

Tab 1 SB 1610 by Rodriguez; (Compare to H 00071) Ad Valorem Tax Abatement

Tab 2 SB 1702 by Bradley; (Compare to H 01391) Mandatory Building Inspections

Tab 3 SJR 1746 by Brodeur; (Identical to H 00001) Homestead Property Tax Exemption

Tab 4 SB 1748 by Brodeur; (Identical to H 01563) Homestead Property Tax Exemptions for Classroom Teachers, Law Enforcement Officers, Firefighters, Child Welfare Professionals, and Servicemembers

Tab 5 SB 644 by Brodeur; (Similar to CS/H 00423) Building Inspection Services

501904	D	S	WD	CA, Brodeur	Delete everything after	01/26 09:40 AM
775516	D	S	RCS	CA, Brodeur	Delete everything after	01/26 09:40 AM

Tab 6 SB 706 by Perry; (Similar to CS/H 00851) School Concurrency

660222	A	S	RCS	CA, Perry	Delete L.20 - 56.	01/26 09:40 AM
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Tab 7 SB 944 by Baxley; (Identical to H 01227) Online Marketplace Transparency

Tab 8 SB 178 by Pizzo; (Compare to H 00285) Visiting County and Municipal Detention Facilities

Tab 9 SB 614 by Garcia; (Similar to CS/H 00721) Authorization of Restrictions Concerning Dangerous Dogs

Tab 10 SB 898 by Stewart (CO-INTRODUCERS) Perry, Taddeo, Book, Berman, Bracy, Polsky, Cruz;
 (Identical to H 00577) Tenant Safety

647436	A	S	RCS	CA, Stewart	Delete L.35 - 36:	01/26 09:40 AM
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Tab 11 SB 1236 by Jones; (Identical to H 01561) County and Municipal Detention Facilities

Tab 12 SB 1124 by Gruters; (Compare to CS/H 00943) Preemption of Local Government Wage Mandates

192142	D	S	FAV	CA, Gruters	Delete everything after	01/26 10:35 AM
716180	A	S	WD	CA, Gruters	Delete L.14 - 18:	01/26 10:35 AM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Bradley, Chair
Senator Garcia, Vice Chair

MEETING DATE: Tuesday, January 25, 2022
TIME: 3:30—6:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Building

MEMBERS: Senator Bradley, Chair; Senator Garcia, Vice Chair; Senators Baxley, Brodeur, Cruz, Farmer, Hooper, Hutson, and Polsky

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1610 Rodriguez (Compare H 71, S 568)	Ad Valorem Tax Abatement; Providing for the abatement of ad valorem taxes for residential improvements destroyed following certain events; providing procedures and requirements for filing applications for the abatement; specifying requirements for property appraisers, tax collectors, and the Department of Revenue; providing for retroactive application, etc. CA 01/25/2022 Favorable FT AP	Favorable Yeas 9 Nays 0
2	SB 1702 Bradley (Compare H 1391, S 1780)	Mandatory Building Inspections; Specifying that the purpose of a milestone inspection is not to determine compliance with the Florida Building Code; requiring owners of certain multifamily residential buildings to have milestone inspections performed at specified times; requiring the boards of administration for condominium and cooperative associations to arrange for milestone inspections of condominium buildings and cooperative buildings, respectively; requiring architects and engineers performing a milestone inspection to submit a sealed copy of the inspection report to certain entities, etc. CA 01/25/2022 Favorable RI RC	Favorable Yeas 9 Nays 0
3	SJR 1746 Brodeur (Identical HJR 1, Compare H 1563, Linked S 1748)	Homestead Property Tax Exemption; Proposing amendments to the State Constitution to authorize the legislature, by general law, to grant an additional homestead property tax exemption on \$50,000 of the assessed value of homestead property owned by classroom teachers, law enforcement officers, correctional officers, firefighters, child welfare services professionals, active duty members of the United States Armed Forces, and members of the Florida National Guard, etc. CA 01/25/2022 Favorable FT AP	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 25, 2022, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1748 Brodeur (Identical H 1563, Compare HJR 1, Linked SJR 1746)	Homestead Property Tax Exemptions for Classroom Teachers, Law Enforcement Officers, Firefighters, Child Welfare Professionals, and Servicemembers; Specifying the information that must be supplied annually to the property appraiser by classroom teachers, law enforcement officers, firefighters, child welfare professionals, and servicemembers who qualify for a specified exemption; providing conditions under which a classroom teacher, a law enforcement officer, a firefighter, a child welfare professional, or a servicemember may receive an additional homestead property tax exemption; specifying actions a property appraiser may take if a taxpayer improperly claims an exemption, etc. CA 01/25/2022 Favorable FT AP	Favorable Yeas 9 Nays 0
5	SB 644 Brodeur (Similar CS/H 423)	Building Inspection Services; Revising eligibility requirements for a person applying to become certified as a building code inspector or plans examiner; revising the special conditions or requirements that the Florida Building Code Administrators and Inspectors Board may impose on provisional certificates; requiring the board to authorize, by rule, the transfer of a partial completion of an internship program between private entities; requiring the local jurisdiction to provide access to certain documents to a private provider, contractor, and owner; providing that a certificate of occupancy or certificate of completion is automatically granted and issued, and the permit application closed, under certain circumstances, etc. CA 01/12/2022 Not Considered CA 01/18/2022 Not Considered CA 01/25/2022 Fav/CS RI RC	Fav/CS Yeas 8 Nays 1
6	SB 706 Perry (Similar CS/H 851)	School Concurrency; Requiring, instead of encouraging, local governments that adopt school concurrency to apply such concurrency to development on a districtwide basis; removing provisions addressing school concurrency on a less than districtwide basis; revising provisions specifying when school concurrency is satisfied; specifying that proportionate-share mitigation must be set aside and not spent if an improvement has not been identified, etc. CA 01/25/2022 Fav/CS ED RC	Fav/CS Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 25, 2022, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 944 Baxley (Identical H 1227)	Online Marketplace Transparency; Requiring online marketplaces to require high-volume third-party sellers using their service to provide certain information to the online marketplace within a specified timeframe; requiring the online marketplace to suspend certain sellers who do not provide such a certification or updated information; requiring online marketplaces to disclose certain information in a specified manner; preempting the regulation of the verification and disclosure of such information to the Department of Legal Affairs, etc. CM 01/18/2022 Favorable CA 01/25/2022 Favorable RC	Favorable Yeas 9 Nays 0
8	SB 178 Pizzo (Compare H 285)	Visiting County and Municipal Detention Facilities; Authorizing specified persons to visit at their pleasure county and municipal detention facilities; prohibiting persons not otherwise authorized by law from entering such facilities; prohibiting the unreasonable withholding of permission for professional journalists or writers to enter such facilities, etc. CA 01/25/2022 Favorable JU RC	Favorable Yeas 8 Nays 0
9	SB 614 Garcia (Similar CS/H 721)	Authorization of Restrictions Concerning Dangerous Dogs; Authorizing certain housing authorities to adopt certain ordinances, rules, or policies relating to dangerous dogs; removing an exemption for local ordinances adopted before a specified date which pertain to dogs that have bitten or attacked persons or domestic animals, etc. CA 01/18/2022 Not Considered CA 01/25/2022 Favorable AG RC	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, January 25, 2022, 3:30—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	SB 898 Stewart (Identical H 577)	Tenant Safety; Citing this act as "Miya's Law"; requiring landlords of nontransient or transient apartments to require employees to undergo background screenings as a condition of employment; authorizing landlords to disqualify persons from employment under certain circumstances relating to criminal offenses; revising what constitutes reasonable notice for repairs of dwelling units; requiring public lodging establishments licensed as nontransient or transient apartments to take certain actions relating to employee background screenings and keys for dwelling units, etc. CA 01/25/2022 Fav/CS JU RC	Fav/CS Yeas 9 Nays 0
11	SB 1236 Jones (Identical H 1561)	County and Municipal Detention Facilities; Creating the Florida Model Jail Standards Commission to supersede a working group; specifying that each entity that operates a municipal or county detention facility shall adopt the Florida Model Jail Standards approved by the commission; requiring the jail standards to include criteria and standards for what actions result in serious violations and notable violations; specifying that the jail standards must require that each county detention facility and municipal detention facility be inspected, at a minimum, twice annually; providing financial penalties for persons in charge of detention facilities who refuse to allow inspections or who refuse to provide access to detention facilities, or for facilities found to be noncompliant with the jail standards during an annual inspection or any reinspection, etc. CA 01/25/2022 Favorable CJ RC	Favorable Yeas 9 Nays 0
12	SB 1124 Gruters (Similar CS/H 943)	Preemption of Local Government Wage Mandates; Creating the "Wage Mandate Preemption Act"; revising prohibitions relating to political subdivisions enacting, maintaining, or enforcing wage mandates in an amount greater than the state minimum wage rate, etc. CA 01/25/2022 Amendment Adopted - Temporarily Postponed CM RC	Amendment Adopted - Temporarily Postponed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1610

INTRODUCER: Senator Rodriguez

SUBJECT: Ad Valorem Tax Abatement

DATE: January 24, 2022

REVISED: _____

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

I. Summary:

SB 1610 provides for the abatement of taxes for property owners affected by the 2021 collapse of Champlain Towers South. The bill provides that taxes levied in 2021 on persons who held property in Champlain Towers South on the date of its destruction must be abated, and prescribes the process by which the state and local government will administer the abatement of taxes.

The abatement provision applies retroactively to January 1, 2021. The bill provides definitions and a cross reference.

The bill takes effect upon becoming a law.

II. Present Situation:

General Overview of Property Taxation

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

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

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

limitations, and exemptions to determine the property's "taxable value."³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

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

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

Tax Abatement for Natural Disasters

The Legislature has provided tax relief for the victims of natural disasters on at least five occasions.¹¹ Chapter 88-101, L.O.F., created s. 196.295(3), F.S., which provided an abatement of taxes for properties damaged by windstorms or tornadoes.¹² To receive the abatement, the property owner was required to file an application with the property appraiser by March 1 of the year following the year in which the windstorm or tornado occurred.¹³ After making a determination on the validity of the application, the property appraiser was directed to issue an official statement to the tax collector containing the number of the months the property was uninhabitable due to the damage or destruction, the value of the property prior to the damage or destruction, the total taxes due on the property as reduced by the number of months the property was uninhabitable, and the amount of the reduction in taxes.¹⁴

Upon receipt of the official statement, the tax collector reduced the amount of taxes due on the property on the tax collection roll and informed the board of county commissioners and DOR of the total reduction in taxes for all property in the county receiving the abatement.¹⁵ The law was

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ Chapters. 88-101, 98-185, 2004-474, 2007-106, and 2018-118 Laws of Fla.

¹² Section 196.295(3), F.S, repealed by ch. 92-173, s. 8, Laws of Fla.

¹³ Section 196.295(3)(a), F.S, repealed by ch. 92-173, s. 8, Laws of Fla.

¹⁴ Section 196.295(3)(d), F.S, repealed by ch. 92-173, s. 8, Laws of Fla.

¹⁵ Section 196.295(3)(e)-(f), F.S, repealed by ch. 92-173, s. 8, Laws of Fla.

applied retroactively to January 1, 1988 and included a repeal effective of July 1, 1989.¹⁶ The language was removed from statute in 1992.¹⁷

Most recently ch. 2018-118, L.O.F., applied a similar process to abate taxes for homestead parcels on which improvements were damaged or destroyed by a hurricane that occurred in 2016 or 2017, namely hurricanes Hermine, Matthew, and Irma. If the residential improvement was rendered uninhabitable for at least 30 days due to such a hurricane, taxes initially levied in 2019 could be abated. The Legislature was required to appropriate funds to offset the reduction in ad valorem tax revenue in taxing jurisdictions in fiscally constrained counties as a result of the abatement.¹⁸

The Value Adjustment Board Process

Each county has a Value Adjustment Board (VAB), comprised of two members of the governing body of the county, one member of the school board, and two citizen members appointed by the governing body of the county.¹⁹ The county clerk acts as the clerk of the VAB.²⁰ A property owner may initiate an assessment valuation challenge by filing a petition with the clerk of the VAB within 25 days after the mailing of the TRIM notice.²¹

The clerk of the VAB will schedule the petition for a hearing, during which a special magistrate will hear testimony and make a recommendation to the VAB on how the petition should be resolved.²² The VAB renders a written decision within 20 calendar days after the last day the VAB is in session.²³ The decision of the VAB must contain findings of fact and conclusions of law and must include reasons for upholding or overturning the determination of the property appraiser.²⁴ The clerk of the VAB, upon issuance of a decision, must notify each taxpayer and the property appraiser of the decision of the VAB.²⁵

Champlain Towers South

On the morning of June 24, 2021, a 12-story condominium in Surfside, Florida called Champlain Towers South unexpectedly experienced structural failure and partially collapsed, resulting in the death of ninety-eight people. The standing portion of the building, rendered uninhabitable, was demolished 10 days later.

After an extensive emergency management effort, Executive Order 21-160 was implemented in order to suspend deadlines related to taxes and tax administration for taxpayers whose property

¹⁶ Section 196.295(3)(h), F.S., repealed by ch. 92-173, s. 8, Laws of Fla.

¹⁷ Chapter 92-173, s. 8, Laws of Fla.

¹⁸ Section 218.135, F.S. (2018) (Repealed 2019).

¹⁹ Section 194.015, F.S.

²⁰ *Id.*

²¹ Section 194.011(3)(d), F.S. With respect to an issue involving the denial of an exemption, an agricultural or high-water recharge classification application, an application for classification as historic property used for commercial or certain nonprofit purposes, or a deferral, the petition must be filed at any time during the taxable year on or before the 30th day following the mailing of the notice by the property appraiser.

²² Section 194.035, F.S.

²³ Section 194.034(2), F.S.

²⁴ *Id.*

²⁵ *Id.*

was destroyed or rendered uninhabitable during the collapse.²⁶ These suspensions included deadlines regarding the collection of ad valorem taxes. The executive order also requested “the Florida Legislature to explore additional legislative acts as may be necessary to alleviate the Taxpayers’ property tax obligations.”²⁷

III. Effect of Proposed Changes:

The bill creates s. 197.319, F.S., to provide for the abatement of taxes for residential improvements following the Champlain Towers South collapse. The bill provides that taxes levied in 2021 on persons who held legal title to property in Champlain Towers South on the date of its destruction must be abated as follows.

The property owner must file an application with the property appraiser, verified under oath, identifying the destroyed residential parcel owned. Upon receipt of the application, the property appraiser must investigate the statements contained in the application to determine if the applicant is entitled to an abatement of taxes.

If the property appraiser determines that the applicant is not entitled to an abatement, the applicant may file a petition with the VAB requesting such abatement. If the property appraiser determines that the applicant is entitled to an abatement, he or she must issue an official written statement to the tax collector by June 1, 2022, providing the property’s just value as of January 1, 2021, the just value following the destruction of the parcel, with no value given to the uninhabitable building, and the percent change in value between the two.

