

Tab 1	SB 314 by Boyd; (Identical to H 00519) Business Transactions					
Tab 2	SB 890 by Boyd; Taxation					
Tab 3	SB 612 by Hooper; (Similar to CS/H 00481) Building Construction Regulations and System Warranties					
645676	A	S	RCS	CM, Hooper	Delete L.65 - 141:	01/16 03:48 PM
568094	A	S	RCS	CM, Hooper	Delete L.155 - 295.	01/16 03:48 PM
Tab 4	SB 842 by Perry; (Similar to H 00861) Florida Kratom Consumer Protection Act					
Tab 5	SB 1126 by Martin; (Similar to H 01641) Regulation of Auxiliary Containers					
354080	A	S	L RCS	CM, Martin	Delete L.24 - 64:	01/16 03:49 PM
Tab 6	SB 1166 by DiCeglie; (Similar to H 01183) Main Street Historical Tourism and Revitalization Act					
857016	D	S	RCS	CM, DiCeglie	Delete everything after	01/16 04:02 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Trumbull, Chair
Senator Wright, Vice Chair

MEETING DATE: Tuesday, January 16, 2024

TIME: 1:30—3:30 p.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Trumbull, Chair; Senator Wright, Vice Chair; Senators Gruters, Rodriguez, Stewart, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 314 Boyd (Identical H 519)	Business Transactions; Requiring the Department of Law Enforcement to supply the statewide reporting system to law enforcement agencies by a specified date; requiring a seller to provide certain government-issued identification before a precious metals dealer may remit payment to the seller; requiring the department to contract with a private provider to supply a statewide reporting system for a specified purpose; requiring pawn transactions to be transmitted electronically using the statewide reporting system, etc. CM 01/16/2024 Temporarily Postponed ACJ AP	Temporarily Postponed
2	SB 890 Boyd	Taxation; Exempting from sales and use tax the retail sale of impact-resistant windows, impact-resistant doors, and impact-resistant garage doors during a specified timeframe; authorizing the Department of Revenue to adopt emergency rules, etc. CM 01/16/2024 Favorable FT AP	Favorable Yeas 5 Nays 0
3	SB 612 Hooper (Similar CS/H 481)	Building Construction Regulations and System Warranties; Authorizing prevailing parties in proceedings on interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction to recover attorney fees; providing that certain provisions governing the transfer of HVAC manufacturer's warranties apply to transfers made on or after a specified date; prohibiting HVAC manufacturer's warranties from being conditioned upon the product registration; providing the effective date for certain HVAC system and component warranties under a specified circumstance, etc. CM 01/16/2024 Fav/CS CA RC	Fav/CS Yeas 5 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Tuesday, January 16, 2024, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 842 Perry (Similar H 861)	Florida Kratom Consumer Protection Act; Prohibiting processors from selling, preparing, distributing, or exposing for sale certain kratom products or kratom extracts; providing civil penalties for processors who violate certain provisions; providing an exception, etc. CM 01/16/2024 Favorable AEG FP	Favorable Yeas 5 Nays 0
5	SB 1126 Martin (Similar H 1641)	Regulation of Auxiliary Containers; Defining the term "auxiliary container"; expressly preempting the regulation of auxiliary containers to the state; deleting obsolete provisions requiring the Department of Environmental Protection to review and update a specified report, etc. CM 01/16/2024 Fav/CS CA FP	Fav/CS Yeas 4 Nays 0
6	SB 1166 DiCeglie (Similar H 1183)	Main Street Historical Tourism and Revitalization Act; Citing this act as the "Main Street Historical Tourism and Revitalization Act"; providing a credit against the state corporate income tax and the insurance premium tax for qualified expenses in rehabilitating certain historic structures; specifying eligibility requirements for the tax credit; prohibiting entities or individuals from receiving more than a certain amount in tax credits; specifying the order in which the credit is applied against the corporate income tax or franchise tax; specifying the order in which the credit is applied against the insurance premium tax, etc. CM 01/16/2024 Fav/CS FT AP	Fav/CS Yeas 5 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 Commerce and Tourism

BILL: SB 314

INTRODUCER: Senator Boyd

SUBJECT: Business Transactions

DATE: January 12, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Pre-meeting</u>
2. _____	_____	<u>ACJ</u>	_____
3. _____	_____	<u>AP</u>	_____

I. Summary:

SB 314 requires the Department of Law Enforcement to contract with a private vendor to supply a statewide reporting system for law enforcement agencies to use in the reporting of transactions by secondhand dealers and pawnbrokers, and requires secondhand dealers and pawnbrokers that have computer capability to electronically transmit required transactions to the statewide reporting system. The system is also for law enforcement agencies to use for investigations.

The bill clarifies that the sheriff may provide a secondhand dealer or pawnbroker with a computer and all necessary equipment for the purpose of electronically transferring secondhand dealer or pawn transactions using the statewide reporting system.

The bill clarifies that an “automated kiosk” must provide verification of a seller’s identity by a United States Government-issued photographic identification card or an electronic image taken from a United States Government-issued photographic identification or other verifiable government issued identification.

The bill takes effect July 1, 2024.

II. Present Situation:

Secondhand Dealers

Chapter 538, F.S., regulates secondhand dealers and secondary metal recyclers in the trade of secondhand goods. The purpose of such regulations is to assist law enforcement in recovering stolen property and in solving other theft-related crimes.¹

¹ See ss. 538.04, 538.06, F.S. (identifying recordkeeping requirements and holding periods in connection with secondhand goods); see also Jarret C. Oeltjen, *Florida Pawnbroking: An Industry in Transition*, 23 FLA. ST. U. L. REV. 995, 1013 (Spring 1996) (noting that “[t]he main impetus behind [ch. 538, F.S.] was to confront the problem of property theft and drug-related

A secondhand dealer is defined as any person, corporation, or other business organization or entity that is not a secondary metals recycler and is engaged in the business of purchasing, consigning, or trading secondhand goods. The term also includes a secondhand dealer engaged in purchasing secondhand goods by means of an automated kiosk.²

Secondhand goods are previously owned or used personal property that is purchased, consigned, or traded as used property.³ The term also includes gift certificates and credit memos⁴ that are purchased, consigned, or traded by a secondhand dealer. Secondhand goods do not include office furniture, pianos, books, clothing, organs, coins, motor vehicles, costume jewelry; gold, silver, platinum, palladium, or rhodium bullion that has been assayed and is properly marked as to its weight and fineness; cardio and strength training or conditioning equipment designed primarily for indoor use, and secondhand sports equipment that is not permanently labeled with a serial number.⁵

A secondhand dealer must annually register his or her business with the Department of Revenue (DOR).⁶

Upon each acquisition of secondhand goods, a secondhand dealer must complete a transaction form that details the goods purchased and the seller's identity. The secondhand dealer must retain this document for at least 3 years and forward a copy to the appropriate law enforcement agency within 24 hours after the acquisition of the secondhand goods.⁷ In addition to the descriptive statements of the secondhand goods and the seller's identity, the transaction record must also include:

- A statement of the date, time, and place of the transaction;
- A summary of the goods acquired, including brand name, model number, serial number, and other unique identifiers;
- Digital photographs of the goods acquired in the report that is submitted to law enforcement; and
- A description of the person from whom the goods were acquired, including his or her right thumbprint, name and address, and a physical description.⁸

If the appropriate law enforcement official supplies a secondhand dealer with appropriate software and the secondhand dealer has computer capability, the secondhand dealer must electronically transmit the required transaction records.⁹ Additionally, if a secondhand dealer

crimes by facilitating recovery of stolen goods and apprehending those criminals who may turn to secondhand dealers for cash”).

² Section 538.03(1)(h), F.S.

³ Section 538.03(1)(i), F.S.

⁴ Section 501.95, F.S., defines “credit memo” as a certificate, card, stored value card, or similar instrument issued in exchange for returned merchandise when the certificate, card, or similar instrument is redeemable for merchandise, food, or services regardless of whether any cash may be paid to the owner of the certificate, card, or instrument as part of the redemption transaction.

⁵ Section 538.03(1)(i), F.S.

⁶ See generally s. 538.09, F.S. (providing for registration).

⁷ Section 538.04(1), F.S.

⁸ *Id.*

⁹ Section 538.04(6), F.S.

does not have the computer capability, the appropriate law enforcement official may provide a computer and all of the equipment necessary to electronically transmit transactions.¹⁰

Secondhand dealers are required to hold all secondhand goods for at least 15 days after they acquire the property. However, secondhand dealers are required to hold a precious metal,¹¹ gemstone, jewelry; antique furnishings, fixtures, or decorative objects; or an item of art as defined in s. 686.501, F.S.,¹² for 30 days after they acquire the property.¹³ Additionally, a secondhand good must be held for 30 days if the secondhand dealer uses an automated kiosk.¹⁴

If a law enforcement officer has probable cause to believe that the goods held by a secondhand dealer are stolen, the officer may place a 90-day written hold order on the goods.¹⁵ This prevents the secondhand dealer from selling the goods and preserves them for use as evidence in a criminal trial. Additionally, this allows for the possibility of the goods to be returned to their rightful owner.¹⁶

Law enforcement agencies having jurisdiction enforce compliance with registration, record keeping, holding periods, and inspection requirements.¹⁷ A person who knowingly violates the requirements governing secondhand dealers in ch. 538, F.S., commits a first degree misdemeanor, punishable by up to 1 year in jail and a \$10,000 fine.¹⁸

Mail-in Secondhand Precious Metals Dealers

A mail-in secondhand precious metals dealer¹⁹ must register with the DOR and comply with all of the regulation requirements provided in s. 538.09, F.S., which is the section that regulates the registration of secondhand dealers. Additionally, a mail-in secondhand precious metals dealer may only remit payment to a seller if the seller has provided the following information:

- The seller's name, address, telephone number, and e-mail address, if available;

¹⁰ *Id.*

¹¹ Section 538.03(1)(f), F.S., defines "precious metals" as any item containing any gold, silver, or platinum, or any combination thereof, excluding any chemical or any automotive, photographic, electrical, medical, or dental materials or electronic parts.

¹² Section 686.501(1), F.S., defines "art" as a painting, sculpture, drawing, work of graphic art, pottery, weaving, batik, macramé, quilt, print, photograph, or craft work executed in materials including, but not limited to, clay, textile, paper, fiber, wood, tile, metal, plastic, or glass. The term includes a rare map which is offered as a limited edition or a map 80 years old or older; or a rare document or rare print which includes, a print, engraving, etching, woodcut, lithograph, or serigraph which is offered as a limited edition, or one 80 years old or older.

¹³ Section 538.06(1), F.S.

¹⁴ *Id.* An "automated kiosk" is an interactive device that is permanently installed within a secure retail space and that has the following technological functions: remotely monitored by a live representative during all business hours; verification of a seller's identity by government-issued photographic identification card; automated reading and recording of item serial numbers; ability to compare item serial numbers against databases of stolen items; secure storage of goods accepted by the kiosk; and capture and storage of images during the transaction. Section 538.03(1)(c), F.S.

¹⁵ Section 538.06(3), F.S.

¹⁶ *Id.*

¹⁷ Section 538.05, F.S.

¹⁸ Section 538.07(1), F.S.

¹⁹ Section 538.31(c), F.S., defines a "mail-in secondhand precious metals dealer" as any person or entity that: (1) conducts business within this state and that contracts with other persons or entities to buy precious metals or jewelry through an Internet website, the United States mail, or telemarketing; or (2) conducts business within this state and regularly engages in the business of purchasing jewelry or precious metals through the mail or Internet-based transactions.

- The seller's driver license number and issuing state or other government-issued identification number; and
- A sworn statement made by the seller that the seller is of lawful age and that the driver license number or other government-issued identification number, as well as other identifying information provided by the seller is true and correct and that the seller is the lawful owner of the goods with absolute authority to sell the goods.²⁰

The Department of Agriculture and Consumer Services

In addition to regulating agriculture in Florida, the Department of Agriculture and Consumer Services (DACS) protects consumers from unfair and deceptive business practices and provides consumer information.

The DACS achieves this, in part, through licensing and registering various professionals, including:

- Professional Surveyors and Mappers (ch. 472, F.S.);
- Private Investigative, Private Security, and Repossession Services (ch. 493, F.S.);
- Health Studios (ch. 501, pt. I, F.S.);
- Telemarketing Services (ch. 501, pt. IV, F.S.);
- Intrastate Movers and Brokers (ch. 507, F.S.);
- Sellers of Liquefied Petroleum Gas (ch. 527, F.S.);
- Pawnbroking (ch. 539, F.S.);
- Motor Vehicle Repair Shops (ch. 559, pt. IX, F.S.); and
- Sellers of Travel (ch. 559, pt. XI, F.S.).

The DACS provides licenses and regulates each of the above professionals in accordance with that profession's practice act. Generally, applicants must meet specific statutory requirements and must pay all applicable fees.

Pawnbroking

The Florida Pawnbroking Act requires pawnshops to obtain an annual license with the DACS.²¹ To be eligible for a pawnbroker's license, an applicant must:

- Be of good moral character;
- Maintain a net worth of at least \$50,000 or file security in the form of a bond, letter of credit, or certificate of deposit in the amount of \$10,000 with the DACS; and
- Not have been convicted of, or found guilty of, or pled guilty or nolo contendere to, or not have been incarcerated within the last 10 years as a result of having previously been convicted of, or found guilty of, or pled guilty or nolo contendere to, regardless of adjudication, a crime that involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, or any other fraudulent or dishonest dealing within the last 10 years.²²

²⁰ Section 538.32(2), F.S.

²¹ Section 539.001(3), F.S. See also The Florida Department of Agriculture and Consumer Services, *Pawnbroking*, available at <https://www.fdacs.gov/Business-Services/Pawnbroking> (last visited Jan. 12, 2024).

²² Section 539.001(4), F.S.

Pawnbroker Transaction Forms

At the time a pawnbroker enters into any pawn or purchase transaction, the pawnbroker is required to complete a pawnbroker transaction form.²³ The form must include an indication of whether the transaction is a pawn or a purchase, and the seller must also sign the form.²⁴

A pawnbroker is required to maintain a copy of each completed pawnbroker transaction form on the pawnshop premises for at least 1 year after the date of the transaction.²⁵ On or before the end of each business day, the pawnbroker must deliver the original pawnbroker transaction forms for each of the transactions occurring during the previous business day to the appropriate law enforcement official.²⁶ Additionally, an electronic image that is accepted for a transaction, must be maintained electronically in order to meet the same recordkeeping requirements.²⁷

If the appropriate law enforcement agency supplies adequate software and the pawnbroker presently has the computer capability, pawn transactions are required to be electronically transferred.²⁸

All goods delivered to a pawnbroker in a pawn or purchase transaction must be securely stored and maintained in an unaltered condition within the jurisdiction of the appropriate law enforcement official for a period of 30 calendar days after the transaction.²⁹

III. Effect of Proposed Changes:

Secondhand Dealers

The bill amends s. 538.03, F.S., to provide that “automated kiosk,” means an interactive device that is permanently installed within a secure retail space and that has the following technological functions:

- Remotely monitored by a live representative during all business operating hours;
- Verification of a seller’s identity by a *United States Government-issued photographic identification card or an electronic image taken from a United States Government-issued photographic identification or other verifiable government-issued identification*;
- Automated reading and recording of item serial numbers;
- Ability to compare item serial numbers against databases of stolen items;

²³ Section 593.001(8)(a), F.S.

²⁴ *Id.*

²⁵ Section 593.001(9)(a), F.S.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Section 593.001(9)(b), F.S. If a pawnbroker does not presently have the computer ability, the appropriate law enforcement agency may provide the pawnbroker with a computer and all necessary equipment for the purpose of electronically transferring pawn transactions. The appropriate law enforcement agency must retain ownership of the computer, unless otherwise agreed upon. Additionally, the pawnbroker must maintain the computer in good working order. If the pawnbroker transfers pawn transactions electronically, the pawnbroker is not required to also deliver to the appropriate law enforcement official the original or copies of the pawnbroker transaction forms. The appropriate law enforcement official may, for the purposes of a criminal investigation, request that the pawnbroker produce an original of a transaction form that has been electronically transferred. The pawnbroker shall deliver this form to the appropriate law enforcement official within 24 hours of the request.

²⁹ Section 593.001(9)(c), F.S.

- Secure storage of goods accepted by the kiosk, and
- Capture and storage of images during the transaction.

The bill defines “statewide reporting system” as software that the Department of Law Enforcement shares with law enforcement agencies in Florida for all pawnbrokers, secondhand dealers, and secondary metals recyclers in Florida to use to report transactions to law enforcement and for law enforcement agencies to use for investigations.

The bill amends s. 538.04(6), F.S., to require the Department of Law Enforcement to supply a statewide reporting system to law enforcement agencies on or before July 1, 2027. The system must be developed and maintained pursuant to s. 790.335(5), F.S.,³⁰ through a department contract with a third-party private provider that is exclusively incorporated, owned, and operated in the United States and that restricts access to such transaction information to appropriate law enforcement agencies for legitimate law enforcement purposes only. The system must have the ability to provide daily exports of the transaction data, in compliance with s. 790.335, F.S., to the Department of Law Enforcement for use in law enforcement data-sharing systems.

The bill requires a secondhand dealer that has computer capability to electronically transmit the required secondhand dealer transactions to the statewide reporting system. If a secondhand dealer does not have computer capability, the sheriff may provide the secondhand dealer with a computer and all of the necessary equipment to electronically transmit secondhand dealer transactions using the statewide reporting system. Additionally, the sheriff retains ownership of the computer, unless otherwise agreed upon, and the secondhand dealer must maintain the computer in good working order.

Mail-in Precious Metals Dealers

The bill amends s. 538.32, F.S., to provide that a mail-in secondhand precious metals dealer may only remit payment to a seller if the seller has provided the following information:

- The seller’s name, address, telephone number, and e-mail address, if available;
- The seller’s driver license number and issuing state or other *United States* government-issued identification number *or other verifiable government issued identification*; and
- A sworn statement made by the seller that the seller is of lawful age and that the driver license number or other government-issued identification number, as well as other identifying information provided by the seller is true and correct and that the seller is the lawful owner of the goods with absolute authority to sell the goods.

Pawnbroking

The bill amends s. 539.001, F.S., to clarify that “identification” means a *United States* Government-issued photographic identification or an electronic image taken from a *United States* Government-issued photographic identification *or other verifiable government-issued identification*.

³⁰ Section 790.335(5), F.S., provides that secondhand dealers and pawnbrokers who electronically submit firearms transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539, F.S., are required to submit the name of the manufacturer and caliber information of each firearm in Florida Crime Information Center coding, and also must include the model and serial number of each firearm.

The bill provides that “statewide reporting system” means software that the Department of Law Enforcement shares with law enforcement agencies in Florida for all pawnbrokers, secondhand dealers, and secondhand metals recyclers in Florida to use to report transactions to law enforcement and for law enforcement agencies to use for investigations.

The bill amends s. 539.001(9), F.S., to require the Department of Law Enforcement to supply a statewide reporting system to law enforcement agencies. The system must be developed and maintained pursuant to s. 790.335(5), F.S.,³¹ through a department contract with a third-party private provider that is exclusively incorporated, owned, and operated in the United States and that restricts access to such transaction information to appropriate law enforcement agencies for legitimate law enforcement purposes only. The system must have the ability to provide daily exports of the transaction data, in compliance with s. 790.335, F.S., to the Department of Law Enforcement for use in law enforcement data-sharing systems.

The bill requires a pawnbroker that has computer capability to electronically transmit pawn transactions. If a pawnbroker does not currently have computer capability, the sheriff having jurisdiction over the pawnshop location may provide the pawnbroker with a computer and all equipment necessary to electronically transfer pawn transactions using the statewide reporting system. Additionally, the sheriff retains ownership of the computer, unless otherwise agreed upon.

Effective Date

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

³¹ Section 790.335(5), F.S., provides that secondhand dealers and pawnbrokers who electronically submit firearms transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539, F.S., are required to submit the name of the manufacturer and caliber information of each firearm in Florida Crime Information Center coding, and also must include the model and serial number of each firearm.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Secondhand dealers and pawnbrokers will be required to use the statewide reporting system to report transactions.

C. Government Sector Impact:

The Florida Department of Law Enforcement will be required to supply a statewide reporting system for all secondhand dealers and pawnbrokers to report transactions. The bill requires the Florida Department of Law Enforcement to contract with a private provider to supply the statewide reporting system.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill amends s. 538.04(6), F.S., which is the section of law regulating the recordkeeping of secondhand dealers, to require the Department of Law Enforcement to supply a statewide reporting system to law enforcement agencies on or before July 1, 2027. The bill also amends s. 539.001(9), F.S., which is the section of law regulating the recordkeeping of pawnbrokers, to require the Department of Law Enforcement to supply a statewide reporting system to law enforcement agencies. However, the bill does not indicate when the statewide reporting system must be supplied in s. 539.001(9), F.S.

