that indemnify
572 a community association manager or community
573 association management firm for errors or omissions
574 relating to the provision or preparation of an
575 estoppel certificate; amending s. 468.436, F.S.;
576 revising acts that constitute grounds for which
577 certain disciplinary actions may be taken to include
578 specified actions relating to estoppel certificates;
579 making technical changes; amending ss. 718.116,
580 719.108, and 720.30851, F.S.; revising the time in
581 which a community association must provide an estoppel
582 certificate to a requestor; specifying the maximum
583 charges for an estoppel certificate to a specified
584 amount; requiring a community association to annually
585 establish the authority to charge a fee for an
586 estoppel certificate; limiting fees or charges for an
587 estoppel certificate to those specified by law;
588 deleting provisions providing for the adjustment of
589 fees for an estoppel certificate based on changes in
590 an inflation index; providing for the fee for the



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591 preparation and delivery of an estoppel certificate to
592 be paid from closing or settlement proceeds in certain
593 circumstances; providing an effective date.

By Senator Martin

33-00343A-24

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1 A bill to be entitled
2 An act relating to estoppel certificates; amending ss.
3 718.116, 719.108, and 720.30851, F.S.; prohibiting
4 community associations from charging a fee for the
5 production and delivery of estoppel certificates;
6 providing an effective date.

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

9
10 Section 1. Paragraphs (a) and (d) through (i) of subsection
11 (8) of section 718.116, Florida Statutes, are amended to read:
12 718.116 Assessments; liability; lien and priority;
13 interest; collection.—

14 (8) Within 10 business days after receiving a written or
15 electronic request therefor from a unit owner or the unit
16 owner's designee, or a unit mortgagee or the unit mortgagee's
17 designee, the association shall issue the estoppel certificate.
18 Each association shall designate on its website a person or
19 entity with a street or e-mail address for receipt of a request
20 for an estoppel certificate issued pursuant to this section. The
21 estoppel certificate must be provided by hand delivery, regular
22 mail, or e-mail to the requestor on the date of issuance of the
23 estoppel certificate.

24 (a) An estoppel certificate may be completed by any board
25 member, authorized agent, or authorized representative of the
26 association, including any authorized agent, authorized
27 representative, or employee of a management company authorized
28 to complete this form on behalf of the board or association. The
29 estoppel certificate must contain all of the following

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30 information and must be substantially in the following form:
31 1. Date of issuance:....
32 2. Name(s) of the unit owner(s) as reflected in the books
33 and records of the association:....
34 3. Unit designation and address:....
35 4. Parking or garage space number, as reflected in the
36 books and records of the association:....
37 5. Attorney's name and contact information if the account
38 is delinquent and has been turned over to an attorney for
39 collection. No fee may be charged for this information.
40 6. ~~Fee for the preparation and delivery of the estoppel~~
41 ~~certificate:....~~
42 ~~7.~~ Name of the requestor:....
43 7.8. Assessment information and other information:
44

45 ASSESSMENT INFORMATION:

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47 a. The regular periodic assessment levied against the unit
48 is \$.... per ...(insert frequency of payment)....
49 b. The regular periodic assessment is paid through
50 ...(insert date paid through)....
51 c. The next installment of the regular periodic assessment
52 is due ...(insert due date)... in the amount of \$.....
53 d. An itemized list of all assessments, special
54 assessments, and other moneys owed on the date of issuance to
55 the association by the unit owner for a specific unit is
56 provided.
57 e. An itemized list of any additional assessments, special
58 assessments, and other moneys that are scheduled to become due

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59 for each day after the date of issuance for the effective period
60 of the estoppel certificate is provided. In calculating the
61 amounts that are scheduled to become due, the association may
62 assume that any delinquent amounts will remain delinquent during
63 the effective period of the estoppel certificate.

OTHER INFORMATION:

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67 f. Is there a capital contribution fee, resale fee,
68 transfer fee, or other fee due?(Yes)(No). If yes,
69 specify the type and the amount of the fee.

70 g. Is there any open violation of rule or regulation
71 noticed to the unit owner in the association official records?
72(Yes)(No).

73 h. Do the rules and regulations of the association
74 applicable to the unit require approval by the board of
75 directors of the association for the transfer of the unit?
76(Yes)(No). If yes, has the board approved the transfer
77 of the unit?(Yes)(No).

78 i. Is there a right of first refusal provided to the
79 members or the association?(Yes)(No). If yes, have the
80 members or the association exercised that right of first
81 refusal?(Yes)(No).

82 j. Provide a list of, and contact information for, all
83 other associations of which the unit is a member.

84 k. Provide contact information for all insurance maintained
85 by the association.

86 l. Provide the signature of an officer or authorized agent
87 of the association.

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88
89 The association, at its option, may include additional
90 information in the estoppel certificate.

91 ~~(d) If an association receives a request for an estoppel~~
92 ~~certificate from a unit owner or the unit owner's designee, or a~~
93 ~~unit mortgagee or the unit mortgagee's designee, and fails to~~
94 ~~deliver the estoppel certificate within 10 business days, a fee~~
95 ~~may not be charged for the preparation and delivery of that~~
96 ~~estoppel certificate.~~

97 ~~(e)~~ A summary proceeding pursuant to s. 51.011 may be
98 brought to compel compliance with this subsection, and in any
99 such action the prevailing party is entitled to recover
100 reasonable attorney fees.

101 (e)(f) An association may not charge a fee for the
102 preparation and delivery of an estoppel certificate
103 ~~Notwithstanding any limitation on transfer fees contained in s.~~
104 ~~719.112(2)(k), an association or its authorized agent may charge~~
105 ~~a reasonable fee for the preparation and delivery of an estoppel~~
106 ~~certificate, which may not exceed \$250, if, on the date the~~
107 ~~certificate is issued, no delinquent amounts are owed to the~~
108 ~~association for the applicable unit. If an estoppel certificate~~
109 ~~is requested on an expedited basis and delivered within 3~~
110 ~~business days after the request, the association may charge an~~
111 ~~additional fee of \$100. If a delinquent amount is owed to the~~
112 ~~association for the applicable unit, an additional fee for the~~
113 ~~estoppel certificate may not exceed \$150.~~

114 ~~(g) If estoppel certificates for multiple units owned by~~
115 ~~the same owner are simultaneously requested from the same~~
116 ~~association and there are no past due monetary obligations owed~~

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117 to the association, the statement of moneys due for those units
 118 may be delivered in one or more estoppel certificates, and, even
 119 though the fee for each unit shall be computed as set forth in
 120 paragraph (f), the total fee that the association may charge for
 121 the preparation and delivery of the estoppel certificates may
 122 not exceed, in the aggregate:

- 123 1. ~~For 25 or fewer units, \$750.~~
- 124 2. ~~For 26 to 50 units, \$1,000.~~
- 125 3. ~~For 51 to 100 units, \$1,500.~~
- 126 4. ~~For more than 100 units, \$2,500.~~

127 ~~(h) The authority to charge a fee for the preparation and~~
 128 ~~delivery of the estoppel certificate must be established by a~~
 129 ~~written resolution adopted by the board or provided by a written~~
 130 ~~management, bookkeeping, or maintenance contract and is payable~~
 131 ~~upon the preparation of the certificate. If the certificate is~~
 132 ~~requested in conjunction with the sale or mortgage of a unit but~~
 133 ~~the closing does not occur and no later than 30 days after the~~
 134 ~~closing date for which the certificate was sought the preparer~~
 135 ~~receives a written request, accompanied by reasonable~~
 136 ~~documentation, that the sale did not occur from a payor that is~~
 137 ~~not the unit owner, the fee shall be refunded to that payor~~
 138 ~~within 30 days after receipt of the request. The refund is the~~
 139 ~~obligation of the unit owner, and the association may collect it~~
 140 ~~from that owner in the same manner as an assessment as provided~~
 141 ~~in this section. The right to reimbursement may not be waived or~~
 142 ~~modified by any contract or agreement. The prevailing party in~~
 143 ~~any action brought to enforce a right of reimbursement shall be~~
 144 ~~awarded damages and all applicable attorney fees and costs.~~

145 ~~(i) The fees specified in this subsection shall be adjusted~~

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146 every 5 years in an amount equal to the total of the annual
 147 increases for that 5-year period in the Consumer Price Index for
 148 All Urban Consumers, U.S. City Average, All Items. The
 149 Department of Business and Professional Regulation shall
 150 periodically calculate the fees, rounded to the nearest dollar,
 151 and publish the amounts, as adjusted, on its website.

152 Section 2. Paragraphs (a) and (d) through (i) of subsection
 153 (6) of section 719.108, Florida Statutes, are amended to read:

154 719.108 Rents and assessments; liability; lien and
 155 priority; interest; collection; cooperative ownership.-

156 (6) Within 10 business days after receiving a written or
 157 electronic request for an estoppel certificate from a unit owner
 158 or the unit owner's designee, or a unit mortgagee or the unit
 159 mortgagee's designee, the association shall issue the estoppel
 160 certificate. Each association shall designate on its website a
 161 person or entity with a street or e-mail address for receipt of
 162 a request for an estoppel certificate issued pursuant to this
 163 section. The estoppel certificate must be provided by hand
 164 delivery, regular mail, or e-mail to the requestor on the date
 165 of issuance of the estoppel certificate.

166 (a) An estoppel certificate may be completed by any board
 167 member, authorized agent, or authorized representative of the
 168 association, including any authorized agent, authorized
 169 representative, or employee of a management company authorized
 170 to complete this form on behalf of the board or association. The
 171 estoppel certificate must contain all of the following
 172 information and must be substantially in the following form:

- 173 1. Date of issuance:...
- 174 2. Name(s) of the unit owner(s) as reflected in the books

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175 and records of the association:....

176 3. Unit designation and address:....

177 4. Parking or garage space number, as reflected in the
178 books and records of the association:....

179 5. Attorney's name and contact information if the account
180 is delinquent and has been turned over to an attorney for
181 collection. No fee may be charged for this information.

182 6. ~~Fee for the preparation and delivery of the estoppel~~
183 ~~certificate:....~~

184 7. Name of the requestor:....

185 7.8. Assessment information and other information:

186
187 ASSESSMENT INFORMATION:

188
189 a. The regular periodic assessment levied against the unit
190 is \$.... per ...(insert frequency of payment)....

191 b. The regular periodic assessment is paid through
192 ...(insert date paid through)....

193 c. The next installment of the regular periodic assessment
194 is due ...(insert due date)... in the amount of \$....

195 d. An itemized list of all assessments, special
196 assessments, and other moneys owed by the unit owner on the date
197 of issuance to the association for a specific unit is provided.

198 e. An itemized list of any additional assessments, special
199 assessments, and other moneys that are scheduled to become due
200 for each day after the date of issuance for the effective period
201 of the estoppel certificate is provided. In calculating the
202 amounts that are scheduled to become due, the association may
203 assume that any delinquent amounts will remain delinquent during

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204 the effective period of the estoppel certificate.

205

206

OTHER INFORMATION:

207

208 f. Is there a capital contribution fee, resale fee,
209 transfer fee, or other fee due?(Yes)(No). If yes,
210 specify the type and amount of the fee.

211 g. Is there any open violation of rule or regulation
212 noticed to the unit owner in the association official records?
213(Yes)(No).

214 h. Do the rules and regulations of the association
215 applicable to the unit require approval by the board of
216 directors of the association for the transfer of the unit?
217(Yes)(No). If yes, has the board approved the transfer
218 of the unit?(Yes)(No).

219 i. Is there a right of first refusal provided to the
220 members or the association?(Yes)(No). If yes, have the
221 members or the association exercised that right of first
222 refusal?(Yes)(No).

223 j. Provide a list of, and contact information for, all
224 other associations of which the unit is a member.

225 k. Provide contact information for all insurance maintained
226 by the association.

227 l. Provide the signature of an officer or authorized agent
228 of the association.

229

230 The association, at its option, may include additional
231 information in the estoppel certificate.

232 (d) ~~If an association receives a request for an estoppel~~

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233 ~~certificate from a unit owner or the unit owner's designee, or a~~
 234 ~~unit mortgagee or the unit mortgagee's designee, and fails to~~
 235 ~~deliver the estoppel certificate within 10 business days, a fee~~
 236 ~~may not be charged for the preparation and delivery of that~~
 237 ~~estoppel certificate.~~

238 ~~(e)~~ A summary proceeding pursuant to s. 51.011 may be
 239 brought to compel compliance with this subsection, and in any
 240 such action the prevailing party is entitled to recover
 241 reasonable attorney fees.

242 (e)(f) An association may not charge a fee for the
 243 preparation and delivery of an estoppel certificate
 244 ~~Notwithstanding any limitation on transfer fees contained in s.~~
 245 ~~719.106(1)(i), an association or its authorized agent may charge~~
 246 ~~a reasonable fee for the preparation and delivery of an estoppel~~
 247 ~~certificate, which may not exceed \$250 if, on the date the~~
 248 ~~certificate is issued, no delinquent amounts are owed to the~~
 249 ~~association for the applicable unit. If an estoppel certificate~~
 250 ~~is requested on an expedited basis and delivered within 3~~
 251 ~~business days after the request, the association may charge an~~
 252 ~~additional fee of \$100. If a delinquent amount is owed to the~~
 253 ~~association for the applicable unit, an additional fee for the~~
 254 ~~estoppel certificate may not exceed \$150.~~

255 ~~(g) If estoppel certificates for multiple units owned by~~
 256 ~~the same owner are simultaneously requested from the same~~
 257 ~~association and there are no past due monetary obligations owed~~
 258 ~~to the association, the statement of moneys due for those units~~
 259 ~~may be delivered in one or more estoppel certificates, and, even~~
 260 ~~though the fee for each unit shall be computed as set forth in~~
 261 ~~paragraph (f), the total fee that the association may charge for~~

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262 ~~the preparation and delivery of the estoppel certificates may~~
 263 ~~not exceed, in the aggregate:~~

264 ~~1. For 25 or fewer units, \$750.~~

265 ~~2. For 26 to 50 units, \$1,000.~~

266 ~~3. For 51 to 100 units, \$1,500.~~

267 ~~4. For more than 100 units, \$2,500.~~

268 ~~(h) The authority to charge a fee for the preparation and~~
 269 ~~delivery of the estoppel certificate must be established by a~~
 270 ~~written resolution adopted by the board or provided by a written~~
 271 ~~management, bookkeeping, or maintenance contract and is payable~~
 272 ~~upon the preparation of the certificate. If the certificate is~~
 273 ~~requested in conjunction with the sale or mortgage of a parcel~~
 274 ~~but the closing does not occur and no later than 30 days after~~
 275 ~~the closing date for which the certificate was sought the~~
 276 ~~preparer receives a written request, accompanied by reasonable~~
 277 ~~documentation, that the sale did not occur from a payor that is~~
 278 ~~not the parcel owner, the fee shall be refunded to that payor~~
 279 ~~within 30 days after receipt of the request. The refund is the~~
 280 ~~obligation of the parcel owner, and the association may collect~~
 281 ~~it from that owner in the same manner as an assessment as~~
 282 ~~provided in this section. The right to reimbursement may not be~~
 283 ~~waived or modified by any contract or agreement. The prevailing~~
 284 ~~party in any action brought to enforce a right of reimbursement~~
 285 ~~shall be awarded damages and all applicable attorney fees and~~
 286 ~~costs.~~

287 ~~(i) The fees specified in this subsection shall be adjusted~~
 288 ~~every 5 years in an amount equal to the total of the annual~~
 289 ~~increases for that 5-year period in the Consumer Price Index for~~
 290 ~~All Urban Consumers, U.S. City Average, All Items. The~~

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291 ~~Department of Business and Professional Regulation shall~~
 292 ~~periodically calculate the fees, rounded to the nearest dollar,~~
 293 ~~and publish the amounts, as adjusted, on its website.~~

294 Section 3. Subsections (1) and (4) through (9) of section
 295 720.30851, Florida Statutes, are amended to read:

296 720.30851 Estoppel certificates.—Within 10 business days
 297 after receiving a written or electronic request for an estoppel
 298 certificate from a parcel owner or the parcel owner's designee,
 299 or a parcel mortgagee or the parcel mortgagee's designee, the
 300 association shall issue the estoppel certificate. Each
 301 association shall designate on its website a person or entity
 302 with a street or e-mail address for receipt of a request for an
 303 estoppel certificate issued pursuant to this section. The
 304 estoppel certificate must be provided by hand delivery, regular
 305 mail, or e-mail to the requestor on the date of issuance of the
 306 estoppel certificate.

307 (1) An estoppel certificate may be completed by any board
 308 member, authorized agent, or authorized representative of the
 309 association, including any authorized agent, authorized
 310 representative, or employee of a management company authorized
 311 to complete this form on behalf of the board or association. The
 312 estoppel certificate must contain all of the following
 313 information and must be substantially in the following form:

- 314 (a) Date of issuance:....
 315 (b) Name(s) of the parcel owner(s) as reflected in the
 316 books and records of the association:....
 317 (c) Parcel designation and address:....
 318 (d) Parking or garage space number, as reflected in the
 319 books and records of the association:....

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320 (e) Attorney's name and contact information if the account
 321 is delinquent and has been turned over to an attorney for
 322 collection. No fee may be charged for this information.

323 (f) ~~Fee for the preparation and delivery of the estoppel~~
 324 ~~certificate:....~~

325 ~~(g)~~ Name of the requestor:....

326 (g) ~~(h)~~ Assessment information and other information:

327

328 ASSESSMENT INFORMATION:

329

330 1. The regular periodic assessment levied against the
 331 parcel is \$.... per ...(insert frequency of payment)....

332 2. The regular periodic assessment is paid through
 333 ...(insert date paid through)....

334 3. The next installment of the regular periodic assessment
 335 is due ...(insert due date)... in the amount of \$....

336 4. An itemized list of all assessments, special
 337 assessments, and other moneys owed on the date of issuance to
 338 the association by the parcel owner for a specific parcel is
 339 provided.

340 5. An itemized list of any additional assessments, special
 341 assessments, and other moneys that are scheduled to become due
 342 for each day after the date of issuance for the effective period
 343 of the estoppel certificate is provided. In calculating the
 344 amounts that are scheduled to become due, the association may
 345 assume that any delinquent amounts will remain delinquent during
 346 the effective period of the estoppel certificate.

347

348 OTHER INFORMATION:

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6. Is there a capital contribution fee, resale fee, transfer fee, or other fee due?(Yes)(No). If yes, specify the type and amount of the fee.

7. Is there any open violation of rule or regulation noticed to the parcel owner in the association official records?(Yes)(No).

8. Do the rules and regulations of the association applicable to the parcel require approval by the board of directors of the association for the transfer of the parcel?(Yes)(No). If yes, has the board approved the transfer of the parcel?(Yes)(No).

9. Is there a right of first refusal provided to the members or the association?(Yes)(No). If yes, have the members or the association exercised that right of first refusal?(Yes)(No).

10. Provide a list of, and contact information for, all other associations of which the parcel is a member.

11. Provide contact information for all insurance maintained by the association.

12. Provide the signature of an officer or authorized agent of the association.

The association, at its option, may include additional information in the estoppel certificate.

~~(4) If an association receives a request for an estoppel certificate from a parcel owner or the parcel owner's designee, or a parcel mortgagee or the parcel mortgagee's designee, and fails to deliver the estoppel certificate within 10 business~~

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~~days, a fee may not be charged for the preparation and delivery of that estoppel certificate.~~

~~(5) A summary proceeding pursuant to s. 51.011 may be brought to compel compliance with this section, and the prevailing party is entitled to recover reasonable attorney fees.~~

(5)(6) An association may not charge a fee for the preparation and delivery of an estoppel certificate or its authorized agent may charge a reasonable fee for the preparation and delivery of an estoppel certificate, which may not exceed \$250, if, on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable parcel. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If a delinquent amount is owed to the association for the applicable parcel, an additional fee for the estoppel certificate may not exceed \$150.

~~(7) If estoppel certificates for multiple parcels owned by the same owner are simultaneously requested from the same association and there are no past due monetary obligations owed to the association, the statement of moncys due for those parcels may be delivered in one or more estoppel certificates, and, even though the fee for each parcel shall be computed as set forth in subsection (6), the total fee that the association may charge for the preparation and delivery of the estoppel certificates may not exceed, in the aggregate:~~

~~(a) For 25 or fewer parcels, \$750.~~

~~(b) For 26 to 50 parcels, \$1,000.~~

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407 ~~(c) For 51 to 100 parcels, \$1,500.~~
408 ~~(d) For more than 100 parcels, \$2,500.~~
409 ~~(8) The authority to charge a fee for the preparation and~~
410 ~~delivery of the estoppel certificate must be established by a~~
411 ~~written resolution adopted by the board or provided by a written~~
412 ~~management, bookkeeping, or maintenance contract and is payable~~
413 ~~upon the preparation of the certificate. If the certificate is~~
414 ~~requested in conjunction with the sale or mortgage of a parcel~~
415 ~~but the closing does not occur and no later than 30 days after~~
416 ~~the closing date for which the certificate was sought the~~
417 ~~preparer receives a written request, accompanied by reasonable~~
418 ~~documentation, that the sale did not occur from a payor that is~~
419 ~~not the parcel owner, the fee shall be refunded to that payor~~
420 ~~within 30 days after receipt of the request. The refund is the~~
421 ~~obligation of the parcel owner, and the association may collect~~
422 ~~it from that owner in the same manner as an assessment as~~
423 ~~provided in this section. The right to reimbursement may not be~~
424 ~~waived or modified by any contract or agreement. The prevailing~~
425 ~~party in any action brought to enforce a right of reimbursement~~
426 ~~shall be awarded damages and all applicable attorney fees and~~
427 ~~costs.~~
428 ~~(9) The fees specified in this section shall be adjusted~~
429 ~~every 5 years in an amount equal to the total of the annual~~
430 ~~increases for that 5-year period in the Consumer Price Index for~~
431 ~~All Urban Consumers, U.S. City Average, All Items. The~~
432 ~~Department of Business and Professional Regulation shall~~
433 ~~periodically calculate the fees, rounded to the nearest dollar,~~
434 ~~and publish the amounts, as adjusted, on its website.~~
435 Section 4. This act shall take effect July 1, 2024.

1-18-24

The Florida Senate
APPEARANCE RECORD

278

Meeting Date

Fiscal Policy
Committee

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

Bill Number or Topic

9515602

Amendment Barcode (if applicable)

Name

Travis Moore

Phone

727-421-6902

Address

P.O. Box 2020

Email

travis@moore-relations.com

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

community ASSOCIATIONS Institute

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

1-18

Meeting Date

FP

Committee

278

Bill Number or Topic

951562 and Bill

Amendment Barcode (if applicable)

727-5000

Name Sean Stafford

Phone

Address 115 E. Park Ave

Email

Street

Tallahassee

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Associa

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

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

S-001 (08/10/2021)

1/18/24

The Florida Senate
APPEARANCE RECORD

SB 278

Meeting Date

SEN. FISCAL POLICY

Committee

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

Bill Number or Topic

951562

Amendment Barcode (if applicable)

Name MARK ANDERSON

Phone (813) 205-0658

Address 110 S. MONROE ST.

Email mark@consultanderson.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: CEOMC + COMMUNITY ASSOCIATION MANAGERS

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

1/18/24

The Florida Senate
APPEARANCE RECORD

SB 278

Meeting Date

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

Bill Number or Topic

SEN. FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name MARK ANDERSON

Phone (813) 205-0658

Address 110 S. MONROE ST.

Email ~~MARK ANDERSON~~
mark@consultanderson.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: LEOMC

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

+ COMMUNITY ASSOCIATION MANAGERS

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

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

S-001 (08/10/2021)

1.18.2024

The Florida Senate
APPEARANCE RECORD

278

Meeting Date

Bill Number or Topic

Fiscal Policy

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

Committee

Amendment Barcode (if applicable)

Ashley Kalifeh

850.222.9075

Name

Phone

124 W. Jefferson St.

ashley@cccfcla.com

Address

Email

Street

Tallahassee

FL

32303

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:

Florida Realtors

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 280

INTRODUCER: Fiscal Policy Committee and Senator DiCeglie

SUBJECT: Vacation Rentals

DATE: January 19, 2024

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|----------------|-----------|------------------|
| 1. | <u>Oxamendi</u> | <u>Imhof</u> | <u>RI</u> | Favorable |
| 2. | <u>Oxamendi</u> | <u>Yeatman</u> | <u>FP</u> | Fav/CS |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 280 revises the regulation of vacation rentals. A vacation rental is a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests. Vacation rentals are licensed by the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR). Current law does not allow local laws, ordinances, or regulations that prohibit vacation rentals or to regulate the duration or frequency of the rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The bill permits “grandfathered” local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. Additionally, a local government that had such a “grandfathered” regulation in effect on June 1, 2011, is authorized by the bill to adopt a new, less restrictive ordinance. The bill does not affect vacation rental ordinances in jurisdictions located in an area of critical state concern. The bill provides that a local law, ordinance, or regulation may restrict the maximum occupancy for rented residential properties if the restriction applies uniformly without regard to whether the residential property is used as a vacation rental.

The bill also preempts the regulation of advertising platforms to the state. An advertising platform is a person, which may be an individual or a corporation, who electronically advertises

a vacation rental to rent for transient occupancy, maintains a marketplace, and a reservation or payment system.

Under the bill, a local government may require vacation rentals to be registered. The bill allows local governments to charge a reasonable fee for registration and to inspect a vacation rental after registration to verify compliance with the Florida Building Code and the Florida Fire Prevention Code.

The bill establishes limits for a local government registration program, including requiring a vacation rental owner to provide proof of state licensure, submit identifying information, obtain any required tax registrations, pay all recorded municipal or county code liens, designate a responsible person who must be available 24 hours a day, seven days a week, to respond to complaints and emergencies, and to state the maximum occupancy for the vacation rental in compliance with the Florida Fire Prevention Code.

