

Tab 1	SB 474 by Garcia (CO-INTRODUCERS) Gruters; (Identical to H 01131) Property Tax Administration						
678900	A	S	RCS	CA, Garcia	Delete L.252 - 268.	03/23 02:54 PM	
Tab 2	CS/SB 494 by JU, DiCeglie; (Identical to CS/H 00133) Fees in Lieu of Security Deposits						
Tab 3	SB 540 by DiCeglie; (Similar to CS/H 00359) Local Government Comprehensive Plans						
Tab 4	SB 696 by Ingoglia; (Identical to H 00729) Local Officials						
253906	A	S	RCS	CA, Ingoglia	Delete L.31 - 73:	03/23 02:39 PM	
Tab 5	SB 718 by Yarborough; (Similar to CS/H 00653) Municipal Boundaries						
412048	A	S	RCS	CA, Yarborough	Delete L.106 - 132:	03/24 10:09 AM	
768478	A	S	WD	CA, Yarborough	Delete L.119 - 132:	03/21 08:43 AM	
Tab 6	SB 950 by Rodriguez; (Identical to H 00669) Resiliency Energy Environment Florida Programs						
784304	A	S	RCS	CA, Rodriguez	Delete L.89 - 471:	03/23 05:58 PM	
Tab 7	SB 974 by Hooper; (Compare to H 01097) Disclosures of Ad Valorem Taxes						
Tab 8	CS/SB 1068 by CM, Collins (CO-INTRODUCERS) Boyd; (Similar to CS/H 01071) Drones						
391804	A	S	L RCS	CA, Collins	Delete L.27 - 29:	03/23 05:02 PM	
Tab 9	SB 1184 by Collins; (Similar to H 01343) Agricultural Lands						
128198	A	S	L RCS	CA, Collins	Delete L.65 - 144:	03/23 02:45 PM	
Tab 10	SB 1282 by Stewart; (Identical to H 01257) Public Restroom Requirements						
167108	A	S	RCS	CA, Stewart	Delete L.27:	03/23 04:46 PM	
Tab 11	SB 1346 by Avila; (Similar to CS/H 01317) Local Regulation of Nonconforming or Unsafe Structures						
395166	D	S	RCS	CA, Avila	Delete everything after	03/24 10:57 AM	
Tab 12	SB 1614 by Rodriguez; (Identical to H 01575) Public Safety Emergency Communications Systems						
Tab 13	SB 1666 by Wright; (Identical to H 01491) Marine Encroachment on Spaceflight and Military Operations						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Calatayud, Chair
Senator Osgood, Vice Chair

MEETING DATE: Wednesday, March 22, 2023

TIME: 11:00 a.m.—1:30 p.m.

PLACE: James E. "Jim" King, Jr Committee Room, 401 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 474 Garcia (Identical H 1131)	Property Tax Administration; Revising the timeframe under which certain appeals of value adjustment board decisions must be filed by a property appraiser under certain circumstances; specifying when erroneous assessments of homestead property must be corrected; authorizing a taxpayer to appeal the amount of a homestead assessment limitation difference with the value adjustment board; adding appeals for which a value adjustment board must meet to hear, etc. CA 03/22/2023 Fav/CS FT AP	Fav/CS Yeas 8 Nays 1
2	CS/SB 494 Judiciary / DiCeglie (Identical CS/H 133)	Fees in Lieu of Security Deposits; Authorizing a landlord to offer a tenant the option to pay a fee in lieu of a security deposit; requiring the landlord to notify the tenant of certain unpaid fees and costs within a specified time after the conclusion of the tenancy; requiring a written agreement signed by the landlord, or the landlord's agent, and the tenant if the tenant decides to pay a fee in lieu of the security deposit; specifying that certain fees, insurance products, and surety bonds are not security deposits; prohibiting a landlord from approving or denying an application for occupancy based on a prospective tenant's choice to pay a fee in lieu of a security deposit, etc. JU 03/07/2023 Fav/CS CA 03/22/2023 Favorable RC	Favorable Yeas 8 Nays 1
3	SB 540 DiCeglie (Similar CS/H 359)	Local Government Comprehensive Plans; Authorizing certain administrative modifications to capital improvement schedules; providing that the prevailing party in a challenge to a plan or plan amendment is entitled to recover attorney fees and costs; awarding attorney fees and costs, including reasonable appellate attorney fees and costs, to the prevailing party in a challenge to the compliance of a small scale development amendment, etc. CA 03/22/2023 Favorable JU RC	Favorable Yeas 6 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Wednesday, March 22, 2023, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 696 Ingoglia (Identical H 729)	Local Officials; Providing that the employment contract for a county administrator is not to be renewed, extended, or renegotiated during a specified timeframe; providing that the employment contract for a county attorney is not to be renewed, extended, or renegotiated during a specified timeframe; providing that the employment contracts for a chief executive officer of a municipality and a municipal attorney are not to be renewed, extended, or renegotiated during a specified timeframe; providing that a district school superintendent's employment contract with the district school board is not to be renewed, extended, or renegotiated during a specified timeframe; providing that the employment contract of an attorney employed by a district school board is not to be renewed, extended, or renegotiated during a specified timeframe, etc. CA 03/22/2023 Fav/CS GO RC	Fav/CS Yeas 8 Nays 0
5	SB 718 Yarborough (Similar CS/H 653)	Municipal Boundaries; Specifying the measurement of land during annexation procedures; removing certain procedures regarding elector votes during annexation procedures; revising contraction procedures when qualified voters desire to be excluded from municipal boundaries; prohibiting contraction under certain circumstances, etc. CA 03/15/2023 Not Considered CA 03/22/2023 Fav/CS GO RC	Fav/CS Yeas 9 Nays 0
6	SB 950 Rodriguez (Identical H 669)	Resiliency Energy Environment Florida Programs; Providing that a property owner may apply to a Resiliency Energy Environment Florida (REEF) program for funding to finance a qualifying improvement and may enter into an assessment financing agreement with a local government; revising and specifying public recording requirements for assessment financing agreements and notices of lien; revising requirements for qualifying improvements; revising the calculation of non-ad valorem assessment limits; specifying additional annual reporting requirements for program administrators, etc. CA 03/22/2023 Fav/CS JU FP	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Wednesday, March 22, 2023, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 974 Hooper (Compare H 1097)	Disclosures of Ad Valorem Taxes; Requiring online real property listing platforms to include an ad valorem tax estimator for online listings of residential property; providing requirements for such tax estimator and platforms; requiring online real property listing platforms to use listing prices for purposes of the tax estimator, etc. CA 03/22/2023 Favorable FT AP	Favorable Yeas 8 Nays 0
8	CS/SB 1068 Commerce and Tourism / Collins (Similar CS/H 1071)	Drones; Prohibiting a political subdivision from taking certain actions relating to drone delivery services; exempting drone ports from the Florida Building Code; exempting drone ports from the Florida Fire Prevention Code and other specified codes incorporated by reference, etc. CM 03/13/2023 Fav/CS CA 03/22/2023 Fav/CS RC	Fav/CS Yeas 8 Nays 0
9	SB 1184 Collins (Similar H 1343)	Agricultural Lands; Increasing the nonresidential farm building just value threshold for certain special assessments; authorizing construction or installation of housing for migrant farmworkers on certain lands; prohibiting local governments from adopting land use or zoning restrictions, conditions, or regulations that require certain termination or surrender of agricultural classifications; providing tax credits for the rental or purchase of specified housing for migrant farmworkers; providing requirements for claiming the tax credit, etc. CA 03/22/2023 Fav/CS FT AP	Fav/CS Yeas 8 Nays 0
10	SB 1282 Stewart (Identical H 1257)	Public Restroom Requirements; Requiring the Florida Building Commission to adopt certain requirements in the Florida Building Code for certain public restroom facilities newly constructed or renovated after a specified date, etc. CA 03/22/2023 Fav/CS RI RC	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Wednesday, March 22, 2023, 11:00 a.m.—1:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1346 Avila (Similar CS/H 1317)	Local Regulation of Nonconforming or Unsafe Structures; Authorizing private property owners to obtain building permits to demolish certain historic structures under certain circumstances; designating the "Resiliency and Safe Structures Act"; prohibiting local governments from prohibiting, restricting, or preventing the demolition of certain structures unless necessary for public safety; providing that owners and developers of such structures are entitled to certain land use and development rights; providing for retroactive application, etc. CA 03/22/2023 Fav/CS EN RC	Fav/CS Yeas 8 Nays 1
12	SB 1614 Rodriguez (Identical H 1575)	Public Safety Emergency Communications Systems; Requiring a qualified third party to make a specified certification before a local authority having jurisdiction may require an assessment of the need for or the installation of a two-way radio communications enhancement system in certain buildings; specifying the length of time such certification is valid; prohibiting the local authority having jurisdiction from withholding a certificate of occupancy under certain circumstances and from requiring the installation of a specified system within a certain time period after completion of a specified report, etc. CA 03/22/2023 Favorable BI RC	Favorable Yeas 8 Nays 0
13	SB 1666 Wright (Identical H 1491, Compare H 1209, S 1664)	Marine Encroachment on Spaceflight and Military Operations; Encouraging the sharing of information about certain community grants through specified federal programs to facilitate the compatibility and resiliency of community planning and the activities and mission of a military installation or range; requiring the head of a law enforcement agency or entity to report the establishment of a temporary protection zone to the appropriate port authority; requiring the port authority to direct a licensed state pilot or certificated deputy pilot to hand deliver written notice of such establishment and related penalties to operators of certain vessels, etc. CA 03/22/2023 Favorable MS RC	Favorable Yeas 9 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 474

INTRODUCER: Community Affairs Committee and Senator Garcia

SUBJECT: Property Tax Administration

DATE: March 23, 2023

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 474 makes various changes to the process of determining accurate assessments of property for the purpose of collecting ad valorem taxes. The bill:

- Amends the timeline for a property appraiser to appeal a decision of the Value Adjustment Board;
- Reduces situations in which an error in assessed value results in a property owner being assessed back taxes, interest, and penalties;
- Increases the types of appeals a Value Adjustment Board may hear; and
- Increases requirements to be met before a property appraiser in a large county may appeal a decision of the Value Adjustment Board.

The Revenue Estimating Conference has determined various sections of the bill will have significant negative impacts on local government revenues. See Section V., Fiscal Impact Statement.

The bill takes effect January 1, 2024.

II. Present Situation:

General Overview of Property Taxation

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

The Florida Constitution prohibits the state from levying ad valorem taxes⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

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

Property Tax Exemptions for Homesteads

Statewide Homestead Exemption

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹¹ An additional

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

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

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art VII, s. 6(a) and s. 196.031, F.S.

\$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.¹² This exemption does not apply to ad valorem taxes levied by school districts.

Additional Homestead Exemptions

The Florida Constitution authorizes additional homestead exemptions, either directly through legislation or through statutory permission for local governments to enact:

- An exemption not exceeding \$50,000 in home value for any low-income senior.¹³
- An exemption of the entire assessed value of a low-income senior's homestead with a just value less than \$250,000 if he or she has maintained that homestead for not less than 25 years.^{14, 15}
- A veteran or first responder¹⁶ with a total and permanent service-connected disability is entitled to a complete exemption for property owned and used as a homestead.¹⁷
- A veteran with a total service-connected disability that confines him or her to a wheelchair is entitled to a complete exemption for property owned and used as a homestead. Upon the veteran's death, the exemption carries over to the veteran's unremarried surviving spouse.¹⁸
- A veteran disabled to a degree of 10 percent or more by misfortune or during wartime service is entitled to an exemption for any property up to \$5,000. Upon the death of the veteran, the exemption carries over to the veteran's unremarried surviving spouse.¹⁹
- The unremarried surviving spouse of a veteran or first responder who died while on active duty is entitled to a complete exemption for property owned and used as a homestead if the veteran was a permanent resident of Florida on the day he or she died.²⁰
- Certain combat-disabled veterans are entitled to a discount on their homestead property taxes.²¹

Limitation on Annual Increases in Assessments for Homestead Properties

The Florida Constitution²² provides that, for those entitled to a homestead exemption, the assessed value of the homestead shall be changed annually on January 1st of each year, but those changes in assessments shall not exceed the lesser of three percent of the prior year's assessment or the percent change in the Consumer Price Index²³ for the preceding calendar year.²⁴

¹² Section 196.031(1)(b), F.S.

¹³ Implementing FLA. CONST. art. VII, s. 6(d)(1).

¹⁴ Implementing FLA. CONST. art. VII, s. 6(d)(2)

¹⁵ Taxpayers who initially receive the exemption are denied the exemption in a later year if the just value of their homestead exceeds \$250,000.

¹⁶ "First responder" in this context means a law enforcement officer or correctional officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 who is a full-time paid employee, part-time paid employee, or unpaid volunteer. Section 196.081(6)(c)1., F.S.

¹⁷ Sections 196.081 and 196.102, F.S.

¹⁸ Section 196.091(1) and (3), F.S.

¹⁹ Section 196.24, F.S.

²⁰ Section 196.081(4), (6) F.S.

²¹ Section 196.082, F.S.

²² As amended by Constitutional Amendment 10 (1992), commonly referred to as the "Save Our Homes" initiative.

²³ Specifically the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports.

²⁴ FLA. CONST. art. VII, s. 4(d)(1), implemented by section 193.155, F.S.

Improperly Granted Homestead Exemptions

Section 196.161, F.S., provides a mechanism for recovery of taxes from persons improperly granted a homestead exemption. Section 196.161(1)(b), F.S., provides that if the property appraiser determines that a person was not entitled to a homestead exemption for any time within the prior 10 years, then the property appraiser must record a tax lien against the property. In addition to the property being liable for all taxes exempt, there is a penalty of 50 percent of the unpaid taxes for each year, plus 15 percent interest per year. However, penalties and interest are not due when the exemption was improperly granted as a result of a clerical error or an omission by the property appraiser.

Error in Assessments

If an error is made in the assessment of homestead,²⁵ non-homestead residential,²⁶ or nonresidential²⁷ property through either material mistake of fact by the property appraiser or new construction of which the property appraiser was not aware, the property appraiser must recalculate the just and assessed values for each year beginning with the year the mistake first occurred. A property owner who has benefited from such a mistaken assessment may be subject to liability for unpaid back taxes.²⁸ If a property owner benefits from a mistakenly granted assessment limitation, they may be subject to back taxes as well as 15 percent annual interest and a 50 percent penalty.²⁹

The Value Adjustment Board Process

Each county has a Value Adjustment Board (VAB), comprised of two members of the governing body of the county, one member of the school board, and two citizen members appointed by the governing body of the county.³⁰ The county clerk acts as the clerk of the VAB.³¹ The VAB may meet for the following enumerated reasons:

- Hearing petitions relating to assessments filed pursuant to s. 194.011(3), F.S.;
- Hearing complaints relating to homestead exemptions;
- Hearing appeals from exemptions denied, or disputes arising from exemptions granted, upon the filing of exemption applications;
- Hearing appeals concerning ad valorem tax deferrals and classifications; and
- Hearing appeals from determinations that a change of ownership or control, or a qualifying improvement has occurred.

A property owner may initiate an assessment valuation challenge by filing a petition with the clerk of the VAB within 25 days after the mailing of the TRIM notice.³²

²⁵ Section 193.155(9), F.S.

²⁶ Section 193.1554(9), F.S.

²⁷ Section 193.1555(9), F.S.

²⁸ Section 193.092, F.S.

²⁹ Sections 193.155(10), 193.1554(10), and 193.1555(10), F.S.

³⁰ Section 194.015, F.S.

³¹ *Id.*

³² Section 194.011(3)(d), F.S. The TRIM (Truth in Millage) notice informs a property owner of total ad valorem tax liability as well as other information about the assessment and millage rates. With respect to an issue involving the denial of an exemption, an agricultural or high-water recharge classification application, an application for classification as historic

The clerk of the VAB will schedule the petition for a hearing, during which a special magistrate will hear testimony and make a recommendation to the VAB on how the petition should be resolved.³³ The VAB renders a written decision within 20 calendar days after the last day the VAB is in session.³⁴ The decision of the VAB must contain findings of fact and conclusions of law and must include reasons for upholding or overturning the determination of the property appraiser.³⁵ The clerk of the VAB, upon issuance of a decision, must notify each taxpayer and the property appraiser of the decision of the VAB.³⁶

Appeals of VAB Decisions

The property appraiser may appeal a decision of the VAB in circuit court if one of the following criteria are met:

- The property appraiser determines and affirmatively asserts in any legal proceeding that there is a specific constitutional or statutory violation, or a specific violation of administrative rules, in the decision of the VAB;
- There is a variance from the property appraiser's assessed value in excess of the following:
 - 15 percent variance from any assessment of \$50,000 or less;
 - 10 percent variance from any assessment in excess of \$50,000 but not in excess of \$500,000;
 - 7.5 percent variance from any assessment in excess of \$500,000 but not in excess of \$1 million; or
 - 5 percent variance from any assessment in excess of \$1 million; or
- There is an assertion by the property appraiser to the Department of Revenue that there exists a consistent and continuous violation of the intent of the law or administrative rules by the VAB in its decisions.

An appeal must be initiated either before the property appraiser extends the tax rolls following initial certification, or within 30 days of final recertification following an extension which occurs prior to completion of VAB hearings.³⁷

Change of Ownership

In general, property is assessed at just value as of January 1 of the year following a change of ownership or control, and assessment limitations are applied thereafter to the initial just value to limit the assessed value. For non-homestead residential and nonresidential property a change of ownership or control includes any sale, foreclosure, transfer of legal title or beneficial title in equity to any person, or the cumulative transfer of control or of more than 50 percent of the ownership of the legal entity that owned the property when it was most recently assessed at just value.³⁸ Certain actions are specifically delineated as not triggering a change of ownership:

property used for commercial or certain nonprofit purposes, or a deferral, the petition must be filed at any time during the taxable year on or before the 30th day following the mailing of the notice by the property appraiser.

³³ Section 194.035, F.S.

³⁴ Section 194.034(2), F.S.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Section 193.122(4), F.S.

³⁸ Sections 193.1554(5) and 193.1555(5), F.S.

- Transfer of title to correct an error;
- Transfer between legal and equitable title;
- Transfer between husband and wife, including to a surviving spouse or transfer due to a dissolution of marriage;
- Cumulative transfer of ownership of the publicly traded company that controls the property due to the buying and selling of shares of the company on public exchange.³⁹

III. Effect of Proposed Changes:

Section 1 amends s. 193.122, F.S., to provide that, when a county extends tax rolls prior to the completion of VAB hearings, a property appraiser must initiate an appeal of VAB decisions within 30 days of the decision, as opposed to within 30 days of final certification of tax rolls. This gives the property appraiser a shorter timeframe in which to decide whether to appeal an individual VAB decision.

Sections 2, 3, 4, and 8 provide, in part, that if an error is made in the assessment of homestead, non-homestead residential, or nonresidential property by way of material mistake of fact by the property appraiser or due to new construction of which the property appraiser was not aware, the just and assessed value will be recalculated only in the year such an error was discovered, and the property owner will not be liable for back taxes.

Additionally, the bill provides that in the event that a property appraiser has improperly granted an assessment limitation as a result of clerical mistake or omission the property owner may not be assessed back taxes, penalty, or interest. Further, a property appraiser's error which grants an improper homestead exemption will also not result in back taxes, penalty, or interest.

Sections 3 and 4 amend ss. 193.1554 and 193.1555, F.S., respectively, to provide that, for the purposes of triggering a new assessment at just value, no change of ownership occurs if non-homestead residential or nonresidential property is transferred between an individual or individuals and an entity, or between legal entities, which results solely in a change in the method of holding title to the real property and does not create cumulative transfer of control of more than 50 percent of the ownership.

Section 5 provides that the above changes related to transfer of property are intended to be remedial and clarifying in nature and apply retroactively, but do not provide a basis for an assessment of any tax or create a right to a refund of any tax paid prior to the effective date.

Section 6 amends s. 194.032, F.S., to provide two new purposes for the VAB to meet, and therefore two new types of appeals the VAB may hear:

- Hearing appeals concerning the validity or amount of assessed back taxes.
- Hearing appeals on the issue of whether a tangible personal property return was timely filed for the purposes of contesting related assessments and waiving penalties.

Section 7 amends s. 194.036, F.S., to adjust, for large counties, the variance between initial assessment and VAB decision required to allow a property appraiser to appeal the decision of the

³⁹ *Id.*

VAB. The values for counties with a population of 75,000 or less are unchanged from current law, while the values for counties with a population of more than 75,000 are provided by the bill as follows:

- 30 percent variance from any assessment of \$50,000 or less;
- 20 percent variance from any assessment in excess of \$50,000 but not in excess of \$500,000;
- 17.5 percent variance from any assessment in excess of \$500,000 but not in excess of \$1 million; or
- 15 percent variance from any assessment in excess of \$1 million.

Section 9 provides that the bill takes effect January 1, 2024.

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 Revenue Estimating Conference reviewed sections of the bill reducing the situations in which back taxes, interest, and penalties are assessed and estimate them to reduce local government revenues by \$12.5 million beginning in 2024.⁴⁰ No exceptions to the constitutional mandates provision appear to apply to this language, and therefore the bill may be a mandate.

Additionally, the Revenue Estimating Conference reviewed other sections of the bill concerning valid appeals to a VAB and appeals by a property appraiser of VAB decisions and found them to significantly reduce local revenue beginning in 2024. However, these sections conceptually regard the process by which a proper assessment is calculated, and thus may not be considered to “reduce the authority” to raise revenues.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

⁴⁰ Office of Economic and Demographic Research, *Revenue Estimating Conference Impact Results: HB 1131 / SB 474*, 261-262 (Mar. 17, 2023), available at: http://edr.state.fl.us/content/conferences/revenueimpact/archives/2023/_pdf/impact0317.pdf (last visited Mar. 18, 2023).

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Back Taxes, Interest, and Penalties

The Revenue Estimating Conference has determined these sections of the bill will reduce local government ad valorem receipts by \$12.5 million beginning in 2024.⁴¹

Valid VAB Appeals

The Revenue Estimating Conference has determined these sections of the bill will reduce local government ad valorem receipts by \$24.7 million beginning in 2024.⁴²

Valid Property Appraiser Appeals of VAB Decisions

The Revenue Estimating Conference has determined these sections of the bill will reduce local government ad valorem receipts by \$1.4 million beginning in 2024.⁴³

B. Private Sector Impact:

Property owners will be positively impacted to the extent that they are advantaged in property assessment when situations requiring assessment of back taxes, interest, and penalties are reduced, valid options for bringing a VAB appeal of a property appraiser's assessment are increased, and the requirements for a property appraiser to appeal a VAB decision are increased.

C. Government Sector Impact:

Local governments will be negatively impacted to the extent that they are disadvantaged in property assessment when situations requiring assessment of back taxes, interest, and penalties are reduced, valid options for bringing a VAB appeal of a property appraiser's assessment are increased, and the requirements for a property appraiser to appeal a VAB decision are increased.

The bill has no fiscal impact on state government.

VI. Technical Deficiencies:

None.

⁴¹ *Id.*

⁴² *Id.* at 264-266.

⁴³ *Id.* at 270-271.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 193.122, 193.155, 193.1554, 193.1555, 194.032, 194.036, and 196.011 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on March 22, 2023:

The CS deletes previous section 6 related to appeals of assessment limitation differences granted by property appraisers.

- B. **Amendments:**

None.



678900

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 252 - 268.

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

And the title is amended as follows:

Delete lines 22 - 25

and insert:

s.

By Senator Garcia

36-00340A-23

2023474__

A bill to be entitled
An act relating to property tax administration;
amending s. 193.122, F.S.; revising the timeframe
under which certain appeals of value adjustment board
decisions must be filed by a property appraiser under
certain circumstances; amending s. 193.155, F.S.;
specifying when erroneous assessments of homestead
property must be corrected; deleting a calculation of
back taxes; specifying that certain erroneous property
assessments may, rather than must, be corrected in a
specified manner; amending ss. 193.1554 and 193.1555,
F.S.; adding circumstances under which there is no
change of ownership for purposes of an assessment
limitation on nonhomestead residential property or
certain nonresidential real property, respectively;
specifying when erroneous property assessments must be
corrected; deleting a calculation of back taxes;
providing that a taxpayer receiving an erroneously
granted property assessment limitation need not pay
the unpaid taxes, penalties, or interest; providing
construction and retroactive applicability; amending
s. 194.011, F.S.; authorizing a taxpayer to appeal the
amount of a homestead assessment limitation difference
with the value adjustment board; specifying
requirements for the petition for appeal; amending s.
194.032, F.S.; adding appeals for which a value
adjustment board must meet to hear; amending s.
194.036, F.S.; revising, for counties above a
specified population threshold, a condition under

36-00340A-23

2023474__

which a property appraiser may appeal a decision of
the value adjustment board; amending s. 196.011, F.S.;
providing that a taxpayer need not pay unpaid taxes,
penalties, or interest for erroneously granted
exemptions for which annual application or statement
requirements are waived; providing an effective date.

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

Section 1. Subsection (4) of section 193.122, Florida
Statutes, is amended to read:

193.122 Certificates of value adjustment board and property
appraiser; extensions on the assessment rolls.—

(4) An appeal of a value adjustment board decision pursuant
to s. 194.036(1)(a) or (b) by the property appraiser shall be
filed prior to extension of the tax roll under subsection (2)
or, if the roll was extended pursuant to s. 197.323, within 30
days after the date a decision is rendered concerning such
assessment by the value adjustment board ~~of recertification~~
~~under subsection (3)~~. The roll may be certified by the property
appraiser prior to an appeal being filed pursuant to s.
194.036(1)(c), but such appeal shall be filed within 20 days
after receipt of the decision of the department relative to
further judicial proceedings.

Section 2. Subsections (9) and (10) of section 193.155,
Florida Statutes, are amended to read:

193.155 Homestead assessments.—Homestead property shall be
assessed at just value as of January 1, 1994. Property receiving
the homestead exemption after January 1, 1994, shall be assessed

36-00340A-23

2023474__

at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(9) Erroneous assessments of homestead property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the just value and assessed value must be recalculated beginning in the year such mistake is discovered ~~for every such year, including the year in which the mistake occurred.~~

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years, beginning in the year such mistake is discovered, shall be corrected, applying this section if applicable.

~~(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.~~

(10) If the property appraiser determines that for any year or years within the prior 10 years a person who was not entitled to the homestead property assessment limitation granted under this section was granted the homestead property assessment limitation, the property appraiser making such determination shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any

36-00340A-23

2023474__

property owned by that person in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, when a person entitled to exemption pursuant to s. 196.031 inadvertently receives the limitation pursuant to this section following a change of ownership, or if the property appraiser improperly grants the property assessment limitation as a result of an error, including, but not limited to, a clerical mistake or an omission, the assessment of such property may ~~must~~ be corrected as provided in paragraph (9)(a), and the person need not pay the unpaid taxes, penalties, or interest. Before a lien may be filed, the person or entity so notified must be given 30 days to pay the taxes and any applicable penalties and interest. ~~If the property appraiser improperly grants the property assessment limitation as a result of a clerical mistake or an omission, the person or entity improperly receiving the property assessment limitation may not be assessed a penalty or interest.~~

Section 3. Present paragraph (d) of subsection (5) of section 193.1554, Florida Statutes, is redesignated as paragraph (e), a new paragraph (d) is added to that subsection, and subsections (9) and (10) of that section are amended, to read:

193.1554 Assessment of nonhomestead residential property.—

(5) Except as provided in this subsection, property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership or control. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (3)

36-00340A-23

2023474__

and (4). For purpose of this section, a change of ownership or control means any sale, foreclosure, transfer of legal title or beneficial title in equity to any person, or the cumulative transfer of control or of more than 50 percent of the ownership of the legal entity that owned the property when it was most recently assessed at just value, except as provided in this subsection. There is no change of ownership if:

(d) The transfer is between an individual or individuals and an entity, or between legal entities, which results solely in a change in the method of holding title to the real property and there is no cumulative transfer of control of more than 50 percent of the ownership.

(9) Erroneous assessments of nonhomestead residential property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the just value and assessed value must be recalculated beginning in the year such mistake is discovered ~~for every such year, including the year in which the mistake occurred.~~

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years, beginning in the year such mistake is discovered, shall be corrected, applying this section if applicable.

36-00340A-23

2023474__

~~(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.~~

(10) If the property appraiser determines that for any year or years within the prior 10 years a person or entity who was not entitled to the property assessment limitation granted under this section was granted the property assessment limitation, the property appraiser making such determination shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property that is situated in this state is subject to the unpaid taxes, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. However, if the assessment limitation is granted as a result of an error by the property appraiser, including, but not limited to, a clerical mistake or an omission, the taxpayer need not pay the unpaid taxes, penalties, or interest. Before a lien may be filed, the person or entity so notified must be given 30 days to pay the taxes and any applicable penalties and interest. ~~If the property appraiser improperly grants the property assessment limitation as a result of a clerical mistake or an omission, the person or entity improperly receiving the property assessment limitation may not be assessed a penalty or interest.~~

Section 4. Paragraph (b) of subsection (5) and subsections (9) and (10) of section 193.1555, Florida Statutes, are amended to read:

193.1555 Assessment of certain residential and

36-00340A-23

2023474__

175 nonresidential real property.—

176 (5) Except as provided in this subsection, property
177 assessed under this section shall be assessed at just value as
178 of January 1 of the year following a qualifying improvement or
179 change of ownership or control. Thereafter, the annual changes
180 in the assessed value of the property are subject to the
181 limitations in subsections (3) and (4). For purpose of this
182 section:

183 (b) A change of ownership or control means any sale,
184 foreclosure, transfer of legal title or beneficial title in
185 equity to any person, or the cumulative transfer of control or
186 of more than 50 percent of the ownership of the legal entity
187 that owned the property when it was most recently assessed at
188 just value, except as provided in this subsection. There is no
189 change of ownership if:

190 1. The transfer of title is to correct an error.

191 2. The transfer is between legal and equitable title.

192 3. The transfer is between an individual or individuals and
193 an entity, or between legal entities, which results solely in a
194 change in the method of holding title to the real property and
195 there is no cumulative transfer of control of more than 50
196 percent of the ownership.

197 4. For a publicly traded company, the cumulative transfer
198 of more than 50 percent of the ownership of the entity that owns
199 the property occurs through the buying and selling of shares of
200 the company on a public exchange. This exception does not apply
201 to a transfer made through a merger with or acquisition by
202 another company, including acquisition by acquiring outstanding
203 shares of the company.

36-00340A-23

2023474__

(9) Erroneous assessments of nonresidential real property assessed under this section may be corrected in the following manner:

(a) If errors are made in arriving at any assessment under this section due to a material mistake of fact concerning an essential characteristic of the property, the just value and assessed value must be recalculated beginning in the year such mistake is discovered ~~for every such year, including the year in which the mistake occurred.~~

(b) If changes, additions, or improvements are not assessed at just value as of the first January 1 after they were substantially completed, the property appraiser shall determine the just value for such changes, additions, or improvements for the year they were substantially completed. Assessments for subsequent years, beginning in the year such mistake is discovered, shall be corrected, applying this section if applicable.

~~(c) If back taxes are due pursuant to s. 193.092, the corrections made pursuant to this subsection shall be used to calculate such back taxes.~~

(10) If the property appraiser determines that for any year or years within the prior 10 years a person or entity who was not entitled to the property assessment limitation granted under this section was granted the property assessment limitation, the property appraiser making such determination shall serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property that is

36-00340A-23

2023474__

233 situated in this state is subject to the unpaid taxes, plus a
234 penalty of 50 percent of the unpaid taxes for each year and 15
235 percent interest per annum. However, if the assessment
236 limitation is granted as a result of an error by the property
237 appraiser, including, but not limited to, a clerical mistake or
238 an omission, the taxpayer need not pay the unpaid taxes,
239 penalties, or interest. Before a lien may be filed, the person
240 or entity so notified must be given 30 days to pay the taxes and
241 any applicable penalties and interest. ~~If the property appraiser~~
242 ~~improperly grants the property assessment limitation as a result~~
243 ~~of a clerical mistake or an omission, the person or entity~~
244 ~~improperly receiving the property assessment limitation may not~~
245 ~~be assessed a penalty or interest.~~

246 Section 5. The amendments made by this act to ss.
247 193.1554(5) and 193.1555(5)(b), Florida Statutes, are intended
248 to be remedial and clarifying in nature and apply retroactively,
249 but do not provide a basis for an assessment of any tax or
250 create a right to a refund of any tax paid before the effective
251 date of this act.

252 Section 6. Present paragraphs (a) through (e) of subsection
253 (6) of section 194.011, Florida Statutes, are redesignated as
254 paragraphs (b) through (f), respectively, and a new paragraph
255 (a) is added to that subsection, to read:

256 194.011 Assessment notice; objections to assessments.—

257 (6) The following provisions apply to petitions to the
258 value adjustment board concerning the assessment of homestead
259 property at less than just value under s. 193.155(8):

260 (a) If the taxpayer does not agree with the amount of the
261 assessment limitation difference for which the taxpayer

36-00340A-23

2023474__

262 qualifies as stated by the property appraiser, the taxpayer may
263 appeal the amount of assessment limitation difference. The
264 appeal must be filed as an appeal of the new homestead property
265 to which the contested assessment limitation difference has been
266 applied and must be filed in the tax year in which the
267 assessment limitation difference is first applied to the new
268 homestead property.

269 Section 7. Paragraph (a) of subsection (1) of section
270 194.032, Florida Statutes, is amended to read:

271 194.032 Hearing purposes; timetable.—

272 (1)(a) The value adjustment board shall meet not earlier
273 than 30 days and not later than 60 days after the mailing of the
274 notice provided in s. 194.011(1); however, no board hearing
275 shall be held before approval of all or any part of the
276 assessment rolls by the Department of Revenue. The board shall
277 meet for the following purposes:

278 1. Hearing petitions relating to assessments filed pursuant
279 to s. 194.011(3).

280 2. Hearing complaints relating to homestead exemptions as
281 provided for under s. 196.151.

282 3. Hearing appeals from exemptions denied, or disputes
283 arising from exemptions granted, upon the filing of exemption
284 applications under s. 196.011.

285 4. Hearing appeals concerning ad valorem tax deferrals and
286 classifications.

287 5. Hearing appeals from determinations that a change of
288 ownership under s. 193.155(3), a change of ownership or control
289 under s. 193.1554(5) or s. 193.1555(5), or a qualifying
290 improvement under s. 193.1555(5) has occurred.

36-00340A-23

2023474__

291 6. Hearing appeals concerning the validity or amount, or
292 both, of assessments created under s. 193.092.

293 7. Hearing appeals on the issue of whether a tangible
294 personal property return as required under s. 193.052 was timely
295 filed so as to allow such assessment to be contested at the
296 value adjustment board, and to waive penalties imposed under s.
297 193.072.

298 Section 8. Subsection (1) of section 194.036, Florida
299 Statutes, is amended to read:

300 194.036 Appeals.—Appeals of the decisions of the board
301 shall be as follows:

302 (1) If the property appraiser disagrees with the decision
303 of the board, he or she may appeal the decision to the circuit
304 court if one or more of the following criteria are met:

305 (a) The property appraiser determines and affirmatively
306 asserts in any legal proceeding that there is a specific
307 constitutional or statutory violation, or a specific violation
308 of administrative rules, in the decision of the board, except
309 that nothing herein shall authorize the property appraiser to
310 institute any suit to challenge the validity of any portion of
311 the constitution or of any duly enacted legislative act of this
312 state.†

313 (b) 1. In counties with a population of 75,000 or less,
314 there is a variance from the property appraiser's assessed value
315 in excess of the following: 15 percent variance from any
316 assessment of \$50,000 or less; 10 percent variance from any
317 assessment in excess of \$50,000 but not in excess of \$500,000;
318 7.5 percent variance from any assessment in excess of \$500,000
319 but not in excess of \$1 million; or 5 percent variance from any

36-00340A-23

2023474__

assessment in excess of \$1 million.

2. In counties with a population of more than 75,000, there is a variance from the property appraiser's assessed value in excess of the following: 30 percent variance from any assessment of \$50,000 or less; 20 percent variance from any assessment in excess of \$50,000 but not in excess of \$500,000; 17.5 percent variance from any assessment in excess of \$500,000 but not in excess of \$1 million; or 15 percent variance from any assessment in excess of \$1 million.~~;~~ ~~or~~

(c) There is an assertion by the property appraiser to the Department of Revenue that there exists a consistent and continuous violation of the intent of the law or administrative rules by the value adjustment board in its decisions. The property appraiser shall notify the department of those portions of the tax roll for which the assertion is made. The department shall thereupon notify the clerk of the board who shall, within 15 days of the notification by the department, send the written decisions of the board to the department. Within 30 days of the receipt of the decisions by the department, the department shall notify the property appraiser of its decision relative to further judicial proceedings. If the department finds upon investigation that a consistent and continuous violation of the intent of the law or administrative rules by the board has occurred, it shall so inform the property appraiser, who may thereupon bring suit in circuit court against the value adjustment board for injunctive relief to prohibit continuation of the violation of the law or administrative rules and for a mandatory injunction to restore the tax roll to its just value in such amount as determined by judicial proceeding. However,

36-00340A-23

2023474__

when a final judicial decision is rendered as a result of an appeal filed pursuant to this paragraph which alters or changes an assessment of a parcel of property of any taxpayer not a party to such procedure, such taxpayer shall have 60 days from the date of the final judicial decision to file an action to contest such altered or changed assessment pursuant to s. 194.171(1), and the provisions of s. 194.171(2) shall not bar such action.

Section 9. Paragraph (a) of subsection (9) of section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—

(9) (a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refiling of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. The owner of any property

36-00340A-23

2023474__

378 granted an exemption who is not required to file an annual
379 application or statement shall notify the property appraiser
380 promptly whenever the use of the property or the status or
381 condition of the owner changes so as to change the exempt status
382 of the property. If any property owner fails to so notify the
383 property appraiser and the property appraiser determines that
384 for any year within the prior 10 years the owner was not
385 entitled to receive such exemption, the owner of the property is
386 subject to the taxes exempted as a result of such failure plus
387 15 percent interest per annum and a penalty of 50 percent of the
388 taxes exempted. However, if such exemption is granted as a
389 result of an error by the property appraiser, including, but not
390 limited to, a clerical mistake or an omission, the taxpayer need
391 not pay the unpaid taxes, penalties, or interest. Except for
392 homestead exemptions controlled by s. 196.161, the property
393 appraiser making such determination shall record in the public
394 records of the county a notice of tax lien against any property
395 owned by that person or entity in the county, and such property
396 must be identified in the notice of tax lien. Such property is
397 subject to the payment of all taxes and penalties. Such lien
398 when filed shall attach to any property, identified in the
399 notice of tax lien, owned by the person who illegally or
400 improperly received the exemption. If such person no longer owns
401 property in that county but owns property in some other county
402 or counties in the state, the property appraiser shall record a
403 notice of tax lien in such other county or counties, identifying
404 the property owned by such person or entity in such county or
405 counties, and it shall become a lien against such property in
406 such county or counties.

36-00340A-23

2023474__

407

Section 10. This act shall take effect January 1, 2024.

3.21.2023

Meeting Date

CA

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 474

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Julie Schwartz

Phone

305-375-6583

Address

100 SE 2nd ST

Street

Email

jschwartz@rumrunk.com

Miami

FL

33143

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

SB 474

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Loren Levy

Phone 850-219-0220

Address 1828 Piggus Rd

Email llevy@levylawtax.com

Street

Tallahassee

FL

32308

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Property Appraisers' Ass'n of Fla

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3.22.23
Meeting Date
Community Affairs
Committee

474
Bill Number or Topic
Amendment Barcode (if applicable)

Name Albert Balido Phone 802413410

Address 201 W Park Ave Email _____
Street
Tel 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:
Fla. Assoc. of Property Appraisers
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

474

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020

Street

Email travis@moore-relations.com

St. Petersburg

City

FL

State

33731

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

FL Property Taxpayers Association

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Appropriations Committee on Health and
Human Services, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Education Postsecondary
Ethics and Elections
Fiscal Policy
Health Policy
Rules

SENATOR ILEANA GARCIA

36th District

March 21, 2023

Chair Calatayud,

I am writing to respectfully request an absence excusal from the Committee on Community Affairs scheduled for Wednesday, March 22nd, at 11 AM. Senator Gruters will courteously be presenting SB 474: Property Tax Administration on my behalf. Thank you for your consideration.

Sincerely,

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

Senator Ileana Garcia
District 36

REPLY TO:

- ☐ 2828 Coral Way, Suite 208, Miami, Florida 33145 (305) 442-6841
- ☐ 322 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5036

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 494

INTRODUCER: Judiciary Committee and Senator DiCeglie

SUBJECT: Fees in Lieu of Security Deposits

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	Fav/CS
2.	Hackett	Ryon	CA	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 494 amends and expands the Florida Residential Landlord and Tenant Act. The bill provides that a landlord may offer a tenant the option to pay a fee, or monthly fees, in lieu of paying the traditional security deposit for a rental unit. The bill also establishes criteria that govern disclosures and agreements for a fee in lieu of a deposit. The bill specifies, in part that:

- A tenant who pays a fee in lieu of a security deposit has the option to pay the security deposit instead of the fee at any time.
- The fee is nonrefundable.
- A landlord's use of the fee to purchase an insurance product does not affect the tenant's liability for rent, damages, or other amounts owed.
- The landlord has exclusive discretion whether to offer tenants the option to pay a fee in lieu of a deposit.
- A landlord may not submit an insurance claim for a tenant's unpaid rent, fees, or other obligations or damages to premises until 15 days after the landlord notifies the tenant of the amounts owed.
- The provisions apply to rental agreements entered into or renewed on or after July 1, 2023.

The bill takes effect July 1, 2023.