Upon receipt of this statement, the tax collector must calculate the disaster relief credit by multiplying the percent change in value times the amount of timely paid taxes levied in 2021. By July 1, 2022, the tax collector must notify the Department of Revenue of the total reduction in taxes for all qualifying properties and remaining amount of taxes levied for each parcel. This notification must include the name and address of each applicant. The tax collector must also notify the governing board of each affected local government of the reduction in such government’s taxes caused by this bill.

Upon such notification from the tax collector, the Department of Revenue must process a payment from its Administrative Trust Fund to each property owner for the amount of taxes levied and not reduced by the tax collector, and forward all undeliverable reimbursements to the notifying tax collector for subsequent delivery attempts.

The bill provides various definitions in order to specify certain parties, properties, and calculations incorporated above.

This section applies retroactively to January 1, 2021.

The bill also amends s. 194.032, F.S., to provide a cross reference allowing the value adjustment board to meet to hear appeals related to the tax abatement provided by the bill.

²⁶ Executive Order 21-160 issued Jul. 9, 2021, available at: <https://www.flgov.com/wp-content/uploads/2021/07/EO-21-160.pdf> (last visited January 20, 2022).

²⁷ *Id.*, s.2.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

A general law operates universally throughout the state, uniformly on specific subjects throughout the state, or uniformly within a permissible classification, or relates to a state function or entity.²⁸ Uniform operation of a general law does not require application throughout the state; instead there must be a reasonable possibility that others in the future may meet the criteria of the classification.²⁹ A general law of local application is a form of general law that operates within only a portion of the state due to a valid classification based on proper distinctions and differences.³⁰ Article III, Section 10 of the Florida Constitution does not place any burdens or requirements on the Legislature's ability to pass a general law of local application.

A special law is a law that operates on a specific category of people or subjects, and the classification is impermissible or illegal.³¹ A special law requires prior publication of a notice of intent to seek passage, or it may become effective after approval by the affected voters in a referendum.³² A local law is a form of special law that operates only in a specific geographic area or in a classified territory when classification is impermissible or illegal.³³

²⁸ State Affairs Committee and Local Administration and Veterans Affairs Subcommittee, *Local Bills Policies and Procedures Manual 2020-2022*, 1, available at:

<https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3117&Session=2021&DocumentType=General+Publications&FileName=2021-2022+Local+Bill+Policy+and+Procedures+Manual.pdf>.

²⁹ *Id.* at 1-2.

³⁰ *Id.* at 2.

³¹ *Id.* at 2-3.

³² *Id.* at 3.

³³ *Id.*

The bill applies narrowly to abate the 2021 taxes of those property owners who held legal title to a parcel within a multistory residential building of at least 50 dwellings which was demolished by a sudden and unforeseen collapse as recognized by an executive order issued by the Governor during the 2021 calendar year, which appears to be a closed classification.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet reviewed this bill.

B. Private Sector Impact:

Property owners affected by the Champlain Towers South collapse will see a positive impact should they apply for and receive the tax abatement authorized by the bill.

C. Government Sector Impact:

Local governments will face indeterminate negative fiscal impact related to administration of the bill and payments related to the abatement of property taxes. The Department of Revenue will bear the negative economic impact of returning certain taxes paid by property owners who apply for abatement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 194.032 of the Florida Statutes.
This bill creates section 197.319 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Rodriguez

39-01385A-22

20221610__

A bill to be entitled

An act relating to ad valorem tax abatement; amending s. 194.032, F.S.; conforming a provision to changes made by the act; creating s. 197.319, F.S.; defining terms; providing for the abatement of ad valorem taxes for residential improvements destroyed following certain events; providing procedures and requirements for filing applications for the abatement; specifying requirements for property appraisers, tax collectors, and the Department of Revenue; providing for retroactive application; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 194.032, Florida Statutes, is amended to read:

194.032 Hearing purposes; timetable.—

(1)

(b) Notwithstanding the provisions of paragraph (a), the value adjustment board may meet prior to the approval of the assessment rolls by the Department of Revenue, but not earlier than July 1, to hear appeals pertaining to the denial by the property appraiser of exemptions, tax abatements under ss. 197.318 and 197.319 ~~s. 197.318~~, agricultural and high-water recharge classifications, classifications as historic property used for commercial or certain nonprofit purposes, and deferrals under subparagraphs (a)2., 3., and 4. In such event, however, the board may not certify any assessments under s. 193.122 until the Department of Revenue has approved the assessments in

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accordance with s. 193.1142 and all hearings have been held with respect to the particular parcel under appeal.

Section 2. Section 197.319, Florida Statutes, is created to read:

197.319 Abatement of taxes for residential improvements following a destruction caused by a sudden collapse.—

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

(a) "Destruction" means the immediate demolition of a building caused by a sudden and unforeseen collapse and the subsequent demolition of remaining sections of the building recognized as having experienced a major structural collapse by an executive order issued by the Governor pursuant to s. 252.36.

(b) "Disaster relief credit" means the product arrived at by multiplying the percent change in value by the amount of timely paid taxes levied in the year in which the destruction occurred.

(c) "Percent change in value" means the difference between a residential parcel's just value as of January 1 of the year in which the destruction occurred and its postdisaster just value expressed as a percentage of the parcel's just value as of January 1 of the year in which the destruction occurred.

(d) "Postdisaster just value" means the just value of the residential parcel on January 1 of the year in which the destruction occurred, reduced to reflect the just value of the residential improvement as a result of the destruction. For purposes of this section, residential improvements that are uninhabitable shall have no value placed thereon. Postdisaster just value is determined only for purposes of calculating tax abatements under this section and does not determine a parcel's

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59 just value as of January 1 each year.

60 (e) "Property owner" means the person who on the date of
 61 destruction holds legal title to the real property.

62 (f) "Residential improvement" means a multistory
 63 residential building comprised of at least 50 dwelling units.

64 (2) If a residential improvement located in a county as
 65 defined in s. 125.011(1) is destroyed following a sudden and
 66 unforeseen collapse or the subsequent demolition of remaining
 67 sections of the building recognized as having experienced a
 68 major structural collapse by an executive order issued by the
 69 Governor pursuant to s. 252.36 during the 2021 calendar year,
 70 taxes levied in 2021 must be abated in the following manner:

71 (a) The property owner must file an application with the
 72 property appraiser no later than May 1, 2022. A property owner
 73 who fails to file an application by May 1, 2022, waives a claim
 74 for abatement of taxes under this section.

75 (b) The application must identify the residential parcel on
 76 which the residential improvement was destroyed and the date the
 77 destruction occurred.

78 (c) The application must be verified under oath and is
 79 subject to penalty of perjury.

80 (d) Upon receipt of the application, the property appraiser
 81 must investigate the statements contained in the application to
 82 determine if the applicant is entitled to an abatement of taxes.

83 1. If the property appraiser determines that the applicant
 84 is not entitled to an abatement, the applicant may file a
 85 petition with the value adjustment board, pursuant to s.
 86 194.011(3), requesting that the abatement be granted.

87 2. If the property appraiser determines that the applicant

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88 is entitled to an abatement, the property appraiser must issue
 89 an official written statement to the tax collector by June 1,
 90 2022, which provides:

91 a. The just value of the residential parcel as determined
 92 by the property appraiser on January 1 of the year in which the
 93 destruction occurred for which the applicant is claiming an
 94 abatement.

95 b. The post-destruction just value of the residential
 96 parcel as determined by the property appraiser.

97 c. The percent change in value applicable to the
 98 residential parcel.

99 (3) Upon receipt of the written statement from the property
 100 appraiser, the tax collector shall calculate the disaster relief
 101 credit pursuant to this section and process a payment to the
 102 property owner in an amount equal to the disaster relief credit.

103 (4) No later than July 1, 2022, the tax collector shall
 104 notify:

105 (a) The department of the total reduction in taxes for all
 106 properties that qualified for an abatement pursuant to this
 107 section and the remaining amount of taxes levied for each
 108 parcel. The tax collector shall include in its notification the
 109 name and address of each property owner who applies for a
 110 refund.

111 (b) The governing board of each affected local government
 112 of the reduction in such local government's taxes pursuant to
 113 this section.

114 (5) Upon notification by the tax collector, the department
 115 shall process a payment to each property owner for the amount of
 116 taxes levied and not reduced by the tax collector pursuant to

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117 this section, making payment from its Administrative Trust Fund.

118 (6) The department shall forward all undeliverable
119 reimbursements to the notifying tax collector for subsequent
120 delivery attempts.

121 (7) This section applies retroactively to January 1, 2021.

122 Section 3. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1702

INTRODUCER: Senator Bradley

SUBJECT: Mandatory Building Inspections

DATE: January 24, 2022

REVISED: _____

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

I. Summary:

SB 1702 establishes a mandatory structural inspection program for multi-family residential buildings in the state of Florida. Under the bill, multi-family residential buildings greater than 3 stories and larger than 3,500 square feet are required to have a “milestone inspection” once the building reaches 30 years in age, and every 10 years thereafter. If the building is within 3 miles of coastline the requirements drop to 20 years in age, and every 7 years thereafter. Inspections must be done by a licensed architect or engineer. The bill provides for a two phase milestone inspection process including a visual inspection and a structural distress inspection if a visual inspection warrants a second phase.

The bill states that a licensed engineer or architect must submit a copy of their inspection report to the building owner or board of a condominium or cooperative, and the building official in the jurisdiction of the building. Condominium or cooperative boards must distribute the report to all unit owners.

The bill requires that milestone inspection reports be added to the list of documents that are official records and must be provided for buyer review in condominium and cooperative unit resales with other nondeveloper disclosures.

The bill allows local enforcement agencies to prescribe timelines and penalties with respect to compliance with milestone inspections.

Additionally, the bill directs the Florida Building Commission to establish comprehensive structural and life safety standards beyond the bill’s requirements for maintaining and inspecting all building types, and to make them available for adoption by local governments at their discretion.

The act takes effect July 1, 2022.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

The Florida Building Commission was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶

Local Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.⁷

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Nov. 11, 2021).

² *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited on Nov. 11, 2021).

³ *Id.*

⁴ Section 553.72(1), F.S.

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, available at <https://www.iccsafe.org/about/who-we-are/> (last visited Dec 2, 2021).

⁶ Sections 553.73, and 553.74, F.S.

⁷ Section 553.72, F.S.

Every local government must enforce the Building Code and issue building permits.⁸ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.⁹

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.¹⁰ Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections is considered completed or closed.¹¹

The Florida Building Code does not contain mandatory requirements for the maintenance and inspection of existing buildings in the state. However, local governments are empowered to enact such requirements at their discretion to apply throughout a local jurisdiction. Some local jurisdictions in the state have used the following model standards to aid in their adoption of local requirements for the maintenance and inspections of existing buildings: the International Property Maintenance Code, the Standard Housing Code, and the Standard Unsafe Building Abatement Code, or some combination thereof.¹²

Mandatory inspections of existing buildings was once required by Florida law, but the law was repealed shortly after enactment. In 2008, the Legislature mandated that every condominium greater than 3 stories in height be inspected for maintenance, useful life, and replacement costs of useful elements every 5 years by an engineer or architect licensed in the state.¹³ A condominium association could waive this requirement for 5 years with a majority vote of interests present at a properly called meeting of the association.¹⁴ This provision was repealed in 2010.¹⁵

Building Code Administrators and Inspectors and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the Florida Building Code Administrators and Inspectors Board (BCAIB) within DBPR. The BCAIB consists of nine members appointed by the Governor and subjected to confirmation by the Senate.¹⁶

⁸ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

⁹ Sections 125.56(4)(a), 553.79(1), F.S.

¹⁰ Section 110 Seventh edition of the Florida Building Code (Building).

¹¹ Doug Wise, *Closing Inactive & Excluded Building Permits*, Palm Beach County Planning, Zoning & Building Department, Building Division, available at: <http://discover.pbcgov.org/pzb/building/BuildingCodes/PBO-126%20%E2%80%93%20Closing%20Inactive%20and%20Excluded%20Building%20Permits.pdf> (last visited Dec 2, 2021).

¹² DBPR Agency Legislative Bill Analysis: SB 1702 (January 7, 2022). On file with the Senate Community Affairs Committee.

¹³ Chapter 2008-28 Laws of Fla.

¹⁴ *Id.*

¹⁵ Chapter 2010-176 Laws of Fla.

¹⁶ Section 468.605, F.S.

A building code administrator, otherwise known as a building official, is a local government employee or a person contracted by a local government who supervises building code activities, including plans review, enforcement, and inspection.¹⁷

A building code inspector (inspector) inspects construction that requires permits to determine compliance with the Building Code and state accessibility laws. Inspectors are divided into several different categories. An inspector's ability to practice is limited to the category or categories the inspector has been licensed. The inspector categories are:¹⁸

- Building inspector
- Coastal construction inspector
- Commercial electrical inspector
- Residential electrical inspector
- Mechanical inspector
- Plumbing inspector
- Residential inspector
- Electrical inspector

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for building permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes. A plans examiner's ability to practice is limited to the category or categories the plans examiner has been licensed. The plans examiner categories are:¹⁹

- Building plans examiner
- Plumbing plans examiner
- Mechanical plans examiner
- Electrical plans examiner

Threshold Building Inspections

In 1981, a “five-story Harbour Cay Condominium building in Cocoa Beach, Florida, collapsed during the placement of concrete for the roof slab, killing 11 workers and injuring 23 more.”²⁰ In response to this tragedy, the Legislature instituted threshold building inspections, requiring licensed “special inspectors” to conduct inspections for all threshold buildings.²¹ A special inspector is a licensed architect or registered engineer who is certified under chs. 471 or 481, F.S., to conduct inspections of threshold buildings.²²

¹⁷ Section 468.603(2), F.S.

¹⁸ Section 468.603(5), F.S.

¹⁹ Section 468.603(8), F.S.

²⁰ National Institute of Standards and Technology, Harbour Cay Condominium Collapse Florida 1981, available at <https://www.nist.gov/el/harbour-cay-condominium-collapse-florida-1981> (last visited Jan. 20, 2022)

²¹ Florida Building Commission, Florida Building Construction Standards available at https://www.floridabuilding.org/fbc/commission/FBC_0413/Commission_Education_POC/173/173-1-MATERIAL%20.pdf (last visited Jan. 20, 2022)

²² See s. 553.71, F.S.