The bill permits a local government to:

- Impose a fine on a vacation rental operator of up to \$500 for violations of the local registration requirements, and to file and foreclose on a lien based on the fine if the property is not subject to homestead protections against foreclosure.
- Suspend a registration for violations of an ordinance that does not apply solely to vacation rentals and the violations occur on and are related to the vacation rental property, including suspensions of up to:
 - 30 days based on five or more violations on five separate days during a 60-day period;
 - 60 days based on one or more violations on five separate days during a 30-day period; or
 - 90 days based on one or more violations after two prior suspensions.

The bill also:

- Requires that local governments give the vacation rental operator 15 days to cure a violation before issuing a fine;
- Provides for the payment of attorney fees, costs, and damages to the prevailing party when a vacation rental operator appeals a denial, suspension, or revocation of a vacation rental registration; and
- Allows local governments to fine a vacation rental operator for failure to provide the local vacation rental registration number to the Division of Hotels and Restaurants (division).

The bill also authorizes a local government to revoke or refuse to renew a registration if:

- A vacation rental registration has been suspended three times;
- There is an unsatisfied recorded municipal or county lien, provided the vacation rental owner is given at least 60 days before termination of the registration to satisfy the lien; and
- The vacation rental premises and owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

The bill authorizes the division to revoke, refuse to issue or renew, or suspend a vacation rental license for a period of not more than 30 days if:

- Operation of the vacation rental violates a condominium, cooperative, or homeowners' association lease or property restriction as determined by a final order or judgment;

- The local registration is suspended or revoked; or
- The premises or its owner is the subject of an order or judgment directing the termination of the premises' use as a vacation rental.

Effective January 1, 2025, the bill authorizes the division to issue temporary licenses to permit the operation of a vacation rental while the license application is pending. It also requires the division to assign a unique identifier for each individual vacation rental dwelling or unit.

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

The bill requires an advertising platform to display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number of each property that advertises on its platform. Effective July 1, 2026, an advertising platform must:

- Verify the validity of the vacation rental's license number with the unique identifier and local registration number, if applicable, before it publishes the advertisement;
- Not advertise or license a vacation rental without a valid license number with a unique identifier and, if applicable, the local registration number;
- Remove from public view any advertisement or listing that fails to display a valid vacation rental license number with a unique identifier and, if applicable, the local registration number; and
- Notify the division within 15 days after any advertisement or listing fails to display a valid license number with a unique identifier and, if applicable, local registration number.

To facilitate the required verification of vacation rental licensure and registration, the division must create and maintain a vacation rental license information system. Additionally, the division's vacation rental information system must permit:

- Local governments to notify the division of a termination, failure to renew, or period of suspension of a local registration;
- Local governments to verify the license and local registration status of a vacation rental; and
- The registered user to subscribe to receive notification of changes to the license or registration of a vacation rental.

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

The bill provides that this act will not supersede any current or former governing document for a condominium, cooperative, or homeowners' association.

The bill provides an appropriation. The bill has a fiscal impact. See Section V. Fiscal Impact Statement.

The Revenue Estimating Conference has not determined the fiscal impact of this bill.

Except as otherwise expressly provided in the bill, the bill takes effect July 1, 2024.

II. Present Situation:

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

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

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

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

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

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

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

- Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;
- Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;

¹ Section 509.013(4)(a), F.S.

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

A public lodging establishment is classified as a hotel, motel, vacation rental, non-transient apartment, transient apartment, bed and breakfast inn, or timeshare project if the establishment satisfies specified criteria.²

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

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

Section 509.013(2), F.S., defines the term "operator" to mean the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

² Section 509.242(1), F.S.

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

The 63,690 public lodging establishment licenses issued by the division are distributed as follows:⁶

- Hotels – 2,382 licenses;
- Motels – 2,353 licenses;
- Non-transient apartments – 18,480 licenses;
- Transient apartments – 936 licenses;
- Bed and Breakfast Inns – 268 licenses;
- Vacation rental condominiums – 13,434 licenses;
- Vacation rental dwellings – 31,703 licenses; and
- Vacation rental timeshare projects – 48 licenses.

Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but must inspect transient and non-transient apartments at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request to the division.⁷ The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2022-2023, the division received 356 consumer complaints regarding vacation rentals. In response to the complaints, the division’s inspection confirmed a violation for 45 of the complaints.⁸

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

³ Fla. Admin. Code R. 61C-1.002(4)(a)1.

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

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

⁶ Department of Business and Professional Regulation, Division of Hotels and Restaurants Annual Report for FY 2022-2023 at page 8, available at http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2022_23.pdf (last visited Dec. 4, 2023). The total number of vacation rental licenses for each classification includes single licenses and group and collective licenses that cover multiple condominium units, dwellings, and timeshare projects under a single license.

⁷ Section 509.032(2)(a), F.S.

⁸ *Supra* at note 6 on page 21.

general safety and regulatory matters.⁹ The division must notify the local fire safety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,¹⁰ which relates to a public lodging establishment.¹¹ The rules of the State Fire Marshall provide fire safety standards for transient public lodging establishments, including occupancy limits for one and two family dwellings.¹²

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.¹³

Preemption

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

Current law does not preempt the authority of a local government or a local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.¹⁴

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

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.¹⁵

⁹ See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at: <https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Dec. 4, 2023).

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

¹¹ Section 509.032(2)(d), F.S.

¹² See Fla. Admin. Code R. 69A-43.018, relating to one and two family dwellings, recreational vehicles and mobile homes licensed as public lodging establishments.

¹³ See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at:

http://www.myfloridalicense.com/dbpr/hr/forms/documents/application_packet_for_vacation_rental_license.pdf (last visited Dec. 4, 2023).

¹⁴ Section 509.032(7)(a), F.S.

¹⁵ See s. 380.031(18), F.S., which provides that the state land planning agency is the Department of Economic Opportunity. See also s. 380.05, F.S., relating to the designation of areas of critical state concern. Chapter 2023-173, Laws of Fla., changed the name of the Department of Economic Opportunity to the Department of Commerce and the name change will be reflected in the 2024 Florida Statutes.

Legislative History

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

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.¹⁶

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.¹⁷

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.¹⁸ Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use, or occupancy.”¹⁹

Attorney General Opinions

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.²⁰ According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, established in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

The Attorney General also issued an opinion on November 13, 2014, to the City of Wilton Manors, concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.²¹

In addition, the Attorney General issued an advisory opinion on October 4, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a

¹⁶ Chapter 2011-119, Laws of Fla.

¹⁷ *Id.*

¹⁸ Chapter 2014-71, Laws of Fla. (codified in s. 509.032(7)(b), F.S.).

¹⁹ *Id.*

²⁰ Florida Attorney General, *Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding Vacation Rental Operation-Local Ordinances*, Oct. 22, 2013, available at <https://www.myfloridalegal.com/ag-opinions/vacation-rental-operations-local-ordinances> (last visited Dec. 4, 2023).

²¹ Op. Att’y Gen. Fla. 2014-09, *Vacation Rentals - Municipalities - Land Use* (November 12, 2014), available at <https://www.myfloridalegal.com/ag-opinions/vacation-rentals-municipalities-land-use> (last visited Dec. 4, 2023).

proposed zoning ordinance.²² The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.²³

The Attorney General also opined that amending an ordinance that was enacted prior to June 1, 2011 will not invalidate the grandfather protection for the parts of the ordinance that are reenacted.²⁴ However, the new provisions would be preempted by state law if an ordinance was revised in a manner that would regulate the duration or frequency of rental of vacation rentals, even when the new regulation would be considered “less restrictive” than the prior local law.

Public Lodging Non-Discrimination Law

Section 509.092, F.S., prohibits an operator of a public lodging establishment from denying service or offering lesser quality accommodations to a person based upon his or her race, creed, color, sex, pregnancy, physical disability, or national origin. An aggrieved person may file a complaint pursuant to s. 760.11, F.S., of the Florida Civil Rights Act. Such complaints are mediated, investigated, and determined by the Florida Commission on Human Relations.²⁵

III. Effect of Proposed Changes:

Preemptions

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

The bill does not affect the “grandfather” provision in s. 509.032(7)(b), F.S., which does not allow local laws, ordinances, or regulations prohibiting vacation rentals or regulating the duration or frequency of rental of vacation rentals. Under the bill, a “grandfathered” local law, ordinance, or regulation adopted on or before June 1, 2011, may be amended to be less restrictive or to comply with local registration requirements. Additionally, the bill permits a local government that had a “grandfathered” regulation in effect on June 1, 2011, to pass a new, less restrictive ordinance that would be “grandfathered” as well.

The bill also exempts local laws, ordinances, and regulations that are “grandfathered” under s. 509.032(7)(b), F.S., from the local registration requirements in s. 509.032(8), F.S.

²² Op. Att’y Gen. Fla. 2016-12, *Municipalities - Vacation Rentals – Preemption – Zoning* (Oct. 4, 2016), available at <https://www.myfloridalegal.com/ag-opinions/municipalities-vacation-rentals-preemption-zoning> (last visited Dec. 4, 2023).

²³ *Id.*

²⁴ Op. Att’y Gen. Fla. 2019-07, *Vacation rentals, municipalities, grandfather provisions* (August 16, 2019) available at <https://www.myfloridalegal.com/ag-opinions/vacation-rentals-municipalities-grandfather-provision> (last visited Dec. 4, 2023).

²⁵ See Florida Commission on Human Relations, *Public Accommodations*, available at <https://fchr.myflorida.com/public-accommodations> (last visited Dec. 4, 2023).

Definition of “Advertising Platform”

The bill creates s. 509.013(17), F.S., to define the term “advertising platform.” Under the bill, an advertising platform is a person²⁶ who:

- Provides an online application, software, website, or system through which a vacation rental located in this state is advertised or held out to the public as available to rent for transient occupancy;
- Provides or maintains a marketplace for the renting by transient occupancy of a vacation rental; and
- Provides a reservation or payment system that facilitates a transaction for the renting by transient occupancy of a vacation rental and for which the person collects or receives, directly or indirectly, a fee in connection with the reservation or payment service provided for such transaction.

Tax Collection and Reporting Requirements

The bill also amends s. 212.03(3), F.S., to require advertising platforms to collect and report taxes imposed under ch. 212, F.S. The bill:

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

The bill authorizes the DOR to adopt emergency rules, which are effective for six months and may be renewed until permanent rules are adopted. This emergency rulemaking authority expires on January 1, 2026.

The bill creates s. 509.243(4), F.S., to require advertising platforms to collect and remit taxes due under ss. 125.0104,²⁷ 125.0108,²⁸ 205.044,²⁹ 212.03,³⁰ 212.0305,³¹ and 212.055, F.S.,³² resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

²⁶ Section 1.01(3), F.S., defines the term “person” to include “individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.”

²⁷ Section 125.0104, F.S., relates to the local option tourist development tax.

²⁸ Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

²⁹ Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

³⁰ Section 212.03, F.S., relates to the transient rentals tax.

³¹ Section 212.0305, F.S., relates to convention development taxes.

³² Section 212.055, F.S., relates to discretionary sales taxes.

Local Registration of Vacation Rentals

The bill creates s. 509.032(8), F.S., to permit local governments to require vacation rentals to register under a local registration program.

The bill provides that a local government is not prohibited from adopting a law, ordinance, or regulation if it is uniformly applied without regard to whether the residential property is used as a vacation rental.

Application Process

The bill allows local governments to charge a reasonable fee³³ for the local registration and a reasonable fee to inspect a vacation rental after registration to verify compliance with the Florida Building Code and the Florida Fire Prevention Code.

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

- Submit identifying information;
- Provide proof of a vacation rental license with the unique identifier issued by the division;
- Obtain all required tax registrations, receipts, or certificates issued by the Department of Revenue, a county, or a municipal government;
- Update required information on a continuing basis to be current;
- Designate and maintain a responsible person who is capable of responding to complaints and emergencies by telephone at a provided telephone number 24 hour a day, 7 days a week, and receiving legal notices of complaints on behalf of the vacation rental operator;
- State the maximum occupancy for the vacation rental in compliance with the Florida Fire Prevention Code;³⁴ and
- Pay in full all recorded municipal or county code liens.

Additionally, the bill requires local governments to review a registration application for completeness and accept the registration or issue a written notice specifying deficient areas within 15 days of receipt of an application. The vacation rental owner or operator may agree to an extension of this time period. Such notice may be provided by mail or electronically.

If a local government denies an application, the written notice of denial may be sent by United States mail or electronically. The notice must state with particularity the factual reasons for the denial and the applicable portions of an ordinance, rule, statute, or other legal authority for the

³³ Sections 125.66 and 166.041, F.S., requires counties and municipalities, respectively, before enactment of a proposed ordinance to prepare a business impact estimate that includes an identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible, and an estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

³⁴ Fla. Admin. Code R. 69A-43.018, relating to the uniform fire safety standards for transient public lodging establishments, timeshare plans, and timeshare unit facilities, provides that the maximum occupancy load permitted for one and two family dwellings and mobile homes licensed as public lodging establishments is at 150 square feet gross floor area per person.

denial. A local government cannot deny a registration application if the applicant cures the identified deficiency.

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

If a local government fails to accept or deny the registrations within the provided timeframes, the application is deemed accepted.

Within five days of receipt of the vacation rental registration number, the vacation rental operator must provide the vacation rental registration to the division.

Enforcement and Remedies

Fines Imposed by Local Governments

Under the bill, a local government may fine a vacation rental operator up to \$500 for failing to continue to meet the registration requirements, failing to provide the local registration number to the division, and failing to register the vacation rental with the local government.³⁵ Local governments must give the vacation rental operator 15 days to cure a violation before issuing a fine. The fine must be recorded in the public records. The bill permits the local governments to file a lien on the real property on which the violation occurred. The local governments may foreclose on a lien based on the fine to recover a money judgment in the amount of the lien if the lien remain unpaid for three or more months after it is filed and the property is not subject to homestead protection against foreclosure.³⁶

Registration Suspensions by Local Governments

The bill authorizes a local government to suspend a registration for material violations of an ordinance that does not apply solely to vacation rentals, and the violations occur on and are related to the vacation rental property. The local law, ordinance, or regulation may not solely apply to vacation rentals, and the violation must be directly related to the owner's vacation rental premises. The finding of a material violation must be made by the code enforcement board or a special magistrate.

³⁵ Section 162.09(2), F.S., permits code enforcement boards or special magistrates to impose fines not to exceed \$250 per day for a first violation and not to exceed \$500 per day for a repeat violation. However, if the code enforcement board or special magistrate finds there is irreparable or irreversible harm caused by the code violation, the fine may not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation. Moreover, a county or a municipality with a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines not exceed to \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

³⁶ Section 162.09(3), F.S., provides a comparable authority to local governments to file liens and foreclose on liens based on unpaid fines.

Upon a finding of a material violation, the code enforcement board or special magistrate may recommend to the local government that the operation of the vacation rental be suspended up to:

- 30 days based on one or more violations on five separate days during a 60-day period;
- 60 days based on one or more violations on five separate days during a 30-day period; and
- 90 days based on one or more violations after two prior suspensions.

The bill requires local governments to give notice of a suspension to the operator of a vacation rental within five days after the suspension. The notice must include the start date of the suspension, which must be at least 21 days after the notice is sent to the operator and the division.

Beginning January 1, 2026, a local government must use the vacation rental information system described in s. 509.244, F.S., which is created by the bill, to provide the notice of suspension of a vacation rental registration to the division.

Registration Revocations by Local Governments

Under the bill, a local government may revoke or refuse to renew a vacation rental registration if:

- The owner's registration has been suspended three times;
- There is an unsatisfied recorded municipal lien or county lien on the real property of the vacation rental, provided local governments give a vacation rental owner at least 60 days to satisfy a recorded municipal or county code lien before terminating a local registration because of the unsatisfied lien; or
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises' use as a vacation rental.

The bill uses interchangeably the terms "revocation" and "termination."

The bill also requires local governments to give notice of a termination or nonrenewal to the operator of a vacation rental within five days after the termination or nonrenewal. The notice must include the start date of the termination or nonrenewal, which must be at least 21 days after the notice is sent to the operator and the division. Beginning January 1, 2026, a local government must use the vacation rental information system described in s. 509.244, F.S., which is created by the bill, to provide the notice of termination or nonrenewal of a vacation rental registration to the division.

Appeals

Under the bill, a vacation rental owner may appeal a denial, suspension, termination, or nonrenewal of a vacation rental registration to the circuit court. The appeal must be filed within 30 days after the issuance of the denial, suspension, or termination. The bill provides that the court may assess and award reasonable attorney fees and costs and damages to the prevailing party in the appeal.³⁷

³⁷ Section 162.11, F.S., provides for the appeal of a final administrative order of a local government enforcement board to the circuit court. This provision does not provide for the awarding of attorney fees and costs to the prevailing party.

Regulation of Vacation Rentals by the Division

Licensing

Effective January 1, 2025, the bill amends ss. 509.241(2) and (3), F.S., relating to the license application process for vacation rentals, to:

- Authorize the Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) upon receiving an application for a vacation rental license to grant a temporary license to permit the operation of the vacation rental while the license application is pending and to post the information required under s. 509.243(1)(c), F.S.
 - The temporary license automatically expires upon final agency action regarding the license application.
- Require any license issued by the division to be displayed conspicuously to the public inside the licensed establishment, instead of “in the office or lobby.”
- Require the owner or operator of a vacation rental offered for transient occupancy through an advertising platform to display the vacation rental local registration number, if applicable.
- Require the licensee or licensed agent managing a vacation rental to submit to the division, through the division’s online system, any applicable local vacation rental registration number within five days after registration.
- Require the division to assign a unique identifier on each vacation rental license it issues which identifies each individual vacation rental dwelling or unit.

Suspensions and Revocations of Vacation Rental Licensees

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

- The operation of the subject premises violates the terms of an applicable lease or property restriction, including any property restriction adopted pursuant to chs. 718, 719, or 720, F.S., as determined by a final order of a court or an arbitrator’s written decision;³⁸
- The registration of the vacation rental is suspended or revoked by a local government as provided in s. 509.032(8); or
- The premises and its owner are the subject of a final order or judgment lawfully directing the termination of the premises’ use as a vacation rental.

When revoking, suspending, or refusing to renew a vacation rental license, the division must specify the license number with the associated unique identifier of the vacation rental dwelling or unit that has been suspended, revoked or not renewed. The division must also input such status into the vacation rental information system described in s. 509.244, F.S.

The bill requires that any suspension of a vacation rental license based on the suspension of a local registration must run concurrently with the local registration suspension.

³⁸ Chapters 718, 719, or 720, F.S., relate to the regulation and governance of condominium, cooperative, and homeowners’ associations, respectively.

Requirements for Advertising Platforms

Effective January 1, 2025, the bill creates s. 509.243, F.S., to provide requirements for an advertising platform, including tax collection and remittance requirements. Under the bill, an advertising platform must:

- Require that a person who places an advertisement for the rental of a vacation rental to:
 - Include the vacation rental license number with the associated unique identifier and, if applicable, the local registration number; and
 - Attest to the best of the person's knowledge that the license number and the local registration number, if applicable, for the vacation rental property are current and valid and that all related information is accurately stated in the advertisement.
- Display the vacation rental license number with the associated unique identifier and, if applicable, the local registration number.
- Adopt an anti-discrimination plan and inform its users of the public lodging discrimination prohibition found in s. 509.092, F.S.

Effective January 1, 2026, the advertising platforms shall:

- Use the vacation rental information system described in s. 509.244, F.S., to verify the vacation rental license number with the associated unique identifier and, if applicable, the local registration number.
- Not advertise or list a vacation rental that fails to provide a valid state license number with the unique identifier and, if applicable, a local registration number as indicated on the division's vacation rental information system;
- Remove from public view an advertisement or listing from its online application, software, website, or system within 15 business days after notification that a vacation rental license or, if applicable, a local registration:
 - Has been suspended, revoked, or not renewed; or
 - Fails to display a valid license number with the associated unique identifier and, if applicable, the local registration number; and
- Notify the division within 15 days after any advertisement or listing fails to display a valid license number with a unique identifier and, if applicable, local registration number.

The bill requires advertising platforms to collect and remit taxes due under ss. 125.0104,³⁹ 125.0108,⁴⁰ 205.044,⁴¹ 212.03,⁴² 212.0305,⁴³ and 212.055, F.S.,⁴⁴ resulting from the reservation of a vacation rental property and payment therefor through an advertising platform.

³⁹ Section 125.0104, F.S., relates to the local option tourist development tax.

⁴⁰ Section 125.0108, F.S., relates to the tourist impact tax in areas within a county designated as an area of critical state concern.

⁴¹ Section 205.044, F.S., relates to the merchant business tax measured by gross receipts.

⁴² Section 212.03, F.S., relates to the transient rentals tax.

⁴³ Section 212.0305, F.S., relates to convention development taxes.

⁴⁴ Section 212.055, F.S., relates to discretionary sales taxes.

The bill also:

- Provides processes for the division to issue a cease and desist order to any person who violates ch. 509, F.S.
- Authorizes the division to seek an injunction or a writ of mandamus to enforce a cease and desist order.
- Provides that, if the division is required to seek enforcement of the notice for a penalty pursuant to s. 120.69, F.S., it is entitled to collect its attorney fees and costs, together with any cost of collection.
- Authorizes the division to fine an advertising platform an amount not to exceed \$1,000 per offense for a violation of the provisions in the bill or rules of the division.
- Provides that the advertising platform requirements in the bill do not create a private right of action against advertising platforms.

Vacation Rental Information System

The bill creates s. 509.244, F.S., to require the division to create and maintain, by July 1, 2025, a vacation rental information system readily accessible through an application program interface to permit:

- Licensees and advertising platforms to promptly comply with ch. 509, F.S., relating in pertinent part to public lodging establishments;
- Vacation rental advertisers to verify the vacation rental license number with the associated unique identifier, the applicable local registration number, and the license or registration status of the vacation rental;
- Local governments to notify the division of a termination, failure to renew, or period of suspension of a local registration;
- Local governments to verify the license and local registration status of a vacation rental; and
- The registered user to subscribe to receive notification of changes to the license or registration of a vacation rental.

Community Associations

The bill provides that the application of vacation rental provisions created by the bill do not supersede any current or future declaration or declaration of condominium adopted pursuant to ch. 718, F.S., cooperative documents adopted pursuant to ch. 719, F.S., or declaration of covenants or declaration for a homeowners' association adopted pursuant to ch. 720, F.S.

Appropriation

The bill provides an appropriation for the 2024-2025 fiscal year, of \$327,170 in recurring funds and \$53,645 in nonrecurring funds from the Hotel and Restaurant Trust Fund and \$645,202 in recurring funds and \$3,295,884 in nonrecurring funds from the Administrative Trust Fund are appropriated to the Department of Business and Professional Regulation, and nine full-time equivalent positions with a total associated salary rate of 513,417 are authorized, for the purposes of implementing the provisions in the bill.

Effective Date

Except as otherwise expressly provided in the bill, the bill takes effect July 1, 2024.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

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

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

The bill does not impose or authorize a state tax or fee. The bill provides that a local government may not require a registration fee of more than \$200. Under the bill, a local government is not required to charge a registration fee.

E. Other Constitutional Issues:

None.

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

The Revenue Estimating Conference has not determined the fiscal impact of this bill.

B. Private Sector Impact:

Indeterminate. Vacation rental owners may incur local registration costs of up to \$150 and registration renewal fees of up to \$50 if the local government in which the vacation

rental is located adopts an ordinance, law, or regulation consistent with the provisions of this bill.

C. Government Sector Impact:

The bill provides an appropriation for the 2024-2025 fiscal year, of \$327,170 in recurring funds and \$53,645 in nonrecurring funds from the Hotel and Restaurant Trust Fund and \$645,202 in recurring funds and \$3,295,884 in nonrecurring funds from the Administrative Trust Fund are appropriated to the Department of Business and Professional Regulation, and nine full-time equivalent positions with a total associated salary rate of 513,417 are authorized, for the purposes of implementing the provisions in the bill.

The Department of Business and Professional Regulation (department) anticipates an indeterminate increase in licensing revenue, but does not know the number of rental advertisements that are not licensed but require a license. It also anticipates an indeterminate increase in fines due to noncompliance.⁴⁵

The division states that the total number of vacation rental complaints it has received has increased more than 42 percent since Fiscal Year (FY) 2018-2019 with a record high of 1,391 complaints in in FY 2019-2020. Consequently, it anticipates an increased number of based on the requirements of the bill, including a large, indeterminate influx of complaints from local jurisdictions, tax collectors, vacation rental guests, license holders, and concerned homeowners.⁴⁶

The department anticipates a total fiscal impact of \$4,318,901 (\$972,371 recurring and \$3,346,529 nonrecurring). The fiscal impact is predominantly due to the creation of the vacation rental information system required under the bill. The anticipated cost for implementing the new system is \$3.25 million, with annual recurring license and maintenance costs of \$150,000, which may increase over time based on the consumer product index or a negotiated percentage. The department would also need an additional nine full time employees.⁴⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴⁵ See Department of Business and Professional Regulation, 2023 Agency Legislative Bill Analysis for SB 280, pp. 7 and 8 (Dec. 1, 2023) (on file with the Senate Fiscal Policy Committee).

⁴⁶ *Id.* at 9.

⁴⁷ *Id.* at 8.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 159.27, 212.03, 212.08, 316.1955, 404.056, 477.0135, 509.013, 509.032, 509.221, 509.241, 509.261, 553.5041, 559.955, 561.20, 705.17, 705.185, 717.1355, and 877.24.

This bill creates the following sections of the Florida Statutes: 509.243 and 509.244.