II. Present Situation:

Security Deposits

Background Information

The Florida Residential and Tenant Act, contained in chapter 83, F.S., regulates rental agreements for dwelling units.¹ Generally, before a landlord enters into a rental agreement with a tenant, the landlord requires the tenant to make a payment, known as a security deposit. Florida law, however, does not specifically require the payment of a security deposit for a residential lease. Once paid, the security deposit is then held by the landlord as security for the performance of the rental agreement and to cover any monetary damage the landlord may suffer if the tenant breaches the lease before the lease expires² or to cover the costs to repair any damage caused by the tenant.

Current law does not place limits on the amount that a landlord may require for a security deposit. However, most landlords generally require a deposit equal to at least 1-month's rent while some may require as much as 3-months' rent.³

The landlord must preserve the security deposit during the tenancy and either return the entire amount within 15 days after the tenant vacates the premises at the end of the lease or, within 30 days after the end of the lease, provide the tenant with a written notice stating why the landlord will impose a claim, either in full or in part, against the deposit. If the landlord fails to give the required notice within the 30-day period, he or she forfeits the right to impose a claim against the security deposit.⁴ If the tenant does not object within 15 days to the landlord's notice of intention to impose a claim, the landlord may deduct the amount of the claim and return the remaining balance to the tenant within 30 days after date of the notice.⁵

Less Expensive Options to Paying a Security Deposit

The ability to provide a security deposit is difficult for some families and students. For example, if someone lives in a rental property and chooses to move to another rental property, the new security deposit is often due before the last deposit has been refunded to the tenant. As companies have realized that many families cannot afford to pay the up-front costs of security deposits, they have developed other payment options. Although these options are available to tenants, they do not afford tenants the statutory protections required for security deposits found in the Florida Residential Landlord and Tenant Act.

Security Deposit Insurance

Florida law does not address the issue of "security deposit insurance" for residential leases. This insurance product, which has been called "lease insurance," "rent insurance," "tenant insurance," or "landlord insurance," generally protects the landlord from damage to the property or loss of

¹ Sections 83.40 and 83.41, F.S.

² Section 83.43(12), F.S.

³ Apartments.com, *How Much Is a Security Deposit?* (Nov. 6, 2020) <https://www.apartments.com/rental-manager/resources/article/how-much-to-charge-for-a-security-deposit>

⁴ Section 83.49(3)(a), F.S.

⁵ Section 83.49(3)(b), F.S.

rent. As a creative alternative to security deposits, some companies have begun to offer security deposit insurance in which renters pay \$5 to \$10 per month for coverage in lieu of a security deposit.⁶

Security Bond

Another option is the security bond, a three-party agreement, in which the tenant pays a surety company a percentage of the security deposit. If the tenant damages the apartment or does not make a required rental payment, the surety bond covers the reimbursement costs due to the landlord, if the landlord files a claim. The tenant is then responsible for reimbursing the surety company for the expenses it has paid, as well as any non-refundable fees.⁷

While security deposits are refundable up to the total amount paid by the tenant, security deposit insurance and security bonds are not refundable to the tenant.

III. Effect of Proposed Changes:

This bill creates section 83.491, F.S., which states that landlords may offer potential tenants the option of paying a fee instead of a rental security deposit. While the bill authorizes the use of fees, it also establishes specific criteria that must be met if fees are paid.

Subsection (1) – Authorization

This subsection provides that a landlord may offer a tenant the option of paying a fee in lieu of the commonly required security deposit, if the rental agreement requires a security deposit.

Subsection (3) – Written Offers to Pay a Fee Instead of a Security Deposit

When a landlord provides the tenant with an option to pay a fee in lieu of a security deposit, the landlord must notify the tenant in writing that:

- The tenant has an option to pay a security deposit instead of the fee at any time.
- The tenant may terminate the fee agreement at any time and instead pay a security deposit as listed in the rental agreement. If the security deposit amount was not specified in the rental agreement, then the deposit must be the same amount offered to new tenants for a substantially similar dwelling unit on the date the tenant terminates the agreement.
- Whether any additional charges apply.
- The amount of the payments required for each option offered by the landlord.
- The fee:
 - Is nonrefundable.
 - Is only for securing occupancy by the tenant without paying the required security deposit.
 - Does not reduce or alter the tenant's obligation to pay rent and fees or limit or change the tenant's obligation to pay for damage repairs beyond normal wear and tear.

⁶ Adam Kovacevich, THE TALLAHASSEE DEMOCRAT, *Security Deposit Alternatives Can Help/Opinion* (March 6, 2022) <https://www.tallahassee.com/story/opinion/2022/03/06/floridas-renters-need-relief-security-deposit-alternatives-can-help-opinion/9367488002/>.

⁷ Dawn M. Smith, Angi.com, *What Is a Surety Bond and Should I use it to Rent an Apartment?* (April 26, 2022) <https://www.angi.com/articles/what-surety-bond-apartment.htm>.

- If the landlord uses any portion of the fee to purchase insurance, the tenant is not insured and is not a beneficiary of the landlord's coverage, nor does the insurance change the tenant's obligations to pay rent, fees, or damage repairs in accordance with the rental agreement.

Subsection (4) – Written Agreement Required

If the tenant decides to pay a fee rather than a security deposit, a written agreement to collect the fee must be signed by the landlord, or his or her agent, and the tenant. The written agreement may not contain clauses that contradict s. 83.45, F.S., pertaining to unconscionable rental agreements or provisions, or s. 83.47, F.S., pertaining to prohibited provisions in rental agreements.

At a minimum, the written fee agreement must specify:

- The amount of the fee, which may not be increased during the term of the rental agreement.
- How and when the fee is to be collected.
- The process and timeframe for the tenant to pay the security deposit, if the tenant defaults on paying the fee, and that the default will not adversely affect the tenant's credit rating if the deposit is paid on time.
- That it may be terminated at any time as long as the tenant pays the amount of the security deposit specified in the rental agreement.
- If the tenant pays the security deposit amount specified in the rental agreement, then the tenant's default on paying the fee or termination of the written agreement may not adversely impact his or her credit report.

The written agreement to pay a fee instead of a security deposit must contain a disclosure in substantially the following form:

FEE IN LIEU OF SECURITY DEPOSIT

THIS FEE IS NOT A SECURITY DEPOSIT, AND PAYMENT OF THE FEE DOES NOT ABSOLVE THE TENANT OF ANY OBLIGATIONS UNDER THE RENTAL AGREEMENT, INCLUDING THE OBLIGATION TO PAY RENT AS IT BECOMES DUE AND ANY COSTS AND DAMAGES BEYOND NORMAL WEAR AND TEAR WHICH THE TENANT OR HIS OR HER GUESTS MAY CAUSE.

THE TENANT MAY TERMINATE THIS AGREEMENT AT ANY TIME AND STOP PAYING THE FEE AND INSTEAD PAY THE SECURITY DEPOSIT AS PROVIDED IN SECTION 83.491, FLORIDA STATUTES.

THIS AGREEMENT HAS BEEN ENTERED INTO VOLUNTARILY BY BOTH PARTIES, AND THE TENANT AGREES TO PAY THE LANDLORD A FEE IN LIEU OF A SECURITY DEPOSIT AS AUTHORIZED UNDER SECTION 83.491, FLORIDA STATUTES. IF THE LANDLORD USES ANY PORTION OF THE TENANT'S FEE TO PURCHASE INSURANCE, THE TENANT IS NOT INSURED AND IS NOT A BENEFICIARY OF SUCH COVERAGE, AND THE

INSURANCE DOES NOT CHANGE THE TENANT'S FINANCIAL OBLIGATIONS UNDER THE RENTAL AGREEMENT.

THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF CHAPTER 83, FLORIDA STATUTES, TO DETERMINE YOUR LEGAL RIGHTS AND OBLIGATIONS.

Subsection (5) – When the Fee Payment is Due

The fee paid in lieu of the security deposit may be a recurring monthly fee, payable when rent is due, or it may be payable upon a schedule that the tenant and landlord agree to as specified in the written agreement.

Subsection (6) – The Fee, Insurance Product, or Surety Bond is Not a Security Deposit

This subsection clarifies that a fee that is collected, or an insurance product or a surety bond that is accepted by a landlord in lieu of a security deposit, is not a security deposit as defined in s. 83.43(12), F.S.

Subsection (2) – Written Notice, Conclusion of the Tenancy, Disbursement of Fees, Claims

If a tenant enters into an agreement to pay a fee instead of paying a security deposit, the landlord is required to notify the tenant within 30 days after the tenancy ends if there are any costs or fees due. These items can arise from unpaid rent and other obligations, including the costs of repairing damage to the premises that are beyond the normal wear and tear that is expected.

Before a landlord may submit a loss claim to an insurer in an attempt to recover any losses caused by the tenant, the landlord must wait 15 days after providing the tenant with written notice of any costs or fees as discussed above. The landlord must provide the insurer with an itemized list of the items in question, dates, cost of repairs, and any objections or a report of communications raised by the tenant.

If an insurer pays a claim and has subrogation rights, he or she has 1 year after the tenancy ends to seek reimbursement from the tenant for the amounts paid to the landlord. However, if the insurer seeks reimbursement, the insurer must provide the tenant with all documents for losses that the landlord submitted to support the claim and a copy of the settlement statement demonstrating that the insurer paid the landlord's claim.

The tenant retains any defenses against the insurer which the tenant would have against the landlord. Additionally, the landlord is prohibited from collecting loss payments from the tenant and the insurer for the same items.

Subsection (7) – The Landlord's Discretion to Offer a Fee Rather than a Security Deposit

A landlord may not be required to offer tenants the option to pay a fee instead of a security deposit. However, if a landlord offers a tenant the option to pay a fee, the landlord may not use the tenant's choice to pay a fee in lieu of paying a security deposit as a criteria when determining

whether to approve or deny a tenant's application. Additionally, the landlord must also offer all new tenants on the same premises the option of paying a fee in lieu of a security deposit, unless he or she chooses to prospectively terminate the fee option for all new rental agreements.

Subsection (8) – What the Bill Does Not Do

The provisions of the bill do not:

- Require a fee collected in lieu of a deposit to be used to purchase an insurance product or a surety bond.
- Prohibit a tenant from being offered or sold an insurance product or surety bond if the offer or sale of the insurance product or surety bond complies with state laws.

If a landlord accepts an insurance product or a surety bond purchased or procured by a tenant, a landlord, or an agent of the landlord, that conduct may not be considered an offer on the landlord's part to allow a tenant to pay a fee in lieu of a security deposit.

Subsection (9) –Application

The provisions created in s. 83.491, F.S., apply to rental agreements entered into or renewed on or after July 1, 2023.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with them as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Individuals who cannot afford to rent a dwelling because they cannot afford the initial and more expensive security deposits might be able to rent a dwelling by paying a less expensive fee in lieu of a security deposit. The bill, by validating the use of fees in lieu of a security deposit, may encourage landlords to purchase insurance to cover the losses normally covered by a security deposit.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 83.491 of the Florida Statutes.

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

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

CS by Judiciary Committee on March 7, 2023:

The committee substitute makes the following four changes to the underlying bill:

- Corrects an incorrect reference to an “insurer” and replaces that phrase with the word “tenant” to clarify that the tenant retains defenses against the insurer and landlord.
- Clarifies that the tenant, at any time, has the option to pay a security deposit instead of the fee.
- Clarifies that the amount of a fee, paid in lieu of a security deposit, may not be increased during the term of the rental agreement.
- Reorganizes language contained in the written disclosure that the landlord must provide to the tenant but does not make significant changes to the substance of the disclosure.

B. Amendments:

None.

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

By the Committee on Judiciary; and Senator DiCeglie

590-02351-23

2023494c1

A bill to be entitled

An act relating to fees in lieu of security deposits; creating s. 83.491, F.S.; authorizing a landlord to offer a tenant the option to pay a fee in lieu of a security deposit; requiring the landlord to notify the tenant of certain unpaid fees and costs within a specified time after the conclusion of the tenancy; prohibiting the landlord from filing an insurance claim within a specified period of time; providing requirements for the landlord and insurer if an insurance claim to recover certain losses is filed; prohibiting the landlord from accepting certain payments; requiring the landlord to provide certain written notice to the tenant; requiring a written agreement signed by the landlord, or the landlord's agent, and the tenant if the tenant decides to pay a fee in lieu of the security deposit; prohibiting the written agreement from contradicting specified laws; requiring that the written agreement contain certain information; requiring a specified disclosure in the written agreement; providing options for paying the fee; specifying that certain fees, insurance products, and surety bonds are not security deposits; specifying that landlords have exclusive discretion as to whether to offer tenants the option to pay a fee in lieu of a security deposit; prohibiting a landlord from approving or denying an application for occupancy based on a prospective tenant's choice to pay a fee in lieu of a security deposit; requiring that landlords

590-02351-23

2023494c1

that offer a tenant the fee option offer it to all new
tenants renting a dwelling unit on the same premises;
providing an exception; providing construction;
providing applicability; providing an effective date.

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

Section 1. Section 83.491, Florida Statutes, is created to
read:

83.491 Fee in lieu of security deposit.—

(1) If a rental agreement requires a security deposit, a
landlord may offer a tenant the option to pay a fee in lieu of a
security deposit.

(2)(a) If a tenant agrees to pay a fee in lieu of a
security deposit, the landlord must notify the tenant within 30
days after the conclusion of the tenancy if there are any costs
or fees due resulting from unpaid rent, fees, or other
obligations under the rental agreement, including, but not
limited to, costs required for repairing damage to the premises
beyond normal wear and tear.

(b) A landlord may not submit a claim to an insurer to
recover the landlord's losses associated with unpaid rent, fees,
or other obligations under the rental agreement, including, but
not limited to, costs required for repairing damage to the
premises beyond normal wear and tear, until at least 15 days
after providing the tenant with the required notice under
paragraph (a).

1. The landlord must include an itemized list of any unpaid
amounts and the dates such amounts were due, documentation

590-02351-23

2023494c1

59 supporting any itemized damages and costs of repairs, and a copy
60 of any written objection or report of any communication of
61 objection by the tenant when the landlord submits a claim to an
62 insurer.

63 2. If an insurer pays a claim that was submitted under this
64 subsection to a landlord and the insurer has subrogation rights,
65 the insurer may, within 1 year after the tenancy that was the
66 subject of the claim ends, seek reimbursement from the tenant
67 for the amounts paid to the landlord. If the insurer seeks
68 reimbursement from the tenant, the following apply:

69 a. The insurer must provide the tenant with all
70 documentation for losses which the landlord provided to the
71 insurer in support of the landlord's claim and a copy of the
72 settlement statement documenting the insurer's payment of the
73 landlord's claim.

74 b. The tenant retains any defenses against the insurer
75 which the tenant would otherwise have against the landlord.

76 3. A landlord may not accept payment from both a tenant and
77 an insurer for amounts associated with the same rent, fees, or
78 damages.

79 (3) If a landlord offers a tenant the option to pay a fee
80 in lieu of a security deposit, the landlord must notify the
81 tenant in writing of all of the following:

82 (a) That the tenant has the option to pay a security
83 deposit instead of the fee at any time.

84 (b) That the tenant may, at any time, terminate the
85 agreement to pay the fee in lieu of the security deposit and
86 instead pay a security deposit as listed in a rental agreement
87 between landlord and tenant or, if a security deposit was not

590-02351-23

2023494c1

88 agreed upon in a rental agreement between the landlord and
89 tenant, in the amount that is otherwise offered to new tenants
90 for a substantially similar dwelling unit on the date that the
91 tenant terminates the agreement.

92 (c) Whether any additional charges apply for the options
93 provided in paragraphs (a) and (b).

94 (d) The amount of the payments required for each option the
95 landlord offers.

96 (e) That the fee is nonrefundable, if applicable.

97 (f) That the fee is only for securing occupancy without
98 paying a required security deposit.

99 (g) That the fee payment does not limit or change the
100 tenant's obligation to pay rent and fees, if any, under the
101 rental agreement or limit or change the tenant's obligation to
102 pay the costs of repairing damage to the premises beyond normal
103 wear and tear.

104 (h) That if the landlord uses any portion of the fee to
105 purchase insurance, the tenant is not insured and is not a
106 beneficiary of the landlord's insurance coverage, and that the
107 insurance does not limit or change the tenant's obligations to
108 pay rent and fees under the rental agreement or change the
109 tenant's obligation to pay the costs of repairing damage to the
110 premises beyond normal wear and tear.

111 (4) (a) If a tenant decides to pay a fee in lieu of a
112 security deposit, a written agreement to collect the fee must be
113 signed by the landlord, or the landlord's agent, and the tenant.
114 The written agreement may not contain any clause that
115 contradicts s. 83.45 or s. 83.47. The written agreement must, at
116 a minimum, specify all of the following:

590-02351-23

2023494c1

117 1. The amount of the fee, which may not be increased during
118 the term of the rental agreement.

119 2. How and when the fee is to be collected.

120 3. The process and timeframe during which a tenant must pay
121 the security deposit specified in the rental agreement if the
122 tenant defaults on paying the fee, and that such default will
123 not adversely affect the tenant's credit rating if the security
124 deposit is timely paid.

125 4. That the written agreement may be terminated at any time
126 as long as the tenant pays the amount of the security deposit
127 specified in the rental agreement.

128 5. If the tenant pays the amount of the security deposit
129 specified in the rental agreement, then the tenant's default on
130 paying the fee or termination of the written agreement may not
131 adversely impact the tenant's credit report.

132 (b) The written agreement specified under paragraph (a)
133 must also include a disclosure in substantially the following
134 form:

135
136 FEE IN LIEU OF SECURITY DEPOSIT

137
138 THIS FEE IS NOT A SECURITY DEPOSIT, AND PAYMENT OF THE
139 FEE DOES NOT ABSOLVE THE TENANT OF ANY OBLIGATIONS
140 UNDER THE RENTAL AGREEMENT, INCLUDING THE OBLIGATION
141 TO PAY RENT AS IT BECOMES DUE AND ANY COSTS AND
142 DAMAGES BEYOND NORMAL WEAR AND TEAR WHICH THE TENANT
143 OR HIS OR HER GUESTS MAY CAUSE.

144
145 THE TENANT MAY TERMINATE THIS AGREEMENT AT ANY TIME

590-02351-23

2023494c1

146 AND STOP PAYING THE FEE AND INSTEAD PAY THE SECURITY
147 DEPOSIT AS PROVIDED IN SECTION 83.491, FLORIDA
148 STATUTES.

149
150 THIS AGREEMENT HAS BEEN ENTERED INTO VOLUNTARILY BY
151 BOTH PARTIES, AND THE TENANT AGREES TO PAY THE
152 LANDLORD A FEE IN LIEU OF A SECURITY DEPOSIT AS
153 AUTHORIZED UNDER SECTION 83.491, FLORIDA STATUTES. IF
154 THE LANDLORD USES ANY PORTION OF THE TENANT'S FEE TO
155 PURCHASE INSURANCE, THE TENANT IS NOT INSURED AND IS
156 NOT A BENEFICIARY OF SUCH COVERAGE, AND THE INSURANCE
157 DOES NOT CHANGE THE TENANT'S FINANCIAL OBLIGATIONS
158 UNDER THE RENTAL AGREEMENT.

159
160 THIS DISCLOSURE IS BASIC. PLEASE REFER TO PART II OF
161 CHAPTER 83, FLORIDA STATUTES, TO DETERMINE YOUR LEGAL
162 RIGHTS AND OBLIGATIONS.

163
164 (5) A fee in lieu of a security deposit may be:

165 (a) A recurring monthly fee, payable on the same date that
166 the rent payment is due under the rental agreement; or

167 (b) Payable upon a schedule that the landlord and tenant
168 choose and as specified in the written agreement.

169 (6) A fee collected under this section, or an insurance
170 product or a surety bond accepted, by a landlord in lieu of a
171 security deposit is not a security deposit as defined in s.
172 83.43(12).

173 (7) A landlord has exclusive discretion as to whether to
174 offer tenants the option to pay a fee in lieu of a security

590-02351-23

2023494c1

175 deposit and is not required to offer such fee option to tenants.
176 However, if a landlord offers a tenant an option to pay a fee in
177 lieu of a security deposit, the landlord may not use a
178 prospective tenant's choice to pay, or offer to pay, a fee in
179 lieu of a security deposit as criteria in the determination to
180 approve or deny an application for occupancy, and the landlord
181 must also offer all new tenants renting a dwelling unit on the
182 same premises the option to pay a fee in lieu of a security
183 deposit, unless the landlord chooses to prospectively terminate
184 the fee option for all new rental agreements.

185 (8)(a) This section does not:

186 1. Require a fee collected in lieu of a security deposit to
187 be used to purchase an insurance product or a surety bond; or

188 2. Prohibit a tenant from being offered or sold an
189 insurance product or a surety bond to present to the landlord in
190 lieu of a security deposit if the offer or sale of such
191 insurance product or surety bond complies with the laws of this
192 state.

193 (b) Acceptance by a landlord of an insurance product or a
194 surety bond that is purchased or procured by a tenant, a
195 landlord, or an agent of the landlord may not be considered an
196 offer on the part of the landlord to allow a tenant to pay a fee
197 in lieu of a security deposit for the purposes of subsection

198 (7).

199 (9) This section applies to rental agreements entered into
200 or renewed on or after July 1, 2023.

201 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

Community Affairs

Committee

SB0494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jessica Kruse

Phone

352 497 8351

Address

42 Banyan Crse Apt. 1

Email

zerocoolgrrr@gmail.com

Street

Ocala

City

FL

State

34472

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-22-23

Meeting Date

SB 0494

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

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

Amendment Barcode (if applicable)

Name

ROBERT ARNOLD

Phone

352 538 6579

Address

10930 ne 85 st

Email

robertvarnold@gmail.com

Street

BRONSON

City

FL

State

32621

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

SB0494

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

PRONOUNCED
GLENDA ABICHT (ABBOTT)

Phone

786-376-1181

Address

4305 SW 98 AV

Email

GLENDA.ABICHT@gmail.com

Street

MIAMI, FL.

City

State

33165

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

03/22/23

Meeting Date

COMM. AFFAIRS

Committee

494

Bill Number or Topic

Amendment Barcode (if applicable)

Name RONALD RICE

Phone 727-457-8886

Address 7813 WICKLOW ST.
Street

Email ronrice525@gmail.com

NEW PORT RICHEY FL 34653
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/2023

Meeting Date

SB 494

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Michael Grenon

Phone 321-412-8108

Address 112 Sea Breeze Cir

Street

Email reds87@bellsouth.net

Merritt Island FL

City

State

32953

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

3-22-2023

The Florida Senate

APPEARANCE RECORD

494

Meeting Date

COMMUNITY AFFAIRS

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

STEVE SCHALE

Phone

850-222-8900

Address

204 S MONROE ST

Email

STEVE@TAPFLA.ORG

Street

TALAHASSEE

FL

32317

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

March 22, 2023

Meeting Date
Community Affairs

The Florida Senate
APPEARANCE RECORD

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

494

Bill Number or Topic

Committee

Pamela Burch Fort

Name

Amendment Barcode (if applicable)

850-425-1344

Phone

Address

104 South Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

NAACP Florida State Conference

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 494

3/22/23

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

William Ward

Phone

631-786-2485

Address

281 Eagle Rock Drive

Email

Billward1968@aol.com

Street

Ponte Vedra FL 32081

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: FEA

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

3/22/2023

Meeting Date

COMMUNITY AFFAIRS

Committee

SB 494

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name JOSE ALVCON

Phone 561-319-7789

Address 1002 Kentucky Ave

Street

Email JOSEALVCON99@HOTMAIL

FOOT PIERCE FL 34950

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

Community Affairs

Committee

SB 494

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Vanessa Alarcon

Phone _____

Address 1002 Kentucky Ave

Street

Email _____

Fort Pierce FL 34950

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/20/23

Meeting Date

SB 494

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

A. AponTE

Phone

813 455 9328

Address

4717 Foxshire Cir

Email

mambito0523@gmail.com

Street

TAMPA

City

FL

State

33624

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

MAR 22, 2023

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 494

Bill Number or Topic

Committee

Name

JOSEPH PASCARELLA

Phone

(813) 854 1471

Amendment Barcode (if applicable)

Address

640 SATINLEAF AVE

Email

PRES2319@VERIZON.NET

Street

City

OLDSMAR FL. 34677

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

401 SOB
11 AM

The Florida Senate

APPEARANCE RECORD

494

3-22-23

Meeting Date

Bill Number or Topic

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

Community Affairs
Committee

Amendment Barcode (if applicable)

Name

Barbara DeVane

Phone

850-251-4280

Address

625 E. Brevard St

Email

barbaradevane1@yahoo.com

Street

Tallahassee

State

FL

Zip

32308

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

FL NOW

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

SB 4194

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Letitia Harmon

Phone

Address

Street

174

City

State

FL

Zip

32256

Email

Letitia.Harmon@flsenate.gov

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
Lisina



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22
Meeting Date

Comm Affairs
Committee

SB 484
Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Rich Templin Phone _____

Address 135 S. Monroe Email _____
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida AFL-CIO

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

03/22/23

Meeting Date

Community Affairs

Committee

SB 494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jackson Oberlin

Phone

772-532-1371

Address

10800 Biscayne Blvd. Suite 1050

Email

jackson@floridaforall.vote

Street

Miami

City

FL

State

33161

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida
Rising

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB494

3-22-23

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Sonya Mikolajski

Phone _____

Address 9631 Blue Stone Circle

Email smikolajski@yahoo.com

Street

FL - Myers FL 33913

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23
Meeting Date

Community Affairs
Committee

SB 494

Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Weinrich

Phone 386 290 3871

Address 3892 Sunset Cove Dr

Email WEINRIK@hotmail.com

Street

Port Orange

FL

32129

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 494

Bill Number or Topic

3/22/23

Meeting Date

comm. Affairs

Committee

Amendment Barcode (if applicable)

Name

William Lawson

Phone

407-257-6081

Address

3622 Hedgewood Dr.

Street

Email

Winter pk. FL 32792

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

3/22/23

Committee

Comm. Affairs

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

Bill Number or Topic

SB 494

Amendment Barcode (if applicable)

Name

Curtis Hierro

Phone

407 334 4934

Address

8290 Lake Dr

Email

Street

Doral

State

FL

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

22 Mar 2023

Meeting Date

38 0494

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Joseph F Pytel

Phone

326 961-2127

Address

3076 Green Turtle Circle

Email

jfp2002508@yahoo.com

Street

Mims

FL

32754

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

2/22/23
Meeting Date

The Florida Senate
APPEARANCE RECORD

494

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Vincent Chesnes

Phone

561 7688580

Address

26 SE Erie Ter

Email

Street

Stuart

FL

34997

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/2023

Meeting Date

494

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Dylan R. Owens

Phone

561 386 7393

Address

6783 Duckweed Rd.

Email

Street

Lake Worth FL

33449

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

3-22-23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SD 494

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Frank Maracci

Phone

386-846-1625

Address

1167 Sunrise Loop

Email

Poolfan10@aol.com

Street

Daytona Beach

State

FL

32114

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

SB 0494

Bill Number or Topic

Amendment Barcode (if applicable)

3/22/23
Meeting Date
Community Affairs
Committee

Name Kevin Byrne Phone 772 979 5899

Address 256 SE Todd Ave Email Kevin.byrne54@gmail.com

Port St. Lucie FL 34983
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

3/22
Meeting Date

The Florida Senate
APPEARANCE RECORD

0494
Bill Number or Topic

Comm Affairs
Committee

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

Amendment Barcode (if applicable)

Name Joyce Ruth

Phone 3054509466

Address 800 NW 199 St
Street

Email bay-b-Ruth@MSN
com

Miami FL 33169
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

3.27.23

The Florida Senate

APPEARANCE RECORD

0494

Meeting Date

Comm. Affairs

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Edwin Olivares

Phone

954.559.2789

Address

19421 NW 3rd

Email

emelad@gmail.com

Street

Dembake Pines FL 33029

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SR 0494

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

3/22

Committee

Community Affairs

Name

O.D. ELLIOTT

Phone

727-608-6027

Address

101 - 78th Ave NE

Street

Email

odeb11477@aol.com

City

ST. PETERS

State

FL.

Zip

33702

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

3/22/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 0494

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Dianna Isaac

Phone

(954) 515-2315

Address

8000 Hampton Blvd #309

Email

diannapostal@yahoo.com

Street

North Lauderdale FL 33068

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

3/22/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 494

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Tanica Escobar

Phone

786-316-8327

Address

12800 NW 15th Av

Email

tanicae123@gmail.com

Street

W. Miami

FL

33167

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

22 March 23

The Florida Senate
APPEARANCE RECORD

494

Meeting Date

Committee of Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ryan Murphy

Phone

772 932 1521

Address

8214 SE Washington St

Email

Street

Stuart

FL

34997

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 494

Bill Number or Topic

3-22-2023

Meeting Date

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

John O'Brien

Phone

321-302-1213

Address

7011 Evergreen DR

Street

Email

johnob63@yahoo.com

Cocoa

City

FL

State

32927

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

Community Affairs

Committee

SB 494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Harry Huff

Phone

321 424 2737

Address

3210 Norfolk St

Street

Email

h1huff65@gmail.com

Mims

City

FL

State

32754

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 494

3-22-23

Meeting Date

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Rachael Shaffer

Phone 321-458-5321

Address 750 Canaveral Groves Blvd

Street

Email brackethrachael0805@gmail.com

Cocoa

City

FL

State

32926

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-22-23

Meeting Date

Community Affairs

Committee

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

SB 494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Diane Jones

Phone

321-514-8804

Address

1120 Cheryl Hwy Unit H

Street

Titusville

City

FL

State

32780

Zip

Email

djones004@fl.senate.gov

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

APPEARANCE RECORD3/22/2023

Meeting Date

COMMUNITY AFFAIRS

Committee

Deliver both copies of this form to
Senate professional staff conducting the meetingSB494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

EDWARD GRABOWSKI

Phone

Address

559 CARO CT.

Email

Street

NEW SMYRNA BEACH, FL 32168

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:I am appearing without
compensation or sponsorship.I am a registered lobbyist,
representing:I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

03/22/2023

Meeting Date

Community Aff.

Committee

SB 494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Richard Gilland

Phone

321-298-6381

Address

7140 Milton Ave

Email

gillandc1@gmail.com

Street

Cocoa

City

FL

State

32927

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

SB 494

Bill Number or Topic

Fees on Gun Security Dpt

Committee

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

Amendment Barcode (if applicable)

Name

MAUREEN Weisberg

Phone

772-532-7889

Address

1053 Blossom Drive

Email

WeisbergM@icloud.com

Street

Sebastian FL

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

SB-494

Bill Number or Topic

FEES IN LIEU SECURITY DEPOSIT

Committee

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

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

03/22/2023
Meeting Date
Community Affairs
Committee

SB494
Bill Number or Topic
Amendment Barcode (if applicable)

Name Scott Williamson (Williamson) Phone 813-293-3810
Address 6142 Scholhouse Ct Street
Wesley Chapel FL 33545 City State Zip
Email SWilliamson71@yahoo.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 494

Bill Number or Topic

3/22/23

Meeting Date

community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Stephen Simon

Phone

(732) 648-1259

Address

13294 Don Loop

Email

stephensimon@tampabay.rr.com

Street

Spring Hill, FL

State

34609

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3-22-23

Meeting Date

SB 494

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Christopher Jones

Phone 407-694-3508

Address 1401 Cricket Club Cir
Street

Email CS03jones@gmail.com

Orlando
City

FL
State

32828
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3-21-23

Meeting Date

committee ASAs

Committee

SB494

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeff Estes

Phone 321-360-2531

Address 3747 Canberra Ct.

Email jestes15@yahoo.com

Street

Titusville

FLA.

32780

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

22 March 23

Meeting Date

Community Affairs

Committee

494

Bill Number or Topic

Amendment Barcode (if applicable)

Name Reinaldo Gonzalez

Phone 305-301-6926

Address 1004 Sweet Briar Ln

Street

Riviera Beach FL

City

State

33410

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3-22-23

Meeting Date

SB 494

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name THOMAS A. NEWTON

Phone 321-537-6709

Address 6113 WATERLOO AV
Street

Email tnewton33@gmail.com

Cocoa
City

FL
State

32927
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Wed. March 22, 2023
Meeting Date

Community Affairs
Committee

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

SB 494

Bill Number or Topic

Amendment Barcode (if applicable)

Name Willie L Deberry II Phone 772-360-8437

Address 4606 48th Ave Email deberry1987@gmail.com
Street
Vero Beach FL 32907
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/2023
Meeting Date

SB 494
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name MARCIAL ZACARIAS

Phone 786-306-9480

Address 15372 SW 40th CT
Street

Email Marchiezac@yahoo.com

MIRAMAR FL 33027
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-22-23

Meeting Date

Security Deposits

Committee

SB 494

Bill Number or Topic

Amendment Barcode (if applicable)

Name

BYRON FLORES

Phone

305 3704528

Address

14035 NW 3 Ave

Email

byron.flores@live.com

Street

M.A

FL

33168

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

SB 494

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

ANITA CASTILLO

Phone

954-442-5225

Address

9400 NW 3 St.

Email

Street

PEMBROKE PINES, FL 33024

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

494

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

Address

579 E. Call St.

Email

fctep@yahoo.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:

FI Center for
Fiscal & Economic Policy

☐

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 Community Affairs

BILL: SB 540

INTRODUCER: Senator DiCeglie

SUBJECT: Local Government Comprehensive Plans

DATE: March 21, 2023

REVISED: _____

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

I. Summary:

SB 540 revises the process for modifying the five-year capital improvement schedule of a local government's comprehensive plan, allowing the schedule to be updated administratively if all the projects have been adopted by the appropriate project board.

The bill provides that for challenges to the comprehensive plan and plan amendments, including small scale plan amendments, the prevailing party is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

Lastly, the bill clarifies the scope of review for a local government decision to grant or deny a development order by providing that the order may only be challenged if it would materially alter the use, density, or intensity of the property in a manner not consistent with the comprehensive plan.

II. Present Situation:

Comprehensive Plans

The Community Planning Act provides counties and municipalities with the power to plan for future development by adopting comprehensive plans.¹ Each county and municipality must maintain a comprehensive plan to guide future development.²

All development, both public and private, and all development orders approved by local governments must be consistent with the local government's comprehensive plan.³ A comprehensive plan is intended to provide for the future use of land, which contemplates a

¹ Section 163.3167(1), F.S.

² Section 163.3167(2), F.S.

³ Section 163.3194(3), F.S.

gradual and ordered growth, and establishes a long-range maximum limit on the possible intensity of land use.

A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. A comprehensive plan is made up of 10 required elements, each laying out regulations for a different facet of development.⁴

The 10 required elements include capital improvements; future land use plan; transportation; general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; coastal management; intergovernmental coordination; and property rights. Throughout statutes exist plans and programs that may be added as optional elements.⁵

A comprehensive plan is implemented through the adoption of land development regulations⁶ that are consistent with the plan, and which contain specific and detailed provisions necessary to implement the plan.⁷ Such regulations must, among other prescriptions, regulate the subdivision of land and the use of land for the land use categories in the land use element of the comprehensive plan.⁸

Any affected person may challenge whether a plan or plan amendment complies with the Act by petitioning the Division of Administrative Hearings (DOAH) for a formal hearing. An administrative law judge must hold a hearing in the affected local jurisdiction on whether the plan or plan amendment is in compliance.⁹

A comprehensive plan amendment may be classified as a small-scale amendment if the amendment involves less than 50 acres of land, does not impact land located in an area of critical state concern, preserves the internal consistency of the overall local comprehensive plan, and does not require substantive changes to the text of the plan.¹⁰ Any affected person may challenge a small scale plan amendment by petitioning DOAH for a hearing. An administrative law judge must hold a hearing in the affected jurisdiction.¹¹ Attorney fees and costs are awarded in administrative proceedings before DOAH only if the non-prevailing adverse party participated in the proceedings for an improper purpose.¹²

⁴ Section 163.3177(6), F.S.

⁵ *Id.*

⁶ "Land development regulations" means ordinances enacted by governing bodies for the regulation of any aspect of development and includes any local government zoning, rezoning, subdivision, building construction, or sign regulations or any other regulations controlling the development of land, except that this definition does not apply in s. 163.3213. See s. 163.3164(26), F.S.

⁷ Section 163.3202, F.S.

⁸ *Id.*

⁹ Section 163.3184(5)(c), F.S.

¹⁰ Section. 163.3187(1), F.S. If the amendment involves a site within an area of rural opportunity, the proposed small scale amendment may involve up to 100 acres. Section 163.3187(3), F.S.

¹¹ Section 163.3187(5)(a), F.S.

¹² Section 120.595(1)(b), F.S. "Improper purpose" is defined as participating "in a proceeding pursuant to s. 120.57(1) primarily to harass or to cause unnecessary delay or for frivolous purpose or to needlessly increase the cost of litigation, licensing, or securing the approval of an activity." Section 120.595(1)(e)1., F.S.

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. State law requires a proposed comprehensive plan amendment to receive two public hearings, the first held by the local planning board, and subsequently by the governing board.¹³

Capital Improvements Element

The comprehensive plan must contain a capital improvements element designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities.¹⁴ The capital improvements element must include:

- A component outlining principles for construction, extension or increase in capacity, as well as a component outlining principles for correcting existing facility deficiencies, both of which must cover a five-year period;
- Estimated public facility costs, including a delineation of when facilities will be needed, the general location of the facilities, and projected revenue sources to fund the facilities;
- Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service;
- A schedule of capital improvements which includes any publicly funded projects of federal, state, or local government, and which may include privately funded projects for which the local government has no fiscal responsibility. Projects necessary to ensure that any adopted level-of-service standards are achieved and maintained for the five-year period must be identified as either funded or unfunded and given a level of priority for funding; and
- The schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must be coordinated with the applicable metropolitan planning organization's long-range transportation plan.

Development Permits and Orders

The Community Planning Act defines "development" as "the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels."¹⁵ When a party wishes to engage in development activity, they must seek a development permit from the appropriate local government having jurisdiction. Under the Community Planning Act, a 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."¹⁶ Once a local government has officially granted or denied a development permit, the official action constitutes a development order.¹⁷ A development order vests certain rights related to the land.¹⁸

¹³ Sections 163.3174(4)(a) and 163.3184, F.S.

¹⁴ Section 163.3177(3)(a), F.S.

¹⁵ Section 163.3164(14), F.S.

¹⁶ Section 163.3164 (16), F.S.

¹⁷ Section 163.3164 (15), F.S.

¹⁸ Section 163.3167(3), F.S.

An aggrieved or adversely affected party¹⁹ may bring an action for declaratory, injunctive, or other relief against a local government to challenge a decision granting or denying an application for, or to prevent such local government from taking any action on, a development order, which materially alters the use or density or intensity of use on a particular piece of property in a manner not consistent with the comprehensive plan.²⁰ There is currently a split among Florida district courts of appeal concerning the application of this provision to “other aspects of development.”²¹

III. Effect of Proposed Changes:

The bill amends the process for modifying the five-year capital improvement schedule. The schedule may be updated either by ordinance or administratively if all the projects have been adopted by the project’s appropriate board.

In proceedings before DOAH challenging a comprehensive plan or plan amendments, including small scale plan amendments, the bill allows the prevailing party to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

The bill seeks to resolve a split among Florida district courts of appeal by clarifying that the scope of review for a challenge to a local government decision to grant or deny a development order is limited to whether the development order would materially alter the use, density, or intensity of a property in a manner not consistent with the comprehensive plan.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁹ Defined as any person or local government that will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order. Section 163.3215(2), F.S.

²⁰ Section 163.3215(3), F.S.

²¹ Compare *Heine v. Lee Cnty*, 221 So. 3d 1254 (Fla. 2d DCA 2017) (scope of claims limited to use, density, and intensity challenges only) with *Imhof v. Walton Cnty*, 328 So. 3d 32 (Fla. 1st DCA 2021) (scope of claims includes other aspects of development that render the development order inconsistent with comprehensive plan).

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact on private parties to the extent they may recover attorney fees and costs as prevailing parties in certain challenges to comprehensive plans and plan amendments. The bill may also have a negative fiscal impact on such private parties to the extent they are found responsible and must pay such fees and costs.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on county and municipal governments to the extent those governments are engaged in litigation concerning their comprehensive plan and whether those governments are the prevailing party in those actions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3177, 163.3184, 163.3187, and 163.3215.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator DiCeglie

18-01110-23

2023540__

A bill to be entitled
An act relating to local government comprehensive
plans; amending s. 163.3177, F.S.; authorizing certain
administrative modifications to capital improvement
schedules; amending s. 163.3184, F.S.; providing that
the prevailing party in a challenge to a plan or plan
amendment is entitled to recover attorney fees and
costs; amending s. 163.3187, F.S.; awarding attorney
fees and costs, including reasonable appellate
attorney fees and costs, to the prevailing party in a
challenge to the compliance of a small scale
development amendment; amending s. 163.3215, F.S.;
making technical changes; providing an effective date.

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

Section 1. Paragraph (b) of subsection (3) of section
163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive
plan; studies and surveys.—

(3)

(b) The capital improvements element must be reviewed by
the local government on an annual basis. Modifications to update
the 5-year capital improvement schedule may be accomplished by
ordinance, or administratively if all the projects have been
adopted by the projects' appropriate board, and may not be
deemed to be amendments to the local comprehensive plan.

Section 2. Paragraph (g) is added to subsection (5) of
section 163.3184, Florida Statutes, to read:

18-01110-23

2023540__

163.3184 Process for adoption of comprehensive plan or plan amendment.—

(5) ADMINISTRATIVE CHALLENGES TO PLANS AND PLAN AMENDMENTS.—

(g) The prevailing party in a challenge filed under this subsection is entitled to recover attorney fees and costs in challenging or defending a plan or plan amendment, including reasonable appellate attorney fees and costs.