The bill creates a definition of “statewide reporting system” in s. 538.03, F.S., which is applicable to Part I of Chapter 538 – Secondhand Dealers. The definition references secondary metals recyclers, but secondary metals recyclers are regulated by Part II of Chapter 538. The bill creates the same definition in s. 539.001, F.S., but this definition section is applicable to The Florida Pawnbroking Act in s. 539.001, F.S. If the intent of the bill is to require secondary metals recyclers to use the statewide system, the bill should impose that duty in Part II of Chapter 538.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 538.03, 538.04, 538.32, and 539.001.

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 Boyd

20-00384-24

2024314__

1 A bill to be entitled
 2 An act relating to business transactions; amending s.
 3 538.03, F.S.; revising the definition of the term
 4 "automated kiosk"; defining the term "statewide
 5 reporting system"; amending s. 538.04, F.S.; requiring
 6 the Department of Law Enforcement to supply the
 7 statewide reporting system to law enforcement agencies
 8 by a specified date; requiring the Department of Law
 9 Enforcement to contract with a private provider to
 10 supply a statewide reporting system for a specified
 11 purpose; providing requirements for the private
 12 provider and the system; requiring secondhand dealers
 13 to transmit their transactions electronically to the
 14 statewide reporting system; authorizing sheriffs to
 15 supply the necessary computer equipment to secondhand
 16 dealers that do not have computer capability; amending
 17 s. 538.32, F.S.; requiring a seller to provide certain
 18 government-issued identification before a precious
 19 metals dealer may remit payment to the seller;
 20 reordering and amending s. 539.001, F.S.; revising the
 21 definition of the term "identification"; defining the
 22 term "statewide reporting system"; requiring the
 23 department to contract with a private provider to
 24 supply a statewide reporting system for a specified
 25 purpose; providing requirements for the private
 26 provider and the system; requiring pawn transactions
 27 to be transmitted electronically using the statewide
 28 reporting system; authorizing sheriffs to supply the
 29 necessary computer equipment to pawnbrokers who do not

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30 have computer capability; providing an effective date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Present paragraph (k) of subsection (1) of
 35 section 538.03, Florida Statutes, is redesignated as paragraph
 36 (l), a new paragraph (k) is added to that subsection, and
 37 paragraph (c) of that subsection is amended, to read:
 38 538.03 Definitions; applicability.—
 39 (1) As used in this part, the term:
 40 (c) "Automated kiosk" means an interactive device that is
 41 permanently installed within a secure retail space and that has
 42 the following technological functions:
 43 1. Remotely monitored by a live representative during all
 44 business operating hours;
 45 2. Verification of a seller's identity by a United States
 46 Government-issued photographic identification card or an
 47 electronic image taken from a United States Government-issued
 48 photographic identification or other verifiable government-
 49 issued identification;
 50 3. Automated reading and recording of item serial numbers;
 51 4. Ability to compare item serial numbers against databases
 52 of stolen items;
 53 5. Secure storage of goods accepted by the kiosk; and
 54 6. Capture and storage of images during the transaction.
 55 (k) "Statewide reporting system" means software that the
 56 Department of Law Enforcement shares with law enforcement
 57 agencies in this state for all pawnbrokers, secondhand dealers,
 58 and secondary metals recyclers in this state to use to report

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59 transactions to law enforcement and for law enforcement agencies
 60 to use for investigations.

61 Section 2. Subsection (6) of section 538.04, Florida
 62 Statutes, is amended to read:

63 538.04 Recordkeeping requirements; penalties.—

64 (6) On or before July 1, 2027, the Department of Law
 65 Enforcement shall supply a statewide reporting system to law
 66 enforcement agencies. The system shall be developed and
 67 maintained pursuant to s. 790.335(5) through a department
 68 contract with a third-party private provider that is exclusively
 69 incorporated, owned, and operated in the United States and that
 70 restricts access to such transaction information to appropriate
 71 law enforcement agencies for legitimate law enforcement purposes
 72 only. The system must have the ability to provide daily exports
 73 of the transaction data, in compliance with s. 790.335, to the
 74 Department of Law Enforcement for use in law enforcement data-
 75 sharing systems. If the appropriate law enforcement official
 76 supplies a secondhand dealer has the with appropriate software
 77 and the secondhand dealer has computer capability, the
 78 secondhand dealer must electronically transmit secondhand dealer
 79 transactions required by this section to the statewide reporting
 80 system such official. If a secondhand dealer does not have
 81 computer capability, the sheriff having jurisdiction appropriate
 82 law enforcement official may provide the secondhand dealer with
 83 a computer and all equipment necessary to electronically
 84 transmit secondhand dealer transactions using the statewide
 85 reporting system. The sheriff retains appropriate law
 86 enforcement official shall retain ownership of the computer,
 87 unless otherwise agreed upon, and the secondhand dealer shall

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88 maintain the computer in good working order, except for ordinary
 89 wear. A secondhand dealer who transmits secondhand dealer
 90 transactions electronically is not required to also deliver the
 91 original or paper copies of the secondhand transaction forms to
 92 the appropriate law enforcement official. However, such official
 93 may, for purposes of a criminal investigation, request the
 94 secondhand dealer to deliver the original transaction form that
 95 was electronically transmitted. The secondhand dealer shall
 96 deliver the form to the appropriate law enforcement official
 97 within 24 hours after receipt of the request.

98 Section 3. Paragraph (b) of subsection (2) of section
 99 538.32, Florida Statutes, is amended to read:

100 538.32 Registration, transaction, and recordkeeping
 101 requirements; penalties.—

102 (2) A mail-in secondhand precious metals dealer may not
 103 remit payment to a seller unless the seller has provided the
 104 following information:

105 (b) The seller's driver license number and issuing state or
 106 other United States Government-issued identification number or
 107 other verifiable government-issued identification.

108 Section 4. Subsection (2) of section 539.001, Florida
 109 Statutes, is reordered and amended, and paragraph (b) of
 110 subsection (9) of that section is amended, to read:

111 539.001 The Florida Pawnbroking Act.—

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

113 (a) "Agency" means the Department of Agriculture and
 114 Consumer Services.

115 (c) (b) "Appropriate law enforcement official" means the
 116 sheriff of the county in which a pawnshop is located or, in case

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of a pawnshop located within a municipality, the police chief of the municipality in which the pawnshop is located; however, any sheriff or police chief may designate as the appropriate law enforcement official for the county or municipality, as applicable, any law enforcement officer working within the county or municipality headed by that sheriff or police chief. Nothing in this subsection limits the power and responsibilities of the sheriff.

(e) ~~(e)~~ "Claimant" means a person who claims that his or her property was misappropriated.

(f) ~~(d)~~ "Conveying customer" means a person who delivers property into the custody of a pawnbroker, either by pawn, sale, consignment, or trade.

(h) ~~(e)~~ "Identification" means a United States Government-issued photographic identification or an electronic image taken from a United States Government-issued photographic identification or other verifiable government-issued identification.

(i) ~~(f)~~ "Misappropriated" means stolen, embezzled, converted, or otherwise wrongfully appropriated against the will of the rightful owner.

(j) ~~(g)~~ "Net worth" means total assets less total liabilities.

(l) ~~(h)~~ "Pawn" means any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on the terms and conditions contained in this section.

(n) ~~(i)~~ "Pawnbroker" means any person who is engaged in the

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business of making pawns; who makes a public display containing the term "pawn," "pawnbroker," or "pawnshop" or any derivative thereof; or who publicly displays a sign or symbol historically identified with pawns. A pawnbroker may also engage in the business of purchasing goods which includes consignment and trade.

(o) ~~(j)~~ "Pawnbroker transaction form" means the instrument on which a pawnbroker records pawns and purchases as provided in subsection (8).

(m) ~~(k)~~ "Pawn service charge" means a charge for investigating the title, storage, and insuring of the security; closing the transaction; making daily reports to appropriate law enforcement officials; expenses and losses; and all other services.

(p) ~~(l)~~ "Pawnshop" means the location at which a pawnbroker conducts business.

(q) ~~(m)~~ "Permitted vendor" means a vendor who furnishes a pawnbroker with an invoice specifying the vendor's name and address, the date of the sale, a description of the items sold, and the sales price, and who has an established place of business, or, in the case of a secondhand dealer as defined in s. 538.03, has represented in writing that such dealer has complied with all applicable recordkeeping, reporting, and retention requirements pertaining to goods sold or otherwise delivered to a pawnbroker.

(r) ~~(n)~~ "Person" means an individual, partnership, corporation, joint venture, trust, association, or other legal entity.

(s) ~~(o)~~ "Pledged goods" means tangible personal property

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that is deposited with, or otherwise delivered into the possession of a pawnbroker in connection with a pawn. "Pledged goods" does not include titles or any other form of written security in tangible property in lieu of actual physical possession, including, but not limited to, choses in action, securities, printed evidence of indebtedness, or certificates of title and other instruments evidencing title to separate items of property, including motor vehicles. For purposes of federal and state bankruptcy laws, a pledgor's interest in his or her pledged goods during the pendency of a pawn is a right of redemption only.

(t) ~~(p)~~ "Pledgor" means an individual who delivers pledged goods into the possession of a pawnbroker in connection with a pawn.

(u) ~~(q)~~ "Purchase" means the transfer and delivery of goods, by a person other than a permitted vendor, to a pawnbroker by acquisition for value, consignment, or trade for other goods.

(b) ~~(f)~~ "Amount financed" is used interchangeably to mean the same as "amount of money advanced" or "principal amount".

(g) ~~(s)~~ "Default date" means that date upon which the pledgor's right of redemption expires and absolute right, title, and interest in and to the pledged goods shall vest in and shall be deemed conveyed to the pawnbroker by operation of law.

(d) ~~(t)~~ "Beneficial owner" means a person who does not have title to property but has rights in the property which are the normal incident of owning the property.

(k) ~~(u)~~ "Operator" means a person who has charge of a corporation or company and has control of its business, or of its branch establishments, divisions, or departments, and who is

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vested with a certain amount of discretion and independent judgment.

(v) "Statewide reporting system" means software that the Department of Law Enforcement shares with law enforcement agencies in this state for all pawnbrokers, secondhand dealers, and secondary metals recyclers in this state to use to report transactions to law enforcement and for law enforcement agencies to use for investigations.

(9) RECORDKEEPING; REPORTING; HOLD PERIOD.—

(b)1. The Department of Law Enforcement shall supply a statewide reporting system to law enforcement agencies. The system shall be developed and maintained pursuant to s. 790.335(5) through a department contract with a third-party private provider that is exclusively incorporated, owned, and operated in the United States and that restricts access to such transaction information to appropriate law enforcement agencies for legitimate law enforcement purposes only. The system must have the ability to provide daily exports of the transaction data, in compliance with s. 790.335, to the Department of Law Enforcement for use in law enforcement data-sharing systems.

2. If a the appropriate law enforcement agency supplies the appropriate software and the pawnbroker presently has the computer ~~capability~~ ability, pawn transactions shall be electronically transferred. If a pawnbroker does not presently have the computer ~~capability~~ ability, the sheriff having jurisdiction over the pawnshop location ~~appropriate law enforcement agency~~ may provide the pawnbroker with a computer and all necessary equipment for the purpose of electronically transferring pawn transactions using the statewide reporting

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233 system. The sheriff retains appropriate law enforcement agency
234 ~~shall retain~~ ownership of the computer, unless otherwise agreed
235 upon. The pawnbroker shall maintain the computer in good working
236 order, ordinary wear and tear excepted. In the event the
237 pawnbroker transfers pawn transactions electronically, the
238 pawnbroker is not required to also deliver to the appropriate
239 law enforcement official the original or copies of the
240 pawnbroker transaction forms. The appropriate law enforcement
241 official may, for the purposes of a criminal investigation,
242 request that the pawnbroker produce an original of a transaction
243 form that has been electronically transferred. The pawnbroker
244 shall deliver this form to the appropriate law enforcement
245 official within 24 hours of the request.

246 Section 5. This act shall take effect July 1, 2024.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Banking and Insurance, *Chair*
Agriculture, *Vice Chair*
Appropriations Committee on Agriculture, Environment,
and General Government
Finance and Tax
Fiscal Policy
Judiciary
Rules

SENATOR JIM BOYD
20th District

November 15, 2023

Senator Jay Trumbull
Senate Committee on Commerce and Tourism
310 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Trumbull:

I respectfully request Senate Bill 314: Business Transactions, be scheduled for a Committee on Commerce and Tourism hearing at your earliest convenience.

If I can assist you on this or any other matter, please do not hesitate to contact me.

I appreciate your consideration of this matter.

Best regards,

A handwritten signature in cursive script, appearing to read "Jim Boyd".

Jim Boyd

cc: Todd McKay
Renita Hayes

REPLY TO:
☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
☐ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020
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 Commerce and Tourism

BILL: SB 890

INTRODUCER: Senator Boyd

SUBJECT: Taxation

DATE: January 12, 2024

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Renner	McKay	CM	Favorable
2. _____	_____	FT	_____
3. _____	_____	AP	_____

I. Summary:

SB 890 exempts from the sales and use tax the retail sale of impact-resistant windows, doors, and garage doors for two years between July 1, 2024 and June 30, 2026.

The Revenue Estimating Conference (REC) has not reviewed the bill; however, a two-year sales and use tax exemption on impact-resistant windows, doors, and garage doors was included in chapter 2022-97, Laws of Florida. The REC determined that those exemptions would reduce General Revenue Fund receipts by \$158 million and would reduce local revenues by \$46.7 million in Fiscal Year 2022-2023.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida Sales and Use Tax

Florida levies a 6 percent sales and use tax on the sale or rental of most tangible personal property,¹ admissions,² transient rentals,³ and a limited number of services, and a 5.5 percent sales and use tax on the rental of commercial real estate.⁴ Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sale and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁵

¹ Section 212.05(1)(a)1.a., F.S.

² Section 212.04(1)(b), F.S.

³ Section 212.03(1)(a), F.S.

⁴ Section 212.031, F.S.

⁵ Section 212.07(2), F.S.

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.⁶ A surtax applies to “all transactions occurring in the county which transactions are subject 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.”⁷ 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 rates currently levied vary by county in a range of 0.0 to 1.5 percent.⁸

Impact-resistant windows, doors, and garage doors are subject to Florida sales tax. However, chapter 2022-97, Laws of Florida, exempted these items from the sales and use tax for a two-year period. The exemption expires on July 1, 2024.

Impact-Resistant Windows, Doors, and Garage Doors

All of Florida’s coastline has been impacted by at least one hurricane. The southeast coastline is extremely susceptible to a land-falling hurricane, followed by the panhandle. If a hurricane makes landfall elsewhere in the state, the impacts can be felt hundreds of miles away.⁹

The biggest impact from hurricanes is wind. The highest winds occur just outside of the center of the eye-wall and the strongest hurricanes can have winds in excess of 155 miles per hour. Roofs, trees and power lines are frequently damaged.¹⁰

Retrofitting buildings with impact-resistant doors can help reduce the damage caused by hurricanes. Windborne debris can easily break standard doors with unprotected glass.¹¹ This allows wind and water into the building, damaging its contents. In addition, the wind can break the building apart from the inside by blowing off the roof and water damage can lead to significant deterioration of the structural elements of the building.¹² Installing impact-resistant doors can help protect against windborne debris as they minimize the risk of breaking doors and door glass.¹³ Impact-resistant doors must be third-party tested/rated and commonly include reinforced frames, tighter weather stripping, and energy efficient glass.¹⁴

⁶ Section 212.055, F.S.

⁷ Section 212.054(2)(a), F.S.

⁸ Florida Department of Revenue, *Discretionary Sales Surtax Information for Calendar Year 2024*, https://floridarevenue.com/Forms_library/current/dr15dss_24.pdf (last visited Jan. 12, 2024).

⁹ Florida State University Florida Climate Center, *Hurricanes*, <https://climatecenter.fsu.edu/topics/hurricanes> (last visited Jan. 12, 2024).

¹⁰ *Id.*

¹¹ National Association of Home Builders, *Retrofit Improvements*, <https://www.nahb.org/-/media/NAHB/advocacy/docs/top-priorities/codes/retrofit-improvements/retrofit-improvements-impact-resistant-doors-2020.pdf> (last visited Jan. 12, 2024).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

III. Effect of Proposed Changes:

The bill exempts from the sales and use tax the retail sale of impact-resistant windows, doors, and garage doors for two years between July 1, 2024 and June 30, 2026.

The Department of Revenue is authorized to adopt emergency rules.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by 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. However, the mandates requirements do not apply to laws having an insignificant impact,^{15,16} which is \$2.3 million or less for Fiscal Year 2024-2025.¹⁷

The REC has not reviewed the bill.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Section 19 of Article VII, Florida Constitution requires increased taxes or fees to be passed in a separate bill and by two-thirds vote of the membership of each house of the Legislature. This bill does not increase any taxes or fees; therefore, the increased tax or fee requirements do not apply.

¹⁵ FLA. CONST. art. VII, s. 18(d).

¹⁶ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 12, 2024).

¹⁷ Based on the Demographic Estimating Conference's estimated population adopted on July 11, 2023, <http://edr.state.fl.us/Content/conferences/population/archives/230711demographic.pdf> (last visited Jan. 12, 2024).

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The REC has not reviewed the bill; however, a two-year sales and use tax exemption on impact-resistant windows, doors, and garage doors was included in chapter 2022-97, Laws of Florida. The REC determined that those exemptions would reduce General Revenue Fund receipts by \$158 million and would reduce local revenues by \$46.7 million in Fiscal Year 2022-2023.

B. Private Sector Impact:

The private sector will experience reduced costs associated with the purchase of impact-resistant windows, doors, and garage doors due to the sales and use tax exemption provided in this legislation.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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 Boyd

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A bill to be entitled

An act relating to taxation; exempting from sales and use tax the retail sale of impact-resistant windows, impact-resistant doors, and impact-resistant garage doors during a specified timeframe; authorizing the Department of Revenue to adopt emergency rules; providing an effective date.

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

Section 1. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 1, 2024, through June 30, 2026, on the retail sale of impact-resistant windows, impact-resistant doors, and impact-resistant garage doors.

(2) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section.

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

The Florida Senate
APPEARANCE RECORD

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

Meeting Date

Bill Number or Topic

1/16
Comm i TOUR

Committee

Amendment Barcode (if applicable)

Name PARKER POWELL

Phone 850 413 2894

Address 200 E GAINES

Street

Email parker.powell@myfloridacfo.com

TALL

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

☐ 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
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

1/16/24
Commerce Tourism

Committee

Amendment Barcode (if applicable)

Name Murphy Kennedy Giering

Phone (407) 232-3820

Address 200 S Monroe St

Street

Email murphykg@floridarealtors.org

Tallahassee

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Florida Realtors

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If 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 890

Meeting Date

Bill Number or Topic

1/16/24
COMMERCE AND TOURISM

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

Committee

Amendment Barcode (if applicable)

Name TASHA CARTER, Insurance Consumer Advocate

Phone 850-413-2868

Address 200 E. Gaines Street
Street

Email TASHA.CARTER@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:

DFS, Office of Insurance Consumer Advocate

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

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

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

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Banking and Insurance, Chair
Agriculture, Vice Chair
Appropriations Committee on Agriculture, Environment,
and General Government
Finance and Tax
Fiscal Policy
Judiciary
Rules

SENATOR JIM BOYD
20th District

January 4, 2024

Senator Jay Trumbull
Senate Committee on Commerce and Tourism
310 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Trumbull:

I respectfully request Senate Bill 890: Taxation, be scheduled for a hearing in the Committee on Commerce and Tourism, at your earliest convenience.

If I can assist you on this or any other matter, please do not hesitate to contact me.

I appreciate your consideration of this matter.

Best regards,

Jim Boyd

Jim Boyd

cc: Todd McKay
Renita Hayes

REPLY TO:
□ 717 Manatee Avenue West, Bradenton, Florida 34203 (841) 742-6445
□ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

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 Commerce and Tourism

BILL: CS/SB 612

INTRODUCER: Senator Hooper

SUBJECT: Building Construction Regulations and System Warranties

DATE: January 18, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	McKay	CM	Fav/CS
2.			CA	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 612 implements the following changes:

- Expands the scope of work for specified HVAC system contractors to include specified line-side repairs or replacements and the repair or replacement of specified components for dedicated HVAC circuits with proper use of a circuit breaker lock.
- Prohibits the conditioning of an HVAC system warranty on product registration and specifies that the full length of such a warranty's coverage term begins on the date a licensed contractor installs the system.

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

II. Present Situation:

Explanation of the Present Situation is provided in the Effect of Proposed Changes, below.

III. Effect of Proposed Changes:

Definitions of Contractor

Part I of Chapter 489, F.S., pertains to regulation of construction contracting. Section 489.105, F.S., provides the definitions used throughout the part.

“Contractor” means the person who is qualified for, and is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term “demolish” applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences.¹

“Class A air-conditioning contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class A air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.²

“Class B air-conditioning contractor” means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as necessary to complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control

¹ Section 498.105(3), F.S.

² Section 489.105(3)(f), F.S.

wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class B air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.³

“Mechanical contractor” means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the load side of the dedicated existing electrical disconnect switch; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as potable water lines or connections thereto, sanitary sewer lines, swimming pool piping and filters, or electrical power wiring. A mechanical contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.⁴

HVAC System Contractor Limitations

An electrical disconnect switch is a switch that isolates all wiring in a home or other structure, or the wiring in a dedicated electrical circuit,⁵ from its power source.⁶ Electricity to a disconnect

³ Section 489.105(3)(g), F.S.