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 Fiscal Policy on January 18, 2024:

The committee substitute makes following substantive revisions to the bill:

- Revises the fee for a local registration from \$150 per unit to a reasonable fee per unit;
- Increases the fine a local government may impose from \$300 to \$500 per violation;
- Allows a vacation rental operator a 15-day period to cure before a local government may issue a fine for a violation;
- Revised the requirement to state the maximum occupancy in a vacation rental application to include compliance with the Florida Fire Prevention Code;
- Provides for the payment of attorney fees, costs, and damages to the prevailing party when a vacation rental operator appeals a denial, suspension, or revocation of a vacation rental registration;
- Allows local governments to fine a vacation rental operator for failure to provide the local vacation rental license number to the Division of Hotels and Restaurants (division);
- Authorizes the division to suspend a vacation rental license for the same period as any local suspension of the vacation rental registration;
- Prohibits advertising platforms from advertising or listing a vacation rental that fails to provide a valid state license number with the unique identifier and, if applicable, a local registration number as indicated on the division’s vacation rental information system;
- Requires advertising platforms to notify the division within 15 days after any advertisement or listing fails to display a valid license number with a unique identifier and local registration number, if applicable; and
- Provides an appropriation.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 01/18/2024 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 241 - 815

and insert:

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

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

2. Any facility certified or licensed and regulated by the



11 Agency for Health Care Administration or the Department of
12 Children and Families or other similar place regulated under s.
13 381.0072.

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

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

26 5. Any migrant labor camp or residential migrant housing
27 permitted by the Department of Health under ss. 381.008-
28 381.00895.

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

31 7. A facility operated by a nonprofit which provides ~~Any~~
32 ~~nonprofit organization that operates a facility providing~~
33 housing only to patients, patients' families, and patients'
34 caregivers and not to the general public.

35 8. Any apartment building inspected by the United States
36 Department of Housing and Urban Development or other entity
37 acting on the department's behalf which ~~that~~ is designated
38 primarily as housing for persons at least 62 years of age. The
39 division may require the operator of the apartment building to



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40 attest in writing that such building meets the criteria provided
41 in this subparagraph. The division may adopt rules to implement
42 this requirement.

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

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

58 (b) The following are excluded from the definition in
59 paragraph (a):

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

62 a. For the use of students and faculty; or

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

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

68 a. For the use of members and associates; or



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

71
72 Upon request by the division, a church or a religious, nonprofit
73 fraternal, or nonprofit civic organization claiming an exclusion
74 under this subparagraph must provide the division documentation
75 of its status as a church or a religious, nonprofit fraternal,
76 or nonprofit civic organization.

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

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

86 5. Any eating place maintained by a facility certified or
87 licensed and regulated by the Agency for Health Care
88 Administration or the Department of Children and Families or
89 other similar place that is regulated under s. 381.0072.

90 6. Any place of business issued a permit or inspected by
91 the Department of Agriculture and Consumer Services under s.
92 500.12.

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

97 8. Any theater, if the primary use is as a theater and if



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98 patron service is limited to food items customarily served to
99 the admittees of theaters.

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

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

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

109 ~~(2)(6)~~ "Director" means the Director of the Division of
110 Hotels and Restaurants of the Department of Business and
111 Professional Regulation.

112 ~~(11)(7)~~ "Single complex of buildings" means all buildings
113 or structures that are owned, managed, controlled, or operated
114 under one business name and are situated on the same tract or
115 plot of land that is not separated by a public street or
116 highway.

117 ~~(12)(8)~~ "Temporary food service event" means any event of
118 30 days or less in duration where food is prepared, served, or
119 sold to the general public.

120 ~~(13)(9)~~ "Theme park or entertainment complex" means a
121 complex comprised of at least 25 contiguous acres owned and
122 controlled by the same business entity and which contains
123 permanent exhibitions and a variety of recreational activities
124 and has a minimum of 1 million visitors annually.

125 ~~(14)(10)~~ "Third-party provider" means, for purposes of s.
126 509.049, any provider of an approved food safety training



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127 program that provides training or such a training program to a
128 public food service establishment that is not under common
129 ownership or control with the provider.

130 (16)~~(11)~~ "Transient establishment" means any public lodging
131 establishment that is rented or leased to guests by an operator
132 whose intention is that such guests' occupancy will be
133 temporary.

134 (17)~~(12)~~ "Transient occupancy" means occupancy when it is
135 the intention of the parties that the occupancy will be
136 temporary. There is a rebuttable presumption that, when the
137 dwelling unit occupied is not the sole residence of the guest,
138 the occupancy is transient.

139 (15)~~(13)~~ "Transient" means a guest in transient occupancy.

140 (6)~~(14)~~ "Nontransient establishment" means any public
141 lodging establishment that is rented or leased to guests by an
142 operator whose intention is that the dwelling unit occupied will
143 be the sole residence of the guest.

144 (7)~~(15)~~ "Nontransient occupancy" means occupancy when it is
145 the intention of the parties that the occupancy will not be
146 temporary. There is a rebuttable presumption that, when the
147 dwelling unit occupied is the sole residence of the guest, the
148 occupancy is nontransient.

149 (5)~~(16)~~ "Nontransient" means a guest in nontransient
150 occupancy.

151 Section 3. Paragraph (c) of subsection (3) and subsection
152 (7) of section 509.032, Florida Statutes, are amended, and
153 subsection (8) is added to that section, to read:

154 509.032 Duties.—

155 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE



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156 EVENTS.—The division shall:

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

160 1. Sponsors of temporary food service events shall notify
161 the division not less than 3 days before the scheduled event of
162 the type of food service proposed, the time and location of the
163 event, a complete list of food service vendors participating in
164 the event, the number of individual food service facilities each
165 vendor will operate at the event, and the identification number
166 of each food service vendor's current license as a public food
167 service establishment or temporary food service event licensee.
168 Notification may be completed orally, by telephone, in person,
169 or in writing. A public food service establishment or food
170 service vendor may not use this notification process to
171 circumvent the license requirements of this chapter.

172 2. The division shall keep a record of all notifications
173 received for proposed temporary food service events and shall
174 provide appropriate educational materials to the event sponsors
175 and notify the event sponsors of the availability of the food-
176 recovery brochure developed under s. 595.420.

177 3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~
178 ~~509.013(5)(b)~~, a public food service establishment or other food
179 service vendor must obtain one of the following classes of
180 license from the division: an individual license, for a fee of
181 no more than \$105, for each temporary food service event in
182 which it participates; or an annual license, for a fee of no
183 more than \$1,000, which ~~that~~ entitles the licensee to
184 participate in an unlimited number of food service events during



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185 the license period. The division shall establish license fees,
186 by rule, and may limit the number of food service facilities a
187 licensee may operate at a particular temporary food service
188 event under a single license.

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

192 (7) PREEMPTION AUTHORITY.—

193 (a) The regulation of public lodging establishments and
194 public food service establishments, including, but not limited
195 to, sanitation standards, licensing, inspections, training and
196 testing of personnel, and matters related to the nutritional
197 content and marketing of foods offered in such establishments,
198 is preempted to the state. This paragraph does not preempt the
199 authority of a local government or local enforcement district to
200 conduct inspections of public lodging and public food service
201 establishments for compliance with the Florida Building Code and
202 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
203 633.206.

204 (b) A local law, ordinance, or regulation may not prohibit
205 vacation rentals or regulate the duration or frequency of rental
206 of vacation rentals. This paragraph and subsection (8) do does
207 not apply to any local law, ordinance, or regulation adopted on
208 or before June 1, 2011, including such a law, ordinance, or
209 regulation that is amended to be less restrictive or to comply
210 with the local registration requirements provided in subsection
211 (8), or when a law, ordinance, or regulation adopted after June
212 1, 2011, regulates vacation rentals, if such law, ordinance, or
213 regulation is less restrictive than a law, ordinance, or



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214 regulation that was in effect on June 1, 2011.

215 (c) Paragraph (b) and subsection (8) do ~~does~~ not apply to
216 any local law, ordinance, or regulation exclusively relating to
217 property valuation as a criterion for vacation rental if the
218 local law, ordinance, or regulation is required to be approved
219 by the state land planning agency pursuant to an area of
220 critical state concern designation.

221 (d) The regulation of advertising platforms is preempted to
222 the state.

223 (8) LOCAL REGISTRATION OF VACATION RENTALS; SUSPENSION;
224 REVOCATIONS; FINES.—Notwithstanding paragraph (7)(a), a local
225 law, ordinance, or regulation may require the registration of
226 vacation rentals with a local vacation rental registration
227 program. Local governments may implement a vacation rental
228 registration program pursuant to this subsection and may impose
229 a fine for failure to register under the local program.

230 (a) A local government may charge a reasonable fee per unit
231 for processing a registration application. A local law,
232 ordinance, or regulation may require annual renewal of a
233 registration and may charge a reasonable renewal fee per unit
234 for processing of a registration renewal. However, if there is a
235 change of ownership, the new owner may be required to submit a
236 new application for registration. Subsequent to the registration
237 of a vacation rental, a local government may charge a reasonable
238 fee to inspect a vacation rental after registration for
239 compliance with the Florida Building Code and the Florida Fire
240 Prevention Code, described in ss. 553.80 and 633.206,
241 respectively.

242 (b) As a condition of registration or renewal of a vacation



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243 rental, a local law, ordinance, or regulation establishing a
244 local vacation rental registration program may only require the
245 operator of a vacation rental to do the following:

246 1. Submit identifying information about the owner and the
247 operator, if applicable, and the subject vacation rental
248 premises.

249 2. Provide proof of a license with the unique identifier
250 issued by the division to operate as a vacation rental.

251 3. Obtain all required tax registrations, receipts, or
252 certificates issued by the Department of Revenue, a county, or a
253 municipality.

254 4. Update required information as necessary to ensure it is
255 current.

256 5. Designate and maintain at all times a responsible party
257 who is capable of responding to complaints or emergencies
258 related to the vacation rental, including being available by
259 telephone at a provided contact telephone number 24 hours a day,
260 7 days a week, and receiving legal notice of violations on
261 behalf of the vacation rental operator.

262 6. State the maximum occupancy of the vacation rental in
263 compliance with the Florida Fire Prevention Code, described in
264 s. 633.206.

265 7. Pay in full all recorded municipal or county code liens
266 against the subject vacation rental premises.

267 (c) Within 15 business days after receiving an application
268 for registration of a vacation rental, a local government shall
269 review the application for completeness and accept the
270 registration of the vacation rental or issue a written notice of
271 denial.



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272 1. The vacation rental operator and the local government
273 may agree to a reasonable request to extend the timeframes
274 provided in this paragraph, particularly in the event of a force
275 majeure or other extraordinary circumstance.

276 2. If a local government fails to accept or deny the
277 registration within the timeframes provided in this paragraph,
278 the application is deemed accepted.

279 (d) If a local government denies a registration of a
280 vacation rental, the local government must give written notice
281 to the applicant. Such notice may be provided by United States
282 mail or electronically. The notice must specify with
283 particularity the factual reasons for the denial and include a
284 citation to the applicable portions of the ordinance, rule,
285 statute, or other legal authority for the denial of the
286 registration. A local government may not prohibit an applicant
287 from reapplying if the applicant cures the identified
288 deficiencies.

289 (e)1. Upon acceptance of a vacation rental registration, a
290 local government shall assign a unique registration number to
291 the vacation rental unit and provide the registration number or
292 other indicia of registration to the vacation rental operator in
293 writing or electronically.

294 2. The vacation rental operator must provide the vacation
295 rental registration number to the division within 5 days after
296 receipt of the registration number.

297 (f)1. A local government may fine a vacation rental
298 operator up to \$500 if he or she:

299 a. Fails to continue to meet the registration requirements
300 in paragraph (b);



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301 b. Is operating a vacation rental without registering it
302 with the local government as a vacation rental; or

303 c. Fails to provide the division with the unique
304 registration number as required in paragraph (e).

305 2. Before issuing a fine, the local government shall issue
306 written notice of such violation and provide a vacation rental
307 operator 15 days to cure the violation. If the vacation rental
308 operator has not cured the violation within the 15 days, the
309 local government may issue a fine.

310 (g) A certified copy of an order imposing a fine may be
311 recorded in the public records and thereafter constitutes a lien
312 against the real property on which the violation exists and upon
313 any other real or personal property owned by the violator. Upon
314 petition to the circuit court, such order is enforceable in the
315 same manner as a court judgment by the sheriffs of this state,
316 including execution and levy against the personal property of
317 the violator, but such order may not be deemed to be a court
318 judgment except for enforcement purposes. A fine imposed
319 pursuant to this subsection will continue to accrue until the
320 violator comes into compliance or until judgment is rendered in
321 a suit filed pursuant to this section, whichever occurs first. A
322 lien arising from a fine imposed pursuant to this subsection
323 runs in favor of the local government, and the local government
324 shall execute a satisfaction or release of lien upon full
325 payment. If such lien remains unpaid 3 months or more after the
326 filing of the lien, the local government may foreclose on the
327 lien against the real property on which the violation exists or
328 sue to recover a money judgment for the amount of the lien, plus
329 accrued interest. A lien created pursuant to this part may not



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330 be foreclosed on real property that is a homestead under s. 4,
331 Art. X of the State Constitution. The money judgment provisions
332 of this section do not apply to real property or personal
333 property that is covered under s. 4(a), Art. X of the State
334 Constitution.

335 (h)1. If a code violation related to the vacation rental is
336 found by the code enforcement board or special magistrate to be
337 a material violation of a local law, ordinance, or regulation
338 that does not solely apply to vacation rentals, and the
339 violation is directly related to the vacation rental premises,
340 the local government must issue a written notice of such
341 violation.

342 2. If a code violation related to the vacation rental is
343 found to be a material violation of a local law, ordinance, or
344 regulation as described in subparagraph 1., the code enforcement
345 board or special magistrate must make a recommendation to the
346 local government as to whether a vacation rental registration
347 should be suspended.

348 3. The code enforcement board or special magistrate must
349 recommend the suspension of the vacation rental registration if
350 there are:

351 a. One or more violations on 5 separate days during a 60-
352 day period;

353 b. One or more violations on 5 separate days during a 30-
354 day period; or

355 c. One or more violations after two prior suspensions of
356 the vacation rental registration.

357 4. If the code enforcement board or special magistrate
358 recommends suspension of a vacation rental registration, a local



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359 government may suspend such registration for a period of:
360 a. Up to 30 days for one or more violations on 5 separate
361 days during a 60-day period;
362 b. Up to 60 days for one or more violations on 5 separate
363 days during a 30-day period; or
364 c. Up to 90 days for one or more violations after two prior
365 suspensions of a vacation rental registration.
366 5. A local government may not suspend a vacation rental
367 registration for violations of a local law, ordinance, or
368 regulation which are not directly related to the vacation rental
369 premises.
370 6. A local government must provide notice of the suspension
371 of a vacation rental registration to the vacation rental
372 operator and the division within 5 days after the suspension.
373 The notice must include the start date of the suspension, which
374 must be at least 21 days after the suspension notice is sent to
375 the vacation rental operator and the division. Effective January
376 1, 2026, a local government must use the vacation rental
377 information system described in s. 509.244 to provide notice of
378 the suspension of a vacation rental registration to the
379 division.
380 (i)1. A local government may revoke or refuse to renew a
381 vacation rental registration if:
382 a. A vacation rental registration has been suspended three
383 times pursuant to paragraph (h);
384 b. There is an unsatisfied, recorded municipal lien or
385 county lien on the real property of the vacation rental.
386 However, the local government must allow the vacation rental
387 operator at least 60 days before the revocation of a



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388 registration to satisfy the recorded municipal lien or county
389 lien; or

390 c. The vacation rental premises and its owner are the
391 subject of a final order or judgment by a court of competent
392 jurisdiction lawfully directing the termination of the premises'
393 use as a vacation rental.

394 2. A local government must provide notice within 5 days
395 after the revocation of, or refusal to renew, a vacation rental
396 registration to the vacation rental operator and the division.
397 The notice must include the date of revocation or nonrenewal,
398 which must be at least 21 days after the date such notice is
399 sent to the vacation rental operator and the division. Effective
400 January 1, 2026, a local government must use the vacation rental
401 information system described in s. 509.244 to provide notice of
402 the revocation of or refusal to renew a vacation rental
403 registration to the division.

404 (j) A vacation rental operator may appeal a denial,
405 suspension, or revocation of a vacation rental registration, or
406 a refusal to renew such registration, to the circuit court. An
407 appeal must be filed within 30 days after the issuance of the
408 denial, suspension, or revocation of, or refusal to renew, the
409 vacation rental registration. The court may assess and award
410 reasonable attorney fees and costs and damages to the prevailing
411 party.

412
413 This subsection does not prohibit a local government from
414 establishing a local law, ordinance, or regulation if it is
415 uniformly applied without regard to whether the residential
416 property is used as a vacation rental.



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417 Section 4. Effective January 1, 2025, present paragraph (c)
418 of subsection (4) of section 509.241, Florida Statutes, is
419 redesignated as paragraph (d), a new paragraph (c) is added to
420 that subsection, subsection (5) is added to that section, and
421 subsections (2) and (3) of that section are amended, to read:

422 509.241 Licenses required; exceptions; division online
423 accounts and transactions.—

424 (2) APPLICATION FOR LICENSE.—Each person who plans to open
425 a public lodging establishment or a public food service
426 establishment shall apply for and receive a license from the
427 division before ~~prior to~~ the commencement of operation. A
428 condominium association, as defined in s. 718.103, which does
429 not own any units classified as vacation rentals or timeshare
430 projects under s. 509.242(1)(c) or (g) is not required to apply
431 for or receive a public lodging establishment license. Upon
432 receiving an application for a vacation rental license, the
433 division may grant a temporary license that authorizes the
434 vacation rental to begin operation while the application is
435 pending. The temporary license automatically expires upon final
436 agency action regarding the license application.

437 (3) DISPLAY OF LICENSE.—A ~~Any~~ license issued by the
438 division must ~~shall~~ be conspicuously displayed to the public
439 inside ~~in the office or lobby of the~~ licensed establishment.
440 Public food service establishments that ~~which~~ offer catering
441 services must ~~shall~~ display their license number on all
442 advertising for catering services. The vacation rental's local
443 registration number must, if applicable, be conspicuously
444 displayed inside the vacation rental.

445 (4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans



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446 to open a public lodging establishment or a public food service
447 establishment and each licensee or licensed agent must create
448 and maintain a division online account and provide an e-mail
449 address to the division to function as the primary contact for
450 all communication from the division.

451 (c) Each vacation rental operator managing a license
452 classified as a vacation rental as defined in s. 509.242(1)(c)
453 must submit to the division, through the division's online
454 system, any applicable local vacation rental registration number
455 within 5 days after registration.

456 (5) UNIQUE IDENTIFIER.—The division shall assign a unique
457 identifier on each vacation rental license which identifies each
458 individual vacation rental dwelling or unit.

459 Section 5. Effective January 1, 2025, section 509.243,
460 Florida Statutes, is created to read:

461 509.243 Advertising platforms.—

462 (1) An advertising platform shall require that a person who
463 places an advertisement or a listing of a vacation rental which
464 offers it for rent do all of the following:

465 (a) Include in the advertisement or listing the vacation
466 rental license number with the associated unique identifier and,
467 if applicable, the local registration number.

468 (b) Attest to the best of the person's knowledge that the
469 vacation rental's license with the associated unique identifier
470 and, if applicable, its local registration are current and valid
471 and that all related information is accurately stated in the
472 advertisement.

473 (2) An advertising platform shall display the vacation
474 rental license number with the associated unique identifier,



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475 and, if applicable, the local registration number.
476 (3) Effective January 1, 2026, an advertising platform:
477 (a) Shall use the vacation rental information system
478 described in s. 509.244 to verify that the vacation rental
479 license number with the associated unique identifier, and, if
480 applicable, the local registration number, are current, valid,
481 and apply to the subject vacation rental before publishing an
482 advertisement or a listing on its platform.
483 (b) May not advertise or list on its platform a vacation
484 rental that fails to provide a valid vacation rental license
485 number with the associated unique identifier, and, if
486 applicable, the local registration number as indicated on the
487 vacation rental information system described in s. 509.244.
488 (c) Shall remove from public view an advertisement or a
489 listing from its online application, software, website, or
490 system within 15 business days after notification that a
491 vacation rental license, or if applicable, a local registration:
492 1. Has been suspended, revoked, or not renewed; or
493 2. Fails to display a valid vacation rental license number
494 with the associated unique identifier or, if applicable, a local
495 registration number.
496 (d) Shall notify the division within 15 days after any
497 advertisement or listing on its online application, software,
498 website, or system fails to display a valid vacation rental
499 license number with associated unique identifier or, if
500 applicable, a local registration number.
501 (4) If a guest uses a payment system on or through an
502 advertising platform to pay for the rental of a vacation rental
503 located in this state, the advertising platform must collect and



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504 remit all taxes due under ss. 125.0104, 125.0108, 205.044,
505 212.03, 212.0305, and 212.055 related to the rental as provided
506 in s. 212.03(2)(b).

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

521 (6) The division may fine an advertising platform an amount
522 not to exceed \$1,000 per offense for each violation of this
523 section or of division rule. For the purposes of this
524 subsection, the division may regard as a separate offense each
525 day or portion of a day in which an advertising platform is
526 operated in violation of this section or rules of the division.
527 The division shall issue to the advertising platform a written
528 notice of any violation and provide it 15 days to cure the
529 violation before commencing any legal proceeding under
530 subsection (5).

531 (7) An advertising platform shall adopt an
532 antidiscrimination policy to help prevent discrimination by its



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533 users and shall inform all users that it is illegal to refuse
534 accommodation to an individual based on race, creed, color, sex,
535 pregnancy, physical disability, or national origin, as provided
536 in s. 509.092.

537 (8) This section does not create a private cause of action
538 against advertising platforms. An advertising platform may not
539 be held liable for any action that it takes voluntarily and in
540 good faith in relation to its users in compliance with this
541 chapter or the advertising platform's terms of service.

542 Section 6. Section 509.244, Florida Statutes, is created to
543 read:

544 509.244 Vacation rental information system.—

545 (1) As used in this section, the term "application program
546 interface" means a predefined protocol for reading or writing
547 data across a network using a file system or a database.

548 (2) By July 1, 2025, the division shall create and maintain
549 a vacation rental information system readily accessible through
550 an application program interface. At a minimum, the system must
551 do all of the following:

552 (a) Facilitate prompt compliance with this chapter by a
553 licensee or an advertising platform.

554 (b) Allow advertising platforms to search by vacation
555 rental license number with the associated unique identifier,
556 applicable local registration number, and a listing status field
557 that indicates whether the premises is compliant with applicable
558 license and registration requirements to allow a platform to
559 determine whether it may advertise the vacation rental.

560 (c) Allow local government users to notify the division of
561 a revocation or failure to renew, or the period of suspension



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562 of, a local registration, if applicable.

563 (d) Provide a system interface to allow local governments
564 and advertising platforms to verify the status of a vacation
565 rental license and a local registration of a vacation rental, if
566 applicable.

567 (e) Allow a registered user to subscribe to receive
568 automated notifications of changes to the license and
569 registration status of a vacation rental, including any license
570 revocation, local registration revocation, period of suspension
571 imposed by the division or local government, or failure to renew
572 a license or local registration.

573 Section 7. Subsection (11) is added to section 509.261,
574 Florida Statutes, to read:

575 509.261 Revocation or suspension of licenses; fines;
576 procedure.—

577 (11) (a) The division may revoke, refuse to issue or renew,
578 or suspend for a period of not more than 30 days or the period
579 of suspension as provided in s. 509.032(8) a license of a
580 vacation rental for any of the following reasons:

581 1. Operation of the subject premises violates the terms of
582 an applicable lease or property restriction, including any
583 property restriction adopted pursuant to chapter 718, chapter
584 719, or chapter 720, as determined by a final order of a court
585 of competent jurisdiction or a written decision by an arbitrator
586 authorized to arbitrate a dispute relating to the subject
587 premises and a lease or property restriction.

588 2. Local registration of the vacation rental is suspended
589 or revoked by a local government as provided in s. 509.032(8).

590 3. The vacation rental premises and its owner are the



591 subject of a final order or judgment lawfully directing the
592 termination of the premises' use as a vacation rental.

593 (b) The division must specify the license number with the
594 associated unique identifier of the vacation rental dwelling or
595 unit which has been revoked, not renewed, or suspended and input
596 such status in the vacation rental information system described
597 in s. 509.244.

598 (c) If the division suspends a license for the reason
599 specified in subparagraph (a)2., the suspension must run
600 concurrently with the local registration suspension.

601 Section 8. For the 2024-2025 fiscal year, the sums of
602 \$327,170 in recurring funds and \$53,645 in nonrecurring funds
603 from the Hotel and Restaurant Trust Fund and \$645,202 in
604 recurring funds and \$3,295,884 in nonrecurring funds from the
605 Administrative Trust Fund are appropriated to the Department of
606 Business and Professional Regulation, and nine full-time
607 equivalent positions with a total associated salary rate of
608 513,417 are authorized, for the purposes of implementing this
609 act.