Section 3. Paragraph (a) of subsection (5) of section 163.3187, Florida Statutes, is amended to read:

163.3187 Process for adoption of small scale comprehensive plan amendment.—

(5) (a) Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment and shall serve a copy of the petition on the local government. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the plan amendment shall be determined to be in compliance if the local government's determination that the small scale development amendment is in compliance is fairly debatable. The state land planning agency may not intervene in any proceeding initiated pursuant to this section. The prevailing party in a challenge

18-01110-23

2023540__

59 filed under this paragraph is entitled to recover attorney fees
60 and costs in challenging or defending the order, including
61 reasonable appellate attorney fees and costs.

62 Section 4. Subsections (3) and (4) of section 163.3215,
63 Florida Statutes, are amended to read:

64 163.3215 Standing to enforce local comprehensive plans
65 through development orders.—

66 (3) Any aggrieved or adversely affected party may maintain
67 a de novo action for declaratory, injunctive, or other relief
68 against any local government to challenge any decision of such
69 local government granting or denying an application for, or to
70 prevent such local government from taking any action on, a
71 development order, as defined in s. 163.3164, on the basis that
72 the development order ~~which~~ materially alters the use or density
73 or intensity of use on a particular piece of property, rendering
74 it ~~which is~~ not consistent with the comprehensive plan adopted
75 under this part. The de novo action must be filed no later than
76 30 days following rendition of a development order or other
77 written decision, or when all local administrative appeals, if
78 any, are exhausted, whichever occurs later.

79 (4) If a local government elects to adopt or has adopted an
80 ordinance establishing, at a minimum, the requirements listed in
81 this subsection, the sole method by which an aggrieved and
82 adversely affected party may challenge any decision of local
83 government granting or denying an application for a development
84 order, as defined in s. 163.3164, which materially alters the
85 use or density or intensity of use on a particular piece of
86 property, ~~on the basis that it is not consistent with the~~
87 ~~comprehensive plan adopted under this part,~~ is by an appeal

18-01110-23

2023540__

88 filed by a petition for writ of certiorari filed in circuit
89 court no later than 30 days following rendition of a development
90 order or other written decision of the local government, or when
91 all local administrative appeals, if any, are exhausted,
92 whichever occurs later. An action for injunctive or other relief
93 may be joined with the petition for certiorari. Principles of
94 judicial or administrative res judicata and collateral estoppel
95 apply to these proceedings. Minimum components of the local
96 process are as follows:

97 (a) The local process must make provision for notice of an
98 application for a development order that materially alters the
99 use or density or intensity of use on a particular piece of
100 property, including notice by publication or mailed notice
101 consistent with the provisions of ss. 125.66(4)(b)2. and 3. and
102 166.041(3)(c)2.b. and c., and must require prominent posting at
103 the job site. The notice must be given within 10 days after the
104 filing of an application for a development order; however,
105 notice under this subsection is not required for an application
106 for a building permit or any other official action of local
107 government which does not materially alter the use or density or
108 intensity of use on a particular piece of property. The notice
109 must clearly delineate that an aggrieved or adversely affected
110 person has the right to request a quasi-judicial hearing before
111 the local government for which the application is made, must
112 explain the conditions precedent to the appeal of any
113 development order ultimately rendered upon the application, and
114 must specify the location where written procedures can be
115 obtained that describe the process, including how to initiate
116 the quasi-judicial process, the timeframes for initiating the

18-01110-23

2023540__

process, and the location of the hearing. The process may include an opportunity for an alternative dispute resolution.

(b) The local process must provide a clear point of entry consisting of a written preliminary decision, at a time and in a manner to be established in the local ordinance, with the time to request a quasi-judicial hearing running from the issuance of the written preliminary decision; the local government, however, is not bound by the preliminary decision. A party may request a hearing to challenge or support a preliminary decision.

(c) The local process must provide an opportunity for participation in the process by an aggrieved or adversely affected party, allowing a reasonable time for the party to prepare and present a case for the quasi-judicial hearing.

(d) The local process must provide, at a minimum, an opportunity for the disclosure of witnesses and exhibits prior to hearing and an opportunity for the depositions of witnesses to be taken.

(e) The local process may not require that a party be represented by an attorney in order to participate in a hearing.

(f) The local process must provide for a quasi-judicial hearing before an impartial special master who is an attorney who has at least 5 years' experience and who shall, at the conclusion of the hearing, recommend written findings of fact and conclusions of law. The special master shall have the power to swear witnesses and take their testimony under oath, to issue subpoenas and other orders regarding the conduct of the proceedings, and to compel entry upon the land. The standard of review applied by the special master in determining whether a proposed development order is consistent with the comprehensive

18-01110-23

2023540__

plan shall be strict scrutiny in accordance with Florida law.

(g) At the quasi-judicial hearing, all parties must have the opportunity to respond, to present evidence and argument on all issues involved which are related to the development order, and to conduct cross-examination and submit rebuttal evidence. Public testimony must be allowed.

(h) The local process must provide for a duly noticed public hearing before the local government at which public testimony is allowed. At the quasi-judicial hearing, the local government is bound by the special master's findings of fact unless the findings of fact are not supported by competent substantial evidence. The governing body may modify the conclusions of law if it finds that the special master's application or interpretation of law is erroneous. The governing body may make reasonable legal interpretations of its comprehensive plan and land development regulations without regard to whether the special master's interpretation is labeled as a finding of fact or a conclusion of law. The local government's final decision must be reduced to writing, including the findings of fact and conclusions of law, and is not considered rendered or final until officially date-stamped by the city or county clerk.

(i) An ex parte communication relating to the merits of the matter under review may not be made to the special master. An ex parte communication relating to the merits of the matter under review may not be made to the governing body after a time to be established by the local ordinance, which time must be no later than receipt of the special master's recommended order by the governing body.

18-01110-23

2023540__

175 (j) At the option of the local government, the process may
176 require actions to challenge the consistency of a development
177 order with land development regulations to be brought in the
178 same proceeding.

179 Section 5. This act shall take effect July 1, 2023.

3/22/23

Meeting Date

CA

Committee

The Florida Senate
APPEARANCE RECORD

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

540

Bill Number or Topic

Amendment Barcode (if applicable)

Name

David Cullen

Phone

941-323-2404

Address

2838 Little Deal Rd

Email

cullenasea@gmail.com

Street

Tallahassee

FL

32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Sierra Club Florida

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

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

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

S-001 (08/10/2021)

APPEARANCE RECORD

3/22/2023

Meeting Date

540

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

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

Amendment Barcode (if applicable)

Name TRISH NEELY

Phone 850 322 3317

Address 2024 SHANGRI LA LANE

Street

Email

TALLY FL 32303

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:

LEAGUE WOMEN VOTERS

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

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

S-001 (08/10/2021)

3/22/23

The Florida Senate

APPEARANCE RECORD

SB 540

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jane West

Phone

904-671-4008

Address

308 N Monroe St

Email

jwest@1000friends.org

Street

Tallah

FL

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

1000 Friends of Florida

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

8/22/23

Meeting Date

SB 840

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 134 S Bronough St

Street

Email

Tallahassee FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

FL Chamber of
Commerce

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

3/22/23

Meeting Date

540

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

David Cruz

Phone

701-3476

Address

P.O. Box 1757

Email

DCRUZ@FCcities.com

Street

Tallahassee

City

FL

State

32302

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

~~SB~~ 540

Bill Number or Topic

July 22, 2023

Meeting Date

Community affairs

Committee

Name Jim Tatum

Phone 352 213 3916

Amendment Barcode (if applicable)

Address 112 W. Mannebaum St

Email

Street

Tampa FL 33604

City

State

Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Meeting Date

Committee

Name

Address

Street

City

State

Zip

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

Bill Number or Topic

Amendment Barcode (if applicable)

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/2023

Meeting Date

SB 540

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Sarah Younger

Phone 386 - 454 - 1257

Address 26805 NW 182 Ave

Street

Email smyounger@comcast.net

High Springs FL

City

State

32643

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-22-23

Meeting Date

Community Affairs Committee

Committee

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

540

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Carolyn Mellis

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

SB 540

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

10800 Biscayne Blvd. Suite 1050

Email

jackson@floridaforall.vote

Street

Miami

City

FL

State

33161

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida
Rising

☐

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 Community Affairs

BILL: CS/SB 696

INTRODUCER: Community Affairs Committee and Senator Ingoglia

SUBJECT: Local Officials

DATE: March 23, 2023

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 696 provides that certain local government employee contracts shall not be renewed, extended, or renegotiated within 8 months of a general election for members of the applicable governing body. This applies to:

- County administrators;
- County attorneys;
- Municipal chief executive officers;
- Municipal attorneys;
- School superintendents; and
- School board district attorneys.

The bill provides an exception when the employee produces a competing employment offer from another governmental entity.

The bill takes effect July 1, 2023.

II. Present Situation:

Local Government Employees

Local governments have broad authority to contract with or employ personnel for the wide variety of tasks they accomplish. This authority is limited only narrowly by statute, which

generally forbids the payment of extra compensation and sets limits on severance pay for all employees of a governmental unit.¹ Severance pay may not exceed 20 weeks' compensation, and must not be granted when the employee has been fired for misconduct.²

County Administrator

Counties are required to employ a county administrator, who acts as the administrative head of the county and is responsible for the administration of all departments of the county government.³ The county administrator is appointed by a majority of the board of county commissioners, and must reside within the county during their tenure. The board of county commissioners fixes the county administrator's compensation.

School Superintendents

A school superintendent, the administrative head of a district school board, may be either appointed by the district school board or elected for four-year terms.⁴ A district school board must enter into an employment contract with an appointed district school superintendent which provides a reasonable salary not exceeding \$225,000 in total remuneration.⁵ These contracts are subject to the provisions of law limiting bonuses and severance pay.⁶ An elected superintendent is not an employee, and receives a statutory salary similarly to other elected officials.⁷

Local Government Attorneys and Municipal Chief Executive Officers

While local governments are not required by law to employ an attorney, and municipalities are not required to employ a chief executive officer,⁸ the practice of hiring such personnel is common, such that these roles are referred to by various statutes.⁹ These roles may be full time employees, fulfilled through contract work as needed, or divided into several smaller roles, as needed by the local government.

Local Government Elections

General elections are held each November, with a corresponding primary in the preceding August.¹⁰ County commissioners and school board members are elected at general elections in staggered terms,¹¹ while the governing body of a municipality may be elected on a different schedule if altered by ordinance.¹²

¹ Section 215.425, F.S.

² Section 215.425(4), F.S.

³ Section 125.73, F.S.

⁴ FLA. CONST. Art. IX, s. 5. Districts may decide which system to use, changing from one to the other by referendum.

⁵ Section 1001.50(3) and (5), F.S.

⁶ Section 1001.50(2), F.S.

⁷ Section 1001.47, F.S.

⁸ Often referred to as a city or town manager.

⁹ See, e.g. ss 193.116 (referring to "the chief executive officer of each municipality"), 194.035 (referring to a school board attorney), and 409.2554 (referring to county and city attorneys), F.S.

¹⁰ Sections 100.031 and 100.061, F.S.

¹¹ Section 100.041, F.S.

¹² Section 100.3605, F.S.

III. Effect of Proposed Changes:

The bill amends and creates various statutes to provide that certain local government employee contracts shall not be renewed, extended, or renegotiated within 8 months of a general election for members of the applicable governing body. The bill applies this provision to:

- County administrators;
- County attorneys;
- Municipal chief executive officers;
- Municipal attorneys;
- School superintendents; and
- School board district attorneys.

The bill provides for an exception to this provision when the employee produces a bona fide, written, competing employment offer from another governmental entity.¹³

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹³ “Government entity” as defined by 287.012(14), F.S., to mean a political subdivision or agency of this state or of any state of the United States, including, but not limited to, state government, county, municipality, school district, nonprofit public university or college, single-purpose or multipurpose special district, single-purpose or multipurpose public authority, metropolitan or consolidated government, separate legal entity or administrative entity, or any agency of the Federal Government.

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:

Local government attorneys and municipal chief executive officers are not positions defined by law, and as such the provisions of the bill may apply unevenly among the wide variety of local governments depending on positions employed and duties those positions hold. Additionally, as not all employees have an employment contract, the provisions of the bill may not apply clearly in some situations.

VIII. Statutes Affected:

This bill substantially amends sections 125.73, 166.021, 1001.50, and 112.061 of the Florida Statutes.

This bill creates sections 125.75 and 1012.336 of the Florida Statutes.

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

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

CS by Community Affairs on March 22, 2023:

The CS, respectively for each provision of the bill, reduces the timeframe during which a local government cannot alter contracts with certain employees from 12 months prior to a primary election to 8 months prior to a general election, and introduces an exemption for situations when the employee produces a competing employment offer from another governmental entity.

B. Amendments:

None.

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



253906

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 31 - 73
and insert:

(5) The governing body of a county may not renew or extend the employment contract of a county administrator within the 8 months before a general election for county mayor, if applicable, or for members of the governing body of the county; however, the governing body of a county may do so if the county administrator presents the governing body with a bona fide



253906

11 written offer of employment from another governmental entity as
12 defined in s. 287.012(14).

13 Section 2. Section 125.75, Florida Statutes, is created to
14 read:

15 125.75 County general counsel contract.—The governing body
16 of a county may not renew or extend the contract of a county
17 general counsel within the 8 months before a general election
18 for county mayor, if applicable, or for members of the governing
19 body of the county; however, the governing body of a county may
20 do so if the county general counsel presents the governing body
21 with a bona fide written offer of employment from another
22 governmental entity as defined in s. 287.012(14).

23 Section 3. Present subsection (9) of section 166.021,
24 Florida Statutes, is redesignated as subsection (10), and a new
25 subsection (9) is added to that section, to read:

26 166.021 Powers.—

27 (9) (a) The governing body of a municipality may not renew
28 or extend the employment contract of a chief executive officer
29 of the municipality within the 8 months before a general
30 election for the municipal mayor or for members of the governing
31 body of the municipality; however, the governing body of a
32 municipality may do so if the chief executive officer of the
33 municipality presents the governing body with a bona fide
34 written offer of employment from another governmental entity as
35 defined in s. 287.012(14).

36 (b) The governing body of a municipality may not renew or
37 extend the employment contract of a municipal general counsel
38 within the 8 months before a general election for the municipal
39 mayor or for members of the governing body of the municipality;



253906

however, the governing body of a municipality may do so if the municipal general counsel presents the governing body with a bona fide written offer of employment from another governmental entity as defined in s. 287.012(14).

Section 4. Subsection (2) of section 1001.50, Florida Statutes, is amended to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.—

(2) Each district school board shall enter into an employment contract with the district school superintendent and shall adopt rules relating to his or her appointment; however, if the employment contract contains a provision for severance pay, it must include the provisions required by s. 215.425. The district school board may not renew or extend the employment contract of a superintendent within the 8 months before a general election for district school board members; however, the district school board may do so if the superintendent presents the district school board with a bona fide written offer of employment from another governmental entity as defined in s. 287.012(14).

Section 5. Section 1012.336, Florida Statutes, is created to read:

1012.336 Contracts with district school board general counsels.—A district school board may not renew or extend the employment contract of a district school board general counsel within the 8 months before a general election for district school board members; however, a district school board may do so if the district school board general counsel presents the district school board with a bona fide written offer of



253906

employment from another governmental entity as defined in s.
287.012(14).

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

And the title is amended as follows:

Delete lines 3 - 21
and insert:
125.73, F.S.; prohibiting the governing body of a
county from renewing or extending the employment
contract of a county administrator during a specified
timeframe; providing an exception; defining the term
"governmental entity"; creating s. 125.75, F.S.;
prohibiting the governing body of a county from
renewing or extending the employment contract of a
county general counsel during a specified timeframe;
providing an exception; defining the term
"governmental entity"; amending s. 166.021, F.S.;
prohibiting the governing body of a municipality from
renewing or extending the employment contract of a
chief executive officer or municipal general counsel
during a specified timeframe; providing exceptions;
defining the term "governmental entity"; amending s.
1001.50, F.S.; prohibiting a district school board
from renewing or extending the employment contract of
a superintendent during a specified timeframe;
providing an exception; defining the term
"governmental entity"; creating s. 1012.336, F.S.;
prohibiting a district school board from renewing or
extending the employment contract of a district school



253906

98 board general counsel during a specified timeframe;
99 providing an exception; defining the term
100 "governmental entity"; amending s. 112.061, F.S.;

By Senator Ingoglia

11-00369A-23

2023696__

A bill to be entitled
An act relating to local officials; amending s.
125.73, F.S.; providing that the employment contract
for a county administrator is not to be renewed,
extended, or renegotiated during a specified
timeframe; creating s. 125.75, F.S.; providing that
the employment contract for a county attorney is not
to be renewed, extended, or renegotiated during a
specified timeframe; amending s. 166.021, F.S.;
providing that the employment contracts for a chief
executive officer of a municipality and a municipal
attorney are not to be renewed, extended, or
renegotiated during a specified timeframe; amending s.
1001.50, F.S.; providing that a district school
superintendent's employment contract with the district
school board is not to be renewed, extended, or
renegotiated during a specified timeframe; creating s.
1012.336, F.S.; providing that the employment contract
of an attorney employed by a district school board is
not to be renewed, extended, or renegotiated during a
specified timeframe; amending s. 112.061, F.S.;
conforming cross-references; providing an effective
date.

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

Section 1. Subsection (5) is added to section 125.73,
Florida Statutes, to read:
125.73 County administrator; appointment, qualifications,

11-00369A-23

2023696__

30 compensation.—

31 (5) The county administrator's employment contract shall
32 not be renewed, extended, or renegotiated within 12 months
33 before an August primary election for county mayor, if
34 applicable, or for members of the governing body of the county.

35 Section 2. Section 125.75, Florida Statutes, is created to
36 read:

37 125.75 County attorney contract.—The county attorney's
38 employment contract shall not be renewed, extended, or
39 renegotiated within 12 months before an August primary election
40 for county mayor, if applicable, or for members of the governing
41 body of the county.

42 Section 3. Present subsection (9) of section 166.021,
43 Florida Statutes, is redesignated as subsection (10), and a new
44 subsection (9) is added to that section, to read:

45 166.021 Powers.—

46 (9) (a) The employment contract of the chief executive
47 officer of a municipality shall not be renewed, extended, or
48 renegotiated within 12 months before an August primary election
49 for the municipal mayor or for members of the governing body of
50 the municipality.

51 (b) The employment contract of the municipal attorney shall
52 not be renewed, extended, or renegotiated within 12 months
53 before an August primary election for the municipal mayor or for
54 members of the governing body of the municipality.

55 Section 4. Subsection (2) of section 1001.50, Florida
56 Statutes, is amended to read:

57 1001.50 Superintendents employed under Art. IX of the State
58 Constitution.—

11-00369A-23

2023696__

(2) Each district school board shall enter into an employment contract with the district school superintendent and shall adopt rules relating to his or her appointment; however, if the employment contract contains a provision for severance pay, it must include the provisions required by s. 215.425. The superintendent's employment contract shall not be renewed, extended, or renegotiated within 12 months before an August primary election for district school board members.

Section 5. Section 1012.336, Florida Statutes, is created to read:

1012.336 Contracts with attorneys of the district school boards.—The employment contract of an attorney with the district school board shall not be renewed, extended, or renegotiated within 12 months before an August primary election for district school board members.

Section 6. Paragraphs (a) and (c) of subsection (14) of section 112.061, Florida Statutes, are amended to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons; statewide travel management system.—

(14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING ORGANIZATIONS.—

(a) The following entities may establish rates that vary from the per diem rate provided in paragraph (6)(a), the subsistence rates provided in paragraph (6)(b), or the mileage rate provided in paragraph (7)(d) if those rates are not less than the statutorily established rates that are in effect for the 2005-2006 fiscal year:

11-00369A-23

2023696__

1. The governing body of a county by the enactment of an ordinance or resolution;

2. A county constitutional officer, pursuant to s. 1(d), Art. VIII of the State Constitution, by the establishment of written policy;

3. The governing body of a district school board by the adoption of rules;

4. The governing body of a special district, as defined in s. 189.012, except those special districts that are subject to s. 166.021(10) ~~s. 166.021(9)~~, by the enactment of a resolution; or

5. Any metropolitan planning organization created pursuant to s. 339.175 or any other separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member, by the enactment of a resolution.

(c) Except as otherwise provided in this subsection, counties, county constitutional officers and entities governed by those officers, district school boards, special districts, and metropolitan planning organizations, other than those subject to s. 166.021(10) ~~s. 166.021(9)~~, remain subject to the requirements of this section.

Section 7. This act shall take effect July 1, 2023.

3/22/23

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB 696

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

Curtis Hierro

Phone

407 334 4934

Address

8290 Lake Dr

Email

Street

Doral

FL

33166

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 718

INTRODUCER: Community Affairs Committee and Senator Yarborough

SUBJECT: Municipal Boundaries

DATE: March 24, 2023

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 718 amends provisions in current law pertaining to annexation and contraction, wherein property is either added to or removed from the boundaries of a municipality. The bill identifies the report a municipality must prepare prior to any annexation or contraction action as a “feasibility study,” and provides that such study must analyze the economic, market, technical, financial, and management feasibility of a proposed annexation or contraction.

As it pertains to contraction, the bill removes the requirement that a municipality provide specific findings when rejecting a petition from the voters in an area desiring to be excluded from the municipal boundaries.

The bill also revises the contraction procedures in situations where more than 70 percent of the acres proposed to be contracted are owned by private entities that are not registered electors. The bill requires in these instances that the owners of a majority of the acreage consent to such contraction. This provision mirrors requirements in current law for municipal annexation.

The bill takes effect on July 1, 2023.

II. Present Situation:

Municipal Annexation

A municipality may propose to annex any area of contiguous, compact, unincorporated territory by ordinance or may be petitioned for annexation by owner(s) of “contiguous... and reasonably compact” real property.¹ An area is considered “contiguous” if a substantial part of its boundary is coterminous with a part of the boundary of the municipality.² An area is compact if it is concentrated in a single area and does not create enclaves, pockets, or finger areas.³ All lands to be annexed must be in the same county as the annexing municipality.⁴

The governing body of a municipality may only propose annexation of an area that is contiguous, reasonably compact, and is either:⁵

- Developed for “urban purposes,” which is defined as having a resident population or at least two persons per acre, having a resident population of at least one person per acre if the area is subdivided into lots where at least 60 percent of the total number of lots are 1 acre or less in size, or at least 60 percent of the total number of lots meet one of the preceding definitions and at least 60 percent of the total acreage not used for non-residential “urban purposes” is subdivided into lots of 5 acres or less;
- Lies between the municipal boundary and an area developed for “urban purposes”; or
- Adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and areas developed for “urban purposes.”

A municipality may begin the annexation process by adopting a non-emergency ordinance.⁶ The municipality is required to hold two advertised public meetings before the adoption of the ordinance, one held on a weekday at least seven days after the publication of the first advertisement and one held on a weekday at least five days after the publication of the second advertisement. At least 10 days prior to the first public meeting, the governing body of the municipality must provide written notice to all residents and property owners in the area proposed for annexation.⁷ The notice must contain the annexation proposal, the time and location of the public meeting, and locations where the proposed ordinance may be inspected by the public.

Before adopting an annexation ordinance, a municipality is required to prepare a report that contains:⁸

- Plans to provide urban services to the area to be annexed;
- A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;

¹ Sections. 171.0413(1) and 171.044(1), F.S.

² Section 171.031(11), F.S.

³ Section 171.031(12), F.S.

⁴ Section 171.045, F.S.

⁵ Section 171.043, F.S.

⁶ Section 171.0413(1), F.S. A non-emergency ordinance is adopted using standing procedures specified by s. 166.041, F.S.

⁷ Section 171.042(3), F.S.

⁸ Section 171.042(1), F.S.

- A statement certifying the area meets the annexation criteria specified in s. 171.043, F.S.; and
- A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation.

The governing body of the municipality must file a copy of the report with the governing body of the county within 15 days of the commencement of annexation procedures.⁹ Failure to submit the report to the county in a timely manner may invalidate the annexation.

The municipality must submit the adopted annexation ordinance to a referendum in the area to be annexed.¹⁰ The municipality may also choose to submit the ordinance to the voters of the municipality for approval. If more than 70 percent of the area to be annexed is not owned by registered voters, the municipality must obtain the consent of landowners owning at least 50 percent of area to be annexed before conducting the referendum.¹¹

The referendum may be conducted during the next regularly scheduled election or at a special election.¹² The referendum must not be held until at least 30 days after the adoption of the ordinance and must be advertised in a newspaper of general circulation in the area to be annexed.¹³ If the referendum is approved by the voters, the annexation occurs on the effective date provided by the ordinance.¹⁴ If the voters reject annexation, the municipality may not propose annexation of the same area in the two years following the referendum.

If the area to be annexed has no registered electors, the area may be annexed without a referendum if the municipality obtains the consent of landowners representing both 50 percent of acreage and 50 percent of the parcels in the area to be annexed.¹⁵

Alternatively, the owner(s) of real property in a contiguous, reasonably compact, and unincorporated area of the county may petition a municipality for annexation.¹⁶ The municipality must determine that all land owners in the area to be annexed have signed the petition and publish notice of the annexation before passing an ordinance annexing the area. A copy of the ordinance, including a map and a metes-and-bounds legal description of the area, must be filed with the clerk of the circuit court, the chief administrative officer of the county, and the Department of State within seven days after adopting the annexation ordinance. An area may not be annexed using this process if the annexation would result in the creation of an enclave.¹⁷

Municipal Contraction

A municipality may initiate the contraction of its boundaries by ordinance¹⁸ or by a petition signed by of fifteen percent of the qualified voters in the area to be excluded.¹⁹ The petition must

⁹ Section 171.042(2), F.S.

¹⁰ Section 171.0413(2), F.S.

¹¹ Section 171.0413(5), F.S.

¹² Section 171.0413(2)(a), F.S.

¹³ Section 171.0413(2)(a)-(b), F.S.

¹⁴ Section 171.0413(2)(e), F.S.

¹⁵ Section 171.0413(6), F.S.

¹⁶ Section 171.044, F.S.

¹⁷ Section 171.044(5), F.S.

¹⁸ Section 171.051(1), F.S.

¹⁹ Section 171.051(2), F.S.

be filed with the clerk of the municipal governing body. Upon receipt of a petition, the municipality must undertake a study of the feasibility of the proposal and either initiate the proceedings or reject the petition, stating the facts upon which the rejection is based, within six months.²⁰

Once the contraction proposal is initiated, the governing body must publish notice of the proposed contraction ordinance at least once a week for two consecutive weeks in a newspaper of general circulation in the municipality.²¹ This notice must:

- Include a description of the area to be excluded;
- Show the area fails to meet the general criteria for annexation;
- Set the time and place for the municipal governing body meeting at which the proposed ordinance will be considered; and
- Advise that all affected persons may be heard.

Voter approval of the contraction is required if the municipal governing body calls for a referendum election on the question in the area proposed for exclusion or residents of that area submit a petition at the public meeting signed by at least 15 percent of the area's qualified voters. The date for the referendum is determined by the method used to call for the referendum.²² The municipal governing body is required to publish notice of the referendum election at least once a week for two consecutive weeks in a newspaper of general circulation in the municipality or in the area proposed to be excluded.²³ If a majority of electors voting in the referendum opposes contraction, the municipality is prohibited from proposing the exclusion of the area in a contraction ordinance for a period of least two years.²⁴

An area removed from a municipality must fail to meet the criteria for annexation.²⁵ Under these criteria, an area to be annexed must be contiguous to the annexing municipality, must be reasonably compact, and must not be located within the boundaries of another municipality.²⁶ For annexation, an area must also meet one of the following criteria:

- The area is developed for urban purposes;²⁷
- The area links the municipality with areas developed for urban purposes;²⁸ or
- At least 60 percent of the boundary of the area is adjacent to the municipal boundary and lands developed for urban purposes.²⁹

The results of the contraction must not separate any portion of the municipality from the rest of the municipality.³⁰ The contracting ordinance must provide for apportionment of any prior

²⁰ *Id.*

²¹ Section 171.051(3), F.S.

²² Section 171.051(6), F.S. If a referendum is required due to the filing of a petition signed by at least 15 percent of the area's qualified voters, the referendum must occur at the next regularly scheduled election. If the referendum is called at the discretion of the municipal governing body, a special election is called no sooner than 30 days after the verification of the petition or the passage of the resolution or ordinance calling for a referendum.

²³ Section 171.051(7), F.S.

²⁴ Section 171.051(10), F.S.

²⁵ Section 171.052(1), F.S.

²⁶ Section 171.043(1), F.S.

²⁷ Section 171.043(2), F.S.

²⁸ Section 171.043(3)(a), F.S.

²⁹ Section 171.043(3)(b), F.S.

³⁰ Section 171.052(1), F.S.

existing debt and property.³¹ The county and the municipal governing body must reach an agreement determining which debt or property will be transferred to the county, the fair value of the debt or property, and the manner of transfer and financing.³² An area that has been contracted is no longer subject to municipal laws, ordinances, or regulations and becomes subject to any laws, ordinances, or regulations of the county as of the effective date of the contraction.³³

III. Effect of Proposed Changes:

The bill amends the Municipal Annexation or Contraction Act in ch. 171, F.S.

The bill identifies the report a municipality must prepare prior to any annexation or contraction action as a “feasibility study,” and defines the study as an analysis conducted by qualified staff or consultants of the economic, market, technical, financial, and management feasibility of the proposed annexation or contraction.

As it pertains to contraction, the bill removes the requirement that a municipality provide specific findings when rejecting a petition from the voters in an area desiring to be excluded from the municipal boundaries, and specifies that such rejection is a legislative decision.

The bill also revises the contraction procedures in situations where more than 70 percent of the acres proposed to be contracted are owned by private entities that are not registered electors. The bill requires in these instances that the owners of *more than 50 percent* of the acreage consent to such contraction. This provision mirrors requirements in current law for municipal annexation.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³¹ Section 171.052(2), F.S.

³² Section 171.061(2), F.S.

³³ Section 171.062(3), F.S.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 171.031, 171.0413, 171.042, 171.051, and 171.204.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Community Affairs on March 22, 2023:

The CS removes the paragraph in section 2 of the bill that made substantive changes to current law regarding annexation in areas with no registered electors.

B. Amendments:

None.



412048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 106 - 132

and insert:

Section 2. Subsection (5) of section 171.0413, Florida Statutes, is amended to read:

171.0413 Annexation procedures.—Any municipality may annex contiguous, compact, unincorporated territory in the following manner:

(5) If more than 70 percent of the acres of land in an area



412048

proposed to be annexed is owned by individuals, corporations, or legal entities which are not registered electors of such area, such area may ~~shall~~ not be annexed unless the owners of more than 50 percent of the acres of land in such area consent to such annexation. Such consent must ~~shall~~ be obtained by the parties proposing the annexation before ~~prior to~~ the referendum to be held on the annexation.

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

And the title is amended as follows:

Delete lines 6 - 7

and insert:

procedures; amending



768478

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/21/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 119 - 132

and insert:

(6) Notwithstanding subsections (1) and (2), if the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. ~~In addition to the requirements of subsection (5), the area may not be annexed unless the owners of more than 50 percent of the parcels of land~~



768478

~~in the area proposed to be annexed consent to the annexation.~~ If
the governing body does not choose to hold a referendum of the
annexing municipality pursuant to subsection (2), then the
property owner consents required pursuant to subsection (5)
shall be obtained by the parties proposing the annexation prior
to the final adoption of the ordinance, and the annexation
ordinance shall be effective upon becoming a law or as otherwise
provided in the ordinance.

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

And the title is amended as follows:

Delete lines 6 - 7

and insert:

procedures; revising annexation procedures; amending

By Senator Yarborough

4-01249-23

2023718__

A bill to be entitled
An act relating to municipal boundaries; reordering
and amending s. 171.031, F.S.; defining the term
"feasibility study"; amending s. 171.0413, F.S.;
specifying the measurement of land during annexation
procedures; removing certain procedures regarding
elector votes during annexation procedures; amending
s. 171.042, F.S.; replacing the term "report" with
"feasibility study"; amending s. 171.051, F.S.;
revising contraction procedures when qualified voters
desire to be excluded from municipal boundaries;
prohibiting contraction under certain circumstances;
amending s. 171.204, F.S.; conforming a cross-
reference; providing an effective date.

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

Section 1. Section 171.031, Florida Statutes, is reordered
and amended to read:

171.031 Definitions.—As used in this chapter, the following
words and terms have the following meanings unless some other
meaning is plainly indicated:

(1) "Annexation" means the adding of real property to the
boundaries of an incorporated municipality, such addition making
such real property in every way a part of the municipality.

(4)~~(2)~~ "Contraction" means the reversion of real property
within municipal boundaries to an unincorporated status.

(7)~~(3)~~ "Municipality" means a municipality created pursuant
to general or special law authorized or recognized pursuant to

4-01249-23

2023718__

s. 2 or s. 6, Art. VIII of the State Constitution.

~~(8)(4)~~ "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

~~(9)(5)~~ "Parties affected" means any persons or firms owning property in, or residing in, either a municipality proposing annexation or contraction or owning property that is proposed for annexation to a municipality or any governmental unit with jurisdiction over such area.

(6) "Feasibility study" means an analysis conducted by qualified staff or consultants of the economic, market, technical, financial, and management feasibility of the proposed annexation or contraction, as applicable.

~~(10)~~ "Qualified voter" means any person registered to vote in accordance with law.

~~(11)(7)~~ "Sufficiency of petition" means the verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposed annexation.

~~(12)(8)~~ "Urban in character" means an area used intensively for residential, urban recreational or conservation parklands, commercial, industrial, institutional, or governmental purposes

4-01249-23

2023718__

or an area undergoing development for any of these purposes.

(14)~~(9)~~ "Urban services" means any services offered by a municipality, either directly or by contract, to any of its present residents.

(13)~~(10)~~ "Urban purposes" means that land is used intensively for residential, commercial, industrial, institutional, and governmental purposes, including any parcels of land retained in their natural state or kept free of development as dedicated greenbelt areas.

(3)~~(11)~~ "Contiguous" means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, may shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing in this subsection may ~~herein shall~~ be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision ~~or provisions~~ of any special law prohibits ~~or laws~~

4-01249-23

2023718__

~~prohibit~~ the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

(2)~~(12)~~ "Compactness" means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in this ~~the~~ state must ~~shall~~ be designed in such a manner as to ensure that the area will be reasonably compact.

(5)~~(13)~~ "Enclave" means:

(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or

(b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

Section 2. Subsections (5) and (6) of section 171.0413, Florida Statutes, are amended to read:

171.0413 Annexation procedures.—Any municipality may annex contiguous, compact, unincorporated territory in the following manner:

(5) If more than 70 percent of the acres of land in an area proposed to be annexed is owned by individuals, corporations, or legal entities which are not registered electors of such area, such area may ~~shall~~ not be annexed unless the owners of more than 50 percent of the acres of land in such area consent to such annexation. Such consent must ~~shall~~ be obtained by the

4-01249-23

2023718__

parties proposing the annexation before ~~prior to~~ the referendum to be held on the annexation.

~~(6) Notwithstanding subsections (1) and (2), if the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. In addition to the requirements of subsection (5), the area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. If the governing body does not choose to hold a referendum of the annexing municipality pursuant to subsection (2), then the property owner consents required pursuant to subsection (5) shall be obtained by the parties proposing the annexation prior to the final adoption of the ordinance, and the annexation ordinance shall be effective upon becoming a law or as otherwise provided in the ordinance.~~

Section 3. Subsections (1) and (2) of section 171.042, Florida Statutes, are amended to read:

171.042 Prerequisites to annexation.—

(1) Before ~~Prior to~~ commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall prepare a feasibility study ~~report~~ setting forth the plans to provide urban services to any area to be annexed, and the feasibility study must ~~report shall~~ include the following:

(a) A map or maps of the municipality and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, as required in paragraph (c), and the general land use pattern in

4-01249-23

2023718__

the area to be annexed.

(b) A statement certifying that the area to be annexed meets the criteria in s. 171.043.

(c) A statement setting forth the plans of the municipality for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation. Specifically, such plans must ~~shall~~:

1. Provide for extending urban services except as otherwise provided in this subsection ~~herein~~ to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality before ~~prior to~~ annexation.

2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.

3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

(2) Not fewer than 15 days before ~~prior to~~ commencing the annexation procedures under s. 171.0413, the governing body of the municipality shall file a copy of the feasibility study ~~report~~ required by this section with the board of county

4-01249-23

2023718__

commissioners of the county in which ~~wherein~~ the municipality is located. Failure to timely file the feasibility study ~~report~~ as required in this subsection may be the basis for a cause of action to invalidate ~~invalidating~~ the annexation.

Section 4. Subsections (2) and (4) of section 171.051, Florida Statutes, are amended, and subsection (11) is added to that section, to read:

171.051 Contraction procedures.—Any municipality may initiate the contraction of municipal boundaries in the following manner:

(2) A petition of 15 percent of the qualified voters in an area desiring to be excluded from the municipal boundaries, filed with the clerk of the municipal governing body, may propose such an ordinance. The municipality to which such petition is directed shall immediately undertake a feasibility study ~~of the feasibility~~ of such proposal and the governing body shall, within 6 months, evaluate the feasibility study of such proposal and either initiate proceedings under subsection (1) by introducing a contraction ordinance or reject the petition as a legislative decision, ~~specifically stating the facts upon which the rejection is based.~~

(4) If, at the meeting held for the ~~such~~ purpose of considering the contraction ordinance introduced by the governing body, a petition is filed and signed by at least 15 percent of the qualified voters resident in the area proposed for contraction requesting a referendum on the question, the governing body shall, upon verification, paid for by the municipality, of the sufficiency of the petition, and before passing such ordinance, submit the question of contraction to a

4-01249-23

2023718__

vote of the qualified voters of the area proposed for contraction, or the governing body may vote not to contract the municipal boundaries.

(11) If more than 70 percent of the acres of land in an area proposed to be contracted is owned by individuals, corporations, or legal entities that are not registered electors of such area, such area may not be contracted unless the owners of more than 50 percent of the acres of land in such area consent to such contraction.

Section 5. Section 171.204, Florida Statutes, is amended to read:

171.204 Prerequisites to annexation under this part.—The interlocal service boundary agreement may describe the character of land that may be annexed under this part and may provide that the restrictions on the character of land that may be annexed pursuant to part I are not restrictions on land that may be annexed pursuant to this part. As determined in the interlocal service boundary agreement, any character of land may be annexed, including, but not limited to, an annexation of land not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation where the annexed area is not reasonably compact; however, such area must be “urban in character” as defined in s. 171.031 ~~s.~~ ~~171.031(8)~~. The interlocal service boundary agreement may not allow for annexation of land within a municipality that is not a party to the agreement or of land that is within another county. Before annexation of land that is not contiguous to the boundaries of the annexing municipality, an annexation that creates an enclave, or an annexation of land that is not

4-01249-23

2023718__

233 currently served by water or sewer utilities, one of the
234 following options must be followed:

235 (1) The municipality shall transmit a comprehensive plan
236 amendment that proposes specific amendments relating to the
237 property anticipated for annexation to the Department of
238 Economic Opportunity for review under chapter 163. After
239 considering the department's review, the municipality may
240 approve the annexation and comprehensive plan amendment
241 concurrently. The local government must adopt the annexation and
242 the comprehensive plan amendment as separate and distinct
243 actions but may take such actions at a single public hearing; or

244 (2) A municipality and county shall enter into a joint
245 planning agreement under s. 163.3171, which is adopted into the
246 municipal comprehensive plan. The joint planning agreement must
247 identify the geographic areas anticipated for annexation, the
248 future land uses that the municipality would seek to establish,
249 necessary public facilities and services, including
250 transportation and school facilities and how they will be
251 provided, and natural resources, including surface water and
252 groundwater resources, and how they will be protected. An
253 amendment to the future land use map of a comprehensive plan
254 which is consistent with the joint planning agreement must be
255 considered a small scale amendment.

256 Section 6. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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

3-22-23
Meeting Date
Community Affairs

JB 718

Bill Number or Topic

412048

Amendment Barcode (if applicable)

Name KARI HERBRANK

Phone 566-7824

Address 215 S. MONROE ST.

Email khebrank@calton

TALLY FL 32301

fields.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

FLORIDA HOME BUILDERS

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

Community Affairs

Committee

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

718

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lance Pierce

Phone _____

Address 310 W College Ave

Street

Tallahassee FL

City

State

32301

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Association of Florida
Community Developers

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

Community Affairs

Committee

718

Bill Number or Topic

412048

Amendment Barcode (if applicable)

Name

Laura Donaldson

Phone

(813)514-4700

Address

109 N. Brush St., Ste 300

Street

Email

ldonaldson@mansonbolves.com

Tampa,

City

FL

State

33602

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Florida Association of
Special Districts

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23
Meeting Date

718
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name David Cruz

Phone 701-3676

Address P.O. Box 1757
Street

Email DCRUZ@FLCITIES.COM

Tallahassee FL 32302
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida League of cities

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

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

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 Community Affairs

BILL: CS/SB 950

INTRODUCER: Community Affairs Committee and Senator Rodriguez

SUBJECT: Resiliency Energy Environment Florida Programs

DATE: March 23, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.			JU	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 950 substantially amends a program authorized in current law, commonly known as the “Property Assessed Clean Energy” or “PACE” program, which allows property owners to make qualifying improvements to real property and finance the cost through annual non-ad valorem tax assessments. Qualifying improvements are those that enhance energy efficiency, renewable energy, wind resistance, and newly added by the bill wastewater treatment, flood and water damage mitigation, and health and environmental hazards mitigation.

The bill names the program the Resiliency Energy Environment Florida program and enhances certain protections for consumers entering into PACE contracts. The bill updates the legislative intent of the PACE statute to reflect the expanded scope of the program, and introduces definitions used to clarify the language of the statute.

The bill does not affect state or local revenues.

The bill takes effect July 1, 2023.