A threshold building is defined as any building which is greater than 3 stories or 50 feet in height, or which has an assembly occupancy classification, as defined in the Building Code, which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons.²³ An enforcing agency must require a special inspector to perform structural inspections on a threshold building during new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified.²⁴

On buildings that qualify as threshold a structural inspection plan must be submitted by the special inspector and the design professional of record to the enforcing agency prior to the issuance of a building permit for the construction of or modification to a threshold building.²⁵ However, a fee-simple owner may declare a building a threshold building even when it does not meet the definitions.²⁶

The inspection plan for a threshold building provides specific inspection instructions to provide for the adequate inspection of the construction. The owner must retain the services of a special inspector who must inspect the building according to the special inspection plan. In addition, the inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency.²⁷ Special inspectors report directly to local building administrators and officials. Threshold building inspectors' role is unique to Florida.²⁸

Local Building Recertification Programs

Florida does not require recertification of buildings or regular inspections of existing buildings, which is consistent with state building codes across the country. Miami-Dade and Broward Counties have amended their local building codes requiring a recertification process and inspection of buildings 40 years and older. Miami-Dade's program was established in the 1970s and Broward County's program was modeled after Miami-Dade and has been in effect since January 2006.²⁹

Miami Dade's recertification program states that:

“All buildings, except single-family residences, duplexes and minor structures as defined below, shall be recertified in the manner described below where such buildings or structures have been in existence for forty (40) years or longer, as determined by the Building Official, who shall at such time issue a Notice of Required Inspection to the building owner. Subsequent recertification shall be required at ten (10) years interval. In the event a

²³ See s. 553.71, F.S.

²⁴ Section 553.79(5)(a), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Florida Board of Professional Engineers, What Are Threshold Building Inspectors?, available at <https://fbpe.org/what-are-threshold-building-inspectors/> (last visited Jan. 20, 2022)

²⁹ Broward County, Building Safety Inspection Program, available at <https://www.broward.org/CodeAppeals/Documents/Broward%20County%20Building%20Safety%20Inspection%20Program.pdf> (last visited Jan. 19, 2022)

building is determined to be structurally and electrically safe under the conditions set forth herein, and such building or structure is less than forty (40) years of age, recertification shall not be required for a minimum of ten (10) years from that time, or age forty (40), whichever is the longer period of time.”³⁰

Inspection procedures shall “conform, in general, with the minimum inspection procedural guidelines” issued by the county, and are for the purpose of determining general structural condition of the building or structure to the extent reasonably possible which effects the safety of the building or structure.³¹ Miami Dade’s recertification program exempts building under 2,000 square feet, and Broward’s program exempts buildings smaller than 3,500 square feet.³² The inspections must be carried out by a professional engineer or architect registered with the State of Florida.³³

Following the 2021 tragedy in Surfside, Florida, where a 12-story condominium building, known as Champlain Towers South, unexpectedly experienced structural failure and partially collapsed, resulting in the death of 98 people, the concept of recertification programs gained considerable attention. The City of Boca Raton recently instituted a building recertification program for buildings over 30 years of age that are greater than 3 stories or 50 feet in height, or greater than 5,000 sq. feet and have an occupancy greater than 500 people.³⁴

Condominiums and Cooperatives

Condominiums

A condominium is a “form of ownership of real property created under ch. 718, F.S.”³⁵ Condominium unit owners are in a unique legal position because they are exclusive owners of property within a community, joint owners of community common elements and members of the condominium association.³⁶ For unit owners, membership in the association is an unalienable right and required condition of unit ownership.³⁷

A condominium association is administered by a board of directors referred to as a “board of administration.”³⁸ The board of administration is comprised of individual unit owners elected by the members of a community to manage community affairs and represent the interests of the association. Association board members must enforce a community's governing documents and

³⁰ Sec. 8-11 Code of Miami Dade

³¹ *Id.*

³² Broward County , Building Safety Inspection Program, *available at*:

<https://www.broward.org/CodeAppeals/Documents/Broward%20County%20Building%20Safety%20Inspection%20Program.pdf> (last visited Jan. 19, 2022)

³³ Sec. 8-11 Code of Miami Dade

³⁴ City of Boca Raton. Ordinance 5589, *available at*: <https://www.myboca.us/DocumentCenter/View/28152/Ordinance-No-5589?bidId=> (last visited Jan. 21, 2022)

³⁵ Section 718.103(11), F.S.

³⁶ *See* s. 718.103, F.S.

³⁷ *Id.*

³⁸ Section 718.103(4), F.S.

are responsible for maintaining a condominium's common elements which are owned in undivided shares by unit owners.³⁹

There are 1,529,764 condominium units in Florida operated by 27,588 associations.⁴⁰ Approximately 912,376 of these condominium units in Florida at least 30 years in age.⁴¹ Further breakdown of the age of condominium units in Florida is as follows:

- 105,404 units – 50 years old or older
- 479,435 units – 40-50 years old
- 327,537 units – 30-40 years old
- 141,773 units – 20-30 years old
- 428,657 units – 10-20 years old
- 46,958 units – 0-10 years old⁴²

It is estimated that there are over 2,000,000 residents occupying condominiums 30 years or older in Florida, based upon census data of approximately 2.2 persons living in an average condominium unit.⁴³

Cooperatives

Section 719.103(12), F.S., defines a “cooperative” to mean:

[T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative owner receives an exclusive right to occupy the unit based on their ownership interest in the cooperative entity as a whole. A cooperative owner is either a stockholder or member of a cooperative apartment corporation who is entitled, solely by reason of ownership of stock or membership in the corporation, to occupy an apartment in a building owned by the corporation.⁴⁴ The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.⁴⁵ There are 774 cooperative associations in the state of Florida that are registered with the DBPR.

³⁹ Section 718.103(2), F.S.

⁴⁰ Report of the Florida Bar RPPTL Condominium Law and Policy Life Safety Advisory Task Force, p. 4, available at: <https://www-media.floridabar.org/uploads/2021/10/Condominium-Law-and-Policy-Life-Safety-Advisory-Task-Force-Report.pdf> (last visited Jan. 21, 2022).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ See *Walters v. Agency for Health Care Administration*, 288 So.3d 1215 (Fla. 3rd DCA 2019), review denied 2020 WL 3442763 (Fla. 2020).

⁴⁵ See ss. 719.106(1)(g) and 719.107, F.S.

Official Records

Florida law specifies the official records that condominium, cooperative, and homeowners' associations must maintain.⁴⁶ Generally, the official records must be maintained in Florida for at least 7 years.⁴⁷ Certain of these records must be accessible to the members of an association.⁴⁸ Additionally, certain records are protected or restricted from disclosure to members, such as records protected by attorney-client privilege, personnel records, and personal identifying records of owners.⁴⁹

Condominium associations with 150 or more units are required to post digital copies of specified documents on their website.⁵⁰ Condominiums and cooperatives also require certain nondeveloper disclosures upon resale of dwelling units including documents such as articles of incorporation, bylaws and rules, and financial information.⁵¹

Apartment Buildings

The Division of Hotels and Restaurants (division) within the DBPR is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare. Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.⁵²

A nontransient apartment is defined as a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants. A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.⁵³ The division currently licenses⁵⁴ 19,261 transient and non-transient apartments, and each apartment license has an average of 67 units.⁵⁵

Every public lodging establishment that is 3 stories or more in height in the state currently must file a certificate stating that any and all balconies, platforms, stairways, and railways have been inspected by a person competent to conduct such inspections and are safe, secure, and free of defects.⁵⁶ Certificates of balcony inspections must be filed every 3 years with the division and the applicable county or municipal authority responsible for building and zoning permits.⁵⁷

⁴⁶ See ss. 718.111(12), 719.104(2), F.S.

⁴⁷ See ss. 718.111(12)(b), 719.104(2)(b), F.S.

⁴⁸ See ss. 718.111(12)(a), 719.104(2)(a), F.S.

⁴⁹ See ss. 718.111(12)(c), 719.104(2)(c), F.S.

⁵⁰ Section 718.111(12)(g), F.S.

⁵¹ See ss. 718.503, 719.503, F.S.

⁵² Section 509.242(1), F.S.

⁵³ *Id.*

⁵⁴ DBPR licenses all transient apartment building and transient buildings with 5 or more units. Nontransient apartment buildings under 5 units are exempt from licensure per s. 509.013 F.S.

⁵⁵ DBPR Agency Legislative Bill Analysis: SB 1702 (January 7, 2022). On file with the Senate Community Affairs Committee.

⁵⁶ Section 509.2112, F.S.

⁵⁷ *Id.*

Architects and Engineers

Engineers

Section 471.008, F.S., authorizes the board of professional engineers to adopt rules to implement the provisions of ch. 471, F.S., and for ch. 455, F.S., which provides the general licensing procedures for professional licensing of engineers by the DBPR. The board has adopted responsibility rules for the profession of engineering addressing a variety of issues, including the design of structures and fire protection systems.⁵⁸

Section 471.013, F.S., provides the license qualifications for a professional engineer. In order to be licensed as a professional engineer, a person must successfully pass two examinations: the fundamentals examination and the principles and practices examination. Prior to being permitted to sit for the fundamentals examination, an applicant must have graduated from:

- An approved engineering science curriculum of 4 years or more in a board-approved school, college, or university; or
- An approved engineering technology curriculum of 4 years or more in a board-approved school, college, or university.⁵⁹

Under s. 471.015(2), F.S., the board must certify for licensure any applicant who has submitted proof of being at least 18 years old and has the required engineering experience. For graduates of an approved engineering science curriculum, the applicant must have a record of at least 4 years of active engineering experience sufficient to indicate competence to be in responsible charge of engineering. Graduates of an approved engineering technology curriculum must have a record of at least 6 years of such qualified experience.⁶⁰

Architects

Chapter 481, Part I, F.S., governs the licensing and regulation of architects and related business organizations. The Board of Architecture and Interior Design exists under the DBPR's Division of Professions. The board processes licenses and responds to consumer complaints and inquiries by monitoring activities and compliance within the architecture and interior design industries.

An architect must complete, before licensure, an internship of diversified architectural experience approved by the board.⁶¹ To qualify to take the examination for licensure as an architect an applicant must also graduate from a school or college of architecture with a program accredited by the National Architectural Accreditation Board.⁶² Persons who are licensed in another state or jurisdiction may also apply for a license by endorsement.⁶³ An architect who is licensed in another state who seeks qualification for license in Florida must complete a 2-hour class approved by the board on wind mitigation techniques.⁶⁴

⁵⁸ The responsibility rules are in Fla. Admin. Code Chapters 61G15-30, 61G15-31, 61G15-32, and 61G15-33 (2020).

⁵⁹ Section 471.013(1), F.S.

⁶⁰ See ss. 471.015(2)(a)1. and 2., F.S.

⁶¹ Section 481.211, F.S.

⁶² Section 481.209 (1) F.S.

⁶³ Section 481.213(3), F.S.

⁶⁴ Section 481.213 F.S.

III. Effect of Proposed Changes:

The bill creates s. 553.899, F.S. to establish a mandatory structural inspection program for multi-family residential buildings in the state of Florida. Multi-family residential buildings greater than 3 stories and larger than 3,500 square feet must have a “milestone inspection” conducted once the building reaches 30 years in age, and every 10 years thereafter. If such a building is within 3 miles of coastline⁶⁵ the requirements drop to 20 years in age, and every 7 years thereafter.

The bill provides for a two phase milestone inspection process.

- Phase one requires a licensed architect or engineer to perform a visual examination of all habitable and non-habitable areas of the building to inspect for structural distress of components.
- If structural distress is identified during a phase one inspection a threshold inspector must perform a phase two inspection which may involve destructive and non-destructive testing and may be extensive as necessary to assess the damaged areas as determined by the threshold inspector.

Upon completion of a phase one or phase two inspection the engineer or architect must submit a copy of their inspection report to the building owner, condominium or cooperative board, and the building official in the jurisdiction of the building. Condominium and cooperative boards must distribute the report to all unit owners.

The bill provides that local enforcement agencies may prescribe timelines and penalties with respect to compliance with milestone inspection.

The bill requires that building inspection reports be added to the list of documents that are official records and which must be provided for buyer review in condominium and cooperative unit resales with other nondeveloper disclosures.

The bill directs the Florida Building Commission to establish comprehensive structural and life safety standards for maintaining and inspecting all building types, and to make them available for adoption by local governments at their discretion.

The act takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill will require county and municipal building departments to expend funds to comply with the provisions of the bill. However, counties and municipalities retain the ability to charge fees to accommodate such expenses. For example, a county or

⁶⁵“Coastline” means the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606 as defined in s. 376.031, F.S.

municipality may decide to charge a filing fee for inspection reports submitted to the building department. As such, the bill does not appear to be a mandate.

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:

Apartment building owners and condominium and cooperative associations of buildings which meet the inspection requirements will see increased costs associated with the inspection and possible restoration of building. According to DBPR, the cost of these types of inspections will vary considerably based on the size of the building. The recertification and building safety inspections currently being conducted in Miami-Dade and Broward counties can cost as much as \$20,000-\$40,000 for the inspection of a 15-20 story condominium to between \$2,000 and \$4,000 for the inspection of a small commercial building. Any remedial work to remedy issues identified during the inspection would be in addition to these costs.⁶⁶

Licensed architects and engineers will experience a significant increase in demand for their services as a result of the bill.

C. Government Sector Impact:

The bill will likely result in additional costs for county and municipal building departments to comply with the requirements of the bill. Specifically, counties and municipalities will need to establish internal procedures and possibly procure software to track the ages of multi-family residential buildings, provide notice to affected building

⁶⁶ DBPR Agency Legislative Bill Analysis: SB 1702 (January 7, 2022). On file with the Senate Community Affairs Committee.

owners, and manage milestone inspection reports submitted by inspectors. Additional staffing may be needed to enforce the inspection requirements and address noncompliance with the requirements of the bill. However, county and municipalities may choose to charge certain fees to building owners to accommodate the costs associated with the bill.

According to DBPR, the Florida Building Commission will need to appoint a workgroup of approximately 10-12 members to develop the comprehensive structural and life safety standards for maintaining and inspecting buildings and structures, as required by the bill. The workgroup will likely need 2-3 onsite meetings, which will cost a total of approximately \$5,000 and \$10,000, based on the cost of previous onsite Florida Building Commission meetings.⁶⁷

Additionally, the Florida Building Commission will likely need to hire a group of experts to assist with the development of the maintenance and inspection standards, the cost of which is indeterminate.⁶⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 718.111, 718.503, 719.104, and 719.503.

This bill creates section 553.889 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.