610
611 ===== T I T L E A M E N D M E N T =====

612 And the title is amended as follows:

613 Delete lines 20 - 129

614 and insert:

615 to charge a reasonable fee for processing registration
616 applications; authorizing local laws, ordinances, or
617 regulations to require annual renewal of a
618 registration and to charge a reasonable fee for such
619 renewal; providing that a change in ownership may



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620 require a new application for registration;
621 authorizing local governments to charge a reasonable
622 fee to inspect a vacation rental for a specified
623 purpose; specifying requirements and procedures for,
624 and limitations on, local vacation rental registration
625 programs; authorizing local governments to fine
626 vacation rental operators under certain circumstances;
627 specifying procedures related to the imposition of
628 fines; providing applicability relating to certain
629 money judgment provisions; requiring local governments
630 to issue a written notice of violation under certain
631 circumstances; requiring the code enforcement board or
632 special magistrate to make certain recommendations
633 under specified circumstances; authorizing local
634 governments to suspend a vacation rental registration
635 for specified periods of time; prohibiting local
636 governments from suspending a vacation rental
637 registration for violations that are not directly
638 related to the vacation rental premises; requiring
639 local governments to provide notice of registration
640 suspension, within a specified timeframe, to vacation
641 rental operators and the Division of Hotels and
642 Restaurants of the Department of Business and
643 Professional Regulation; providing requirements for
644 such notice; requiring, by a certain date, that local
645 governments use the vacation rental information system
646 to provide such notice to the division; providing that
647 local governments may revoke or refuse to renew a
648 vacation rental registration under certain



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649 circumstances; requiring local governments to provide
650 notice of revocation of or refusal to renew a vacation
651 rental registration to vacation rental operators and
652 the division within a specified timeframe; requiring,
653 by a certain date, local governments to use the
654 vacation rental information system to provide such
655 notice to the division; providing that vacation rental
656 operators may appeal a denial, suspension, or
657 revocation of, or a refusal to renew, the registration
658 of a vacation rental; providing procedures for such
659 appeal; providing construction; amending s. 509.241,
660 F.S.; authorizing the division to issue temporary
661 licenses upon receipt of vacation rental license
662 applications while such applications are pending;
663 providing for expiration of such licenses; requiring
664 that any license issued by the division be
665 conspicuously displayed to the public inside the
666 licensed establishment; requiring that a vacation
667 rental's registration number, if applicable, be
668 conspicuously displayed inside the vacation rental;
669 requiring vacation rental operators managing a license
670 classified as a vacation rental to submit local
671 vacation rental registration numbers, if applicable,
672 within a specified timeframe to the division through
673 the division's online system; requiring the division
674 to assign a unique identifier on each vacation rental
675 license which identifies each individual vacation
676 rental dwelling or unit; creating s. 509.243, F.S.;

677 requiring advertising platforms to require that



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678 persons placing advertisements or listings for
679 vacation rentals include certain information in the
680 advertisements or listings and attest to certain
681 information; requiring advertising platforms to
682 display certain information; requiring, as of a
683 specified date, advertising platforms to verify
684 certain information before publishing an advertisement
685 or listing on their platforms, prohibit and remove
686 from public view an advertisement or a listing under
687 certain circumstances, and make certain notifications
688 to the division; requiring advertising platforms to
689 collect and remit specified taxes for certain
690 transactions; authorizing the division to issue and
691 deliver a notice to cease and desist for certain
692 violations; providing that such notice does not
693 constitute agency action for which certain hearings
694 may be sought; authorizing the division to issue cease
695 and desist notices in certain circumstances; providing
696 that issuance of such notice does not constitute an
697 agency action; authorizing the division to file
698 certain proceedings for the purpose of enforcing a
699 cease and desist notice; authorizing the division to
700 collect attorney fees and costs under certain
701 circumstances; authorizing the division to impose a
702 fine on advertising platforms for certain violations;
703 requiring the division to issue written notice of
704 violations to advertising platforms before commencing
705 certain legal proceedings; requiring advertising
706 platforms to adopt an antidiscrimination policy and to



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707 inform their users of the policy's provisions;
708 providing construction; creating s. 509.244, F.S.;
709 defining the term "application program interface";
710 requiring the division, by a specified date, to create
711 and maintain a certain vacation rental information
712 system; specifying requirements for the system;
713 amending s. 509.261, F.S.; authorizing the division to
714 revoke, refuse to issue or renew, or suspend vacation
715 rental licenses under certain circumstances; requiring
716 the division to specify the license number of the
717 vacation rental dwelling or unit which has been
718 revoked, not renewed, or suspended; requiring the
719 department to input such status in the vacation rental
720 information system; requiring that the division's
721 vacation rental license suspension run concurrently
722 with a local vacation rental registration suspension;
723 providing an appropriation;

By Senator DiCeglie

18-00716D-24

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1 A bill to be entitled
 2 An act relating to vacation rentals; amending s.
 3 212.03, F.S.; requiring advertising platforms to
 4 collect and remit specified taxes for certain vacation
 5 rental transactions; reordering and amending s.
 6 509.013, F.S.; defining the term "advertising
 7 platform"; making technical changes; amending s.
 8 509.032, F.S.; adding licensing to the regulated
 9 activities of public lodging establishments and public
 10 food service establishments which are preempted to the
 11 state; providing applicability; revising an exception
 12 to the prohibition against certain local regulation of
 13 vacation rentals; providing applicability; preempting
 14 the regulation of advertising platforms to the state;
 15 authorizing the adoption of local laws, ordinances, or
 16 regulations that require the registration of vacation
 17 rentals; authorizing local governments to adopt
 18 vacation rental registration programs and impose fines
 19 for failure to register; authorizing local governments
 20 to charge a specified fee for processing registration
 21 applications; authorizing local laws, ordinances, or
 22 regulations to require annual renewal of a
 23 registration and to charge a fee for such renewal;
 24 providing that a change in ownership may require a new
 25 application for registration; authorizing local
 26 governments to charge a reasonable fee to inspect a
 27 vacation rental for a specified purpose; specifying
 28 requirements and procedures for, and limitations on,
 29 local vacation rental registration programs;

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

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30 authorizing local governments to fine vacation rental
 31 operators under certain circumstances; specifying
 32 procedures related to the imposition of fines;
 33 providing applicability relating to certain money
 34 judgment provisions; requiring local governments to
 35 issue a written notice of violation under certain
 36 circumstances; requiring the code enforcement board or
 37 special magistrate to make certain recommendations
 38 under specified circumstances; authorizing local
 39 governments to suspend an owner's vacation rental
 40 registration for specified periods of time;
 41 prohibiting local governments from suspending an
 42 owner's vacation rental registration for violations
 43 that are not directly related to the vacation rental
 44 premises; requiring local governments to provide
 45 notice of registration suspension, within a specified
 46 timeframe, to vacation rental operators and the
 47 Division of Hotels and Restaurants of the Department
 48 of Business and Professional Regulation; providing
 49 requirements for such notice; requiring, by a certain
 50 date, that local governments use the vacation rental
 51 information system to provide such notice to the
 52 division; providing that local governments may revoke
 53 or refuse to renew a vacation rental registration
 54 under certain circumstances; requiring local
 55 governments to provide notice of termination of or
 56 refusal to renew a vacation rental registration to
 57 vacation rental operators and the division within a
 58 specified timeframe; requiring, by a certain date,

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59 that local governments use the vacation rental
60 information system to provide such notice to the
61 division; providing that vacation rental owners may
62 appeal a denial, suspension, or termination of, or a
63 refusal to renew, the registration of a vacation
64 rental; providing procedures for such appeal;
65 providing construction; amending s. 509.241, F.S.;
66 authorizing the division to issue temporary licenses
67 upon receipt of vacation rental license applications
68 while such applications are pending; providing for
69 expiration of such licenses; requiring that any
70 license issued by the division be conspicuously
71 displayed to the public inside the licensed
72 establishment; requiring that operators of vacation
73 rentals which offer a vacation rental for transient
74 occupancy through an advertising platform also display
75 to the public inside the vacation rental its local
76 registration number, if applicable; requiring
77 licensees or licensed agents managing a license
78 classified as a vacation rental to submit local
79 vacation rental registration numbers, if applicable,
80 within a specified timeframe to the division through
81 the division's online system; requiring the division
82 to include a unique identifier on each vacation rental
83 license issued which identifies each individual
84 vacation rental dwelling or unit; creating s. 509.243,
85 F.S.; requiring advertising platforms to require that
86 persons placing advertisements or listings for
87 vacation rentals include certain information in the

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88 advertisements or listings and attest to certain
89 information; requiring advertising platforms to
90 display certain information; requiring, as of a
91 specified date, advertising platforms to verify
92 certain information before publishing an advertisement
93 or listing on their platforms and to remove from
94 public view an advertisement or a listing under
95 certain circumstances; requiring advertising platforms
96 to collect and remit specified taxes for certain
97 transactions; authorizing the division to issue and
98 deliver a notice to cease and desist for certain
99 violations; providing that such notice does not
100 constitute agency action for which certain hearings
101 may be sought; authorizing the division to issue cease
102 and desist notices in certain circumstances; providing
103 that issuance of such notice does not constitute an
104 agency action; authorizing the division to file
105 certain proceedings for the purpose of enforcing a
106 cease and desist notice; authorizing the division to
107 collect attorney fees and costs under certain
108 circumstances; authorizing the division to impose a
109 fine on advertising platforms for certain violations;
110 requiring the division to issue written notice of
111 violations to advertising platforms before commencing
112 certain legal proceedings; requiring advertising
113 platforms to adopt an antidiscrimination policy and to
114 inform their users of the policy's provisions;
115 providing construction; creating s. 509.244, F.S.;
116 defining the term "application program interface";

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117 requiring the division, by a specified date, to create
 118 and maintain a certain vacation rental information
 119 system; specifying requirements for the system;
 120 amending s. 509.261, F.S.; authorizing the division to
 121 revoke, refuse to issue or renew, or suspend vacation
 122 rental licenses under certain circumstances; requiring
 123 the division to specify the license number of the
 124 vacation rental dwelling or unit which has been
 125 revoked, not renewed, or suspended; requiring the
 126 department to input such status in the vacation rental
 127 information system; requiring the division's vacation
 128 rental license suspension to run concurrently with a
 129 local vacation rental registration suspension;
 130 amending ss. 159.27, 212.08, 316.1955, 404.056,
 131 477.0135, 509.221, 553.5041, 559.955, 561.20, 705.17,
 132 705.185, 717.1355, and 877.24, F.S.; conforming cross-
 133 references; providing construction; authorizing the
 134 Department of Revenue to adopt emergency rules;
 135 providing requirements and an expiration date for the
 136 emergency rules; providing for the expiration of such
 137 rulemaking authority; providing effective dates.

138
 139 Be It Enacted by the Legislature of the State of Florida:

140
 141 Section 1. Effective January 1, 2025, subsection (2) of
 142 section 212.03, Florida Statutes, is amended to read:

143 212.03 Transient rentals tax; rate, procedure, enforcement,
 144 exemptions.—

145 (2)(a) The tax provided for in this section is herein shall

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146 ~~be~~ in addition to the total amount of the rental, must ~~shall~~ be
 147 charged by the lessor or person receiving the rent in and by
 148 said rental arrangement to the lessee or person paying the
 149 rental, and ~~is shall be~~ due and payable at the time of the
 150 receipt of such rental payment by the lessor or person, as
 151 defined in this chapter, who receives such said rental or
 152 payment. The owner, lessor, or person receiving the rent shall
 153 remit the tax to the department at the times and in the manner
 154 hereinafter provided for dealers to remit taxes under this
 155 chapter. The same duties imposed by this chapter upon dealers in
 156 tangible personal property respecting the collection and
 157 remission of the tax; the making of returns; the keeping of
 158 books, records, and accounts; and the compliance with the rules
 159 and regulations of the department in the administration of this
 160 chapter ~~shall~~ apply to and are ~~be~~ binding upon all persons who
 161 manage or operate hotels, apartment houses, roominghouses,
 162 tourist and trailer camps, and the rental of condominium units,
 163 and to all persons who collect or receive such rents on behalf
 164 of such owner or lessor taxable under this chapter.

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

170 1. An advertising platform that owns, operates, or manages
 171 a vacation rental or that is related within the meaning of s.
 172 267(b), s. 707(b), or s. 1504 of the Internal Revenue Code of
 173 1986, as amended, to a person who owns, operates, or manages the
 174 vacation rental shall collect and remit all taxes due under this

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175 section and ss. 125.0104, 125.0108, 205.044, 212.0305, and
 176 212.055 which are related to the rental.

177 2. An advertising platform to which subparagraph 1. does
 178 not apply shall collect and remit all taxes due from the owner,
 179 operator, or manager under this section and ss. 125.0104,
 180 125.0108, 205.044, 212.0305, and 212.055 which are related to
 181 the rental. Of the total amount paid by the lessee or rentee,
 182 the amount retained by the advertising platform for reservation
 183 or payment services is not taxable under this section or ss.
 184 125.0104, 125.0108, 205.044, 212.0305, and 212.055.

185
 186 In order to facilitate the remittance of such taxes, the
 187 department and counties that have elected to self-administer the
 188 taxes imposed under chapter 125 shall allow advertising
 189 platforms to register, collect, and remit such taxes.

190 Section 2. Section 509.013, Florida Statutes, is reordered
 191 and amended to read:

192 509.013 Definitions.—As used in this chapter, except as
 193 provided in subsection (14), the term:

194 (1) "Advertising platform" means a person as defined in s.
 195 1.01(3) which:

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

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

202 (c) Provides a reservation or payment system that
 203 facilitates a transaction for the renting of a vacation rental

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204 for transient occupancy and for which the person collects or
 205 receives, directly or indirectly, a fee in connection with the
 206 reservation or payment service provided for the rental
 207 transaction.

208 (3)(1) "Division" means the Division of Hotels and
 209 Restaurants of the Department of Business and Professional
 210 Regulation.

211 (8)(2) "Operator" means the owner, licensee, proprietor,
 212 lessee, manager, assistant manager, or appointed agent of a
 213 public lodging establishment or public food service
 214 establishment.

215 (4)(3) "Guest" means any patron, customer, tenant, lodger,
 216 boarder, or occupant of a public lodging establishment or public
 217 food service establishment.

218 (10)(a)(4)(a) "Public lodging establishment" includes a
 219 transient public lodging establishment as defined in
 220 subparagraph 2 ~~1~~. and a nontransient public lodging
 221 establishment as defined in subparagraph 1 ~~2~~.

222 2.1 "Transient public lodging establishment" means any
 223 unit, group of units, dwelling, building, or group of buildings
 224 within a single complex of buildings which is rented to guests
 225 more than three times in a calendar year for periods of less
 226 than 30 days or 1 calendar month, whichever is less, or which is
 227 advertised or held out to the public as a place regularly rented
 228 to guests.

229 1.2 "Nontransient public lodging establishment" means any
 230 unit, group of units, dwelling, building, or group of buildings
 231 within a single complex of buildings which is rented to guests
 232 for periods of at least 30 days or 1 calendar month, whichever

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 233 is less, or which is advertised or held out to the public as a
 234 place regularly rented to guests for periods of at least 30 days
 235 or 1 calendar month.

236
 237 License classifications of public lodging establishments, and
 238 the definitions therefor, are as provided ~~set out~~ in s. 509.242.
 239 For the purpose of licensure, the term does not include
 240 condominium common elements as defined in s. 718.103.

241 (b) The following are not considered public lodging
 242 establishments ~~excluded from the definitions in paragraph (a):~~

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

246 2. Any facility certified or licensed and regulated by the
 247 Agency for Health Care Administration or the Department of
 248 Children and Families or other similar place regulated under s.
 249 381.0072.

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

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

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 262 5. Any migrant labor camp or residential migrant housing
 263 permitted by the Department of Health under ss. 381.008-
 264 381.00895.

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

267 7. A facility operated by a nonprofit which provides ~~Any~~
 268 ~~nonprofit organization that operates a facility providing~~
 269 housing only to patients, patients' families, and patients'
 270 caregivers and not to the general public.

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

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

283 ~~(9) (a) (5) (a)~~ "Public food service establishment" means any
 284 building, vehicle, place, or structure, or any room or division
 285 in a building, vehicle, place, or structure where food is
 286 prepared, served, or sold for immediate consumption on or in the
 287 vicinity of the premises; called for or taken out by customers;
 288 or prepared before ~~prior to~~ being delivered to another location
 289 for consumption. The term includes a culinary education program,
 290 as defined in s. 381.0072(2), which offers, prepares, serves, or

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291 sells food to the general public, regardless of whether it is
 292 inspected by another state agency for compliance with sanitation
 293 standards.

294 (b) The following are not considered public food service
 295 establishments ~~excluded from the definition in paragraph (a):~~

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

298 a. For the use of students and faculty; or
 299 b. Temporarily, to serve such events as fairs, carnivals,
 300 food contests, cook-offs, and athletic contests.

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

304 a. For the use of members and associates; or
 305 b. Temporarily, to serve such events as fairs, carnivals,
 306 food contests, cook-offs, or athletic contests.

307
 308 Upon request by the division, a church or a religious, nonprofit
 309 fraternal, or nonprofit civic organization claiming an exclusion
 310 under this subparagraph must provide the division documentation
 311 of its status as a church or a religious, nonprofit fraternal,
 312 or nonprofit civic organization.

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

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

322 5. Any eating place maintained by a facility certified or
 323 licensed and regulated by the Agency for Health Care
 324 Administration or the Department of Children and Families or
 325 other similar place that is regulated under s. 381.0072.

326 6. Any place of business issued a permit or inspected by
 327 the Department of Agriculture and Consumer Services under s.
 328 500.12.

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

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

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

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

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

345 ~~(2)(6)~~ "Director" means the Director of the Division of
 346 Hotels and Restaurants of the Department of Business and
 347 Professional Regulation.

348 ~~(11)(7)~~ "Single complex of buildings" means all buildings

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349 or structures that are owned, managed, controlled, or operated
 350 under one business name and are situated on the same tract or
 351 plot of land that is not separated by a public street or
 352 highway.

353 (12)~~(8)~~ "Temporary food service event" means any event of
 354 30 days or less in duration where food is prepared, served, or
 355 sold to the general public.

356 (13)~~(9)~~ "Theme park or entertainment complex" means a
 357 complex comprised of at least 25 contiguous acres owned and
 358 controlled by the same business entity and which contains
 359 permanent exhibitions and a variety of recreational activities
 360 and has a minimum of 1 million visitors annually.

361 (14)~~(10)~~ "Third-party provider" means, for purposes of s.
 362 509.049, any provider of an approved food safety training
 363 program that provides training or such a training program to a
 364 public food service establishment that is not under common
 365 ownership or control with the provider.

366 (16)~~(11)~~ "Transient establishment" means any public lodging
 367 establishment that is rented or leased to guests by an operator
 368 whose intention is that such guests' occupancy will be
 369 temporary.

370 (17)~~(12)~~ "Transient occupancy" means occupancy when it is
 371 the intention of the parties that the occupancy will be
 372 temporary. There is a rebuttable presumption that, when the
 373 dwelling unit occupied is not the sole residence of the guest,
 374 the occupancy is transient.

375 (15)~~(13)~~ "Transient" means a guest in transient occupancy.

376 (6)~~(14)~~ "Nontransient establishment" means any public
 377 lodging establishment that is rented or leased to guests by an

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378 operator whose intention is that the dwelling unit occupied will
 379 be the sole residence of the guest.

380 (7)~~(15)~~ "Nontransient occupancy" means occupancy when it is
 381 the intention of the parties that the occupancy will not be
 382 temporary. There is a rebuttable presumption that, when the
 383 dwelling unit occupied is the sole residence of the guest, the
 384 occupancy is nontransient.

385 (5)~~(16)~~ "Nontransient" means a guest in nontransient
 386 occupancy.

387 Section 3. Paragraph (c) of subsection (3) and subsection
 388 (7) of section 509.032, Florida Statutes, are amended, and
 389 subsection (8) is added to that section, to read:

390 509.032 Duties.—

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

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

396 1. Sponsors of temporary food service events shall notify
 397 the division not less than 3 days before the scheduled event of
 398 the type of food service proposed, the time and location of the
 399 event, a complete list of food service vendors participating in
 400 the event, the number of individual food service facilities each
 401 vendor will operate at the event, and the identification number
 402 of each food service vendor's current license as a public food
 403 service establishment or temporary food service event licensee.
 404 Notification may be completed orally, by telephone, in person,
 405 or in writing. A public food service establishment or food
 406 service vendor may not use this notification process to

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407 circumvent the license requirements of this chapter.

408 2. The division shall keep a record of all notifications
409 received for proposed temporary food service events and shall
410 provide appropriate educational materials to the event sponsors
411 and notify the event sponsors of the availability of the food-
412 recovery brochure developed under s. 595.420.

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

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

427 (7) PREEMPTION AUTHORITY.—

428 (a) The regulation of public lodging establishments and
429 public food service establishments, including, but not limited
430 to, sanitation standards, licensing, inspections, training and
431 testing of personnel, and matters related to the nutritional
432 content and marketing of foods offered in such establishments,
433 is preempted to the state. This paragraph does not preempt the
434 authority of a local government or local enforcement district to
435 conduct inspections of public lodging and public food service

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436 establishments for compliance with the Florida Building Code and
437 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
438 633.206.

439 (b) A local law, ordinance, or regulation may not prohibit
440 vacation rentals or regulate the duration or frequency of rental
441 of vacation rentals. This paragraph and subsection (8) do ~~des~~
442 not apply to any local law, ordinance, or regulation adopted on
443 or before June 1, 2011, including such a law, ordinance, or
444 regulation that is amended to be less restrictive or to comply
445 with the local registration requirements provided in subsection
446 (8), or when a law, ordinance, or regulation adopted after June
447 1, 2011, regulates vacation rentals, if such law, ordinance, or
448 regulation is less restrictive than a law, ordinance, or
449 regulation that was in effect on June 1, 2011.

450 (c) Paragraph (b) and subsection (8) do ~~des~~ not apply to
451 any local law, ordinance, or regulation exclusively relating to
452 property valuation as a criterion for vacation rental if the
453 local law, ordinance, or regulation is required to be approved
454 by the state land planning agency pursuant to an area of
455 critical state concern designation.

456 (d) The regulation of advertising platforms is preempted to
457 the state.

458 (8) LOCAL REGISTRATION OF VACATION RENTALS; SUSPENSION;
459 REVOCATIONS; FINES.—Notwithstanding paragraph (7)(a), a local
460 law, ordinance, or regulation may require the registration of
461 vacation rentals with a local vacation rental registration
462 program. Local governments may implement a vacation rental
463 registration program pursuant to this subsection and may impose
464 a fine for failure to register under the local program.

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465 (a) A local government may charge a fee of no more than
 466 \$150 per unit for processing a registration application. A local
 467 law, ordinance, or regulation may require annual renewal of a
 468 registration and may charge a renewal fee of no more than \$50
 469 per unit for processing of a registration renewal. However, if
 470 there is a change of ownership, the new owner may be required to
 471 submit a new application for registration. Subsequent to the
 472 registration of a vacation rental, a local government may charge
 473 a reasonable fee to inspect a vacation rental after registration
 474 for compliance with the Florida Building Code and the Florida
 475 Fire Prevention Code, described in ss. 553.80 and 633.206,
 476 respectively.

477 (b) As a condition of registration or renewal of a vacation
 478 rental, a local law, ordinance, or regulation establishing a
 479 local vacation rental registration program may require the
 480 operator of a vacation rental to do only the following:

481 1. Submit identifying information about the owner and the
 482 owner's operator, if applicable, and the subject vacation rental
 483 premises.

484 2. Provide proof of a license with the unique identifier
 485 issued by the division to operate as a vacation rental.

486 3. Obtain all required tax registrations, receipts, or
 487 certificates issued by the Department of Revenue, a county, or a
 488 municipality.

489 4. Update required information on a continuing basis to
 490 ensure it is current.

491 5. Designate and maintain at all times a responsible party
 492 who is capable of responding to complaints or emergencies
 493 related to the vacation rental, including being available by

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494 telephone at a provided contact telephone number 24 hours a day,
 495 7 days a week, and receiving legal notice of violations on
 496 behalf of the operator.

497 6. State the maximum occupancy of the vacation rental based
 498 on the number of sleeping accommodations for persons staying
 499 overnight in the vacation rental.

500 7. Pay in full all recorded municipal or county code liens
 501 against the subject vacation rental premises.

502 (c) Within 15 business days after receiving an application
 503 for registration of a vacation rental, a local government must
 504 review the application for completeness and accept the
 505 registration of the vacation rental or issue a written notice of
 506 denial.

507 1. The vacation rental operator and the local government
 508 may agree to a reasonable request to extend the timeframes
 509 provided in this paragraph, particularly in the event of a force
 510 majeure or other extraordinary circumstance.

511 2. If a local government fails to accept or deny the
 512 registration within the timeframes provided in this paragraph,
 513 the application is deemed accepted.

514 (d) If a local government denies a registration of a
 515 vacation rental, the local government must give written notice
 516 to the applicant. Such notice may be provided by United States
 517 mail or electronically. The notice must specify with
 518 particularity the factual reasons for the denial and include a
 519 citation to the applicable portions of the ordinance, rule,
 520 statute, or other legal authority for the denial of the
 521 registration. A local government may not prohibit an applicant
 522 from reapplying if the applicant cures the identified

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523 deficiencies.

524 (e)1. Upon an accepted vacation rental registration, a

525 local government shall assign a unique registration number to

526 the vacation rental unit and provide the registration number or

527 other indicia of registration to the vacation rental operator in

528 writing or electronically.

529 2. The vacation rental operator must provide the vacation

530 rental registration number to the division within 5 days after

531 receipt of the registration number.

532 (f) A local government may fine a vacation rental operator

533 up to \$300 if he or she:

534 1. Fails to continue to meet the registration requirements

535 in paragraph (b); or

536 2. Is operating a vacation rental without registering with

537 the local government as a vacation rental.

538 (g) A certified copy of an order imposing a fine may be

539 recorded in the public records and thereafter constitutes a lien

540 against the real property on which the violation exists and upon

541 any other real or personal property owned by the violator. Upon

542 petition to the circuit court, such order is enforceable in the

543 same manner as a court judgment by the sheriffs of this state,

544 including execution and levy against the personal property of

545 the violator, but such order may not be deemed to be a court

546 judgment except for enforcement purposes. A fine imposed

547 pursuant to this subsection shall continue to accrue until the

548 violator comes into compliance or until judgment is rendered in

549 a suit filed pursuant to this section, whichever occurs first. A

550 lien arising from a fine imposed pursuant to this subsection

551 runs in favor of the local government, and the local government

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552 may execute a satisfaction or release of lien. Three months or

553 more after the filing of any such lien that remains unpaid, the

554 local government may foreclose on the lien against the real

555 property on which the violation exists or sue to recover a money

556 judgment for the amount of the lien, plus accrued interest. A

557 lien created pursuant to this part may not be foreclosed on real

558 property that is a homestead under s. 4, Art. X of the State

559 Constitution. The money judgment provisions of this section do

560 not apply to real property or personal property that is covered

561 under s. 4(a), Art. X of the State Constitution.