II. Present Situation:

PACE in Florida

In 2010, the Legislature authorized local governments¹ to fund property owners making qualifying improvements and to establish a financing agreement for the repayment of such costs through annual non-ad valorem property tax assessments. Although Florida's law does not use the terms "PACE" or "Property Assessed Clean Energy," it is generally understood that s. 163.08, F.S., is Florida's PACE program.²

Through a PACE program, a property owner³ may apply to a local government for funding to enhance energy conservation and efficiency improvements, such as energy-efficient HVAC systems, replacement of windows, electric vehicle charging equipment, and efficient lighting equipment; renewable energy improvements utilizing hydrogen, solar, geothermal, and wind energy; and wind resistance improvements such as wind-resistant shingles, gable-end bracing, storm shutters, and opening protections.⁴

PACE programs in Florida are formed by local governments and operate typically in partnership with several localities pursuant to an interlocal agreement. Additionally, PACE programs in Florida can be operated by a third-party PACE administrator, which is either a for-profit or not-for-profit entity acting on behalf of the local government.⁵ However, it is the local government that enters into a financing agreement directly with the property owner.⁶ In 2012, the Legislature expanded the definition of "local government" to allow a partnership of local governments formed pursuant to the Florida Interlocal Cooperation Act⁷ to enter into a financing agreement wherein the partnership, as a separate legal entity, imposes the PACE assessment.⁸

At least 30 days before entering into the financing agreement, the property owner must provide notice to any mortgage holder or loan servicer of the intent to enter into the agreement, the maximum amount to be financed, and the maximum annual assessment.⁹ The law provides that an acceleration clause for "payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement ... is not enforceable." However, the mortgage holder or loan servicer may increase the required monthly escrow by an amount necessary to pay for the qualifying improvement.¹⁰

¹ "Local government" means a county, municipality, a dependent special district as defined in s. 189.012, F.S., or a separate legal entity created pursuant to s. 163.01(7), F.S.

² See generally Erin Dedy, *Property Assessed Clean Energy: Is There Finally a Clear Path to Success?* Florida Bar Journal Vol. 90, No. 6, June 2016, pg. 114, available at <https://www.floridabar.org/the-florida-bar-journal/property-assessed-clean-energy-is-there-finally-a-clear-path-to-success/> (last accessed Mar. 16, 2023).

³ While nationally it is common to separate PACE programs into residential and commercial programs, Florida Statutes do not differentiate based on the nature of the property. See United States Office of State and Community Energy Programs, *Property Assessed Clean Energy Programs*, available at <https://www.energy.gov/scep/slsc/property-assessed-clean-energy-programs> (last visited Mar. 19, 2023).

⁴ Section 163.08(2)(b), F.S.

⁵ Section 163.08(6), F.S.

⁶ Section 163.08(8), F.S.

⁷ Section 163.01(7), F.S.

⁸ Chapter 2012-117, L.O.F.

⁹ Section 163.08(13), F.S.

¹⁰ Section 163.08(15), F.S.

Qualifying Improvements

The types of projects PACE financing may fund are referred to as “qualifying improvements.” A local government may not offer PACE financing for any project not included in the statutory definition of qualifying improvements. As provided in current law, qualifying improvements include the following:

- Energy conservation and efficiency improvements,¹¹ to include:
 - Air sealing;
 - Installation of insulation;
 - Installation of energy efficient HVAC systems;
 - Building modifications which increase the use of daylight;
 - Replacement of windows;
 - Installation of energy controls or energy recovery systems;
 - Installation of electric vehicle charging equipment; and
 - Installation of efficient lighting equipment.
- Renewable energy improvements,¹² which means installation of any system in which the electrical, mechanical, or thermal energy is produced from a method utilizing hydrogen, solar energy, geothermal energy, bioenergy, or wind energy.
- Wind resistance improvements,¹³ to include
 - Improving the strength of the roof deck attachment;
 - Creating a secondary water barrier to prevent water intrusion;
 - Installing wind-resistant shingles;
 - Installing gable-end bracing;
 - Reinforcing roof-to-wall connections;
 - Installing storm shutters; and
 - Installing opening protections.

Wind resistance improvements applied to buildings under new construction do not qualify for PACE financing.¹⁴

Florida PACE Consumer Protections

Current law provides that, before entering into a financing agreement, the local government must reasonably determine that:

- All property taxes and other assessments are current and have been paid for the preceding 3 years;
- There are no involuntary liens including construction liens;
- There are no notices of default or other evidence of property-based debt delinquency recorded and not released in the preceding 3 years; and
- The property owner is current on all mortgage debt on the property.¹⁵

¹¹ Section 163.08(2)(b)1., F.S.

¹² Section 163.08(2)(b)2., F.S.

¹³ Section 163.08(2)(b)3., F.S.

¹⁴ Section 163.08(10), F.S.

¹⁵ Section 163.08(9), F.S.

Further, any work requiring a license to make a qualifying improvement must be performed by a properly certified or registered contractor.¹⁶ The total amount of PACE assessments for any property may not exceed 20 percent of the property's market value, unless an energy audit determines that the savings from the qualifying improvement equals or exceeds the repayment amount of the non-ad valorem assessment.¹⁷

Consumer Protections for Residential PACE Financing Generally

Concerns have arisen about issues consumers may face regarding residential PACE financing. Because the PACE financing is structured as a tax assessment instead of a loan, PACE programs historically have not been required to provide homeowners with the same disclosures about the financing costs that traditional lenders must provide.

Additionally, the tax liens for PACE financing take priority over other lien-holders, including the property's mortgage holder.¹⁸ Such priority has influenced Fannie Mae and Freddie Mac to refuse the purchase of loans with existing PACE-based tax assessments,¹⁹ and properties encumbered with PACE obligations are not eligible for Federal Housing Administration insured financing.²⁰ However, priority lien position protects local governments, who are authorized to take on debt for the financing they provide.²¹ Advocates also state that the priority lien position enables local governments to offer competitive interest rates, ranging from approximately 6 to 9 percent.²²

Consumer Financial Protection Bureau Steps

In 2018, the United States Congress directed the Consumer Financial Protection Bureau (CFPB) to promulgate regulations regarding PACE financing.²³ The CFPB has issued advance notices of proposed rulemaking in order to apply the Truth in Lending Act's ability-to-repay requirements, currently in place for residential mortgage loans, to PACE financing.²⁴

The existing federal ability-to-repay requirements prohibit creditors from making a residential mortgage loan unless the creditor makes a reasonable and good faith determination based on verified and documented information that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan according to its terms, and all applicable taxes, insurance, and assessments.²⁵ In making such a determination, the creditor must verify and consider specific

¹⁶ Section 163.08(11), F.S.

¹⁷ Section 163.08(12), F.S.

¹⁸ Debra Gruszecki, INLAND: Realtors Offer Word of Warning About Solar Financing Program," Jan. 19, 2015, The Press-Enterprise, available at <https://www.pe.com/2015/01/19/inland-realtors-offer-word-of-warning-about-solar-financing-program/> (last accessed Mar. 16, 2023).

¹⁹ FHFA, *Statement of the Federal Housing Finance Agency on Certain Super-Priority Liens* (Dec. 22, 2014) (last visited Oct. 27, 2021).

²⁰ "ML 2017-18: Property Assessed Clean Energy (PACE)," December 7, 2017, U.S. Department of Housing and Urban Development, available at <https://www.hud.gov/sites/dfiles/OCHCO/documents/17-18ml.pdf> (last accessed Mar. 16, 2023).

²¹ Section 163.08(7), F.S.

²² *AboutPACE*, Florida PACE Funding Agency, available at <https://floridapace.gov/about-pace/> (last visited Mar. 16, 2023).

²³ Section 307, Economic Growth, Regulatory Relief, and Consumer Protection Act, Public Law No 115-174 (May 24, 2018).

²⁴ Advance Notice of Proposed Rulemaking on Residential Property Assessed Clean Energy Financing, Docket No. CFPB-2019-0011, available at https://files.consumerfinance.gov/f/documents/cfpb_anpr_residential-property-assessed-clean-energy-financing.pdf (last accessed Mar. 16, 2023).

²⁵ *Id.*, citing TILA section 129C(a), 15 U.S.C. 1639c(a).

factors including the consumer's income, assets, and existing debt obligations.²⁶ The Truth in Lending Act's stated purpose is "to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive, or abusive."²⁷

The CFPB's regulations on residential PACE financing are still in development and have not been finalized at this time.

California's Consumer Protection Measures

California, one of the three states currently offering residential PACE financing,²⁸ has taken measures to protect consumers independent of federal regulation. In 2016, California's law changed to require PACE programs to provide mortgage-level disclosures and to conduct live recorded calls with homeowners to confirm financing terms and obligations.²⁹

In 2017, California legislation required that PACE program administrators be licensed by the California Department of Financial Protection and Innovation, provided oversight for contractors and third party solicitors, and authorized the same department to bring enforcement actions against PACE administrators and contractors. The law also required that a PACE administrator thoroughly determine the property owner's ability to repay the loan before approving a financing contract.³⁰ In 2021 California took further action specifically to protect senior citizens being solicited at home, criminalizing transactions that are part of a pattern in violation of specific PACE consumer protections.³¹

III. Effect of Proposed Changes:

The bill substantially amends Florida's PACE program in s. 163.08, F.S. It names the program the Resiliency Energy Environment Florida (REEF) program, defines key terms, expands the types of qualifying improvements, imposes new consumer protections, extends participation in the program to lessees of government property, and enacts new REEF contractor oversight and accountability provisions.

Definitions

The bill defines the following terms:

- "Assessment financing agreement" means the financing agreement, under a REEF program, between a local government and a property owner for the acquisition or installation of qualifying improvements.

²⁶ *Id.*

²⁷ 7 TILA section 129B(a)(2), 15 U.S.C. 1639b(a)(2).

²⁸ California, Florida, and Missouri are the only three states offering PACE financing on residential property.

²⁹ James Reed, "Consumer Protections for PACE Now Written into State Law," Orange County Register, October 7, 2016, available at <https://www.ocregister.com/2016/10/07/consumer-protections-for-pace-now-written-into-state-law/> (last visited Mar. 16, 2023).

³⁰ Assembly Bill 1284 (Dababneh, Chap 475, Stats. 2017) – California Financing Law: Property Assessed Clean Energy program; program administrators.

³¹ Assembly Bill 790 (Quirk-Silva, Chap 589, Stats. 2021) – Consumer Legal Remedies Act.

- “Financing agreement” means an agreement, under a qualifying improvement program, between a local government and a property owner to finance the acquisition or installation of qualifying improvement through a non-ad valorem assessment.
- “Non-ad valorem assessment” or “assessment” means the same as defined in s. 197.3632(1)(d), F.S., to mean only those assessments which are not based upon millage and which can become a lien against a homestead as permitted in s. 4, Art. X of the State Constitution.
- “Nonresidential real property” means any property not defined as residential real property and which will be or has been improved by a qualifying improvement. This term includes multifamily residential property composed of five or more units, and agricultural, commercial, industrial, and office property.
- “Program administrator” means an entity, including, but not limited to, for-profit or-not-for-profit entities, with whom a local government contracts to administer a REEF program.
- “Residential real property” means a residential property of four or fewer dwelling units which is or will be improved by a qualifying improvement.
- “Resiliency Energy Environment Florida (REEF) program” means a program established by a local government, alone or in partnership with other local governments or a program administrator, to finance qualifying improvements on commercial real property or residential real property.

Expansion of Qualified Improvements

The bill amends the definition of “qualifying improvements” to expand the universe of the types of projects a local government’s REEF program may finance. Significantly, the bill adds the following three new categories of qualifying improvements:

- Wastewater treatment improvements.
- Flood and water damage mitigation and resiliency improvements.
- Health and environmental hazards measure or improvement.

The “wastewater treatment improvement” category includes the replacement or improvement of an onsite sewage treatment and disposal system with an advanced system of the same type, or replacement with a central sewage system. The term includes repairs or modifications made to an onsite sewage treatment and disposal system regulated by the Department of Health under s. 381.0065, F.S.

The “flood and water damage mitigation and resiliency improvement” category includes projects and installations:

- Raising a structure above the base flood elevation to reduce flood damage;
- Building or repairing a flood diversion apparatus;
- Utilizing flood damage resistant building materials;
- Mitigating or eliminating the potential for microbial growth;
- Using electrical, mechanical, plumbing, or other system improvements to reduce flood damage; and
- Qualifying for reductions in flood insurance premiums.

The “health and environmental hazards measures or improvements” category includes measures mitigating or removing:

- The presence of lead, heavy metals, polyfluoroalkyl substance contamination, contaminants in potable water systems, to include conversion of well water to municipal water systems, replacement of lead water service lines, and installation of water filters;
- Asbestos;
- Lead paint contamination in housing built before 1978; and
- Indoor air pollution or contaminants, including particulate matter, viruses, bacteria, and mold.

The bill also provides that a REEF contract can cover any qualifying improvements on buildings under new construction, and that REEF financing may be used for refinancing existing loans on qualifying improvements.

Consumer Protection Measures

To account for recent consumer protection concerns regarding PACE financing nationwide, the bill provides regulations aimed at mitigating these concerns and ensuring consumers are well-informed of their obligations before entering into a REEF financing agreement.

Specifically, the bill provides that, before entering into a REEF financing agreement, a REEF administrator must reasonably determine that the property owner has the ability to pay the annual REEF assessment. This determination should be based on observations that:

- All property taxes and other assessments are current and have not been delinquent for more than 30 days for the preceding 3 years;
- There are no involuntary liens greater than \$1,000, including construction liens;
- There are no notices of default or other evidence of property-based debt delinquency recorded and not released in the preceding 3 years;
- The property owner has recorded all other non-ad valorem assessments on the property;
- The property owner is current on all mortgage debt on the property;
- The property, if residential real property, is not subject to an existing home equity conversion mortgage or reverse mortgage product, or is not currently a residential property gifted to a homeowner by a nonprofit entity;
- The property owner is not currently in bankruptcy; and
- The total estimated annual payment amount for all assessment financing agreements funded under the REEF program does not exceed 10 percent of the property owner’s annual household income. Such income should be confirmed by a reputable third party and may not be confirmed solely by the property owner.

Before or concurrent with entering into a residential REEF financing agreement, the REEF administrator must provide a financing estimate and disclosure to the property owner that includes:

- The total amount estimated to be funded including program fees and capitalized interest;
- The estimated annual REEF assessment;
- The term of the REEF assessment;
- The interest charged and estimated annual percentage rate;

- A description of the qualifying improvement;
- A disclosure that if the property owner sells or refinances the property, the property owner may be required to pay off the full amount owed under each REEF financing agreement;
- A disclosure that the REEF assessment will be collected alongside other property taxes, and will result in a lien on the property a lien on the property during the term of the agreement; and
- A disclosure that failure to pay the REEF assessment may result in penalties and fees, along with the issuance of a tax certificate that could result in the property owner losing the real property.

The program administrator must also conduct a recorded telephone call with the property owner to confirm the following:

- That the property owner has access to the contract and financing estimates and disclosures;
- The qualifying improvement that is being financed;
- The total estimated annual costs, including fees;
- The total estimated average monthly equivalent amount required to pay such annual costs;
- The estimated date the property owner's first tax payment including the REEF assessment will come due;
- The term of the REEF financing agreement;
- That payments will cause the owner's annual tax bill to increase, that payments will be made through additional annual assessments, and that such payments will be made either directly to the county tax collector's office or through the owner's mortgage escrow account;
- That the owner has disclosed whether the property has received or is seeking additional REEF assessments and has disclosed all other REEF assessments or special taxes about to be placed on the property;
- That the property will be subject to a lien during the term of the REEF financing agreement which may require the contract to be paid in full before selling or refinancing the property;
- That any potential utility or insurance savings are not guaranteed and will not reduce the REEF or total assessment amount; and
- That the program administrator does not provide tax advice and that the owner should seek professional tax advice with questions regarding tax credits, deductibility, or other impacts of the qualifying improvement or REEF financing agreement.

A property owner may cancel the REEF financing agreement within three business days after signing the contract, without financial penalty.

The term of a REEF financing agreement may not exceed the useful life of the qualifying improvement being installed or the weighted average useful life of all qualifying improvements being financed, if multiple improvements exist. The financing term may also not exceed 30 years. Additionally, a program administrator may not offer a REEF financing agreement on any residential real property that includes a negative amortization schedule, a balloon payment, or prepayment fees other than nominal administrative costs.

The bill also amends the disclosure given to a purchaser of improved property subject to an assessment under a REEF program to include a statement that the assessment uses a program formerly referred to as Property Assessed Clean Energy, or PACE.

Maximum Assessments on Property

Current law provides that the total amount of any non-ad valorem assessments for a property may not exceed 20 percent of the just value of the property, as determined by the property appraiser. The bill amends this requirement to read that total assessments may not exceed 20 percent of the fair market value as determined by a reputable third party.

The bill also newly provides that the combined mortgage-related debt and total amount of non-ad valorem assessments may not exceed 100 percent of the fair market value of the property.

Judicial Remedies for Failure to Establish Ability to Pay

The bill provides that, in the event that a court or tribunal determines by clear and convincing evidence that the program administrator's determination of the property owner's ability to pay was not objectively reasonable based on the information provided by the property owner, the yearly assessment payment shall be reduced in the amount which is within the property owner's ability to pay. This provision does not require or authorize the administrator to reduce the total amount owed on the assessment.

This provision requires reduction of the monthly payments to meet the buyer's ability to pay, which without reducing the total amount due will extend the term of the assessment. Notwithstanding, the term of a REEF financing agreement may not exceed the lesser of 30 years or the useful life of the improvement. The provision is silent on a court's ability to reduce the total amount due under an assessment or void the agreement entirely.

REEF Contractor Oversight

The bill provides that for residential real property, a program administrator may not enroll a contractor unless the administrator makes a reasonable effort to review the contractor's professional standing. This includes reviewing the appropriate licensure, permits, and registrations required for its business operations. Additionally, the administrator must obtain the contractor's written agreement that the contractor will act in accordance with all applicable laws to include advertising and marketing laws and regulations.

Further, the bill requires a program administrator to maintain a process to enroll new contractors that includes reasonable review of each contractor's relevant work or project history, financial and reputational background, criminal background, and status on Better Business Bureau or other online platform tracking contractor reviews. A program administrator may rely on a background check conducted by the Florida Department of Business and Professional Regulation Construction Industry Licensing Board to comply with the criminal background check.

Before disbursing funds to a contractor for a qualifying improvement on residential real property, a program administrator must confirm that the applicable work or service has been completed. This is accomplished through either written or telephonic certification with the property owner, or through a third-party site inspection.

A contractor should not present a higher price for a qualifying improvement on residential real property financed by a REEF financing agreement than the contractor would otherwise present were the improvement not financed by REEF.

A program administrator may not provide a contractor with any payment, fee, or kickback in exchange for referring business relating to a specific assessment financing agreement.

A program administrator must develop and implement policies and procedures for responding, tracking, and resolving questions and complaints. It must also have a process for monitoring contractors with regard to performance and compliance with program policies, and implement policies for suspending, terminating, and reinstating contractors based on violations of program policies or unscrupulous behavior. Further, a program administrator must submit a report annually showing the number of property owner complaints and what category the complaints fall into.

The bill imposes certain marketing and communications guidelines for program administrators and contractors to follow. Under these provisions, program administrators and contractors may not suggest that REEF financing is a government assistance program, that qualifying improvements are free or that REEF is a free program, or that utilizing REEF financing does not require the homeowner to repay the financial obligation. A program administrator or contractor may not make representations as to the tax deductibility of a REEF financing agreement on residential real property. They may only encourage a property owner to seek the advice of a tax professional.

Protections applying specifically to residential real property do not apply if the program administrator determines that the residential real property is owned by a business entity that owns more than four such properties, and the business entity's ownership does not reside on the property.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with them as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

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

E. Other Constitutional Issues:

None identified.

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

The bill does not affect state or local revenue.

B. Private Sector Impact:

Property owners who live within a jurisdiction that offers REEF financing will see the benefit of increased consumer protections.

C. Government Sector Impact:

REEF programs are designed to be budget-neutral for local governments. As such, no government sector impact is expected for this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 163.08 of the Florida Statutes.

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

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

CS by Community Affairs on March 22, 2023:

The CS:

- Expands the universe of what types of projects PACE can finance to include wastewater treatment, flood and water damage mitigation, and health and environmental hazards mitigation;
- Alters judicial remedies for situations where a program administrator failed to reasonably assess a property owner's ability to pay;

- Removes a provision forbidding an administrator from disclosing to a contractor or third party the maximum financing amount available;
- Includes a reference to Property Assessed Clean Energy in disclosures to property owners;
- Updates the legislative intent of the PACE statute to reflect the expanded scope of the program; and
- Introduces further definitions used to clarify the language of the statute.

B. Amendments:

None.



784304

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 89 - 471
and insert:
goals of the state's energy and hurricane mitigation policies.
All properties that are not using advanced technologies for
wastewater removal contribute to the water quality problems
affecting this state, particularly the coastal areas. Improved
property that has been retrofitted with an advanced onsite
sewage treatment and disposal system or has been converted to



784304

central sewerage significantly benefits the quality of water that may enter streams, lakes, rivers, aquifers, or coastal areas. All properties that are not protected from harmful environmental health hazards contribute to the environmental health burden affecting this state. Property that has been improved to mitigate against environmental health hazards benefits the general environmental health of people within this state.

(c) In order to make qualifying improvements more affordable and assist property owners who wish to undertake such improvements, the Legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance.

(d)~~(e)~~ The Legislature determines that the actions authorized under this section, including, but not limited to, the financing of qualifying improvements through the execution of assessment financing agreements and the related imposition of voluntary assessments, are reasonable and necessary to serve and achieve a compelling state interest and are necessary for the prosperity and welfare of the state and its property owners and inhabitants.

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

(a) "Assessment financing agreement" means the financing agreement, under a REEF program, between a local government and a property owner for the acquisition or installation of qualifying improvements.

(b) "Financing agreement" means an agreement, under a qualifying improvement program, between a local government and a property owner to finance the acquisition or installation of



784304

qualifying improvements through a non-ad valorem assessment.

(c)~~(a)~~ "Local government" means a county, a municipality, a dependent special district as defined in s. 189.012, or a separate legal entity created pursuant to s. 163.01(7).

(d) "Non-ad valorem assessment" or "assessment" has the same meaning as the term "non-ad valorem assessment" as defined in s. 197.3632(1)(d).

(e) "Nonresidential real property" means any property not defined as residential real property, including, but not limited to:

1. Agricultural real property.

2. Commercial real property.

3. Industrial real property.

4. Office real property.

5. Multifamily residential real property composed of five or more dwelling units.

(f) "Program administrator" means an entity, including, but not limited to, a for-profit or not-for-profit entity, with which a local government may contract to administer all or part of a qualifying improvement program under this section.

(g)~~(b)~~ "Qualifying improvement" means a program established under this section by a local government, alone or in partnership with other local governments or a program administrator, to finance qualifying improvements on real property and includes any:

1. Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to,



784304

air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; building modifications to increase the use of daylight; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; and installation of efficient lighting equipment.

2. Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources: hydrogen, solar energy, geothermal energy, bioenergy, and wind energy.

3. Wind resistance improvement, which includes, but is not limited to:

- a. Improving the strength of the roof deck attachment;
- b. Creating a secondary water barrier to prevent water intrusion;
- c. Installing wind-resistant shingles;
- d. Installing gable-end bracing;
- e. Reinforcing roof-to-wall connections;
- f. Installing storm shutters; or
- g. Installing opening protections.

4. Wastewater improvement, which includes, but is not limited to:

a. The removal, replacement, or improvement of an onsite sewage treatment and disposal system with a secondary or advanced onsite sewage treatment and disposal system or technology;

b. The replacement or conversion of an onsite sewage treatment and disposal system to a central sewerage system or



784304

distributed sewerage system, including, but not limited to, the
installation of a sewer lateral and anything necessary to
connect the onsite sewage treatment and disposal system or the
building's plumbing to a central sewerage system or distributed
sewerage system; or

c. Any removal, repairs, or modifications made to an onsite
sewage treatment and disposal system, including any repair,
modification, or replacement of a system required under a local
ordinance enacted pursuant to ss. 381.0065 and 381.00651.

5. Flood and water damage mitigation and resiliency
improvement, which includes, but is not limited to, projects and
installation for:

a. The raising of a structure above the base flood
elevation to reduce flood damage;

b. A flood diversion apparatus or sea wall improvement,
which includes seawall repairs and seawall replacements;

c. Flood-damage-resistant building materials;

d. Electrical, mechanical, plumbing, or other system
improvements that reduce flood damage; or

e. Other improvements that qualify for reductions in flood
insurance premiums.

6. Environmental health improvement, which is an
improvement or measure intended to mitigate harmful
environmental health effects to property occupants, including,
but not limited to, measures that do any of the following:

a. Mitigate the presence of lead, heavy metals,
polyfluoroalkyl substance contamination, or other harmful
contaminants in potable water systems, such as conversion of
well water to municipal water systems, replacing lead water



784304

service lines, or installing water filters;

b. Mitigate lead paint contamination in housing built before 1978; or

c. Mitigate indoor air pollution or contaminants, such as particulate matter, viruses, bacteria, and mold.

(h) "Residential real property" means a residential real property composed of four or fewer dwelling units.

(i) "Resiliency Energy Environment Florida (REEF) program" means a program established by a local government, alone or in partnership with other local governments or a program administrator, to finance qualifying improvements on nonresidential real property or residential real property.

(4) Subject to local government ordinance or resolution, a property owner may apply to the REEF program ~~local government~~ for funding to finance a qualifying improvement and enter into an assessment ~~a~~ financing agreement with the local government. Costs incurred by the REEF program ~~local government~~ for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and local government agree.



784304

(6) A local government may enter into an agreement with a program administrator to administer a REEF program on behalf of the local government ~~A qualifying improvement program may be administered by a for-profit entity or a not-for-profit organization on behalf of and at the discretion of the local government.~~

(7) A local government may incur debt for the purpose of providing financing for qualifying ~~such~~ improvements, which debt is payable from revenues received from the improved property, or from any other available revenue source authorized under this section or by other law.

(8) A local government may enter into an assessment a financing agreement to finance or refinance a qualifying improvement only with the record owner of the affected property. Any assessment financing agreement entered into pursuant to this section or a summary memorandum of such agreement shall be submitted for recording ~~recorded~~ in the public records of the county within which the property is located by the ~~sponsoring unit of~~ local government within 10 ~~5~~ days after execution of the agreement. The recorded agreement shall provide constructive notice that the assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments from the date of recordation. A notice of lien for the full amount of the financing may be recorded in the public records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.

(9) Before entering into an assessment a financing



784304

185 agreement, the local government, or the program administrator
186 acting on its behalf, shall reasonably determine that all of the
187 following conditions are met:

188 (a) All property taxes and any other assessments levied on
189 the same bill as property taxes are current paid and have not
190 been delinquent for more than 30 days for the preceding 3 years
191 or the property owner's period of ownership, whichever is less.

192 (b) ~~that~~ There are no involuntary liens greater than
193 \$1,000, including, but not limited to, construction liens on the
194 property.

195 (c) ~~that~~ No notices of default or other evidence of
196 property-based debt delinquency have been recorded and not
197 released during the preceding 3 years or the property owner's
198 period of ownership, whichever is less.

199 (d) The local government or program administrator has asked
200 the property owner whether any other assessments under this
201 section have been recorded or have been funded and not yet
202 recorded on the property. The failure of a property owner to
203 disclose information set forth in this paragraph does not
204 invalidate an assessment financing agreement or any obligation
205 thereunder, even if the total financed amount of the qualifying
206 improvements exceeds the amount that would otherwise be
207 authorized under paragraph (12) (a).

208 (e) ~~and that~~ The property owner is current on all mortgage
209 debt on the property.

210 (f) The residential property is not subject to an existing
211 home equity conversion mortgage or reverse mortgage product.
212 This paragraph does not apply to nonresidential real property.

213 (g) The property is not currently a residential property



784304

214 gifted to a homeowner for free by a nonprofit entity as may be
215 disclosed by the property owner. The failure of a property owner
216 to disclose information set forth in this paragraph does not
217 invalidate an assessment financing agreement or any obligation
218 thereunder. This paragraph does not apply to nonresidential real
219 property.

220 (10) Before final funding may be provided, a qualifying
221 improvement must ~~shall~~ be affixed or planned to be affixed to a
222 nonresidential real property or residential real ~~building or~~
223 facility that is part of the property and constitutes ~~shall~~
224 constitute an improvement to that property ~~the building or~~
225 facility or a fixture attached to the building or facility. An
226 assessment financing agreement may ~~between a local government~~
227 and a qualifying property owner may not cover ~~qualifying wind-~~
228 resistance improvements on nonresidential real property under
229 new construction or residential real property ~~in buildings or~~
230 facilities under new construction ~~or construction for which a~~
231 certificate of occupancy or similar evidence of substantial
232 completion of new construction or improvement has not been
233 issued.

234 (11) Any work requiring a license under any applicable law
235 to make a qualifying improvement shall be performed by a
236 contractor properly certified or registered pursuant to ~~part I~~
237 ~~or part II of chapter 489, as applicable.~~

238 (12) (a) Without the consent of the holders or loan
239 servicers of any mortgage encumbering or otherwise secured by
240 the property, the total amount of any non-ad valorem assessment
241 for a property under this section may not exceed 20 percent of
242 the fair market ~~just~~ value of the real property ~~as determined by~~



784304

~~the county property appraiser.~~ The combined mortgage-related debt and total amount of any non-ad valorem assessments funded under this section for residential real property may not exceed 100 percent of the fair market value of the residential real property. However, the failure of a property owner to disclose information set forth in paragraph (9)(d) does not invalidate an assessment financing agreement or any obligation thereunder, even if the total financed amount of the qualifying improvements exceeds the amount that would otherwise be authorized under this paragraph. For purposes of this paragraph, fair market value may be determined using reputable third parties.

(b) Notwithstanding paragraph (a), a non-ad valorem assessment for a qualifying improvement defined in subparagraph (2)(g)1. ~~(2)(b)1.~~ or subparagraph (2)(g)2. which ~~(2)(b)2.~~ that is supported by an energy audit is not subject to the limits in this subsection if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the non-ad valorem assessment.

(13) At least 30 days before entering into an assessment a financing agreement, the property owner shall provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the property a notice of the owner's intent to enter into an assessment a financing agreement together with the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount. A verified copy or other proof of such notice shall be provided to the local government. A provision in any agreement between a mortgagee or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for



784304

acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into an assessment ~~a~~ financing agreement as provided for in this section is not enforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to ~~annually~~ pay the annual ~~qualifying improvement~~ assessment.

(14) At or before the time a seller ~~purchaser~~ executes a contract for the sale ~~and purchase~~ of any property for which a non-ad valorem assessment has been levied under this section and has an unpaid balance due, the seller must ~~shall~~ give the prospective purchaser a written disclosure statement in the following form, which shall be set forth in the contract or in a separate writing:

QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY, FLOOD MITIGATION, ADVANCED TECHNOLOGIES FOR WASTEWATER REMOVAL, OR ENVIRONMENTAL HEALTH OR WIND RESISTANCE.—The property being purchased is located within the jurisdiction of a local government that has placed an assessment on the property pursuant to s. 163.08, Florida Statutes. The assessment is for a qualifying improvement to the property relating to energy efficiency, renewable energy, or wind resistance, and is not based on the value of property. This agreement uses a program formerly referred to as Property Assessed Clean Energy, or PACE. You are encouraged to contact the county property appraiser's office to learn more about



784304

this and other assessments that may be provided by
law.

(16) (a) Before final approval of an assessment financing agreement for a qualifying improvement on a residential real property, a program administrator shall reasonably determine that the property owner has the ability to pay the estimated annual assessment. To do so, the program administrator shall, at a minimum, use the underwriting requirements in subsection (9), confirm that the property owner is not in bankruptcy, and determine that the total estimated annual payment amount for all assessment financing agreements funded under this section on the property does not exceed 10 percent of the property owner's annual household income. Income may be confirmed using information gathered from reputable third parties that provide reasonably reliable evidence of the property owner's household income. Income may not be confirmed solely by a property owner's statement.

(b) In the event that a court or tribunal determines, by clear and convincing evidence, that the program administrator's determination of the property owner's ability to pay was not objectively reasonable based on the information provided by the property owner, the yearly assessment payment shall be reduced in the amount which is within the property owner's ability to pay. This paragraph does not require or authorize the administrator to reduce the amount owed on the assessment.

(c) The failure of a property owner to disclose information set forth in paragraph (9) (d) does not invalidate an assessment financing agreement or any obligation thereunder, even if the



784304

total estimated annual payment amount exceeds the amount that
would otherwise be authorized under this subsection.

(17) Before or contemporaneously with a property owner
signing an assessment financing agreement on a residential real
property, the program administrator shall provide a financing
estimate and disclosure to the residential real property owner
which includes all of the following:

(a) The total amount estimated to be funded, including the
cost of the qualifying improvements, program fees, and
capitalized interest, if any.

(b) The estimated annual assessment.

(c) The term of the assessment.

(d) The interest charged and estimated annual percentage
rate.

(e) A description of the qualifying improvement.

(f) A disclosure that if the property owner sells or
refinances the property, the property owner, as a condition of
the sale or the refinance, may be required by a mortgage lender
to pay off the full amount owed under each assessment financing
agreement.

(g) A disclosure that the assessment will be collected
along with the property owner's property taxes and will result
in a lien on the property from the date the assessment financing
agreement is recorded.

(h) A disclosure that failure to pay the assessment may
result in penalties and fees, along with the issuance of a tax
certificate that could result in the property owner losing the
real property.

(18) Before a notice to proceed is issued on residential



784304

real property, the program administrator shall conduct with the
residential real property owner or an authorized representative
an oral, recorded telephone call. The program administrator
shall ask the residential real property owner if he or she would
like to communicate primarily in a language other than English.
A program administrator may not leave a voicemail on the
residential real property owner's or authorized representative's
telephone to satisfy this requirement. A program administrator,
as part of such telephone call, shall confirm all of the
following with the residential real property owner:

(a) That at least one residential real property owner has
access to a copy of the assessment financing agreement and
financing estimates and disclosures.

(b) The qualifying improvements being financed.

(c) The total estimated annual costs that the residential
real property owner will have to pay under the assessment
financing agreement, including applicable fees.

(d) The total estimated average monthly equivalent amount
of funds the residential real property owner would have to save
in order to pay the annual costs of the assessment, including
applicable fees.

(e) The estimated due date of the residential real property
owner's first property tax payment that includes the assessment
will be due.

(f) The term of the assessment financing agreement.

(g) That payments for the assessment financing agreement
will cause the residential real property owner's annual property
tax bill to increase, and that payments will be made through an
additional annual assessment on the property and either will be



784304

paid directly to the county tax collector's office as part of
the total annual secured property tax bill or may be paid
through the residential real property owner's mortgage escrow
account.

(h) That the residential real property owner has disclosed
whether the property has received, or the owner is seeking,
additional assessments funded under this section and that the
owner has disclosed all other assessments funded under this
section which are or are about to be placed on the property.

(i) That the property will be subject to a lien during the
term of the assessment financing agreement and that the
obligations under the agreement may be required to be paid in
full before the residential real property owner sells or
refinances the property.

(j) That any potential utility or insurance savings are not
guaranteed and will not reduce the assessment or total
assessment amount.

(k) That the program administrator does not provide tax
advice, and the residential real property owner should seek
professional tax advice if he or she has questions regarding tax
credits, tax deductibility, or other tax impacts of the
qualifying improvement or the assessment financing agreement.

(19) A residential real property owner may cancel an
assessment financing agreement within 3 business days after
signing the assessment financing agreement without any financial
penalty from the program administrator for doing so.

(20) The term of an assessment financing agreement on
residential real property may not exceed the lesser of:

(a) Thirty years; or



784304

(b) The greater of either the weighted average estimated useful life of all qualifying improvements being financed or the estimated useful life of the qualifying improvements to which the greatest portion of funds is disbursed.

(21) An assessment financing agreement authorized under this section on residential real property may not include any of the following financing terms:

(a) A negative amortization schedule. Capitalized interest included in the original balance of the assessment financing agreement does not constitute negative amortization.

(b) A balloon payment.

(c) Prepayment fees, other than nominal administrative costs.

(22) For residential real property, a program administrator:

(a) May not enroll a contractor who contracts with residential real property owners to install qualifying improvements unless:

1. The program administrator makes a reasonable effort to review that the contractor maintains in good standing an appropriate license from the state, if applicable, as well as any other permit, license, or registration required for engaging in business in the jurisdiction in which he or she operates and that the contractor maintains all state-required bond and insurance coverage; and

2. The program administrator obtains the contractor's written agreement that the contractor will act in accordance with all applicable laws, including applicable advertising and marketing laws and regulations.



784304

(b) Shall maintain a process to enroll new contractors which includes reasonable review of the following for each contractor:

1. Relevant work or project history.
2. Financial and reputational background checks.
3. A criminal background check.
4. Status on the Better Business Bureau online platform or another online platform that tracks contractor reviews.

(c) A program administrator may pay or reimburse contractors for any expense allowable under applicable state law and not otherwise prohibited under this section, including, but not limited to, marketing, training, and promotions.

(d) A program administrator may not disclose to a contractor or to a third party engaged in soliciting a financing agreement the maximum financing amount for which a residential real property owner is eligible.

(23) Before disbursing funds to a contractor for a qualifying improvement on residential real property, a program administrator must first confirm that the applicable work or service has been completed through any of the following:

- (a) A written certification from the property owner;
- (b) A recorded telephone call with the property owner;
- (c) A review of geotagged and time-stamped photographs;
- (d) A review of a final permit; or
- (e) A site inspection through third-party means.

=====
D I R E C T O R Y C L A U S E A M E N D M E N T
=====
And the directory clause is amended as follows:

Delete lines 45 - 46



784304

475 and insert:
476 section, and subsections (1), (2), (4), and (6) though (14) are
477 amended, to read:

478
479 ===== T I T L E A M E N D M E N T =====

480 And the title is amended as follows:

481 Delete lines 3 - 4

482 and insert:

483 Florida programs; amending s. 163.08, F.S.; revising
484 legislative intent; defining and revising terms;
485 providing that a property owner may apply to a

By Senator Rodriguez

40-00253A-23

2023950__

A bill to be entitled
An act relating to Resiliency Energy Environment
Florida programs; amending s. 163.08, F.S.; defining
terms; providing that a property owner may apply to a
Resiliency Energy Environment Florida (REEF) program
for funding to finance a qualifying improvement and
may enter into an assessment financing agreement with
a local government; providing that REEF program costs
may be collected as non-ad valorem assessments;
authorizing a local government to enter into an
agreement with a program administrator to administer a
REEF program on the local government's behalf;
revising and specifying public recording requirements
for assessment financing agreements and notices of
lien; revising requirements that apply to local
governments or program administrators in determining
eligibility for assessment financing; revising
requirements for qualifying improvements; revising the
calculation of non-ad valorem assessment limits;
providing construction; specifying underwriting,
financing estimate, disclosure, and confirmation
requirements for program administrators relating to
residential real property; authorizing a residential
real property owner, under certain circumstances and
within a certain timeframe, to cancel an assessment
financing agreement without financial penalty;
specifying limitations on assessment financing
agreement terms for residential real property;
prohibiting certain financing terms for residential

40-00253A-23

2023950__

30 real property; specifying requirements for, and
31 certain prohibited acts by, program administrators
32 relating to assessment financing agreements and
33 contractors for qualifying improvements to residential
34 real property; specifying additional annual reporting
35 requirements for program administrators; providing
36 construction and applicability; conforming provisions
37 to changes made by the act; providing an effective
38 date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Subsection (16) of section 163.08, Florida
43 Statutes, is redesignated as subsection (32), a new subsection
44 (16) and subsections (17) through (31) are added to that
45 section, and subsections (1), (2), (4), (6) through (10), and
46 (12), (13), and (14) are amended, to read:

47 163.08 Supplemental authority for improvements to real
48 property.—

49 (1)(a) In chapter 2008-227, Laws of Florida, the
50 Legislature amended the energy goal of the state comprehensive
51 plan to provide, in part, that the state shall reduce its energy
52 requirements through enhanced conservation and efficiency
53 measures in all end-use sectors and reduce atmospheric carbon
54 dioxide by promoting an increased use of renewable energy
55 resources. That act also declared it the public policy of the
56 state to play a leading role in developing and instituting
57 energy management programs that promote energy conservation,
58 energy security, and the reduction of greenhouse gases. In

40-00253A-23

2023950__

addition to establishing policies to promote the use of renewable energy, the Legislature provided for a schedule of increases in energy performance of buildings subject to the Florida Energy Efficiency Code for Building Construction. In chapter 2008-191, Laws of Florida, the Legislature adopted new energy conservation and greenhouse gas reduction comprehensive planning requirements for local governments. In the 2008 general election, the voters of this state approved a constitutional amendment authorizing the Legislature, by general law, to prohibit consideration of any change or improvement made for the purpose of improving a property's resistance to wind damage or the installation of a renewable energy source device in the determination of the assessed value of residential real property.

(b) The Legislature finds that all energy-consuming-improved properties that are not using energy conservation strategies contribute to the burden affecting all improved property resulting from fossil fuel energy production. Improved property that has been retrofitted with energy-related qualifying improvements receives the special benefit of alleviating the property's burden from energy consumption. All improved properties not protected from wind damage by wind resistance qualifying improvements contribute to the burden affecting all improved property resulting from potential wind damage. Improved property that has been retrofitted with wind resistance qualifying improvements receives the special benefit of reducing the property's burden from potential wind damage. Further, the installation and operation of qualifying improvements not only benefit the affected properties for which

40-00253A-23

2023950__

the improvements are made, but also assist in fulfilling the goals of the state's energy and hurricane mitigation policies.

(c) In order to make qualifying improvements more affordable and assist property owners who wish to undertake such improvements, the Legislature finds that there is a compelling state interest in enabling property owners to voluntarily finance such improvements with local government assistance.