⁶⁷ *Id.*

⁶⁸ *Id.*

By Senator Bradley

5-01086B-22

20221702__

1 A bill to be entitled
 2 An act relating to mandatory building inspections;
 3 creating s. 553.899, F.S.; providing legislative
 4 findings; defining the term "milestone inspection";
 5 specifying that the purpose of a milestone inspection
 6 is not to determine compliance with the Florida
 7 Building Code; requiring owners of certain multifamily
 8 residential buildings to have milestone inspections
 9 performed at specified times; requiring the boards of
 10 administration for condominium and cooperative
 11 associations to arrange for milestone inspections of
 12 condominium buildings and cooperative buildings,
 13 respectively; specifying that such associations are
 14 responsible for costs relating to milestone
 15 inspections; providing applicability; requiring that
 16 initial milestone inspections for certain buildings be
 17 performed before a specified date; specifying that
 18 milestone inspections consist of two phases; providing
 19 requirements for each phase of a milestone inspection;
 20 requiring architects and engineers performing a
 21 milestone inspection to submit a sealed copy of the
 22 inspection report to certain entities; requiring
 23 boards of administrations of condominium associations
 24 and cooperative associations to distribute a copy of
 25 each inspection report for a condominium building or
 26 cooperative building to unit owners and publish the
 27 report on the association's website under certain
 28 circumstances; authorizing local enforcement agencies
 29 to prescribe timelines and penalties relating to

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30 milestone inspections; requiring the Florida Building
 31 Commission to develop certain standards by a specified
 32 date and make such standards available to local
 33 governments for adoption; amending s. 718.111, F.S.;
 34 revising the types of records that constitute the
 35 official records of a condominium association;
 36 amending s. 718.503, F.S.; revising nondeveloper
 37 disclosure requirements relating to resales of
 38 residential condominium units; amending s. 719.104,
 39 F.S.; revising the types of records that constitute
 40 the official records of a cooperative association;
 41 amending s. 719.503, F.S.; entitling prospective
 42 purchasers of an interest in a cooperative to a copy
 43 of milestone inspection reports; providing an
 44 effective date.
 45
 46 Be It Enacted by the Legislature of the State of Florida:
 47
 48 Section 1. Section 553.899, Florida Statutes, is created to
 49 read:
 50 553.899 Mandatory structural inspections for multifamily
 51 residential buildings.--
 52 (1) The Legislature finds that maintaining the structural
 53 integrity of a building throughout its service life is of
 54 paramount importance in order to ensure that buildings are
 55 structurally sound so as to not pose a threat to the public
 56 health, safety, or welfare. As such, the Legislature finds that
 57 the imposition of a statewide structural inspection program for
 58 aging multifamily residential buildings in this state is

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59 necessary to ensure that such buildings are safe for continued
60 use.

61 (2) As used in this section, the term "milestone
62 inspection" means a structural inspection of a building by a
63 licensed architect or engineer authorized to practice in this
64 state for the purposes of attesting to the life safety and
65 adequacy of the structural components of the building and, to
66 the extent reasonably possible, determining the general
67 structural condition of the building as it affects the safety of
68 such building. The purpose of such inspection is not to
69 determine if the condition of an existing building is in
70 compliance with the Florida Building Code.

71 (3) The owner of a multifamily residential building that is
72 greater than three stories in height must have a milestone
73 inspection performed by December 31 of the year in which the
74 building reaches 30 years of age, based on the date the
75 certificate of occupancy was issued, and every 10 years
76 thereafter. The owner of a multifamily residential building that
77 is greater than three stories in height and is located within 3
78 miles of a coastline as defined in s. 376.031 must have a
79 milestone inspection performed by December 31 of the year in
80 which the building reaches 20 years of age, based on the date
81 the certificate of occupancy was issued, and every 7 years
82 thereafter. If a condominium building or cooperative building is
83 required to have a milestone inspection performed pursuant to
84 this section, the board of administration of the condominium
85 association or cooperative association must arrange for the
86 milestone inspection to be performed and is responsible for
87 ensuring compliance with the requirements of this section. The

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88 building owner or board of administration of a condominium
89 association or cooperative association responsible for the
90 milestone inspection is responsible for all costs associated
91 with the inspection. This subsection does not apply to two-
92 family dwellings or to buildings less than 3,500 square feet.

93 (4) If a milestone inspection is required under this
94 section and the building's certificate of occupancy was issued
95 on or before July 1, 1992, the building's initial milestone
96 inspection must be performed before December 31, 2024.

97 (5) A milestone inspection consists of two phases:

98 (a) For phase one of the milestone inspection, a licensed
99 architect or engineer authorized to practice in this state shall
100 perform a visual examination of all habitable and nonhabitable
101 areas of a building and provide a qualitative assessment of the
102 structural conditions of the building. Surface imperfections
103 such as cracks, distortion, sagging, excessive deflections,
104 significant misalignment, signs of leakage, or peeling of
105 finishes constitute signs of structural distress. If the
106 architect or engineer finds no signs of structural distress to
107 any building components under visual examination, phase two of
108 the inspection, as provided in paragraph (b), is not required.
109 An architect or engineer who completes the first phase of a
110 milestone inspection shall prepare and submit an inspection
111 report pursuant to subsection (6).

112 (b) Phase two of the milestone inspection must be performed
113 if any structural distress is identified during phase one. Only
114 a special inspector as defined in s. 553.71 may perform a phase
115 two inspection. A phase two inspection may involve destructive
116 or nondestructive testing at the special inspector's direction.

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117 The inspection may be as extensive or as limited as necessary to
 118 fully assess damaged areas of the building in order to confirm
 119 that the building is safe for its intended use or to recommend a
 120 program for fully assessing and repairing damaged portions of
 121 the building. When determining testing locations, the special
 122 inspector must give preference to locations that are the least
 123 disruptive and most easily repairable while still being
 124 representative of the structure. A special inspector who
 125 completes the second phase of a milestone inspection shall
 126 prepare and submit an inspection report pursuant to subsection
 127 (6).

128 (6) Upon completion of a phase one or phase two milestone
 129 inspection, the architect or engineer who performed the
 130 inspection must submit a sealed copy of the inspection report to
 131 the building owner or, if the building is a condominium or
 132 cooperative, to the board of administration of the condominium
 133 or cooperative, and to the building official of the local
 134 government which has jurisdiction. For a milestone inspection of
 135 a condominium or cooperative, the board of administration must
 136 distribute a copy of each inspection report to each condominium
 137 unit owner or cooperative unit owner, regardless of whether
 138 there are deficiencies reported, and, if the association is
 139 required by law to have a website, must publish the report on
 140 the association's website.

141 (7) A local enforcement agency may prescribe timelines and
 142 penalties with respect to compliance with this section.

143 (8) The commission shall develop comprehensive structural
 144 and life safety standards for maintaining and inspecting all
 145 building types and structures in this state by December 31,

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146 2022. The standards are in addition to those provided in this
 147 section and must be made available for local governments to
 148 adopt at their discretion.

149 Section 2. Paragraph (a) of subsection (12) of section
 150 718.111, Florida Statutes, is amended to read:

151 718.111 The association.—

152 (12) OFFICIAL RECORDS.—

153 (a) From the inception of the association, the association
 154 shall maintain each of the following items, if applicable, which
 155 constitutes the official records of the association:

156 1. A copy of the plans, permits, warranties, and other
 157 items provided by the developer under s. 718.301(4).

158 2. A photocopy of the recorded declaration of condominium
 159 of each condominium operated by the association and each
 160 amendment to each declaration.

161 3. A photocopy of the recorded bylaws of the association
 162 and each amendment to the bylaws.

163 4. A certified copy of the articles of incorporation of the
 164 association, or other documents creating the association, and
 165 each amendment thereto.

166 5. A copy of the current rules of the association.

167 6. A book or books that contain the minutes of all meetings
 168 of the association, the board of administration, and the unit
 169 owners.

170 7. A current roster of all unit owners and their mailing
 171 addresses, unit identifications, voting certifications, and, if
 172 known, telephone numbers. The association shall also maintain
 173 the e-mail addresses and facsimile numbers of unit owners
 174 consenting to receive notice by electronic transmission. The e-

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175 mail addresses and facsimile numbers are not accessible to unit
 176 owners if consent to receive notice by electronic transmission
 177 is not provided in accordance with sub-subparagraph (c)3.e.
 178 However, the association is not liable for an inadvertent
 179 disclosure of the e-mail address or facsimile number for
 180 receiving electronic transmission of notices.

181 8. All current insurance policies of the association and
 182 condominiums operated by the association.

183 9. A current copy of any management agreement, lease, or
 184 other contract to which the association is a party or under
 185 which the association or the unit owners have an obligation or
 186 responsibility.

187 10. Bills of sale or transfer for all property owned by the
 188 association.

189 11. Accounting records for the association and separate
 190 accounting records for each condominium that the association
 191 operates. Any person who knowingly or intentionally defaces or
 192 destroys such records, or who knowingly or intentionally fails
 193 to create or maintain such records, with the intent of causing
 194 harm to the association or one or more of its members, is
 195 personally subject to a civil penalty pursuant to s.
 196 718.501(1)(d). The accounting records must include, but are not
 197 limited to:

198 a. Accurate, itemized, and detailed records of all receipts
 199 and expenditures.

200 b. A current account and a monthly, bimonthly, or quarterly
 201 statement of the account for each unit designating the name of
 202 the unit owner, the due date and amount of each assessment, the
 203 amount paid on the account, and the balance due.

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204 c. All audits, reviews, accounting statements, and
 205 financial reports of the association or condominium.

206 d. All contracts for work to be performed. Bids for work to
 207 be performed are also considered official records and must be
 208 maintained by the association for at least 1 year after receipt
 209 of the bid.

210 12. Ballots, sign-in sheets, voting proxies, and all other
 211 papers and electronic records relating to voting by unit owners,
 212 which must be maintained for 1 year from the date of the
 213 election, vote, or meeting to which the document relates,
 214 notwithstanding paragraph (b).

215 13. All rental records if the association is acting as
 216 agent for the rental of condominium units.

217 14. A copy of the current question and answer sheet as
 218 described in s. 718.504.

219 15. A copy of the inspection report as described in s.
 220 718.301(4)(p).

221 16. A copy of all milestone inspection reports required by
 222 s. 553.899.

223 17. Bids for materials, equipment, or services.

224 ~~18.17.~~ All affirmative acknowledgments made pursuant to s.
 225 718.121(4)(c).

226 ~~19.18.~~ All other written records of the association not
 227 specifically included in the foregoing which are related to the
 228 operation of the association.

229 Section 3. Paragraph (c) of subsection (2) of section
 230 718.503, Florida Statutes, is amended to read:
 231 718.503 Developer disclosure prior to sale; nondeveloper
 232 unit owner disclosure prior to sale; voidability.-

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233 (2) NONDEVELOPER DISCLOSURE.-

234 (c) Each contract entered into after July 1, 1992, for the
235 resale of a residential unit shall contain in conspicuous type
236 either:

237 1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES
238 THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION
239 OF CONDOMINIUM; ~~THE~~ ARTICLES OF INCORPORATION OF THE
240 ASSOCIATION; ~~THE~~ BYLAWS AND RULES OF THE ASSOCIATION; ALL
241 MILESTONE INSPECTION REPORTS REQUIRED BY SECTION 553.899,
242 FLORIDA STATUTES; AND A COPY OF THE MOST RECENT YEAR-END
243 FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS
244 DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND
245 LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

246 2. A clause which states: THIS AGREEMENT IS VOIDABLE BY
247 BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO
248 CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
249 HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE
250 BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION
251 OF CONDOMINIUM; ~~THE~~ ARTICLES OF INCORPORATION; ~~THE~~ BYLAWS AND
252 RULES OF THE ASSOCIATION; ALL MILESTONE INSPECTION REPORTS
253 REQUIRED BY SECTION 553.899, FLORIDA STATUTES; AND A COPY OF THE
254 MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED
255 QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY
256 PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO
257 EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF
258 NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL
259 HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF
260 INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY
261 OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY

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262 ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING.
263 BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

264
265 A contract that does not conform to the requirements of this
266 paragraph is voidable at the option of the purchaser prior to
267 closing.

268 Section 4. Paragraph (a) of subsection (2) of section
269 719.104, Florida Statutes, is amended to read:
270 719.104 Cooperatives; access to units; records; financial
271 reports; assessments; purchase of leases.-

272 (2) OFFICIAL RECORDS.-

273 (a) From the inception of the association, the association
274 shall maintain a copy of each of the following, where
275 applicable, which shall constitute the official records of the
276 association:

277 1. The plans, permits, warranties, and other items provided
278 by the developer pursuant to s. 719.301(4).

279 2. A photocopy of the cooperative documents.

280 3. A copy of the current rules of the association.

281 4. A book or books containing the minutes of all meetings
282 of the association, of the board of directors, and of the unit
283 owners.

284 5. A current roster of all unit owners and their mailing
285 addresses, unit identifications, voting certifications, and, if
286 known, telephone numbers. The association shall also maintain
287 the e-mail addresses and the numbers designated by unit owners
288 for receiving notice sent by electronic transmission of those
289 unit owners consenting to receive notice by electronic
290 transmission. The e-mail addresses and numbers provided by unit

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owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the e-mail address or the number for receiving electronic transmission of notices.

6. All current insurance policies of the association.

7. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

8. Bills of sale or transfer for all property owned by the association.

9. Accounting records for the association and separate accounting records for each unit it operates, according to good accounting practices. The accounting records shall include, but not be limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid upon the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association.

d. All contracts for work to be performed. Bids for work to be performed shall also be considered official records and shall be maintained for a period of 1 year.

10. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners,

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which shall be maintained for a period of 1 year after the date of the election, vote, or meeting to which the document relates.

11. All rental records where the association is acting as agent for the rental of units.

12. A copy of the current question and answer sheet as described in s. 719.504.

13. All affirmative acknowledgments made pursuant to s. 719.108(3)(b)3.

14. All milestone inspection reports required by s. 553.899.

15. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

Section 5. Paragraph (a) of subsection (2) of section 719.503, Florida Statutes, is amended to read:

719.503 Disclosure prior to sale.—

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter must comply with the provisions of this subsection prior to the sale of his or her interest in the association. Each prospective purchaser who has entered into a contract for the purchase of an interest in a cooperative is entitled, at the seller's expense, to a current copy of the articles of incorporation of the association, the bylaws, and rules of the association, as well as a copy of the question and answer sheet as provided in s. 719.504 and all milestone inspection reports required by s. 553.899.

Section 6. This act shall take effect July 1, 2022.



ANALYSIS

2022 AGENCY LEGISLATIVE BILL

AGENCY: Department of Business & Professional Regulation

BILL INFORMATION

BILL NUMBER:	SB 1702
BILL TITLE:	Mandatory Building Inspections
BILL SPONSOR:	Sen. Bradley
EFFECTIVE DATE:	07/01/2022

COMMITTEES OF REFERENCE

1) Community Affairs
2) Regulated Industries
3) Rules
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

N/A

SIMILAR BILLS

BILL NUMBER:	HB 1391 (compare), SB 1780 (compare)
SPONSOR:	Rep. Geller, Sen. Pizzo

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	N/A
SPONSOR:	Click or tap here to enter text.

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	January 7, 2022
LEAD AGENCY ANALYST:	Thomas Campbell, Executive Director, Florida Building Commission
ADDITIONAL ANALYST(S):	W. Justin Vogel, Legal Counsel, Florida Building Commission Chevonne Christian, CTMH Director Darrell Garvey, OGC Rules Robin Jordan, Technology

LEGAL ANALYST:	Brandee Miller, Deputy General Counsel – Professions Ross Marshman, Deputy General Counsel – Business
FISCAL ANALYST:	Raleigh Close, Budget Office

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill creates a mandatory statewide structural and lifesafety inspection program for multifamily residential buildings that are taller than three stories. The bill tasks the Commission with developing comprehensive structural and lifesafety standards for all building types by December 31, 2022. The standards developed by the Florida Building Commission will not be mandatory unless adopted by a local government.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Florida Building Commission

Section 376.031, Florida Statutes, defines “coastline” as the line of mean low water along the portion of the coast that is in direct contact with the open sea and the line marking the seaward limit of inland waters, as determined under the Convention on Territorial Seas and the Contiguous Zone, 15 U.S.T. (Pt. 2) 1606.