⁴ Section 489.105(3)(i), F.S.

⁵ A “dedicated electrical circuit” has its own circuit breaker and supports a single outlet; thus, only one electrically powered device can draw power from that circuit at any given time. Harrison Electric, Inc. *Dedicated Circuits: What They Are & How to Determine If You Need Them*, (August 16, 2021), available at <https://harrison-electric.com/Blog/entryid/243/dedicated-circuits-what-they-are-how-to-determine-if-you-need-them> (last visited January 16, 2024).

⁶ Power will flow to the breaker so long as the power source is operational, but power will only flow from the breaker through the structure if the disconnect switch is flipped to the “on” position. This is what is meant by “isolate.” American Electrical, Inc., *Switching to Safety: Exploring the Importance of Disconnect Switches in Electrical Systems*, (June 20, 2023),

switch is fed from the “load side,” or outgoing side, of the power source to the “line side,” or incoming side, of the switch; electricity is then fed from the “load side” of the disconnect switch to the “line side” of the device to be powered.⁷ The components of an electrical circuit, including an electrical disconnect switch, are rated for a maximum flow of electrical current, measured in amperes; the higher the ampere rating, the more continuous electrical current an electrical circuit can handle without the risk of component deterioration or overheating.⁸

An HVAC unit must have a dedicated electrical disconnect switch, which switch must be located within sight of and be readily accessible from the HVAC unit.⁹ Electricity runs from the power source to the dedicated HVAC electrical disconnect switch through the switch’s “line side,” and from the switch’s “load side” to the HVAC unit.

Under Florida law, only a licensed electrical contractor may perform “line side” work on the dedicated HVAC electrical disconnect switch.¹⁰ Thus, HVAC system contractors, whether they are class A, class B, or mechanical, are currently prohibited from replacing, disconnecting, or reconnecting power wiring on the line side of the dedicated HVAC disconnect switch or from repairing or replacing power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits. However, the Building Code requires that HVAC units and components thereof be installed in compliance with the amperage requirements of the unit or component.¹¹ Thus, where components of a home or structure’s existing electrical circuit cannot handle the ampere requirements of the new or repaired HVAC unit, a licensed electrical contractor is generally needed to upgrade the insufficient components before the HVAC contractor may safely turn on the new or repaired HVAC unit.

Section 1 amends the definition of “Class A air-conditioning contractor,” “Class B air-conditioning contractor,” and “mechanical contractor” to allow them to replace, disconnect, or reconnect power wiring on the **line or** load side of the dedicated existing electrical disconnect switch **on single-phase electrical systems**, and to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock.

HVAC System Warranties

A warranty is an assurance that a manufacturer or seller makes about the condition of its product.¹² A warranty means that a manufacturer or seller will replace or repair the product under certain instances. A warranty can be either express or implied.¹³

available at <https://www.linkedin.com/pulse/switching-safety-exploring-importance-disconnect/> (last visited January 12, 2024).

⁷ Barbara Bellesi Zito, *Line vs. Load Wire: What’s the Difference*, (May 5, 2023), available at <https://www.angi.com/articles/line-vs-load-wire.htm> (last visited January 16, 2024).

⁸ Dave Robbs, *What are Amps, Watts, Volts, and Ohms, How Stuff Works*, (October 3, 2022), available at <https://science.howstuffworks.com/environmental/energy/question501.htm> (last visited January 16, 2024).

⁹ Section 301.10, Florida Building Code (7th Ed. 2020); s. 440.14 of NFPA 70, National Electrical Code (2023 ed.).

¹⁰ Section 489.505(12), F.S.

¹¹ Section 301.10, Florida Building Code (7th Ed. 2020); s. 440.14 of NFPA 70, National Electrical Code (2023 ed.).

¹² Will Kenton, *Warranty Definition, Types, Example, and How It Works*, Investopedia, (November 24, 2022), available at <https://www.investopedia.com/terms/w/warranty.asp> (last visited January 16, 2024).

¹³ 45 Fla. Jur 2d Sales and Exchanges of Goods § 156.

An express warranty is a verbal or written assurance for the product.¹⁴ On the other hand, an implied warranty is an unstated assurance that the product is made for its intended purpose.¹⁵ An implied warranty is in addition to an express warranty. However, an implied warranty may be negated or limited by an express warranty. There is no implied warranty if a seller states that the product is “as is,” “with all faults,” or similar language.¹⁶

A manufacturer warranty attaches to the purchase of the product by the manufacturer. A manufacturer warranty is considered a limited warranty because the warranty is only valid for a certain time period after the purchase. These terms and conditions are created by the manufacturer. Once the period of coverage is over, someone can purchase an extended warranty under different coverage terms to extend the protection of the product beyond the terms and conditions laid out in the manufacturer warranty.¹⁷

Magnuson-Moss Warranty Act

The Magnuson-Moss Warranty Act (MMWA)¹⁸ is a federal law that governs consumer product warranties. Passed in 1975, the Act requires manufacturers and sellers of consumer products to provide consumers with detailed information about warranty coverage before and after the sale of the warranted product.¹⁹

The MMWA defines three kinds of consumers:

- A buyer of any consumer product.
- Any person to whom such product is transferred during the duration of an implied or express warranty applicable to the product.
- Any other person who is entitled by the terms of such warranty or under applicable State law to enforce the obligations of the warranty.²⁰

Manufacturer Warranties for HVAC Systems in Florida

Most manufacturers require that an HVAC contractor purchase and install the HVAC system before the consumer can register the HVAC system for the limited manufacturer warranty. Generally, manufacturers provide a warranty for the HVAC system for 5 to 10 years. The warranty covers parts that might fail such as the air compressor or furnace heat exchanger. The

¹⁴ “An express warranty is created by an affirmation of fact or promise made by the seller to the buyer that relates to the goods, by any description of the goods that is made part of the basis of the bargain, or by any sample or model that is made part of the basis of the bargain.” Section 672.313, F.S.

¹⁵ Section 672.314, F.S.

¹⁶ Section 672.316, F.S.

¹⁷ Tom Scott, *Extended Warranties vs. Manufacturer Warranties: What's the Difference?*, Fortegra, (July 9, 2019), available at <https://blog.fortegra.com/extended-warranties-vs.-manufacturer-warranties-whats-the-difference> (last visited January 16, 2024).

¹⁸ 15 U.S.C. §§ 2301-2312 (1975).

¹⁹ MMWA does not apply if a seller or manufacturer does not provide a warranty on their product. Jason Gordon, *Magnuson Moss Warranty Act – Explained*, The Business Professor, (September 26, 2021), available at https://thebusinessprofessor.com/en_US/consumer-law/magnuson-moss-warranty-act (last visited January 16, 2024).

²⁰ *O'Connor v. BMW of N. Am., LLC*, 905 So. 2d 235, 236–37 (Fla. 2d DCA 2005); *see also*, § 2310(d) of MMWA provides that, “a consumer who is damaged by the failure of a supplier, warrantor, or service contractor to comply with any obligation under this title, or under a written warranty, implied warranty, or service contract, may bring suit for damages...”.

manufacturer will replace or repair any parts at no cost if the parts are covered under the warranty.²¹

Before July 1, 2023, if a building or house that contained an HVAC system with a manufacturer warranty was sold to another person, the warranty time could be cut short or not transfer to the new owner. The assignment of the HVAC warranty to the new owner was contingent upon the terms and conditions for the warranty. In Florida, most manufacturer warranties are tied to a person instead of the property. Usually, the manufacturer warranty is tied to the original owner and does not transfer when the property is sold unless the previous owner transfers it to the new owner if that is an option in the warranty.

However, in 2023, the Florida Legislature enacted Chapter 2023-288, Laws of Florida, which, in pertinent part, provided that an HVAC manufacturer's warranty on a system that is a fixture to the property runs with the property, not with the original purchaser; thus, in the sale of a residential property, the manufacturer's warranty automatically passes to the new owner.²² Further, the law specifies that:

- The warranty continues in effect as if the new owner were the original purchaser of the covered system or component;
- A warrantor continues to be obligated under the terms of a manufacturer's warranty agreement for a warranty so transferred and may not charge a fee for such transfer;²³ and
- Such a transfer does not extend the remaining time of the warranty's coverage period.²⁴

Before July 1, 2023, an HVAC system manufacturer could refuse to honor the terms of an HVAC system warranty if the purchaser of the HVAC system or a component covered by the warranty did not register the warranty with the manufacturer. Pursuant to the law enacted in 2023, a manufacturer's HVAC warranty is deemed registered with the manufacturer if a contractor licensed under Part I of Ch. 489, F.S.:

- Installs the new HVAC system; and
- Provides the manufacturer with the date of issuance of the certificate of occupancy for installations relating to new construction, or the serial number of the HVAC system for installations relating to existing construction, as applicable.²⁵

Such a contractor must document the installation through an invoice or a receipt and give the invoice or receipt to the customer.²⁶

Section 2 amends s. 559.956, F.S., to remove language:

- Indicating that an HVAC system manufacturer's warranty is deemed registered if a licensed contractor installs the new HVAC system and provides the manufacturer with the date of

²¹ Bryan Carnahan, *HVAC Warranties and You: What Are They, and Why Should You Register Your Product?*, Fire & Ice Heating and Air Conditioning, Inc., (July 1, 2022), available at <https://indoortemp.com/resources/hvac-warranties-and-product-registration> (last visited January 16, 2024).

²² Section 559.956(1), F.S.

²³ *Id.*

²⁴ Section 559.956(2), F.S.

²⁵ Section 559.956(4), F.S.

²⁶ Section 559.956(5), F.S.

issuance of the certificate of occupancy for installations relating to new construction or the serial number of the HVAC system for installations relating to existing construction.

- Requiring a licensed contractor who installs a new HVAC system to document the installation through an invoice or receipt and provide the invoice or receipt to the customer.

Section 3 creates s. 559.957, F.S., to specify that the full length of a manufacturer's, distributor's, or retailer's HVAC system or system component warranty is effective in Florida on the date of installation if installed by a contractor licensed under Part I of Ch. 48, F.S. Under this new section created by the bill, if an HVAC system or system component manufacturer, distributor, or retailer provides a warranty or product registration card form, or an electronic, online warrant or product registration form, the card or form must contain the following information, which information must be displayed in a clear and conspicuous manner:

- The card or form is for the product registration.
- Failure to complete and return the card or form does not diminish any warranty rights or decrease the warranty length.
- Any offered manufacturer's, distributor's, or retailer's HVAC system or system component warranty may not be in any way conditioned upon the product registration.

Relatedly, the bill amends s. 559.956, F.S., to specify that an HVAC system manufacturer's warranty may not be in any way conditioned upon product registration. This provision applies if:

- A sale of a residential property that includes an HVAC system as a fixture occurs on or after July 1, 2024; and
- A manufacturer's warranty is still in effect on the HVAC system or a system component.

Effective Date

Section 4 specifies an effective date of July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

489.105, 553.775, 559.956, 559.957

This bill substantially amends sections 489.105 and 559.956 of the Florida Statutes.

The bill creates section 559.957 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 Commerce and Tourism on January 16, 2024:

The committee substitute removes the provision authorizing an attorney fee award to the prevailing party in a Building Code or Accessibility Code interpretation challenge. It also clarifies that an HVAC contractor authorized by the bill can perform specified work on the line side of the dedicated existing electrical disconnect switch on a single-phase electrical system, and to repair or replace specified components for dedicated HVAC circuits with proper use of a circuit breaker lock.

B. Amendments:

None.

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



645676

LEGISLATIVE ACTION

Senate	House
Comm: RCS	
01/16/2024	

The Committee on Commerce and Tourism (Hooper) recommended the following:

Senate Amendment

Delete lines 65 - 141

and insert:

fuses for dedicated HVAC circuits with proper use of a circuit breaker lock; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for



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such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class A air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(g) "Class B air-conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as necessary to complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single-phase electrical systems;



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to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class B air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(i) "Mechanical contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, lift station equipment and piping, and all appurtenances, apparatus, or equipment used in



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connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, pneumatic control piping, gasoline tanks and pump installations and piping for same, standpipes, air piping, vacuum line piping, oxygen lines, nitrous oxide piping, ink and chemical lines, fuel transmission lines, liquefied petroleum gas lines within buildings, and natural gas fuel lines within buildings; to replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single-phase electrical systems; to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits with proper use of a circuit breaker lock; to install, disconnect, and reconnect low voltage



568094

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
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	.	
	.	

The Committee on Commerce and Tourism (Hooper) recommended the following:

Senate Amendment(with title amendment)

Delete lines 155 - 295.

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

And the title is amended as follows:

Delete lines 4 - 8

and insert:

revising definitions; amending s. 559.956, F.S.;

By Senator Hooper

21-00589A-24

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A bill to be entitled

An act relating to building construction regulations and system warranties; amending s. 489.105, F.S.; revising definitions; amending s. 553.775, F.S.; authorizing prevailing parties in proceedings on interpretations of the Florida Building Code and the Florida Accessibility Code for Building Construction to recover attorney fees; amending s. 559.956, F.S.; providing that certain provisions governing the transfer of HVAC manufacturer's warranties apply to transfers made on or after a specified date; prohibiting HVAC manufacturer's warranties from being conditioned upon the product registration; providing applicability; removing provisions relating to HVAC manufacturer's warranty registration; creating s. 559.957, F.S.; providing the effective date for certain HVAC system and component warranties under a specified circumstance; providing required information for warranty and product registration cards and forms; prohibiting HVAC system and component warranties from being conditioned upon product registration; providing an effective date.

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

Section 1. Paragraphs (f), (g), and (i) of subsection (3) of section 489.105, Florida Statutes, are amended to read:
 489.105 Definitions.—As used in this part:
 (3) "Contractor" means the person who is qualified for, and

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

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is only responsible for, the project contracted for and means, except as exempted in this part, the person who, for compensation, undertakes to, submits a bid to, or does himself or herself or by others construct, repair, alter, remodel, add to, demolish, subtract from, or improve any building or structure, including related improvements to real estate, for others or for resale to others; and whose job scope is substantially similar to the job scope described in one of the paragraphs of this subsection. For the purposes of regulation under this part, the term "demolish" applies only to demolition of steel tanks more than 50 feet in height; towers more than 50 feet in height; other structures more than 50 feet in height; and all buildings or residences. Contractors are subdivided into two divisions, Division I, consisting of those contractors defined in paragraphs (a)-(c), and Division II, consisting of those contractors defined in paragraphs (d)-(q):

(f) "Class A air-conditioning contractor" means a contractor whose services are unlimited in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning, refrigeration, heating, and ventilating systems, including duct work in connection with a complete system if such duct work is performed by the contractor as necessary to complete an air-distribution system, boiler and unfired pressure vessel systems, and all appurtenances, apparatus, or equipment used in connection therewith, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend,

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or design, if not prohibited by law, piping, insulation of pipes, vessels and ducts, pressure and process piping, and pneumatic control piping; to replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single-phase electrical systems; to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class A air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

(g) "Class B air-conditioning contractor" means a contractor whose services are limited to 25 tons of cooling and 500,000 Btu of heating in any one system in the execution of contracts requiring the experience, knowledge, and skill to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, central air-conditioning,

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refrigeration, heating, and ventilating systems, including duct work in connection with a complete system only to the extent such duct work is performed by the contractor as necessary to complete an air-distribution system being installed under this classification, and any duct cleaning and equipment sanitizing that requires at least a partial disassembling of the system; to install, maintain, repair, fabricate, alter, extend, or design, if not prohibited by law, piping and insulation of pipes, vessels, and ducts; to replace, disconnect, or reconnect power wiring on the line or load side of the dedicated existing electrical disconnect switch on single-phase electrical systems; to repair or replace power wiring, disconnects, breakers, or fuses for dedicated HVAC circuits; to install, disconnect, and reconnect low voltage heating, ventilating, and air-conditioning control wiring; and to install a condensate drain from an air-conditioning unit to an existing safe waste or other approved disposal other than a direct connection to a sanitary system. The scope of work for such contractor also includes any excavation work incidental thereto, but does not include any work such as liquefied petroleum or natural gas fuel lines within buildings, except for disconnecting or reconnecting changeouts of liquefied petroleum or natural gas appliances within buildings; potable water lines or connections thereto; sanitary sewer lines; swimming pool piping and filters; or electrical power wiring. A Class B air-conditioning contractor may test and evaluate central air-conditioning, refrigeration, heating, and ventilating systems, including duct work; however, a mandatory licensing requirement is not established for the performance of these specific services.

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117 (i) "Mechanical contractor" means a contractor whose
 118 services are unlimited in the execution of contracts requiring
 119 the experience, knowledge, and skill to install, maintain,
 120 repair, fabricate, alter, extend, or design, if not prohibited
 121 by law, central air-conditioning, refrigeration, heating, and
 122 ventilating systems, including duct work in connection with a
 123 complete system if such duct work is performed by the contractor
 124 as necessary to complete an air-distribution system, boiler and
 125 unfired pressure vessel systems, lift station equipment and
 126 piping, and all appurtenances, apparatus, or equipment used in
 127 connection therewith, and any duct cleaning and equipment
 128 sanitizing that requires at least a partial disassembling of the
 129 system; to install, maintain, repair, fabricate, alter, extend,
 130 or design, if not prohibited by law, piping, insulation of
 131 pipes, vessels and ducts, pressure and process piping, pneumatic
 132 control piping, gasoline tanks and pump installations and piping
 133 for same, standpipes, air piping, vacuum line piping, oxygen
 134 lines, nitrous oxide piping, ink and chemical lines, fuel
 135 transmission lines, liquefied petroleum gas lines within
 136 buildings, and natural gas fuel lines within buildings; to
 137 replace, disconnect, or reconnect power wiring on the line or
 138 load side of the dedicated existing electrical disconnect switch
 139 on single-phase electrical systems; to repair or replace power
 140 wiring, disconnects, breakers, or fuses for dedicated HVAC
 141 circuits; to install, disconnect, and reconnect low voltage
 142 heating, ventilating, and air-conditioning control wiring; and
 143 to install a condensate drain from an air-conditioning unit to
 144 an existing safe waste or other approved disposal other than a
 145 direct connection to a sanitary system. The scope of work for

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146 such contractor also includes any excavation work incidental
 147 thereto, but does not include any work such as potable water
 148 lines or connections thereto, sanitary sewer lines, swimming
 149 pool piping and filters, or electrical power wiring. A
 150 mechanical contractor may test and evaluate central air-
 151 conditioning, refrigeration, heating, and ventilating systems,
 152 including duct work; however, a mandatory licensing requirement
 153 is not established for the performance of these specific
 154 services.

155 Section 2. Paragraph (c) of subsection (3) of section
 156 553.775, Florida Statutes, is amended to read:

157 553.775 Interpretations.—

158 (3) The following procedures may be invoked regarding
 159 interpretations of the Florida Building Code or the Florida
 160 Accessibility Code for Building Construction:

161 (c) The commission shall review decisions of local building
 162 officials and local enforcement agencies regarding
 163 interpretations of the Florida Building Code or the Florida
 164 Accessibility Code for Building Construction after the local
 165 board of appeals has considered the decision, if such board
 166 exists, and if such appeals process is concluded within 25
 167 business days.

168 1. The commission shall coordinate with the Building
 169 Officials Association of Florida, Inc., to designate a panel
 170 composed of seven members to hear requests to review decisions
 171 of local building officials. Five members must be licensed as
 172 building code administrators under part XII of chapter 468, one
 173 member must be licensed as an architect under chapter 481, and
 174 one member must be licensed as an engineer under chapter 471.

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Each member must have experience interpreting or enforcing provisions of the Florida Building Code and the Florida Accessibility Code for Building Construction.

2. Requests to review a decision of a local building official interpreting provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction may be initiated by any substantially affected person, including an owner or builder subject to a decision of a local building official or an association of owners or builders having members who are subject to a decision of a local building official. In order to initiate review, the substantially affected person must file a petition with the commission. The commission shall adopt a form for the petition, which shall be published on the Building Code Information System. The form shall, at a minimum, require the following:

a. The name and address of the county or municipality in which provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction are being interpreted.

b. The name and address of the local building official who has made the interpretation being appealed.

c. The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any; and an explanation of how the petitioner's substantial interests are being affected by the local interpretation of the Florida Building Code or the Florida Accessibility Code for Building Construction.

d. A statement of the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction

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which are being interpreted by the local building official.

e. A statement of the interpretation given to provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction by the local building official and the manner in which the interpretation was rendered.

f. A statement of the interpretation that the petitioner contends should be given to the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction and a statement supporting the petitioner's interpretation.

g. Space for the local building official to respond in writing. The space shall, at a minimum, require the local building official to respond by providing a statement admitting or denying the statements contained in the petition and a statement of the interpretation of the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction which the local jurisdiction or the local building official contends is correct, including the basis for the interpretation.