(d)~~(e)~~ The Legislature determines that the actions authorized under this section, including, but not limited to, the financing of qualifying improvements through the execution of assessment financing agreements and the related imposition of voluntary assessments, are reasonable and necessary to serve and achieve a compelling state interest and are necessary for the prosperity and welfare of the state and its property owners and inhabitants.

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

(a) "Assessment financing agreement" means the financing agreement, under a REEF program, between a local government and a property owner for the acquisition or installation of qualifying improvements.

(b)~~(a)~~ "Local government" means a county, a municipality, a dependent special district as defined in s. 189.012, or a separate legal entity created pursuant to s. 163.01(7).

(c) "Non-ad valorem assessment" or "assessment" has the same meaning as the term "non-ad valorem assessment" as defined in s. 197.3632(1)(d).

(d) "Nonresidential real property" means any property not defined as residential real property and which will be or has been improved by a qualifying improvement. The term includes

40-00253A-23

2023950__

117 multifamily residential property composed of five or more
118 dwelling units.

119 (e) "Program administrator" means an entity, including, but
120 not limited to, a for-profit or not-for-profit entity, with
121 which a local government may contract to administer a REEF
122 program.

123 (f) ~~(b)~~ "Qualifying improvement" includes any:

124 1. Energy conservation and efficiency improvement, which is
125 a measure to reduce consumption through conservation or a more
126 efficient use of electricity, natural gas, propane, or other
127 forms of energy on the property, including, but not limited to,
128 air sealing; installation of insulation; installation of energy-
129 efficient heating, cooling, or ventilation systems; building
130 modifications to increase the use of daylight; replacement of
131 windows; installation of energy controls or energy recovery
132 systems; installation of electric vehicle charging equipment;
133 and installation of efficient lighting equipment.

134 2. Renewable energy improvement, which is the installation
135 of any system in which the electrical, mechanical, or thermal
136 energy is produced from a method that uses one or more of the
137 following fuels or energy sources: hydrogen, solar energy,
138 geothermal energy, bioenergy, and wind energy.

139 3. Wind resistance improvement, which includes, but is not
140 limited to:

- 141 a. Improving the strength of the roof deck attachment;
142 b. Creating a secondary water barrier to prevent water
143 intrusion;
144 c. Installing wind-resistant shingles;
145 d. Installing gable-end bracing;

40-00253A-23

2023950__

e. Reinforcing roof-to-wall connections;

f. Installing storm shutters; or

g. Installing opening protections.

(g) "Residential real property" means a residential real property composed of four or fewer dwelling units which has been or will be improved by a qualifying improvement.

(h) "Resiliency Energy Environment Florida (REEF) program" means a program established by a local government, alone or in partnership with other local governments or a program administrator, to finance qualifying improvements on nonresidential real property or residential real property.

(4) Subject to local government ordinance or resolution, a property owner may apply to the REEF program ~~local government~~ for funding to finance a qualifying improvement and enter into an assessment ~~a~~ financing agreement with the local government. Costs incurred by the REEF program ~~local government~~ for such purpose may be collected as a non-ad valorem assessment. A non-ad valorem assessment shall be collected pursuant to s. 197.3632 and, notwithstanding s. 197.3632(8)(a), shall not be subject to discount for early payment. However, the notice and adoption requirements of s. 197.3632(4) do not apply if this section is used and complied with, and the intent resolution, publication of notice, and mailed notices to the property appraiser, tax collector, and Department of Revenue required by s. 197.3632(3)(a) may be provided on or before August 15 in conjunction with any non-ad valorem assessment authorized by this section, if the property appraiser, tax collector, and local government agree.

(6) A local government may enter into an agreement with a

40-00253A-23

2023950__

175 program administrator to administer a REEF program on behalf of
176 the local government ~~A qualifying improvement program may be~~
177 ~~administered by a for-profit entity or a not-for-profit~~
178 ~~organization on behalf of and at the discretion of the local~~
179 ~~government.~~

180 (7) A local government may incur debt for the purpose of
181 providing financing for qualifying ~~such~~ improvements, which debt
182 is payable from revenues received from the improved property, or
183 from any other available revenue source authorized under this
184 section or by other law.

185 (8) A local government may enter into an assessment ~~a~~
186 financing agreement to finance or refinance a qualifying
187 improvement only with the record owner of the affected property.
188 Any assessment financing agreement entered into pursuant to this
189 section or a summary memorandum of such agreement shall be
190 submitted for recording ~~recorded~~ in the public records of the
191 county within which the property is located by the ~~sponsoring~~
192 ~~unit of~~ local government within 5 days after execution of the
193 agreement. The recorded agreement shall provide constructive
194 notice that the assessment to be levied on the property
195 constitutes a lien of equal dignity to county taxes and
196 assessments from the date of recordation. A notice of lien for
197 the full amount of the financing may be recorded in the public
198 records of the county where the property is located. Such lien
199 shall not be enforceable in a manner that results in the
200 acceleration of the remaining nondelinquent unpaid balance under
201 the assessment financing agreement.

202 (9) Before entering into an assessment ~~a~~ financing
203 agreement, the local government, or the program administrator

40-00253A-23

2023950__

204 acting on its behalf, shall reasonably determine that all of the
205 following conditions are met:

206 (a) All property taxes and any other assessments levied on
207 the same bill as property taxes are current ~~paid~~ and have not
208 been delinquent for more than 30 days for the preceding 3 years
209 or the property owner's period of ownership, whichever is less.~~†~~

210 (b) ~~that~~ There are no involuntary liens greater than
211 \$1,000, including, but not limited to, construction liens on the
212 property.~~†~~

213 (c) ~~that~~ No notices of default or other evidence of
214 property-based debt delinquency have been recorded and not
215 released during the preceding 3 years or the property owner's
216 period of ownership, whichever is less.~~†~~

217 (d) The local government or program administrator has asked
218 the property owner whether any other assessments under this
219 section have been recorded or have been funded and not yet
220 recorded on the property. The failure of a property owner to
221 disclose information set forth in this paragraph does not
222 invalidate an assessment financing agreement or any obligation
223 thereunder, even if the total financed amount of the qualifying
224 improvements exceeds the amount that would otherwise be
225 authorized under paragraph (12) (a).

226 (e) ~~and that~~ The property owner is current on all mortgage
227 debt on the property.

228 (f) The residential property is not subject to an existing
229 home equity conversion mortgage or reverse mortgage product.
230 This paragraph does not apply to nonresidential real property.

231 (g) The property is not currently a residential property
232 gifted to a homeowner for free by a nonprofit entity as may be

40-00253A-23

2023950__

disclosed by the property owner. The failure of a property owner to disclose information set forth in this paragraph does not invalidate an assessment financing agreement or any obligation thereunder. This paragraph does not apply to nonresidential real property.

(10) Before final funding may be provided, a qualifying improvement must ~~shall~~ be affixed or planned to be affixed to a nonresidential real property or residential real ~~building or~~ facility that is part of the property and constitutes ~~shall constitute~~ an improvement to that property ~~the building or~~ facility or a fixture attached to the building or facility. An assessment financing agreement may ~~between a local government and a qualifying property owner may not~~ cover qualifying wind-resistance improvements on nonresidential real property under new construction or residential real property in buildings or facilities under new construction ~~or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.~~

(12) (a) Without the consent of the holders or loan servicers of any mortgage encumbering or otherwise secured by the property, the total amount of any non-ad valorem assessment for a property under this section may not exceed 20 percent of the fair market ~~just~~ value of the real property ~~as determined by the county property appraiser.~~ The combined mortgage-related debt and total amount of any non-ad valorem assessments funded under this section for residential real property may not exceed 100 percent of the fair market value of the residential real property. However, the failure of a property owner to disclose

40-00253A-23

2023950__

information set forth in paragraph (9)(d) does not invalidate an assessment financing agreement or any obligation thereunder, even if the total financed amount of the qualifying improvements exceeds the amount that would otherwise be authorized under this paragraph. For purposes of this paragraph, fair market value may be determined using reputable third parties.

(b) Notwithstanding paragraph (a), a non-ad valorem assessment for a qualifying improvement defined in subparagraph (2)(f)1. ~~(2)(b)1.~~ or subparagraph (2)(f)2. which ~~(2)(b)2.~~ that is supported by an energy audit is not subject to the limits in this subsection if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the non-ad valorem assessment.

(13) At least 30 days before entering into an assessment a financing agreement, the property owner shall provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the property a notice of the owner's intent to enter into an assessment a financing agreement together with the maximum principal amount to be financed and the maximum annual assessment necessary to repay that amount. A verified copy or other proof of such notice shall be provided to the local government. A provision in any agreement between a mortgagee or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into an assessment a financing agreement as provided for in this section is not enforceable. This subsection does not limit the authority of the holder or loan servicer to increase the required monthly

40-00253A-23

2023950__

escrow by an amount necessary to ~~annually~~ pay the annual
~~qualifying improvement~~ assessment.

(14) At or before the time a seller ~~purchaser~~ executes a
contract for the sale ~~and purchase~~ of any property for which a
non-ad valorem assessment has been levied under this section and
has an unpaid balance due, the seller must ~~shall~~ give the
prospective purchaser a written disclosure statement in the
following form, which shall be set forth in the contract or in a
separate writing:

QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY,
RENEWABLE ENERGY, OR WIND RESISTANCE.—The property
being purchased is located within the jurisdiction of
a local government that has placed an assessment on
the property pursuant to s. 163.08, Florida Statutes.
The assessment is for a qualifying improvement to the
property relating to energy efficiency, renewable
energy, or wind resistance, and is not based on the
value of property. You are encouraged to contact the
county property appraiser's office to learn more about
this and other assessments that may be provided by
law.

(16) Before final approval of an assessment financing
agreement for a qualifying improvement on a residential real
property, a program administrator shall reasonably determine
that the property owner has the ability to pay the estimated
annual assessment. To do so, the program administrator shall, at
a minimum, use the underwriting requirements in subsection (9),

40-00253A-23

2023950__

confirm that the property owner is not in bankruptcy, and determine that the total estimated annual payment amount for all assessment financing agreements funded under this section on the property does not exceed 10 percent of the property owner's annual household income. Income may be confirmed using information gathered from reputable third parties that provide reasonably reliable evidence of the property owner's household income. Income may not be confirmed solely by a property owner's statement. The failure of a property owner to disclose information set forth in paragraph (9)(d) does not invalidate an assessment financing agreement or any obligation thereunder, even if the total estimated annual payment amount exceeds the amount that would otherwise be authorized under this subsection.

(17) Before or contemporaneously with a property owner signing an assessment financing agreement on a residential real property, the program administrator shall provide a financing estimate and disclosure to the residential real property owner which includes all of the following:

(a) The total amount estimated to be funded, including the cost of the qualifying improvements, program fees, and capitalized interest, if any.

(b) The estimated annual assessment.

(c) The term of the assessment.

(d) The interest charged and estimated annual percentage rate.

(e) A description of the qualifying improvement.

(f) A disclosure that if the property owner sells or refinances the property, the property owner, as a condition of the sale or the refinance, may be required by a mortgage lender

40-00253A-23

2023950__

to pay off the full amount owed under each assessment financing agreement.

(g) A disclosure that the assessment will be collected along with the property owner's property taxes and will result in a lien on the property from the date the assessment financing agreement is recorded.

(h) A disclosure that failure to pay the assessment may result in penalties and fees, along with the issuance of a tax certificate that could result in the property owner losing the real property.

(18) Before a notice to proceed is issued on residential real property, the program administrator shall conduct with the residential real property owner or an authorized representative an oral, recorded telephone call. The program administrator shall ask the residential real property owner if he or she would like to communicate primarily in a language other than English. A program administrator may not leave a voicemail on the residential real property owner's or authorized representative's telephone to satisfy this requirement. A program administrator, as part of such telephone call, shall confirm all of the following with the residential real property owner:

(a) That at least one residential real property owner has access to a copy of the assessment financing agreement and financing estimates and disclosures.

(b) The qualifying improvements being financed.

(c) The total estimated annual costs that the residential real property owner will have to pay under the assessment financing agreement, including applicable fees.

(d) The total estimated average monthly equivalent amount

40-00253A-23

2023950__

of funds the residential real property owner would have to save in order to pay the annual costs of the assessment, including applicable fees.

(e) The estimated date the residential real property owner's first property tax payment that includes the assessment will be due.

(f) The term of the assessment financing agreement.

(g) That payments for the assessment financing agreement will cause the residential real property owner's annual property tax bill to increase, and that payments will be made through an additional annual assessment on the property and either will be paid directly to the county tax collector's office as part of the total annual secured property tax bill or may be paid through the residential real property owner's mortgage escrow account.

(h) That the residential real property owner has disclosed whether the property has received, or the owner is seeking, additional assessments funded under this section and that the owner has disclosed all other assessments funded under this section which are or are about to be placed on the property.

(i) That the property will be subject to a lien during the term of the assessment financing agreement and that the obligations under the agreement may be required to be paid in full before the residential real property owner sells or refinances the property.

(j) That any potential utility or insurance savings are not guaranteed and will not reduce the assessment or total assessment amount.

(k) That the program administrator does not provide tax

40-00253A-23

2023950__

407 advice, and the residential real property owner should seek
408 professional tax advice if he or she has questions regarding tax
409 credits, tax deductibility, or other tax impacts of the
410 qualifying improvement or the assessment financing agreement.

411 (19) A residential real property owner may cancel an
412 assessment financing agreement within 3 business days after
413 signing the assessment financing agreement without any financial
414 penalty from the program administrator for doing so.

415 (20) The term of an assessment financing agreement on
416 residential real property may not exceed the lesser of:

417 (a) Thirty years; or

418 (b) The greater of either the weighted average estimated
419 useful life of all qualifying improvements being financed or the
420 estimated useful life of the qualifying improvements to which
421 the greatest portion of funds is disbursed.

422 (21) An assessment financing agreement authorized under
423 this section on residential real property may not include any of
424 the following financing terms:

425 (a) A negative amortization schedule. Capitalized interest
426 included in the original balance of the assessment financing
427 agreement does not constitute negative amortization.

428 (b) A balloon payment.

429 (c) Prepayment fees, other than nominal administrative
430 costs.

431 (22) For residential real property, a program
432 administrator:

433 (a) May not enroll a contractor who contracts with
434 residential real property owners to install qualifying
435 improvements unless:

40-00253A-23

2023950__

436 1. The program administrator makes a reasonable effort to
437 review that the contractor maintains in good standing an
438 appropriate license from the state, if applicable, as well as
439 any other permit, license, or registration required for engaging
440 in business in the jurisdiction in which he or she operates and
441 that the contractor maintains all state-required bond and
442 insurance coverage; and

443 2. The program administrator obtains the contractor's
444 written agreement that the contractor will act in accordance
445 with all applicable laws, including applicable advertising and
446 marketing laws and regulations.

447 (b) Shall maintain a process to enroll new contractors
448 which includes reasonable review of the following for each
449 contractor:

450 1. Relevant work or project history.

451 2. Financial and reputational background checks.

452 3. A criminal background check.

453 4. Status on the Better Business Bureau online platform or
454 another online platform that tracks contractor reviews.

455 (c) A program administrator may pay or reimburse
456 contractors for any expense allowable under applicable state law
457 and not otherwise prohibited under this section, including, but
458 not limited to, marketing, training, and promotions.

459 (23) (a) Before disbursing funds to a contractor for a
460 qualifying improvement on residential real property, a program
461 administrator must first confirm that the applicable work or
462 service has been completed through any of the following:

463 1. A written certification from the property owner;

464 2. A recorded telephone call with the property owner;

40-00253A-23

2023950__

465 3. A review of geotagged and time-stamped photographs;

466 4. A review of a final permit; or

467 5. A site inspection through third-party means.

468 (b) A program administrator may not disclose to a
469 contractor or to a third party engaged in soliciting an
470 assessment financing agreement the maximum financing amount for
471 which a residential real property owner is eligible.

472 (24) A program administrator shall comply with the
473 following marketing and communications guidelines when
474 communicating with residential real property owners:

475 (a) A program administrator may not represent:

476 1. That the REEF program or assessment financing is a
477 government assistance program;

478 2. That qualifying improvements are free or that assessment
479 financing is a free program; or

480 3. That the financing of a qualifying improvement using the
481 REEF program does not require the property owner to repay the
482 financial obligation.

483 (b) A program administrator may not make any representation
484 as to the tax deductibility of an assessment authorized under
485 this section. A program administrator may encourage a property
486 owner to seek the advice of a tax professional regarding tax
487 matters related to assessments.

488 (25) A contractor may not present a higher price for a
489 qualifying improvement on residential real property financed by
490 an assessment financing agreement than the contractor would
491 otherwise reasonably present if the qualifying improvement was
492 not being financed through an assessment financing agreement.

493 (26) A program administrator shall use appropriate

40-00253A-23

2023950__

methodologies or technologies to identify and verify the identity of the residential real property owner who executes an assessment financing agreement.

(27) A program administrator may not provide a contractor with any payment, fee, or kickback in exchange for referring assessment financing business relating to a specific assessment financing agreement on residential real property.

(28) A program administrator shall develop and implement policies and procedures for responding to, tracking, and helping to resolve questions and property owner complaints as soon as reasonably practicable.

(29) A program administrator shall maintain a process for monitoring enrolled contractors that contract with residential real property owners to install qualifying improvements with regard to performance and compliance with program policies and shall implement policies for suspending and terminating enrolled contractors based on violations of program policies or unscrupulous behavior. A program administrator shall maintain a policy for determining the conditions on which a contractor may be reinstated to the program.

(30) A program administrator shall provide, at a reasonable time following the end of the prior calendar year, an annual report to the dependent special district as defined in s. 189.012 or a separate legal entity created pursuant to s. 163.01(7) which it has contracted with to administer a REEF program and shall include information and data related to the following:

(a) The total number of property owner complaints received which are associated with project funding in the report year.

40-00253A-23

2023950__

523 (b) Of the total number of property owner complaints
524 received which are associated with project funding in the report
525 year:

526 1. The number and percentage of complaints that relate to
527 the assessment financing.

528 2. The number and percentage of complaints that relate to a
529 contractor or the workmanship of a contractor and are not
530 related to assessment financing.

531 3. The number and percentage of complaints that relate to
532 both a contractor and the assessment financing.

533 4. The number and percentage of complaints received
534 pursuant to subparagraphs 1., 2., and 3. which were resolved and
535 the number and percentage of complaints received pursuant to
536 subparagraphs 1., 2., and 3. which were not resolved.

537 (c) The percentage of property owner complaints received
538 pursuant to subparagraphs (b)1., 2., and 3. expressed as a total
539 of all projects funded in the report year.

540 (31)(a) Subsections (16) through (30) do not apply to
541 residential real property if the program administrator
542 reasonably determines that:

543 1. The residential real property is owned by a business
544 entity that owns more than four residential real properties; and

545 2. The business entity's managing member, partner, or
546 beneficial owner does not reside in the residential real
547 property.

548 (b) Subsections (16) through (30) apply to a program
549 administrator only when administering a REEF program for
550 qualifying improvements on residential real property.

551 Subsections (16) through (30) do not apply with respect to a

40-00253A-23

2023950__

552 local government, to residential property owned by a local
553 government, or to nonresidential real property.

554 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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

March 22, 2023

Meeting Date

Community Affairs

Committee

950 REEF/PACE

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lynn Drysdale

Phone

904 356 8371 x 306

Address

Jacksonville Area Legal Aid, Inc

Email

Street

126 West Adams Street

City

Jacksonville FL

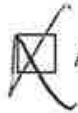
State

Zip

32202

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3-22-23

Meeting Date

CA

Committee

950

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Brad Burleson

Phone

850-577-0444

Address

201 E Park Ave

Email

brad@ballardfl.com

Street

Tall

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

Renew Financial

☐

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

3.22.23

APPEARANCE RECORD

SB 950

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Slater Bayliss**

Phone **850-222-8900**

Address **204 S. Monroe St**

Email **slater@tapfla.com**

Street

Tallahassee

Florida

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:

Ygrene

☐ 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 Community Affairs

BILL: SB 974

INTRODUCER: Senator Hooper

SUBJECT: Disclosures of Ad Valorem Taxes

DATE: March 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 974 requires that online listings of residential property include an ad valorem tax estimator tool which calculates the ad valorem tax that would be due on the property at current rates. A platform must also provide a link to the respective county property appraiser's website for a more detailed property tax estimate for the residential parcel.

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

The bill takes effect July 1, 2023.

II. Present Situation:

Online Real Property Listing Platforms

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

¹ National Ass'n of Realtors, *Quick Real Estate Statistics*, Nov. 3, 2022, available at <https://www.nar.realtor/research-and-statistics/quick-real-estate-statistics> (last visited Mar. 17, 2023).

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

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

Property Tax Estimates

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

Ad Valorem Taxation

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

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

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

³ For example, Zillow's listings include all of the listed information, and the website's mortgage calculator includes estimated property taxes based on the home's value. <https://www.zillowhomeloans.com/calculators/mortgage-calculator/> (last visited Mar. 17, 2023).

⁴ Florida Department of Revenue, *Property Tax Information for First-Time Florida Homebuyers*, available at <https://floridarevenue.com/property/Documents/pt107.pdf> (last visited Mar. 17, 2023).

⁵ See, e.g., Miami-Dade County, *Tax Estimator*, available at <https://www.miamidade.gov/Apps/PA/PAOnlineTools/Taxes/TaxEstimator.aspx> (last visited Mar. 17, 2023).

⁶ 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.

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

⁸ See s. 192.001(2) and (16), F.S.

⁹ FLA. CONST. art. VII, s. 1(a).

¹⁰ See FLA. CONST. art. VII, s. 4.

¹¹ Section 193.011(2), F.S.

assessments. Properties that receive classified use treatment in Florida include agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes;¹² land used for conservation purposes;¹³ historic properties when authorized by the county or municipality;¹⁴ and certain working waterfront property.¹⁵

Property Tax Exemptions for Homesteads

A homestead exemption is a reduction of assessed value, and therefore tax liability, based on the individual's maintaining a property as their primary residence. Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹⁶ An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.¹⁷ This exemption does not apply to ad valorem taxes levied by school districts.

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

III. Effect of Proposed Changes:

The bill amends s. 689.261, F.S., to provide that online listings of residential property visible on any public-facing online real property listing platform, to include websites and web or mobile applications, must include an ad valorem tax estimator tool which calculates the ad valorem tax that would be due if the purchaser were taxed on the listing price of the property at current millage rates. The calculated tax must be identified as the purchaser's property tax estimate and must specify that the estimate does not represent actual taxes due for the property. The platform must explain that the jurisdiction of applicable taxing authorities may vary within a county and that the estimate does not include applicable non-ad valorem assessments, exemptions, discounts, or other benefits. The tool may not display taxes paid by the seller.

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

¹² FLA. CONST. art. VII, s. 4(a).

¹³ FLA. CONST. art. VII, s. 4(b).

¹⁴ FLA. CONST. art. VII, s. 4(e).

¹⁵ FLA. CONST. art. VII, s. 4(j).

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

¹⁷ Section 196.031(1)(b), F.S.

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

Online real property listing platforms required to provide the tax estimator tool must use the listing price as the property's taxable value for utilizing the formula provided by DOR. A platform must also provide a link to the respective county property appraiser's website for a more detailed property tax estimate for the residential parcel.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an "insignificant fiscal impact" are exempt from the mandate requirements, which for Fiscal Year 2022-2023 is forecast at approximately \$2.3 million.^{19,20} Any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹⁹ FLA. CONST. art. VII, s. 18(d).

²⁰ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Feb. 6, 2023).

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

None.

B. Private Sector Impact:

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

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 689.261 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

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

By Senator Hooper

21-01213A-23

2023974__

A bill to be entitled
An act relating to disclosures of ad valorem taxes;
amending s. 689.261, F.S.; requiring online real
property listing platforms to include an ad valorem
tax estimator for online listings of residential
property; providing requirements for such tax
estimator and platforms; requiring property appraisers
to provide specified information relating to ad
valorem taxes to the Department of Revenue; requiring
the department to annually publish specified
information on its website by a specified date;
requiring online real property listing platforms to
use listing prices for purposes of the tax estimator;
providing that the use of specified information
constitutes a reasonable estimate of ad valorem taxes;
requiring online real property listing platforms to
provide a specified link on online listings; providing
an effective date.

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

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

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

(3) (a) All online listings of residential property visible
on any public-facing online real property listing platform,
including, but not limited to, websites, web applications, or
mobile applications, must include an ad valorem tax estimator

21-01213A-23

2023974__

30 tool that calculates the ad valorem tax that would be due if the
31 purchaser were taxed on the listing price of the property at
32 current millage rates. Any ad valorem tax calculated by the tax
33 estimator tool must be identified on the platform as a
34 purchaser's property tax estimate and must specify that the
35 estimated taxes are as if the listing price were the taxable
36 value of the property on January 1 and do not represent actual
37 taxes due for the property. The platform must include an
38 explanation that the jurisdiction of applicable taxing
39 authorities may vary within a county and that the estimate does
40 not include all applicable non-ad valorem assessments or
41 exemptions, discounts, and other tax benefits, including, but
42 not limited to, portable homestead benefits under s. 4, Art. VII
43 of the State Constitution. The seller's taxes may not be
44 displayed.

45 (b) Each property appraiser shall annually provide the
46 Department of Revenue with updated information needed to
47 calculate an estimate of ad valorem taxes, including, but not
48 limited to, the county name, the tax district code, the summary
49 school millage rate, and the summary millage rate for all other
50 applicable taxing authorities for the county. The department
51 shall publish such information on or before December 15 each
52 year along with the formula required to calculate an estimate of
53 ad valorem taxes, both with and without applying homestead
54 exemptions.

55 (c) Online real property listing platforms required to
56 provide a tax estimator tool under paragraph (a) must use the
57 listing price as the taxable value of the property for the
58 estimated ad valorem tax calculation. The use of data fields and

21-01213A-23

2023974__

59 formulas provided by the department pursuant to paragraph (b)
60 and the listing price as the basis for an estimate constitute a
61 reasonable estimate of ad valorem taxes as of January 1 of the
62 tax year after the property is purchased.

63 (d) In addition to providing the tax estimator tool
64 required under paragraph (a), an online real property listing
65 platform must provide a link to the respective county property
66 appraiser office's website for a more detailed property tax
67 estimate for the residential parcel.

68 Section 2. This act shall take effect July 1, 2023.



2023 AGENCY LEGISLATIVE BILL ANALYSIS DEPARTMENT OF REVENUE

<u>BILL INFORMATION</u>	
BILL NUMBER:	HB 1097
BILL TITLE:	Disclosure of Estimated Property Taxes
BILL SPONSOR:	Representative Anderson
EFFECTIVE DATE:	07/01/23

<u>COMMITTEES OF REFERENCE</u>
1) Ways & Means Committee
2) Regulatory Reform & Economic Development Subcommittee
3) Commerce Committee
4)
5)

<u>CURRENT COMMITTEE</u>
Ways & Means Committee

<u>SIMILAR BILLS</u>	
BILL NUMBER:	N/A
SPONSOR:	

<u>IDENTICAL BILLS</u>	
BILL NUMBER:	N/A
SPONSOR:	

<u>PREVIOUS LEGISLATION</u>
YEAR/BILL NUMBER/SPONSOR/LAST ACTION: N/A

<u>BILL ANALYSIS INFORMATION</u>	
DATE OF ANALYSIS:	March 10, 2023
AGENCY CONTACT:	Alec Yarger (850) 717-6153

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Section 1 (pp. 1-3). Unlawful acts and practices by real property listing platforms.

PRESENT SITUATION

There is currently no requirement that a real property listing platform include a property tax estimate or link to a property appraiser's website.

EFFECT OF THE BILL

Creates section 501.2042, F.S.

Paragraph 501.2042(1)(a) defines "buyer's property tax estimate" as a reasonable estimate of ad valorem taxes for a tax year beginning January 1 of the year after a property was purchased. The estimate is based on the asking or listed price of the property with and without the application of homestead exemption under s. 196.031.

Paragraph 501.2042(1)(b) defines "real property listing platform" as a website, web application, mobile application, or similar technology allowing a person to view the listings for residential property for sale.

Subsection 501.2042(2) states listings for residential property displayed on a real property listing platform must include:

- The buyer's property tax estimate. The estimate must include language that explains the estimate does not include all tax benefits that the buyer may qualify for or any non-ad valorem assessments.
- A link to the property appraiser's website for the county in which the property is located.

Paragraph 501.2042(3)(a) states the Department of Revenue shall develop a formula for real property listing platforms to use.

Paragraph 501.2042(3)(b) states the Department sets a date by which each property appraiser must provide the Department with information needed to calculate the buyer's property tax estimate. This information includes, but is not limited to, county name, tax district code, and the most current summary school millage rate and summary millage rate for all other applicable taxing authorities

Paragraph 501.2042(3)(c) states that by December 15 of each year, the Department must publish, on its website, the formula developed under s. 501.2042(3)(a) and information needed to calculate the buyer's property tax estimate.

Subsection 501.2042(4) states that a residential property listing platform's use of the formula and information published under s. 501.2042(3)(c) is an affirmative defense to a violation of s. 501.2042(2)(a).

Section 2 (p. 3). This act shall take effect July 1, 2023.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES?

☒ YES ☐ NO

If yes, explain:	The formula provided by the Department should be in rule.
Rule(s) impacted (provide references to F.A.C., etc.):	

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A**4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS?** ☐ YES ☒ NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? ☐ YES ☒ NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS**6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.**7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?**

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: <i>(Department of Revenue expenditures and operational impacts)</i>	☒ NO IMPACT ☐ LESS THAN \$25,000 ☐ MORE THAN \$25,000 ☐ UNABLE TO DETERMINE ☐ OPERATIONAL IMPACT ONLY
Does the legislation contain an appropriation to the Department?	☐ YES ☒ NO

8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? The Department of Revenue does not conduct this analysis.**9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.**TECHNOLOGY IMPACT**

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Section 501.2042, F.S.

11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION? ☐ YES ☒ NO

If no, go to #12. If yes:

A. Identify bill number or source.

B. Were issues/problems identified? ☐ YES ☐ NO

a. If yes, have they been resolved? ☐ YES ☐ NO If no, briefly explain.

C. Are new issues/problems created? ☐ YES ☐ NO If yes, briefly identify.

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? ☒ YES ☐ NO

If yes, describe administrative problems, technical errors, or other difficulties:

1. The Department does not have rulemaking authority as the bill is drafted.
2. Line 40 of the bill. No date is specified for when the property appraiser must submit the updated information in (3)(b).
3. The information is not requested to be provided in an electronic format.
4. A deadline is not provided for when the real property listing platform for residential property will provide annual updates.
5. There is no specific language for explanations to be added to the real property listing platform, lines 31-34.

13. RECOMMENDED CORRECTIONS:

1. Recommend language be amended to include the formula in statute or provide rulemaking authority. Beginning at line 50, a new paragraph (c) could be created to separate the property appraiser and Department duties:
The Department will adopt by rule the data fields necessary to calculate an estimate of ad valorem taxes, to include the county name, tax district (authority) code, summary school millage rate, the summary millage rate, and any information the Department deems necessary for all applicable taxing authorities in the county where the parcel is located together with the formula to calculate the estimate both with and without application of a homestead exemption.
2. Suggestion changing the language to "Annually, after the property appraiser certifies the millage rates to the Department per s. 193.122, F.S., each property appraiser must provide the Department...." PAs provide millage and tax roll information around October 1 and this would fit into the current DOR process.
3. Specifically state that the information be provided in an electronic format. Add to (3)(b) The property appraiser shall submit his or her information in a compatible electronic format specified by the Department of Revenue.
4. State the real property listing platform will update calculations annually by January 1.

5. Provide specific language for explanations on how to use the formula, generally what the calculations mean and who to contact if they have questions. This language will be consistent on all real property listing platforms.

14. OTHER: N/A

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

Community Affairs

Committee

974

Bill Number or Topic

Amendment Barcode (if applicable)

Name Mike Twitty

Phone 727-504-5188

Address 315 Court St

Street

Email mtwitty@pcpa0.gov

Clearwater FL

City

State

33756

Zip

Speaking: ☒ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

3/22/2023

Meeting Date

Community Affairs

Committee

The Florida Senate
APPEARANCE RECORD

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

SB 974

Bill Number or Topic

Amendment Barcode (if applicable)

Name Rhett O'Joski Phone 850-727-5000

Address 115 East Park Ave Email rojowski@mwell.com
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The Florida Association of
Mortgage Professionals

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

Community Affairs

Committee

SB 974

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Loren Levy

Phone 880-219-0220

Address 1828 Riggins Rd

Street

Email llevy@levylawtax.com

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:

Property Appraisers' Ass'n
of Fla.

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/CS/SB 1068

INTRODUCER: Community Affairs Committee, Commerce and Tourism Committee and Senator Collins and others

SUBJECT: Drones

DATE: March 23, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baird</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1068 amends the Unmanned Aircraft Systems Act to define the terms “drone delivery service” and “drone port” as well as prohibit a political subdivision from withholding the issuance of a business tax receipt or enacting or enforcing an ordinance or resolution prohibiting a drone delivery service’s operation based on the location of the delivery service’s drone port.

The bill also provides that drone ports are exempt from the Florida Building Code and the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Drones

A drone is a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;
- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and

- Can carry a lethal or nonlethal payload.¹

The full system comprising of a drone and its associated elements – including communication links and components used to control the drone – is called an unmanned aircraft system (UAS).²

Federal Law and Regulation

Federal law and regulation govern who may fly a drone, as well as when and where the person may do so. The Federal Aviation Administration (FAA) is responsible for regulating aircraft, including drones, that fly in the U.S. airspace.³ In February 2012, Congress passed the FAA Modernization and Reform Act of 2012, which required the FAA to safely open the nation's airspace to nongovernmental drones by September 2015.⁴

Drone Delivery Services

As technology continues to evolve, a new method of facilitating commerce has emerged in the form of drone delivery services.

In 2019, UPS started their drone delivery service and in 2020 Amazon began their commercial drone delivery operation.⁵ As of 2023, nine Walmarts located in Florida offer drone delivery services.⁶

Typically, businesses like Walmart utilize third party drone vendors to execute the deliveries and operate the drone technology. Such vendors, which employ teams of certified pilots that operate within FAA guidelines, set up delivery hubs at the participating stores and handle the physical deliveries of the parcels.⁷

One recent study found that the drone package delivery market is set for a dramatic increase from a global market size of \$988 million in 2020 to an estimated \$31 billion global market size by the year 2028.⁸

¹ Section 934.50(2)(a), F.S.

² Section 330.41(2)(c), F.S.

³ See 49 U.S.C. s. 40103(b)(1) and (2).

⁴ Public Law 112-95, February 14, 2012, The FAA Modernization and Reform Act of 2012, *Drones in Domestic Surveillance Operations: Fourth Amendment Implications and Legislative Responses*, Congressional Research Service, April 3, 2013, available at <https://sgp.fas.org/crs/natsec/R42701.pdf> (last visited March 10, 2023).

⁵ Federal Aviation Administration, *Package Delivery by Drone (Part 135)*, available at: https://www.faa.gov/uas/advanced_operations/package_delivery_drone (last visited March 10, 2023).

⁶ Natalie Neysa Alund. USA Today, *Does your local Walmart offer drone delivery? See the list of 36 stores that do here:*, February 14, 2023, available at <https://www.usatoday.com/story/money/2023/02/14/walmart-drone-delivery-locations-states/11254959002/> (last visited March 10, 2023).

⁷ Jessica Bursztynsky, Fast Company, *DroneUp has partnered with Walmart to make home deliveries even faster*, November 19, 2022, available at: <https://www.fastcompany.com/90810793/droneup-has-partnered-with-walmart-to-make-home-deliveries-even-faster> (last visited March 10, 2023).

⁸ Fortune Business Insights, *Drone Package Delivery Market Size, Share & COVID-19 Impact Analysis, By Type (Fixed Wing, Rotary Wing, and Hybrid), By Package Size (Less Than 2 Kg, 2-5 Kg, and Above 5 Kg), By End-use (Restaurant & Food Supply, E-commerce, Healthcare, Retail Logistics & Transportation and Others), and Regional Forecast, 2021-2028*, available at: <https://www.fortunebusinessinsights.com/drone-package-delivery-market-104332> (last visited March 10, 2023).

Business Tax Receipts

Businesses operating in Florida are required to pay a local business tax whereby a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction.⁹ Upon paying the local business tax, a person from the business is provided a business tax receipt. A business tax receipt is a document issued by a local government that provides evidence a person has complied with the provisions of law relating to the business tax.¹⁰

Florida Building Code

The intent of the Florida Building Code is to establish unified and consistent minimum standards in the design, construction and compliance processes, and regulations for the safety, health, and general welfare of building occupants.

The Legislature has provided local governments with the power to inspect all buildings, structures, and facilities within their jurisdiction to protect the public's health, safety, and welfare.¹¹

Every local government must enforce the building code and issue building permits.¹² It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons that may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.¹³

A building permit is an official document or certificate issued by the local building official that authorizes performance of a specific activity.¹⁴ A building official is a local government employee or a person contracted by a local government who supervises building code activities, including plan review, enforcement, and inspection to ensure work complies with the building code.¹⁵

Florida Fire Prevention Code

The Florida Fire Code is largely based on the National Fire Protection Association's (NFPA) Standard 1, Fire Prevention Code, along with the current edition of the NFPA's Life Safety Code, NFPA 101.¹⁶

The Florida Fire Code is the minimum fire prevention code deemed adopted by each municipality, county, and special district with firesafety responsibilities, and applies to every

⁹ Section 205.022(5), F.S.

¹⁰ Section 205.022(2), F.S.

¹¹ Section 553.72, F.S.

¹² Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

¹³ See Sections 125.56(4)(a) and 553.79(1), F.S.

¹⁴ Section 202 of the Building Code, Sixth Edition.

¹⁵ Section 468.603(2), F.S.

¹⁶ Section 633.202(2), F.S.

building and structure throughout the state with few exceptions.¹⁷ Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.¹⁸

III. Effect of Proposed Changes:

The bill incorporates the definitions of “drone delivery service” and “drone port” into Florida law.

A “drone delivery service” is defined as a person engaged in a business or profession of delivering goods via drone, and who is governed by the Small Unmanned Aircraft Systems Rule.¹⁹

A “drone port” is defined as a stand-alone building that does not exceed 1,500 square feet in area or 36 feet in height; is located in a nonresidential area; is used, or intended for use, by a drone delivery service for the launch and landing of drones; was constructed using Type I or Type II²⁰ construction as described in the Florida Building Code; and, if greater than one story in height, includes at least one stairwell that may be used for egress.

The bill prohibits political subdivisions from withholding the issuance of a business tax receipt, or from enacting or enforcing an ordinance or resolution prohibiting a drone delivery service’s operation based on the location of the delivery service’s drone port.

The bill exempts drone ports from the Florida Building Code and the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 of the Florida Constitution requires a two-thirds vote of the membership of each house of the Legislature to pass legislation requiring counties and municipalities to spend funds, limiting their ability to raise revenue, or reducing the percentage of a state tax shared with them. This bill does not require counties or municipalities to spend funds, limit their authority to raise revenue, or reduce the percentage of a state tax shared with them as specified in Article VII, section 18 of the Florida Constitution. Therefore, the provisions of Article VII, section 18 of the Florida Constitution do not apply.

¹⁷ Section 633.208, F.S., and 69A-60.002(1), F.A.C.

¹⁸ Section 633.208(3), F.S., and 69A-60.002(2), F.A.C.

¹⁹ See 14 C.F.R. 107.

²⁰ Types I and II are the types of construction in which the building elements are of noncombustible materials, except as permitted in the Building Code.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

The bill does not create or raise a state tax or fee. Therefore, the requirements of Art. VII, s. 19 of the Florida Constitution do not apply.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.41, 553.73, and 633.202.

IX. Additional Information:

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

CS/CS by Community Affairs on March 22, 2023:

The CS makes changes to the definition of “drone port” by providing specificity regarding the size of the building, acceptable locations, type of construction, and certain building features.

CS by Commerce and Tourism on March 13, 2023:

The CS provides that drone ports are exempt from the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

- B. **Amendments:**

None.



391804

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
	.	
	.	
	.	

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

Senate Amendment

Delete lines 27 - 29
and insert:

(d) "Drone port" means a stand-alone building that does not exceed 1,500 square feet in area or 36 feet in height; is located in a nonresidential area; is used, or intended for use, by a drone delivery service for the launch and landing of drones; was constructed using Type I or Type II construction as described in the Florida Building Code; and, if greater than one



391804

11 story in height, includes at least one stairwell that may be
12 used for egress.

By the Committee on Commerce and Tourism; and Senators Collins and Boyd

577-02503-23

20231068c1

A bill to be entitled

An act relating to drones; amending s. 330.41, F.S.; defining the terms "drone delivery service" and "drone port"; prohibiting a political subdivision from taking certain actions relating to drone delivery services; amending s. 553.73, F.S.; exempting drone ports from the Florida Building Code; amending s. 633.202, F.S.; defining the term "drone port"; exempting drone ports from the Florida Fire Prevention Code and other specified codes incorporated by reference; providing an effective date.

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

Section 1. Present paragraph (c) of subsection (2) and present paragraphs (c) and (d) of subsection (3) of section 330.41, Florida Statutes, are redesignated as paragraph (e) of subsection (2) and paragraphs (d) and (e) of subsection (3), respectively, and new paragraphs (c) and (d) are added to subsection (2) and a new paragraph (c) is added to subsection (3) of that section, to read:

330.41 Unmanned Aircraft Systems Act.—

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

(c) "Drone delivery service" means a person engaged in a business or profession of delivering goods via drone and who is governed by Title 14 of the Code of Federal Regulations.

(d) "Drone port" means any area of nonresidential land or water which is used, or intended for use, by a drone delivery service for the landing and takeoff of drones.

577-02503-23

20231068c1

(3) REGULATION.—

(c) Except as otherwise expressly provided, and notwithstanding part II of chapter 163 and chapter 205, a political subdivision may not withhold issuance of a business tax receipt or enact or enforce an ordinance or resolution that prohibits a drone delivery service's operation based on the location of the delivery service's drone port.