Section 553.73(1) (a), F.S., states that the Florida Building Commission shall adopt, by rule pursuant to ss. 120.536(1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section.

Section 553.73(4) (a)-(b), F.S., empowers local jurisdictions to adopt local administrative and local technical amendments to the Florida Building Code as long as the amendments meet certain statutory requirements.

The Florida Building Code does not contain requirements for the maintenance and inspection of existing buildings. Requirements for the maintenance and inspection of existing buildings are adopted by local jurisdictions as they deem appropriate. Local jurisdictions have used the following standards to aid in their adoption of local requirements for the maintenance and inspections of existing buildings: the International Property Maintenance Code, the Standard Housing Code, and the Standard Unsafe Building Abatement Code, or some combination thereof.

Miami-Dade and Broward Counties have both adopted local administrative amendments to the Florida Building Code that require certain types of buildings to undergo a recertification/building safety inspection every 40 years and then every ten years thereafter. The requirements for Miami-Dade’s 40 year building recertification program can be found in Section 8-11 of the Miami Dade Code of Ordinances. The requirements for the Broward County Building Safety Inspection Program can be found in Section 110.15 of Broward County’s local amendments to the Florida Building Code, 7th Edition, (2020), and in the Broward County Board of Rules and Appeals Policy #05-05.

Chapter 1 of the Florida Building Code contains permitting and inspection requirements for the construction of buildings and structures regulated by the Florida Building Code. Additionally, it also contains the inspection requirements for “threshold buildings” pursuant to Section 553.79, F.S. Section 553.71, F.S., defines a “threshold building” as any building which is greater than three stories or 50 feet in height, or which has an assembly occupancy classification as defined in the Florida Building Code which exceeds 5,000 square feet in area and an occupant content of greater than 500 persons. Only a “special inspector” may perform inspections required by Section 553.79, F.S., on threshold buildings. Section 553.71, F.S., defines a “special inspector” as a licensed architect or engineer who is certified under Ch. 471, or Ch. 481, F.S., to conduct the inspections required by Section 553.79, F.S., on threshold buildings.

Chapter 3 of the Florida Building Code contains the use and occupancy classifications used for buildings throughout Florida. There are 21 unique building groups described in Chapter 3 of the Florida Building Code. Additionally, many of the building groups contain multiple subgroups of buildings as well.

Section 310 of the Florida Building Code contains the use and occupancy classifications for Residential Group R buildings. Residential Group R buildings include, among others, the use or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the Florida Building Code, Residential.

Section 310.3 of the Florida Building Code contains the definition for Residential Group R-1 buildings which includes occupancies containing sleeping units where the occupants are primarily transient in nature such as boarding houses (transient) with more than 10 occupants, congregate living facilities (transient) with more than 10 occupants, hotels (transient), and motels (transient).

Section 310.4 of the Florida Building Code contains the definition for Residential Group R-2 buildings which includes occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature including apartment houses, boarding houses (nontransient), congregate living facilities (nontransient) with more than 16 occupants, convents, dormitories, fraternities and sororities, hotels (nontransient), live/work units, monasteries, motels (nontransient), and vacation timeshare properties.

Section 310.5 of the Florida Building Code contains the definition for Residential Group R-3 buildings which includes occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including buildings that do not contain more than two dwelling units, boarding houses (nontransient) with 16 or fewer occupants, boarding houses (transient) with 10 or fewer occupants, care facilities that provide accommodations for five or fewer persons receiving care, congregate living facilities (nontransient) with 16 or fewer occupants, congregate living facilities (transient) with 10 or fewer occupants, owner-occupied lodging houses with five or fewer guest rooms and 10 or fewer occupants.

Section 310.6 of the Florida Building Code contains the definition for Residential Group R-4 buildings which includes buildings, structures or portions thereof for more than five but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions specified in Section 310.6.1 or 310.6.2. This group shall include, but not be limited to, the following: alcohol and drug centers, assisted living facilities, congregate care facilities, group homes, halfway houses, residential board and custodial care facilities, and social rehabilitation facilities.

The Florida Building Code defines “story” as that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see “Basement,” “Building height,” “Grade plane” and “Mezzanine”). A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

The Florida Building Code defines “story above grade plane” as any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is:

1. More than 6 feet (1829 mm) above grade plane; or
2. More than 12 feet (3658 mm) above the finished ground level at any point.

Section 633.218, F.S., requires the State Fire Marshal to inspect state owned buildings on a recurring basis and to ensure that the life safety systems of high hazard occupancies are inspected at least annually.

Division of Florida Condominiums, Timeshares and Mobile Homes:

Chapter 718, F.S., does not have a requirement to maintain an inspection report as official records or to an inspection report distribute to unit owners. Further, 718, F.S., does not have a requirement that an inspection report be disclosed with a contract for the resale of a residential unit of a condominium.

Chapter 719 F.S., does not have a requirement to maintain an inspection report as official records or to an inspection report distribute to unit owners. Further, 719, F.S., does not have a requirement that an inspection report be disclosed with a contract for the resale of a cooperative unit.

2. EFFECT OF THE BILL:

Florida Building Commission

The bill creates Section 553.899, F.S., pertaining to mandatory structural inspections for multifamily residential buildings.

Subsection 553.899(2), F.S., defines “milestone inspection” as “a structural inspection of a building by a Florida licensed architect or engineer for the purpose of attesting to the lifesafety and adequacy of structural components of a building.” Additionally, the milestone inspection includes, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building. The purpose of the inspection is not to determine compliance with the Florida Building Code.

Subsection 553.899(3), F.S., states that the owner of a multifamily residential building that is greater than 3 stories in height must have a milestone inspection completed by December 31st of the year in which the building is thirty years of age and every ten years thereafter. Additionally, the owner of a multifamily residential building that is greater than 3 stories in height that is within 3 miles of a coastline as defined by section 376.031, F.S., must have a milestone

inspection completed by December 31st of the year the building becomes 20 years of age and every 7 years thereafter. The age of a building is determined by the date the certificate of occupancy was issued. This subsection does not apply to two family dwellings or to buildings less than 3,500 square feet.

Furthermore, if a condominium building or cooperative building is required to have a milestone inspection performed pursuant to this section, the board of administration of the condominium association or cooperative association must arrange for the milestone inspection, is responsible for all associated costs, and is responsible for ensuring compliance with this section.

Subsection 553.899(4), F.S., states that if a milestone inspection is required and the certificate of occupancy was issued on or before July 1, 1992, the building's initial milestone inspection must be performed before December 31, 2024.

Paragraph 553.899(5)(a), F.S., states that a milestone inspection shall consist of two phases:

- The first phase consists of an inspection by a Florida licensed architect or engineer. The Florida licensed architect or engineer shall perform a visual examination of all habitable and nonhabitable areas of a building and provide a qualitative assessment of the structural conditions of the building. Surface imperfections like cracks, distortion, sagging, excessive deflections, significant misalignment, signs of leakage, or peeling of finishes constitute signs of structural distress. If no structural distress is found on any of the components then the second phase of the milestone inspection is not required. The Florida licensed architect or engineer shall then prepare and submit an inspection report pursuant to subsection (6).
- Paragraph 553.899(5)(b), F.S., states that a phase two inspection must be performed if any structural distress is found during the phase 1 inspection. Only a special inspector as defined in section 553.71, F.S., may perform a phase two inspection. A phase two inspection may involve destructive or nondestructive testing at the special inspector's discretion. The phase 2 inspection may be as extensive or as limited as necessary to fully assess damaged areas of the building in order to confirm that the building is safe for its intended use or to recommend a program for fully assessing and repairing damaged portions of the building. When determining testing locations those that are the least disruptive and easily repairable while still being representative of the structure should be used. A special inspector who completes a phase 2 inspection shall prepare and submit an inspection report pursuant to subsection (6).

Subsection 553.899(6), F.S., requires a Florida licensed architect or engineer who has performed a phase 1 or phase 2 inspection to provide a copy of the sealed inspection report to the building owner, the board of administration of the condominium or cooperative if the building is condominium, and to the building official of the local government having jurisdiction. For any milestone inspection of a condominium or cooperative, the board of administration must distribute a copy of each inspection report to each condominium owner or cooperative unit owner, regardless of whether deficiencies are reported. Additionally, if the association is required by law to have a website, the report must be published on the association's website.

Subsection 553.899(7), F.S., empowers local governments to prescribe timelines and penalties with respect to compliance with this subsection.

Subsection 553.899(8), F.S., requires the Florida Building Commission to develop comprehensive structural and life safety standards for maintaining and inspecting all building types and structures in this state by December 31, 2022. The standards are in addition to those provided for by the bill and must be made available to local governments to adopt at their discretion. The standards will not be mandatory unless adopted by a local government.

Division of Florida Condominiums, Timeshares and Mobile Homes:

The bill amends s. 553.899(6), F.S., requiring that the board distribute a copy of each inspection report to each condominium unit owner or cooperative unit owner, regardless of whether there are deficiencies reported.

The bill further states that if the association is required by law to have a website, the association's board of administration must publish the report on its website.

Additionally, the bill amends s. 718.111(12)(a), F.S., to add that all milestone inspection reports required by s. 553.899, F.S., are considered an official record of the association.

The bill amends s. 718.503(2)(c)1-2., F.S., to state that each contract entered into for the resale of a residential unit of a condominium shall amend two clauses in the non-developer disclosures. The first clause shall state, in part, that the buyer has been provided a copy of all milestone inspection reports required by s. 553.899, F.S., in addition to the existing non-developer disclosure requirements. The second clause shall state, in part, that the agreement is voidable by the buyer by delivering written notice of the buyer's intention to cancel after the date of execution of the agreement and receipt of the milestone inspection reports required by s. 553.899, F.S., in addition to the existing non-developer disclosure requirements.

The bill amends s. 719.104(2)(a), F.S., to add that all milestone inspection reports required by s. 553.899, F.S., are considered an official record of the association. The division currently has jurisdiction over access to and maintenance of official records.

The bill further amends s. 719.503(2)(a), F.S., to require that a prospective purchaser who has entered into a contract for the purchase of an interest in a cooperative pertaining to nondeveloper transactions, is entitled to all milestone inspection reports required by s. 553.899, F.S.

The bill's effective date is July 1, 2022.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	The bill is directing the Commission to develop procedures for the maintenance and inspection of existing buildings. These procedures would need to be adopted into the Florida Building Code as an appendix.
Is the change consistent with the agency's core mission?	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Rule(s) impacted (provide references to F.A.C., etc.):	61G20-1.001

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	N/A
Opponents and summary of position:	N/A

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y N

If yes, provide a description:	The Florida Building Commission must develop comprehensive structural and lifesafety inspection standards for all building types by December 31, 2022.
Date Due:	December 31, 2022
Bill Section Number(s):	Section 1

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?Y N

Revenues:	N/A
Expenditures:	There may be additional costs associated with maintaining records of milestone inspections. Additionally, there may be costs associated with the enforcement of timelines and penalties for noncompliance with the requirements of the bill.
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y N

Revenues:	N/A
Expenditures:	The workgroup appointed to develop the standards will likely need to have 2-3 onsite meetings. The onsite meetings are estimated to cost between \$5,000 and \$10,000.00 based on the cost of previous onsite Florida Building Commission meetings. The Florida Building Commission will likely need to hire a group of experts to assist with the development of the comprehensive structural and lifesafety inspections of buildings in Florida. This cost is indeterminate.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y N

Revenues:	Yes. Indeterminate.
Expenditures:	Yes. Indeterminate.
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y N

If yes, explain impact.	N/A
Bill Section Number:	N/A

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	N/A
--	-----

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	N/A
--	-----

ADDITIONAL COMMENTS

Florida Building Commission:

Subsection 553.899(8), F.S., requires the Florida Building Commission to develop comprehensive structural and life safety standards for maintaining and inspecting all building types and structures in this state by December 31, 2022. Chapter 3 of the Florida Building Code contains twenty unique building types. It is unclear whether the Commission needs to develop unique standards for each building/structure type, or one uniform comprehensive structural and life safety standard that applies to all buildings. If the Commission does need to develop unique standards for each building type, it may be difficult to develop all those unique standards by the December 31, 2022, deadline. Additionally, the requirement that the Florida Building Commission adopt comprehensive lifesafety standards for maintaining and inspecting buildings could create a conflict with Section 633.218, F.S. which outlines the State Fire Marshall's responsibility to ensure the safety of life regarding the inspections of buildings.

The Chairman of the Florida Building Commission will likely appoint a workgroup to develop the standard/standards required by the bill. Typically, workgroups consist of 10-12 members. The membership is usually comprised of members of the Florida Building Commission, members of the Florida Building Commission's technical advisory committees, and members from various stakeholder/industry groups. The workgroup will meet as often as necessary to develop the standard/standards. The workgroup would primarily meet online but would also likely need to have at least 2-3 onsite meetings while developing the standard/standards. Once the workgroup is satisfied with the standard/standards, the standard/standards will be sent to the Florida Building Commission for final approval.

Furthermore, the Commission will likely need to assemble and contract with a group of experts to assist the workgroup. The group of experts would consist of individuals and groups with extensive experience in the maintenance and inspection of existing buildings. The group of experts would be tasked with reviewing existing building inspection programs and would provide their expertise to the workgroup on technical issues related to the development of the standard/standards. This cost is indeterminate.

The bill does not have any grandfathering provisions for buildings that have already been conducting substantially similar inspections or more stringent inspections voluntarily.

The cost of these types of inspections will vary considerably based on the size of the building. The recertification and building safety inspections currently being conducted in Miami-Dade and Broward counties can cost as much as \$20,000.00-\$40,000.00 for the inspection of a 15-20 story condominium to between \$2,000.00 and \$4,000.00 for the inspection of a small commercial building. The cost estimates provided here are for the inspection only. Any remedial work to remedy issues identified during the inspection would be in addition to the costs listed here.

Division of Florida Condominiums, Timeshares and Mobile Homes:

The bill amends s. 553.899(6), F.S., requiring that the board distribute a copy of each inspection report to each condominium unit owner or cooperative unit owner, regardless of whether there are deficiencies reported. The bill does not specify a timeframe or manner in which the inspection report should be distributed to the unit owners of the association, which would make such a mandate challenging to enforce.

The bill does not amend s. 718.111(12)(g), F.S., which lists the required documents of an association website. Without this, the division would not have the ability to enforce an association's failure to publish the inspection report on its website.