562 (h)1. If a vacation rental owner is found by the code

563 enforcement board or special magistrate to have materially

564 violated a local law, ordinance, or regulation that does not

565 solely apply to vacation rentals and the violation is directly

566 related to the owner's vacation rental premises, the local

567 government must issue a written notice of such violation.

568 2. If the owner is found to have materially violated a

569 local law, ordinance, or regulation as described in subparagraph

570 1., the code enforcement board or special magistrate must make a

571 recommendation to the local government as to whether an owner's

572 vacation rental registration should be suspended.

573 3. The code enforcement board or special magistrate must

574 recommend the suspension of the owner's vacation rental

575 registration if the owner is found to have:

576 a. One or more violations on 5 separate days during a 60-

577 day period;

578 b. One or more violations on 5 separate days during a 30-

579 day period; or

580 c. One or more violations after two prior suspensions of an

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581 owner's vacation rental registration.

582 4. If the code enforcement board or special magistrate

583 recommends suspension of an owner's vacation rental

584 registration, a local government may suspend such registration

585 for a period of:

586 a. Up to 30 days for one or more violations on 5 separate

587 days during a 60-day period;

588 b. Up to 60 days for one or more violations on 5 separate

589 days during a 30-day period; or

590 c. Up to 90 days for one or more violations after two prior

591 suspensions of an owner's vacation rental registration.

592 5. A local government may not suspend an owner's vacation

593 rental registration for violations of a local law, ordinance, or

594 regulation which are not directly related to the vacation rental

595 premises.

596 6. A local government must provide notice of the suspension

597 of a vacation rental registration to the operator and the

598 division within 5 days after the suspension. The notice must

599 include the start date of the suspension, which must be at least

600 21 days after the suspension notice is sent to the operator and

601 the division. Effective January 1, 2026, a local government must

602 use the vacation rental information system described in s.

603 509.244 to provide notice of the suspension of a vacation rental

604 registration to the division.

605 (i)1. A local government may revoke or refuse to renew a

606 vacation rental registration if:

607 a. An owner's vacation rental registration has been

608 suspended three times pursuant to paragraph (h);

609 b. There is an unsatisfied recorded municipal lien or

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610 county lien on the real property of the vacation rental.

611 However, the local government must allow the vacation rental

612 owner at least 60 days before the termination of a registration

613 to satisfy the recorded municipal lien or county lien; or

614 c. The vacation rental premises and its owner are the

615 subject of a final order or judgment by a court of competent

616 jurisdiction lawfully directing the termination of the premises'

617 use as a vacation rental.

618 2. A local government must provide notice of the

619 termination of or refusal to renew a vacation rental

620 registration to the operator and the division within 5 days

621 after the termination or refusal to renew. The notice must

622 include the date of termination or nonrenewal, which must be at

623 least 21 days after the notice is sent to the operator and the

624 division. Effective January 1, 2026, a local government must use

625 the vacation rental information system described in s. 509.244

626 to provide notice of the termination of or refusal to renew a

627 vacation rental registration to the division.

628 (j) A vacation rental owner may appeal a denial,

629 suspension, or termination of a vacation rental registration, or

630 a refusal to renew such registration, to the circuit court. An

631 appeal must be filed within 30 days after the issuance of the

632 denial, suspension, or termination of, or refusal to renew, the

633 vacation rental registration. The court may assess and award

634 reasonable attorney fees and costs and damages to a vacation

635 rental owner.

636

637 This subsection does not prohibit a local government from

638 establishing a local law, ordinance, or regulation if it is

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639 uniformly applied without regard to whether the residential
 640 property is used as a vacation rental.

641 Section 4. Effective January 1, 2025, present paragraph (c)
 642 of subsection (4) of section 509.241, Florida Statutes, is
 643 redesignated as paragraph (d), a new paragraph (c) is added to
 644 that subsection, subsection (5) is added to that section, and
 645 subsections (2) and (3) of that section are amended, to read:

646 509.241 Licenses required; exceptions; division online
 647 accounts and transactions.—

648 (2) APPLICATION FOR LICENSE.—Each person who plans to open
 649 a public lodging establishment or a public food service
 650 establishment shall apply for and receive a license from the
 651 division before ~~prior to~~ the commencement of operation. A
 652 condominium association, as defined in s. 718.103, which does
 653 not own any units classified as vacation rentals or timeshare
 654 projects under s. 509.242(1)(c) or (g) is not required to apply
 655 for or receive a public lodging establishment license. Upon
 656 receiving an application for a vacation rental license, the
 657 division may grant a temporary license that authorizes the
 658 vacation rental to begin operation while the application is
 659 pending. The temporary license automatically expires upon final
 660 agency action regarding the license application.

661 (3) DISPLAY OF LICENSE.—~~A~~ ~~Any~~ license issued by the
 662 division must ~~shall~~ be conspicuously displayed to the public
 663 inside ~~in~~ the ~~office or lobby~~ of the licensed establishment.
 664 Public food service establishments that ~~which~~ offer catering
 665 services must ~~shall~~ display their license number on all
 666 advertising for catering services. The operator of a vacation
 667 rental offered for transient occupancy through an advertising

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668 platform must also conspicuously display the vacation rental's
 669 local registration number, if applicable.

670 (4) ONLINE ACCOUNT AND TRANSACTIONS.—Each person who plans
 671 to open a public lodging establishment or a public food service
 672 establishment and each licensee or licensed agent must create
 673 and maintain a division online account and provide an e-mail
 674 address to the division to function as the primary contact for
 675 all communication from the division.

676 (c) Each licensee or licensed agent managing a license
 677 classified as a vacation rental as defined in s. 509.242(1)(c)
 678 must submit to the division, through the division's online
 679 system, any applicable local vacation rental registration number
 680 within 5 days after registration.

681 (5) UNIQUE IDENTIFIER.—The division shall include a unique
 682 identifier on each vacation rental license it issues which
 683 identifies each individual vacation rental dwelling or unit.

684 Section 5. Effective January 1, 2025, section 509.243,
 685 Florida Statutes, is created to read:

686 509.243 Advertising platforms.—

687 (1) An advertising platform shall require that a person who
 688 places an advertisement or listing of a vacation rental which
 689 offers it for rent do all of the following:

690 (a) Include in the advertisement or listing the vacation
 691 rental license number with the associated unique identifier and,
 692 if applicable, the local registration number.

693 (b) Attest to the best of the person's knowledge that the
 694 vacation rental's license and, if applicable, its local
 695 registration are current and valid and that all related
 696 information is accurately stated in the advertisement.

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697 (2) An advertising platform shall display the vacation
 698 rental license number with the associated unique identifier,
 699 and, if applicable, the local registration number.

700 (3) Effective January 1, 2026, an advertising platform
 701 shall:

702 (a) Use the vacation rental information system described in
 703 s. 509.244 to verify that the vacation rental license number
 704 with the associated unique identifier, and, if applicable, the
 705 local registration number, are current, valid, and apply to the
 706 subject vacation rental before publishing an advertisement or
 707 listing on its platform.

708 (b) Remove from public view an advertisement or a listing
 709 from its online application, software, website, or system within
 710 15 business days after notification that a vacation rental
 711 license, or if applicable, a local registration:

712 1. Has been suspended, revoked, or not renewed; or

713 2. Fails to display a valid vacation rental license number
 714 with the associated unique identifier or, if applicable, a local
 715 registration number.

716 (4) If a guest uses a payment system on or through an
 717 advertising platform to pay for the rental of a vacation rental
 718 located in this state, the advertising platform must collect and
 719 remit all taxes due under ss. 125.0104, 125.0108, 205.044,
 720 212.03, 212.0305, and 212.055 related to the rental as provided
 721 in s. 212.03(2)(b).

722 (5) If the division has probable cause to believe that a
 723 person not licensed by the division has violated this chapter or
 724 any rule adopted pursuant thereto, the division may issue and
 725 deliver to such person a notice to cease and desist from the

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726 violation. The issuance of a notice to cease and desist does not
 727 constitute agency action for which a hearing under s. 120.569 or
 728 s. 120.57 may be sought. For the purpose of enforcing a cease
 729 and desist notice, the division may file a proceeding in the
 730 name of the state seeking the issuance of an injunction or a
 731 writ of mandamus against any person who violates any provision
 732 of the notice. If the division is required to seek enforcement
 733 of the notice for a penalty pursuant to s. 120.69, it is
 734 entitled to collect attorney fees and costs, together with any
 735 cost of collection.

736 (6) The division may fine an advertising platform an amount
 737 not to exceed \$1,000 per offense for each violation of this
 738 section or of division rule. For the purposes of this
 739 subsection, the division may regard as a separate offense each
 740 day or portion of a day in which an advertising platform is
 741 operated in violation of this section or rules of the division.
 742 The division shall issue to the advertising platform a written
 743 notice of any violation and provide it 15 days to cure the
 744 violation before commencing any legal proceeding under
 745 subsection (5).

746 (7) An advertising platform shall adopt an
 747 antidiscrimination policy to help prevent discrimination by its
 748 users and shall inform all users that it is illegal to refuse
 749 accommodation to an individual based on race, creed, color, sex,
 750 pregnancy, physical disability, or national origin, as provided
 751 in s. 509.092.

752 (8) This section does not create a private cause of action
 753 against advertising platforms. An advertising platform may not
 754 be held liable for any action that it takes voluntarily and in

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755 good faith in relation to its users in compliance with this
 756 chapter or the advertising platform's terms of service.
 757 Section 6. Section 509.244, Florida Statutes, is created to
 758 read:
 759 509.244 Vacation rental information system.-
 760 (1) As used in this section, the term "application program
 761 interface" means a predefined protocol for reading or writing
 762 data across a network using a file system or a database.
 763 (2) By July 1, 2025, the division shall create and maintain
 764 a vacation rental information system readily accessible through
 765 an application program interface. At a minimum, the system must
 766 do all of the following:
 767 (a) Facilitate prompt compliance with this chapter by a
 768 licensee or an advertising platform.
 769 (b) Allow advertising platforms to search by vacation
 770 rental license number with the associated unique identifier,
 771 applicable local registration number, and a listing status field
 772 that indicates whether the premises is compliant with applicable
 773 license and registration requirements to allow the operator to
 774 determine whether the platform may advertise the vacation
 775 rental.
 776 (c) Allow local government users to notify the division of
 777 a termination or failure to renew, or the period of suspension
 778 of, a local registration, if applicable.
 779 (d) Provide a system interface to allow local governments
 780 and advertising platforms to verify the status of a vacation
 781 rental license and a local registration of a vacation rental, if
 782 applicable.
 783 (e) Allow a registered user to subscribe to receive

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784 automated notifications of changes to the license and
 785 registration status of a vacation rental, including any license
 786 revocation, local registration termination, period of suspension
 787 imposed by the division or local government, or failure to renew
 788 a license or local registration.
 789 Section 7. Subsection (11) is added to section 509.261,
 790 Florida Statutes, to read:
 791 509.261 Revocation or suspension of licenses; fines;
 792 procedure.-
 793 (11) (a) The division may revoke, refuse to issue or renew,
 794 or suspend for a period of not more than 30 days a license of a
 795 vacation rental for any of the following reasons:
 796 1. Operation of the subject premises violates the terms of
 797 an applicable lease or property restriction, including any
 798 property restriction adopted pursuant to chapter 718, chapter
 799 719, or chapter 720, as determined by a final order of a court
 800 of competent jurisdiction or a written decision by an arbitrator
 801 authorized to arbitrate a dispute relating to the subject
 802 premises and a lease or property restriction.
 803 2. Local registration of the vacation rental is suspended
 804 or revoked by a local government as provided in s. 509.032(8).
 805 3. The premises and its owner are the subject of a final
 806 order or judgment lawfully directing the termination of the
 807 premises' use as a vacation rental.
 808 (b) The division must specify the license number with the
 809 associated unique identifier of the vacation rental dwelling or
 810 unit which has been revoked, not renewed, or suspended and input
 811 such status in the vacation rental information system described
 812 in s. 509.244.

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813 (c) If the division suspends a license for the reason
 814 specified in subparagraph (a)2., the suspension must run
 815 concurrently with the local registration suspension.

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

818 159.27 Definitions.—The following words and terms, unless
 819 the context clearly indicates a different meaning, shall have
 820 the following meanings:

821 (12) "Public lodging or restaurant facility" means property
 822 used for any public lodging establishment as defined in s.
 823 509.242 or public food service establishment as defined in s.
 824 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or
 825 necessary to, another facility qualifying under this part.

826 Section 9. Paragraph (jj) of subsection (7) of section
 827 212.08, Florida Statutes, is amended to read:

828 212.08 Sales, rental, use, consumption, distribution, and
 829 storage tax; specified exemptions.—The sale at retail, the
 830 rental, the use, the consumption, the distribution, and the
 831 storage to be used or consumed in this state of the following
 832 are hereby specifically exempt from the tax imposed by this
 833 chapter.

834 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 835 entity by this chapter do not inure to any transaction that is
 836 otherwise taxable under this chapter when payment is made by a
 837 representative or employee of the entity by any means,
 838 including, but not limited to, cash, check, or credit card, even
 839 when that representative or employee is subsequently reimbursed
 840 by the entity. In addition, exemptions provided to any entity by
 841 this subsection do not inure to any transaction that is

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842 otherwise taxable under this chapter unless the entity has
 843 obtained a sales tax exemption certificate from the department
 844 or the entity obtains or provides other documentation as
 845 required by the department. Eligible purchases or leases made
 846 with such a certificate must be in strict compliance with this
 847 subsection and departmental rules, and any person who makes an
 848 exempt purchase with a certificate that is not in strict
 849 compliance with this subsection and the rules is liable for and
 850 shall pay the tax. The department may adopt rules to administer
 851 this subsection.

852 (jj) *Complimentary meals*.—Also exempt from the tax imposed
 853 by this chapter are food or drinks that are furnished as part of
 854 a packaged room rate by any person offering for rent or lease
 855 any transient public lodging establishments ~~living~~
 856 ~~accommodations~~ as described in s. 509.013(10) (a) ~~or~~
 857 ~~509.013(4) (a)~~ which are licensed under part I of chapter 509 and
 858 which are subject to the tax under s. 212.03, if a separate
 859 charge or specific amount for the food or drinks is not shown.
 860 Such food or drinks are considered to be sold at retail as part
 861 of the total charge for the transient living accommodations.
 862 Moreover, the person offering the accommodations is not
 863 considered to be the consumer of items purchased in furnishing
 864 such food or drinks and may purchase those items under
 865 conditions of a sale for resale.

866 Section 10. Paragraph (b) of subsection (4) of section
 867 316.1955, Florida Statutes, is amended to read:

868 316.1955 Enforcement of parking requirements for persons
 869 who have disabilities.—

870 (4)

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

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

880 404.056 Environmental radiation standards and projects;
 881 certification of persons performing measurement or mitigation
 882 services; mandatory testing; notification on real estate
 883 documents; rules.—

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

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

898
 899 The requirements of this subsection do not apply to any

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900 residential transient occupancy, as described in s. 509.013 ~~s.~~
 901 ~~509.013(12)~~, provided that such occupancy is 45 days or less in
 902 duration.

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

905 477.0135 Exemptions.—

906 (6) A license is not required of any individual providing
 907 makeup or special effects services in a theme park or
 908 entertainment complex to an actor, stunt person, musician,
 909 extra, or other talent, or providing makeup or special effects
 910 services to the general public. The term "theme park or
 911 entertainment complex" has the same meaning as in s. 509.013 ~~s.~~
 912 ~~509.013(9)~~.

913 Section 13. Paragraph (b) of subsection (2) of section
 914 509.221, Florida Statutes, is amended to read:

915 509.221 Sanitary regulations.—

916 (2)

917 (b) Within a theme park or entertainment complex as defined
 918 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to
 919 be in the same building as the public food service
 920 establishment, so long as they are reasonably accessible.

921 Section 14. Paragraph (b) of subsection (5) of section
 922 553.5041, Florida Statutes, is amended to read:

923 553.5041 Parking spaces for persons who have disabilities.—

924 (5) Accessible perpendicular and diagonal accessible
 925 parking spaces and loading zones must be designed and located to
 926 conform to ss. 502 and 503 of the standards.

927 (b) If there are multiple entrances or multiple retail
 928 stores, the parking spaces must be dispersed to provide parking

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929 at the nearest accessible entrance. If a theme park or an
 930 entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~
 931 provides parking in several lots or areas from which access to
 932 the theme park or entertainment complex is provided, a single
 933 lot or area may be designated for parking by persons who have
 934 disabilities, if the lot or area is located on the shortest
 935 accessible route to an accessible entrance to the theme park or
 936 entertainment complex or to transportation to such an accessible
 937 entrance.

938 Section 15. Paragraph (b) of subsection (5) of section
 939 559.955, Florida Statutes, is amended to read:

940 559.955 Home-based businesses; local government
 941 restrictions.—

942 (5) The application of this section does not supersede:

943 (b) Local laws, ordinances, or regulations related to
 944 transient public lodging establishments, as defined in s.
 945 509.013(10)(a)2. which ~~s. 509.013(4)(a)1., that~~ are not
 946 otherwise preempted under chapter 509.

947 Section 16. Paragraph (d) of subsection (7) of section
 948 561.20, Florida Statutes, is amended to read:

949 561.20 Limitation upon number of licenses issued.—

950 (7)

951 (d) Any corporation, partnership, or individual operating a
 952 club which owns or leases and which maintains any bona fide
 953 beach or cabana club consisting of beach facilities, swimming
 954 pool, locker rooms or bathroom facilities for at least 100
 955 persons, and a public food service establishment as defined in
 956 s. 509.013 ~~s. 509.013(5)(a)~~, comprising in all an area of at
 957 least 5,000 square feet located on a contiguous tract of land of

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958 in excess of 1 acre may be issued a license under s. 565.02(4).
 959 The failure of such club to maintain the facilities shall be a
 960 ground for revocation of the license.

961 Section 17. Subsection (2) of section 705.17, Florida
 962 Statutes, is amended to read:

963 705.17 Exceptions.—

964 (2) Sections 705.1015-705.106 do not apply to any personal
 965 property lost or abandoned on premises located within a theme
 966 park or entertainment complex, as defined in s. 509.013 ~~s.~~
 967 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
 968 on the premises of a public food service establishment or a
 969 public lodging establishment licensed under part I of chapter
 970 509, if the owner or operator of such premises elects to comply
 971 with s. 705.185.

972 Section 18. Section 705.185, Florida Statutes, is amended
 973 to read:

974 705.185 Disposal of personal property lost or abandoned on
 975 the premises of certain facilities.—When any lost or abandoned
 976 personal property is found on premises located within a theme
 977 park or entertainment complex, as defined in s. 509.013 ~~s.~~
 978 ~~509.013(9)~~, or operated as a zoo, a museum, or an aquarium, or
 979 on the premises of a public food service establishment or a
 980 public lodging establishment licensed under part I of chapter
 981 509, if the owner or operator of such premises elects to comply
 982 with this section, any lost or abandoned property must be
 983 delivered to such owner or operator, who must take charge of the
 984 property and make a record of the date such property was found.
 985 If the property is not claimed by its owner within 30 days after
 986 it is found, or a longer period of time as may be deemed

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 987 appropriate by the owner or operator of the premises, the owner
 988 or operator of the premises may not sell and must dispose of the
 989 property or donate it to a charitable institution that is exempt
 990 from federal income tax under s. 501(c)(3) of the Internal
 991 Revenue Code for sale or other disposal as the charitable
 992 institution deems appropriate. The rightful owner of the
 993 property may reclaim the property from the owner or operator of
 994 the premises at any time before the disposal or donation of the
 995 property in accordance with this section and the established
 996 policies and procedures of the owner or operator of the
 997 premises. A charitable institution that accepts an electronic
 998 device, as defined in s. 815.03(9), access to which is not
 999 secured by a password or other personal identification
 1000 technology, shall make a reasonable effort to delete all
 1001 personal data from the electronic device before its sale or
 1002 disposal.

1003 Section 19. Section 717.1355, Florida Statutes, is amended
 1004 to read:

1005 717.1355 Theme park and entertainment complex tickets.—This
 1006 chapter does not apply to any tickets for admission to a theme
 1007 park or entertainment complex as defined in s. 509.013 ~~s.~~
 1008 ~~509.013(9)~~, or to any tickets to a permanent exhibition or
 1009 recreational activity within such theme park or entertainment
 1010 complex.

1011 Section 20. Subsection (8) of section 877.24, Florida
 1012 Statutes, is amended to read:

1013 877.24 Nonapplication of s. 877.22.—Section 877.22 does not
 1014 apply to a minor who is:

1015 (8) Attending an organized event held at and sponsored by a

18-00716D-24 2024280__
 1016 theme park or entertainment complex as defined in s. 509.013 ~~s.~~
 1017 ~~509.013(9)~~.

1018 Section 21. The application of this act does not supersede
 1019 any current or future declaration or declaration of condominium
 1020 adopted pursuant to chapter 718, Florida Statutes; any
 1021 cooperative document adopted pursuant to chapter 719, Florida
 1022 Statutes; or any declaration or declaration of covenant adopted
 1023 pursuant to chapter 720, Florida Statutes.

1024 Section 22. (1) The Department of Revenue is authorized,
 1025 and all conditions are deemed to be met, to adopt emergency
 1026 rules pursuant to s. 120.54(4), Florida Statutes, for the
 1027 purpose of implementing the amendments made by this act to s.
 1028 212.03, Florida Statutes, including establishing procedures to
 1029 facilitate the remittance of taxes.

1030 (2) Notwithstanding any other law, emergency rules adopted
 1031 pursuant to subsection (1) are effective for 6 months after
 1032 adoption and may be renewed during the pendency of procedures to
 1033 adopt permanent rules addressing the subject of the emergency
 1034 rules.

1035 (3) This section expires January 1, 2026.

1036 Section 23. Except as otherwise expressly provided in this
 1037 act, this act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

1-18-24

Meeting Date

Fiscal Policy
Committee

280

Bill Number or Topic

696386

Amendment Barcode (if applicable)

Name Travis MOORE

Phone 727.421.6902

Address P.O. Box 2020

Email travis@moore-relations.com

Street

St. Petersburg FL

33731

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:

Community Associations Institute

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

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

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S-001 (08/10/2021)

The Florida Senate

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SB 280

Bill Number or Topic

11/19/2024

Meeting Date

Public Policy

Committee

Amendment Barcode (if applicable)

Name JACK CORY

Phone 850 893 0995

Address 730 East Park Ave

Email JACORRY@JA CONSULTANTS

130W

Tallah State 32701

City State Zip

Speaking: [] For [X] 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:

JACKSONVILLE BEANS

[] 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 280

Bill Number or Topic

1-14-22 / Meeting Date

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Fiscal Policy / Committee

Amendment Barcode (if applicable)

Mayor David Wolf / Name

323 744 9455 / Phone

16049 Redington Dr. / Address

Mayor@townofredingtonbeach.com / Email

Redington Beach FL 33708 / City State Zip

Speaking: [] For [X] 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:

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

Redington Beach

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

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The Florida Senate

APPEARANCE RECORD

SB 280

1/18/2024

Meeting Date

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Sam Wagoner

Phone 850-222-9684

Address 301 S. Bronough St

Email swagoner@flcities.com

Street

TLH

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 Florida League of Cities

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/18/2024 Meeting Date
Fiscal Policy Committee

SB 0280 Bill Number or Topic
Amendment Barcode (if applicable)

Name Samantha Padgett Phone (850) 224-2250 ext. 228

Address 230 S. Adams Street Tallahassee FL 32301

Speaking: [] For [] Against [X] 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: Florida Restaurant & Lodging Assoc.

[] 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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Jan. 18, 2024

Meeting Date

280

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Tiffany Edwards

Phone 850-687-8797

Address 2929 Pine Valley Dr.

Street

Email tedwards@ndrp.com

Miramar Beach

City

FL

State

32550

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-18-24

Meeting Date

280

Bill Number or Topic

Fiscal Policy

Committee

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Amendment Barcode (if applicable)

Name Travis Moore

Phone 727.421.6902

Address P.O. Box 2020

Email travis@moore-relations.com

Street

City St. Petersburg State FL Zip 33731

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Community Associations Institute

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

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

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The Florida Senate
APPEARANCE RECORD

280

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
Miami-Dade County

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

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

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S-001 (08/10/2021)

APPEARANCE RECORD

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1/18/2024

Meeting Date

FISCAL POLICY

Committee

280

Bill Number or Topic

Amendment Barcode (if applicable)

Name LENA JUAREZ

Phone 8502128330

Address P.O. BOX 10390

Email lenaejassx.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:

CITY OF ST. AUGUSTINE

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

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The Florida Senate

APPEARANCE RECORD

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280

Bill Number or Topic

1/18

Meeting Date

FISCAL Policy

Committee

Amendment Barcode (if applicable)

Name JENNIFER WEBB

Phone 727-320-6275

Address 6019 17th Ave S.

Street

Email jw@jw-consultants.com

Gulfport

City

FL

State

33707

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: Suncoast League of Cities

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

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

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S-001 (08/10/2021)

The Florida Senate
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 Fiscal Policy

BILL: CS/SB 298

INTRODUCER: Committee on Fiscal Policy and Senators Polsky and Stewart

SUBJECT: Local Government Coastal Protections

DATE: January 19, 2024 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|----------------|-----------|------------------|
| 1. | <u>Barriero</u> | <u>Rogers</u> | <u>EN</u> | Favorable |
| 2. | <u>Barriero</u> | <u>Yeatman</u> | <u>FP</u> | Fav/CS |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 298 amends the Resilient Florida Grant Program to authorize the Department of Environmental Protection (DEP) to provide grants to coastal counties to conduct vulnerability assessments analyzing the effects of saltwater intrusion on their water supplies and the preparedness to respond to such a threat. Each vulnerability assessment must include an analysis of all of the following information:

- The coastal county’s primary water utilities;
- Current maps of the coastal county’s freshwater wellfields and latest saltwater intrusion impact lines;
- Projections of saltwater intrusion over the next decade, including specific wells that may be impacted during that timeframe; and
- The costs necessary to relocate freshwater wellfields that are anticipated to be impacted, including current projects that are underway to relocate the freshwater wellfields.