Section 2. Paragraph (1) is added to subsection (10) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(10) The following buildings, structures, and facilities are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the Legislature and provided by law:

(1) A drone port as defined in s. 330.41(2).

With the exception of paragraphs (a), (b), (c), and (f), in order to preserve the health, safety, and welfare of the public, the Florida Building Commission may, by rule adopted pursuant to chapter 120, provide for exceptions to the broad categories of buildings exempted in this section, including exceptions for application of specific sections of the code or standards adopted therein. The Department of Agriculture and Consumer Services shall have exclusive authority to adopt by rule, pursuant to chapter 120, exceptions to nonresidential farm buildings exempted in paragraph (c) when reasonably necessary to preserve public health, safety, and welfare. The exceptions must be based upon specific criteria, such as under-roof floor area, aggregate electrical service capacity, HVAC system capacity, or

577-02503-23

20231068c1

59 other building requirements. Further, the commission may
60 recommend to the Legislature additional categories of buildings,
61 structures, or facilities which should be exempted from the
62 Florida Building Code, to be provided by law. The Florida
63 Building Code does not apply to temporary housing provided by
64 the Department of Corrections to any prisoner in the state
65 correctional system.

66 Section 3. Paragraphs (a) and (b) of subsection (16) of
67 section 633.202, Florida Statutes, are amended to read:

68 633.202 Florida Fire Prevention Code.—

69 (16) (a) As used in this subsection, the term:

70 1. "Agricultural pole barn" means a nonresidential farm
71 building in which 70 percent or more of the perimeter walls are
72 permanently open and allow free ingress and egress.

73 2. "Drone port" has the same meaning as in s. 330.41(2).

74 3. "Nonresidential farm building" has the same meaning as
75 provided in s. 604.50.

76 (b) Notwithstanding any other provision of law:

77 1. A nonresidential farm building in which the occupancy is
78 limited by the property owner to no more than 35 persons is
79 exempt from the Florida Fire Prevention Code, including the
80 national codes and Life Safety Code incorporated by reference.

81 2. An agricultural pole barn is exempt from the Florida
82 Fire Prevention Code, including the national codes and the Life
83 Safety Code incorporated by reference.

84 3. Except for an agricultural pole barn, a structure on a
85 farm, as defined in s. 823.14(3)(c), which is used by an owner
86 for agritourism activity, as defined in s. 570.86, for which the
87 owner receives consideration must be classified in one of the

577-02503-23

20231068c1

following classes:

a. Class 1: A nonresidential farm building that is used by the owner 12 or fewer times per year for agritourism activity with up to 100 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal pursuant to this section.

b. Class 2: A nonresidential farm building that is used by the owner for agritourism activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code but is subject to rules adopted by the State Fire Marshal pursuant to this section.

c. Class 3: A structure or facility that is used primarily for housing, sheltering, or otherwise accommodating members of the general public. A structure or facility in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is subject to the Florida Fire Prevention Code.

4. A drone port is exempt from the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

Section 4. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

03/22/2023
Meeting Date

1060
Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Ken Williams

Phone

813-443-7685

Address

7411 Meadow Drive

Email

79KWilliams@gmail.com

Street

City

Tampa FL 33634

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/2023

Meeting Date

Commerce

Committee

SB 1068

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jose Alarcon

Phone 561-319-7789

Address 1002 Kentucky Ave
Street

Email JOSE ALARCON99@HOTMAIL

Fort Pierce FL 34950
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

Comm. AFFAIRS

Committee

SB 1068

Bill Number or Topic

Amendment Barcode (if applicable)

Name

William Lawson

Phone

407-257-6081

Address

3622 Hedgewood Dr.

Street

Winter Pk. FL

City

State

32792

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

22 MARCH 2023

The Florida Senate

APPEARANCE RECORD

50 1068

Meeting Date

Community Affairs

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

Bill Number or Topic

Committee

Name Rich Spawr

Amendment Barcode (if applicable)

Phone 407 718 6419

Address 1093 Hart Branch

Email Spawrfla@live.com

Street

Orlando FL 32832

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/2023

Meeting Date

Community Affairs

Committee

1068

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dylan R. Owens

Phone

561 386 7393

Address

6783 Duckweed Rd.

Email

Street

Lake Worth

FL

33449

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

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

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

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

S-001 (08/10/2021)

3-22-23

Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1068

Bill Number or Topic

Drones

Committee

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

Amendment Barcode (if applicable)

Name

Mitzi Martinez

Phone

904-669-8752

Address

50 Pottersville Ln

Email

Mitziamartinez@hotmail.com

Street

Palm Coast, FL

State

32164

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

SB 1068

Bill Number or Topic

Drones

Committee

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

Amendment Barcode (if applicable)

Name

Stephanie Jessee

Phone

904 3021988

Address

56207 Hickox Ln

Email

story31717@gmail.com

Street

Callahan

FL

32011

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☒

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

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

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

S-001 (08/10/2021)

3/12/2023

Meeting Date

The Florida Senate

APPEARANCE RECORD

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

1068 - Drones

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Michelle MacLin

Phone

901-569-1682

Address

428 Holly Oak Blvd

Email

purpleandgold914@hotmail.com

Street

Deland FL

32724

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

5401

Meeting Date

Comm Affairs

Committee

SB1068

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Michael Woods

Phone

Address

8130A Sedgewick Ct

Email

Street

Lake Clarke Shores FL 33406

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1068

Bill Number or Topic

3.22.23

Meeting Date

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

Community Affairs

Committee

(Macsuga)

Name

Kara Macsuga

Phone

561 329 3168

Address

10137 Dahlia Ave

Email

kmacs31@gmail.com

Street

Palm Beach Gardens FL 33410

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

1068

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

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

(PRONOUNCED
ZÖLODKÖ)

Amendment Barcode (if applicable)

Name

BRIAN Szolodko

Phone

407-209-5960

Address

8656 Shady Glen DR

Email

BSZOLODKO@HOTMAIL.COM

Street

ORLANDO

City

FL

State

32819

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

Community Affairs

Committee

1068

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jimmy Card

Phone

850-321-8896

Address

101 N. Monroe Street, Suite 750

Email

jcard@continentalstrategy.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:

DroneUp

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

22 Mar 2023

Meeting Date

SB 1068

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Joseph F. Pytel

Phone

321-961-2129

Address

3076 Green Turtle Circle

Email

JFP hOC2508@yahoo.com

Street

Mims

Fl.

32754

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3-22-23

Meeting Date

1068

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Kammron Brown

Phone _____

Address 1008 Redbud Ave
Street

Email _____

Tallahassee
City

FL
State

32303
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

1068

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Justin Peacock

Phone

(850) 516-6181

Address

20569 County Rd N68

Email

Street

Robertsdale

AL

36567

City

State

Zip

Speaking:

☐ For



Against

☐ Information

OR

Waive Speaking:

☐ In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3-22-23

Meeting Date

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

SB 1068

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name ROBERT ARNOLD

Phone

Address 10930 NE 85 ST

Street

Email robertvarnold@gmail.com

BROWSON

FL

32621

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1068

Meeting Date

Bill Number or Topic

Community Affairs
Committee

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

Amendment Barcode (if applicable)

Name

Jessica Kruse

Phone

352 497 8351

Address

42 Banyan Crse Apt. 1

Email

zerocoolgrrrl@gmail.com

Street

Ocala

FL

34472

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

03/22/23

Meeting Date

1068

Bill Number or Topic

COMM. AFFAIRS

Committee

Amendment Barcode (if applicable)

Name RONALD RICE

Phone 727-457-8886

Address 7813 WICKLOW ST

Street

Email ronrice525@gmail.com

NEW PORT RICHEY FL

City

State

34653

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/22/23

Meeting Date

COMMUNITY AFFAIRS

Committee

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

PRONOUNCED

SB1068

Bill Number or Topic

Amendment Barcode (if applicable)

Name GLEND ABBOTT (ABBOTT)

Phone 786-376-1181

Address 4305 SW 98 AVE.
Street

Email GLEND.ABBOTT@GMAIL.COM

MIAMI
City

FL
State

33165
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB1068

Bill Number or Topic

Meeting Date

3/21/23
Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Chief Jim Millican Fl. Fire Chiefs Phone 727-522-5650

Address 4360-55 rd Email jmillican@leclercfire.com
Street

Sarasota FL 33714
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/23/2023
Meeting Date

Community Affairs
Committee

SB 1068
Bill Number or Topic

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

Amendment Barcode (if applicable)

Name Michael Grenon Phone 321-412-8108

Address 112 Sea Breeze Cir Email reds87@bellsouth.net
Street

Merritt Island FL 32953
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23
Meeting Date

SB 1068

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Christopher Jones

Phone 407-694-3508

Address 1401 Cricket Club Cir
Street

Email c803jones@gmail.com

Orlando
City

FL
State

32828
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

03/22/2023
Meeting Date

SB1068
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Scott Williamson

Phone 813-293-3810

Address 6142 Schoolhouse ct
Street

Email swilliamson710@yahoo.com

Wesley Chapel FL 33545
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

3/22/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

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

SB 1068

Bill Number or Topic

Committee

Name

Stephen Simon

Phone

(732) 648-1259

Address

13294 Don Loop

Street

Email

stephen.simon@tampabay.rr.com

Spring Hill

City

FL

State

34609

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

SB 1068

Bill Number or Topic

3/22/23

Meeting Date

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Cicely Henderson

Phone

561-983-5802

Address

130 NW 9th AVE

Email

CHS0673@gmail.com

Street

South Bay

City

FL

State

33493

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1068

Bill Number or Topic

3/22/23

Meeting Date

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

William Ward

Phone

631-786-2485

Address

281 Eagle Rock Dr,

Email

BILLward1968@AOL.COM

Street

Porto Vedra FL. 32081

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: FEA

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

3/22/23

Meeting Date

Commerce & Tourism

Committee

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

SB 1068

Bill Number or Topic

Amendment Barcode (if applicable)

Name Vanessa Alarcon

Phone

Address 1002 Kentucky Ave

Street

Email

Fort Pierce FL 34950

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1184

INTRODUCER: Community Affairs Committee and Senator Collins

SUBJECT: Agricultural Lands

DATE: March 23, 2023

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1184 includes a variety of provisions related to use of agricultural lands. The bill:

- Increases the minimum value of a nonresidential farm building which would permit a county to levy fire protection service assessments on agricultural lands from \$10,000 to \$350,000;
- Provides that the construction or installation of housing for legal migrant farmworkers is an authorized use of farm land zoned for agricultural use;
- Preempts a local government from adopting land use or zoning restrictions, conditions, or regulations requiring the termination of an agricultural classification for any property or the surrender of an agricultural classification;
- Provides a credit against sales tax paid on the rental or purchase of housing for legal migrant farmworkers; and
- Permits the Florida Department of Environmental Protection to regulate and administer the use of certain toilet facilities on agricultural land.

The Revenue Estimating Conference has not reviewed the bill.

The bill takes effect July 1, 2023.

II. Present Situation:

Ad Valorem Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

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

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

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

Agricultural Lands

Agricultural land is one example of property that is assessed based on its current use rather than its fair market value.¹¹ A property appraiser classifies all land as either agricultural or nonagricultural. Agricultural lands are those used primarily for bona fide agricultural purposes such as horticulture, viticulture, forestry, and farming.¹²

Only the area of the land used for agricultural purposes benefits from the agricultural classification. Maintaining a dwelling on part of the lands used for agricultural purposes does not in itself preclude an agricultural classification.¹³ When agricultural property contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage

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

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

³ *See* s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art. VII, s. 4(a).

¹² Section 193.461, F.S.

¹³ Section 193.461(3)(c), F.S.

must be assessed separately.¹⁴ There are certain protections of agricultural classifications when land is temporarily not being used for agriculture due to a natural disaster or in compliance with certain state agriculture programs.¹⁵

Agricultural lands are taxed at a value based on their agricultural use, which requires a property appraiser to use a different analysis to value the land than that used to determine the just value of the land. Additionally, certain structures that are attached physically to the land are considered to be a part of the average yields per acre and have no separately assessable contributory (taxable) value.¹⁶ Lands classified as agricultural also enjoy certain benefits and protections, such as a preemption on local government restrictions of farming on those lands¹⁷ and limits on nuisance complaints related to farming activities.¹⁸

Fire Protection Assessments

Counties are specifically prohibited from levying a special assessment for the provision of fire protection services on lands classified as agricultural lands, unless the land contains either a residential building, or a nonresidential farm building, other than an agricultural pole barn,¹⁹ with a just value in excess of \$10,000.²⁰ Such a special assessment must be based solely on the special benefit accruing to the portion of the agricultural land containing the building.²¹

Comprehensive Plans and Land Use Regulation

The Growth Management Act requires every city and county to create and implement a comprehensive plan to guide future development. A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.

- The land use element of the plan designates proposed future general distribution, location, and extent of the uses of land. Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.²²
- The housing element of the plan sets forth guidelines and strategies for the creation and preservation of affordable housing for all current and anticipated future residents of the jurisdiction, elimination of substandard housing conditions, provision of adequate sites for future housing, and distribution of housing for a range of incomes and types.²³

¹⁴ Section 193.461(3)(d), F.S.

¹⁵ Section 193.461(7), F.S.

¹⁶ Section 193.461(6)(c), F.S. This treatment of these structures applies when using the income approach in determining value.

¹⁷ Section 163.3162, F.S.

¹⁸ See the Florida Right to Farm Act, section 823.14, F.S.

¹⁹ A nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress. *Id.*

²⁰ Section 125.01(1)(r), F.S.

²¹ *Id.*

²² Section 163.3177(6)(a), F.S.

²³ Section 163.3177(6)(f), F.S.

Local governments regulate aspects of land development by enacting ordinances that address local zoning, rezoning, subdivision, building construction, landscaping, tree protection, or sign regulations or any other regulations controlling the development of land.²⁴

Zoning

Zoning maps and zoning districts are adopted by a local government for developments within each land use category or sub-category. While land uses are general in nature, one or more zoning districts may apply within each land use designation.²⁵ Common regulations on buildings within the zoning map districts include density,²⁶ height and bulk of buildings, setbacks, and parking requirements.²⁷ Zoning regulations will also include acceptable uses of property for other categories of land, such as agricultural or industrial.

If a landowner believes that a proposed development may have merit but it does not meet the requirements of a zoning map in a jurisdiction, the landowner can seek a rezoning through a rezoning application which is reviewed by the local government and voted on by the governing body.²⁸ If a property has unique circumstances or small nonconformities but otherwise meets zoning regulations, local governments may ease restrictions on certain regulations such as building size or setback through an application for a variance.²⁹ However, any action to rezone or grant a variance must be consistent with the local government's comprehensive plan.

Florida Sales Tax

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,³⁰ admissions,³¹ transient rentals,³² and a limited number of services. Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain sales. Sales tax is added to the sales price of the taxable good or service and collected from the purchaser at the time of sale.³³

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.³⁴ A surtax applies to "all transactions occurring in the county which transactions are subject

²⁴ See ss. 163.3164 and 163.3213, F.S. Pursuant to s. 163.3213, F.S., substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

²⁵ Indian River County, General Zoning Questions, available at <https://www.ircgov.com/communitydevelopment/planning/FAQ.htm#zoning1> (last visited Jan. 20, 2023)

²⁶ "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.

²⁷ Supra note 126.

²⁸ City of Tallahassee, Application For Rezoning Review, available at <https://www.talgov.com/Uploads/Public/Documents/place/zoning/cityrezinfsh.pdf> (last visited Jan. 20, 2023)

²⁹ City of Tallahassee, Variance and Appeals, available at https://www.talgov.com/Uploads/Public/Documents/growth/forms/boaa_variance.pdf (last visited Jan. 20, 2023) and Seminole County, Variance Processes available at <https://www.seminolecountyfl.gov/departments-services/development-services/planning-development/boards/board-of-adjustment/variance-process-requirements.stml> (last visited Jan. 20, 2023)

³⁰ Section 212.05(1)(a)1.a., F.S.

³¹ Section 212.04(1)(b), F.S.

³² Section 212.03(1)(a), F.S.

³³ Section 212.07(2), F.S.

³⁴ Section 212.055, F.S.

to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202.”³⁵ The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered. Discretionary sales surtax may be levied in a range of 0.5 to 2.5 percent.³⁶

Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida’s sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There are currently more than 270 exemptions, exclusions, deduction, and credits from sales and use tax.³⁷

Enterprise Zone Jobs Credit Against Sales Tax

The legislature once provided a credit against certain sales taxes for eligible businesses.³⁸ To be eligible for this credit, a business must have been located in an enterprise zone and demonstrated to the Department of Revenue that, upon application, the total number of full-time jobs created by the business is greater than the total was 12 months prior to that date.³⁹

The enterprise zone system and related tax credits, including s. 212.096, F.S., were repealed December 31, 2015.⁴⁰

Migrant and Seasonal Farmworkers

Migrant farmworkers are defined as people who are or have been employed in hand labor operations in planting, cultivating, or harvesting agricultural crops within the last 12 months and who have changed residence for purposes of employment in agriculture within the last 12 months.⁴¹ Programs to bring migrant farmworkers are regulated by federal law and administered by various state and local agencies, including the Department of Economic Opportunity’s Migrant and Seasonal Farmworker Services Program.⁴²

Migrant farmworker housing is regulated by the Florida Department of Health in coordination with local health departments and federal law.⁴³ Migrant housing may include residential property, a hotel or motel furnished for transient occupancy, or a migrant labor camp consisting of dormitories constructed and operated as living quarters for migrant farmworkers.⁴⁴

Establishment of such housing requires advance notice, inspections, and permitting based on

³⁵ Section 212.054(2)(a), F.S.

³⁶ Office of Economic and Demographic Research, *Florida Tax Handbook*, 227-228 (2021), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2021.pdf> (last visited Dec. 06, 2021).

³⁷ Office of Economic and Demographic Research, *Florida Tax Handbook* (2022), at 166-171, available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2022.pdf> (last visited Mar. 2, 2023).

³⁸ Section 212.096, F.S.

³⁹ *Id.*

⁴⁰ Section 290.016, F.S.

⁴¹ Section 381.008(4), F.S.

⁴² Department of Economic Opportunity, *Migrant and Seasonal Farmworker Services*, available at <https://floridajobs.org/office-directory/division-of-workforce-services/workforce-programs/migrant-and-seasonal-farmworker-services> (last visited Mar. 23, 2023).

⁴³ Sections 381.008-381.00897, F.S.

⁴⁴ Section 381.008(5) and (8), F.S.

standards of construction, sanitation, equipment, and operation, as well as compliance with inspections during use.⁴⁵

III. Effect of Proposed Changes:

Section 1 amends s. 125.01, F.S., regarding fire protection service assessments. Current law provides that a county may not levy special assessments for the provision of fire protection services on agricultural lands unless the land contains a residential dwelling of any value, or a nonresidential farm building which exceeds a just value of \$10,000; the bill increases this value to \$350,000.

Section 2 amends s. 163.3162, F.S., to provide that the construction or installation of housing for legal migrant farmworkers is an authorized use on land zoned for agricultural use and operated as a bona fide farm. Housing authorized under this section:

- Must not exceed 7,500 square feet per parcel of land;
- Must meet all local and state building standards for securing a certificate of occupancy; and
- Does not require approval by ordinance or resolution of the jurisdiction in which the land is located.

The bill further provides that if agricultural operations are discontinued on the property for at least 3 years and the land is no longer classified as agricultural, housing established under this section is no longer eligible for residential use without further approval by the local jurisdiction's zoning and land use regulations.

Section 3 amends s. 193.461, F.S., to preempt a local government from adopting land use or zoning restrictions, conditions, or regulations requiring the termination of an agricultural classification for any property or the surrender of an agricultural classification for any property by the property owner. Such restrictions, conditions, or regulations adopted before July 1, 2023, are invalid and unenforceable.

Section 4 amends s. 212.096, F.S., to provide a credit against sales and use taxes for 100 percent of the sales and use tax due on:

- Rental of housing, including a building, manufactured home, mobile home, dormitory, barracks, motel, or hotel, for housing two or more legal migrant farmworkers; or
- Purchase of a mobile home as defined in s. 320.01(2)(a), F.S.,⁴⁶ or manufactured home as defined in s. 320.01(2)(b), F.S.,⁴⁷ for housing two or more legal migrant farmworkers.

The section is housed within the enterprise zone jobs credit against sales tax, which requires an affirmative showing by an eligible business that the business is located in an enterprise zone and

⁴⁵ Section 381.0083, F.S.

⁴⁶ "Mobile home" means a structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Section 320.01(2)(a), F.S.

⁴⁷ "Manufactured home" means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act. Section 320.01(2)(b), F.S.

the number of full time jobs generated by the business is greater in the year the credit is claimed than in the previous year.

In order to claim this credit, an employer must file under oath with the governing body where the property is located a statement that includes the name and address of the eligible business and, for each legal migrant farmworker for whom this credit is claimed, the farmworker's name, place of permanent residence, hourly wages paid to the worker, and documentation that the farmworker is legally eligible for participation in the workforce.

Within 10 working days after receipt of such an application, the governing body shall review the application for completeness and certify all complete applications as eligible to receive the credit. Applications for a credit must be submitted to the DOR within 6 months after the employee is hired.

Section 5 amends s. 381.0065, F.S., to provide that the Florida Department of Environmental Protection may review applications, perform site inspections, and issue permits for the use of holding tanks, privies, portable toilet services, or any other toilet facility intended for use on a permanent or nonpermanent basis placed on lands classified as agricultural. Current law is silent on the use of such facilities on agricultural lands, referring only specifically to use on construction sites while workers are present.⁴⁸

Section 6 provides that the bill shall take effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 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 bill may reduce local government revenue by creating a sales tax credit for certain taxes paid, and prohibiting special assessments for fire protection services in certain circumstances.

Laws having an “insignificant fiscal impact” are exempt from the mandate requirements, which for Fiscal Year 2022-2023 is forecast at approximately \$2.3 million.^{49,50} The Revenue Estimating Conference has not reviewed this bill, and the reduction of local government revenue created by the provisions of the bill is indeterminate at this time.

⁴⁸ Fla. Admin. Code, rule 62-6(7).

⁴⁹ FLA. CONST. art. VII, s. 18(d).

⁵⁰ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 10, 2023).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

The Revenue Estimating Conference has not reviewed this bill.

B. Private Sector Impact:

Businesses employing and housing migrant farmworkers will benefit from a variety of provisions of the bill implementing sales tax credits, creating certain property rights, and reducing special assessments for fire protection services.

C. Government Sector Impact:

State and local governments will be negatively impacted by the creation of a sales tax credit. Additionally, local governments will be impacted to the extent that prohibiting the special assessments for fire protection services reduces revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 4 of the bill, authorizing a tax credit against certain sales tax paid related to the housing of migrant farmworkers, is tied to the enterprise zone job creation tax credit, a now-repealed statute which required a showing that permanent, full-time jobs were created by a business. Additionally, the provision creates a tax credit against sales taxes in the amount of sales taxes paid, which may be administratively complicated.

VIII. Statutes Affected:

This bill substantially amends sections 125.01, 163.3162, 193.461, 212.096, and 381.0065 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on March 22, 2023:

The CS:

- Increases the maximum size of permitted housing for migrant farmworkers on agricultural land from 5,000 to 7,500 square feet per parcel;
- Provides that such housing is not eligible for residential uses without further jurisdiction approval if the property ceases farming operations and loses agricultural classification; and
- Updates references throughout to “migrant farmworkers” to read “legal migrant farmworkers.”

- B. **Amendments:**

None.



128198

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 65 - 144
and insert:
of housing for legal migrant farmworkers as defined in s.
381.008(4) is authorized on land zoned for agricultural use
which is operated as a bona fide farm.
(b) Construction or installation of housing under this



128198

subsection:

1. May not exceed 7,500 square feet per parcel of land;
2. Must meet all local and state building standards for securing a residential certificate of occupancy; and
3. Does not require approval by ordinance or resolution of the governmental entity where the land is located.

(c) If agricultural operations are discontinued on the property for a minimum of 3 years and the agricultural land classification of the property is no longer valid, the legal migrant farmworker housing is no longer eligible for the residential uses as provided for in this section unless and until approved by the local jurisdiction under its zoning and land use regulations for the intended nonagricultural use.

Section 3. Paragraph (b) of subsection (3) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(3)

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified as agricultural. The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

- a. The length of time the land has been so used.
- b. Whether the use has been continuous.
- c. The purchase price paid.



128198

d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.

e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.

f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.

g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

3. A local government may not adopt a land use or zoning restriction, condition, or regulation that requires the termination of an agricultural classification for any property or the surrender of an agricultural classification for any property by the property owner if the property is used for bona fide agricultural purposes as defined in this section. Such restrictions, conditions, or regulations adopted before July 1, 2023, are invalid and unenforceable.

Section 4. Present subsections (4) through (12) of section 212.096, Florida Statutes, are redesignated as subsections (5) through (13), respectively, a new subsection (4) is added to that section, and present subsection (12) of that section is amended, to read:

212.096 Sales, rental, storage, use tax; enterprise zone



128198

jobs credit against sales tax.—

(4) (a) Upon an affirmative showing by an eligible business to the satisfaction of the department that the requirements of this section have been met, the business is allowed a credit against the tax remitted under this chapter.

(b) The credit must be computed as 100 percent of all state sales tax that would be due on the:

1. Rental of housing, including a building, manufactured home, mobile home, dormitory, barracks, motel, or hotel for housing two or more legal migrant farmworkers as defined in s. 381.008(4);

2. Purchase of a mobile home as defined in s. 320.01(2) (a) for housing two or more legal migrant farmworkers as defined in s. 381.008(4); or

3. Purchase of a manufactured home as defined in s. 320.01(2) (b) for housing two or more legal migrant farmworkers as defined in s. 381.008(4).

(c) To claim this credit, an eligible employer must, under oath with the governing body where the property is located, file a statement that includes all of the following:

1. For each legal migrant farmworker for whom this credit is claimed, the farmworker's name and place of permanent residence, and documentation that the farmworker is legally eligible for participation in the workforce.

2. The name and address of the eligible business.

3. The hourly wages paid to the legal migrant farmworker.

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

And the title is amended as follows:



128198

97 Delete lines 6 - 17
98 and insert:
99 construction or installation of housing for legal
100 migrant farmworkers on certain lands; providing
101 requirements for such housing; exempting such housing
102 from certain local government approval; providing
103 limitations on eligibility for residential uses of
104 certain property; amending s. 193.461, F.S.;
105 prohibiting local governments from adopting land use
106 or zoning restrictions, conditions, or regulations
107 that require termination or surrender of agricultural
108 classifications for certain property; providing that
109 such restrictions, conditions, or regulations adopted
110 before a specified date are invalid and unenforceable;
111 amending s. 212.096, F.S.; providing tax credits for
112 the rental or purchase of specified housing for legal

By Senator Collins

14-01628-23

20231184__

A bill to be entitled

An act relating to agricultural lands; amending s. 125.01, F.S.; increasing the nonresidential farm building just value threshold for certain special assessments; amending s. 163.3162, F.S.; authorizing construction or installation of housing for migrant farmworkers on certain lands; providing requirements for such housing; exempting such housing from certain local government approval; amending s. 193.461, F.S.; prohibiting local governments from adopting land use or zoning restrictions, conditions, or regulations that require certain termination or surrender of agricultural classifications; providing that such restrictions, conditions, or regulations adopted before a specified date are invalid and unenforceable; amending s. 212.096, F.S.; providing tax credits for the rental or purchase of specified housing for migrant farmworkers; providing requirements for claiming the tax credit; specifying procedures for the governing body when an application for tax credit is received; requiring that applications for tax credit be received by a certain timeframe; conforming a provision to changes made by the act; amending s. 381.0065, F.S.; requiring the Department of Environmental Protection to permit and inspect toilet facilities placed on lands classified as agricultural for certain use; providing an effective date.

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

14-01628-23

20231184__

Section 1. Paragraph (r) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit. Notwithstanding any other provision of law, a county may not levy special assessments for the provision of fire protection services on lands classified as agricultural lands under s. 193.461 unless the land contains a residential dwelling or nonresidential farm building, with the exception of an agricultural pole barn, provided the nonresidential farm building exceeds a just value of \$350,000 ~~\$10,000~~. Such special assessments must be based solely on the special benefit accruing to that portion of the land consisting of the residential dwelling and curtilage, and qualifying nonresidential farm buildings. As used in this paragraph, the term "agricultural pole barn" means a nonresidential farm building in which 70

14-01628-23

20231184__

percent or more of the perimeter walls are permanently open and allow free ingress and egress.

Section 2. Subsection (5) is added to section 163.3162, Florida Statutes, to read:

163.3162 Agricultural Lands and Practices.—

(5) (a) FARMWORKER HOUSING.—The construction or installation of housing for migrant farmworkers as defined in s. 381.008(4) is authorized on land zoned for agricultural use and operated as a bona fide farm.

(b) Construction or installation of housing under this subsection:

1. May not exceed 5,000 square feet per parcel of land;

2. Must meet all local and state building standards for securing a certificate of occupancy; and

3. Does not require approval by ordinance or resolution of the governmental entity where the land is located.

Section 3. Paragraph (b) of subsection (3) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(3)

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified as agricultural. The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

14-01628-23

20231184__

a. The length of time the land has been so used.

b. Whether the use has been continuous.

c. The purchase price paid.

d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.

e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.

f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.

g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

3. A local government may not adopt a land use or zoning restriction, condition, or regulation that requires the termination of an agricultural classification for any property or the surrender of an agricultural classification for any property by the property owner. Such restrictions, conditions, or regulations adopted before July 1, 2023, are invalid and unenforceable.

Section 4. Present subsections (4) through (12) of section 212.096, Florida Statutes, are redesignated as subsections (5) through (13), respectively, a new subsection (4) is added to that section, and present subsection (12) of that section is

14-01628-23

20231184__

117 amended, to read:

118 212.096 Sales, rental, storage, use tax; enterprise zone
119 jobs credit against sales tax.—

120 (4) (a) Upon an affirmative showing by an eligible business
121 to the satisfaction of the department that the requirements of
122 this section have been met, the business shall be allowed a
123 credit against the tax remitted under this chapter.

124 (b) The credit shall be computed as 100 percent of all
125 state sales tax that would be due on the:

126 1. Rental of housing, including a building, manufactured
127 home, mobile home, dormitory, barracks, motel, or hotel for
128 housing two or more migrant farmworkers as defined in s.
129 381.008(4);

130 2. Purchase of a mobile home as defined in s. 320.01(2) (a)
131 for housing two or more migrant farmworkers as defined in s.
132 381.008(4); or

133 3. Purchase of a manufactured home as defined in s.
134 320.01(2) (b) for housing two or more migrant farmworkers as
135 defined in s. 381.008(4).

136 (c) In order to claim this credit, an eligible employer
137 must file under oath with the governing body where the property
138 is located a statement that includes all of the following:

139 1. For each migrant farmworker for whom this credit is
140 claimed, the farmworker's name and place of permanent residence,
141 and documentation that the farmworker is legally eligible for
142 participation in the workforce.

143 2. The name and address of the eligible business.

144 3. The hourly wages paid to the migrant farmworker.

145 (d) Within 10 working days after receipt of the application

14-01628-23

20231184__

for credit, the governing body shall review the application to determine if it contains all the information required pursuant to this subsection and meets the criteria set out in this section. The governing body shall certify all applications that contain the information required pursuant to this subsection and meet the criteria set out in this section as eligible to receive the credit.

(e) All applications for a credit pursuant to this subsection must be submitted to the department within 6 months after the employee is hired.

(12) This section, except for subsection (12) ~~(11)~~, expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

Section 5. Paragraph (m) of subsection (3) of section 381.0065, Florida Statutes, is amended to read:

381.0065 Onsite sewage treatment and disposal systems; regulation.—

(3) DUTIES AND POWERS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.—The department shall:

(m) Permit and inspect portable or temporary toilet services and holding tanks. The department shall review applications, perform site evaluations, and issue permits for the temporary use of holding tanks, privies, portable toilet services, or any other toilet facility that is intended for use on a permanent or nonpermanent basis, including facilities placed on lands classified as agricultural pursuant to s. 193.461 or construction sites when workers are present. The department may specify standards for the construction, maintenance, use, and operation of any such facility for

14-01628-23

20231184__

175 temporary use.

176 Section 6. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

Community Affairs

Committee

SB 1189

Bill Number or Topic

Amendment Barcode (if applicable)

Name Courtney Larkin

Phone 850-209-0061

Address 310 W College Avenue

Street

Email Courtney.larkin@fpbf.org

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Florida Farm Bureau Federation

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

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

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/23

Meeting Date

1184

Bill Number (if applicable)

Topic

AG Lands

Amendment Barcode (if applicable)

Name

Tripp Hunter

Job Title

Government Affairs

Address

201 S Monroe St.

Phone

850-408-6012

Street

Tallahassee

FL

State

32308

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

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

Representing

Florida Fruit & Vegetable Association

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

3/22/23
Meeting Date

1184
Bill Number or Topic

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

Community Affairs
Committee

Name Adam Basford

Amendment Barcode (if applicable)
352 538 9299

Address 516 N Adams
Street

Email abasford@aif.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Associated Industries of FL

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

3/22

Meeting Date

1184

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name AUSTIN STOWERS

Phone 850 413 5939

Address 200 E Gains
Street

Email austin.stowers@myfloridacfo.com

Tallahassee FL 32399
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

CFO JIMMY PATRONIS

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

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

S-001 (08/10/2021)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/22/23

Meeting Date

1184

Bill Number (if applicable)

Topic Agriculture CANS

Amendment Barcode (if applicable)

Name Jim SPKATT

Job Title _____

Address 119 S. Monroe Street

Street

Phone 850-228-1296

144

City

FL

State

32301

Zip

Email Jimemagolda@stafirell.com

Speaking: ☐ For ☐ Against ☒ Information

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

Representing United Dairy Farmers of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1282

INTRODUCER: Community Affairs Committee and Senator Stewart

SUBJECT: Public Restroom Requirements

DATE: March 23, 2023

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1282 directs the Florida Building Commission to incorporate into the Florida Building Code the installation of a hook in wheelchair accessible public restroom facilities that is within the reach of an average-sized person while the person is sitting on a toilet seat. Such hook must be installed in public restroom facilities with an accessible toilet compartment or single-user toilet room that is newly constructed or renovated after July 1, 2023.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited March 10, 2023).

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission’s recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.²

The Building Code is updated every three years. The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³ The next edition of the Building Code will take effect on December 31, 2023.

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (act). The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The Florida Building Commission (commission) was statutorily created to implement the Building Code. The commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The commission reviews International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes during its triennial update of the Building Code.⁶

Local Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public’s health, safety, and welfare.⁷

Every local government must enforce the Building Code and issue building permits.⁸ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.⁹

² *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited March 10, 2023).

³ *Id.*

⁴ Section 553.72(1), F.S.

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, available at <https://www.iccsafe.org/about/who-we-are/> (last visited March 17, 2023).

⁶ Sections 553.73, and 553.74, F.S.

⁷ Section 553.72, F.S.

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

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

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.¹⁰ Construction work may not be done beyond a certain point until it passes an inspection.

Florida Accessibility Code for Building Construction

The 1993 Legislature created the Florida Americans with Disability Accessibility Implementation Act (Act)¹¹ which incorporated the architectural accessibility requirements of the Americans with Disabilities Act of 1990 and maintained existing provisions of Florida law thought to be more stringent than the ADA accessibility guidelines.¹²

The Act establishes the Florida Accessibility Code for Building Construction (Accessibility Code).¹³ The law was amended in 2011 and its resulting requirements were integrated into the Florida Building Code.¹⁴ The Accessibility Code contains scoping and technical requirements for accessibility to sites, facilities, buildings, and elements by individuals with disabilities. The requirements are to be applied during the design, construction, additions to, and alteration of sites, facilities, buildings, and elements.¹⁵

Chapter six of the Accessibility Code regulates wheelchair accessible toilet compartments including size, doors, approach, grab bars, and location within a restroom.¹⁶ Chapter three of the Accessibility Code regulates reach ranges for building elements such as coat hooks, lockers, and other operable parts of a building.¹⁷ Requirements include the height of forward reach, side reach, and obstructed reach for persons in a wheelchair.¹⁸

III. Effect of Proposed Changes:

The bill amends s. 553.86 F.S., to direct the Florida Building Commission to require in the Florida Building Code the installation of a hook in wheelchair accessible public restroom facilities that is within the reach of an average-sized person while the person is sitting on a toilet seat. Such hook must be installed in public restroom facilities with an accessible toilet compartment or single-user toilet room which are newly constructed or renovated after July 1, 2023.

Such public restroom facilities must otherwise be in compliance with Florida Americans with Disabilities Accessibility Implementation Act and all applicable requirements set forth in the Florida Accessibility Code for Building Construction.

¹⁰ Section 110, 2020 Florida Building Code, Building, 7th Edition.

¹¹ Section 553.501 F.S.

¹² Preface to the 2020 Florida Building Code, Accessibility, 7th Edition.

¹³ Section 553.503 F.S.

¹⁴ Chapter 2011-222, Laws of Fla.

¹⁵ Section 101.1, 2020 Florida Building Code, Accessibility, 7th Edition.

¹⁶ Chapter 6: Plumbing Elements and Facilities, 2020 Florida Building Code, Accessibility, 7th Edition.

¹⁷ Chapter 3: Building Blocks, 2020 Florida Building Code, Accessibility, 7th Edition.

¹⁸ *Id.*

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a minimal fiscal impact to construction of new restroom facilities that must comply with the provisions of the bill.

C. Government Sector Impact:

There may be a small, likely insignificant, fiscal impact on the Florida Building Commission to integrate the required changes.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 553.86 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on March 22, 2023:

The CS makes a technical change by clarifying that the bill applies to “wheelchair” accessible toilet compartments.

- B. **Amendments:**

None.

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



167108

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2023	.	
	.	
	.	
	.	

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

Senate Amendment

Delete line 27
and insert:
(2) For public restroom facilities with a wheelchair
accessible

By Senator Stewart

17-01049A-23

20231282__

A bill to be entitled
An act relating to public restroom requirements;
amending s. 553.86, F.S.; requiring the Florida
Building Commission to adopt certain requirements in
the Florida Building Code for certain public restroom
facilities newly constructed or renovated after a
specified date; providing an effective date.

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

Section 1. Section 553.86, Florida Statutes, is amended to
read:

553.86 Public restroom requirements ~~restrooms~~; ratio of
facilities for men and women; ~~application; incorporation into~~
~~the Florida Building Code.~~—The Florida Building Commission shall
incorporate into the Florida Building Code, to be adopted by
rule pursuant to s. 553.73(1):r

(1) A ratio of public restroom facilities for men and women
which must be provided in all buildings that are newly
constructed after September 30, 1992, and that have restrooms
open to the public. This subsection ~~section~~ does not apply to
establishments licensed under chapter 509 if the establishment
does not provide meeting or banquet rooms which accommodate more
than 150 persons and the establishment has at least the same
number of water closets for women as the combined total of water
closets and urinals for men.

(2) For public restroom facilities with an accessible
toilet compartment or a single-user toilet room which are newly
constructed or renovated after July 1, 2023, the installation of

17-01049A-23

20231282__

30 a hook within the reach range of an average-sized person while
31 the person is sitting on the toilet seat, and that such public
32 restroom facilities must otherwise be in compliance with ss.
33 553.501-553.313 and all applicable requirements set forth in the
34 Florida Accessibility Code for Building Construction.

35 Section 2. This act shall take effect July 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 1346

INTRODUCER: Community Affairs Committee and Senator Avila

SUBJECT: Local Regulation of Nonconforming or Unsafe Structures

DATE: March 24, 2023

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1346 creates the “Resiliency and Safe Structures Act,” (Act) providing that a local government may not prohibit, restrict, or prevent the demolition of the following structures for any reason, other than public safety:

- “Nonconforming structures” in coastal high-hazard areas which fail to meet Federal Emergency Management Agency standards for new construction;
- Any structure determined to be unsafe by a local building official; and
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill further prohibits a local government from imposing certain limitations or conditions of approval for a replacement structure to be built on the property where a structure was demolished. The replacement structure must be permitted to be developed in accordance with all applicable zoning codes and ordinances, provided that such zoning codes do not penalize or restrict development rights due to the demolition of any structure in accordance with the Act, including a limitation on the size or height of the replacement structure or a requirement for the replication of a demolished structure or maintenance of any of the structure’s elements.

The provisions of the bill do not apply to structures listed in the National Register of Historic Places or single-family homes.

The bill takes effect upon becoming a law.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Building Code, and that first edition replaced all local codes on March 1, 2002.²

The Building Code is updated every three years. The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³ The next edition of the Building Code will take effect on December 31, 2023.

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act". The purpose and intent of the act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

Local Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.⁵

Every local government must enforce the Building Code and issue building permits.⁶ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.⁷

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited March 18, 2023).

² *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited March 18, 2023).

³ *Id.*

⁴ Section 553.72(1), F.S.

⁵ Section 553.72, F.S.

⁶ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

⁷ Sections 125.56(4)(a), 553.79(1), F.S.

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.⁸ Construction work may not be done beyond a certain point until it passes an inspection.

Demolition Permits

The Florida Building Codes Act provides that a local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish his or her single-family residential structure provided that:⁹

- Such structure is located in a coastal high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency (FEMA) for the purpose of participating in the National Flood Insurance Program;
- The lowest finished floor elevation of such structure is at or below base flood elevation as established by the Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher; and
- Such permit complies with all applicable Building Code, Fire Prevention Code, and local amendments to such codes.