The bill amends s. 719.503(2)(a), F.S., to require that a prospective purchaser who has entered into a contract for the purchase of an interest in a cooperative pertaining to nondeveloper transactions, is entitled to all milestone inspection reports required by s. 553.899, F.S. The division has full jurisdiction over ch. 719, F.S. Nevertheless, this could be challenging to enforce without a requirement regarding how in which the inspection report is distributed to prospective purchasers.

OGC Rules: No additional comments.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	No additional comments.
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SJR 1746

INTRODUCER: Senator Brodeur

SUBJECT: Homestead Property Tax Exemption

DATE: January 24, 2022

REVISED: _____

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

I. Summary:

SJR 1746 proposes an amendment to the Florida Constitution to authorize the Legislature to provide, through general law, an additional homestead exemption on the value greater than \$100,000 and up to \$150,000 for a classroom teacher, law enforcement officer, correctional officer, firefighter, child welfare services professional, active duty member of the United States Armed Forces, or a member of the Florida National Guard.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2022.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2023.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the assessed or “just value”²

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

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

of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

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

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

Property Tax Exemptions for Homesteads

Statewide Homestead Exemption

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹¹ An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.¹² This exemption does not apply to ad valorem taxes levied by school districts.

Additional Homestead Exemptions for Qualified Senior Citizens

The Florida Constitution authorizes the Legislature to allow counties and municipalities to grant additional homestead property tax exemptions for persons aged 65 years or over whose household income does not exceed \$20,000 (low-income seniors).¹³ That income limitation is adjusted each year according to changes in the consumer price index. The 2020 household income threshold for these exemptions is \$31,100.¹⁴ Qualifying seniors must hold legal or equitable title to the real estate and maintain thereon their permanent residence.

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

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

¹² Section 196.031(1)(b), F.S.

¹³ FLA. CONST. Art. VII, s. 6(d)(1) and (2).

¹⁴ Florida Department of Revenue, *Florida Property Tax Valuation and Income Limitation Rates*, available at <https://floridarevenue.com/property/Documents/AdditionalHomesteadExemptions.pdf> (last visited January 20, 2022).

Section 196.075, F.S., implements those constitutional amendments approved by voters in 1999 and 2012 allowing local governments to grant low-income seniors these additional homestead exemptions. The first additional homestead exemption so authorized,¹⁵ approved by voters in 1999, is an additional homestead exemption not exceeding \$50,000 in home value for any low-income senior. The second additional homestead exemption,¹⁶ approved by voters in 2012, exempts the entire assessed value of a low-income senior's homestead with a just value less than \$250,000 if he or she has maintained that homestead for not less than 25 years.¹⁷ A county or municipality may choose to instate one or both of these additional homestead exemptions by passing an ordinance subject to certain statutory requirements.

Property Tax Exemptions for Veterans, First Responders, and Surviving Spouses

Florida provides several property tax exemptions for disabled veterans and first responders and their surviving spouses. These include exemptions for the following persons:

- A veteran or first responder¹⁸ with a total and permanent service-connected disability is entitled to a complete exemption for property owned and used as a homestead.¹⁹
- A veteran with a total service-connected disability that confines him or her to a wheelchair is entitled to a complete exemption for property owned and used as a homestead. Upon the veteran's death, the exemption carries over to the veteran's unremarried surviving spouse.²⁰
- A veteran disabled to a degree of 10 percent or more by misfortune or during wartime service is entitled to an exemption for any property up to \$5,000. Upon the death of the veteran, the exemption carries over to the veteran's unremarried surviving spouse.²¹
- The unremarried surviving spouse of a veteran or first responder who died while on active duty is entitled to a complete exemption for property owned and used as a homestead if the veteran was a permanent resident of Florida on the day he or she died.²²

Tax Discount on Homestead Property for a Combat-disabled Veteran

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.²³ The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.²⁴ The discount is applied as a reduction to the taxable value of the homestead property.²⁵

¹⁵ Implementing FLA. CONST. art. VII, s. 6(d)(1).

¹⁶ Implementing FLA. CONST. art. VII, s. 6(d)(2).

¹⁷ Taxpayers who initially receive the exemption are denied the exemption in a later year if the just value of their homestead exceeds \$250,000.

¹⁸ "First responder" in this context means a law enforcement officer or correctional officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 who is a full-time paid employee, part-time paid employee, or unpaid volunteer. Section 196.081(6)(c)1., F.S.

¹⁹ Sections 196.081 and 196.102, F.S.

²⁰ Section 196.091(1) and (3), F.S.

²¹ Section 196.24, F.S.

²² Section 196.081(4), (6) F.S.

²³ Section 196.082, F.S.

²⁴ Section 196.082(2), F.S.

²⁵ Section 196.082(5), F.S.

III. Effect of Proposed Changes:

The joint resolution proposes an amendment to the Florida Constitution to authorize the Legislature to provide, through general law, an additional homestead exemption on the value greater than \$100,000 and up to \$150,000 for a classroom teacher, law enforcement officer, correctional officer, firefighter, child welfare services professional, active duty member of the United States Armed Forces, or a member of the Florida National Guard.

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2022.

If approved by at least 60 percent of the electors, the proposed amendment will take effect January 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate provisions in Article VII, section 18 of the Florida Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article XI, s. 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, s. 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election²⁶ held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Constitutional amendments submitted to the electors must be printed in clear and unambiguous language on the ballot.²⁷

²⁶ Section 97.021(16), F.S., defines "general election" as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

²⁷ Section 101.161(1), F.S.

Article XI, s. 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, s. 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference adopted a zero impact since this is a joint resolution proposing an amendment to be submitted to the voters, which is not self-executing.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published in the 10th week and again in the sixth week immediately preceding the week the election is held.

The Division of Elections (division) within the Department of State pays for publication costs to advertise all constitutional amendments in both English and Spanish,²⁸ typically paid from non-recurring General Revenue funds.²⁹ Accurate cost estimates for the next constitutional amendment advertising cannot be determined until the total number of amendments to be advertised is known and updated quotes are obtained from newspapers.

There is an unknown additional cost for the printing and distributing of the constitutional amendments, in poster or booklet form, in English and Spanish, for each of the 67 Supervisors of Elections to post or make available at each polling room or each voting site, as required by s. 101.171, F.S. Historically, the division has printed and distributed booklets that include the ballot title, ballot summary, text of the constitutional amendment, and, if applicable, the financial impact statement. Beginning in 2020, the

²⁸ Pursuant to *Section 203 of the Voting Rights Act (52 U.S.C.A. § 10503)*.

²⁹ *See* Ch. 2020-111, Specific Appropriation 3132, Laws of Fla.

summary of such financial information statements was also included as part of the booklets.³⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution substantially amends section 4, Article VII of the Florida Constitution.

This resolution also creates a new section in Article XII of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

³⁰ Section 100.371(13)(e)4., F.S. *See also* Chapter 2019-64, s. 3, Laws of Fla.

By Senator Brodeur

9-01879-22

20221746__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution to authorize the legislature, by general law, to grant an additional homestead property tax exemption on \$50,000 of the assessed value of homestead property owned by classroom teachers, law enforcement officers, correctional officers, firefighters, child welfare services professionals, active duty members of the United States Armed Forces, and members of the Florida National Guard.

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

That the following amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.-

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five

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thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies

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59 and subject to the provisions of general law, to grant either or
60 both of the following additional homestead tax exemptions:

61 (1) An exemption not exceeding fifty thousand dollars to a
62 person who has the legal or equitable title to real estate and
63 maintains thereon the permanent residence of the owner, who has
64 attained age sixty-five, and whose household income, as defined
65 by general law, does not exceed twenty thousand dollars; or

66 (2) An exemption equal to the assessed value of the
67 property to a person who has the legal or equitable title to
68 real estate with a just value less than two hundred and fifty
69 thousand dollars, as determined in the first tax year that the
70 owner applies and is eligible for the exemption, and who has
71 maintained thereon the permanent residence of the owner for not
72 less than twenty-five years, who has attained age sixty-five,
73 and whose household income does not exceed the income limitation
74 prescribed in paragraph (1).

75
76 The general law must allow counties and municipalities to grant
77 these additional exemptions, within the limits prescribed in
78 this subsection, by ordinance adopted in the manner prescribed
79 by general law, and must provide for the periodic adjustment of
80 the income limitation prescribed in this subsection for changes
81 in the cost of living.

82 (e) (1) Each veteran who is age 65 or older who is partially
83 or totally permanently disabled shall receive a discount from
84 the amount of the ad valorem tax otherwise owed on homestead
85 property the veteran owns and resides in if the disability was
86 combat related and the veteran was honorably discharged upon
87 separation from military service. The discount shall be in a

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88 percentage equal to the percentage of the veteran's permanent,
89 service-connected disability as determined by the United States
90 Department of Veterans Affairs. To qualify for the discount
91 granted by this paragraph, an applicant must submit to the
92 county property appraiser, by March 1, an official letter from
93 the United States Department of Veterans Affairs stating the
94 percentage of the veteran's service-connected disability and
95 such evidence that reasonably identifies the disability as
96 combat related and a copy of the veteran's honorable discharge.
97 If the property appraiser denies the request for a discount, the
98 appraiser must notify the applicant in writing of the reasons
99 for the denial, and the veteran may reapply. The Legislature
100 may, by general law, waive the annual application requirement in
101 subsequent years.

102 (2) If a veteran who receives the discount described in
103 paragraph (1) predeceases his or her spouse, and if, upon the
104 death of the veteran, the surviving spouse holds the legal or
105 beneficial title to the homestead property and permanently
106 resides thereon, the discount carries over to the surviving
107 spouse until he or she remarries or sells or otherwise disposes
108 of the homestead property. If the surviving spouse sells or
109 otherwise disposes of the property, a discount not to exceed the
110 dollar amount granted from the most recent ad valorem tax roll
111 may be transferred to the surviving spouse's new homestead
112 property, if used as his or her permanent residence and he or
113 she has not remarried.

114 (3) This subsection is self-executing and does not require
115 implementing legislation.

116 (f) By general law and subject to conditions and

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117 limitations specified therein, the Legislature may provide ad
 118 valorem tax relief equal to the total amount or a portion of the
 119 ad valorem tax otherwise owed on homestead property to:
 120 (1) The surviving spouse of a veteran who died from
 121 service-connected causes while on active duty as a member of the
 122 United States Armed Forces.
 123 (2) The surviving spouse of a first responder who died in
 124 the line of duty.
 125 (3) A first responder who is totally and permanently
 126 disabled as a result of an injury or injuries sustained in the
 127 line of duty. Causal connection between a disability and service
 128 in the line of duty shall not be presumed but must be determined
 129 as provided by general law. For purposes of this paragraph, the
 130 term "disability" does not include a chronic condition or
 131 chronic disease, unless the injury sustained in the line of duty
 132 was the sole cause of the chronic condition or chronic disease.
 133
 134 As used in this subsection and as further defined by general
 135 law, the term "first responder" means a law enforcement officer,
 136 a correctional officer, a firefighter, an emergency medical
 137 technician, or a paramedic, and the term "in the line of duty"
 138 means arising out of and in the actual performance of duty
 139 required by employment as a first responder.
 140 (g) By general law and subject to conditions and
 141 limitations specified therein, the Legislature may provide an
 142 additional homestead exemption on the assessed valuation of
 143 greater than one hundred thousand dollars and up to one hundred
 144 fifty thousand dollars to a classroom teacher, a law enforcement
 145 officer, a correctional officer, a firefighter, a child welfare

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146 services professional, an active duty member of the United
 147 States Armed Forces, or a member of the Florida National Guard
 148 who has the legal or equitable title to real estate and
 149 maintains thereon the permanent residence of the owner.
 150 ARTICLE XII
 151 SCHEDULE
 152 Additional homestead property tax exemption for specified
 153 critical public services workforce.—This section and the
 154 amendment to Section 6 of Article VII, authorizing the
 155 legislature to grant an additional homestead property tax
 156 exemption on \$50,000 of the assessed value of homestead property
 157 owned by classroom teachers, law enforcement officers,
 158 correctional officers, firefighters, child welfare services
 159 professionals, active duty members of the United States Armed
 160 Forces, and members of the Florida National Guard, shall take
 161 effect January 1, 2023.
 162 BE IT FURTHER RESOLVED that the following statement be
 163 placed on the ballot:
 164 CONSTITUTIONAL AMENDMENT
 165 ARTICLE VII, SECTION 6
 166 ARTICLE XII
 167 ADDITIONAL HOMESTEAD PROPERTY TAX EXEMPTION FOR SPECIFIED
 168 CRITICAL PUBLIC SERVICES WORKFORCE.—Proposing an amendment to
 169 the State Constitution to authorize the Legislature, by general
 170 law, to grant an additional homestead tax exemption of up to
 171 \$50,000 of the assessed value of homestead property owned by
 172 classroom teachers, law enforcement officers, correctional
 173 officers, firefighters, child welfare services professionals,
 174 active duty members of the United States Armed Forces, and

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20221746__

175 members of the Florida National Guard. This amendment shall take
176 effect January 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1748

INTRODUCER: Senator Brodeur

SUBJECT: Homestead Property Tax Exemptions for Classroom Teachers, Law Enforcement Officers, Firefighters, Child Welfare Professionals, and Servicemembers

DATE: January 24, 2022

REVISED: _____

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

I. Summary:

SB 1748 is linked to SJR 1746, which proposes an amendment to the Florida Constitution to authorize the Legislature to provide for a new homestead tax exemption for classroom teachers, law enforcement officers, firefighters, child welfare professionals, and active duty United States Armed Forces and Florida National Guard servicemembers.

The bill provides that any of the defined people who hold legal or beneficial title in equity to real property in this state and makes such property their or their dependent's permanent residence is entitled to an exemption of up to \$50,000 on the property's value between \$100,000 and \$150,000.

The bill will take effect on the effective date of the amendment proposed by SJR 1746 or a similar joint resolution having substantially the same specific intent and purpose. If approved by the electors in the next general election in November 2022, the proposed amendment (SJR 1746) and SB 1748 will take effect on January 1, 2023.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

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

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

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

Property Tax Exemptions for Homesteads

Statewide Homestead Exemption

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹¹ An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.¹² This exemption does not apply to ad valorem taxes levied by school districts.

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

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

³ *See* s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

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

¹² Section 196.031(1)(b), F.S.

Additional Homestead Exemptions for Qualified Senior Citizens

The Florida Constitution authorizes the Legislature to allow counties and municipalities to grant additional homestead property tax exemptions for persons aged 65 years or over whose household income does not exceed \$20,000 (low-income seniors).¹³ That income limitation is adjusted each year according to changes in the consumer price index. The 2020 household income threshold for these exemptions is \$31,100.¹⁴ Qualifying seniors must hold legal or equitable title to the real estate and maintain thereon their permanent residence.