3. The petitioner shall submit the petition to the local building official, who shall place the date of receipt on the petition. The local building official shall respond to the petition in accordance with the form and shall return the petition along with his or her response to the petitioner within 5 days after receipt, exclusive of Saturdays, Sundays, and legal holidays. The petitioner may file the petition with the commission at any time after the local building official provides a response. If no response is provided by the local building official, the petitioner may file the petition with the

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commission 10 days after submission of the petition to the local building official and shall note that the local building official did not respond.

4. Upon receipt of a petition that meets the requirements of subparagraph 2., the commission shall immediately provide copies of the petition to the panel, and the commission shall publish the petition, including any response submitted by the local building official, on the Building Code Information System in a manner that allows interested persons to address the issues by posting comments.

5. The panel shall conduct proceedings as necessary to resolve the issues; shall give due regard to the petitions, the response, and to comments posed on the Building Code Information System; and shall issue an interpretation regarding the provisions of the Florida Building Code or the Florida Accessibility Code for Building Construction within 21 days after the filing of the petition. The panel shall render a determination based upon the Florida Building Code or the Florida Accessibility Code for Building Construction or, if the code is ambiguous, the intent of the code. The panel's interpretation shall be provided to the commission, which shall publish the interpretation on the Building Code Information System and in the Florida Administrative Register. The interpretation shall be considered an interpretation entered by the commission, and shall be binding upon the parties and upon all jurisdictions subject to the Florida Building Code or the Florida Accessibility Code for Building Construction, unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal

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proceeding conducted in accordance with subparagraph 7. The prevailing party is entitled to the recovery of all attorney fees accrued from the losing party.

6. It is the intent of the Legislature that review proceedings be completed within 21 days after the date that a petition seeking review is filed with the commission, and the time periods set forth in this paragraph may be waived only upon consent of all parties.

7. Any substantially affected person may appeal an interpretation rendered by the panel by filing a petition with the commission. Such appeals shall be initiated in accordance with chapter 120 and the uniform rules of procedure and must be filed within 30 days after publication of the interpretation on the Building Code Information System or in the Florida Administrative Register. Hearings shall be conducted pursuant to chapter 120 and the uniform rules of procedure. Decisions of the commission are subject to judicial review pursuant to s. 120.68. The final order of the commission is binding upon the parties and upon all jurisdictions subject to the Florida Building Code or the Florida Accessibility Code for Building Construction.

8. The burden of proof in any proceeding initiated in accordance with subparagraph 7. is on the party who initiated the appeal.

9. In any review proceeding initiated in accordance with this paragraph, including any proceeding initiated in accordance with subparagraph 7., the fact that an owner or builder has proceeded with construction may not be grounds for determining an issue to be moot if the issue is one that is likely to arise in the future.

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This paragraph provides the exclusive remedy for addressing requests to review local interpretations of the Florida Building Code or the Florida Accessibility Code for Building Construction and appeals from review proceedings.

Section 3. Section 559.956, Florida Statutes, is amended to read:

559.956 ~~Registrations and~~ Transfers of heating, ventilation, and air-conditioning system manufacturer warranties; ~~required contractor documentation.~~

(1) If a residential real property that includes a heating, ventilation, and air-conditioning (HVAC) system as a fixture to the property is conveyed to a new owner on or after July 1, 2024, a manufacturer's warranty in effect on that system or a component of that system:

(a) Is automatically transferred to the new owner; and

(b) Continues in effect as if the new owner was the original purchaser of such system or component, as applicable.

(2) A warrantor continues to be obligated under the terms of a manufacturer's warranty agreement for a warranty transferred under this section and may not charge a fee for the transfer of the warranty.

(3) The transfer of a manufacturer's warranty under this section does not extend the remaining term of the warranty.

(4) A manufacturer's warranty of an HVAC system or a component of the system may not be in any way conditioned upon the product registration.

(5) This section applies if:

(a) A sale of a residential property that includes an HVAC

21-00589A-24

2024612__

system as a fixture to the property occurs on or after July 1, 2024.

(b) A manufacturer's warranty is still in effect on the HVAC system or a component of the system. A manufacturer's warranty for an HVAC system is deemed registered with the manufacturer if a contractor licensed under part I of chapter 489:

~~(a) Installs the new HVAC system; and~~

~~(b) Provides the manufacturer of the HVAC system with the date of the issuance of the certificate of occupancy for installations relating to new construction, or the serial number of the HVAC system for installations relating to existing construction, as applicable.~~

~~(5) A contractor licensed under part I of chapter 489 who installs a new HVAC system must document the installation through an invoice or a receipt and provide the invoice or receipt to the customer.~~

Section 4. Section 559.957, Florida Statutes, is created to read:

559.957 Registration of heating, ventilation, and air-conditioning systems; prohibition against warranty conditioned upon registration.

(1) The full length of a manufacturer's, distributor's, or retailer's warranty of a heating, ventilation, and air-conditioning (HVAC) system or any component of the system is effective in this state on the date of installation if installed by a contractor licensed under part I of chapter 489.

(2) If a manufacturer, distributor, or retailer of an HVAC system or any component of the system provides a warranty or

21-00589A-24

2024612__

349 product registration card or form, or an electronic, online
350 warranty or product registration form, the card or form must
351 contain the following information, displayed in a clear and
352 conspicuous manner:

353 (a) The card or form is for the product registration.

354 (b) Failure to complete and return the card or form does
355 not diminish any warranty rights or decrease the warranty
356 length.

357 (3) Any offered manufacturer's, distributor's, or
358 retailer's warranty of an HVAC system or a component of the
359 system may not be in any way conditioned upon the product
360 registration.

361 Section 5. This act shall take effect July 1, 2024.

The Florida Senate
APPEARANCE RECORD

1/16/24
Meeting Date
Commerce & Tourism
Committee

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

612
Bill Number or Topic
Amendment Barcode (if applicable)

Name Edward Brigg Phone 850-933-5994

Address _____ Email _____
Street

City _____ State _____ Zip _____

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

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

Florida Refrigeration & Air Conditioning
Contractors 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 \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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

S-001 (08/10/2021)



The Florida Senate
Committee Agenda Request

To: Senator Jay Trumbull, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: December 13, 2023

I respectfully request that **Senate Bill #612**, relating to Building Construction Regulations and System Warranties, be placed on the:

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

Senator Ed Hooper
Florida Senate, District 21

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 842

INTRODUCER: Senator Perry

SUBJECT: Florida Kratom Consumer Protection Act

DATE: January 12, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	McKay	CM	Favorable
2.			AEG	
3.			FP	

I. Summary:

SB 842 amends the Florida Kratom Consumer Protection Act to provide definitions, certain prohibitions, and administrative fines for violations of kratom product standards.

The bill defines “kratom extract” and “processor” and provides that a processor may not sell, prepare, or distribute a kratom product that:

- Is adulterated to such a degree that it may injure a consumer;
- Contains a poisonous or otherwise harmful non-kratom ingredient;
- Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than 1 percent of the alkaloid composition of the product;
- Contains a synthetic alkaloid;
- Does not include directions for the safe and effective use of the product; or
- Has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease.

The bill establishes that a processor may not sell, prepare, or distribute kratom extract that contains levels of residual solvents higher than the standards set forth in United States Pharmacopeia and the National Formulary (USP-NF) chapter 467.

A processor who violates requirements related to product standards is subject to an administrative fine, unless the processor relied in good faith upon the representation of a manufacturer, processor, packer, or distributor of the kratom product.

II. Present Situation:

Florida Kratom Consumer Protection Act of 2023

In 2023, the Legislature enacted the Florida Kratom Consumer Protection Act,¹ which made it unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, any kratom product to a person under 21 years of age. The Department of Agriculture and Consumer Services (DACS) was required and did adopt rules to administer the act.²

Kratom

Kratom is a tropical tree native to Southeast Asia that contains mitragynine and 7-hydroxymitragynine in its leaves, which are two major psychoactive ingredients.³ The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.⁴ Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.⁵

Some research finds that kratom can be used as a substitute for opiate users to combat withdrawal symptoms, as well as to treat muscle ache, fatigue, and other conditions.⁶ Low doses of kratom are said to produce a stimulant effect, while higher doses may produce an opioid-like effect.⁷ Additionally, research points to the potential for further development of mitragynine and the use of kratom as a harm reduction agent.⁸ Even so, the toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.⁹

Currently, kratom is not listed as a controlled substance under federal law or Florida law. However, in 2014, Sarasota County banned kratom, labeling it as a designer drug.¹⁰ With the exception of Sarasota County, in Florida, all parts of the plant and its extracts are legal to cultivate, buy, possess, and distribute without a license or prescription. Kratom is illegal in

¹ Section 500.92, F.S.

² Fla. Admin. Code R. 5K-4.030.

³ Drug Enforcement Administration, *Kratom* (April 2020), available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf (last visited January 12, 2024).

⁴ *Id.*

⁵ *Id.*

⁶ See Dimy Fluyau and Neelambika Revedigar, *Biochemical Benefits, Diagnosis, and Clinical Risks Evaluation of Kratom*, *Frontiers in Psychiatry Journal* Volume 8 (April 24, 2017) available at <https://www.frontiersin.org/articles/10.3389/fpsy.2017.00062/full> (last visited January 12, 2024).

⁷ *Id.*

⁸ See Charles Veltri and Oliver Grundmann, *Current Perspectives on the Impact of Kratom Use*, *Substance Abuse and Rehabilitation Journal* Volume 10 23-31 (July 1, 2019) available at <https://pubmed.ncbi.nlm.nih.gov/31308789/> (last visited January 12, 2024).

⁹ *Id.* See also *Drugs Identified in Deceased Persons by Florida Medical Examiners*, FDLE (May 2022), available at <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx> (last visited March 7, 2023). In May of 2022 the Florida Department of Law Enforcement published its 2021 Interim Report, which found a 36% rise in kratom-involved deaths over the first half of 2021.

¹⁰ See Sarasota, FL., Code of Ordinances, Sec. 62-351 (2014).

Alabama,¹¹ Arkansas,¹² Indiana,¹³ Rhode Island,¹⁴ Vermont,¹⁵ and Wisconsin.¹⁶ In 12 other states the possession, sale, manufacture, and distribution of kratom products is regulated.¹⁷

Following an updated import alert that provides information to U.S. Food and Drug Administration (FDA) field staff about detaining without physical examination imported dietary supplements and bulk dietary ingredients that are or contain kratom,¹⁸ in May of 2021, the FDA announced the seizure of around 37,500 tons of adulterated kratom in Florida, worth an estimated \$1.3 million.¹⁹ The FDA's Associate Commissioner for Regulatory Affairs stated that there is substantial concern regarding the safety of kratom and the risk it may pose to public health, and indicated that there are currently no FDA-approved uses for kratom.²⁰

The U.S. Department of Justice, on behalf of the FDA, filed a complaint in the U.S. District Court for the Middle District of Florida alleging that kratom is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that it does not present a significant or unreasonable risk of illness or injury.²¹ Additionally, the FDA stated that dietary supplements and bulk dietary ingredients that are or contain kratom are adulterated under the Federal Food, Drug, and Cosmetic Act.²² On October 26, 2021, a consent decree of condemnation and destruction against the articles seized by the FDA in May of 2021 was entered, which requires the claimants to pay a penal bond and destroy all seized articles.²³

III. Effect of Proposed Changes:

The bill amends the Florida Kratom Consumer Protection Act by specifying and using the following definitions:

¹¹ See Alabama Public Health, *Controlled Substance List* (Jan. 20, 2021), available at <https://www.alabamapublichealth.gov/blog/assets/controlledsubstanceslist.pdf> (last visited January 12, 2024).

¹² See Arkansas Department of Health, *List of Controlled Substances*, available at http://secureservercdn.net/166.62.109.105/e17.085.myftpupload.com/wp-content/uploads/2016/02/arkansas-controlled_substances_list.pdf (last visited January 12, 2024).

¹³ See IC 35-31.5-2-321.

¹⁴ See Rhode Island Dept. of Health, *Notice of Designation of Controlled Substance* (May 31, 2017), available at https://docs.wixstatic.com/ugd/9ba5da_9836aee2b9f04a30b55fe480fe3c6ff4.pdf (last visited January 12, 2024).

¹⁵ See Vt. Admin. Code 12-5-23:4.0.

¹⁶ See W.S.A. 961.14.

¹⁷ See *Regulation of Kratom in America: Update* (September 2022), available at [Kratom Fact Sheet \(legislativeanalysis.org\)](https://www.kratomfactsheet.org/) (last visited January 12, 2024).

¹⁸ The import alert labels kratom as an adulterating ingredient. See Food and Drug Administration, *Import Alert 54-15, Import Alert 54-15* (fda.gov) (last visited March 3, 2023) The FDA labeled kratom as adulterating based on the absence of a history of use or other evidence of safety establishing that kratom will reasonably be expected to be safe as a dietary ingredient, kratom and kratom-containing dietary supplements and bulk dietary ingredients are adulterated because they contain a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury.

¹⁹ U.S. Food and Drug Administration, *FDA Announces Seizure of Adulterated Dietary Supplements Containing Kratom* (May 21, 2021), available at <https://www.fda.gov/news-events/press-announcements/fda-announces-seizure-adulterated-dietary-supplements-containing-kratom> (last visited January 12, 2024).

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

- “Kratom extract” means a food product or dietary ingredient that contains any part of the leaf of the plant *Mitragyna speciosa* which has been extracted and concentrated to provide more standardized dosing;
- “Processor” means a person who sells, prepares, manufactures, distributes, or maintains kratom products.

The bill also provides that a processor may not sell, prepare, distribute, or expose for sale a kratom product that:

- Is adulterated with a dangerous non-kratom substance that affects the quality or strength of the kratom product to such a degree that it may injure a consumer;
- Contains a poisonous or otherwise harmful non-kratom ingredient, including, but not limited to, any controlled substance listed in s. 893.03, F.S.;
- Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than 1 percent of the alkaloid composition of the product;
- Contains a synthetic alkaloid, including, but not limited to, synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the plant *Mitragyna speciosa*;
- Does not include directions for the safe and effective use of the product, including, but not limited to, a suggested serving size, on the product’s packaging or label; or
- Has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease.

The bill establishes that a processor may not sell, prepare, distribute, or expose for sale kratom extract that contains levels of residual solvents higher than the standards set forth in USP-NF²⁴ chapter 467.²⁵

The bill provides that a processor who violates the kratom product standards provisions is subject to an administrative fine of not more than \$500 for the first offense and not more than \$1000 for the second or subsequent offense. However, a processor selling kratom products at retail does not violate the kratom product standards provisions if it is shown by a preponderance of the evidence that the processor relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of the kratom product.

The bill takes effect July 1, 2024.

²⁴ The United States Pharmacopeia (USP) and the National Formulary (NF) contains standards for medicines, dosage forms, drug substances, excipients, biologics, compounded preparations, medical devices, dietary supplements, and other therapeutics. The current version of USP-NF standards deemed official by USP are enforceable by the U.S. Food and Drug Administration for medicines manufactured and marketed in the United States.

²⁵ Residual solvents in pharmaceuticals are defined as organic volatile chemicals that are used or produced in the manufacture of drug substances or excipients, or in the preparation of drug products. The residual solvents are not completely removed by practical manufacturing techniques. Drug products should contain no higher levels of residual solvents than can be supported by safety data. Solvents that are known to cause unacceptable toxicities, “Class 1,” should be avoided in the production of drug substances, excipients, or drug products unless their use can be strongly justified in a risk-benefit assessment. Solvents associated with less severe toxicity, “Class 2,” should be limited in order to protect patients from potential adverse effects. Less toxic solvents, “Class 3,” should be used where practical. See The United States Pharmacopeia and the National Formulary, *Residual Solvents*, available at https://www.uspnf.com/sites/default/files/usp_pdf/EN/USPNF/generalChapter467Current.pdf (last visited January 12, 2024).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Processors of kratom products will be required to adhere to the regulations set forth in the Florida Kratom Consumer Protection Act, which may benefit consumers.

C. Government Sector Impact:

There will potentially be an increase in administrative fines collected by the DACS. Additionally, the DACS will likely see an increase in regulatory costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 500.92 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 Perry

9-00471-24

2024842__

1 A bill to be entitled
 2 An act relating to the Florida Kratom Consumer
 3 Protection Act; amending s. 500.92, F.S.; defining
 4 terms; prohibiting processors from selling, preparing,
 5 distributing, or exposing for sale certain kratom
 6 products or kratom extracts; providing civil penalties
 7 for processors who violate certain provisions;
 8 providing an exception; providing an effective date.
 9
 10 Be It Enacted by the Legislature of the State of Florida:
 11
 12 Section 1. Section 500.92, Florida Statutes, is amended to
 13 read:
 14 500.92 Florida Kratom Consumer Protection Act.—
 15 (1) This section may be cited as the "Florida Kratom
 16 Consumer Protection Act."
 17 (2) As used in this section, the term:
 18 (a) "Kratom extract" means a food product or dietary
 19 ingredient that contains any part of the leaf of the plant
 20 Mitragyna speciosa which has been extracted and concentrated to
 21 provide more standardized dosing.
 22 (b) "Kratom product" means a food product, food ingredient,
 23 dietary ingredient, dietary supplement, or beverage intended for
 24 human consumption which contains any part of the leaf of the
 25 plant *Mitragyna speciosa* or an extract, a synthetic alkaloid, or
 26 a synthetically derived compound of such plant and is
 27 manufactured as a powder, capsule, pill, beverage, or other
 28 edible form.
 29 (c) "Processor" means a person who sells, prepares,

Page 1 of 3

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

9-00471-24

2024842__

30 manufactures, distributes, or maintains kratom products.
 31 (3) A processor may not sell, prepare, distribute, or
 32 expose for sale:
 33 (a) A kratom product that meets any of the following
 34 conditions:
 35 1. Is adulterated with a dangerous non-kratom substance
 36 that affects the quality or strength of the kratom product to
 37 such a degree that it may injure a consumer.
 38 2. Contains a poisonous or otherwise harmful non-kratom
 39 ingredient, including, but not limited to, any substance listed
 40 in s. 893.03.
 41 3. Contains a level of 7-hydroxymitragynine in the alkaloid
 42 fraction which is greater than 2 percent of the alkaloid
 43 composition of the product.
 44 4. Contains a synthetic alkaloid, including, but not
 45 limited to, synthetic mitragynine, synthetic 7-
 46 hydroxymitragynine, or any other synthetically derived compound
 47 of the plant *Mitragyna speciosa*.
 48 5. Does not include directions for the safe and effective
 49 use of the product, including, but not limited to, a suggested
 50 serving size, on the product's packaging or label.
 51 6. Has a label that contains any claim that the product is
 52 intended to diagnose, treat, cure, or prevent any medical
 53 condition or disease.
 54 (b) Kratom extract that contains levels of residual
 55 solvents higher than the standards set forth in USP-NF chapter
 56 467.
 57 (4) It is unlawful to sell, deliver, barter, furnish, or
 58 give, directly or indirectly, any kratom product to a person who

Page 2 of 3

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9-00471-24

2024842__

is under 21 years of age.

(5) A processor who violates subsection (3) is subject to an administrative fine of not more than \$500 for the first offense and not more than \$1,000 for the second or subsequent offense. A processor selling kratom products at retail does not violate subsection (3) if it is shown by a preponderance of the evidence that the processor relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of the kratom product.

(6)~~(4)~~ A violation of subsection (4) ~~(3)~~ is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(7)~~(5)~~ The department shall adopt rules to administer this section.

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

The Florida Senate
APPEARANCE RECORD

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

SB 842

Bill Number or Topic

Amendment Barcode (if applicable)

1/16/24
Meeting Date

Commerce & Tourism

Committee

Name Ellen Snelling

Phone 813-731-2696

Address 521 Lantern Circle

Email er.snelling@verizon.net

Street

Temple Terrace, FL 33617

City

State

Zip

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

~~with amendments~~

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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SB 842 Kratom

Bill Number or Topic

Amendment Barcode (if applicable)

1/16/24
Meeting Date

Commerce & Tourism

Committee

Name Teresa Miller

Phone 813-805-7520

Address 3608 W Corona St

Email dontbedoped@gmail.com

Street

Tampa FL 33629

City

State

Zip

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

with Restrictions - Ban

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

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representing:

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

1/16/24
Meeting Date
COMMERCIAL AND TOURISM
Committee

842 - KRATOM
Bill Number or Topic
Amendment Barcode (if applicable)

Name MAC HADDOW Phone 571-294-5978

Address 5733 YRWING WAY Email MHADDOW@AMERICANKRATOM.ORG
Street
GAINESVILLE VA 20155
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

1/16/2024
Meeting Date
Sen. Commerce + Tourism
Committee

SB 842
Bill Number or Topic
Amendment Barcode (if applicable)

Name Nemours Children's Health (Dr. Laura Chilcutt) Phone 407-693-6822

Address 6535 Nemours Pkwy Email Laura.Chilcutt@nemours.org
Street
Orlando FL 32827
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:

Nemours Children's
Health

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

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

S-001 (08/10/2021)



The Florida Senate
Committee Agenda Request

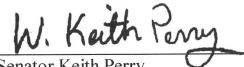
To: Senator Jay Trumbull, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: January 7, 2024

I respectfully request that **Senate Bill #842**, relating to Florida Kratom Consumer Protection Act, be placed on the:

- ☒ Committee agenda at your earliest possible convenience.
☐ Next committee agenda.