An application for a demolition permit for such single-family structure may only be reviewed administratively for compliance with the Building Code, Fire Prevention Code, local amendments to such codes, and any regulations applicable to a similarly situated parcel. Such applications may not be subject to any additional local land development regulations or public hearings.¹⁰

If a single-family residential structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure that would not otherwise be applicable to a similarly situated vacant parcel.¹¹

However, a local law, ordinance, or regulation may restrict demolition permits for certain designated historic structures:¹²

- Structure designated on the National Register of Historic Places;¹³
- Privately owned single-family residential structure designated historic by a local, state, or federal governmental agency on or before January 1, 2022; or

⁸ Section 110 Seventh edition of the Florida Building Code (Building).

⁹ Section 553.79(25)(a), F.S.

¹⁰ Section 553.79(25)(b), F.S.

¹¹ Section 553.79(25)(c), F.S.

¹² Section 553.79(25)(d), F.S.

¹³ The National Register of Historic Places is the federal government's official list of historic places in the United States. The National Historic Preservation Act of 1966 authorized the register, which is administered by the National Park Service. In order to be listed on the register the owner of the property must not object. National Park Service, *What is the National Register of Historic Places*, <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Mar. 13, 2023); National Park Service, *How to List a Property*, available at <https://www.nps.gov/subjects/nationalregister/how-to-list-a-property.htm> (last visited Mar. 18, 2023).

- Privately owned single-family residential structure designated historic after January 1, 2022, by a local, state, or federal governmental agency with the consent of its owner.

National Flood Insurance Program

The National Flood Insurance Program (NFIP) was created by the passage of the National Flood Insurance Act of 1968.¹⁴ The NFIP is administered by the Federal Emergency Management Agency (FEMA) and provides homeowners, business owners, and renters in flood-prone areas the ability to purchase flood insurance protection from the federal government.¹⁵ The general purpose of the NFIP is both to offer primary flood insurance to properties with significant flood risk, and to reduce flood risk through the adoption of floodplain management standards. Communities volunteer to participate in the NFIP in order to have access to federal flood insurance, and in return are required to adopt minimum floodplain management standards that are described in FEMA regulations.

Flood Insurance Rate Maps

FEMA develops, in coordination with participating communities, flood maps called Flood Insurance Rate Maps (FIRMs) that depict the community's flood risk and floodplain. While FEMA is largely responsible for the creation of the FIRM, the community itself must pass the map into its local regulations in order for the map to be effective. An area of specific focus on the FIRM is the Special Flood Hazard Area (SFHA). The SFHA is intended to distinguish the flood risk zones that have a chance of flooding during a "1 in 100 year flood" or greater frequency. This means that properties in the SFHA have a 1 percent or greater risk of flooding every year and a one-in-four chance of flooding during a 30-year mortgage. In a community that participates in the NFIP, owners of properties in the mapped SFHA are required to purchase flood insurance as a condition of receiving a federally backed mortgage.¹⁶

Flood maps in coastal areas often show areas of high risk within the coastal SFHA. The coastal SFHA has three flood hazard zones: Zones VE (which are unique to coastal areas), AE and AO.¹⁷

- Zone VE, also known as a Coastal High Hazard Area, is where wave action and fast-moving water can cause extensive damage during a base flood event.
- Zone AE indicates areas that have at least a 1%-annual-chance of being flooded, but where wave heights are less than 3 feet.
- Zone AO is used to map areas at risk of shallow flooding during a base flood, where water with average depths of 1 to 3 feet flows over sloping ground. On flood maps in coastal communities, Zone AO usually marks areas at risk of flooding from wave overtopping,

¹⁴ FEMA, *50 Years of the NFIP*, available at https://www.fema.gov/sites/default/files/2020-05/NFIP_50th_Final_8.5x11_Regional_Printable.pdf (last visited March 18, 2023).

¹⁵ Benefits.gov, *National Flood Insurance Program (NFIP)*, available at <https://www.benefits.gov/benefit/435> (last visited March 10, 2023).

¹⁶ Such lenders include federal agency lenders, such as the Department of Veterans Affairs, government-sponsored enterprises Fannie Mae, Freddie Mac, and federally regulated lending institutions, such as banks covered by the Federal Deposit Insurance Corporation (FDIC) or the Office of the Comptroller of the Currency (OCC).

¹⁷ Features of Flood Insurance Rate Maps in Coastal Areas, FEMA, available at <https://www.fema.gov/flood-maps/coastal/insurance-rate-maps> (last visited Mar. 19, 2023)

where waves are expected to wash over the crest of a dune or bluff and flow down into the area beyond.

New Construction Requirements in Coastal Flood Hazard Zones

When a community is taking part of the NFIP, FEMA places requirements on any new construction built in flood hazard areas. Generally, new construction in flood-prone areas must be:¹⁸

- Designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- Constructed with materials resistant to flood damage;
- Constructed by methods and practices that minimize flood damages; and
- Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Specific conditions for new construction in coastal flood hazard zones include requiring all new construction to:¹⁹

- Be located landward of the reach of mean high tide;
- Be elevated on pilings and columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;
- Be elevated on pilings and columns so that the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and
- Have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. Such space may be used only for parking of vehicles, building access, or storage.

Permits for Property with a Historic Designation

Some local governments in Florida have adopted land development regulations that determine certain older single-family buildings to be historic. Some local governments have placed restrictions on property owners from obtaining permits for the demolition of the older single-family buildings that the local governments have deemed historic. Below are examples of such regulations:

- Requiring a special demolition permit.²⁰
- Requiring new construction on the site of the demolished structure to be subject to certain architectural regulations, related to:²¹
 - The colors, pattern, and trim used in the building's façade.

¹⁸ 44 C.F.R. § 60.3(a)(3)

¹⁹ 44 C.F.R. § 60.3(e)(3)-(5)

²⁰ Sec. 54-71., Town of Palm Beach Code of Ordinances.

²¹ Sec. 54-122., Town of Palm Beach Code of Ordinances.

- The design of the roof.
- The proportions and relationships between doors and windows.

III. Effect of Proposed Changes:

The bill creates s. 553.8991, F.S., titled the “Resiliency and Safe Structures Act,” (Act) to provide that a local government may not prohibit, restrict, or prevent the demolition of the following structures for any reason, other than public safety:

- “Nonconforming structures” in coastal high-hazard areas which fail to meet FEMA standards for new construction;
- Any structure determined to be unsafe by a local building official; and
- Any structure ordered to be demolished by a local government that has proper jurisdiction.

The bill further prohibits a local government from imposing certain limitations or conditions of approval for a “replacement structure” to be built on the property where a structure was demolished. The replacement structure must be permitted to be developed in accordance with all applicable zoning codes and ordinances, provided that such zoning codes do not penalize or restrict development rights due to the demolition of any structure in accordance with the Act, including a limitation on the size or height of the replacement structure or a requirement for the replication of a demolished structure or maintenance of any of the structure’s elements.

Owners or developers of replacement structures are entitled to enjoy all land use, zoning, and other land development rights without regard to a local government restrictions or penalties resulting from the demolition of a structure.

The bill defines:

- "Nonconforming structure" as a structure located in a coastal high-hazard area according to a Flood Insurance Rate Map issued by the FEMA which does not conform to the requirements for new construction issued by the National Flood Insurance Program; and
- "Replacement structure" as a new development that occurs on a property where a nonconforming structure in a coastal high-hazard area was located or where a structure has been ordered to be demolished, has been demolished, or has been deemed unsafe by the local building official.

The provisions of the bill do not apply to structures listed in the National Register of Historic Places or single-family homes.

Finally, the bill provides that a municipality, county, special district, or political subdivision may not adopt or apply a law, an ordinance, a rule, a regulation, a policy, a resolution, or any other act that in any way limits the demolition of structures and buildings to which the Act is applicable or limits the development of a replacement structure in a way that would divest property owners or developers of land use, zoning, or other land development rights for demolishing a structure in accordance with the bill. All laws, ordinances, rules, regulations, policies, resolutions, and other acts of a municipality, county, special district, or political subdivision to the contrary are void.

The Act applies prospectively and retroactively to any law adopted contrary to the bill and its intent.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may allow more structures to be demolished and new structures to be built in their places, which would increase construction and development.

C. Government Sector Impact:

Local governments may have to expend funds to process a possible increase in demolition permits. However, local governments may collect fees to cover the cost of their expenses to enforce the Building Code, which includes reviewing building permit applications.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 553.8991 of the Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on March 22, 2023:

The CS removes section 1 of the bill, which amends current law pertaining to demolition permits for single family homes to include nonconforming structures in certain flood areas.

The CS also specifically excludes single-family homes and structures listed in the National Register of Historic Places from the Resiliency and Safe Structures Act.

- B. **Amendments:**

None.



395166

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2023	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 553.8991, Florida Statutes, is created
to read:

553.8991 Resiliency and Safe Structures Act.—

(1) SHORT TITLE.—This section may be cited as the
“Resiliency and Safe Structures Act.”

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



395166

(a) "Nonconforming structure" means a structure located in a coastal high-hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency (FEMA) which does not conform to the requirements for new construction issued by the National Flood Insurance Program.

(b) "Replacement structure" means a new structure built on a property where a structure was demolished or will be demolished in accordance with this section.

(3) QUALIFYING STRUCTURES AND BUILDINGS.—This section applies to all of the following structures, unless the structure is individually listed in the National Register of Historic Places or is a single-family home:

(a) Nonconforming structures in coastal high-hazard areas which fail to meet FEMA standards for new construction.

(b) Any structure determined to be unsafe by a local building official.

(c) Any structure ordered to be demolished by a local government that has proper jurisdiction.

(4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local government may not prohibit, restrict, or prevent the demolition of any structure identified in subsection (3) for any reason, other than public safety.

(5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A replacement structure must be permitted to be developed in accordance with all applicable zoning codes and ordinances, provided that the zoning codes and ordinances do not in any way penalize or restrict development rights due to, or related to, the demolition of any structure in accordance with this section, including a requirement for replication of the demolished



395166

structure, a limitation on the size or height of the replacement structure, or the maintenance of any of the elements of the demolished structure. Owners or developers of replacement structures may develop in accordance with all land use, zoning, and other land development rights, whether established by law, ordinance, rule, regulation, policy, development order, or any other act, without regard to any local government restrictions or penalties resulting from the demolition of any structure identified in subsection (3) which may restrict development of a replacement structure as a result of a local government order, a designation, a code enforcement proceeding, or an ordinance.

(6) APPLICATION.—This section applies prospectively and retroactively to any law adopted contrary to this section and its intent.

(7) PREEMPTION.—A municipality, county, special district, or political subdivision may not adopt or apply a law, an ordinance, a rule, a regulation, a policy, a resolution, or any other act that in any way limits the demolition of any structures and buildings identified in subsection (3) or that limits the development of any replacement structure in a way that would divest property owners or developers of land use, zoning, or other land development rights for the demolition of any structure in accordance with this section. All laws, ordinances, rules, regulations, policies, resolutions, and other acts of a municipality, county, special district, or political subdivision to the contrary are void.

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

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



395166

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to local regulation of nonconforming
or unsafe structures; creating s. 553.8991, F.S.;
providing a short title; defining terms; providing
applicability; prohibiting local governments from
prohibiting, restricting, or preventing the demolition
of certain structures unless necessary for public
safety; requiring that replacement structures be
permitted to be developed in accordance with
applicable zoning codes and ordinances; providing an
exception; authorizing owners and developers of
replacement structures to develop in accordance with
all land use, zoning, and other land development
rights; providing for retroactive application;
preempting regulation of the demolition or replacement
of certain structures to the state under certain
circumstances; providing an effective date.

WHEREAS, it is of paramount importance to replace older,
unsafe, or nonconforming structures that are a threat to life
and safety with new, resilient buildings built to contemporary
building codes and standards, and

WHEREAS, nonconforming structures within coastal high-
hazard areas and structures ordered to be demolished or deemed
unsafe by local building officials pose an increased risk of
collapse, may affect the integrity or stability of neighboring



395166

buildings or structures, and may cause injury to persons or property, and

WHEREAS, local governmental laws, procedures, and policies that prohibit or limit the demolition of nonconforming or unsafe structures or limit the construction of new resilient structures pose a threat to life and public safety, and

WHEREAS, on properties where there is a nonconforming structure within a coastal high-hazard area, whether the structure is deemed unsafe by a local building official or is subject to a demolition order, such structure must be demolished and any replacement structure authorized, which will allow owners or developers to enjoy all land use and development rights that would apply to the property without regard to any local restrictions that may restrict future development at the subject property as a result of the local building official's order or demolition, and

WHEREAS, to make the application and enforcement of this act uniform throughout this state, the Legislature intends to preempt the regulation of the demolition of certain structures and buildings to the state, NOW, THEREFORE,

By Senator Avila

39-01494B-23

20231346__

1 A bill to be entitled
2 An act relating to local regulation of nonconforming
3 or unsafe structures; amending s. 553.79, F.S.;
4 authorizing private property owners to obtain building
5 permits to demolish certain historic structures under
6 certain circumstances; providing an exception;
7 creating s. 553.8991, F.S.; providing a short title;
8 defining terms; providing applicability; prohibiting
9 local governments from prohibiting, restricting, or
10 preventing the demolition of certain structures unless
11 necessary for public safety; prohibiting local
12 governments from imposing limitations or conditions on
13 certain replacement structures; providing that owners
14 and developers of such structures are entitled to
15 certain land use and development rights; providing for
16 retroactive application; preempting regulation of the
17 demolition or replacement of certain structures to the
18 state under certain circumstances; providing an
19 effective date.
20

21 WHEREAS, it is of paramount importance to replace older,
22 unsafe, or nonconforming structures that are a threat to life
23 and safety with new, resilient buildings built to contemporary
24 building codes and standards, and

25 WHEREAS, nonconforming structures within coastal high-
26 hazard areas and structures ordered to be demolished or deemed
27 unsafe by local building officials pose an increased risk of
28 collapse, may affect the integrity or stability of neighboring
29 buildings or structures, and may cause injury to persons or

39-01494B-23

20231346__

property, and

WHEREAS, local governmental laws, procedures, and policies that prohibit or limit the demolition of nonconforming or unsafe structures or limit the construction of new resilient structures pose a threat to life and public safety, and

WHEREAS, on properties where there is a nonconforming structure within a coastal high-hazard area, a structure that has been deemed unsafe by a local building official, or a structure that is subject to a demolition order, such structure must be authorized to be demolished and any replacement structure authorized which allows owners or developers to enjoy all land use and development rights that would apply to the property without regard to any local restrictions that may restrict future development at the subject property as a result of the local building official's order or demolition, and

WHEREAS, to make the application and enforcement of this act uniform throughout this state, the Legislature intends to preempt the regulation of the demolition of certain structures and buildings to the state, NOW, THEREFORE,

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

Section 1. Subsection (25) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

(25) (a) A local law, ordinance, or regulation may not prohibit or otherwise restrict ~~the ability of~~ a private property owner from obtaining ~~to obtain~~ a building permit to demolish his or her single-family residential structure located in a coastal

39-01494B-23

20231346__

high-hazard area, moderate flood zone, or special flood hazard area according to a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program if the lowest finished floor elevation of such structure is at or below base flood elevation as established by the Florida Building Code or a higher base flood elevation as may be required by local ordinance, whichever is higher, provided that such permit otherwise complies with all applicable Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, or local amendments thereto.

(b) An application for a demolition permit sought under this subsection may only be reviewed administratively for compliance with the Florida Building Code, the Florida Fire Prevention Code, and the Life Safety Code, or local amendments thereto, and any regulations applicable to a similarly situated parcel. Applications may not be subject to any additional local land development regulations or public hearings. A local government may not penalize a private property owner for a demolition ~~that is~~ in compliance with the demolition permit.

(c) If a single-family residential structure is demolished pursuant to a demolition permit, a local government may not impose additional regulatory or building requirements on the new single-family residential structure constructed on the site of the demolished structure which would not otherwise be applicable to a similarly situated vacant parcel.

(d) 1. Except as provided in subparagraph 2., this subsection does not apply to any of the following:

a.1. A structure designated on the National Register of

39-01494B-23

20231346__

88 Historic Places.

89 ~~b.2.~~ A privately owned single-family residential structure
90 designated historic by a local, state, or federal governmental
91 agency on or before January 1, 2022.

92 ~~c.3.~~ A privately owned single-family residential structure
93 designated historic after January 1, 2022, by a local, state, or
94 federal governmental agency with the consent of its owner.

95 2. This subsection applies to the structures identified in
96 subparagraph 1. if the structure is a nonconforming structure
97 located in a coastal high-hazard area which fails to meet
98 Federal Emergency Management Agency standards for new
99 construction or if the structure is determined to be unsafe by
100 the local building official or is ordered to be demolished by a
101 local government with proper jurisdiction. However, a local law,
102 ordinance, or regulation may prohibit or otherwise restrict the
103 demolition of such a structure if the enforcement agency or
104 local building official determines that demolition of the
105 structure is a threat to public safety.

106 Section 2. Section 553.8991, Florida Statutes, is created
107 to read:

108 553.8991 Resiliency and Safe Structures Act.—

109 (1) SHORT TITLE.—This section may be cited as the
110 "Resiliency and Safe Structures Act."

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

112 (a) "Nonconforming structure" means a structure located in
113 a coastal high-hazard area according to a Flood Insurance Rate
114 Map issued by the Federal Emergency Management Agency (FEMA)
115 which does not conform to the requirements for new construction
116 issued by the National Flood Insurance Program. The term

39-01494B-23

20231346__

includes any structure listed on the National Register of Historic Places or the State Inventory of Historic Places if it is located in a coastal high-hazard area.

(b) "Replacement structure" means a new development that occurs on a property where a nonconforming structure in a coastal high-hazard area was located or where a structure has been ordered to be demolished, has been demolished, or has been deemed unsafe by the local building official.

(3) QUALIFYING STRUCTURES AND BUILDINGS.—This section applies to all of the following structures:

(a) Nonconforming structures in coastal high-hazard areas which fail to meet FEMA standards for new construction.

(b) Any structure determined to be unsafe by a local building official.

(c) Any structure ordered to be demolished by a local government that has proper jurisdiction.

(4) RESTRICTIONS ON DEMOLITION PROHIBITED.—A local government may not prohibit, restrict, or prevent the demolition of any structure identified in subsection (3) for any reason, other than public safety.

(5) RESTRICTIONS ON REDEVELOPMENT PROHIBITED.—A local government may not impose or enforce any limitation or condition on the approval of a replacement structure that replaces a structure identified in subsection (3), including a requirement for replication of the demolished structure, a limitation on the size or height of the replacement structure, or the maintenance of any of the demolished structure's elements. Owners or developers of replacement structures are entitled to enjoy all land use, zoning, and other land development rights, whether

39-01494B-23

20231346__

146 established by law, ordinance, rule, regulation, policy,
147 development order, or any other act, without regard to a local
148 government restriction that may restrict development of a
149 replacement structure at the subject property as a result of a
150 local government order, a designation, a code enforcement
151 proceeding, or an ordinance.

152 (6) APPLICATION.—This section applies prospectively and
153 retroactively to any law adopted contrary to this section and
154 its intent.

155 (7) PREEMPTION.—A municipality, county, special district,
156 or political subdivision may not adopt or apply a law, an
157 ordinance, a rule, a regulation, a policy, a resolution, or any
158 other act that in any way limits the demolition of structures
159 and buildings identified in subsection (3) or limits the
160 development of a replacement structure in a way that would
161 divest property owners or developers of land use, zoning, or
162 other land development rights for demolishing a structure in
163 accordance with this section. All laws, ordinances, rules,
164 regulations, policies, resolutions, and other acts of a
165 municipality, county, special district, or political subdivision
166 to the contrary are void.

167 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
APPEARANCE RECORD

1346

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jess M. McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 N.W. 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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

APPEARANCE RECORD

3-22

Meeting Date

1346

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name

RANA BROWN

Phone

850.224.3427

Address

104 W. Jefferson St.

Email

RANA@RLBOOKPA.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:CITY OF
MIAMI BEACH☐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 Community Affairs

BILL: SB 1614

INTRODUCER: Senator Rodriguez

SUBJECT: Public Safety Emergency Communications Systems

DATE: March 21, 2023

REVISED: _____

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

I. Summary:

SB 1614 provides that a qualified third party must certify that a jurisdiction's public safety emergency communications system meets or exceeds certain minimum criteria before the local fire authority may require an assessment of the need for a two-way radio communications enhancement system. The bill also provides that such assessment may only be required once every three years for high-rise buildings or once every five years for any other building.

The bill provides that if such an assessment determines that installation of a two-way radio communications enhancement system is required, the local government may not withhold the issuance of a certificate of occupancy for the building if the registered architect or professional engineer who designed the building determines that such a system is not necessary for the building to meet minimum standards for radio coverage and signal strength. Installation of the enhancement system cannot be required until at least 90 days after a building's assessment report is completed.

The bill takes effect July 1, 2023.

II. Present Situation:

Florida Fire Prevention Code

The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (Florida Fire Code), which contains all firesafety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such firesafety laws and rules.¹ The State Fire Marshal adopts a new edition of the Florida Fire Code every three years.² The Florida Fire Code is largely based

¹ Fla. Admin. Code R. 69A-60.002.

² Section 633.202(1), F.S.

on the *National Fire Protection Association's (NFPA) Standard 1, Fire Prevention Code*, along with the current edition of the *Life Safety Code, NFPA 101*.³ The 7th, and current, edition took effect on December 31, 2020.⁴ State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the Florida Fire Code as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.⁵ The Florida Fire Code applies to every building and structure throughout the state with few exceptions.⁶ Municipalities, counties, and special districts with firesafety responsibilities may supplement the Florida Fire Code with more stringent standards adopted in accordance with s. 633.208, F.S.⁷

Radio Signal Strength for Fire Department Communications

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

Modern focus on radio signal strength stems from difficulties experienced by firefighters attempting rescue operations on September 11, 2001, in the World Trade Towers, who found that in certain areas of the building their radio signal degraded, making live communication difficult or impossible.⁹

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

³ Section 633.202(2), F.S.

⁴ Division of State Fire Marshal, *Florida Fire Prevention Code*, available at <https://www.myfloridacfo.com/division/sfm/bfp/florida-fire-prevention-code> (last visited Mar. 18, 2023).

⁵ Sections 633.108 and 633.208, F.S.

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

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

⁸ Federal Emergency Management Agency, United States Fire Administration. Voice Radio Communications Guide for the Fire Service (June 2016), p. 1, available at https://www.usfa.fema.gov/downloads/pdf/publications/Voice_Radio_Communications_Guide_for_the_Fire_Service.pdf (last visited Mar. 18, 2023).

⁹ See *Assessment of Total Evacuation Systems for Tall Buildings: Literature Review*, National Fire Protection Association's (NFPA), available at <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Executive-summaries/evacsystemstallbuildingsliteraturereviewexecsum.ashx#:~:text=According%20to%20the%20definition%20of,floor%20of%20the%20highest%20occupiable> (last visited Mar. 18, 2023) and Fire Engineering, *World Trade Center Disaster: Initial Response*, <https://www.fireengineering.com/firefighting/world-trade-center-disaster-initial-response/#gref> (Sep 1, 2002) (last visited Mar. 18, 2023).

signal strength. These include bi-directional amplifiers and networks of indoor antennae, referred to collectively as a distributed antenna system.¹⁰

Minimum Radio Signal Strength

Section 633.202(18), F.S.,¹¹ and the Florida Fire Code provide that all new and existing buildings must maintain minimum radio signal strength at a level determined by the authority having jurisdiction (local fire authorities).¹² The requirements set by the local authority must be based on the existing radio signal coverage levels provided by the jurisdiction's infrastructure as measured at the exterior of the building.¹³

Two-way radio communication enhancement systems or their equivalent may be used to comply with these minimum signal strength requirements. Radio signal enhancement systems involve powered devices which accept and amplify radio signals within a building. There are many factors which vary costs associated with these systems, from building design to structural impediments to radio signal strength.

Where required by a local fire authority, two-way radio communication enhancement systems must comply with federal standards for installation, maintenance, and use of emergency services communications systems.¹⁴ An enhancement system may not be required if the existing radio signal coverage as measured at the building's exterior is not strong enough to deliver.¹⁵ Such a system, by statute, may not be required in an apartment building provided that it is 75 feet or less in height, constructed with wood framing, contains fewer than 150 dwelling units, and each unit discharges to the exterior or to a corridor leading directly to an exit.¹⁶

Existing high-rise¹⁷ buildings are not required to comply with minimum radio strength requirements until January 1, 2025.¹⁸ However, by January 1, 2024, an existing building that is not in compliance with the requirements for minimum radio strength for fire department communications must apply for an appropriate permit for the required installation with the local

¹⁰ See *High-Rise Public Safety System Integrators*, Treasure Island Fire Department, available at https://www.mytreasureisland.org/residents/departments/fire_dept/local_high-rise_public_safety_system_integrators.php (last visited Mar. 18, 2023); *Information Bulletin: Two-Way Radio Communication Enhancement System Requirements*, East Lake Tarpon Special Fire Control District, available at

<https://www.elfr.org/files/e2eae3cb2/Bulletin+East+Lake+Two+Way+Communications.pdf> (last visited Mar. 18, 2023).

¹¹ Enacted in 2016 and recently amended in 2021 and 2022. Chs. 2016-129, s. 27; 2021-113, s. 25; and 2022-210, L.O.F.

¹² Florida Fire Prevention Code (7th ed.) s. 11.10.1. The "authority having jurisdiction" is typically the designated head fire and rescue officer of the county, municipality, or special district with fire safety responsibilities over an area.

¹³ Florida Fire Prevention Code (7th ed., as amended Apr. 2022) s. 11.10.1.

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

¹⁵ Florida Fire Prevention Code (7th ed., as amended Apr. 2022) s. 11.10.1.1, requires a delivered audio quality of 3.4, which is defined as "speech understandable with repetition only rarely required, and with some noise and/or distortion." P25 Best Practice, *Coverage Needs*, available at <https://www.p25bestpractice.com/specifying/coverage-needs/#:~:text=DAQ%203.4%20is%20defined%20as,noise%20and%20For%20distortion.%E2%80%9D> (last visited Mar. 16, 2023).

¹⁶ Section 633.202(18), F.S.

¹⁷ A high-rise building is a building greater than 75 feet in height where the building height is measured from the lowest level of fire department vehicle access to the floor of the highest story that can be occupied. NFPA 101, Life Safety Code, 2021 edition - Ch. 3.3.37.7.

¹⁸ Section 633.202(18), F.S.

government agency having jurisdiction and must demonstrate that the building will become compliant by January 1, 2025.¹⁹

III. Effect of Proposed Changes:

The bill amends s. 633.202(18), F.S., to provide that, before the local fire authority may require an assessment of the need for a two-way radio communications enhancement system, a qualified third party must certify that the jurisdiction's public safety emergency communications system, meaning the existing external radio signal coverage provided by the jurisdiction's infrastructure, meets or exceeds minimum radio coverage design criteria as provided by the NFPA.²⁰ Such certification remains valid until the following triennial adoption of the Florida Fire Code.

The bill provides that the local fire authority may only require an assessment of interior radio coverage and signal strength once every three years for high-rise buildings or once every five years for any other building.

If an assessment of radio coverage and signal strength for a new building determines that installation of a two-way radio communications enhancement system is required, the local government may not withhold the issuance of a certificate of occupancy²¹ for the building if the registered architect or professional engineer who designed the building determines, in his or her professional judgment, that such a system is not necessary for the building to meet minimum standards for radio coverage and signal strength. Installation of the enhancement system cannot be required until at least 90 days after a building's assessment report is completed.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. The bill requires that a third party certify a local fire authority's public safety emergency communications system before the authority may require a building's radio strength assessment, but does not explicitly state that a local fire authority is required to expend funds related to such requirements. Additionally, a similar requirement on local governments exists in the Florida Fire Code such that it is uncertain whether additional expenditures will be required.

¹⁹ *Id.*

²⁰ NFPA 1221 Section 9.6.13 requires that enhancement systems provide a delivered audio quality of 3, which means that speech is understandable with slight effort, and occasional repetition is required due to noise or distortion. Enhancement systems may be required by local authorities where interior radio signal strength does not meet standards set by the local authority.

²¹ A certificate of occupancy or equivalent certification is issued by local building authorities to allow for occupancy or use of a building or improvement upon completion. See section 558.002(4), F.S.

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an “insignificant fiscal impact” are exempt from the mandate requirements, which for Fiscal Year 2022-2023 is forecast at approximately \$2.3 million.^{22,23} However, any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Builders may be positively impacted to the extent that buildings are subject to less frequent radio signal strength assessments and are entitled to receive an earlier certificate of occupancy than otherwise in certain circumstances.

C. Government Sector Impact:

The bill may negatively impact local governments to the extent that local fire authorities are required to expend funds to certify that their public safety communication systems meet current standards.

VI. Technical Deficiencies:

None.

²² FLA. CONST. art. VII, s. 18(d).

²³ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 18, 2023).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 633.202 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Rodriguez

40-01569A-23

20231614__

A bill to be entitled
An act relating to public safety emergency
communications systems; amending s. 633.202, F.S.;
requiring a qualified third party to make a specified
certification before a local authority having
jurisdiction may require an assessment of the need for
or the installation of a two-way radio communications
enhancement system in certain buildings; specifying
the length of time such certification is valid;
limiting the number of times, under certain
circumstances, that the local authority having
jurisdiction may require a specified assessment;
prohibiting the local authority having jurisdiction
from withholding a certificate of occupancy under
certain circumstances and from requiring the
installation of a specified system within a certain
time period after completion of a specified report;
providing an effective date.

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

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

633.202 Florida Fire Prevention Code.—

(18) (a) The authority having jurisdiction shall determine
the minimum radio signal strength for fire department
communications in all new and existing buildings.

(b) Two-way radio communication enhancement systems or
equivalent systems may be used to comply with the minimum radio

40-01569A-23

20231614__

30 signal strength requirements. However, two-way radio
31 communication enhancement systems or equivalent systems are not
32 required in apartment buildings 75 feet or less in height that
33 are constructed using wood framing, provided that the building
34 has less than 150 dwelling units and that all dwelling units
35 discharge to the exterior or to a corridor that leads directly
36 to an exit as defined by the Florida Building Code. Evidence of
37 wood frame construction shall be shown by the owner providing
38 building permit documentation which identifies the construction
39 type as wood frame.

40 (c) Before a local authority having jurisdiction may
41 require an assessment of the need for or the installation of a
42 two-way radio communications enhancement system in a new or
43 existing building, a qualified third party must certify that the
44 jurisdiction's public safety emergency communications system
45 meets or exceeds the minimum radio coverage design criteria for
46 emergency services communications systems in the current edition
47 of the National Fire Protection Association (NFPA) 1221:
48 Standard for the Installation, Maintenance, and Use of Emergency
49 Services Communications Systems. Such certification is valid
50 until the next triennial adoption of the Florida Fire Prevention
51 Code which incorporates any changes made to NFPA 1221.

52 (d) If a jurisdiction has a valid radio coverage design
53 certification under paragraph (c), the local authority having
54 jurisdiction may only require an assessment of a new or existing
55 building's interior radio coverage and signal strength in such
56 building once every 3 years for high-rise buildings or once
57 every 5 years for any other buildings in order to determine the
58 need for a two-way radio communications enhancement system.

40-01569A-23

20231614__

59 (e)1. If an assessment of a new building's interior radio
60 coverage and signal strength determines that installation of a
61 two-way radio communications enhancement system is required, the
62 local authority having jurisdiction may not withhold the
63 issuance of a certificate of occupancy for the building if the
64 registered architect or professional engineer who designed the
65 building determines, in his or her professional judgment, that a
66 two-way radio communications enhancement system is not necessary
67 in order for the building to meet the minimum standards for
68 interior radio coverage and signal strength.

69 2. The local authority having jurisdiction may not require
70 the installation of a two-way radio communications enhancement
71 system until at least 90 days after the building's interior
72 radio coverage and signal strength assessment report is
73 completed.

74 (f) Existing high-rise buildings as defined by the Florida
75 Building Code are not required to comply with minimum radio
76 strength for fire department communications and two-way radio
77 communication enhancement systems as required by the Florida
78 Fire Prevention Code until January 1, 2025. However, by January
79 1, 2024, an existing high-rise building that is not in
80 compliance with the requirements for minimum radio strength for
81 fire department communications must apply for an appropriate
82 permit for the required installation with the local government
83 agency having jurisdiction and must demonstrate that the
84 building will become compliant by January 1, 2025. Existing
85 high-rise apartment buildings are not required to comply until
86 January 1, 2025. However, existing high-rise apartment buildings
87 are required to apply for the appropriate permit for the

40-01569A-23

20231614__

88 required communications installation by January 1, 2024.

89 Section 2. This act shall take effect July 1, 2023.

3-22-23

The Florida Senate

APPEARANCE RECORD

1614

Meeting Date

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

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☒

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☒

I am a registered lobbyist,
representing:

☐

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

FL Automatic Fire Alarm Assoc.

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

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

S-001 (08/10/2021)

3/22/23

Meeting Date

The Florida Senate
APPEARANCE RECORD

1614

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Kelly Mallette

Phone (850) 224-3427

Address 104 West Jefferson Street

Email kelly@rlbookpa.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:

Florida Apartment Association

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

3/22/23

Meeting Date

1614

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name

RICHARD RODRIGUEZ

Phone

305-586-1000

Address

444 SW 2 AVE., 10th FLOOR F.P.B.

Email

R.RODRIGUEZ@MIAMI.GOV.COM

Street

MIAMI

City

FL

State

33130

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 MIAMI FIRE DEPT.

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 Community Affairs

BILL: SB 1666

INTRODUCER: Senator Wright

SUBJECT: Marine Encroachment on Spaceflight and Military Operations

DATE: March 21, 2023

REVISED: _____

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

I. Summary:

SB 1666 modifies and lengthens the list of military installations and ranges determined to be vulnerable to compatibility and coordination issues as a result of land use decisions by nearby local governments. The purpose of this list is facilitate the exchange of information between local governments and military installations to encourage compatible land use, help prevent incompatible encroachment, and ensure the continued presence of major military installations in this state. The bill also incorporates “ranges” to numerous provisions throughout current law pertaining to compatible land use and extends the heightened planning provisions to activities in “state-controlled waters” near military installations and ranges.

Lastly, the bill modifies the process for establishing temporary protection zones for spaceflight launches and recovery of spaceflight assets. The bill provides that upon notification from law enforcement that a protection zone has been established, the port authority must direct at least one licensed state harbor pilot, or certificated deputy pilot, to board each cruise or civilian vessel within the port and hand deliver to the operator of such vessel a written notice of the establishment of the protection zone and the penalties for violating conditions of the protection zone. The operator must sign the notice as an indication that he or she acknowledges the information provided and return the signed notice to the pilot.

The bill takes effect July 1, 2023.

II. Present Situation:

Comprehensive Plans and Plan Amendments

In 1985, the Legislature passed the Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development.¹ A local government's comprehensive plan outlines the needs and locations for future public facilities, including roads, water and wastewater infrastructure, residential neighborhoods, parks, schools, and commercial and industrial developments.²

All development, both public and private, and all development orders³ approved by local governments must be consistent with the local government's comprehensive plan.⁴ Among the many components of a comprehensive plan is a land use element designating proposed future general distribution, location, and extent of the uses of land.⁵ Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.⁶

The future land use plan and plan amendments must be based upon surveys, studies, and data regarding the area, as applicable, including the compatibility of uses on lands adjacent to or in close proximity to military installations.⁷

In 2011, the Legislature bifurcated the process for approving comprehensive plan amendments.⁸ Plan amendments are now placed into either the "Expedited State Review Process" or the "State Coordinated Review Process."⁹ The two processes operate in much the same way; however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the Department of Economic Opportunity (DEO), rather than communicated directly to the permitting local government by each individual reviewing agency.

Under both processes, a proposed comprehensive plan or plan amendment must receive a public hearing by the local governing body before it may be transmitted to the state for review. First, the local planning board must hold a public hearing at which it makes a recommendation to the local governing body on adoption of the plan or plan amendment.¹⁰ Then, the local governing body must hold a public hearing to consider transmittal of the proposed plan or plan amendment.¹¹

¹ Chapter 85-55, Laws of Fla.

² Section 163.3177, F.S.

³ "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.

⁴ Section 163.3194(3), F.S.

⁵ Section 163.3177(6)(a), F.S.

⁶ *Id.*

⁷ Section 163.3177(6)(2)(f)

⁸ Chapter 2011-139, s. 17, Laws of Fla.

⁹ Section 163.3184(3) and (4), F.S.

¹⁰ Sections 163.3174(4)(a), F.S.

¹¹ Sections 163.3184(11), F.S.

If a majority of the local governing body members present at the hearing approve such transmittal, the plan or amendment must be transmitted within 10 working days to the following state and local governmental entities, known as “reviewing agencies”:

- DEO, designated as the “state land planning agency”;¹²
- The appropriate regional planning council;
- The appropriate water management district;
- DEP;
- The Department of State;
- The Department of Transportation;
- The Department of Education, if plan amendments relate to public schools;
- **The commanding officer of an affected military installation;**
- The Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services, in the case of county plans and plan amendments; and
- The county in which the municipality is located, in the case of municipal plans and plan amendments.¹³

The reviewing agencies and certain other government entities may provide comments to the local government regarding a plan or plan amendment. State agencies may only comment on important state resources and facilities that will be adversely impacted by a plan amendment, if adopted.¹⁴ Comments provided by state agencies must state with specificity how a plan amendment will adversely impact an important state resource or facility and must identify measures the local government may take to eliminate, reduce, or mitigate the adverse impacts.¹⁵

Under the expedited process, these comments must be provided directly to the local government not later than 30 days after receipt of the plan amendment.¹⁶ Alternatively, the state coordinated review requires agencies to provide comments to DEO.¹⁷ DEO then has a total of 60 days from receipt to provide the local government with a report containing the state’s objections, recommendations, and comments.¹⁸

After the local government receives the comments made by the reviewing agencies, whether directly from the agencies or through the report issued by DEO, the local governing body must hold a second public hearing to approve or deny the plan or plan amendment.¹⁹ The second public hearing must be conducted within 180 days after the agency comments are received.

¹² Section 163.3164(44), F.S.

¹³ Section 163.3184(1)(c) and (3)(b)1., F.S.

¹⁴ Section 163.3184(3)(b)2. and (4)(c), F.S. DEO has special requirements for providing comments on plans or plan amendments following the state coordinated review process.

¹⁵ *Id.*

¹⁶ Section 163.3184(3)(b)2.

¹⁷ Section 163.3184(4)(c)-(d), F.S.

¹⁸ Section 163.3184(4)(d), F.S.; see DEO, *State Coordinated Review Amendment Process*, http://www.floridajobs.org/docs/default-source/2015-community-development/community-planning/comp-plan/statecoordinatedreviewprocessflowchart.pdf?sfvrsn=d6a766b0_2 (last visited March 1, 2023).

¹⁹ Section 163.3184(11), F.S.

Generally, if a local government fails to hold the second public hearing within 180 days after receipt of agency comments, the plan amendment is deemed withdrawn.²⁰

Exchange of Information between Local Governments and Military Installations

Section 163.3175, F.S., provides the following legislative findings relating to land use around military installations:

- Incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission;
- Such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation;
- The economic vitality of a community is affected when military operations and missions must relocate because of incompatible urban encroachment; and
- Therefore, it is desirable for the local governments in the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.

The section identifies sixteen major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than others.²¹ It also identifies proximate local governments and requires those local governments to transmit to the commanding officer of the relevant associated installation or installations the following:

- Information relating to proposed changes to the local government's comprehensive plan or land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation; and
- At the request of the commanding officer, copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the local government's comprehensive plan as being in a zone of influence of the military installation.²²

Each affected local government must provide the military installation an opportunity to review and comment on the proposed changes.²³ The commanding officer or his or her designee may provide to the affected local government advisory comments, data, and analyses on the effect the proposed changes may have on the mission of the military installation.²⁴ In making a determination on the proposed changes, the affected local government must consider and weigh the strategic mission of the base, public safety, and economic vitality associated with the base's operations, while also respecting private property rights and avoiding undue restrictions on those rights.²⁵

²⁰ Section 163.3184(3)(c)1. and (4)(e)1., F.S. This 180-day timeframe may be extended by agreement as long as notice is provided to DEO and any affected person that provided comments on the plan amendment. Also, an exception exists for developments of regional impact.

²¹ Section 163.3175(2)(a)-(p), F.S.

²² Section 163.3175(4), F.S.

²³ *Id.*

²⁴ Section 163.3175(5), F.S.

²⁵ Section 163.3175(6), F.S.

All comments on comprehensive plan amendments must be forwarded to the state land planning agency.²⁶ To facilitate the exchange of information, a representative of a military installation acting on behalf of all military installations within that jurisdiction serves as a nonvoting member of the county's or affected local government's land planning or zoning board.²⁷

Temporary Protection Zones for Spaceflight Launches and Recovery of Assets

Section 327.462, F.S., regulates the temporary establishment of protection zones in water bodies to ensure security around the launch and recovery of spaceflight assets. The statute defines the following terms:

- “Launch services” means the conduct of a launch and activities involved in the preparation of a launch vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such launch.²⁸
- “Reentry services” means the conduct of a reentry and activities involved in the preparation of a reentry vehicle, payload, government astronaut, commercial astronaut, or spaceflight participant for such reentry.²⁹
- “Spaceflight assets” means any item, or any part of an item, owned by a spaceflight entity which is used in launch services or reentry services, including crewed and uncrewed spacecraft, launch vehicles, parachutes and other landing aids, and any spacecraft or ancillary equipment that was attached to the launch vehicle during launch, orbit, or reentry.³⁰
- “Spaceflight entity” means any public or private entity holding a United States Federal Aviation Administration (FAA) launch, reentry, operator, or launch site license for spaceflight activities. The term also includes any manufacturer or supplier of components, services, or vehicles that have been reviewed by the FAA as part of issuing such a license, permit, or authorization.³¹

The law authorizes the head of a law enforcement agency or entity identified in s. [327.70](#)(1), F.S.³², to temporarily establish a protection zone requiring vessels to leave, or prohibiting vessels from entering, water bodies when necessary for preparations in advance of or for recovery of spaceflight assets before or after a launch service or reentry service.³³

A temporary protection zone must be established under the following conditions:

- The zone must be located within five hundred yards of where launch services, reentry services, or spaceflight asset recovery operations are being conducted. However, the protection zone may be located at a distance greater than five hundred yards if law enforcement determines that such greater distance is in the best interest of public safety.³⁴

²⁶ *Id.*

²⁷ Section 163.3175(7), F.S.