The bill also requires DEP to do all of the following:

- Use the information contained in a coastal county’s saltwater intrusion vulnerability assessment to update its Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set;
- Make publicly available on DEP’s website any appropriate information from a saltwater intrusion vulnerability assessment it receives from coastal counties; and
- Provide 50 percent cost-share funding up to \$250,000 for each grant awarded under this section of the Resilient Florida Grant Program. A coastal county with a population of 50,000 or less is not required to contribute to the cost share.

In addition, the bill provides that a coastal county or coastal municipality may not establish local coastal construction zoning and building codes unless such zones and codes were approved in writing by the Department of Environmental Protection (DEP) on or before December 1, 2023, and exceptions to such locally established zones and codes may not be granted unless approved by DEP before December 1, 2023. The bill also provides that DEP may not delegate authority for permitting certain activities to a coastal county or coastal municipality that did not receive local coastal construction zoning and building code exceptions to the coastal control line on or before December 1, 2023.

II. Present Situation:

Saltwater Intrusion

Drinking water in Florida comes primarily from water found within underground layers of water-bearing rock or sand called aquifers.¹ Aquifers are composed of different types of sediments and rocks, such as gravel, sandstone, and limestone.² Groundwater enters an aquifer as precipitation seeps through the soil and can move through the aquifer and resurface through springs and wells.³ Fresh and salt water fill the holes in the rock, with freshwater generally filling the uppermost part of aquifers and saltwater found at greater depths.⁴

Under natural conditions, the seaward movement of freshwater prevents seawater from encroaching coastal aquifers.⁵ When groundwater is pumped from a coastal aquifer, lowered water levels can cause seawater to be drawn toward the freshwater zones of the aquifer. The intruding seawater decreases the freshwater storage in the aquifers. Without treatment, this groundwater does not conform to drinking water or agricultural water quality standards.⁶

¹ See University of Florida Institute of Food and Agricultural Sciences (UF/IFAS), *Central Florida's Water Resources*, <https://blogs.ifas.ufl.edu/osceolaco/2019/12/06/central-floridas-water-resources/#:~:text=Groundwater%20Over%2090,porous%20rocks%20that%20holds%20water> (last visited Nov. 16, 2023); see also St. Johns River Water Management District (SJRWMD), *Florida's Aquifers*, <https://www.sjrwmd.com/water-supply/aquifer/> (last visited Nov. 16, 2023).

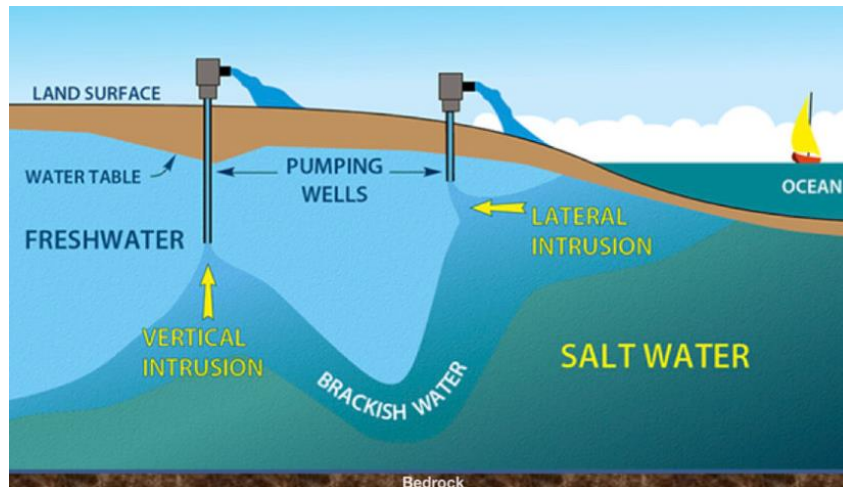
² National Geographic, *Aquifers*, <https://education.nationalgeographic.org/resource/aquifers/> (last visited Nov. 16, 2023).

³ *Id.*

⁴ SJRWMD, *Florida's Aquifers*, <https://www.sjrwmd.com/water-supply/aquifer/> (last visited Nov. 16, 2023).

⁵ U.S. Geological Survey (USGS), *Sustainable Groundwater: Seawater Intrusion*, <https://ca.water.usgs.gov/sustainable-groundwater-management/seawater-intrusion-california.html> (last visited Nov. 16, 2023).

⁶ *Id.*; see also Brett A. Buzzanga, Old Dominion University, *Precipitation and Sea Level Rise Impacts on Groundwater Levels in Virginia Beach, Virginia*, 12 (Fall 2017), available at https://www.researchgate.net/publication/328225012_Precipitation_and_Sea_Level_Rise_Impacts_on_Groundwater_Levels_in_Virginia_Beach_Virginia/download.



Saltwater intrusion can occur in various ways, including lateral encroachment from coastal waters and vertical movement of saltwater near discharging wells.⁷ It can be caused by digging wells too deep, excessive groundwater pumping, sea level rise, severe drought,⁸ king tides, and storm surge.⁹ Sources include infiltration from tidal marshes, estuaries, and bays, encroachment from the ocean, leakage from unprotected canals, upward leakage from deeper aquifers, and movement of residual saltwater.¹⁰ Rising sea levels also push saltwater upstream in tidal rivers and streams, raise coastal ground water tables, and push saltwater further inland.¹¹

Saltwater intrusion can cause serious consequences in terms of both environmental and economic impacts. Potable water is necessary for drinking, irrigation, and most industrial uses,¹² but the intrusion of saltwater into coastal aquifers can increase groundwater salinity beyond potable levels, endangering access to freshwater for millions of people.¹³ Even small changes in salinity can render water undrinkable—chloride concentrations above 250 milligrams per liter (salinity of approximately 0.5 parts per thousand) can cause hypertension and stroke.¹⁴

Saltwater intrusion can also negatively affect local agriculture. The vast majority of commercially grown tropical fruits and vegetables and most landscape ornamental plants have

⁷ USGS, *Saltwater Intrusion*, <https://www.usgs.gov/mission-areas/water-resources/science/saltwater-intrusion> (last visited Nov. 16, 2023).

⁸ USGS, *Saltwater Intrusion*, <https://www.usgs.gov/mission-areas/water-resources/science/saltwater-intrusion> (last visited Nov. 16, 2023); SJRWMD, *Florida's Aquifers*, <https://www.sjrwmd.com/water-supply/aquifer/> (last visited Nov. 16, 2023).

⁹ UF/IFAS, *Saltwater intrusion and flooding: Risks to South Florida's agriculture and potential management practices*, <https://edis.ifas.ufl.edu/publication/AE572> (last visited Nov. 16, 2023).

¹⁰ USGS, *Saltwater Intrusion in the Surficial Aquifer System of the Big Cypress Basin, Southwest Florida, and a Proposed Plan for Improved Salinity Monitoring*, 9 (2013), available at <https://pubs.usgs.gov/of/2013/1088/pdf/ofr2013-1088.pdf>.

¹¹ Dep't of Emergency Management, *Enhanced State Hazard Mitigation Plan*, 107-108 (2018), available at https://www.floridadisaster.org/globalassets/dem/mitigation/mitigate-fl--shmp/shmp-2018-full_final_approved.6.11.2018.pdf.

¹² *Id.*

¹³ Scott Jasechko et al., *Groundwater level observations in 250,000 coastal US wells reveal scope of potential seawater intrusion*, 2 (2020), available at <https://www.nature.com/articles/s41467-020-17038-2>.

¹⁴ Kate Tully et al., *The Invisible Flood: The Chemistry, Ecology, and Social Implications of Coastal Saltwater Intrusion*, 369-70 (2019), available at <https://academic.oup.com/bioscience/article/69/5/368/5487218>.

little to no salinity tolerance.¹⁵ Saline soil and/or salty irrigation water can result in mild to lethal physiological effects, including reduced cell growth and plant organ (e.g., leaf and fruit) expansion, reduced water and nutrient uptake, nutrient imbalances and deficiencies, reduced plant growth and yields, and plant death.¹⁶ This results in increased production costs and decreased product sales.¹⁷

In addition, saltwater intrusion can cause a decline in forest productivity. Saltwater degrades coastal wetlands and barrier islands, which buffer inland areas from storm surge, by killing less salt-tolerant species and leaving behind “ghost forests” or wetland areas with only standing dead trees.¹⁸ Over time, saltwater intrusion, along with rising sea levels, convert these diverse wetland ecosystems into grass marshes and eventually into open water. The loss in forest and agricultural productivity due to increased soil salinity results in decreased ecosystem diversity and habitat for birds, fish, and the animals that prey on them.¹⁹ Moreover, studies show that salt buildup in the soil increases greenhouse gas emissions, contributing to climate change and global warming.²⁰

Several assessments have been prepared regarding the impact of sea level rise on water resources. For example, the South Florida Water Management District has evaluated saltwater intrusion in the surficial aquifer system of the Big Cypress Basin and southwest Florida²¹ and mapped the saltwater interface in coastal aquifers within St. Lucie, Martin, Palm Beach, Broward, Collier, and Lee counties.²² The U.S. Geological Survey conducts saltwater interface mapping for Miami-Dade and Monroe counties.²³ At least one evaluation of Florida’s saltwater intrusion monitoring network has been performed.²⁴ In addition, the Northwest Florida Water Management District has commissioned a report evaluating saltwater intrusion in the Floridan Aquifer in Walton, Okaloosa, and Santa Rosa counties.²⁵

¹⁵ UF/IFAS, *Saltwater intrusion and flooding: Risks to South Florida’s agriculture and potential management practices*, <https://edis.ifas.ufl.edu/publication/AE572> (last visited Nov. 16, 2023).

¹⁶ *Id.*; see also Ilias Siarkos et al., *A methodological framework to assess the environmental and economic effects of injection barriers against seawater intrusion*, 1 (2017), available at <https://www.sciencedirect.com/science/article/abs/pii/S030147971730169X>.

¹⁷ *Id.*

¹⁸ U.S. Dep’t of Agriculture, Climate Hubs, *Saltwater Intrusion*, <https://www.climatehubs.usda.gov/taxonomy/term/399> (last visited Nov. 16, 2023).

¹⁹ *Id.*

²⁰ UF/IFAS, *Saltwater intrusion and flooding: Risks to South Florida’s agriculture and potential management practices*, <https://edis.ifas.ufl.edu/publication/AE572> (last visited Nov. 16, 2023).

²¹ USGS, *Saltwater Intrusion in the Surficial Aquifer System of the Big Cypress Basin, Southwest Florida, and a Proposed Plan for Improved Salinity Monitoring: U.S. Geological Survey Open-File Report 2013-1088* (2013), available at <http://pubs.usgs.gov/of/2013/1088/>.

²² SFWMD, *Saltwater Interface Monitoring and Mapping Program, Technical Publication WS-58*, 1 (2020), available at https://www.sfwmd.gov/sites/default/files/documents/ws-58_swi_mapping_report_final.pdf.

²³ *Id.*

²⁴ Scott T. Prinos, *Saltwater Intrusion Monitoring in Florida*, 79 FLORIDA SCIENTIST 4, 269 (Fall 2016), available at <https://www.jstor.org/stable/44113190>.

²⁵ HydroGeoLogic, Inc., *Saltwater Intrusion in the Floridan Aquifer in Walton, Okaloosa and Santa Rosa Counties, Florida, Eastern Model Domain, Final Report* (Sept. 2007), available at https://nwfwater.com/content/download/19030/127812/2007_09_HGL_R2_ED_model_final.pdf.

Statewide Resilience Programs

The Legislature has established several statewide resilience programs, including:

- The Resilient Florida Grant Program, which provides grants to counties or municipalities for community resilience planning, including vulnerability assessments, plan development, and projects to adapt critical assets.²⁶ In the programs first two years, 263 implementation projects have been awarded a total of nearly \$954 million.²⁷
- The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment.²⁸ In May 2023, DEP published a statewide data set containing an inventory of critical and regionally significant assets (such as transportation, critical infrastructure and emergency facilities), topographical data (including digital elevation models and survey data), and flood scenario data (including data regarding precipitation, land use, and groundwater elevation).²⁹ DEP is also tasked with developing a statewide assessment providing statewide sea level rise projections and information necessary to determine the risks of flooding and sea level rise to inland and coastal communities. DEP must update the data set and assessment every five years.³⁰ The statewide assessment and data set must be updated every five years.³¹
- The Statewide Flooding and Sea Level Rise Resilience Plan, which consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.³² Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.³³ Counties, municipalities, water management districts, regional water supply authorities, and other entities may submit to DEP an annual list of proposed projects. In December 2022, DEP submitted the FY 23-24 Statewide Flooding and Sea Level Rise Resilience Plan totaling nearly \$408 million over the next three years.³⁴

²⁶ Section 380.093(2)(a), F.S. “Critical asset” is defined to include broad lists of assets relating to transportation, critical infrastructure, emergency facilities, natural resources, and historical and cultural resources.

²⁷ This figure includes \$270 million of state funding for the Statewide Flooding and Sea Level Resilience Plan. DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources* (Feb. 23, 2023), available at https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf.

²⁸ Section 380.093(4), F.S.

²⁹ DEP, *Resilient Florida Program – Statewide Assessment*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-statewide-assessment> (last visited Nov. 16, 2023).

³⁰ Section 380.093(4), F.S. See also DEP, *Resilient Florida Program – Statewide Assessment*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-statewide-assessment> (last visited Nov. 16 2023).

³¹ Section 380.093(4)(c), F.S.

³² Section 380.093(5), F.S.

³³ DEP, *2022-2023 Statewide Flooding and Sea Level Rise Resilience Plan*, available at https://floridadep.gov/sites/default/files/FY22.23%20Statewide%20Flooding%20and%20Sea%20Level%20Rise%20Resilience%20Plan_0.pdf; DEP, *2023-2024 Statewide Flooding and Sea Level Rise Resilience Plan*, available at https://www.flgov.com/wp-content/uploads/2023/07/Statewide-Flooding-and-Sea-Level-Rise-Resilience-Plan_Grant-List_07122023.pdf.

³⁴ DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 9, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf; see also DEP, *2023-2024 Statewide Flooding and Sea Level Rise Resilience Plan*, available at https://www.flgov.com/wp-content/uploads/2023/07/Statewide-Flooding-and-Sea-Level-Rise-Resilience-Plan_Grant-List_07122023.pdf.

- The Florida Flood Hub for Applied Research and Innovation,³⁵ which was established within the University of South Florida College of Marine Science to coordinate efforts between the academic and research institutions of the state.³⁶ The Florida Flood Hub is tasked with, among other things, organizing existing data needs for comprehensive statewide flood vulnerability and sea level rise analyses and performing gap analyses to determine data needs; developing statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of flood; establishing community-based programs to improve flood monitoring and prediction along major waterways; and providing tidal and storm surge flooding data to counties and municipalities for vulnerability assessments.³⁷

DEP may also provide funding for regional resilience entities to assist local governments with planning for the resilience needs of communities and coordinating intergovernmental solutions to mitigate adverse impacts of flooding and sea level rise.³⁸ As of February 2023, \$4 million had been appropriated to regional resilience entities to date.³⁹

The Statewide Office of Resilience reviews flood resilience and mitigation activities in the state and coordinating flood resilience and mitigation efforts with federal, state, and local governmental entities and other stakeholders. The office's Chief Resilience Officer and DEP worked together to provide the Governor and Legislature with a report on flood resilience and mitigation efforts across Florida. The report includes:

- A list of local governments that are required to comply with the requirements of s. 163.3178(2)(f), F.S.,⁴⁰ but are not in compliance, as reported by the Department of Economic Opportunity;
- A list of local governments that have completed vulnerability assessments in compliance with the requirements of the Resilient Florida grant program in s. 380.093(3), F.S.;⁴¹
- An overview of the geographic distribution of entities with funded projects in the Statewide Flooding and Sea Level Rise Resilience Plan,⁴² and

³⁵ See University of South Florida College of Marine Science, *Florida Flood Hub for Applied Research and Innovation: Overview*, <https://www.usf.edu/marine-science/research/florida-flood-hub-for-applied-research-and-innovation/> (last visited Nov. 16, 2023).

³⁶ Section 380.0933(1), F.S.

³⁷ Section 380.0933(2) and (3), F.S.

³⁸ Section 380.093(6), F.S.

³⁹ DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18 (Feb. 23, 2023), available at https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf.

⁴⁰ Section 163.3178(2)(f), F.S., requires local coastal governments to include a redevelopment component within their comprehensive plans' coastal management element, which outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. See DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 2, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf; Letter from Department of Economic Opportunity to DEP, 1-2 (Nov. 9, 2022), available at https://floridadep.gov/DEO_PoF_Letter2022.

⁴¹ DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 3, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf

⁴² *Id.* at 7-9.

- A statewide inventory of basin-level flooding assessments and other related basin-level planning efforts self-reported by water management districts or special districts authorized to submit projects pursuant to s. 380.093(5), F.S.⁴³

Coastal Counties

Florida has 35 coastal counties.⁴⁴



The following seven coastal counties have populations less than 50,000 as of April 2022:⁴⁵

- Gulf 15,938
- Franklin 12,729
- Wakulla 35,169
- Jefferson 14,923
- Taylor 21,375
- Dixie 16,988
- Levy 44,288

⁴³ *Id.* at 10-12.

⁴⁴ DEP, *Map of Florida’s Coastal Counties*, <https://floridadep.gov/rcp/fcmp/documents/map-floridas-coastal-counties> and <https://floridadep.gov/sites/default/files/CPI-coastal-Florida-map.pdf> (last visited Nov. 16, 2023).

⁴⁵ Office of Economic and Demographic Research, *Florida Population Estimates by County and Municipality as of April 1, 2022*, available at http://edr.state.fl.us/Content/population-demographics/data/2022_Pop_Estimates.pdf (last visited Nov. 16, 2023).

Coastal Construction Permits

Coastal construction permits protect Florida's beaches and dunes from imprudent construction that may jeopardize the stability of Florida's natural resources.⁴⁶ The coastal construction control line (CCCL) defines the portion of the beach-dune system that is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other forces such as wind, wave, or water level changes.⁴⁷ Seaward of the CCCL, new construction and improvements to existing structures require a CCCL permit from DEP.⁴⁸ The line defines the landward limit of DEP's authority to regulate construction.⁴⁹ DEP's CCCL Program regulates structures and activities which can cause beach erosion, destabilize dunes, damage upland properties, or interfere with public access.⁵⁰ CCCLs currently exist for large portions of Florida's coast.⁵¹

A coastal county or coastal municipality may establish coastal construction zoning and building codes if such zones and codes are approved by DEP as being adequate to preserve and protect the beaches and coastal barrier dunes adjacent to such beaches from imprudent construction that will jeopardize the stability of the beach-dune system, accelerate erosion, provide inadequate protection to upland structures, endanger adjacent properties, or interfere with public beach access.⁵² Exceptions to locally established coastal construction zoning and building codes may not be granted unless previously approved by DEP. The intent is to provide for the local administration of established CCCLs through approved zoning and building codes if desired by local interests and where such local interests have sufficient funds and personnel to adequately administer the program. If DEP determines at any time that the program is inadequately administered, DEP may revoke the authority granted to the county or municipality.⁵³

DEP may delegate authority for permitting certain types of activities to a coastal county or coastal municipality.⁵⁴ Such partial delegation must be narrowly construed to those particular activities specifically named in the delegation and agreed to by the affected county or municipality. DEP may revoke the delegation at any time if it is determined that the delegation is improperly or inadequately administered.⁵⁵

III. Effect of Proposed Changes:

Section 1 amends s. 161.053, F.S., regarding coastal construction and excavation. The bill provides that a coastal county or coastal municipality may not establish coastal construction

⁴⁶ Section 161.053(1)(a), F.S.

⁴⁷ Section 161.053, F.S.; Fla. Admin. Code R. 62B-33.005(1); DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program*, 3 (2017), available at https://floridadep.gov/sites/default/files/Homeowner%27s%20Guide%20to%20the%20CCCL%20Program%206_2012%20%28002%29_0.pdf.

⁴⁸ DEP, *The Homeowner's Guide to the Coastal Construction Control Line Program* at 2.

⁴⁹ *Id.*

⁵⁰ DEP, *Coastal Construction Control Line Program*, <https://floridadep.gov/water/coastal-construction-control-line> (last visited Jan. 18, 2024).

⁵¹ DEP, *Geospatial Open Data, CCCL*, https://geodata.dep.state.fl.us/datasets/4674ee6d93894168933e99aa2f14b923_2/explore (last visited Jan. 18, 2023).

⁵² Section 161.053(3), F.S.

⁵³ *Id.*

⁵⁴ Section 161.053(15), F.S.

⁵⁵ *Id.*

zoning and building codes unless such zones and codes were approved in writing by the Department of Environmental Protection (DEP) on or before December 1, 2023, and exceptions to such locally established zones and codes may not be granted unless approved by DEP before December 1, 2023. The bill also provides that DEP may not delegate authority for permitting certain activities to a coastal county or coastal municipality that did not receive local coastal construction zoning and building code exceptions to the coastal control line on or before December 1, 2023.

Section 2 amends the Resilient Florida Grant Program, s. 380.093, F.S., to authorize DEP, beginning July 1, 2025, to provide grants to coastal counties to conduct vulnerability assessments analyzing the effects of saltwater intrusion on their water supplies and the preparedness to respond to such a threat.

Each vulnerability assessment must include an analysis of all of the following information:

- The coastal county's primary water utilities;
- Current maps of the coastal county's freshwater wellfields and latest saltwater intrusion impact lines;
- Projections of saltwater intrusion over the next decade, including specific wells that may be impacted during that timeframe; and
- The costs necessary to relocate freshwater wellfields that are anticipated to be impacted, including current projects that are underway to relocate the freshwater wellfields.

The bill requires DEP to do all of the following:

- Use the information contained in a coastal county's saltwater intrusion vulnerability assessment to update its Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set;
- Make publicly available on DEP's website any appropriate information from a saltwater intrusion vulnerability assessment it receives from coastal counties; and
- Provide 50 percent cost-share funding up to \$250,000 for each grant awarded under this section of the Resilient Florida Grant Program. A coastal county with a population of 50,000 or less is not required to contribute to the cost share.

Section 3 provides that the act will take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection (DEP) may incur costs related to updating its comprehensive statewide flood vulnerability and sea level rise data set with the information provided by counties in their saltwater intrusion vulnerability assessments. DEP may also incur costs related to making such information available to the public on its website.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 380.093 and 161.053.

IX. **Additional Information:**

A. Committee Substitute – Statement of Changes:

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

CS by Fiscal Policy on January 18, 2024:

The committee substitute changes the title of the bill from “an act relating to saltwater intrusion vulnerability assessments” to “an act relating to local government coastal protections.”

The committee substitute adds the following provisions to the bill:

- A coastal county or coastal municipality may not establish local coastal construction zoning and building codes unless such zones and codes were approved by the Department of Environmental Protection (DEP) on or before December 1, 2023, and

exceptions to such locally established zones and codes may not be granted unless approved by DEP before December 1, 2023; and

- DEP may not delegate authority for permitting certain activities to a coastal county or coastal municipality that did not receive local coastal construction zoning and building code exceptions to the coastal control line on or before December 1, 2023.

B. Amendments:

None.

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



847466

LEGISLATIVE ACTION

| Senate | . | House |
|------------|---|-------|
| Comm: RCS | . | |
| 01/18/2024 | . | |
| | . | |
| | . | |
| | . | |

The Committee on Fiscal Policy (Polsky) recommended the following:

Senate Amendment (with title amendment)

Before line 22

insert:

Section 1. Subsections (3) and (15) of section 161.053, Florida Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.—

(3) A coastal county or coastal municipality may establish coastal construction zoning and building codes in lieu of the



847466

11 provisions of this section if such zones and codes were ~~are~~
12 approved in writing by the department on or before December 1,
13 2023, as being adequate to preserve and protect the beaches and
14 coastal barrier dunes adjacent to such beaches, which are under
15 the jurisdiction of the department, from imprudent construction
16 that will jeopardize the stability of the beach-dune system,
17 accelerate erosion, provide inadequate protection to upland
18 structures, endanger adjacent properties, or interfere with
19 public beach access. Exceptions to locally established coastal
20 construction zoning and building codes may not be granted unless
21 previously approved by the department before December 1, 2023.

22 The intent of this subsection is to provide for the local
23 administration of established coastal construction control lines
24 through approved zoning and building codes if desired by local
25 interests and where such local interests have, in the judgment
26 of the department, sufficient funds and personnel to adequately
27 administer the program. Should the department determine at any
28 time that the program is inadequately administered, the
29 department may revoke the authority granted to the county or
30 municipality.

31 (15) (a) Except as provided in paragraph (b), the department
32 may delegate ~~In keeping with the intent of subsection (3),~~
33 authority for permitting certain types of activities that have
34 been defined by the department ~~may be delegated by the~~
35 ~~department~~ to a coastal county or coastal municipality. Such
36 partial delegation must ~~shall~~ be narrowly construed to those
37 particular activities specifically named in the delegation and
38 agreed to by the affected county or municipality. The delegation
39 may be revoked by the department at any time if it is determined



40 that the delegation is improperly or inadequately administered.

41 (b) The department may not delegate such authority to a
42 coastal county or coastal municipality that did not receive
43 local coastal construction zoning and building code exceptions
44 to the coastal control line on or before December 1, 2023,
45 pursuant to subsection (3).