Senator Keith Perry
Florida Senate, District 9

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 Commerce and Tourism

BILL: CS/SB 1126

INTRODUCER: Senator Martin

SUBJECT: Regulation of Auxiliary Containers

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	McKay	CM	Fav/CS
2.			CA	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1126 preempts to the state the regulation of auxiliary containers, defined by the bill as reusable or single-use bag, cup, bottle, or other packaging designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service establishment or retailer.

The bill takes effect July 1, 2024.

II. Present Situation:

Auxiliary Containers

The United Nations has estimated that the world consumes between 1 trillion and 5 trillion plastic bags (a form of auxiliary container) per year.¹ Additionally, in the United States fewer than 10 percent of plastic bags are recycled per year.² In Florida, the Department of

¹ United Nations Environment Programme, *Single-Use Plastics: A Roadmap for Sustainability*, (March 26, 2018), available at <https://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability> (last visited January 16, 2024).

² United States Environmental Protection Agency, *Advancing Sustainable Materials Management: 2016 and 2017 Tables and Figures*, (November, 2019), available at https://www.epa.gov/sites/default/files/2019-11/documents/2016_and_2017_facts_and_figures_data_tables_0.pdf (last visited January 16, 2024).

Environmental Protection estimated that about 5-6 million tons of collected municipal solid waste per year are single use carryout packaging.³

Subsequently, environmentalists across the world have targeted auxiliary containers and their consumption to try and limit their use and harmfulness to the environment. This has been manifested through many local governments in Florida, as well as across the world, trying to impose their own local regulations on auxiliary containers and their use.

In recent years some of these local ordinances have been challenged in the court system.⁴

State Preemption

There are two ways that a local enactment can be inconsistent with state law and therefore unconstitutional. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.⁵

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.⁶ In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.⁷ Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.⁸

Home Rule Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.⁹ Counties operating under a county charter have all powers of self-

³ Townsend, *Update of the 2010 Retail Bags Report*, (December, 2021), available at <https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf> (last visited January 16, 2024).

⁴ See *Florida Retail Federation, Inc. v. City of Coral Gables*, 282 So. 3d 889 (Fla. 3d Dist. Ct. App. 2019) where originally the ordinance prohibited the use of expanded polystyrene to restaurants and businesses as well as city vendors/contractors and special events permittees and their subcontractors. After the Florida Retail Federation challenged the ordinance the courts declared the part of the ordinance regarding private restaurants and businesses unconstitutional.

⁵ *Orange County v. Singh*, 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008)); see also James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 FLA. BAR J. 92 (2009), available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited January 16, 2024).

⁶ *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

⁷ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

⁸ See, e.g., *National Rifle Association of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted section 790.33, F.S.).

⁹ FLA. CONST., art. VIII, s. 1.(f).

government not inconsistent with general law or special law approved by vote of the electors.¹⁰ Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except as otherwise provided by law.¹¹

County governments have authority to provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.¹² Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitution, county charter, or statute.¹³

Department of Environmental Protection Retail Bag Report

In response to growing concerns regarding the impact of retail plastic bags on the environment, the Legislature enacted s. 403.7033, F.S., in 2008 to require the Department of Environmental Protection (DEP) to analyze “the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments.” DEP was required to submit a report with its conclusions and recommendations to the Legislature by December 31, 2021.¹⁴

Additionally, s. 403.7033, F.S., includes a prohibition on local governments, local governmental agencies, and state government agencies from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags until the Legislature adopts the DEP’s recommendations.¹⁵ To date, the Legislature has not adopted any recommendations contained in the report and the prohibition on any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags remains in effect.¹⁶

III. Effect of Proposed Changes:

The bill creates a definition for the term “auxiliary container” defining it as “a reusable or single-use bag, cup, bottle, or other packaging that meets” the following requirements:

- Is made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; molded fiber; corrugated material; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates.

¹⁰ FLA. CONST., art. VIII, s. 1.(g).

¹¹ FLA. CONST., art. VIII, s. 2.(b); *see also* s. 166.021(1), F.S.

¹² Sections 125.01(1)(d)(e)(f) and (k)1., F.S.

¹³ Section 166.021(3), F.S.

¹⁴ Section 403.7033, F.S.

¹⁵ *Id.*

¹⁶ The 2021 report created by the DEP is available online at <https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf>.

- Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment as defined in s. 509.013(5), F.S., a food establishment as defined in s. 500.03(1), F.S., or a retailer as defined in s. 212.02(13), F.S.

The bill places the authority of any regulating of auxiliary containers to be made at the state level as opposed to the local level.

The bill also removes the following language in s. 403.7033, F.S., that:

- Emphasized legislative intent that “prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s ecology and economy”;
- The DEP needed to review and update their 2010 report on retail bags that included input from stakeholders analyzing the need for new or different regulation of auxiliary containers;
- No local or state government agency enact any rule, regulation, or ordinance, until the Legislature adopts the recommendations of the DEP.

Additionally, the bill makes conforming changes to section 403.707 of the Florida Statutes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.703, 403.7033, and 403.707.

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 Commerce and Tourism on January 16, 2024:

The committee substitute clarifies the requirements of what an auxiliary container can be made of, adding foamed plastic, expanded plastic, polystyrene, and molded fiber. Additionally, the amendment provides that the included list of materials that auxiliary containers can be made of is not the exclusive list. The amendment also includes a statutory reference definition for a public food service establishment, a food service establishment, and a retailer. Finally the amendment more clearly states that the regulation of auxiliary containers is expressly preempted to the state.

B. Amendments:

None.



354080

LEGISLATIVE ACTION

	Senate	House
Comm: RCS	.	.
01/16/2024	.	.
	.	.
	.	.

The Committee on Commerce and Tourism (Martin) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 64

and insert:

(a) Is made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; molded fiber; corrugated material; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates.

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(b) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment as defined in s. 509.013(5), a food establishment as defined in s. 500.03(1), or a retailer as defined in s. 212.02(13).

~~(36)-(35)~~ "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (29) ~~(28)~~ and post-use polymers as defined in subsection (25) ~~(24)~~ are not solid waste.

Section 2. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Preemption of regulation for auxiliary containers ~~Departmental analysis of particular recyclable materials. The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both~~

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~~statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit the updated report with conclusions and recommendations to the Legislature no later than December 31, 2021. Until such time that the Legislature adopts the recommendations of the department, A local government, local governmental agency, or state governmental agency may not enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers. The regulation of auxiliary containers is expressly preempted to the state, wrappings, or~~

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

And the title is amended as follows:

Delete lines 5 - 9

and insert:

amending s. 403.7033, F.S.; deleting obsolete provisions requiring the Department of Environmental Protection to review and update a specified report; expressly preempting the regulation of auxiliary containers to the state; amending s. 403.707, F.S.;

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1/16/2024 9:26:38 AM

577-02105-24

By Senator Martin

33-01432B-24

20241126__

A bill to be entitled

An act relating to regulation of auxiliary containers; amending s. 403.703, F.S.; defining the term "auxiliary container"; conforming cross-references; amending s. 403.7033, F.S.; expressly preempting the regulation of auxiliary containers to the state; deleting obsolete provisions requiring the Department of Environmental Protection to review and update a specified report; amending s. 403.707, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Present subsections (2) through (48) of section 403.703, Florida Statutes, are redesignated as subsections (3) through (49), respectively, a new subsection (2) is added to that section, and present subsection (35) of that section is amended, to read:

403.703 Definitions.—As used in this part, the term:

(2) "Auxiliary container" means a reusable or single-use bag, cup, bottle, or other packaging that meets both of the following requirements:

(a) Is made of cloth, paper, plastic, cardboard, corrugated material, aluminum, glass, postconsumer recycled material, or similar material or substrates, including coated, laminated, or multilayer substrates.

(b) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service or

33-01432B-24

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retail facility.

~~(36)(35)~~ "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (29) ~~(28)~~ and post-use polymers as defined in subsection (25) ~~(24)~~ are not solid waste.

Section 2. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Preemption of regulation for auxiliary containers ~~Departmental analysis of particular recyclable materials.—The regulation of auxiliary containers is expressly preempted to the state Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit the updated report with conclusions and recommendations~~

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to the Legislature no later than December 31, 2021. Until such time that the Legislature adopts the recommendations of the department, A local government, local governmental agency, or state governmental agency may not enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

Section 3. Paragraph (j) of subsection (9) of section 403.707, Florida Statutes, is amended to read:

403.707 Permits.—

(9) The department shall establish a separate category for solid waste management facilities that accept only construction and demolition debris for disposal or recycling. The department shall establish a reasonable schedule for existing facilities to comply with this section to avoid undue hardship to such facilities. However, a permitted solid waste disposal unit that receives a significant amount of waste prior to the compliance deadline established in this schedule shall not be required to be retrofitted with liners or leachate control systems.

(j) The Legislature recognizes that recycling, waste reduction, and resource recovery are important aspects of an integrated solid waste management program and as such are necessary to protect the public health and the environment. If necessary to promote such an integrated program, the county may determine, after providing notice and an opportunity for a hearing prior to April 30, 2008, that some or all of the material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction

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

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of such county. The county may make such a determination only if it finds that, prior to June 1, 2007, the county has established an adequate method for the use or recycling of such wood material at an existing or proposed solid waste management facility that is permitted or authorized by the department on June 1, 2007. The county is not required to hold a hearing if the county represents that it previously has held a hearing for such purpose, or if the county represents that it previously has held a public meeting or hearing that authorized such method for the use or recycling of trash or other nonputrescible waste materials and that such materials include those materials described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall provide written notice of its determination to the department by no later than April 30, 2008; thereafter, the materials described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from the definition of "construction and demolition debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county. The county may withdraw or revoke its determination at any time by providing written notice to the department.

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

Page 4 of 4

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

The Florida Senate

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1/16/24

Meeting Date

Commerce & Tourism

Committee

1126

Bill Number or Topic

354 080

Amendment Barcode (if applicable)

Name

Samantha Padgett

Phone

(850) 224-2250

Address

230 S. Adams St.

Email

spadgett@fsla.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:

Florida Restaurant & Lodging 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 \(flsenate.gov\)](#)

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Meeting Date

Commerce and Tourism

Committee

SB 1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Andy Palmer

Phone

(850) 205-9000

Address

119 S Monroe St, Suite 200

Email

andy.palmer@mhd firm.com

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.☒ I am a registered lobbyist, representing:

American Recyclable Plastic Bag Alliance (ARPBA)

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

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

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Meeting Date
Commerce and Tourism
Committee

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SB 1126

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Bill Number or Topic

Amendment Barcode (if applicable)

Name Chad Kunde Phone (850) 766-7896

Address 136 S. Bronough St Email ckunde@flchamber.com
Street
Tallahassee FL 32308
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Chamber
of Commerce

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

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

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1/16/2024
Meeting Date
Commerce
Committee

The Florida Senate
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Bill Number or Topic

Amendment Barcode (if applicable)

Name Karen Woodall Phone 850-321-9386

Address 579 E. Call St Email fcflap@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:

Earth Justice

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

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

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SB 1126

Bill Number or Topic

Amendment Barcode (if applicable)

1/16/24
Meeting Date
Commerce & Tourism
Committee

Name Yenisbel Vilorio

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:

Six Action

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

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

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Bill Number or Topic

Amendment Barcode (if applicable)

1/16/24
Meeting Date
Commerce & Tourism
Committee

Name Samantha Padgett

Phone 850-224-2250

Address 230 S. Adams St.

Email s.padgett@flh.org

Street

Tallahassee
City

FL
State

32301
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Restaurant & Lodging
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 \(flsenate.gov\)](#)

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SB 1126 / Auxiliary

Bill Number or Topic

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Amendment Barcode (if applicable)

1/16/24

Meeting Date

Commerce & Tourism

Committee

Name

Holly Parker Curry

Phone

856-567-3393

Address

1229 Mitchell Ave.

Email

hollyep@gmail.com

Street

Tallahassee 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:

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

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1126

Bill Number or Topic

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Amendment Barcode (if applicable)

1/16/2024

Meeting Date

Commerce & Tourism

Committee

Name

Angela Bonds

Phone

8503452277

Address

227 s adams

Email

angela@frf.org

Street

Tallahassee

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:

Florida Retail Federation

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

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

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SB 1126

Bill Number or Topic

1/16/24

Meeting Date

Commerce

Committee

Amendment Barcode (if applicable)

Name Charles Horowitz

Phone (754) 777-2001

Address 16974 SW 5 Way

Street

Email charles.horowitz@ufl.edu

Weston

City

FL

State

33326

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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1526 1126

Bill Number or Topic

1/16/24 1:30

Meeting Date

C&T 110 sob

Committee

Amendment Barcode (if applicable)

Name DAVID CULLEN

Phone 941-323-2404

Address 816 W THARPE ST

Street

Email CULLENASEA@GMAIL.COM

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:

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 \(flsenate.gov\)](#)

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SB 1126

Bill Number or Topic

1/16/24

Meeting Date

Commerce & Tourism

Committee

Amendment Barcode (if applicable)

Name Jackson Oberlink

Phone 772-532-1371

Address

Email Jackson@FloridaForAll.vote

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:

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 \(flisenate.gov\)](#)

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 Commerce and Tourism

BILL: CS/SB 1166

INTRODUCER: Commerce and Tourism Committee and Senator DiCeglie

SUBJECT: Main Street Historical Tourism and Revitalization Act

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Renner	McKay	CM	Fav/CS
2.			FT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1166 creates the Main Street Historical Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure.

The tax credit may not exceed 20 percent (up to a maximum of \$200,000) of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive federal historic rehabilitation tax credit, **or** 30 percent (up to a maximum of \$200,000) of the total qualified expenses incurred in the rehabilitation of such a structure that is located within a Florida Main Street or Orlando Main Streets Program.

Any unused amount may be carried forward for a period of up to five taxable years. Tax credits may also be sold or transferred. There is a limit of two transactions for the sale or transfer of all or part of a tax credit. However, qualified expenses may only be counted once in determining the amount of an available tax credit, and no more than one taxpayer may claim a tax credit for the same qualified expenses.

The annual state revenue loss may not exceed \$25 million in any fiscal year. A single entity or individual is authorized to receive up to \$1 million in tax credits cumulatively for a single development project. Tax credits purchased from another taxpayer or entity, and any carryover tax credits, may be used in addition to the \$1 million limit. If the annual amount exceeds \$25 million, applications must be rolled over and awarded the following fiscal year.

The Revenue Estimating Conference (REC) has not analyzed the bill. The REC analysis for a similar version of the bill in 2023 estimated that the bill would reduce recurring General Revenue Fund receipts in Fiscal Year 2023-2024 by \$39.3 million. Beginning in Fiscal Year 2024-2025, General Revenue Fund receipts were estimated to be reduced by \$39.7 million, cash and recurring.

The bill takes effect on July 1, 2024. The emergency rulemaking authority granted to the Department of Revenue takes effect upon the bill becoming a law.

II. Present Situation:

National Register of Historic Places

The National Register of Historic Places,¹ under the National Park Service, is “part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America’s historic and archeological resources.”² The program reviews property nominations and lists eligible properties in the National Register; offers guidance on evaluating, documenting, and listing historic places; and helps qualified historic properties receive preservation benefits and incentives.³

Properties listed in the National Register are eligible for federal preservation tax credits. A 20 percent income tax credit is available for the rehabilitation of historic, income-producing buildings that are determined by the Secretary of the Interior, through the National Park Service, to be certified historic structures.⁴ The National Parks Service reports that each year, “approximately 1,200 projects are approved, leveraging nearly \$6 billion annually in private investment in the rehabilitation of historic buildings across the country.”⁵

In Florida, there are more than 1,700 properties and districts listed on the National Register. Nominations for those properties must be submitted to the National Park Service through the Florida Department of State’s Division of Resources, following a review and recommendation by the Florida National Register Review Board.⁶ The cumulative total of “Qualified Rehabilitation Expenses” (the value of items that can be written off by developers on their federal tax bill) for Florida projects over the most recent five-year period (FY 2018-2022) is \$252 million, resulting in \$50.4 million in federal tax credits.⁷

¹ 54 U.S.C. § 3021.

² U.S. Department of the Interior, National Park Service, National Register of Historic Places, *What is the National Register of Historic Places?*, <https://www.nps.gov/subjects/nationalregister/what-is-the-national-register.htm> (last visited Jan. 16, 2024).

³ *Id.*

⁴ U.S. Department of the Interior, National Park Service, *Technical Preservation Services*, <https://www.nps.gov/tps/tax-incentives.htm> (last visited Jan. 16, 2024).

⁵ U.S. Department of the Interior, National Park Service, Historic Preservation Tax Incentives, *About the Incentives*, <https://www.nps.gov/subjects/taxincentives/about.htm> (last visited Jan. 16, 2024).

⁶ Florida Department of State, Division of Historical Resources, *National Register of Historic Places*, <https://dos.myflorida.com/historical/preservation/national-register/> (last visited Jan. 16, 2024).

⁷ U.S. Department of the Interior, National Park Service, Historic Preservation Tax Incentives, *2022 Annual Report*, <https://www.nps.gov/subjects/taxincentives/upload/report-2022-annual.pdf> (last visited Jan. 16, 2024).

Main Street America

Main Street America, a program under the National Main Street Center,⁸ is a network of grassroots organizations that “revitalizes older and historic commercial districts to build vibrant neighborhoods and thriving economies.”⁹ The program offers community-based revitalization initiatives to transform downtowns. In order to be designated as either an affiliate or accredited member of Main Street America, a community must first become a member of the National Main Street Center and meet certain requirements.¹⁰ Main Street America has coordinating programs that are organized at the state, county, and city level which partner with the National Main Street Center to provide support and training to Main Street America communities.

Florida has two coordinating programs: Florida Main Street America located in Tallahassee and Orlando Main Streets located in Orlando.¹¹ Florida Main Street is administered by the Division of Historical Resources (division) under the Florida Department of State (DOS).¹² Fifty-five Florida Main Streets and 12 Orlando Main Streets have received technical assistance toward the goal of revitalizing historic downtowns and encouraging economic development.¹³

Florida Initiatives

Currently, Florida does not offer a program that provides corporate income tax credits to offset the costs of rehabilitating historic properties. The Historic Preservation Grant Program, administered by the division, provides grants for the preservation and protection of the state’s historic and archaeological sites and properties. However, any property owned by private individuals or for-profit corporations are ineligible for such grants.¹⁴

Florida’s constitution grants any county or municipality the authority to offer ad valorem tax exemptions to owners of historic properties making preservation improvements.¹⁵ Codified in the Florida Statutes under three sections, residential and commercial properties improved in a manner consistent with historic preservation standards are eligible for an exemption of up to 100 percent of the value of the improvement made to the property.¹⁶ Generally, the property must be either individually listed in the National Register of Historic Places; be a contributing property to a national-register-listed district; or be designated as a historic property, or as a contributing property to a historic district. If the property is used for a governmental,

⁸ The National Main Street Center was established in 1980 as a program of the National Trust for Historic Preservation as a way to address issues facing aging and historic downtowns. The Center launched the Main Street America program in 2015. See Main Street America, *About Us*, <https://www.mainstreet.org/aboutus> (last visited Jan. 16, 2024).

⁹ Main Street America, *About Us*, <https://www.mainstreet.org/aboutus> (last visited Jan. 16, 2024).

¹⁰ Main Street America, *Designation*, [https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/Main Street America Tier System Overview - 2021 July Update.pdf](https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/Main%20Street%20America%20Tier%20System%20Overview%20-%202021%20July%20Update.pdf) (last visited Jan. 16, 2024).

¹¹ Main Street America, *Coordinating Programs*, [https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/The Programs/2020 Coordinating Program List.pdf](https://higherlogicdownload.s3.amazonaws.com/NMSC/390e0055-2395-4d3b-af60-81b53974430d/UploadedImages/The%20Programs/2020%20Coordinating%20Program%20List.pdf) (last visited Jan. 16, 2024).

¹² Section 267.031(5), F.S.

¹³ Visit Florida, *Florida Main Street Programs Have Stories to Tell*, <https://www.visitflorida.com/travel-ideas/articles/florida-main-street/> (last visited Jan. 16, 2024).

¹⁴ Section 267.0617(2), F.S.

¹⁵ Art. VII, s. 3, Fla. Const.

¹⁶ See ss. 196.1961, 196.1997, and 196.1998, F.S.

not-for-profit, or commercial purpose, it must be open to the public on a regular basis. Additionally, property used for governmental or nonprofit purposes are eligible to have the entire value of the property exempted.¹⁷

Corporate Income Tax

Florida levies a 5.5 percent tax on certain income of corporations and financial institutions doing business in Florida.¹⁸ Florida utilizes the taxable income determined for federal income tax purposes as a starting point to determine the total amount of Florida corporate income tax due.¹⁹ This means that a corporation paying taxes in Florida generally receives the same benefits from deductions allowed when determining taxable income for federal tax purposes as it does when determining taxable income for state taxation purposes.