²⁸ Section 327.462(1)(a) F.S.

²⁹ Section 327.462(1)(b) F.S.

³⁰ Section 327.462(1)(c) F.S.

³¹ The law defines “spaceflight entity” to have the same definition as in s. 331.501, F.S.

³² Law enforcement agencies identified in s. 327.70(1), F., are the Division of Law Enforcement of the Fish and Wildlife Conservation Commission, county sheriffs, municipal police, and law enforcement agencies as defined in s. [943.10](#), F.S.

³³ Section 327.462(2) F.S.

³⁴ Section 327.462(2)(a) F.S.

- The zone may remain in effect only as long as necessary to ensure security around the launch and recovery areas and to recover spaceflight assets and any personnel being transported within a spacecraft following the launch or reentry activity. Such protection zone may not be in place more than 72 hours before or 72 hours after the launch.³⁵
- Law enforcement may also restrict vessels from operating within up to 500 yards of any vessel transporting recovered spaceflight assets following a launch or reentry while the transport vessel is continuously underway transporting such assets to a location for removal.³⁶
- Law enforcement may not restrict vessel movement within the Florida Intracoastal Waterway, except as necessary during the transport of spaceflight assets to or from port or during exigent circumstances.³⁷
- Law enforcement must report the establishment of the temporary protection zone via email to The Florida Fish and Wildlife Conservation Commission's (FWC) Division of Law Enforcement, Boating and Waterways Section, and to the appropriate Coast Guard Sector Command having responsibility over the water body, at least 72 hours before establishment of the protection zone. The report must include:
 - Reasons for the protection zone;
 - The portion of the water body or water bodies that will be included in the protection zone; and
 - The duration of the protection zone.
- Law enforcement must report via email to the FWC's Division of Law Enforcement, Boating and Waterways Section, the details of all citations issued for violation of the protection zone no later than 72 hours after the end of the protection zone period.

The law applies only to launch services, reentry services, or the recovery of spaceflight assets occurring or originating within spaceport territory,³⁸ and to federally licensed or federally authorized launches and reentries occurring or transiting to an end destination upon waters of this state.³⁹

The law provides that a person who violates this section or any directive given by law enforcement relating to an established temporary protection zone after being advised of the establishment of the protection zone commits a misdemeanor of the second degree.⁴⁰

Harbor Pilots

In the interest of health, safety, and welfare of residents and property, to protect against economic and environmental damages from accidents on Florida waterways, the state requires ships to use state-licensed harbor pilots who have detailed knowledge of local conditions such as water depth, currents, tides, and navigational hazards and how these factors affect ship

³⁵ Section 327.462(3), F.S.

³⁶ Section 327.462(3)(a), F.S.

³⁷ Section 327.462(3)(b), F.S.

³⁸ Section 331.304, F.S., establishes as spaceport territory specified real property in Brevard, Santa Rosa, Okaloosa, Gulf, Walton, and Duval Counties, and real property which is a spaceport licensed by the FAA, as designated by the board of directors of Space Florida.

³⁹ Section 327.462(5), F.S.

⁴⁰ Section 327.462(6), F.S.

movements in port channels.⁴¹ Pilots serve as advisors to shipmasters (captains) when taking ships into or out of port, but the shipmasters are ultimately responsible for the safe navigation of their vessels.

The 1975 Legislature established the Board of Pilot Commissioners to oversee statewide licensing and regulation of harbor pilots; the board is administratively housed within the Department of Business and Professional Regulation (DBPR).⁴²

Both a state licensed pilot and a state certificated deputy pilot must be at least 21 years old, have a high school diploma or equivalent, be in good mental and physical health as evidenced by a physical examination undertaken by a licensed physician, and pass a drug test.⁴³

In addition, a state licensed pilot must:⁴⁴

- Have had at least 2 years of service as a deputy pilot in the port in which license is desired directly before a required examination.
- Have a valid United States Coast Guard first-class unlimited pilot's license covering all of the waters of the port.
- Have successfully completed the board-approved deputy pilot training program in the port in which license is desired.
- Passed a DBPR examination pertaining to the management of vessels and in regard to their knowledge of the channels, waters, harbors, and port where they wish to serve.

To be certificated as a deputy pilot, an applicant must:⁴⁵

- Have maritime experience satisfactory to the board prior to taking a DBPR examination evidenced by documentation of service while holding a United States Coast Guard license.
- Submit full documentation of sea time through discharges, continuous discharge books, or other official documents.⁴⁶
- Submit proof of sufficient maritime background and experience to enable the applicant, if not already so licensed, to be eligible to obtain a valid United States Coast Guard first-class unlimited pilot's license covering all of the waters of the port.

III. Effect of Proposed Changes:

Compatibility of Development near Military Installations and Ranges

The bill modifies the list of military installations and ranges in s. 163.3175(2), F.S., determined to be vulnerable to compatibility and coordination issues as a result of land use decisions by nearby local governments. Specifically, the bill amends the descriptors and associated local

⁴¹ Section

⁴² Section 310.011, F.S.

⁴³ Sections 310.071 and 310.073, F.S.

⁴⁴ Section 310.073, F.S.

⁴⁵ Section 310.071, F.S.

⁴⁶ Sea service may be documented to the Coast Guard in various forms such as certificates of discharge, pilotage service and billing forms, and service letters or other official documents from marine companies signed by the owner, operator, [master](#), or [chief engineer](#) of the [vessel](#). The Coast Guard must be satisfied as to the authenticity and acceptability of all evidence of experience or training presented. 46 CFR § 10.232

governments for various installations currently identified on the list and also adds the following six installations:

- **United States Coast Guard Sector Jacksonville**⁴⁷ (associated with Duval, Brevard, and Volusia Counties and Jacksonville, Jacksonville Beach, Atlantic Beach, Canaveral Port Authority, and New Smyrna Beach).
- **United States Coast Guard Sector Miami**⁴⁸ (associated with St. Lucie, Palm Beach, Broward, and Miami-Dade Counties and Fort Pierce, Riviera Beach, Dania Beach, Opa-locka, Miami, and Miami Beach).
- **United States Coast Guard Sector Key West**⁴⁹ (associated with Monroe County and Key West, Islamorada, and Marathon).
- **United States Coast Guard Sector St. Petersburg**⁵⁰ (associated with Pinellas, Manatee, Lee, and Levy Counties and St. Petersburg, Clearwater, Cortez, Fort Myers Beach, and Yankeetown).
- **United States Coast Guard Sector Mobile**⁵¹ (associated with Bay, Okaloosa, and Escambia Counties and Panama City, Destin, and Pensacola).
- **South Florida Ocean Measurement Facility**⁵² (associated with Broward County and Dania Beach).

The bill also:

- Extends the heightened planning provisions for land development near military installations and ranges to activities in “state-controlled waters”⁵³ near military installations and ranges.
- Incorporates “ranges” to numerous provisions throughout current law pertaining to the compatibility of uses on lands adjacent to or closely proximate to military installations.
- Accounts for the renaming of the federal Office of Economic Adjustment to the “Office of Local Defense Community Cooperation.”
- References the “Compatible Use Plan Study,” the “Military Installation Resilience Review (MIRR),” and the “Range Air Installation Compatible Use Zone (RAICUS)” for commanding officers to use in determining compatibility of proposed local land use changes.

Temporary Protection Zones for Spaceflight Launches and Recovery of Assets

The bill amends s. 327.462, F.S., to modify the process in which temporary protection zones for spaceflight launches and recovery of spaceflight assets are established. Specifically it requires law enforcement to report the establishment of a protection zone to the appropriate port

⁴⁷ United States Coast Guard Atlantic Area, USCG Sector Jacksonville, available at <https://www.atlanticarea.uscg.mil/Our-Organization/District-7/Units/Sector-Jacksonville-Home/> (last visited Mar. 20, 2023)

⁴⁸ United States Coast Guard Atlantic Area, USCG Sector Miami, available at <https://www.atlanticarea.uscg.mil/Our-Organization/District-7/Units/Sector-Miami/> (last visited Mar. 20, 2023)

⁴⁹ United States Coast Guard Atlantic Area, USCG Sector Key West, available at <https://www.atlanticarea.uscg.mil/Our-Organization/District-7/Units/SectorKeyWest/> (last visited Mar. 20, 2023)

⁵⁰ United States Coast Guard Atlantic Area, USCG Sector St. Petersburg, available at <https://www.atlanticarea.uscg.mil/Our-Organization/District-7/Units/Sector-St-Petersburg/> (last visited Mar. 20, 2023)

⁵¹ United States Coast Guard Atlantic Area, USCG Sector Mobile, available at <https://www.atlanticarea.uscg.mil/Our-Organization/District-8/District-Units/Sector-Mobile/> (last visited Mar 20, 2023)

⁵² Naval Sea Systems Command, South Florida Ocean Measurement Facility - Fort Lauderdale, Florida, available at <https://www.navsea.navy.mil/Home/Warfare-Centers/NSWC-Carderock/Who-We-Are/Fort-Lauderdale-Florida/> (last visited Mar. 20, 2023)

⁵³ Florida state waters are from shore to 3 nautical miles on the Atlantic and from shore to 9 nautical miles on the Gulf.

authority, and upon receipt of such a report, the port authority must direct at least one licensed state pilot, or certificated deputy pilot to board each cruise or civilian vessel escorted into or out of the applicable port and hand deliver to the operator of such vessel a written notice of the establishment of the protection zone and the penalties for violation. The operator must sign the notice as an indication that he or she acknowledges the information provided in the notice and must return the signed notice to the pilot.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Harbor pilots licensed and certificated by the state may see an increase in business to the extent that they are required to deliver notices of Temporary Protection Zones for Spaceflight Launches and Recovery of Assets.

C. Government Sector Impact:

The bill will require more coordination and communication between certain local governments and the military, which may cause a small but likely insignificant fiscal impact to local governments.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.3175, 327.462, 163.3177, 163.3184, 380.0651.

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

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

None.

B. Amendments:

None.

By Senator Wright

8-01435A-23

20231666__

A bill to be entitled

An act relating to marine encroachment on spaceflight and military operations; amending s. 163.3175, F.S.; revising legislative findings; encouraging the sharing of information about certain community grants through specified federal programs to facilitate the compatibility and resiliency of community planning and the activities and mission of a military installation or range; amending s. 327.462, F.S.; requiring the head of a law enforcement agency or entity to report the establishment of a temporary protection zone to the appropriate port authority; requiring the port authority to direct a licensed state pilot or certificated deputy pilot to hand deliver written notice of such establishment and related penalties to operators of certain vessels; requiring such operators to sign and return such notice to the state pilot or deputy pilot; providing penalties; amending ss. 163.3177, 163.3184, and 380.0651, F.S.; conforming provisions to changes made by the act; making technical changes; providing an effective date.

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

Section 1. Section 163.3175, Florida Statutes, is amended to read:

163.3175 Legislative findings on compatibility of development with military installations and ranges; exchange of information between local governments and military installations

8-01435A-23

20231666__

30 and ranges.—

31 (1) The Legislature finds that incompatible development on
32 of land and in state-controlled waters close to military
33 installations and ranges can adversely affect the ability of
34 such an installation or range to carry out its mission. The
35 Legislature further finds that such development also threatens
36 the public safety because of the possibility of accidents
37 occurring within the areas surrounding a military installation
38 or range. In addition, the economic vitality of a community is
39 affected when military operations and missions must relocate
40 because of incompatible ~~urban~~ encroachment. Therefore, the
41 Legislature finds it desirable for the local governments in the
42 state to cooperate with military installations and ranges to
43 encourage compatible land use and activities in state-controlled
44 waters, help prevent incompatible encroachment, and facilitate
45 the continued presence of ~~major~~ military installations and
46 ranges in this state.

47 (2) Certain ~~major~~ military installations and ranges, due to
48 their mission and activities, have a greater potential for
49 experiencing compatibility and coordination issues than others.
50 Consequently, this section and ~~the provisions in s.~~
51 163.3177(6)(a), relating to compatibility of land development
52 and activities in state-controlled waters with military
53 installations and ranges, apply to specific affected local
54 governments in proximity to and in association with specific
55 military installations and ranges, as follows:

56 (a) Avon Park Air Force Range, associated with Highlands,
57 Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring,
58 and Frostproof.

8-01435A-23

20231666__

(b) Camp Blanding, associated with Clay, Bradford, and Putnam Counties.

(c) Eglin Air Force Base and Hurlburt Field, associated with Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco Bayou, Crestview, Destin, DeFuniak Springs, Fort Walton Beach, Freeport, Laurel Hill, Mary Esther, Niceville, Shalimar, and Valparaiso.

(d) Homestead Air Reserve Base, associated with Miami-Dade County and Homestead.

(e) Jacksonville Training Range Complex, associated with Lake, Marion, Putnam, and Volusia Counties.

(f) MacDill Air Force Base, associated with Hillsborough County and Tampa.

(g) Naval Air Station Jacksonville, Marine Corps Support Facility-Blount Island, ~~and~~ Outlying Landing Field Whitehouse, and the Florida Air National Guard associated with Duval County and Jacksonville.

(h) Naval Air Station Key West, including various annexes across Boca Chica Key and Key West as well as the Fleming Bay/Patton Water Drop Zone training range used by the Army Special Forces Underwater Operations School, associated with Monroe County and Key West.

(i) Naval Support Activity Orlando, including Bugg Spring and Naval Ordnance Test Unit, associated with Orange, Brevard, and Lake Counties, ~~County and~~ Orlando, Canaveral Port Authority, and Okahumpka.

(j) Naval Support Activity Panama City, associated with Bay County, Panama City, and Panama City Beach.

(k) Naval Air Station Pensacola, associated with Escambia

8-01435A-23

20231666__

88 County.

89 (l) Naval Air Station Whiting Field and its outlying
90 landing fields, associated with Santa Rosa and Escambia
91 Counties.

92 (m) Naval Station Mayport, associated with Duval County,
93 Atlantic Beach, and Jacksonville.

94 (n) Patrick Space Force Base and Cape Canaveral Space Force
95 Station, associated with Brevard County, Canaveral Port
96 Authority, and Satellite Beach.

97 (o) Tyndall Air Force Base, associated with Bay County, and
98 Mexico Beach, and Parker.

99 (p) United States Southern Command, associated with Miami-
100 Dade County and Doral.

101 (q) South Florida Ocean Measurement Facility, associated
102 with Broward County and Dania Beach.

103 (r) United States Coast Guard Sector Jacksonville,
104 including Station Mayport, Station Port Canaveral, Station Ponce
105 De Leon Inlet, Aids to Navigation Team Jacksonville, and
106 Helicopter Interdiction Tactical Squadron (HITRON), associated
107 with Duval, Brevard, and Volusia Counties and Jacksonville,
108 Jacksonville Beach, Atlantic Beach, Canaveral Port Authority,
109 and New Smyrna Beach.

110 (s) United States Coast Guard Sector Miami, including Base
111 Miami Beach, Station Fort Lauderdale, Station Fort Pierce, Air
112 Station Miami, Station Lake Worth Inlet, and Civil Engineering
113 Unit Miami, associated with St. Lucie, Palm Beach, Broward, and
114 Miami-Dade Counties and Fort Pierce, Riviera Beach, Dania Beach,
115 Opa-locka, Miami, and Miami Beach.

116 (t) United States Coast Guard Sector Key West, including

8-01435A-23

20231666__

117 Station Key West, Station Islamorada, and Station Marathon,
118 associated with Monroe County and Key West, Islamorada, and
119 Marathon.

120 (u) United States Coast Guard Sector St. Petersburg,
121 including Station St. Petersburg, Air Station Clearwater,
122 Station Cortez, Station Fort Myers Beach, Station Sand Key, and
123 Station Yankeetown, associated with Pinellas, Manatee, Lee, and
124 Levy Counties and St. Petersburg, Clearwater, Cortez, Fort Myers
125 Beach, and Yankeetown.

126 (v) United States Coast Guard Sector Mobile, including
127 Station Panama City, Station Destin, and Station Pensacola,
128 associated with Bay, Okaloosa, and Escambia Counties and Panama
129 City, Destin, and Pensacola.

130 (3) The Florida Defense Support Task Force may recommend to
131 the Legislature changes to the military installations and ranges
132 and local governments specified in subsection (2) based on a
133 military base's or range's potential for impacts from
134 encroachment, and incompatible land uses and development.

135 (4) Each affected local government must transmit to the
136 commanding officer of the relevant associated installation, ~~or~~
137 installations, or ranges information relating to proposed
138 changes to comprehensive plans, plan amendments, and ~~proposed~~
139 ~~changes to~~ land development regulations which, if approved,
140 would affect the intensity, density, or use of the land adjacent
141 to or in close proximity to the military installation or range.
142 At the request of the commanding officer, affected local
143 governments must also transmit to the commanding officer copies
144 of applications for development orders requesting a variance or
145 waiver from height or lighting restrictions or noise attenuation

8-01435A-23

20231666__

reduction requirements within areas defined in the local government's comprehensive plan as being in a zone of influence of the military installation or range. Each affected local government shall provide the military installation or range control military authority an opportunity to review and comment on the proposed changes.

(5) The commanding officer or his or her designee may provide advisory comments to the affected local government on the impact such proposed changes may have on the mission of the military installation or range. Such advisory comments must ~~shall~~ be based on appropriate data and analyses provided with the comments and may include:

(a) If the installation has an airfield or range, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) or the Range Air Installation Compatible Use Zone (RAICUZ) adopted by the military installation for that airfield or range;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS), Compatible Use Plan Study, or Military Installation Resilience Review (MIRR) for the area if one has been completed; and

(d) Whether the military installation's or range's mission will be adversely affected by the proposed actions of the county, ~~or~~ affected local government, or controlling authority.

8-01435A-23

20231666__

The commanding officer's comments, underlying studies, and reports shall be considered by the local government in the same manner as the comments received from other reviewing agencies pursuant to s. 163.3184.

(6) The affected local government shall take into consideration any comments and accompanying data and analyses provided by the commanding officer or his or her designee pursuant to subsection (4) as they relate to the strategic mission of the base, public safety, and the economic vitality associated with the base's operations, while also respecting private property rights and not being unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

(7) To facilitate the exchange of information provided for in this section, a representative of a military installation or range acting on behalf of all military installations and ranges within that jurisdiction shall serve ex officio as a nonvoting member of the county's or affected local government's land planning or zoning board. The representative is not required to file a statement of financial interest pursuant to s. 112.3145 solely due to his or her service on the county's or affected local government's land planning or zoning board.

(8) The commanding officer is encouraged to provide information about any community planning assistance grants that may be available to a county or affected local government through programs such as those of the federal Office of Local Defense Community Cooperation ~~Economic Adjustment~~ as an incentive for communities to participate in a joint planning

8-01435A-23

20231666__

process that would facilitate the compatibility and resiliency of community planning and the activities and mission of the military installation or range.

Section 2. Subsections (4) and (6) of section 327.462, Florida Statutes, are amended to read:

327.462 Temporary protection zones for spaceflight launches and recovery of spaceflight assets.—

(4) (a) Upon the establishment of a protection zone under this section, the head of a law enforcement agency or entity establishing the ~~a~~ protection zone ~~under this section~~, or his or her designee, must report the establishment of such protection zone via e-mail to the commission's Division of Law Enforcement, Boating and Waterways Section, ~~and~~ to the appropriate United States Coast Guard Sector Command having responsibility over the water body, and to the appropriate port authority at least 72 ~~hours before establishment of the protection zone~~. Such report must include the reasons for the protection zone, the portion of the water body or water bodies which will be included in the protection zone, and the duration of the protection zone.

(b) Upon receipt of the report required under paragraph (a), the port authority shall direct at least one state pilot licensed, or at least one deputy pilot certificated, under chapter 310 to board each cruise or civilian vessel escorted into or out of the applicable port and hand deliver to the operator of such vessel a written notice of the establishment of the protection zone and the penalties for violation provided in subsection (6). The operator must sign the notice as an indication that he or she acknowledges the information provided in the notice and must return the signed notice to the pilot

8-01435A-23

20231666__

before the pilot disembarks the vessel.

(c) No later than 72 hours after the end of the protection zone period, the head of the law enforcement agency or entity, or his or her designee, must report via e-mail to the commission's Division of Law Enforcement, Boating and Waterways Section, the details of all citations issued for violating the protection zone.

(6) A person who violates this section or any directive given by a law enforcement officer, a state pilot, or a deputy pilot relating to the establishment of a protection zone under this section after being advised of the establishment of the protection zone commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 3. Paragraph (a) of subsection (6) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(a) A future land use plan element designating proposed future general distribution, location, and extent of the uses of land for residential uses, commercial uses, industry, agriculture, recreation, conservation, education, public facilities, and other categories of the public and private uses of land. The approximate acreage and the general range of density or intensity of use shall be provided for the gross land area included in each existing land use category. The element shall establish the long-term end toward which land use programs and activities are ultimately directed.

8-01435A-23

20231666__

1. Each future land use category must be defined in terms of uses included, and must include standards to be followed in the control and distribution of population densities and building and structure intensities. The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

a. The amount of land required to accommodate anticipated growth.

b. The projected permanent and seasonal population of the area.

c. The character of undeveloped land.

d. The availability of water supplies, public facilities, and services.

e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.

f. The compatibility of uses on lands adjacent to or closely proximate to military installations and ranges.

g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

h. The discouragement of urban sprawl.

i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community's economy.

j. The need to modify land uses and development patterns

8-01435A-23

20231666__

within antiquated subdivisions.

3. The future land use plan element shall include criteria to be used to:

a. Achieve the compatibility of lands adjacent to or closely proximate to military installations and ranges, considering factors identified in s. 163.3175(5).

b. Achieve the compatibility of lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.

c. Encourage preservation of recreational and commercial working waterfronts for water-dependent uses in coastal communities.

d. Encourage the location of schools proximate to urban residential areas to the extent possible.

e. Coordinate future land uses with the topography and soil conditions, and the availability of facilities and services.

f. Ensure the protection of natural and historic resources.

g. Provide for the compatibility of adjacent land uses.

h. Provide guidelines for the implementation of mixed-use development including the types of uses allowed, the percentage distribution among the mix of uses, or other standards, and the density and intensity of each use.

4. The amount of land designated for future planned uses shall provide a balance of uses that foster vibrant, viable communities and economic development opportunities and address outdated development patterns, such as antiquated subdivisions. The amount of land designated for future land uses should allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business and may not be limited solely by the projected population. The element shall

8-01435A-23

20231666__

320 accommodate at least the minimum amount of land required to
321 accommodate the medium projections as published by the Office of
322 Economic and Demographic Research for at least a 10-year
323 planning period unless otherwise limited under s. 380.05,
324 including related rules of the Administration Commission.

325 5. The future land use plan of a county may designate areas
326 for possible future municipal incorporation.

327 6. The land use maps or map series shall generally identify
328 and depict historic district boundaries and shall designate
329 historically significant properties meriting protection.

330 7. The future land use element must clearly identify the
331 land use categories in which public schools are an allowable
332 use. When delineating the land use categories in which public
333 schools are an allowable use, a local government shall include
334 in the categories sufficient land proximate to residential
335 development to meet the projected needs for schools in
336 coordination with public school boards and may establish
337 differing criteria for schools of different type or size. Each
338 local government shall include lands contiguous to existing
339 school sites, to the maximum extent possible, within the land
340 use categories in which public schools are an allowable use.

341 8. Future land use map amendments shall be based upon the
342 following analyses:

343 a. An analysis of the availability of facilities and
344 services.

345 b. An analysis of the suitability of the plan amendment for
346 its proposed use considering the character of the undeveloped
347 land, soils, topography, natural resources, and historic
348 resources on site.

8-01435A-23

20231666__

c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and

8-01435A-23

20231666__

dormant, unique, and prime farmlands and soils.

(VI) Fails to maximize use of existing public facilities and services.

(VII) Fails to maximize use of future public facilities and services.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

(IX) Fails to provide a clear separation between rural and urban uses.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

(XI) Fails to encourage a functional mix of uses.

(XII) Results in poor accessibility among linked or related land uses.

(XIII) Results in the loss of significant amounts of functional open space.

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or

8-01435A-23

20231666__

extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

10. The future land use element shall include a future land use map or map series.

a. The proposed distribution, extent, and location of the following uses shall be shown on the future land use map or map series:

(I) Residential.

(II) Commercial.

(III) Industrial.

8-01435A-23

20231666__

(IV) Agricultural.

(V) Recreational.

(VI) Conservation.

(VII) Educational.

(VIII) Public.

b. The following areas shall also be shown on the future land use map or map series, if applicable:

(I) Historic district boundaries and designated historically significant properties.

(II) Transportation concurrency management area boundaries or transportation concurrency exception area boundaries.

(III) Multimodal transportation district boundaries.

(IV) Mixed-use categories.

c. The following natural resources or conditions shall be shown on the future land use map or map series, if applicable:

(I) Existing and planned public potable waterwells, cones of influence, and wellhead protection areas.

(II) Beaches and shores, including estuarine systems.

(III) Rivers, bays, lakes, floodplains, and harbors.

(IV) Wetlands.

(V) Minerals and soils.

(VI) Coastal high hazard areas.

Section 4. Paragraph (c) of subsection (1) and paragraph (b) of subsection (3) of section 163.3184, Florida Statutes, are amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.—

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

(c) "Reviewing agencies" means:

8-01435A-23

20231666__

- 465 1. The state land planning agency;
- 466 2. The appropriate regional planning council;
- 467 3. The appropriate water management district;
- 468 4. The Department of Environmental Protection;
- 469 5. The Department of State;
- 470 6. The Department of Transportation;
- 471 7. In the case of plan amendments relating to public
- 472 schools, the Department of Education;
- 473 8. In the case of plans or plan amendments that affect a
- 474 military installation or range listed in s. 163.3175, the
- 475 commanding officer of the affected military installation or
- 476 range;
- 477 9. In the case of county plans and plan amendments, the
- 478 Fish and Wildlife Conservation Commission and the Department of
- 479 Agriculture and Consumer Services; and
- 480 10. In the case of municipal plans and plan amendments, the
- 481 county in which the municipality is located.
- 482 (3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF
- 483 COMPREHENSIVE PLAN AMENDMENTS.—
- 484 (b)1. The local government, after the initial public
- 485 hearing held pursuant to subsection (11), shall transmit within
- 486 10 working days the amendment or amendments and appropriate
- 487 supporting data and analyses to the reviewing agencies. The
- 488 local governing body shall also transmit a copy of the
- 489 amendments and supporting data and analyses to any other local
- 490 government or governmental agency that has filed a written
- 491 request with the governing body.
- 492 2. The reviewing agencies and any other local government or
- 493 governmental agency specified in subparagraph 1. may provide

8-01435A-23

20231666__

494 comments regarding the amendment or amendments to the local
495 government. State agencies shall only comment on important state
496 resources and facilities that will be adversely impacted by the
497 amendment if adopted. Comments provided by state agencies shall
498 state with specificity how the plan amendment will adversely
499 impact an important state resource or facility and shall
500 identify measures the local government may take to eliminate,
501 reduce, or mitigate the adverse impacts. Such comments, if not
502 resolved, may result in a challenge by the state land planning
503 agency to the plan amendment. Agencies and local governments
504 must transmit their comments to the affected local government
505 such that they are received by the local government not later
506 than 30 days after the date on which the agency or government
507 received the amendment or amendments. Reviewing agencies shall
508 also send a copy of their comments to the state land planning
509 agency.

510 3. Comments to the local government from a regional
511 planning council, county, or municipality shall be limited as
512 follows:

513 a. The regional planning council review and comments shall
514 be limited to adverse effects on regional resources or
515 facilities identified in the strategic regional policy plan and
516 extrajurisdictional impacts that would be inconsistent with the
517 comprehensive plan of any affected local government within the
518 region. A regional planning council may not review and comment
519 on a proposed comprehensive plan amendment prepared by such
520 council unless the plan amendment has been changed by the local
521 government subsequent to the preparation of the plan amendment
522 by the regional planning council.

8-01435A-23

20231666__

b. County comments shall be in the context of the relationship and effect of the proposed plan amendments on the county plan.

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

d. Military installation or range comments shall be provided in accordance with s. 163.3175.

4. Comments to the local government from state agencies shall be limited to the following subjects as they relate to important state resources and facilities that will be adversely impacted by the amendment if adopted:

a. The Department of Environmental Protection shall limit its comments to the subjects of air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, and conservation easements; solid waste; water and wastewater treatment; and the Everglades ecosystem restoration.

b. The Department of State shall limit its comments to the subjects of historic and archaeological resources.

c. The Department of Transportation shall limit its comments to issues within the agency's jurisdiction as it relates to transportation resources and facilities of state importance.

d. The Fish and Wildlife Conservation Commission shall limit its comments to subjects relating to fish and wildlife habitat and listed species and their habitat.

e. The Department of Agriculture and Consumer Services

8-01435A-23

20231666__

shall limit its comments to the subjects of agriculture, forestry, and aquaculture issues.

f. The Department of Education shall limit its comments to the subject of public school facilities.

g. The appropriate water management district shall limit its comments to flood protection and floodplain management, wetlands and other surface waters, and regional water supply.

h. The state land planning agency shall limit its comments to important state resources and facilities outside the jurisdiction of other commenting state agencies and may include comments on countervailing planning policies and objectives served by the plan amendment that should be balanced against potential adverse impacts to important state resources and facilities.

Section 5. Paragraph (n) of subsection (2) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines, standards, and exemptions.—

(2) STATUTORY EXEMPTIONS.—The following developments are exempt from s. 380.06:

(n) The establishment, relocation, or expansion of any military installation or range as specified in s. 163.3175.

If a use is exempt from review pursuant to paragraphs (a)-(u), but will be part of a larger project that is subject to review pursuant to s. 380.06(12), the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development that includes a landowner, tenant, or user that has entered into a funding agreement with the state land planning agency under the Innovation Incentive Program and

8-01435A-23

20231666__

581 the agreement contemplates a state award of at least \$50
582 million.

583 Section 6. This act shall take effect July 1, 2023.

22
3/22/23
Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 1666
Bill Number or Topic

Community Affairs
Committee

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

Amendment Barcode (if applicable)

Name JEFF STARKEY

Phone 822 224 1660

Address 106 E College Ave # 1110
Street

Email JEFFREYSTARKEY@gmail.com

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:

SPACE X

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

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Community Affairs Committee **Judge:**

Started: 3/22/2023 11:00:52 AM

Ends: 3/22/2023 1:13:05 PM

Length: 02:12:14

11:00:51 AM Chair Calatayud calls meeting to order
11:00:58 AM Roll Call
11:01:02 AM Quorum is present
11:01:28 AM Take up Tab 7 SB 974 Disclosures of Ad Valorem Taxes
11:01:46 AM Chair Calatayud recognizes Senator Hooper to explain bill
11:02:53 AM Public Appearance by Mike Twitty
11:05:03 AM Public Appearances
11:05:04 AM Comment by Senator Berman
11:05:44 AM Comment by Senator Calatayud
11:06:36 AM Chair Calatayud recognizes Senator Hooper to close
11:06:43 AM Roll Call SB 974
11:06:54 AM Vote recorded
11:07:05 AM Take up Tab 8 SB 1068 Drones
11:07:18 AM Chair Calatayud recognizes Senator Collins to explain bill
11:08:04 AM Question by Senator Berman
11:09:33 AM Answer by Senator Collins
11:09:41 AM Take up amendment barcode 391804
11:10:07 AM Chair recognizes Senator Collins to explain
11:10:53 AM Question by Senator Osgood
11:11:25 AM Question by Senator Pizzo
11:11:36 AM Question by Senator Pizzo
11:12:05 AM Question by Senator Berman
11:12:59 AM Chair Calatayud recognizes Senator Collins to close
11:13:14 AM Action on amendment recorded, back on bill
11:13:23 AM Question by Senator Pizzo
11:14:13 AM Answer by Senator Collins
11:14:17 AM Public Appearance by Ken Williams
11:17:06 AM Question by Senator Pizzo
11:17:13 AM Answer by Ken Williams
11:18:00 AM Public Appearances
11:19:05 AM Comment by Senator Berman
11:20:04 AM Comment by Senator Baxley
11:21:10 AM Comment by Senator Pizzo
11:22:10 AM Chair recognizes Senator Collins to close
11:23:49 AM Roll Call SB 1068
11:24:49 AM Vote recorded
11:25:09 AM Take up Tab 9 SB 1184 Agricultural Lands
11:25:34 AM Chair Calatayud recognizes Senator Collins to explain bill
11:27:08 AM Chair Calatayud passes gavel to Vice Chair Osgood
11:28:08 AM Take up amendment barcode 128198
11:28:16 AM Chair Osgood recognizes Senator Collins to explain
11:29:23 AM Question by Senator Pizzo
11:30:23 AM Answer by Senator Pizzo
11:30:35 AM Question by Senator Pizzo
11:30:49 AM Answer by Senator Collins
11:31:09 AM Question by Senator Pizzo
11:31:15 AM Answer by Senator Collins
11:31:30 AM Question by Senator Pizzo
11:31:41 AM Question by Senator Berman
11:32:08 AM Answer by Senator Collins
11:32:17 AM Question by Senator Berman
11:33:00 AM Answer by Senator Collins

11:33:23 AM Question by Senator Berman
11:33:30 AM Answer by Senator Collins
11:33:44 AM Chair Osgood recognizes Senator Collins to close on amendment
11:34:23 AM Action on amendment recorded, back on bill
11:34:43 AM Public Appearances
11:34:59 AM Comment by Senator Pizzo
11:35:58 AM Comment by Senator Baxley
11:36:55 AM Chair Osgood recognizes Senator Collins to close on bill
11:38:27 AM Roll Call SB 1184
11:39:27 AM Vote recorded
11:39:49 AM Chair Osgood passes gavel back to Chair Calatayud
11:40:09 AM Take up Tab 6 SB 950 Resiliency Energy Environment Florida Programs
11:40:26 AM Chair Calatayud recognizes Senator Rodriguez to explain bill
11:40:48 AM Take up amendment barcode 784304
11:41:35 AM Chair Calatayud recognizes Senator Rodriguez to explain amendment
11:42:36 AM Question by Senator Berman
11:42:45 AM Answer by Senator Rodriguez
11:42:54 AM Chair Calatayud recognizes Sen Rodriguez to close
11:43:46 AM Action recorded on amendment recorded, back on bill
11:43:59 AM Question by Senator Berman
11:44:04 AM Answer by Senator Rodriguez
11:44:11 AM Question by Senator Berman
11:45:51 AM Public Appearance by Lynn Drysdale
11:52:37 AM Question by Senator Berman
11:52:47 AM Answer by Lynn Drysdale
11:53:38 AM Question by Senator Calatayud
11:53:46 AM Answer by Lynn Drysdale
11:55:17 AM Question by Senator Baxley
11:55:22 AM Answer by Lynn Drysdale
11:55:40 AM Public Appearances
11:56:03 AM Comment by Senator Pizzo
11:56:39 AM Comment by Senator Osgood
11:57:50 AM Comment by Senator Berman
11:58:48 AM Comment by Senator Calatayud
11:59:34 AM Chair Calatayud recognizes Senator Rodriguez to close
11:59:45 AM Roll Call SB 950
12:00:10 PM Vote recorded
12:00:33 PM Take up Tab 12 SB 1614 Public Safety Emergency Communications Specialist
12:00:47 PM Chair Calatayud recognizes Senator Rodriguez to explain bill
12:01:21 PM Chair Calatayud passes gavel back to Vice Chair Osgood
12:02:10 PM Public Appearance by Richard Rodriguez of City of Miami Fire Dept.
12:02:56 PM Public Appearance by Kelly Mallette of Florida Apartment Association
12:03:55 PM Public Appearance by Kari Hebrank of FL Automatic Fire Alarm Association
12:04:54 PM Comment by Senator Baxley
12:05:16 PM Comment by Senator Pizzo
12:06:02 PM Chair Osgood recognizes Senator Rodriguez to close
12:06:56 PM Roll Call SB 1614
12:07:07 PM Vote recorded
12:07:24 PM Take up Tab 4 SB 696 Local Officials
12:07:47 PM Take up barcode amendment 253906
12:08:11 PM Chair Osgood recognizes Senator Ingoglia to explain amendment
12:10:04 PM Question by Senator Pizzo
12:10:09 PM Answer by Senator Ingoglia
12:10:55 PM Question by Senator Pizzo
12:11:02 PM Chair Osgood recognizes Senator Ingoglia to close
12:11:49 PM Action on amendment recorded, back on bill
12:11:57 PM Public Appearances
12:12:39 PM Roll Call SB 696
12:13:13 PM Vote recorded
12:13:16 PM Take up Tab 10 SB 1282 Public Restroom Requirements
12:13:34 PM Chair recognizes Senator Stewart to explain bill
12:14:00 PM Take up amendment barcode 167108

12:15:00 PM Chair Osgood recognizes Senator Stewart to explain
12:15:16 PM Chair Osgood recognizes Senator Stewart to close
12:15:35 PM Action on amendment recorded, back on bill
12:15:45 PM Chair recognizes Senator Stewart to close
12:16:07 PM Roll Call SB 1282
12:16:10 PM Vote recorded
12:16:31 PM Take up Tab 2 SB 494 Fees in Lieu of Security Deposit
12:16:52 PM Chair Osgood recognizes Senator DiCeglie to explain
12:17:17 PM Question by Senator Pizzo
12:18:14 PM Answer by Senator DiCeglie
12:19:13 PM Chair Osgood passes gavel back to Chair Calatayud
12:19:36 PM Question by Senator Bradley
12:19:42 PM Answer by Senator DiCeglie
12:20:28 PM Question by Senator Bradley
12:20:36 PM Public Appearances
12:23:02 PM Public Appearance by Letitia Harmon of Florida Rising
12:26:10 PM Question by Senator Pizzo
12:27:10 PM Answer by Letitia Harmon
12:27:42 PM Question by Senator Pizzo
12:28:36 PM Answer by Letitia Harmon
12:30:23 PM Question by Senator Pizzo
12:31:39 PM Answer by Letitia Harmon
12:34:11 PM Public Appearance of Dr. Rich Templin of Florida AFL-CIO
12:36:16 PM Comment by Senator Pizzo
12:40:00 PM Comment by Senator Baxley
12:42:50 PM Comment by Senator Calatayud
12:43:30 PM Chair recognizes Senator DiCeglie to close
12:43:44 PM Roll Call SB 494
12:44:02 PM Vote recorded
12:44:21 PM Take up Tab 3 SB 540 Local Government Comprehensive Plans
12:44:38 PM Chair Osgood recognizes Senator DiCeglie to explain bill
12:45:01 PM Public Appearance by David Cullen of Sierra Club of Florida
12:47:08 PM Public Appearance by Trish Neely of League of Women Voters
12:48:29 PM Public Appearance by Jane West of 1000 Friends of Florida
12:50:44 PM Public Appearances
12:51:02 PM Chair Calatayud recognizes Senator DiCeglie to close on bill
12:51:29 PM Roll Call SB 540
12:51:43 PM Vote Recorded
12:52:03 PM Take up Tab 13 SB 1666 Marine Encroachment on Spaceflight and Military Operations
12:52:21 PM Chair Calatayud recognizes Senator Wright to explain bill
12:52:48 PM Public Appearances
12:53:52 PM Chair Calatayud recognizes Senator Wright to close
12:54:01 PM Roll Call SB 1666
12:54:12 PM Vote recorded
12:54:17 PM Take up Tab 5 SB 718 Municipal Boundaries
12:54:33 PM Chair Calatayud recognizes Senator Yarborough to explain bill
12:54:46 PM Take up amendment barcode 412048
12:55:46 PM Chair Calatayud recognizes Senator Yarborough to explain amendment
12:56:00 PM Public Appearance
12:56:34 PM Action on amendment recorded, back on bill
12:56:53 PM Public Appearances
12:57:09 PM Chair Calatayud recognizes Senator Yarborough to close
12:57:42 PM Roll Call SB 718
12:57:48 PM Vote recorded
12:58:02 PM Take up Tab 11 SB 1346 Local Regulation of Nonconforming or Unsafe Structures
12:58:10 PM Chair Calatayud recognizes Senator Avila to explain bill
12:58:53 PM Take up amendment barcode 395166
12:59:54 PM Chair Calatayud recognizes Senator Avila to explain amendment
1:00:04 PM Chair Calatayud recognizes Senator Avila to close
1:00:55 PM Action on amendment recorded, back on bill
1:01:02 PM Question by Senator Berman
1:01:08 PM Answer by Senator Avila

1:01:49 PM	Public Appearances
1:02:49 PM	Chair Calatayud recognizes Senator Avila to close
1:03:12 PM	Roll Call SB 1346
1:04:07 PM	Vote recorded
1:04:19 PM	Take up Tab 1 SB 474 Property Tax Administration
1:04:44 PM	Chair Calatayud recognizes Senator Gruters to explain bill for Senator Garcia
1:05:03 PM	Take up amendment barcode 678900
1:05:31 PM	Action on amendment recorded, back on bill
1:05:53 PM	Public Appearance by Julie Schwartz
1:08:06 PM	Public Appearance by Loren Levy of Property Appraisers Association of FL
1:08:38 PM	Public Appearances
1:09:40 PM	Comment by Senator Garcia
1:09:50 PM	Comment by Senator Pizzo
1:10:25 PM	Chair Calatayud recognizes Senator Gruters to close
1:11:50 PM	Roll Call SB 474
1:12:01 PM	Vote recorded
1:12:06 PM	Senators record votes
1:12:29 PM	Senator Pizzo moves
1:12:50 PM	Meeting adjourned