46
47 ===== T I T L E A M E N D M E N T =====

48 And the title is amended as follows:

49 Delete lines 2 - 4

50 and insert:

51 An act relating to local government coastal
52 protections; amending s. 161.053, F.S.; providing that
53 only coastal counties and coastal municipalities that
54 received written authorization from the Department of
55 Environmental Protection on or before a specified date
56 may establish construction zoning and building code
57 exceptions to coastal construction control lines;
58 prohibiting the department from delegating certain
59 authority to coastal counties and coastal
60 municipalities that did not receive such
61 authorization; amending s. 380.093, F.S.; authorizing
62 the department to provide

By Senator Polsky

30-00129-24

2024298__

A bill to be entitled

An act relating to saltwater intrusion vulnerability assessments; amending s. 380.093, F.S.; authorizing the Department of Environmental Protection to provide coastal counties, beginning on a specified date, with Resilient Florida Grant Program grants to fund saltwater intrusion vulnerability assessments; specifying the purpose of and requirements for the assessments; requiring the department to update the comprehensive statewide flood vulnerability and sea level rise data set and make certain information received from the saltwater intrusion vulnerability assessments publicly available on its website; requiring the department to provide cost-share funding up to a specified amount for awarded grants; specifying that certain coastal counties are not required to contribute to the cost-share funding; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section 380.093, Florida Statutes, is amended, and paragraph (e) is added to that subsection, to read:

380.093 Resilient Florida Grant Program; comprehensive statewide flood vulnerability and sea level rise data set and assessment; Statewide Flooding and Sea Level Rise Resilience Plan; regional resilience entities.—

(3) RESILIENT FLORIDA GRANT PROGRAM.—

Page 1 of 4

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

30-00129-24

2024298__

(b) Subject to appropriation, the department may provide grants to any ~~each~~ of the following entities:

1. A county or municipality to fund:

a. The costs of community resilience planning and necessary data collection for such planning, including comprehensive plan amendments and necessary corresponding analyses that address the requirements of s. 163.3178(2)(f).

b. Vulnerability assessments that identify or address risks of inland or coastal flooding and sea level rise.

c. For coastal counties beginning July 1, 2025, saltwater intrusion vulnerability assessments that analyze the effects of saltwater intrusion on the coastal county's water supply and the preparedness of the coastal county to respond to such a threat.

d. The development of projects, plans, and policies that allow communities to prepare for threats from flooding and sea level rise.

~~e.d.~~ Preconstruction activities for projects ~~to be~~ submitted for inclusion in the Statewide Flooding and Sea Level Rise Resilience Plan and that are located in a municipality that has a population of 10,000 or less ~~fewer~~ or a county that has a population of 50,000 or less ~~fewer~~, according to the most recent April 1 population estimates posted on the Office of Economic and Demographic Research's website.

~~f.e.~~ Feasibility studies and the cost of permitting for nature-based solutions that reduce the impact of flooding and sea level rise.

2. A water management district identified in s. 373.069 to support local government adaptation planning, which may be conducted by the water management district or by a third party

Page 2 of 4

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

30-00129-24 2024298__
 59 on behalf of the water management district. Such grants must be
 60 used for the express purpose of supporting the Florida Flood Hub
 61 for Applied Research and Innovation and the department in
 62 implementing this section through data creation and collection,
 63 modeling, and the implementation of statewide standards.
 64 Priority must be given to filling critical data gaps identified
 65 by the Florida Flood Hub for Applied Research and Innovation
 66 under s. 380.0933(2)(a).

(e)1. A saltwater intrusion vulnerability assessment
 67 conducted pursuant to sub-subparagraph (b)1.c. must include an
 68 analysis of all of the following information:

a. The coastal county's primary water utilities.

b. Current maps of the coastal county's freshwater
 71 wellfields and latest saltwater intrusion impact lines.

c. Projections of saltwater intrusion over the next decade,
 73 including specific wells that may be impacted during that
 74 timeframe.

d. The costs necessary to relocate freshwater wellfields
 76 anticipated to be impacted, including current projects that are
 77 underway to relocate the freshwater wellfields.

2. The department shall do all of the following:

a. Use the information contained in a coastal county's
 81 saltwater intrusion vulnerability assessment to update its
 82 comprehensive statewide flood vulnerability and sea level rise
 83 data set under subsection (4).

b. Make publicly available on the department's website any
 84 appropriate information from a saltwater intrusion vulnerability
 85 assessment it receives from coastal counties pursuant to this
 86 paragraph.
 87

30-00129-24 2024298__
 88 c. Provide 50 percent cost-share funding up to \$250,000 for
 89 each grant awarded under this paragraph. A coastal county with a
 90 population of 50,000 or less is not required to contribute to
 91 the cost share.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 328

INTRODUCER: Community Affairs Committee and Senator Calatayud

SUBJECT: Affordable Housing

DATE: January 17, 2024

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------------|----------------|-----------|--------------------|
| 1. | <u>Hunter</u> | <u>Ryon</u> | <u>CA</u> | <u>Fav/CS</u> |
| 2. | <u>Hunter</u> | <u>Yeatman</u> | <u>FP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

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."¹ 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.² 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.³

¹ 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).

² *Id.*

³ *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.⁴ Florida Statutes categorizes the levels of household income as follows:

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

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.⁹ 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.¹⁰

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:¹¹

- 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.
- 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.

⁴ 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).

⁵ Section 420.0004(9), F.S.

⁶ Section 420.0004(17), F.S.

⁷ Section 420.0004(11), F.S.

⁸ Section 420.0004(12), F.S.

⁹ 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.

¹⁰ Section 420.504(1), F.S.

¹¹ Section 420.518(1)(a-f), F.S.

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.¹² All development, both public and private, and all development orders¹³ approved by local governments must be consistent with the local government's comprehensive plan unless otherwise provided by law.¹⁴ 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 parcels¹⁵ within that range are decided by a more detailed, implementing zoning map.¹⁶

The Live Local Act (act)¹⁷ 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 residential¹⁸ rental development in any area zoned for commercial, industrial, or mixed-use if the development meets certain affordability requirements.¹⁹ 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 density²⁰ 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.

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

¹² Section 163.3167(2), F.S.

¹³ "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.

¹⁴ Section 163.3194(3), F.S.

¹⁵ 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.

¹⁶ 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).

¹⁷ 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.

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

¹⁹ See ss. 125.01055(7) and 166.04151(7), F.S.

²⁰ "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).

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 tax²¹ 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.²² 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.²³ The Legislature has implemented these exemptions and set forth criteria to determine whether property is entitled to an exemption.²⁴

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.²⁵ 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 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.

²¹ 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).

²² 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.

²³ FLA. CONST. art. VII, s. 3(a).

²⁴ Section 196.196, F.S.

²⁵ Section 196.1978(3), F.S.

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,²⁶ 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 homebuyers²⁷ 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.²⁸ The FHFC obligated the full appropriation by August 22, 2023, assisting over 6,400 families and leveraging approximately \$2 billion in first mortgages.²⁹

²⁶ Section 420.5096, F.S.

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

²⁸ Chapter 2013-17, s. 44, Laws of Fla.

²⁹ 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 (last visited Jan. 8, 2024).

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”³⁰ 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.

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.

³⁰ 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 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 Keys³¹ 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.

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.

³¹ 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.

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,³² which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.³³

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.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³² FLA. CONST. art. VII, s. 18(d).

³³ 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>.

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.

By the Committee on Community Affairs; and Senator Calatayud

578-01993-24

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1 A bill to be entitled
 2 An act relating to affordable housing; amending ss.
 3 125.01055 and 166.04151, F.S.; deleting a provision
 4 related to the authorization of multifamily and mixed-
 5 use 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; requiring counties and municipalities,
 26 respectively, to maintain a certain policy on their
 27 websites; requiring counties and municipalities,
 28 respectively, to consider reducing parking
 29 requirements under certain circumstances; requiring

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30 counties and municipalities, respectively, to reduce
 31 or eliminate parking requirements for certain proposed
 32 mixed-use developments that meet certain requirements;
 33 defining the term "major transportation hub";
 34 providing certain requirements for developments
 35 located within a transit-oriented development or area;
 36 making technical changes; providing requirements for
 37 developments authorized as a transit-oriented
 38 development or area; revising applicability;
 39 authorizing specified developments to be treated as a
 40 conforming use; amending s. 196.1978, F.S.; revising
 41 the definition of the term "newly constructed";
 42 defining the term "substantial rehabilitation";
 43 revising conditions for when multifamily projects are
 44 considered property used for a charitable purpose and
 45 are eligible to receive an ad valorem property tax
 46 exemption; making technical changes; requiring
 47 property appraisers to make certain exemptions from ad
 48 valorem property taxes; providing the method for
 49 determining the value of a unit for certain purposes;
 50 requiring property appraisers to review certain
 51 applications and make certain determinations;
 52 authorizing property appraisers to request and review
 53 additional information; authorizing property
 54 appraisers to grant exemptions only under certain
 55 conditions; revising requirements for property owners
 56 seeking a certification notice from the Florida
 57 Housing Finance Corporation; providing that a certain
 58 determination by the corporation does not constitute

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59 an exemption; specifying requirements for a market
60 value analysis; conforming provisions to changes made
61 by the act; providing for retroactive application;
62 amending s. 333.03, F.S.; excluding certain proposed
63 developments from specified airport zoning provisions;
64 amending s. 420.507, F.S.; revising the enumerated
65 powers of the Florida Housing Finance Corporation;
66 amending s. 420.5096, F.S.; making technical changes;
67 amending s. 420.518, F.S.; specifying conditions under
68 which the Florida Housing Finance Corporation may
69 preclude applicants from corporation programs;
70 providing an appropriation; providing an effective
71 date.

72
73 Be It Enacted by the Legislature of the State of Florida:

74
75 Section 1. Subsection (7) of section 125.01055, Florida
76 Statutes, is amended, and subsection (8) is added to that
77 section, to read:

78 125.01055 Affordable housing.—

79 (7) (a) A county must authorize multifamily and mixed-use
80 residential as allowable uses in any area zoned for commercial,
81 ~~industrial~~, or mixed use if at least 40 percent of the
82 residential units in a proposed multifamily ~~rental~~ development
83 are rental units that, for a period of at least 30 years, are
84 affordable as defined in s. 420.0004. Notwithstanding any other
85 law, local ordinance, or regulation to the contrary, a county
86 may not require a proposed multifamily development to obtain a
87 zoning or land use change, special exception, conditional use

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88 approval, variance, or comprehensive plan amendment for the
89 building height, zoning, and densities authorized under this
90 subsection. For mixed-use residential projects, at least 65
91 percent of the total square footage must be used for residential
92 purposes.

93 (b) A county may not restrict the density or floor area
94 ratio of a proposed development authorized under this subsection
95 below the highest currently allowed density or floor area ratio
96 on any unincorporated land in the county where residential
97 development is allowed under the county's land development
98 regulations. The currently allowed density or floor area ratio
99 does not include the density or floor area ratio of any
100 development that meets the requirements of this subsection or
101 any bonus, variance, or other special exception for density or
102 floor area ratio provided in the county's land development
103 regulations as an incentive for development.

104 (c) A county may not restrict the height of a proposed
105 development authorized under this subsection below the highest
106 currently allowed height for a commercial or residential
107 building development located in its jurisdiction within one-
108 quarter \pm mile of the proposed development or 3 stories,
109 whichever is higher. If the height of each building on property
110 adjacent to the proposed development is 3 stories or less, the
111 county may restrict the height of the proposed development to
112 135 percent of the tallest building on property adjacent to the
113 proposed development or 3 stories, whichever is higher. The
114 currently allowed height does not include the height of any
115 development that meets the requirements of this subsection or
116 any bonus, variance, or other special exception for height

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117 provided in the county's land development regulations as an
 118 incentive for development.

119 (d) A proposed development authorized under this subsection
 120 must be administratively approved and no further action by the
 121 board of county commissioners is required if the development
 122 satisfies the county's land development regulations for
 123 multifamily developments in areas zoned for such use and is
 124 otherwise consistent with the comprehensive plan, with the
 125 exception of provisions establishing allowable densities,
 126 height, and land use. Such land development regulations include,
 127 but are not limited to, regulations relating to setbacks and
 128 parking requirements. A proposed development located within one-
 129 quarter mile of a military installation identified in s.
 130 163.3175(2) may not be administratively approved. Each county
 131 shall maintain on its website a policy containing procedures and
 132 expectations for administrative approval pursuant to this
 133 subsection.

134 (e)1. A county must consider reducing parking requirements
 135 for a proposed development authorized under this subsection if
 136 the development is located within one-quarter ~~one-half~~ mile of a
 137 ~~major~~ transit stop, as defined in the county's land development
 138 code, and the ~~major~~ transit stop is accessible from the
 139 development.

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

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

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

154 (f) For proposed multifamily developments in an
 155 unincorporated area zoned for commercial ~~or industrial~~ use which
 156 is within the boundaries of a multicounty independent special
 157 district that was created to provide municipal services and is
 158 not authorized to levy ad valorem taxes, and less than 20
 159 percent of the land area within such district is designated for
 160 commercial ~~or industrial~~ use, a county must authorize, as
 161 provided in this subsection, such development only if the
 162 development is mixed-use residential.

163 (g) A development authorized under this section which is
 164 located within a transit-oriented development or area, as
 165 recognized by the county, must be mixed-use residential and
 166 otherwise comply with requirements of the county's regulations
 167 applicable to the transit-oriented development or area except
 168 for use, height, density, and floor area ratio as provided in
 169 this section or as otherwise agreed to by the county and the
 170 applicant for the development.

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

174 (i) ~~(h)~~ This subsection does not apply to airport-impacted

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175 ~~areas as provided in s. 333.03 property defined as recreational~~
 176 ~~and commercial working waterfront in s. 342.201(2)(b) in any~~
 177 ~~area zoned as industrial.~~

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

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

190 Section 2. Subsection (7) of section 166.04151, Florida
 191 Statutes, is amended, and subsection (8) is added to that
 192 section, to read:

193 166.04151 Affordable housing.—

194 (7) (a) A municipality must authorize multifamily and mixed-
 195 use residential as allowable uses in any area zoned for
 196 commercial, ~~industrial~~, or mixed use if at least 40 percent of
 197 the residential units in a proposed multifamily ~~rental~~
 198 development are rental units that, for a period of at least 30
 199 years, are affordable as defined in s. 420.0004. Notwithstanding
 200 any other law, local ordinance, or regulation to the contrary, a
 201 municipality may not require a proposed multifamily development
 202 to obtain a zoning or land use change, special exception,
 203 conditional use approval, variance, or comprehensive plan

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204 amendment for the building height, zoning, and densities
 205 authorized under this subsection. For mixed-use residential
 206 projects, at least 65 percent of the total square footage must
 207 be used for residential purposes.

208 (b) A municipality may not restrict the density or floor
 209 area ratio of a proposed development authorized under this
 210 subsection below the highest currently allowed density or floor
 211 area ratio on any land in the municipality where residential
 212 development is allowed under the municipality's land development
 213 regulations. The currently allowed density or floor area ratio
 214 does not include the density or floor area ratio of any
 215 development that meets the requirements of this subsection or
 216 any bonus, variance, or other special exception for density or
 217 floor area ratio provided in the municipality's land development
 218 regulations as an incentive for development.

219 (c) A municipality may not restrict the height of a
 220 proposed development authorized under this subsection below the
 221 highest currently allowed height for a commercial or residential
 222 building development located in its jurisdiction within one-
 223 quarter ~~±~~ mile of the proposed development or 3 stories,
 224 whichever is higher. If the height of each building on property
 225 adjacent to the proposed development is 3 stories or less, the
 226 municipality may restrict the height to 135 percent of the
 227 tallest building on property adjacent to the proposed
 228 development or 3 stories, whichever is higher. The currently
 229 allowed height does not include the height of any development
 230 that meets the requirements of this subsection or any bonus,
 231 variance, or other special exception for height provided in the
 232 municipality's land development regulations as an incentive for

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233 development.

234 (d) A proposed development authorized under this subsection
 235 must be administratively approved and no further action by the
 236 governing body of the municipality is required if the
 237 development satisfies the municipality's land development
 238 regulations for multifamily developments in areas zoned for such
 239 use and is otherwise consistent with the comprehensive plan,
 240 with the exception of provisions establishing allowable
 241 densities, height, and land use. Such land development
 242 regulations include, but are not limited to, regulations
 243 relating to setbacks and parking requirements. A proposed
 244 development located within one-quarter mile of a military
 245 installation identified in s. 163.3175(2) may not be
 246 administratively approved. Each municipality shall maintain on
 247 its website a policy containing procedures and expectations for
 248 administrative approval pursuant to this subsection.

249 (e)1. A municipality must consider reducing parking
 250 requirements for a proposed development authorized under this
 251 subsection if the development is located within one-quarter ~~one-~~
 252 ~~half~~ mile of a ~~major~~ transit stop, as defined in the
 253 municipality's land development code, and the ~~major~~ transit stop
 254 is accessible from the development.

255 2. A municipality must reduce parking requirements for a
 256 proposed development authorized under this subsection if the
 257 development is located within one-half mile of a major
 258 transportation hub that is accessible from the development by
 259 safe, pedestrian-friendly means, such as sidewalks, crosswalks,
 260 elevated pedestrian or bike paths, or other multimodal design
 261 features.

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262 3. A municipality must eliminate parking requirements for a
 263 proposed mixed-use residential development authorized under this
 264 subsection within an area recognized by the municipality as a
 265 transit-oriented development or area, as provided in paragraph
 266 (g).

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

271 (f) A municipality that designates less than 20 percent of
 272 the land area within its jurisdiction for commercial ~~or~~
 273 ~~industrial~~ use must authorize a proposed multifamily development
 274 as provided in this subsection in areas zoned for commercial ~~or~~
 275 ~~industrial~~ use only if the proposed multifamily development is
 276 mixed-use residential.

277 (g) A development authorized under this section which is
 278 located within a transit-oriented development or area, as
 279 recognized by the municipality, must be mixed-use residential
 280 and otherwise comply with requirements of the municipality's
 281 regulations applicable to the transit-oriented development or
 282 area except for use, height, density, and floor area ratio as
 283 provided in this section or as otherwise agreed to by the
 284 municipality and the applicant for the development.

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

288 (i) ~~(h)~~ This subsection does not apply to airport-impacted
 289 areas as provided in s. 333.03 property defined as recreational
 290 and commercial working waterfront in s. 342.201(2)(b) in any

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291 ~~area zoned as industrial.~~

292 ~~(j)(4)~~ This subsection expires October 1, 2033.

293 (8) Any development authorized under paragraph (7) (a) must
 294 be treated as a conforming use even after the expiration of
 295 subsection (7) and the development's affordability period as
 296 provided in paragraph (7) (a), notwithstanding the municipality's
 297 comprehensive plan, future land use designation, or zoning. If
 298 at any point during the development's affordability period the
 299 development violates the affordability period requirement
 300 provided in paragraph (7) (a), the development must be allowed a
 301 reasonable time to cure such violation. If the violation is not
 302 cured within a reasonable time, the development must be treated
 303 as a nonconforming use.

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

306 196.1978 Affordable housing property exemption.—

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

308 1. "Corporation" means the Florida Housing Finance
 309 Corporation.

310 2. "Newly constructed" means an improvement or the
 311 substantial rehabilitation of an existing improvement to real
 312 property which was substantially completed within 5 years before
 313 the date of an applicant's first submission of a request for a
 314 certification notice or an application for an exemption pursuant
 315 to this subsection ~~section, whichever is earlier.~~

316 3. "Substantially completed" has the same meaning as in s.
 317 192.042(1).

318 4. "Substantial rehabilitation" means the repair or
 319 restoration of a unit which increases the market value of such

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320 unit by at least 40 percent.

321 (b) Notwithstanding ss. 196.195 and 196.196, portions of
 322 property in a multifamily project are considered property used
 323 for a charitable purpose and are eligible to receive an ad
 324 valorem property tax exemption if such portions meet all of the
 325 following conditions:

326 1. Provide affordable housing to natural persons or
 327 families meeting the income limitations provided in paragraph
 328 (d). ~~+~~

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

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

338 3. Are rented for an amount that does not exceed the amount
 339 as specified by the most recent multifamily rental programs
 340 income and rent limit chart posted by the corporation and
 341 derived from the Multifamily Tax Subsidy Projects Income Limits
 342 published by the United States Department of Housing and Urban
 343 Development or 90 percent of the fair market value rent as
 344 determined by a rental market study meeting the requirements of
 345 paragraph (1) ~~(#)~~, whichever is less.

346 (c) If a unit that in the previous year received qualified
 347 ~~for~~ the exemption under this subsection and was occupied by a
 348 tenant is vacant on January 1, the vacant unit is eligible for

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349 the exemption if the use of the unit is restricted to providing
 350 affordable housing that would otherwise meet the requirements of
 351 this subsection and a reasonable effort is made to lease the
 352 unit to eligible persons or families.

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

354 a. Seventy-five percent of the assessed value of the units
 355 in multifamily projects that meet the requirements of this
 356 subsection and are ~~Qualified property~~ used to house natural
 357 persons or families whose annual household income is greater
 358 than 80 percent but not more than 120 percent of the median
 359 annual adjusted gross income for households within the
 360 metropolitan statistical area or, if not within a metropolitan
 361 statistical area, within the county in which the person or
 362 family resides; and, ~~must receive an ad valorem property tax~~
 363 ~~exemption of 75 percent of the assessed value.~~

364 b. ~~2.~~ From ad valorem property taxes the units in
 365 multifamily projects that meet the requirements of this
 366 subsection and are ~~Qualified property~~ used to house natural
 367 persons or families whose annual household income does not
 368 exceed 80 percent of the median annual adjusted gross income for
 369 households within the metropolitan statistical area or, if not
 370 within a metropolitan statistical area, within the county in
 371 which the person or family resides, ~~is exempt from ad valorem~~
 372 ~~property taxes.~~

373 2. When determining the value of a unit for purposes of
 374 applying an exemption pursuant to this paragraph, the property
 375 appraiser must include in such valuation the proportionate share
 376 of the residential common areas, including the land, fairly
 377 attributable to such unit.

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378 (e) To be eligible to receive an exemption under this
 379 subsection, a property owner must submit an application on a
 380 form prescribed by the department by March 1 for the exemption,
 381 accompanied by a certification notice from the corporation to
 382 the property appraiser. The property appraiser shall review the
 383 application and determine whether the applicant meets all of the
 384 requirements of this subsection and is entitled to an exemption.
 385 A property appraiser may request and review additional
 386 information necessary to make such determination. A property
 387 appraiser may grant an exemption only for a property for which
 388 the corporation has issued a certification notice and which the
 389 property appraiser determines is entitled to an exemption.

390 (f) To receive a certification notice, a property owner
 391 must submit a request to the corporation ~~for certification~~ on a
 392 form provided by the corporation which includes all of the
 393 following:

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

396 2. A list of the units for which the property owner seeks
 397 an exemption.

398 3. The rent amount received by the property owner for each
 399 unit for which the property owner seeks an exemption. If a unit
 400 is vacant and qualifies for an exemption under paragraph (c),
 401 the property owner must provide evidence of the published rent
 402 amount for each vacant unit.

403 4. If the units for which the property owner seeks an
 404 exemption have been substantially rehabilitated but have not
 405 been certified previously by the corporation pursuant to
 406 paragraph (g), a market value analysis meeting the requirements

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407 of paragraph (m) demonstrating that the units meet the
 408 definition of substantial rehabilitation in subparagraph (a)4.
 409 After receiving an initial certification notice for
 410 substantially rehabilitated units, a property owner is not
 411 required to submit a new market value analysis when requesting
 412 certification notices for subsequent years.

413 5. A sworn statement, under penalty of perjury, from the
 414 applicant restricting the property for a period of not less than
 415 3 years to housing persons or families who meet the income
 416 limitations under this subsection.

417 (g) The corporation shall review the request for a
 418 certification notice and certify whether a property that meets
 419 the eligibility criteria of paragraphs (b) and (c) this
 420 subsection. A determination by the corporation regarding a
 421 request for a certification notice does not constitute a grant
 422 of an exemption pursuant to this subsection or final agency
 423 action pursuant to chapter 120.

424 1. If the corporation determines that the property meets
 425 the eligibility criteria for an exemption under this subsection,
 426 the corporation must send a certification notice to the property
 427 owner and the property appraiser.

428 2. If the corporation determines that the property does not
 429 meet the eligibility criteria, the corporation must notify the
 430 property owner and include the reasons for such determination.

431 (h) The corporation shall post on its website the deadline
 432 to submit a request for a certification notice. The deadline
 433 must allow adequate time for a property owner to submit a timely
 434 application for exemption to the property appraiser.

435 (i) ~~The property appraiser shall review the application and~~

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436 ~~determine if the applicant is entitled to an exemption. A~~
 437 ~~property appraiser may grant an exemption only for a property~~
 438 ~~for which the corporation has issued a certification notice.~~

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

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

460 ~~(k)(l)~~ Property receiving an exemption pursuant to s.
 461 196.1979 is not eligible for this exemption.

462 ~~(l)(m)~~ A rental market study submitted as required by
 463 subparagraph (f)1. paragraph (f) must identify the fair market
 464 value rent of each unit for which a property owner seeks an

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465 exemption. Only a certified general appraiser as defined in s.
 466 475.611 may issue a rental market study. The certified general
 467 appraiser must be independent of the property owner who requests
 468 the rental market study. In preparing the rental market study, a
 469 certified general appraiser shall comply with the standards of
 470 professional practice pursuant to part II of chapter 475 and use
 471 comparable property within the same geographic area and of the
 472 same type as the property for which the exemption is sought. A
 473 rental market study must have been completed within 3 years
 474 before submission of the application.