Insurance Premium Tax

Florida imposes a 1.75 percent tax on most Florida insurance premiums, a 1 percent tax on annuity premiums; and a 1.6 percent tax on self-insurers.²⁰ Insurance premium taxes are paid by insurance companies and remitted to the Department of Revenue (DOR). The revenues are distributed to General Revenue. In addition, some insurers pay a retaliatory tax to the extent the insurer's state of domicile would impose a greater tax burden than Florida imposes.

III. Effect of Proposed Changes:

The bill creates the Main Street Historical Tourism and Revitalization Act which provides a tax credit against corporate income tax and insurance premium tax for qualified expenses²¹ incurred in the rehabilitation of a certified historic structure.²²

Eligibility

For taxable years beginning on or after January 1, 2025, a credit is allowed against any tax due for a taxable year after the application of any other allowable credits by the taxpayer. An applicant must submit an application to the DOS to receive a tax credit and must provide the following:

- An official certificate of eligibility from the division attesting that the project has been approved by the National Park Service and indicating whether the project is located within a local program area in the state;

¹⁷ Section 196.1998, F.S.

¹⁸ Section 220.11(2), F.S.

¹⁹ Section 220.12, F.S.

²⁰ Section 624.509, F.S., and s. 624.4621, F.S.

²¹ The bill defines “qualified expenses” as qualified rehabilitation expenditures (defined in 26 U.S.C., §47(c)(2)) and structural components that were incurred in Florida (defined in 26 C.F.R., § 1.48-1(e)(2)) at the time of project certification by the U.S. Secretary of the Interior and the U.S. Internal Revenue Service (IRS).

²² The bill defines a “certified historic structure” as a building and its structural components which is of a character subject to the allowance for depreciation provided in s. 167 of the Internal Revenue Code and which is listed on the National Register of Historic Places or located within a registered historic district and certified by the U.S. Secretary of the Interior as being of historic significance to the registered historic district.

- National Park Service Form 10-168c, signed by the National Park Service attesting that the completed rehabilitation meets the U.S. Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, if applicable, the district in which the completed rehabilitation is located;
- List of all the dates during which the structure was rehabilitated, the date the structure was first placed into service after certified rehabilitation²³ was completed, and evidence that the structure was placed in service;
- Documentation that the taxpayer had an ownership or a long-term leasehold interest in the certified historic structure in the year during which the structure was placed in service after the certified rehabilitation was completed;
- A list of total qualified expenses incurred in this state by the taxpayer in rehabilitating the certified historic structure. The applicant must submit an audited cost report that itemizes the qualified expenses incurred in rehabilitating the structure;
- An attestation of the total qualified expenses incurred in this state by the taxpayer for rehabilitating the certified historic structure in this state; and
- The information required to be reported by the DOR to enable the DOR to compile its annual report based on the tax credit applications submitted and approved.

Within 60 days after receipt of the information detailed above the DOR must approve or deny the submitted application. If approved, the DOR must provide a letter to the taxpayer. If the taxpayer is denied, the DOR must inform the taxpayer of the grounds for denial.

Tax Credit Amount

The total tax credit claimed annually may not exceed the amount of tax due after any other applicable tax credits and may not exceed the following:

- Twenty percent (up to a maximum of \$200,000) of the total qualified expenses incurred for rehabilitating one or more certified historic structures that have been approved by the National Park Service to receive the federal historic rehabilitation tax credit; or
- Thirty percent (up to a maximum of \$200,000) of the total qualified expenses incurred for rehabilitating one or more certified historic structures that have been approved by the National Park Service to receive the federal historic rehabilitation tax credit and that are located within a local program area of an Accredited Main Street Program.

The bill prohibits the annual state revenue loss from exceeding \$25 million in any fiscal year. If the annual amount exceeds \$25 million, applications must be rolled forward and awarded by the DOR during the following fiscal year.

A single entity or individual is prohibited from receiving more than \$1 million in tax credits cumulatively for a single development project, even if the credits have accrued over multiple tax years. Tax credits purchased from another taxpayer or entity, and carryover tax credits from a prior tax year, may be used in addition to the \$1 million limit, if the additional tax credits were

²³ The bill defines "certified rehabilitation" as the rehabilitation of a certified historic structure that the U.S. Secretary of the Interior has certified to the U.S. Secretary of the Treasury as being consistent with the historic character of the certified historic structure and, if applicable, consistent with the registered historic district in which the structure is located. See 36 C.F.R., § 67.2

accrued from a different development project. The DOR must award the credits on a first-come, first-served basis.

If a taxpayer is eligible for a tax credit that exceeds taxes owed, the taxpayer may carry the unused tax credit forward for a period of up to five taxable years.

Sale or Transfer of Tax Credit

The bill provides that there is a limit of two transactions for the sale or transfer of all or part of a tax credit. However, qualified expenses may only be counted once in determining the amount of an available tax credit, and no more than one taxpayer may claim a tax credit for the same qualified expenses.

A taxpayer that sells or transfers a tax credit and the purchaser or transferee must jointly submit written notice of the sale or transfer to the DOR no later than the 30th day after the date of the sale or transfer. The notice must include the following information:

- The date of the sale or transfer;
- The amount of the tax credit sold or transferred;
- The name and federal tax identification number of the taxpayer that sold or transferred the tax credit and the name and federal tax identification number of the purchaser or transferee; and
- The amount of the tax credit owed by the taxpayer before the sale or transfer and the amount the selling or transferring taxpayer retained, if any, after the sale or transfer.

The sale or transfer of a tax credit does not extend the period for which a tax credit may be carried forward and does not increase the total amount of the tax credit that may be claimed.

A tax credit earned, purchased, or transferred to a partnership, limited liability company, S corporation, or other pass-through entity may be allocated to the partners, members, or shareholders of that entity and claimed without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure.

If the tax credit is reduced due to a determination, examination, or audit by the DOR, the tax deficiency must be recovered from the taxpayer that sold or transferred the tax credit or the purchaser or transferee that claimed the tax credit up to the amount of the tax credit taken. Any subsequent deficiencies must be assessed against the purchaser or transferee that claimed the tax credit, or in the case of multiple succeeding entities, in the order of tax credit succession.

DOR and Division Audit Authority

The DOR is authorized to perform additional financial and technical audits and examinations, including examining the accounts, books, or records of the taxpayer, to verify the legitimacy of the qualified expenses included in a tax credit return and to ensure compliance. The division must provide technical assistance for any technical audits or examinations if requested by the DOR.

It is grounds for forfeiture of previously claimed and received tax credits if the DOR determines that a taxpayer received a tax credit to which the taxpayer was not entitled. The taxpayer must return the forfeited tax credits to the DOR, which will then be paid into the General Revenue Fund.

The taxpayer must file an amended tax return and pay any required tax within 60 days after the taxpayer receives notification from the IRS that a previously approved tax credit has been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

The DOR may issue a notice of deficiency at any time within five years after the date on which the taxpayer receives notification from the IRS that a previously approved tax credit has been revoked or modified.

The DOR may issue a notice of deficiency at any time if the taxpayer fails to notify the DOR of any change in its tax credit claimed. The amount of any proposed assessment in the notice of deficiency is limited to the amount of any deficiency resulting from the recomputation of the taxpayer's tax for the taxable year. Furthermore, a taxpayer is subject to applicable penalties and interest for failing to report and timely paying any tax due as a result of the forfeiture of its tax credit.

Other Provisions

The DOR must provide a report annually by December 1, which identifies, in the aggregate, the number of people employed during construction phases of the certified rehabilitation; the use of each newly rehabilitated building and the number of additional people employed for ongoing operations after the certified historic structure is placed in service, the expected number of people employed during construction phases of the certified rehabilitation who worked to complete the project, including contractors and subcontractors; the number of affordable housing units created or preserved, and the property values before and after the certified rehabilitations.

The DOR must also establish or amend any necessary forms required to claim a tax credit; provide administrative guidelines and procedures required to administer the Act, including rules establishing an entitlement to and sale or transfer of a tax credit; and provide examination and audit procedures required to administer the Act.

The DOR and the division are granted rulemaking authority and the DOR is granted additional emergency rulemaking authority to administer the Act.

The DOR is authorized to make available to the division and the Secretary of the Department of the Interior of the United States information relating to the Act.

The bill makes conforming changes.

The bill creates s. 624.5095, F.S., to specify that tax credits may be used to offset the insurance premium tax. The certified rehabilitation can either be completed by the insurer or the insurer may purchase the tax credits from a different entity that accrued or purchased the tax credits. An

insurer claiming a credit against the insurance premium tax liability is not required to pay any additional retaliatory tax as a result of claiming such credit.

The bill applies to taxable years beginning on or after January 1, 2025.

The bill takes effect on July 1, 2024. The emergency rulemaking authority granted to the DOR takes effect upon the bill becoming a law.

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.

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 a state tax or fee. Therefore, the requirements of Article VII, section 19 of the Florida Constitution do not apply.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) has not analyzed the bill. The REC analysis for a similar version of the bill in 2023 estimated that the bill would reduce recurring General Revenue Fund receipts in Fiscal Year 2023-2024 by \$39.3 million. Beginning in Fiscal Year 2024-2025, General Revenue Fund receipts were estimated to be reduced by \$39.7 million, cash and recurring.

B. Private Sector Impact:

Taxpayers who have ownership interest in a certified historic structure in the year during which the structure was placed into service after the certified rehabilitation was complete may be eligible to receive a tax credit to offset corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of the certified historic structure.

C. Government Sector Impact:

For a prior version of the bill in 2023, the DOR determined that \$91,488 in non-recurring funds would be necessary to implement the bill. The funds would be used to update the state's tax software system and modify necessary forms.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 212.053, 220.02, 220.13, and 624.509, of the Florida Statutes.

This bill creates sections 220.197 and 624.5095 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 Commerce and Tourism on Jan. 16, 2024:**

The amendment conforms to the House bill.

B. Amendments:

None.

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

²⁴ Florida Department of Revenue, *Senate Bill 288 Bill Analysis* (Feb. 01, 2023) (on file with Senate Committee on Commerce & Tourism).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
	.	
	.	

The Committee on Commerce and Tourism (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 220.197, Florida Statutes, is created to read:

220.197 Main Street Historical Tourism and Revitalization Act; tax credits; reports.-

(1) SHORT TITLE.-This act may be cited as the "Main Street Historical Tourism and Revitalization Act."



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

(a) "Active Main Street program" means an area participating under a recognized, coordinated Main Street America licensed program or the Orlando Main Streets program. An Active Main Street program must:

1. Have broad-based community support for the commercial district revitalization process with strong support from the public and private sectors.

2. Have a developed vision and mission statement relevant to community conditions.

3. Have a comprehensive work plan.

4. Possess a historic preservation ethic.

5. Have an active board of directors and committees.

6. Have an adequate operating budget.

7. Have a paid professional program manager.

8. Conduct a program of ongoing training for staff and volunteers.

9. Report key statistics.

10. Be a current, designated Florida Main Street program.

(b) "Affordable housing unit" means a housing unit that is affordable, as defined in s. 420.0004(3).

(c) "Certified historic structure" means a building, including its structural components, as defined in 36 C.F.R. s. 67.2, which is of a character subject to the allowance for depreciation provided in s. 167 of the Internal Revenue Code of 1986, as amended, and which is:

1. Individually listed in the National Register of Historic Places; or

2. Located within a registered historic district and



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certified by the United States Secretary of the Interior as being of historic significance to the registered historic district as set forth in 36 C.F.R. s. 67.2.

(d) "Certified rehabilitation" means the rehabilitation of a certified historic structure that the United States Secretary of the Interior has certified to the United States Secretary of the Treasury as being consistent with the historic character of the certified historic structure and, if applicable, consistent with the registered historic district in which the certified historic structure is located as set forth in 36 C.F.R. s. 67.2.

(e) "Division" means the Division of Historical Resources of the Department of State.

(f) "Florida Main Street program" means a statewide historic preservation-based downtown revitalization assistance program created, maintained, and administered by the division under s. 267.031(5).

(g) "Local program area" means the specific geographic area in which an Active Main Street program is conducted as approved and maintained by the division or in which the Orlando Main Streets program is conducted.

(h) "Long-term leasehold" means a leasehold in a nonresidential real property for a term of 39 years or more or a leasehold in a residential real property for a term of 27.5 years or more.

(i) "National Register of Historic Places" means the list of historic properties significant in American history, architecture, archeology, engineering, and culture maintained by the United States Secretary of the Interior as authorized in 54 U.S.C. s. 302101.



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(j) "Orlando Main Streets program" means a historic preservation-based district revitalization program administered by the City of Orlando.

(k) "Placed in service" means when the property is placed in a condition or state of readiness and availability for a specifically assigned function. A building is placed in service when the appropriate work has been completed which would allow for occupancy of either the entire building or some identifiable portion of the building as detailed in Treasury Regulation 1.46-3(d).

(l) "Qualified expenses" means rehabilitation expenditures that qualify for the credit under 26 U.S.C. s. 47 incurred in this state.

(m) "Registered historic district" means a district listed in the National Register of Historic Places or a district:

1. Designated under general law or local ordinance and certified by the United States Secretary of the Interior as meeting criteria that will substantially achieve the purposes of preserving and rehabilitating buildings of historic significance to the district; and

2. Certified by the United States Secretary of the Interior as meeting substantially all of the requirements for listing a district in the National Register of Historic Places.

(3) ELIGIBILITY FOR TAX CREDIT.-For taxable years beginning on or after January 1, 2025, there is allowed a credit against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer.

(a) To claim and receive a tax credit under this section, a taxpayer must submit an application to the department for a tax



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98 credit for qualified expenses in the amount and under the
99 conditions and limitations provided in this section against the
100 tax due for a taxable year under this chapter and must provide
101 the department with all of the following:
102 1. An official certificate of eligibility from the
103 division, signed by the State Historic Preservation Officer or
104 the Deputy State Historic Preservation Officer, attesting that
105 the project has been approved by the National Park Service and
106 indicating whether the project is located within a local program
107 area in this state.
108 2. National Park Service Form 10-168c (Rev. 2023), titled
109 "Historic Preservation Certification Application Part 3-Request
110 for Certification of Completed Work," or a similar form, signed
111 by an officer of the National Park Service, attesting that the
112 completed rehabilitation meets the United States Secretary of
113 the Interior's Standards for Rehabilitation and is consistent
114 with the historic character of the property and, if applicable,
115 the district in which the completed rehabilitation is located.
116 The form may be obtained through the National Park Service.
117 3. An identification of the dates during which the
118 certified historic structure was rehabilitated and the date on
119 which the certified historic structure was placed in service.
120 4. Documentation that the taxpayer had an ownership or a
121 long-term leasehold interest in the certified historic structure
122 in the year during which such structure was placed in service
123 after the certified rehabilitation was completed.
124 5. A list of total qualified expenses incurred by the
125 taxpayer in rehabilitating the certified historic structure. The
126 taxpayer must submit an audited cost report issued by a

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127 certified public accountant which itemizes the qualified
128 expenses incurred in rehabilitating the certified historic
129 structure.
130 6. An attestation of the total qualified expenses incurred
131 in this state by the taxpayer in rehabilitating the certified
132 historic structure in this state.
133 7. The information required to be reported by the
134 department in subsection (8) to enable the department to compile
135 its annual report.
136 (b) Within 60 days after receipt of the information
137 required under paragraph (a), the department must approve or
138 deny the application. If approved, the department must provide a
139 letter of certification to the taxpayer consistent with any
140 restrictions imposed. If the department denies any part of the
141 requested credit, the department must inform the taxpayer of the
142 grounds for the denial.
143 (4) AMOUNT AND DISTRIBUTION OF TAX CREDIT.-
144 (a) The total tax credit claimed annually may not exceed
145 the amount of tax due after any other applicable tax credits and
146 may not exceed the following:
147 1. Twenty percent, up to a maximum of \$200,000, of the
148 total qualified expenses incurred in this state in
149 rehabilitating at least one certified historic structure that
150 has been approved by the National Park Service to receive the
151 federal historic rehabilitation tax credit; or
152 2. Thirty percent, up to a maximum of \$200,000, of the
153 total qualified expenses incurred in this state in
154 rehabilitating at least one certified historic structure that
155 has been approved by the National Park Service to receive the

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156 federal historic rehabilitation tax credit and that is located
157 within a local program area in this state.
158 (b) The tax credit may be used to offset the corporate
159 income tax imposed in s. 220.11 and the insurance premium tax
160 imposed in s. 624.509. An insurer claiming a credit against
161 insurance premium tax liability under this section may not be
162 required to pay any additional retaliatory tax levied pursuant
163 to s. 624.5091 as a result of claiming such credit. Section
164 624.5091 does not limit such credit in any manner.
165 (c) The combined total amount of tax credits that may be
166 granted for all taxpayers under this section is \$25 million per
167 state fiscal year.
168 (d) A taxpayer may not receive more than \$1 million in tax
169 credits for a single development project, even if such credits
170 are accrued over multiple tax years. However, additional tax
171 credits purchased from another taxpayer or entity, and carryover
172 tax credits from a prior tax year, may be used by such taxpayer
173 if the additional tax credits were accrued from a different
174 development project.
175 (e) The department shall award the tax credits on a first-
176 come, first-served basis.
177 (f) If the annual amount of approved tax credits exceeds
178 the maximum provided in paragraph (c), applications must be
179 rolled forward to be granted by the department during the
180 following fiscal year.
181 (5) CARRYFORWARD OF TAX CREDIT.-
182 (a) If a taxpayer is eligible for a tax credit that exceeds
183 taxes owed, the taxpayer may carry the unused tax credit forward
184 for a period of up to 5 taxable years.

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185 (b) A carryforward is considered the remaining portion of a
186 tax credit that cannot be claimed in the current tax year.
187 (6) SALE OR TRANSFER OF TAX CREDIT.-
188 (a) A taxpayer that incurs qualified expenses may sell or
189 transfer all or part of the tax credit that may otherwise be
190 claimed to another taxpayer.
191 (b) A taxpayer to which all or part of the tax credit is
192 sold or transferred may sell or transfer all or part of the tax
193 credit that may otherwise be claimed to another taxpayer.
194 (c) A taxpayer that sells or transfers a tax credit to
195 another taxpayer must provide a copy of the certificate of
196 eligibility together with the audited cost report to the
197 purchaser or transferee.
198 (d) Qualified expenses may be counted only once in
199 determining the amount of an available tax credit, and more than
200 one taxpayer may not claim a tax credit for the same qualified
201 expenses.
202 (e) There is a limit of two transactions for the sale or
203 transfer of all or part of a tax credit.
204 1. A taxpayer that sells or transfers a tax credit under
205 this subsection and the purchaser or transferee shall jointly
206 submit written notice of the sale or transfer to the department
207 on a form adopted by the department no later than the 30th day
208 after the date of the sale or transfer. The notice must include
209 all of the following:
210 a. The date of the sale or transfer.
211 b. The amount of the tax credit sold or transferred.
212 c. The name and federal tax identification number of the
213 taxpayer that sold or transferred the tax credit and the

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214 purchaser or transferee.
215 d. The amount of the tax credit owned by the taxpayer
216 before the sale or transfer and the amount the selling or
217 transferring taxpayer retained, if any, after the sale or
218 transfer.
219 2. The sale or transfer of a tax credit under this
220 subsection does not extend the period for which a tax credit may
221 be carried forward and does not increase the total amount of the
222 tax credit that may be claimed.
223 3. If a taxpayer claims a tax credit for qualified
224 expenses, another taxpayer may not use the same expenses as the
225 basis for claiming a tax credit.
226 4. Notwithstanding the requirements of this subsection, a
227 tax credit earned by, purchased by, or transferred to a
228 partnership, limited liability company, S corporation, or other
229 pass-through entity may be allocated to the partners, members,
230 or shareholders of that entity and claimed under this section in
231 accordance with any agreement among the partners, members, or
232 shareholders and without regard to the ownership interest of the
233 partners, members, or shareholders in the rehabilitated
234 certified historic structure.
235 (f) If the tax credit is reduced due to a determination,
236 examination, or audit by the department, the tax deficiency must
237 be recovered from the taxpayer that sold or transferred the tax
238 credit or the purchaser or transferee that claimed the tax
239 credit up to the amount of the tax credit taken.
240 (g) Any subsequent deficiencies shall be assessed against
241 the purchaser or transferee that claimed the tax credit or, in
242 the case of multiple succeeding entities, in the order of tax

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243 credit succession.
244 (7) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
245 CREDITS; FRAUDULENT CLAIMS.—
246 (a) The department may perform any additional financial and
247 technical audits and examinations, including examining the
248 accounts, books, or records of the taxpayer, to verify the
249 legitimacy of the qualified expenses included in a tax credit
250 return and to ensure compliance with this section. If requested
251 by the department, the division must provide technical
252 assistance for any technical audits or examinations performed
253 under this subsection.
254 (b) It is grounds for forfeiture of previously claimed and
255 received tax credits if the department determines, as a result
256 of an audit or information received from the division, the
257 division, or the United States Department of the Interior or
258 Internal Revenue Service, that a taxpayer received a tax credit
259 pursuant to this section to which the taxpayer was not entitled.
260 In the case of fraud, the taxpayer may not claim any future tax
261 credits under this section.
262 (c) The taxpayer must return forfeited tax credits to the
263 department, and such funds shall be paid into the General
264 Revenue Fund.
265 (d) The taxpayer shall file with the department an amended
266 tax return or such other report as the department prescribes and
267 shall pay any required tax within 60 days after the taxpayer
268 receives notification from the United States Internal Revenue
269 Service that a previously approved tax credit has been revoked
270 or modified, if uncontested, or within 60 days after a final
271 order is issued following proceedings involving a contested