Section 196.075, F.S., implements those constitutional amendments approved by voters in 1999 and 2012 allowing local governments to grant low-income seniors these additional homestead exemptions. The first additional homestead exemption so authorized,¹⁵ approved by voters in 1999, is an additional homestead exemption not exceeding \$50,000 in home value for any low-income senior. The second additional homestead exemption,¹⁶ approved by voters in 2012, exempts the entire assessed value of a low-income senior's homestead with a just value less than \$250,000 if he or she has maintained that homestead for not less than 25 years.¹⁷ A county or municipality may choose to instate one or both of these additional homestead exemptions by passing an ordinance subject to certain statutory requirements.

Property Tax Exemptions for Veterans, First Responders, and Surviving Spouses

Florida provides several property tax exemptions for disabled veterans and first responders and their surviving spouses. These include exemptions for the following persons:

- A veteran or first responder¹⁸ with a total and permanent service-connected disability is entitled to a complete exemption for property owned and used as a homestead.¹⁹
- A veteran with a total service-connected disability that confines him or her to a wheelchair is entitled to a complete exemption for property owned and used as a homestead. Upon the veteran's death, the exemption carries over to the veteran's unremarried surviving spouse.²⁰
- A veteran disabled to a degree of 10 percent or more by misfortune or during wartime service is entitled to an exemption for any property up to \$5,000. Upon the death of the veteran, the exemption carries over to the veteran's unremarried surviving spouse.²¹
- The unremarried surviving spouse of a veteran or first responder who died while on active duty is entitled to a complete exemption for property owned and used as a homestead if the veteran was a permanent resident of Florida on the day he or she died.²²

¹³ FLA. CONST. Art. VII, s. 6(d)(1) and (2).

¹⁴ Florida Department of Revenue, *Florida Property Tax Valuation and Income Limitation Rates*, available at <https://floridarevenue.com/property/Documents/AdditionalHomesteadExemptions.pdf> (last visited January 20, 2022).

¹⁵ Implementing FLA. CONST. art. VII, s. 6(d)(1).

¹⁶ Implementing FLA. CONST. art. VII, s. 6(d)(2).

¹⁷ Taxpayers who initially receive the exemption are denied the exemption in a later year if the just value of their homestead exceeds \$250,000.

¹⁸ "First responder" in this context means a law enforcement officer or correctional officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 who is a full-time paid employee, part-time paid employee, or unpaid volunteer. Section 196.081(6)(c)1., F.S.

¹⁹ Sections 196.081 and 196.102, F.S.

²⁰ Section 196.091(1) and (3), F.S.

²¹ Section 196.24, F.S.

²² Section 196.081(4), (6) F.S.

Tax Discount on Homestead Property for a Combat-disabled Veteran

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.²³ The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.²⁴ The discount is applied as a reduction to the taxable value of the homestead property.²⁵

Penalties for Failure to Notify and Tax Liens

Under s. 196.075, F.S., if the property appraiser determines that for any year within the last ten years the taxpayer received an exemption for which they were not entitled, the taxpayer shall be subject to the taxes exempted as a result of such failure and a penalty of 50 percent of the taxes exempted plus 15 percent interest per annum. If such penalty is not paid in 30 days, the property appraiser must record a notice of tax lien against any property in the county owned by that person, or property in other counties if that person no longer owns property in the appraiser's county.

This penalty, its valuation and lien provision, is equivalent to the penalty associated with receiving a general homestead exemption to which a taxpayer was not entitled.²⁶

III. Effect of Proposed Changes:

Section 1 amends s. 196.011 to provide a cross reference related to annual forms required to apply for the new homestead exemption provided in section 2.

Section 2 creates s. 196.077 to provide for a new homestead tax exemption for classroom teachers, law enforcement officers, firefighters, child welfare professionals, and servicemembers.

The bill provides the following definitions:

- "Child welfare professional" means a state employee engaged in child welfare services as defined in s. 402.40(2), F.S., who holds a child welfare certification as defined in s. 402.40(2), F.S.;
- "Classroom teacher" means a staff member assigned the professional activity of instructing K-12 students in courses and classroom situations, including basic instruction, exceptional student education, and career education;
- "Firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. 633.408, F.S.;

²³ Section 196.082, F.S.

²⁴ Section 196.082(2), F.S.

²⁵ Section 196.082(5), F.S.

²⁶ Section 193.155(10), F.S.

- “Law enforcement officer” means a law enforcement officer²⁷ or correctional officer²⁸ as defined by s. 943.10, F.S.; and
- “Servicemember” means a person serving as an active duty member of the United States Armed Forces or as a member of the Florida National Guard.

The bill provides that any of the defined people who hold legal or beneficial title in equity to real property in this state and makes such property their or their dependent’s permanent residence is entitled to an exemption of up to \$50,000 on the property’s value between \$100,000 and \$150,000.

The bill further provides that such a person must file an annual application for exemption with the property appraiser on or before March 1 of the year for which the exemption is claimed. Such form will be prescribed by the Department of Revenue and require the person to provide proof of employment.

Section 3 provides that the Department of Revenue may adopt emergency rules to administer this bill.

Section 4 provides that the provisions of this bill will first apply to the 2023 tax roll.

Section 5 provides that this bill will take effect on the effective date of the constitutional amendment proposed by SJR 1746.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that, except upon the approval of each house of the Legislature by a two-thirds vote of the membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact.^{29, 30}

²⁷ Section 943.10(1), F.S.: “Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

²⁸ Section 943.10(2), F.S.: “Correctional officer” means any person who is appointed or employed full time by the state or any political subdivision thereof, or by any private entity which has contracted with the state or county, and whose primary responsibility is the supervision, protection, care, custody, and control, or investigation, of inmates within a correctional institution; however, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel.

²⁹ FLA. CONST. art. VII, s. 18(d).

³⁰ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. The Florida Demographic Estimating Conference adopted estimations that the 2021 population will be 21,893,919, which makes the threshold for insignificant fiscal impact \$2.19 million. Executive Summary, Demographic

The mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because the bill reduces local governments' authority to raise revenue by reducing ad valorem tax bases compared to the tax bases that would exist under current law. This bill does not appear to qualify under any exemption or exception. If the bill does qualify as a mandate, final passage must be approved by two-thirds of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill provides that the homestead exemption may extend to a qualified person's dependents, while the constitutional amendment within the linked Senate Joint Resolution does not contemplate dependents receiving the benefit. Additionally, this bill specifies the exemption applies to all levies "other than school district levies," which is not contemplated by the Senate Joint Resolution. Implementing statutes such as this generally should be narrowly tailored to match the power granted by the Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference reviewed this bill and stated the impact of the implementing bill to a constitutional amendment is zero/negative indeterminate due to the requirement for a statewide referendum. If the constitutional amendment does not pass, the impact is zero. If approved, the impact is an indeterminate negative amount.

B. Private Sector Impact:

If the proposed amendment (SJR 1746) is approved by 60 percent of voters in November 2022, homeowners with certain employment will be entitled to reduced property taxation. This will result in an indeterminate positive fiscal impact as homeowners take advantage of ad valorem tax savings.

C. Government Sector Impact:

If the proposed amendment (SJR 1746) is approved by 60 percent of voters in November 2022, homeowners with certain employment will be entitled to reduced property taxation. This will result in an indeterminate negative fiscal impact on local governments as homeowners may be subject to lower ad valorem taxes.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 196.011 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Brodeur

9-01880-22

20221748__

1 A bill to be entitled
 2 An act relating to homestead property tax exemptions
 3 for classroom teachers, law enforcement officers,
 4 firefighters, child welfare professionals, and
 5 servicemembers; amending s. 196.011, F.S.; specifying
 6 the information that must be supplied annually to the
 7 property appraiser by classroom teachers, law
 8 enforcement officers, firefighters, child welfare
 9 professionals, and servicemembers who qualify for a
 10 specified exemption; creating s. 196.077, F.S.;
 11 providing definitions; providing conditions under
 12 which a classroom teacher, a law enforcement officer,
 13 a firefighter, a child welfare professional, or a
 14 servicemember may receive an additional homestead
 15 property tax exemption; specifying the amount of the
 16 homestead property tax exemption; providing
 17 requirements for applying for and receiving an
 18 exemption; specifying actions a property appraiser may
 19 take if a taxpayer improperly claims an exemption;
 20 providing penalties under certain conditions;
 21 authorizing the Department of Revenue to adopt
 22 emergency rules; providing applicability; providing a
 23 contingent effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Paragraph (b) of subsection (1) and paragraph
 28 (a) of subsection (9) of section 196.011, Florida Statutes, are
 29 amended to read:

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

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30 196.011 Annual application required for exemption.-
 31 (1)
 32 (b) The form to apply for an exemption under s. 196.031, s.
 33 196.077, s. 196.081, s. 196.091, s. 196.101, s. 196.102, s.
 34 196.173, or s. 196.202 must include a space for the applicant to
 35 list the social security number of the applicant and of the
 36 applicant's spouse, if any. If an applicant files a timely and
 37 otherwise complete application, and omits the required social
 38 security numbers, the application is incomplete. In that event,
 39 the property appraiser shall contact the applicant, who may
 40 refile a complete application by April 1. Failure to file a
 41 complete application by that date constitutes a waiver of the
 42 exemption privilege for that year, except as provided in
 43 subsection (7) or subsection (8).
 44 (9) (a) A county may, at the request of the property
 45 appraiser and by a majority vote of its governing body, waive
 46 the requirement that an annual application or statement be made
 47 for exemption of property within the county after an initial
 48 application is made and the exemption granted. The waiver under
 49 this subsection of the annual application or statement
 50 requirement applies to all exemptions under this chapter except
 51 the ~~exemptions exemption~~ under ss. 196.077 and 196.1995 ~~or~~
 52 ~~196.1995~~. Notwithstanding such waiver, refiling of an
 53 application or statement shall be required when any property
 54 granted an exemption is sold or otherwise disposed of, when the
 55 ownership changes in any manner, when the applicant for
 56 homestead exemption ceases to use the property as his or her
 57 homestead, or when the status of the owner changes so as to
 58 change the exempt status of the property. In its deliberations

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59 on whether to waive the annual application or statement
 60 requirement, the governing body shall consider the possibility
 61 of fraudulent exemption claims which may occur due to the waiver
 62 of the annual application requirement. The owner of any property
 63 granted an exemption who is not required to file an annual
 64 application or statement shall notify the property appraiser
 65 promptly whenever the use of the property or the status or
 66 condition of the owner changes so as to change the exempt status
 67 of the property. If any property owner fails to so notify the
 68 property appraiser and the property appraiser determines that
 69 for any year within the prior 10 years the owner was not
 70 entitled to receive such exemption, the owner of the property is
 71 subject to the taxes exempted as a result of such failure plus
 72 15 percent interest per annum and a penalty of 50 percent of the
 73 taxes exempted. Except for homestead exemptions controlled by s.
 74 196.161, the property appraiser making such determination shall
 75 record in the public records of the county a notice of tax lien
 76 against any property owned by that person or entity in the
 77 county, and such property must be identified in the notice of
 78 tax lien. Such property is subject to the payment of all taxes
 79 and penalties. Such lien when filed shall attach to any
 80 property, identified in the notice of tax lien, owned by the
 81 person who illegally or improperly received the exemption. If
 82 such person no longer owns property in that county but owns
 83 property in some other county or counties in the state, the
 84 property appraiser shall record a notice of tax lien in such
 85 other county or counties, identifying the property owned by such
 86 person or entity in such county or counties, and it shall become
 87 a lien against such property in such county or counties.

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88 Section 2. Section 196.077, Florida Statutes, is created to
 89 read:
 90 196.077 Additional homestead exemption for classroom
 91 teachers, law enforcement officers, firefighters, child welfare
 92 professionals, and servicemembers.-
 93 (1) As used in this section, the term:
 94 (a) "Child welfare professional" means a state employee
 95 engaged in child welfare services, as defined in s. 402.40(2),
 96 who holds a child welfare certification, as defined in s.
 97 402.40(2).
 98 (b) "Classroom teacher" means a staff member assigned the
 99 professional activity of instructing K-12 students in courses in
 100 classroom situations, including basic instruction, exceptional
 101 student education, and career education.
 102 (c) "Firefighter" has the same meaning as in s. 633.102.
 103 (d) "Full-time position" has the same meaning as in s.
 104 110.107.
 105 (e) "Law enforcement officer" means a law enforcement
 106 officer or correctional officer as those terms are defined in s.
 107 943.10(1) and (2).
 108 (f) "Servicemember" means a person that is serving as an
 109 active duty member of the United States Armed Forces or as a
 110 member of the Florida National Guard.
 111 (2) A person who is employed on January 1 in a full-time
 112 position as a classroom teacher, law enforcement officer,
 113 firefighter, child welfare professional, or servicemember, has
 114 the legal title or beneficial title in equity to real property
 115 in this state and who in good faith makes the property his or
 116 her permanent residence or the permanent residence of another or

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117 others legally or naturally dependent upon him or her, and who
 118 qualifies to receive the exemptions provided in s. 196.031(1),
 119 is entitled to an additional exemption of up to \$50,000 on the
 120 assessed valuation greater than \$100,000 and up to \$150,000 for
 121 all levies other than school district levies.

122 (3) A classroom teacher, law enforcement officer,
 123 firefighter, child welfare professional, or servicemember who is
 124 qualified to claim the additional homestead tax exemption as
 125 provided in this section must file an annual application for
 126 exemption with the property appraiser on or before March 1 of
 127 the year for which the additional homestead tax exemption is
 128 claimed. The application for the exemption must be made on a
 129 form prescribed by the department and furnished by the property
 130 appraiser. The form must require the classroom teacher, law
 131 enforcement officer, firefighter, child welfare professional, or
 132 servicemember to include or attach proof of employment in a
 133 qualifying full-time position and other information necessary to
 134 verify eligibility for the exemption.

135 (4) Receipt of the additional homestead exemption provided
 136 for in this section shall be subject to the provisions of ss.
 137 196.131 and 196.161, if applicable.

138 Section 3. (1) The Department of Revenue may, and all
 139 conditions are deemed met, to adopt emergency rules pursuant to
 140 s. 120.54(4), Florida Statutes, to administer this act.

141 (2) Notwithstanding any other provision of law, emergency
 142 rules adopted pursuant to this section are effective for 6
 143 months after adoption and may be renewed during the pendency of
 144 procedures to adopt permanent rules.

145 Section 4. The amendments made by this act to s. 196.011,

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146 Florida Statutes, and the creation by this act of s. 196.077,
 147 Florida Statutes, first apply to the 2023 tax roll.

148 Section 5. This act shall take effect on the effective date
 149 of the amendment to the State Constitution proposed by SJR ____
 150 or a similar joint resolution having substantially the same
 151 specific intent and purpose, if such amendment to the State
 152 Constitution is approved at the next general election or at an
 153 earlier special election specifically authorized by law for that
 154 purpose.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 644

INTRODUCER: Community Affairs Committee and Senator Brodeur

SUBJECT: Building Inspections

DATE: January 26, 2022

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 644 provides a number of revisions relating to building inspectors and plans reviewers licensure requirements and workforce availability. The bill also makes changes relating to transparency and efficiency for private providers and building officials under the alternative plans review and inspection process.