475 (m) A market value analysis submitted as required by
 476 subparagraph (f)4. must identify the change in the market value
 477 of the unit attributable to the rehabilitation of the unit,
 478 expressed as a percentage of the market value before the
 479 rehabilitation, for each unit that has undergone rehabilitation.
 480 Only a certified general appraiser as defined in s. 475.611 may
 481 issue a market value analysis. The certified general appraiser
 482 must be independent of the property owner who requests the
 483 market value analysis. In preparing the market value analysis, a
 484 certified general appraiser shall comply with the standards of
 485 professional practice pursuant to part II of chapter 475 and use
 486 comparable property within the same geographic area and of the
 487 same type as the property for which the exemption is sought.

488 (n) The corporation may adopt rules to implement this
 489 section.

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

492 Section 4. The amendments made by this act to s. 196.1978,
 493 Florida Statutes, are intended to be remedial and clarifying in

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494 nature and apply retroactively to January 1, 2024.

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

498 333.03 Requirement to adopt airport zoning regulations.—
 499 (5) Sections 125.01055(7) and 166.04151(7) do not apply to
 500 any of the following:

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

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

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

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

511 420.507 Powers of the corporation.—The corporation shall
 512 have all the powers necessary or convenient to carry out and
 513 effectuate the purposes and provisions of this part, including
 514 the following powers which are in addition to all other powers
 515 granted by other provisions of this part:

516 (35) To preclude any applicant, sponsor, or affiliate of an
 517 applicant or sponsor from further participation in any of the
 518 corporation's programs as provided in s. 420.518, ~~any applicant~~
 519 ~~or affiliate of an applicant which has made a material~~
 520 ~~misrepresentation or engaged in fraudulent actions in connection~~
 521 ~~with any application for a corporation program.~~

522 Section 7. Subsection (3) of section 420.5096, Florida

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523 Statutes, is amended to read:

524 420.5096 Florida Hometown Hero Program.—

525 (3) For loans made available pursuant to s.

526 420.507(23)(a)1. or 2., the corporation may underwrite and make
527 those mortgage loans through the program to persons or families
528 who have household incomes that do not exceed 150 percent of the
529 state median income or local median income, whichever is
530 greater. A borrower must be seeking to purchase a home as a
531 primary residence; must be a first-time homebuyer and a Florida
532 resident; and must be employed full-time by a Florida-based
533 employer. The borrower must provide documentation of full-time
534 employment, or full-time status for self-employed individuals,
535 ~~of 35 hours or more per week.~~ The requirement to be a first-time
536 homebuyer does not apply to a borrower who is an active duty
537 servicemember of a branch of the armed forces or the Florida
538 National Guard, as defined in s. 250.01, or a veteran.

539 Section 8. Section 420.518, Florida Statutes, is amended to
540 read:

541 420.518 Preclusion from participation in corporation
542 programs ~~Fraudulent or material misrepresentation.—~~

543 (1) An applicant, a sponsor, or an affiliate of an
544 applicant or a sponsor may be precluded from participation in
545 any corporation program if the applicant or affiliate of the
546 applicant has:

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

549 (b) Been convicted or found guilty of, or entered a plea of
550 guilty or nolo contendere to, regardless of adjudication, a
551 crime in any jurisdiction which directly relates to the

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552 financing, construction, or management of affordable housing or
553 the fraudulent procurement of state or federal funds. The record
554 of a conviction certified or authenticated in such form as to be
555 admissible in evidence under the laws of the state shall be
556 admissible as prima facie evidence of such guilt.

557 (c) Been excluded from any federal funding program related
558 to the provision of housing, including debarment from
559 participation in federal housing programs by the United States
560 Department of Housing and Urban Development.

561 (d) Been excluded from any federal or Florida procurement
562 programs.

563 (e) Offered or given consideration, other than the
564 consideration to provide affordable housing, with respect to a
565 local contribution.

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

570 (g) Materially or repeatedly violated any condition imposed
571 by the corporation in connection with the administration of a
572 corporation program, including a land use restriction agreement,
573 an extended use agreement, or any other financing or regulatory
574 agreement with the corporation.

575 (2) Upon a determination by the board of directors of the
576 corporation that an applicant or affiliate of the applicant be
577 precluded from participation in any corporation program, the
578 board may issue an order taking any or all of the following
579 actions:

580 (a) Preclude such applicant or affiliate from applying for

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581 funding from any corporation program for a specified period. The
582 period may be a specified period of time or permanent in nature.
583 With regard to establishing the duration, the board shall
584 consider the facts and circumstances, inclusive of the
585 compliance history of the applicant or affiliate of the
586 applicant, the type of action under subsection (1), and the
587 degree of harm to the corporation's programs that has been or
588 may be done.

589 (b) Revoke any funding previously awarded by the
590 corporation for any development for which construction or
591 rehabilitation has not commenced.

592 (3) Before any order issued under this section can be
593 final, an administrative complaint must be served on the
594 applicant, affiliate of the applicant, or its registered agent
595 that provides notification of findings of the board, the
596 intended action, and the opportunity to request a proceeding
597 pursuant to ss. 120.569 and 120.57.

598 (4) Any funding, allocation of federal housing credits,
599 credit underwriting procedures, or application review for any
600 development for which construction or rehabilitation has not
601 commenced may be suspended by the corporation upon the service
602 of an administrative complaint on the applicant, affiliate of
603 the applicant, or its registered agent. The suspension shall be
604 effective from the date the administrative complaint is served
605 until an order issued by the corporation in regard to that
606 complaint becomes final.

607 Section 9. For the 2024-2025 fiscal year, from the funds
608 received and deposited into the General Revenue Fund from the
609 state's allocation from the federal Coronavirus State Fiscal

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610 Recovery Fund created under the American Rescue Plan Act of
611 2021, Pub. L. No. 117-2, the sum of \$100 million in nonrecurring
612 funds is appropriated to the State Housing Trust Fund for use by
613 the Florida Housing Finance Corporation to implement the Florida
614 Hometown Hero Program established in s. 420.5096, Florida
615 Statutes.

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

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 588

INTRODUCER: Senator Yarborough

SUBJECT: Alcohol or Drug Defense

DATE: January 17, 2024

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------------|----------------|-----------|------------------|
| 1. | <u>Collazo</u> | <u>Cibula</u> | <u>JU</u> | Favorable |
| 2. | <u>Collazo</u> | <u>Yeatman</u> | <u>FP</u> | Favorable |
| 3. | _____ | _____ | <u>RC</u> | _____ |

I. Summary:

SB 588 repeals s. 768.36, F.S., known as the alcohol or drug defense. The statute establishes a defense to liability for negligence on the grounds that the plaintiff was more than 50 percent at fault for his or her own harm because he or she was under the influence of alcohol or drugs.

In 2023, the Legislature enacted many changes to the laws governing negligence lawsuits. One of these changes replaced the state's pure comparative negligence system with a modified comparative negligence system. Under the state's modified comparative negligence system, a plaintiff cannot recover damages in most negligence actions if he or she is more than 50 percent at fault for his or her own harm.

Because state law now bars recovery if the plaintiff is more than 50 percent at fault for his or her harm *regardless of reason* (due to the changes enacted in 2023) – the so-called alcohol or drug defense, which similarly bars recovery if the plaintiff is more than 50 percent at fault *and also* under the influence of alcohol or drugs, is subsumed by the state's adoption of modified comparative negligence and therefore no longer necessary.

The bill takes effect on July 1, 2024.

II. Present Situation:

Recent Changes to Comparative Negligence in Florida

In 2023, the Legislature enacted numerous changes to the laws governing negligence lawsuits.¹ Among many other significant changes, the Legislature replaced the state's pure comparative negligence system with a modified comparative negligence system.² In order to understand how

¹ See generally ch. 2023-15, Laws of Fla.

² Chapter 2023-15, s. 9, Laws of Fla.. (codified at s. 768.81, F.S.).

these comparative negligence systems compare, one must first understand the concepts of joint and several liability, contributory negligence, and comparative negligence.

Joint and Several Liability

Traditionally, when multiple defendants contributed to a plaintiff's injury, the doctrine of "joint and several liability" required any one of the defendants to pay the full amount of the plaintiff's damages.³ This was true even where the defendants did not act in concert but instead each committed a separate and independent act, and then the acts combined to cause an injury to the plaintiff. For example, if defendants A, B, and C, while driving their vehicles, each contributed to an accident that caused a plaintiff damages of \$100,000, with A being 40 percent at fault, B being 59 percent at fault, and C being 1 percent at fault, the plaintiff could recover the full \$100,000 from the plaintiff's choice of any of the three defendants.

Contributory Negligence

Under the common law, a plaintiff who was found to be in any way at fault for his or her own injury was completely barred from recovering any damages from the defendant.⁴ This doctrine, known as "contributory negligence," prohibited any recovery by the plaintiff, even if the plaintiff had only barely contributed to his or her own injuries. The doctrine rested on a "policy of making the personal interests of each party depend upon his own care and prudence."⁵ However, over time, most United States jurisdictions began to believe the doctrine of contributory negligence was too harsh and began to change their approaches.

Comparative Negligence

In 1886, the Florida Supreme Court adopted the contributory negligence approach;⁶ and in 1914, the Court acknowledged its acceptance of the doctrine of joint and several liability.⁷ In 1973, the Florida Supreme Court, in *Hoffman v. Jones*,⁸ changed the state to a "pure comparative negligence" jurisdiction, deciding that the traditional contributory negligence approach was "almost universally regarded as unjust and inequitable."⁹ As a result, under the pure comparative negligence approach, juries would now decide the percentage of fault contributed by each party in an accident, and then the damages would be apportioned accordingly.¹⁰

In 1986, the Legislature passed the Tort Reform and Insurance Act ("Act"), which essentially codified *Hoffman* and further committed Florida to the comparative negligence approach.¹¹ Within the same Act, the Legislature also substantially limited the application of the doctrine of

³ See *Louisville & Nashville R.R. Co. v. Allen*, 65 So. 8, 12 (Fla. 1914) ("Where ... separate and independent acts of negligence of several combine to produce directly a single injury, each is responsible for the entire result ...").

⁴ See *Hoffman v. Jones*, 280 So. 2d 431 (Fla. 1973).

⁵ Kevin J. Grehan, *Comparative Negligence*, 81 COLUM. L. REV. 1668, note 3 (quoting W. Prosser, *The Law of Torts* s. 64, at 418 (4th ed. 1971)).

⁶ *Louisville & Nashville R.R. Co. v. Yniestra*, 21 Fla. 700 (1886).

⁷ *Allen*, 65 So. at 12.

⁸ 280 So. 2d 431 (Fla. 1973).

⁹ *Id.* at 436.

¹⁰ See *id.* at 438 (providing that "[i]f plaintiff and defendant are both at fault, the former may recover, but the amount of his recovery may be only such proportion of the entire damages plaintiff sustained as the defendant's negligence bears to the combined negligence of both the plaintiff and the defendant").

¹¹ Chapter 86-160, s. 60, Laws of Fla. (codified at s. 768.81(2), F.S.).

joint and several liability in negligence actions.¹² Joint and several liability was repealed for the purposes of most negligence actions in 2006.¹³

As a result, after 2006 until the 2023 changes, the state was a “pure comparative negligence jurisdiction” without the doctrine of joint and several liability.¹⁴ In other words, a jury in a typical negligence action would decide each party’s percentage of fault; and the court, in its final judgment, would apportion damages based on the jury’s fault determination.¹⁵ For example:

- If the plaintiff is 40 percent at fault for an accident causing the plaintiff \$100,000 in damages and the defendant is 60 percent at fault in such accident, the defendant is liable for 60 percent of the plaintiff’s damages – that is, \$60,000.
- If the plaintiff is 70 percent at fault for an accident causing the plaintiff \$100,000 in damages and the defendant is 30 percent at fault in such accident, the defendant is liable for 30 percent of the plaintiff’s damages – that is, \$30,000.

Modified Comparative Negligence

Following the changes enacted in 2023, Florida is no longer a “pure” comparative negligence jurisdiction, but a “modified” comparative negligence jurisdiction. With the exception of personal injury or wrongful death actions arising out of medical negligence pursuant to the medical malpractice statute,¹⁶ any party found to be greater than 50 percent at fault for his or her own harm may not recover any damages.¹⁷

Accordingly, a jury in a typical Florida negligence action now decides each party’s percentage of fault; and the court, in its final judgment, apportions damages based on the jury’s fault determination *but only if* the plaintiff is not found to be more than 50 percent at fault for his or her own harm.

Under this approach, if the plaintiff is found to be more than 50 percent at fault for his or her own harm, then the plaintiff may not recover damages from any defendant. For example:

- If the plaintiff is 51 percent and the defendant is 49 percent at fault for an accident causing the plaintiff \$100,000 in damages, the plaintiff recovers nothing.
- If the plaintiff and the defendant are each 50 percent at fault for such accident, the defendant is liable for 50 percent of the plaintiff’s damages – that is, \$50,000.

Notably, Florida joined 23 other states by adopting this form of modified comparative negligence, where a plaintiff recovers nothing if he or she is more than 50 percent at fault for his or her own harm.¹⁸

¹² Chapter 86-160, s. 60, Laws of Fla. (codified at s. 768.81(3), F.S.).

¹³ Chapter 2006-6, s. 1, Laws of Fla. (codified at s. 768.81(3), F.S.).

¹⁴ Section 768.81(3), F.S. (“In a negligence action, the court shall enter judgment against each party liable on the basis of such party’s percentage of fault and not on the basis of the doctrine of joint and several liability”).

¹⁵ See Fla. Sup. Ct. Std. Jury Instr. 501.4 (Comparative Negligence, Non-Party Fault and Multiple Defendants), <https://www.floridabar.org/rules/florida-standard-jury-instructions/civil-jury-instructions/civil-instructions/#500> (last visited Dec. 18, 2023).

¹⁶ Chapter 766, F.S.

¹⁷ Section 768.81(6), F.S.

¹⁸ Connecticut, Delaware, Hawaii, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Vermont, West Virginia,

Alcohol or Drug Defense

Even though the 2023 legislation adopted modified comparative negligence, where a plaintiff recovers nothing if he or she is more than 50 percent at fault for his or her own harm, it did not repeal the so-called “alcohol or drug defense” statute.¹⁹

The statute provides that in any civil action, a plaintiff may not recover any damages for loss or injury to person or property if the trier of fact finds that, at the time when the plaintiff was injured:

- The plaintiff was under the influence of any alcoholic beverage or drug to the extent that his or her normal faculties were impaired, or the plaintiff had a blood or breath alcohol level of 0.08 percent or higher; and
- As a result of the influence of such alcoholic beverage or drug, the plaintiff was more than 50 percent at fault for his or her own harm.²⁰

For purposes of this statute, the term:

- “Alcoholic beverage” means distilled spirits and any beverage that contains 0.5 percent or more alcohol by volume as determined in accordance with the Beverage Law.²¹
- “Drug” means any chemical substance identified in s. 877.111, F.S., which is the criminal statute identifying certain harmful chemical substances, the inhalation, ingestion, possession, sale, purchase, or transfer of which is punishable by law; or chapter 893, F.S., which identifies controlled substances.²² However, the term does not include any drug or medication obtained pursuant to a prescription which was taken in accordance with the prescription,²³ or any medication that is authorized under state or federal law for general distribution and use without a prescription in treating human diseases, ailments, or injuries and that was taken in the recommended dosage.

III. Effect of Proposed Changes:

The bill repeals s. 768.36, F.S., known as the alcohol or drug defense. The statute establishes a defense to liability for negligence on the grounds that the plaintiff was more than 50 percent at fault for his or her own harm because he or she was under the influence of alcohol or drugs.

Wisconsin, and Wyoming. See Forbes Advisor, *What Is Comparative Negligence?*, Mar. 8, 2023, <https://www.forbes.com/advisor/legal/personal-injury/comparative-negligence/> (identifying these 23 states as 51 percent rule modified comparative negligence states).

¹⁹ Section 768.36, F.S.

²⁰ Section 768.36(2), F.S.

²¹ Section 768.36(1)(a), F.S.; see also s. 561.01(4)(b), F.S. (providing that “[t]he percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though said remainder ingredients were distilled water”); see also s. 561.01(6), F.S. (defining the “Beverage Law” to mean chapters 561, 562, 563, 564, 565, 567, and 568, F.S.).

²² Section 768.36(1)(b), F.S.

²³ A “prescription” includes any order for drugs or medicinal supplies which is written or transmitted by any means of communication by a licensed practitioner authorized by the laws of Florida to prescribe such drugs or medicinal supplies, it issued in good faith and in the course of professional practice, is intended to be dispensed by a person authorized by the laws of Florida to do so, and meets the requirements of s. 893.04, F.S. (regulating pharmacists and practitioners). Section 893.02(24), F.S.

In 2023, the Legislature enacted many changes to the laws governing negligence lawsuits. One of these changes replaced the state's pure comparative negligence system with a modified comparative negligence system. Under the state's modified comparative negligence system, a plaintiff cannot recover damages in most negligence actions if he or she is more than 50 percent at fault for his or her own harm.

Because state law now bars recovery if the plaintiff is more than 50 percent at fault for his or her harm *regardless of reason* (due to the changes enacted in 2023) – the so-called alcohol or drug defense, which similarly bars recovery if the plaintiff is more than 50 percent at fault *and also* under the influence of alcohol or drugs, is subsumed by the state's adoption of modified comparative negligence and therefore no longer necessary.

The bill takes effect on July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 768.36 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 Yarborough

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A bill to be entitled

An act relating to alcohol or drug defense; repealing
s. 768.36, F.S., relating to alcohol or drug defense;
deleting a provision that prohibits a plaintiff from
recovering certain damages in a civil action if the
plaintiff was under the influence of alcoholic
beverages or drugs; providing an effective date.

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

- Section 1. Section 768.36, Florida Statutes, is repealed.
- Section 2. This act shall take effect July 1, 2024.

January 18, 2024

Meeting Date

Fiscal Policy

Committee

Name **Barney Bishop III**

Name

The Florida Senate

APPEARANCE RECORD

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

588

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **850-510-9922**

Phone

Address **1454 Vieux Carre Drive**

Address

Email **Barney@BarneyBishop.com**

Email

Street

Tallahassee

City

FL

State

32308

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Fiscal Policy Committee

Judge:

Started: 1/18/2024 1:30:57 PM

Ends: 1/18/2024 3:46:14 PM

Length: 02:15:18

| | |
|------------|---|
| 1:30:57 PM | Chair Hutson opens meeting |
| 1:31:19 PM | A quorum is present |
| 1:31:33 PM | Pledge of Allegiance |
| 1:32:07 PM | SB 328 is TP'd |
| 1:32:18 PM | Chair Hutson comments |
| 1:32:31 PM | Tab 1 SB 278 by Sen. Martin |
| 1:32:38 PM | Sen. Martin explains bill |
| 1:33:54 PM | Strike all amendment 951562 |
| 1:37:18 PM | Questions on amendment? |
| 1:38:19 PM | Sen. Jones |
| 1:38:24 PM | Sen. Martin |
| 1:39:31 PM | Sen. Jones |
| 1:40:32 PM | Sen. Martin |
| 1:40:39 PM | Sen. Jones |
| 1:40:45 PM | Sen. Martin |
| 1:41:38 PM | Sen. Jones |
| 1:41:42 PM | Sen. Martin |
| 1:42:04 PM | Sen. Jones |
| 1:42:12 PM | Sen. Martin |
| 1:42:43 PM | Sen. Stewart |
| 1:43:20 PM | Sen. Martin |
| 1:43:38 PM | Sen. Stewart |
| 1:43:53 PM | Sen. Martin |
| 1:44:19 PM | Sen. Thompson |
| 1:44:53 PM | Sen. Martin |
| 1:46:01 PM | Sen. Thompson |
| 1:47:02 PM | Sen. Martin |
| 1:47:16 PM | Sen. Thompson |
| 1:47:21 PM | Sen. Martin |
| 1:47:49 PM | Sen. Berman |
| 1:47:54 PM | Sen. Martin |
| 1:48:52 PM | Sen. Berman |
| 1:48:59 PM | Sen. Martin |
| 1:49:24 PM | Sen. Berman |
| 1:49:35 PM | Sen. Martin |
| 1:50:39 PM | Sen. Berman |
| 1:51:15 PM | Sen. Martin |
| 1:52:16 PM | Sen. Berman |
| 1:52:19 PM | Sen. Martin |
| 1:52:25 PM | Sen. Berman |
| 1:52:29 PM | Sen. Martin |
| 1:52:58 PM | Sen. Berman |
| 1:53:05 PM | Sen. Martin |
| 1:53:38 PM | Sen. Berman |
| 1:54:39 PM | Appearance forms |
| 1:55:46 PM | Mark Anderson, CEOMC and Community Association Managers, speaks against |
| 2:01:46 PM | Sen. Garcia questions |
| 2:01:56 PM | Mr. Anderson responds |
| 2:02:33 PM | Sen. Garcia |
| 2:02:48 PM | Mr. Anderson |
| 2:03:46 PM | Sen. Rodriguez |
| 2:04:46 PM | Mr. Anderson |

2:05:04 PM Sen. Boyd
2:06:04 PM Mr. Anderson
2:06:46 PM Sen. Boyd
2:06:50 PM Mr. Anderson
2:07:10 PM Sean Stafford, Associa, speaks against
2:11:04 PM Sen. Jones question
2:11:12 PM Mr. Stafford
2:12:38 PM Sen. Jones
2:12:43 PM Mr. Stafford
2:13:11 PM Sen. Jones
2:13:15 PM Mr. Stafford
2:14:43 PM Sen. Berman
2:14:48 PM Mr. Stafford
2:15:32 PM Sen. Garcia
2:15:37 PM Mr. Stafford
2:16:17 PM Travis Moore, Community Associations Institute, speaks against
2:19:26 PM Sen. Boyd question
2:19:34 PM Mr. Moore
2:21:42 PM Sen. Boyd
2:21:51 PM Mr. Moore
2:22:01 PM Sen. Jones
2:22:08 PM Mr. Moore
2:23:21 PM amendment adopted
2:24:02 PM debate on bill as amended
2:24:10 PM Sen. Jones
2:26:02 PM Sen. Boyd
2:28:10 PM Sen. Garcia
2:29:14 PM Sen. Stewart
2:29:49 PM Sen. Berman
2:30:41 PM Sen. Osgood
2:32:16 PM Sen. Thompson
2:33:39 PM Sen. Torres
2:35:58 PM Sen. Wright
2:36:35 PM Sen. Martin to close
2:40:41 PM Bill reported favorably
2:41:34 PM Tab 3 SB 298 by Sen. Polsky
2:41:37 PM Sen. Berman for Sen. Polsky explains the bill
2:42:55 PM Amendment 847466
2:43:02 PM Sen. Berman explains amendment
2:43:23 PM No questions or appearances on amendment
2:44:00 PM amendment adopted
2:44:07 PM back on bill as amended
2:44:14 PM no questions
2:44:19 PM Sen. Stewart in debate
2:44:36 PM Sen. Berman to close
2:44:45 PM Bill reported favorably
2:45:22 PM Tab 5 SB 588 by Sen. Yarborough
2:45:25 PM Sen. Yarborough explains the bill
2:46:10 PM No questions
2:46:18 PM Chair Hutson reads waives in support
2:46:23 PM No debate; Sen. Yarborough waives close
2:46:27 PM Bill reported favorably
2:47:16 PM Tab 2 SB 280 by Sen. DiCeglie
2:47:20 PM Sen. DiCeglie explains bill
2:53:49 PM Sen. Jones for questions
2:54:07 PM Sen. DiCeglie
2:55:11 PM Amendment 696386
2:56:12 PM Sen. DiCeglie explains amendment
3:01:26 PM Travis Moore on amendment
3:03:29 PM Chair Hutson comments
3:03:37 PM Sen. DiCeglie responds
3:03:49 PM No debate on amendment

3:03:55 PM amendment adopted
3:04:02 PM Back on bill as amended
3:04:14 PM Sen. Jones questions
3:04:41 PM Sen. DiCeglie
3:06:31 PM Sen. Jones
3:07:38 PM Sen. DiCeglie
3:08:42 PM Sen. Jones
3:09:11 PM Sen. DiCeglie
3:09:45 PM Sen. Jones
3:09:51 PM Sen. DiCeglie
3:10:02 PM Sen. Thompson
3:10:40 PM Sen. DiCeglie
3:11:33 PM Sen. Thompson
3:12:34 PM Sen. DiCeglie
3:12:49 PM Sen. Torres
3:13:30 PM Sen. DiCeglie
3:15:10 PM Sen. Torres
3:15:41 PM Sen. DiCeglie
3:15:50 PM Sen. Berman
3:16:51 PM Sen. DiCeglie responds
3:17:47 PM Chair Hutson comments
3:17:55 PM Sen. DiCeglie responds to Sen. Berman
3:18:33 PM Sen. Berman
3:18:43 PM Sen. DiCeglie
3:18:54 PM Sen. Mayfield
3:19:01 PM Sen. DiCeglie
3:19:41 PM Appearance cards
3:19:47 PM Jack Cory, representing Jacksonville Beach. speaks against
3:22:40 PM Mayor David Will, Redington Beach, speaks against
3:27:17 PM Sam Wagoner, Florida League of Cities, waives time against
3:27:18 PM Chair announces that meeting will be extended until completion
3:27:36 PM Samantha Padgett, Florida Restaurant & Lodging Assoc., speaks for information
3:31:57 PM Tiffany Edwards, Florida Professional Vacation Rental Coalition, speaks for information
3:36:11 PM Chair Hutson reads more waives
3:36:25 PM Jennifer Webb, Suncoast League of Cities, speaks against
3:37:07 PM Debate?
3:37:36 PM Sen. Thompson
3:38:20 PM Sen. Mayfield
3:42:20 PM Sen. DiCeglie to close
3:44:54 PM Bill reported favorably
3:45:57 PM Chair Hutson comments
3:46:00 PM Sen. Stewart moves to adjourn
3:46:04 PM Meeting adjourned