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272 revocation or modification order.
273 (e) A notice of deficiency may be issued by the department
274 at any time within 5 years after the date on which the taxpayer
275 receives notification from the United States Internal Revenue
276 Service that a previously approved tax credit has been revoked
277 or modified. If a taxpayer fails to notify the department of any
278 change in its tax credit claimed, a notice of deficiency may be
279 issued at any time. In either case, the amount of any proposed
280 assessment set forth in such notice of deficiency is limited to
281 the amount of any deficiency resulting under this section from
282 the recomputation of the taxpayer's tax for the taxable year.
283 (f) A taxpayer that fails to report and timely pay any tax
284 due as a result of the forfeiture of its tax credit violates
285 this section and is subject to applicable penalties and
286 interest.
287 (8) ANNUAL REPORT.—Based on the applications submitted and
288 approved, the department must submit a report by December 1 of
289 each year to the President of the Senate and the Speaker of the
290 House of Representatives that identifies, in the aggregate, all
291 of the following:
292 (a) The number of people employed during the construction
293 phases of the certified rehabilitation who worked to complete
294 the project, including contractors and subcontractors.
295 (b) The use of each newly rehabilitated building and the
296 number of additional people employed for ongoing operations
297 after the certified historic structure is placed in service.
298 (c) The number of affordable housing units created or
299 preserved.
300 (d) The property values before and after the certified

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301 rehabilitations.
302 (9) DEPARTMENT DUTIES.—The department shall:
303 (a) Establish or amend any necessary forms required to
304 claim a tax credit under this section.
305 (b) Provide administrative guidelines and procedures
306 required to administer this section, including rules
307 establishing an entitlement to and sale or transfer of a tax
308 credit under this section.
309 (c) Provide examination and audit procedures required to
310 administer this section.
311 (10) RULES.—The department may adopt rules to administer
312 this section.
313 Section 2. Subsection (26) is added to section 213.053,
314 Florida Statutes, to read:
315 213.053 Confidentiality and information sharing.—
316 (26) The department may make available to the Division of
317 Historical Resources of the Department of State and the
318 Secretary of the United States Department of the Interior or his
319 or her delegate, exclusively for official purposes, information
320 for the purposes of administering the Main Street Historical
321 Tourism and Revitalization Act pursuant to s. 220.197.
322 Section 3. Subsection (8) of section 220.02, Florida
323 Statutes, is amended to read:
324 220.02 Legislative intent.—
325 (8) It is the intent of the Legislature that credits
326 against either the corporate income tax or the franchise tax be
327 applied in the following order: those enumerated in s. 631.828,
328 those enumerated in s. 220.191, those enumerated in s. 220.181,
329 those enumerated in s. 220.183, those enumerated in s. 220.182,

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330 those enumerated in s. 220.1895, those enumerated in s. 220.195,
331 those enumerated in s. 220.184, those enumerated in s. 220.186,
332 those enumerated in s. 220.1845, those enumerated in s. 220.19,
333 those enumerated in s. 220.185, those enumerated in s. 220.1875,
334 those enumerated in s. 220.1876, those enumerated in s.
335 220.1877, those enumerated in s. 220.1878, those enumerated in
336 s. 220.193, those enumerated in former s. 288.9916, those
337 enumerated in former s. 220.1899, those enumerated in former s.
338 220.194, those enumerated in s. 220.196, those enumerated in s.
339 220.198, those enumerated in s. 220.1915, those enumerated in s.
340 220.199, ~~and~~ those enumerated in s. 220.1991, and those
341 enumerated in s. 220.197.

342 Section 4. Paragraph (a) of subsection (1) of section
343 220.13, Florida Statutes, is amended to read:

344 220.13 "Adjusted federal income" defined.—

345 (1) The term "adjusted federal income" means an amount
346 equal to the taxpayer's taxable income as defined in subsection
347 (2), or such taxable income of more than one taxpayer as
348 provided in s. 220.131, for the taxable year, adjusted as
349 follows:

350 (a) *Additions.*—There shall be added to such taxable income:

351 1.a. The amount of any tax upon or measured by income,
352 excluding taxes based on gross receipts or revenues, paid or
353 accrued as a liability to the District of Columbia or any state
354 of the United States which is deductible from gross income in
355 the computation of taxable income for the taxable year.

356 b. Notwithstanding sub-subparagraph a., if a credit taken
357 under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is
358 added to taxable income in a previous taxable year under

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359 subparagraph 11. and is taken as a deduction for federal tax
360 purposes in the current taxable year, the amount of the
361 deduction allowed shall not be added to taxable income in the
362 current year. The exception in this sub-subparagraph is intended
363 to ensure that the credit under s. 220.1875, s. 220.1876, s.
364 220.1877, or s. 220.1878 is added in the applicable taxable year
365 and does not result in a duplicate addition in a subsequent
366 year.

367 2. The amount of interest which is excluded from taxable
368 income under s. 103(a) of the Internal Revenue Code or any other
369 federal law, less the associated expenses disallowed in the
370 computation of taxable income under s. 265 of the Internal
371 Revenue Code or any other law, excluding 60 percent of any
372 amounts included in alternative minimum taxable income, as
373 defined in s. 55(b)(2) of the Internal Revenue Code, if the
374 taxpayer pays tax under s. 220.11(3).

375 3. In the case of a regulated investment company or real
376 estate investment trust, an amount equal to the excess of the
377 net long-term capital gain for the taxable year over the amount
378 of the capital gain dividends attributable to the taxable year.

379 4. That portion of the wages or salaries paid or incurred
380 for the taxable year which is equal to the amount of the credit
381 allowable for the taxable year under s. 220.181. This
382 subparagraph shall expire on the date specified in s. 290.016
383 for the expiration of the Florida Enterprise Zone Act.

384 5. That portion of the ad valorem school taxes paid or
385 incurred for the taxable year which is equal to the amount of
386 the credit allowable for the taxable year under s. 220.182. This
387 subparagraph shall expire on the date specified in s. 290.016

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388 for the expiration of the Florida Enterprise Zone Act.

389 6. The amount taken as a credit under s. 220.195 which is
390 deductible from gross income in the computation of taxable
391 income for the taxable year.

392 7. That portion of assessments to fund a guaranty
393 association incurred for the taxable year which is equal to the
394 amount of the credit allowable for the taxable year.

395 8. In the case of a nonprofit corporation which holds a
396 pari-mutuel permit and which is exempt from federal income tax
397 as a farmers' cooperative, an amount equal to the excess of the
398 gross income attributable to the pari-mutuel operations over the
399 attributable expenses for the taxable year.

400 9. The amount taken as a credit for the taxable year under
401 s. 220.1895.

402 10. Up to nine percent of the eligible basis of any
403 designated project which is equal to the credit allowable for
404 the taxable year under s. 220.185.

405 11. Any amount taken as a credit for the taxable year under
406 s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878. The
407 addition in this subparagraph is intended to ensure that the
408 same amount is not allowed for the tax purposes of this state as
409 both a deduction from income and a credit against the tax. This
410 addition is not intended to result in adding the same expense
411 back to income more than once.

412 12. The amount taken as a credit for the taxable year under
413 s. 220.193.

414 13. The amount taken as a credit for the taxable year under
415 s. 220.196. The addition in this subparagraph is intended to
416 ensure that the same amount is not allowed for the tax purposes

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417 of this state as both a deduction from income and a credit
418 against the tax. The addition is not intended to result in
419 adding the same expense back to income more than once.

420 14. The amount taken as a credit for the taxable year
421 pursuant to s. 220.198.

422 15. The amount taken as a credit for the taxable year
423 pursuant to s. 220.1915.

424 16. The amount taken as a credit for the taxable year
425 pursuant to s. 220.199.

426 17. The amount taken as a credit for the taxable year
427 pursuant to s. 220.1991.

428 18. The amount taken as a credit for the taxable year
429 pursuant to s. 220.197.

430 Section 5. Subsection (7) of section 624.509, Florida
431 Statutes, is amended to read:

432 624.509 Premium tax; rate and computation.—

433 (7) Credits and deductions against the tax imposed by this
434 section shall be taken in the following order: deductions for
435 assessments made pursuant to s. 440.51; credits for taxes paid
436 under ss. 175.101 and 185.08; credits for income taxes paid
437 under chapter 220 and the credit allowed under subsection (5),
438 as these credits are limited by subsection (6); the credit
439 allowed under s. 624.51057; the credit allowed under s.
440 624.51058; the credit allowed under s. 624.5095; and all other
441 available credits and deductions.

442 Section 6. Section 624.5095, Florida Statutes, is created
443 to read:

444 624.5095 Premium tax credits related to historic
445 preservation.—

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446 (1) Tax credits accrued through a certified rehabilitation
447 as defined in s. 220.197 and 36 C.F.R. s. 67.2 may be used
448 against any tax due for the taxable year under s. 624.509(1), as
449 limited under s. 624.509(6).
450 (2) The certified rehabilitation may either be completed by
451 the insurer pursuant to s. 220.197 or the insurer may purchase
452 the tax credit from a different entity that accrued or purchased
453 the tax credit pursuant s. 220.197.
454 (3) An insurer claiming a tax credit under this section is
455 not required to pay any additional retaliatory tax levied
456 pursuant to s. 624.5091 as a result of claiming such credit. The
457 tax credit under this section is not limited by s. 624.5091.
458 Section 7. (1) The Department of Revenue may, and all
459 conditions are deemed met to, adopt emergency rules under s.
460 120.54(4), Florida Statutes, for the purpose of implementing the
461 Main Street Historical Tourism and Revitalization Act.
462 (2) Notwithstanding any other law, emergency rules adopted
463 under this section are effective for 6 months after adoption and
464 may be renewed during the pendency of procedures to adopt
465 permanent rules addressing the subject of the emergency rules.
466 (3) This section shall take effect upon this act becoming a
467 law and expires July 1, 2025.
468 Section 8. This act applies to taxable years beginning, and
469 for qualified expenses incurred, on or after January 1, 2025.
470 Section 9. Except as otherwise expressly provided in this
471 act and except for this section, which shall take effect upon
472 becoming a law, this act shall take effect July 1, 2024.
473
474 ===== T I T L E A M E N D M E N T =====

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475 And the title is amended as follows:
476 Delete everything before the enacting clause
477 and insert:
478 A bill to be entitled
479 An act relating to the Florida Main Street Program and
480 historic preservation tax credits; creating s.
481 220.197, F.S.; providing a short title; defining
482 terms; specifying eligibility requirements for
483 receiving specified tax credits; specifying
484 requirements for the Department of Revenue relating to
485 approving and denying certain applications and
486 granting credits; specifying requirements for such tax
487 credits; requiring that applications be rolled forward
488 in certain circumstances; authorizing the
489 carryforward, sale, and transfer of such tax credits;
490 providing a limitation; authorizing the department to
491 perform certain audits and examinations; specifying
492 requirements for taxpayers; authorizing the department
493 to issue a notice of deficiency under certain
494 circumstances; providing penalties; requiring the
495 department to submit specified annual reports to the
496 Legislature; providing duties of the department;
497 authorizing the department to adopt rules; amending s.
498 213.053, F.S.; authorizing the department to make
499 certain information available to the Division of
500 Historical Resources and the Secretary of the United
501 States Department of the Interior for specified
502 purposes; amending s. 220.02, F.S.; revising the order
503 in which tax credits against the corporate income tax

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504 or the franchise tax are applied; amending s. 220.13,
505 F.S.; revising the definition of the term "adjusted
506 federal income"; amending s. 624.509, F.S.; revising
507 the order in which tax credits and deductions against
508 the insurance premium tax are applied; creating s.
509 624.5095, F.S.; authorizing certain tax credits to be
510 used against a specified tax; providing applicability;
511 providing construction; authorizing the Department of
512 Revenue to adopt emergency rules for a specified
513 timeframe; providing for expiration of such authority;
514 providing applicability; providing effective dates.
515
516 WHEREAS, historic revitalization creates highly paid local
517 construction jobs, and
518 WHEREAS, historic rehabilitation increases the value of
519 buildings and results in a growing state and local tax base, and
520 WHEREAS, historic revitalization boosts heritage tourism
521 and creates thriving downtowns that are attractive to main
522 street businesses, and
523 WHEREAS, reusing historic buildings creates affordable
524 spaces for small business incubation, and
525 WHEREAS, repurposing historic buildings saves resources and
526 activates vacant spaces, and
527 WHEREAS, historic rehabilitation projects leverage
528 significant private investment, and
529 WHEREAS, leveraging state tax incentives increases the
530 effectiveness of federal Historic Preservation Tax Incentives
531 and the Opportunity Zones Program to encourage the historic
532 preservation of existing buildings, and

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533 WHEREAS, an increase in rehabilitation activity occurs when
534 a state incentive is combined with federal Historic Preservation
535 Tax Incentives, and
536 WHEREAS, many historic buildings in this state need safety
537 upgrades and other improvements that require both public and
538 private investment to return these buildings as assets of their
539 local communities, NOW, THEREFORE,

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By Senator DiCeglie

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1 A bill to be entitled
 2 An act relating to the Main Street Historical Tourism
 3 and Revitalization Act; creating s. 220.197, F.S.;
 4 providing a short title; defining terms; providing a
 5 credit against the state corporate income tax and the
 6 insurance premium tax for qualified expenses in
 7 rehabilitating certain historic structures; specifying
 8 eligibility requirements for the tax credit; requiring
 9 the Department of Revenue to approve or deny an
 10 application within a specified timeframe; requiring
 11 the department to take certain actions after the
 12 application is approved or denied; specifying the
 13 amount of the tax credits; providing construction;
 14 prohibiting the annual state revenue loss from
 15 exceeding a certain amount; prohibiting entities or
 16 individuals from receiving more than a certain amount
 17 in tax credits; requiring the department to award
 18 credits on a first-come, first-served basis; requiring
 19 that applications be rolled forward under certain
 20 circumstances; authorizing the carryforward, sale, and
 21 transfer of tax credits, subject to certain
 22 requirements and limitations; providing the department
 23 with audit and examination powers for specified
 24 purposes; requiring the Division of Historical
 25 Resources of the Department of State to provide
 26 technical assistance if requested by the department;
 27 requiring a taxpayer to forfeit a previously claimed
 28 tax credit under certain circumstances; prohibiting
 29 the taxpayer from claiming future tax credits under

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

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30 certain circumstances; requiring the return of
 31 forfeited tax credits; requiring the taxpayer to file
 32 an amended tax return under certain circumstances;
 33 authorizing the department to issue a notice of
 34 deficiency to the taxpayer under certain
 35 circumstances; specifying a limit on the amount of any
 36 proposed assessment in the notice of deficiency;
 37 specifying that certain actions are violations of the
 38 section; requiring the department to provide an annual
 39 report to the Legislature; providing requirements for
 40 the report; providing duties of the department;
 41 authorizing the department and the division to adopt
 42 rules; amending s. 213.053, F.S.; authorizing the
 43 department to make certain information available to
 44 the division and the Federal Government for a
 45 specified purpose; amending s. 220.02, F.S.;
 46 specifying the order in which the credit is applied
 47 against the corporate income tax or franchise tax;
 48 amending s. 220.13, F.S.; requiring the addition of
 49 amounts taken for the credit to taxable income;
 50 amending s. 624.509, F.S.; specifying the order in
 51 which the credit is applied against the insurance
 52 premium tax; creating s. 624.5095, F.S.; specifying
 53 that certain tax credits may be used to offset
 54 insurance premium tax; specifying that the certified
 55 rehabilitation may be completed by the insurer or that
 56 the insurer may purchase the tax credits; specifying
 57 that an insurer is not required to pay any additional
 58 retaliatory tax under certain circumstances; providing

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construction; authorizing the department to adopt emergency rules; providing for expiration of that authority; providing applicability; providing effective dates.

WHEREAS, historic revitalization creates highly-paid local construction jobs, and

WHEREAS, historic rehabilitation increases the value of buildings and results in a growing state and local tax base, and

WHEREAS, historic revitalization boosts heritage tourism and creates thriving downtowns that attract patrons and investors to main street businesses, and

WHEREAS, reusing historic buildings creates affordable spaces for small business incubation, and

WHEREAS, repurposing historic buildings saves resources and activates dormant spaces, and

WHEREAS, historic rehabilitation projects require a significant private investment, and

WHEREAS, it is in the best interest of the state to increase the effectiveness of both the Federal Historic Preservation Tax Incentives and the Opportunity Zones programs and to encourage the historic preservation of existing buildings, and

WHEREAS, when state incentives are combined with federal historic preservation tax incentives, it results in an increase in historic rehabilitation activity, and

WHEREAS, many historic buildings in this state need safety upgrades and other improvements that require both public and private investment to restore the buildings as assets of their

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local communities, NOW, THEREFORE,

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

Section 1. Section 220.197, Florida Statutes, is created to read:

220.197 Main Street Historical Tourism and Revitalization Act; tax credits; reports.

(1) SHORT TITLE.—This act may be cited as the "Main Street Historical Tourism and Revitalization Act."

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

(a) "Active Main Street program" means an area participating under a recognized coordinated Main Street America licensed program or the Orlando Main Streets program. An active Main Street program must:

1. Have broad-based community support for the commercial district revitalization process along with strong support from the public and private sectors.

2. Have a developed vision and mission statement relevant to community conditions.

3. Have a comprehensive work plan to achieve the goals set forth in the mission statement.

4. Attest to having a historic preservation ethic.

5. Have an active board of directors and committees.

6. Have an adequate operating budget.

7. Have a paid professional program manager.

8. Conduct a program of ongoing training for staff and volunteers.

9. Report key statistics on its website.

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- 117 10. Be a current designated Florida Main Street program.
 118 (b) "Affordable housing unit" means a housing unit on which
 119 the monthly rents or monthly mortgage payments, including taxes,
 120 insurance, and utilities, do not exceed 30 percent of that
 121 amount which represents the percentage of the median adjusted
 122 gross annual income for the households as indicated in
 123 subsection (9), subsection (11), and subsection (12), or
 124 subsection (17) of s. 420.0004.
 125 (c) "Certified historic structure" means a building,
 126 including its structural components, as defined in 36 C.F.R. s.
 127 67.2, which is of a character subject to the allowance for
 128 depreciation provided in s. 167 of the Internal Revenue Code of
 129 1986, as amended, and which is:
 130 1. Individually listed in the National Register of Historic
 131 Places; or
 132 2. Located within a registered historic district and
 133 certified by the United States Secretary of the Interior as
 134 being of historic significance to the registered historic
 135 district as set forth in 36 C.F.R. s. 67.2.
 136 (d) "Certified rehabilitation" means the rehabilitation of
 137 a certified historic structure which the United States Secretary
 138 of the Interior has certified to the United States Secretary of
 139 the Treasury as being consistent with the historic character of
 140 the certified historic structure and, if applicable, consistent
 141 with the registered historic district in which the certified
 142 historic structure is located as set forth in 36 C.F.R. s. 67.2.
 143 (e) "Division" means the Division of Historical Resources
 144 of the Department of State.
 145 (f) "Florida Main Street program" means a statewide

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- 146 historic preservation-based downtown revitalization assistance
 147 program created, maintained, and administered by the division
 148 under s. 267.031(5).
 149 (g) "Local program area" means the specific geographic area
 150 in which an active Main Street program is conducted as approved
 151 and maintained by the division or in which the Orlando Main
 152 Streets program is conducted.
 153 (h) "Long-term leasehold" means a leasehold in a
 154 nonresidential real property for a term of 39 years or more or a
 155 leasehold in a residential real property for a term of 27.5
 156 years or more.
 157 (i) "National Register of Historic Places" means the list
 158 of historic properties significant in American history,
 159 architecture, archeology, engineering, and culture maintained by
 160 the United States Secretary of the Interior as authorized in 54
 161 U.S.C. s. 302101.
 162 (j) "Orlando Main Streets program" means a historic
 163 preservation-based district revitalization program administered
 164 by the City of Orlando.
 165 (k) "Placed in service" means when the property is placed
 166 in a condition or state of readiness and availability for a
 167 specifically assigned function. A building is "placed in
 168 service" when the appropriate work has been completed which
 169 would allow for occupancy of either the entire building, or some
 170 identifiable portion of the building as detailed in U.S.
 171 Treasury Regulation s. 1.46-3(d).
 172 (l) "Qualified expenses" means rehabilitation expenditures
 173 incurred that qualify for the tax credit under 26 U.S.C. s. 47
 174 and that were incurred in this state.

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(m) "Registered historic district" means a district listed in the National Register of Historic Places or a district:

1. Designated under general law or local ordinance and certified by the United States Secretary of the Interior as meeting criteria that will substantially achieve the purposes of preserving and rehabilitating buildings of historic significance to the district; and

2. Certified by the United States Secretary of the Interior as meeting substantially all of the requirements to be listed in the National Register of Historic Places.

(3) ELIGIBILITY FOR TAX CREDIT.—For taxable years beginning on or after January 1, 2025, a credit is allowed against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer.

(a) To claim and receive a tax credit under this section, a taxpayer must submit an application to the department for a tax credit for qualified expenses in the amount and under the conditions and limitations provided in this section against the tax due for a taxable year under this chapter and must provide the department with all of the following:

1. An official certificate of eligibility from the division, signed by the State Historic Preservation Officer or the Deputy State Historic Preservation Officer, attesting that the project has been approved by the National Park Service and indicating whether the project is located within a local program area in the state.

2. National Park Service Form 10-168c (Rev. 6/2023), titled "Historic Preservation Certification Application-Part 3-Request for Certification of Completed Work," or a similar form, signed

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by an officer of the National Park Service, attesting that the completed rehabilitation meets the United States Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, if applicable, the district in which the completed rehabilitation is located. The form may be obtained through the National Park Service website's Historic Preservation Tax Incentives page.

3. A list of all of the dates during which the certified historic structure was rehabilitated and the date the certified historic structure was placed in service.

4. Documentation that the taxpayer had an ownership or a long-term leasehold interest in the certified historic structure in the year during which the certified historic structure was placed in service after the certified rehabilitation was completed.

5. A list of total qualified expenses incurred in this state by the taxpayer for the purpose of rehabilitating the certified historic structure. The taxpayer must submit an audited cost report issued by a certified public accountant which itemizes the qualified expenses incurred for the purpose of rehabilitating the certified historic structure.

6. An attestation of the total qualified expenses incurred in this state by the taxpayer for the purpose of rehabilitating the certified historic structure in this state.

7. The information required to be reported by the department in subsection (8) to enable the department to compile its annual report.

(b) Within 60 days after receipt of the information required under paragraph (a), the department must approve or

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deny the application submitted. If approved, the department must provide a letter of certification to the taxpayer consistent with any restrictions imposed. If the department denies any part of the requested credit, the department must inform the taxpayer of the grounds for the denial.

(4) (a) AMOUNT OF TAX CREDIT.—The total tax credit claimed annually may not exceed the amount of tax due after any other applicable tax credits and may not exceed the following:

1. Twenty percent, up to a maximum of \$200,000, of the total qualified expenses incurred in this state for the purpose of rehabilitating one or more certified historic structures that have been approved by the National Park Service to receive the federal historic rehabilitation tax credit; or

2. Thirty percent, up to a maximum of \$200,000, of the total qualified expenses incurred in this state for the purpose of rehabilitating one or more certified historic structures that have been approved by the National Park Service to receive the federal historic rehabilitation tax credit and that are located within a local program area.

(b) The tax credit may be used to offset the corporate income tax imposed in s. 220.11 and the insurance premium tax imposed in s. 624.509. An insurer claiming a credit against insurance premium tax liability under this section may not be required to pay any additional retaliatory tax levied pursuant to s. 624.5091 as a result of claiming such credit. Section 624.5091 may not be interpreted to limit such credit in any manner.

(c) The annual state revenue loss for this program may not exceed \$25 million in any fiscal year.

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(d) A single entity or individual may not receive more than \$1 million in tax credits cumulatively for a single development project, even if the credits have accrued over multiple tax years. Tax credits purchased from another taxpayer or entity, and carryover tax credits from a prior tax year, may be used in addition to the \$1 million limit, if the additional tax credits were accrued from a different development project.

(e) The department shall award the credits on a first-come, first-served basis.

(f) If the annual amount of approved tax credits exceeds the maximum annual amount referenced in paragraph (c), applications must be rolled forward and awarded by the department during the following fiscal year.

(5) CARRYFORWARD OF TAX CREDIT.—

(a) If a taxpayer is eligible for a tax credit that exceeds taxes owed, the taxpayer may carry the unused tax credit forward for a period of up to 5 taxable years.

(b) A carryforward is considered the remaining portion of a tax credit that cannot be claimed in the current tax year.

(6) SALE OR TRANSFER OF TAX CREDIT.—

(a) A taxpayer that incurs qualified expenses may sell or transfer all or part of the tax credit that may otherwise be claimed to another taxpayer.

(b) A taxpayer to which all or part of the tax credit is sold or transferred may sell or transfer all or part of the tax credit that may otherwise be claimed to another taxpayer.

(c) A taxpayer that sells or transfers a tax credit to another taxpayer must provide a copy of the certificate of eligibility together with the audited cost report to the

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291 purchaser or transferee.

292 (d) Qualified expenses may be counted only once in
 293 determining the amount of an available tax credit, and more than
 294 one taxpayer may not claim a tax credit for the same qualified
 295 expenses.

296 (e) There is a limit of two transactions for the sale or
 297 transfer of all or part of a tax credit.

298 1. A taxpayer that sells or transfers a tax credit under
 299 this subsection and the purchaser or transferee must jointly
 300 submit written notice of the sale or transfer to the department
 301 on a form adopted by the department no later than the 30th day
 302 after the date of the sale or transfer. The notice must include
 303 all of the following:

304 a. The date of the sale or transfer.

305 b. The amount of the tax credit sold or transferred.

306 c. The name and federal tax identification number of the
 307 taxpayer that sold or transferred the tax credit and the name
 308 and federal tax identification number of the purchaser or
 309 transferee.

310 d. The amount of the tax credit owned by the taxpayer
 311 before the sale or transfer and the amount the selling or
 312 transferring taxpayer retained, if any, after the sale or
 313 transfer.

314 2. The sale or transfer of a tax credit under this
 315 subsection does not extend the period for which a tax credit may
 316 be carried forward and does not increase the total amount of the
 317 tax credit that may be claimed.

318 3. If a taxpayer claims a tax credit for qualified
 319 expenses, another taxpayer may not use the same expenses as the

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320 basis for claiming a tax credit.

321 4. Notwithstanding the requirements of this subsection, a
 322 tax credit earned by, purchased by, or transferred to a
 323 partnership, limited liability company, S corporation, or other
 324 pass-through entity may be allocated to the partners, members,
 325 or shareholders of that entity and claimed under this subsection
 326 in accordance with any agreement among the partners, members, or
 327 shareholders and without regard to the ownership interest of the
 328 partners, members, or shareholders in the rehabilitated
 329 certified historic structure.

330 (f) If the tax credit is reduced due to a determination, an
 331 examination, or an audit by the department, the tax deficiency
 332 must be recovered from the taxpayer that sold or transferred the
 333 tax credit or the purchaser or transferee that claimed the tax
 334 credit up to the amount of the tax credit taken.

335 (g) Any subsequent deficiencies must be assessed against
 336 the purchaser or transferee that claimed the tax credit or, in
 337 the case of multiple succeeding entities, in the order of tax
 338 credit succession.

339 (7) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
 340 CREDITS; FRAUDULENT CLAIMS.—

341 (a) The department may perform any additional financial and
 342 technical audits and examinations, including examining the
 343 accounts, books, or records of the taxpayer, to verify the
 344 legitimacy of the qualified expenses included in a tax credit
 345 return and to ensure compliance with this section. If requested
 346 by the department, the division must provide technical
 347 assistance for any technical audits or examinations performed
 348 under this subsection.

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(b) It is grounds for forfeiture of previously claimed and received tax credits if the department determines, as a result of an audit or information received from the division, the United States Department of the Interior, or the Internal Revenue Service, that a taxpayer received a tax credit pursuant to this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer may not claim any future tax credits under this section.

(c) The taxpayer must return forfeited tax credits to the department, and such funds shall be paid into the General Revenue Fund.

(d) The taxpayer must file with the department an amended tax return or such other report as the department prescribes and must pay any required tax within 60 days after the taxpayer receives notification from the United States Internal Revenue Service that a previously approved tax credit has been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.

(e) A notice of deficiency may be issued by the department at any time within 5 years after the date on which the taxpayer receives notification from the Internal Revenue Service that a previously approved tax credit has been revoked or modified. If a taxpayer fails to notify the department of any change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency is limited to the amount of any deficiency resulting under this section from the recomputation of the taxpayer's tax for the taxable year.

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(f) A taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit violates this section and is subject to applicable penalties and interest.

(8) ANNUAL REPORT.—Based on the applications submitted and approved, the department shall submit a report by December 1 of each year to the President of the Senate and the Speaker of the House of Representatives which identifies, in the aggregate, all of the following:

(a) The number of people employed during construction phases of the certified rehabilitation who worked to complete the project, including contractors and subcontractors.

(b) The use of each newly rehabilitated building and the number of additional people employed for ongoing operations after the certified historic structure is placed in service.

(c) The number of affordable housing units created or preserved.

(d) The property values before and after the certified rehabilitations.

(9) DEPARTMENT DUTIES.—The department shall:

(a) Establish or amend any necessary forms required to claim a tax credit under this section.

(b) Provide administrative guidelines and procedures required to administer this section, including rules establishing an entitlement to and sale or transfer of a tax credit under this section.

(c) Provide examination and audit procedures required to administer this section.

(10) RULES.—The department and the division may adopt rules

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to administer this section.

Section 2. Subsection (26) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(26) The department may make available to the Division of Historical Resources of the Department of State and the Secretary of the United States Department of the Interior or his or her delegate, exclusively for official purposes, information for the purposes of administering the Main Street Historical Tourism and Revitalization Act pursuant to s. 220.197.

Section 3. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.1876, those enumerated in s. 220.1877, those enumerated in s. 220.1878, those enumerated in s. 220.193, those enumerated in former s. 288.9916, those enumerated in former s. 220.1899, those enumerated in former s. 220.194, those enumerated in s. 220.196, those enumerated in s. 220.198, those enumerated in s. 220.1915, those enumerated in s. 220.199, ~~and~~ those enumerated in s. 220.1991, and those

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

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enumerated in s. 220.197.

Section 4. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) *Additions*.—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the

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computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the

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attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

14. The amount taken as a credit for the taxable year pursuant to s. 220.198.

15. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

16. The amount taken as a credit for the taxable year pursuant to s. 220.199.

17. The amount taken as a credit for the taxable year pursuant to s. 220.1991.

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523 18. The amount taken as a credit for the taxable year
 524 pursuant to s. 220.197.
 525 Section 5. Subsection (7) of section 624.509, Florida
 526 Statutes, is amended to read:
 527 624.509 Premium tax; rate and computation.—
 528 (7) Credits and deductions against the tax imposed by this
 529 section shall be taken in the following order: deductions for
 530 assessments made pursuant to s. 440.51; credits for taxes paid
 531 under ss. 175.101 and 185.08; credits for income taxes paid
 532 under chapter 220 and the credit allowed under subsection (5),
 533 as these credits are limited by subsection (6); the credit
 534 allowed under s. 624.51057; the credit allowed under s.
 535 624.51058; the credit allowed under s. 220.197; and all other
 536 available credits and deductions.
 537 Section 6. Section 624.5095, Florida Statutes, is created
 538 to read:
 539 624.5095 Premium tax credits related to historic
 540 preservation.—
 541 (1) Tax credits accrued through a certified rehabilitation
 542 as defined in s. 220.197 and 36 C.F.R. s. 67.2 may be used to
 543 offset insurance premium tax owed by insurers under s. 624.509
 544 and as limited under s. 624.509(5).
 545 (2) The certified rehabilitation may either be completed by
 546 the insurer pursuant to s. 220.197; or the insurer may purchase
 547 the tax credits from a different entity that accrued or
 548 purchased the tax credits pursuant s. 220.197.
 549 (3) An insurer claiming a credit against insurance premium
 550 tax liability under this section is not required to pay any
 551 additional retaliatory tax levied pursuant to s. 624.5091 as a

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552 result of claiming such credit. Section 624.5091 does not limit
 553 such credit in any manner.
 554 Section 7. (1) The Department of Revenue may, and all
 555 conditions are deemed met to, adopt emergency rules under s.
 556 120.54(4), Florida Statutes, for the purpose of implementing the
 557 Main Street Historical Tourism and Revitalization Act.
 558 (2) Notwithstanding any other law, emergency rules adopted
 559 under this section are effective for 6 months after adoption and
 560 may be renewed during the pendency of procedures to adopt
 561 permanent rules addressing the subject of the emergency rules.
 562 (3) This section shall take effect upon this act becoming a
 563 law and expires July 1, 2025.
 564 Section 8. This act applies to taxable years beginning, and
 565 for qualified expenses incurred, on or after January 1, 2025.
 566 Section 9. Except as otherwise expressly provided in this
 567 act and except for this section, which shall take effect upon
 568 this act becoming a law, this act shall take effect July 1,
 569 2024.

The Florida Senate
APPEARANCE RECORD

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

11/16/24

Meeting Date

Commerce & Tourism

Committee

1166

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Maisie Wagner

Phone

520-425-7172

Address

157 Sinclair Rd.

Email

Maisiewagner1099@gmail.com

Street

Tallahassee FL

32312

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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11/16/24

Meeting Date

Commerce & Tourism

Committee

1166

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Melissa Wyllie

Phone

850-224-8128

Address

906 E Park Ave

Email

mwylle@FloridaTrust.org

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:

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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

1/16/24
Meeting Date
Commerce + Tourism
~~Community Affairs~~
Committee

1166
Bill Number or Topic

Amendment Barcode (if applicable)

Name Mark Zubaly Phone 850 443 0243

Address 6352 Glasgow Drive Email mZubaly@comcast.net
Street
Tallahassee FL 32312
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

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

1/16/24
Meeting Date
Commerce + Tourism
Committee

SB 1166
Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins Phone 850 - 273 - 5055

Address 308 N Monroe St Email kdinkins@1000fof.org
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:
1000 Friends of FL

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/16/24
Meeting Date

Commerce & Tourism
Committee

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

(LAD for Dept of State)

1166 w/Amending
Bill Number or Topic

18-00487A-24
Amendment Barcode (if applicable)

Name Katherine Woodby

Phone 850-245-689

Address 500 S. Bronough St
Street
Tallahassee FL 32399
City State Zip

Email Katherine.Woodby@
DOS.myrflorida.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: FL
FOR Dept of State

☐ 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
SENATOR NICK DICEGLIE
District 18

Kathleen Passidomo
President of the Senate

Dennis Baxley
President Pro Tempore

January 11, 2024

Dear Chair Trumbull,

I respectfully request that **SB 1166: Main Street Historical Tourism and Revitalization** Act be placed on the agenda of the Commerce and Tourism Committee at your earliest convenience. If my office can be of any assistance to the committee please do not hesitate to contact me at DiCeglie.Nick@flsenate.gov or (850) 487-5018. Thank you for your consideration.

Sincerely,

Nick DiCeglie

Nick DiCeglie

State Senator, District 18



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military and Veterans Affairs, Space, and Domestic Security, *Vice Chair*
Appropriations Committee on Criminal and Civil Justice
Banking and Insurance
Commerce and Tourism
Fiscal Policy
Rules
Transportation

JOINT COMMITTEES:
Joint Select Committee on Collective Bargaining

SENATOR VICTOR M. TORRES, JR.
25th District

January 16, 2024

Jay Trumbull, Chair
Commerce and Tourism
404 S Monroe Street
Tallahassee

Please accept this letter of excusal from myself for the January 16th meeting of the Commerce and Tourism committee due to an illness. Please accept this letter as a formal request for excusal of this absence. Please let me know if you have any questions or need any additional information.

Respectfully Submitted,

Victor M. Torres, Jr.
Florida State Senator
District 25

REPLY TO:

□ 101 Church Street, Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (850) 410-4817
□ 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: SB 110
Caption: Senate Commerce and Tourism Committee

Case No.:

Type:
Judge:

Started: 1/16/2024 1:32:37 PM
Ends: 1/16/2024 2:20:06 PM
Length: 00:47:30

1:32:36 PM Chair Trumbull calls meeting to order
1:32:43 PM Roll call
1:32:55 PM Quorum present
1:33:01 PM Chair Trumbull
1:33:14 PM Tab 1 - SB 314, Business Transactions TP'd
1:33:28 PM Tab 2 - SB 890, Taxation introduced
1:33:41 PM Explanation by Senator Boyd
1:34:04 PM Chair Trumbull
1:34:12 PM Tasha Carter, DFS, Office of Insurance Consumer Advocate; waives in support
1:34:16 PM Murphy Kennedy Giering, FL Realtors; waives in support
1:34:27 PM Parker Powers; CFO, Jimmy Patronis; waives in support
1:34:34 PM Debate
1:34:37 PM Senator Wright
1:34:48 PM Senator Rodriguez
1:35:06 PM Senator Stewart
1:35:15 PM Senator Gruters
1:35:31 PM Chair Trumbull
1:35:39 PM Closure by Senator Boyd
1:35:43 PM Roll call
1:35:54 PM SB 890 reported favorably
1:36:10 PM Tab 3 - SB 612, Building Construction introduced
1:37:22 PM Explanation by Senator Hooper
1:37:33 PM Amendment Barcode #645676 introduced
1:37:53 PM Explanation of Amendment by Senator Hooper
1:37:57 PM Chair Trumbull
1:38:04 PM Amendment adopted
1:38:08 PM Amendment Barcode No. 568094 introduced
1:38:22 PM Explanation of Amendment by Senator Hooper
1:38:25 PM Senator Trumbull
1:38:29 PM Amendment adopted
1:38:33 PM Senator Trumbull
1:38:38 PM Edward Briggs, FL Refrigeration & Air Conditioning, Generators Assoc.; speaks in support
1:38:48 PM Chair Trumbull
1:39:11 PM Closure waived
1:39:15 PM Roll call
1:39:21 PM CS/SB 612 reported favorably
1:39:30 PM Tab 6 - SB 1166, Main Street Historical Tourism and Revitalization Act introduced
1:39:47 PM Explanation by Senator DiCeglie
1:39:53 PM Introduction of Amendment Barcode No. 857016
1:40:03 PM Explanation of Amendment by Senator DiCeglie
1:40:13 PM Chair Trumbull
1:40:30 PM Katherine Woodby, FL Dept. of State; waives in support
1:40:53 PM Amendment adopted
1:40:56 PM Debate
1:41:02 PM Chair Trumbull
1:41:19 PM Kim Dirkins, 1000 Friends of FL; waives in support
1:41:21 PM Maisie Wagner; waives in support
1:41:29 PM Melissa Wyllie; FL Trust for Historic Preservation; waives in support
1:41:35 PM Mark Zubaly; waives in support
1:41:44 PM Chair Trumbull
1:41:50 PM Closure by Senator DiCeglie
1:41:52 PM Roll call

1:41:57 PM CS/SB 1166 reported favorably
1:42:07 PM Tab 4 - SB 842, Florida Kratom Consumer Protection Act
1:42:14 PM Explanation by Senator Perry
1:42:47 PM Chair Trumbull
1:42:54 PM Dr. Laura Chilcutt, Nemours Children's Health; waives in support
1:43:02 PM Mac Haddow, speaks in support
1:45:09 PM Ellen Snelling; speaks against
1:48:29 PM Question
1:49:14 PM Senator Gruters
1:49:47 PM Response by Mac Haddow
1:52:12 PM Teresa Miller; speaks against
1:55:59 PM Chair Trumbull
1:56:07 PM Debate
1:56:09 PM Senator Gruters
1:56:55 PM Chair Trumbull
1:57:42 PM Closure by Senator Perry
1:57:46 PM Roll call
1:58:40 PM SB 842 reported favorably
1:58:57 PM Chair Trumbull
1:59:09 PM Recording Paused
2:06:47 PM Recording Resumed
2:06:54 PM Chair Trumbull
2:06:55 PM Tab 5 - SB 1126, Regulation of Auxiliary Containers
2:07:13 PM Explanation by Senator Martin
2:07:52 PM Chair Trumbull
2:08:40 PM Late-filed Amendment Barcode No. 354080 introduced
2:08:53 PM Explanation of Amendment by Senator Martin
2:09:46 PM Chair Trumbull
2:09:57 PM Samantha Padgett; waives in support
2:10:03 PM Chair Trumbull
2:10:07 PM Closure waived
2:10:09 PM Amendment adopted
2:10:12 PM Chair Trumbull
2:10:18 PM Jackson Oberlink, Florida Rising; speaks against
2:12:15 PM David Cullen, Sierra Club Florida; speaks against
2:13:37 PM Charles Horowitz; speaks against
2:15:45 PM Angela Bonds, Florida Retail Federation; waives in support
2:15:52 PM Holly Parker Curry; speaks against
2:17:58 PM Samatha Padgett , FL Restaurant & Lodging Association; waives in support
2:18:09 PM Yenisbel Vilorio, Six Action; waives against
2:18:13 PM Karen Woodall, Earth Justice; waives against
2:18:20 PM Chad Kunde, FL Chamber of Commerce; waives in support
2:18:22 PM Andy Palmer, American Recyclable Plastic Bag Alliance; waives in support
2:18:34 PM Chair Trumbull
2:18:41 PM Closure by Senator Martin
2:18:46 PM Roll call
2:19:18 PM CS/SB 1126 reported favorably
2:19:33 PM Chair Trumbull
2:19:48 PM Senator Rodriguez moves to adjourn
2:19:56 PM Meeting adjourned