The bill makes the following changes pertaining to building inspector and plans examiner licensure:

- Provides that a person may sit for the building inspector or plans examiner licensure test by completing a 4-year internship with a private provider or private provider's firm and under the direct supervision of a licensed architect or engineer.
- Requires the Building Code Administrators and Inspectors Board (BCAIB) to create a rule establishing that partial completion of an internship program may be transferred between local governments or private provider or private provider's firm.
- Prohibits the BCAIB from issuing a provisional license with a special condition or requirement that such licensee be employed by a municipality, county, or other local government agency.

As it relates to private providers, the bill specifies that if a person uses a private provider, the local government must provide equal access to all permitting and inspection documents and reports to the private provider, the owner, and the contractor. It also defines the "reasonable

administrative fee” a local government may charge for using a private provider as the actual cost incurred.

The bill states that a local law, ordinance, or regulation may not prohibit or otherwise restrict the ability of a private property owner to obtain a building permit to demolish any single-family residential structure located in certain flood hazard areas according to Flood Insurance Rate Maps produced by the FEMA under certain circumstances.

The bill provides that if a local building official does not provide a notice of deficiencies within two business days, the request for a certificate of occupancy is automatically granted and considered issued the next business day. The bill also provides that if a local building official does not provide a notice of deficiencies within two business days, the building permit is closed and the local building official must provide the permit applicant with the written certificate of occupancy or certificate of completion within 10 days after it has been automatically granted and considered issued.

II. Present Situation:

The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida’s minimum standards were met. Local governments could choose from four separate model codes. The state’s role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.¹

In 1992, Hurricane Andrew demonstrated that Florida’s system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study commission’s recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.² The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.³

Chapter 553, part IV, F.S., is known as the “Florida Building Codes Act” (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.⁴

¹ The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, available at http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf (last visited Nov. 11, 2021).

² *Id.*; DBPR, *Building Code Information System*, available at: <https://floridabuilding.org/c/default.aspx#> (last visited on Nov. 11, 2021).

³ *Id.*

⁴ Section 553.72(1), F.S.

The Florida Building Commission was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code Council,⁵ the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.⁶

Local Enforcement of the Florida Building Code

It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdiction in protection of the public's health, safety, and welfare.⁷

Every local government must enforce the Building Code and issue building permits.⁸ It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit from the local government enforcing agency or from such persons as may, by resolution or regulation, be directed to issue such permit, upon the payment of reasonable fees as set forth in a schedule of fees adopted by the enforcing agency.⁹

Any construction work that requires a building permit also requires plans and inspections to ensure the work complies with the Building Code. The Building Code requires certain building, electrical, plumbing, mechanical, and gas inspections.¹⁰ Construction work may not be done beyond a certain point until it passes an inspection. Generally speaking, a permit for construction work that passes the required inspections is considered completed or closed.¹¹

Building Code Administrators and Inspectors and Plans Examiners

Building officials, inspectors, and plans examiners are regulated by the Florida Building Code Administrators and Inspectors Board (BCAIB) within DBPR. The BCAIB consists of nine members appointed by the Governor and subjected to confirmation by the Senate.¹²

A building code administrator, otherwise known as a building official, is a local government employee or a person contracted by a local government who supervises building code activities, including plans review, enforcement, and inspection.¹³

⁵ The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to “construct safe, sustainable, affordable and resilient structures.” International Code Council, *About the ICC*, available at <https://www.iccsafe.org/about/who-we-are/> (last visited Dec 2, 2021).

⁶ Sections 553.73, and 553.74, F.S.

⁷ Section 553.72, F.S.

⁸ Sections 125.01(1)(bb), 125.56(1), and 553.80(1), F.S.

⁹ Sections 125.56(4)(a), 553.79(1), F.S.

¹⁰ Section 110 Seventh edition of the Florida Building Code (Building).

¹¹ Doug Wise, *Closing Inactive & Excluded Building Permits*, Palm Beach County Planning, Zoning & Building Department, Building Division, available at: <http://discover.pbcgov.org/pzb/building/BuildingCodes/PBO-126%20E2%80%93%20Closing%20Inactive%20and%20Excluded%20Building%20Permits.pdf> (last visited Dec 2, 2021).

¹² Section 468.605, F.S.

¹³ Section 468.603(2), F.S.

A building code inspector (inspector) inspects construction that requires permits to determine compliance with the Building Code and state accessibility laws. Inspectors are divided into several different categories. An inspector's ability to practice is limited to the category or categories the inspector has been licensed. The inspector categories are:¹⁴

- Building inspector
- Coastal construction inspector
- Commercial electrical inspector
- Residential electrical inspector
- Mechanical inspector
- Plumbing inspector
- Residential inspector
- Electrical inspector

During the 2020 Regular Session, the Legislature renamed the “one and two family dwelling inspector” to the “residential inspector” and expanded the scope of practice to include inspecting one-family, two-family, or three-family residences, and accessory use structures in connection therewith, for compliance with the building, plumbing, mechanical, accessibility, and electrical codes.¹⁵

A plans examiner reviews plans submitted for building permits to determine design compliance with construction codes. The term includes a residential plans examiner who is qualified to determine that plans submitted for building permits comply with the applicable residential building, plumbing, mechanical, electrical, gas, energy, accessibility, and other applicable construction codes. A plans examiner's ability to practice is limited to the category or categories the plans examiner has been licensed. The plans examiner categories are:¹⁶

- Building plans examiner
- Plumbing plans examiner
- Mechanical plans examiner
- Electrical plans examiner

The BCAIB may also create voluntary certificates that licensed inspectors and plans examiners may obtain. A voluntary certificate is a limited certificate that allows a licensed inspector or plans examiner to inspect or examine plans for additional categories. Voluntary certificates are not available to people who are not licensed as an inspector, plans examiner, or construction contractor. The BCAIB has created the following voluntary certificates:¹⁷

- Residential pool inspector
- Commercial pool inspector
- Roofing inspector
- Modular inspector
- Modular plans examiner

¹⁴ Section 468.603(5), F.S.

¹⁵ Chapter 2020-160, s. 19, Laws of Fla.

¹⁶ Section 468.603(8), F.S.

¹⁷ See s. 468.609(10), F.S.; Fla. Admin. Code R. 61G19-6.016 (2021)

- Residential plans examiner

In order to sit for the plans examiner or inspector exam a person must be at least 18 years of age, be of good moral character, and meet one of the following eligibility requirements:¹⁸

- Have 4 years of combined relevant experience;
- Have 3 years of combined postsecondary education and relevant experience;
- Have 3 years of combined technical education and relevant experience;
- Complete an approved cross-training program and have at least 2 years of experience;
- Hold a standard certificate issued by the BCAIB or a firesafety inspector license; and
 - Have at least 4 years of relevant experience as an inspector or plans examiner;
 - Have a minimum of 3 years of experience in firesafety inspection, or firesafety plan review and completed a training program of not less than 100 hours in the new category sought;
 - Complete an approved training program of not less than 200 hours in inspection or plans review except for one-family and two-family dwelling training programs, which may not be less than 500 hours; or
- Complete a 4-year internship certification program.

Internship Programs

After the recession in 2008, Florida experienced a shortage of inspectors, plans examiners, and building officials on account of many of them being laid off. In at least one county, the shortage forced the local building board to rehire retired inspectors.¹⁹

In response to the shortage, during the 2017 Regular Session, the Legislature created the 4-year internship program as an additional way to obtain licensure as a plans examiner or inspector.²⁰ A person may sit for the plans examiner or inspector exam in all categories if the person is at least 18 years of age, is of good moral character, and completes an internship program. The requirements of the internship program are:²¹

- Completing a 4-year internship as an inspector or plans examiner while employed full-time by a local government, under the direct supervision of a building official. Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year;
- Passing an ICC administered examination in the license category sought;
- Passing the principles and practice examination before completing the internship program;
- Passing a BCAIB-approved 40-hour code training course in the license category sought before completing the internship; and

¹⁸ Section 468.609(2), F.S.

¹⁹ James Sullivan, Charles Kibert, Andriel Fenner, & Shirley Morque, *Florida Construction Workforce Taskforce: Address training issues among building code inspectors to increase the number qualified inspectors*, (March 9, 2017) available at: <http://www.cce.ufl.edu/wp-content/uploads/2016/12/6-Florida-Construction-Workforce-Taskforce-Address-training-issues-among-building-code-inspectors-to-increase-the-number-qualified-1.pdf> (last visited Dec 2, 2021).

²⁰ Chapter 2017-149, s. 5, Laws of Fla.

²¹ Section 468.609(2), F.S.

- Obtaining a favorable recommendation from the supervising building official after completion of the internship.

Current law requires the BCAIB to establish by rule that partial completion of the internship program may be transferred between jurisdictions.²²

Currently, the 4-year internship program only applies to a person employed full-time by a local government, and does not apply if the person is employed full-time with a private entity that provides building inspection and/or plans review services.

Provisional Licensure

A person who is qualified to sit for the building official, plans examiner, or inspector exam but has not taken the exam may be granted a provisional certificate by the BCAIB. A provisional certificate allows a person to engage in the duties of a building official, inspector, or plans examiner. Provisional licenses are valid for two years, but may be renewed by the BCAIB for just cause. A provisional license is not valid for more than three years. However, an applicant who is obtaining licensure as an inspector or plans examiner through an internship may apply to the BCAIB for a provisional certificate that is valid for the duration of the internship.²³

The BCAIB may issue provisional certificates with special conditions or requirements including conditions or requirements relating to the place of employment of the applicant, the supervision of the applicant on a consulting or advisory basis, or any other conditions the BCAIB deem necessary to protect the public safety and health.²⁴

Private Providers

In 2002, s. 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

Private providers are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's license. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.²⁵

If an owner or contractor opts to use a private provider, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.²⁶

²² Section 468.609(10), F.S.

²³ Section 468.609, F.S.; Fla. Admin. Code R. 61G19-6.012 (2018)

²⁴ *Id.*

²⁵ Section 553.791(1)(n) and (3), F.S.

²⁶ Section 553.791(2)(b), F.S.

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider, but it may charge a “reasonable administrative fee.”²⁷ However, current law does not specify what a “reasonable administrative” fee is.

A building official may audit a private provider to ensure the private provider has reviewed the building plans and is performing the required inspections. A building official may deny a building permit or a request for a certificate of completion if the building construction or plans do not comply with the Building Code. A building official may also issue a stop work order at any time if he or she determines any condition of the construction poses an immediate threat to public safety and welfare.²⁸

When a property owner or a contractor elects to use a private provider, he or she must notify the building official, on a form adopted by the Florida Building Commission, at the time of the permit application or no less than two business days before the first or next scheduled inspection.²⁹

A private provider who approves building plans must sign a sworn affidavit that the plans comply with the Building Code and the private provider is authorized to review the plans.³⁰ Upon receipt of a building permit application from a private provider, a building official has 20 business days to grant or deny the permit. Denying a permit automatically tolls the remaining 20 business days.³¹

Before a private provider performs building inspections, he or she must notify the building official of each inspection the business day before the inspection. A local building official may visit a building site as often as necessary to ensure the private provider is performing the required inspections. Construction work on a building may continue as long as the private provider passes each inspection and the private provider gives proper notice of each inspection to the building official.³²

A private provider must post records of every inspection, including the results of the inspections, electronically or on the jobsite and provide the records to the local building official within two business days of posting the records.³³

Upon completion of all required inspections, a private provider must give the building official a record of all the inspections, a request for a certificate of occupancy, and a sworn statement indicating compliance with the Building Code. Upon receipt, the building official has two business days to issue the certificate of completion or provide the permit applicant a notice of deficiencies.³⁴

²⁷ *Id.*

²⁸ Section 553.791(1), (14), and (19), F.S.

²⁹ Section 553.791(4)-(5), F.S.

³⁰ Section 553.791(6), F.S.

³¹ Section 553.791(7), F.S.

³² Section 553.791(9) and (18), F.S.

³³ Section 553.791(11), F.S.

³⁴ Section 553.791(11)-(13), F.S.

If the local building official does not provide a notice of the deficiencies within two business days, the request for a certificate of occupancy is deemed granted, and the local building official must issue the certificate of occupancy the next business day.³⁵

Federal Emergency Management Agency Flood Maps

The Federal Emergency Management Agency (FEMA) is an agency within the United States Department of Homeland Security. The FEMA coordinates responses to disasters within the United States. The FEMA provides resources and assistance to local and state authorities when a disaster overwhelms local response capacities.

The FEMA is responsible for various services related to flood insurance, floodplain management, and flood mapping. The FEMA provides flood hazard and risk data products to help set insurance rates for the National Flood Insurance Program (NFIP) and help guide local and state governments' flood mitigation actions.

The National Flood Insurance Program

The NFIP is a program created by the Congress of the United States in 1968 through the National Flood Insurance Act of 1968. The NFIP aims to share the risk of flood losses through flood insurance and reduce flood damage by restricting development within floodplains. The program enables property owners in participating communities to purchase insurance protection, administered by the government, against flooding losses. Participation in the NFIP is limited to communities that adopt adequate land use and control measures with effective enforcement provisions to reduce flood damages by restricting development in areas exposed to flooding.³⁶

Flood Insurance Rate Maps

The NFIP insurance rates are correlated with the unique flooding risks of a geographic area. To facilitate the allocation of insurance rates, the FEMA prepares flood insurance rate maps (FIRM). A FIRM is an official map of a community within the United States that displays the floodplains, more explicitly particular hazard areas and risk premium zones, as delineated by the FEMA.³⁷

FIRMs display areas that fall within the 100-year flood boundary, special flood hazard areas, and insurance risk zones. FIRMs are used to set insurance rates against the risk of flood and whether buildings are insurable at all against flood. Furthermore, towns and municipalities use FIRMs for local land use policy and zoning.³⁸

³⁵ *Id.*

³⁶ FEMA, *Flood Insurance*, available at: <https://www.fema.gov/flood-insurance> (last visited Jan 26, 2021).

³⁷ FEMA, *Flood Insurance Rate Map (FIRM)*, available at: <https://www.fema.gov/glossary/flood-insurance-rate-map-firm> (last visited Jan. 26, 2022).

³⁸ *Id.*

III. Effect of Proposed Changes:

Building Inspector and Plans Examiner Licensure

The bill amends s. 468.609 F.S., to expand licensing opportunities for building inspectors and plans examiners, by allowing a person to sit for the certification test upon completion of a 4-year full-time internship as an inspector or plans examiner with a private provider or private provider's firm while under the supervision of a licensed architect or engineer. Current law allows such for internships with a local government. An internship program may be transferred between jurisdictions, private providers, and firms of private providers. The bill allows engineers and architects to give favorable recommendation after completion of the internship program

The bill also directs the BCAIB to create a rule establishing that partial completion of an internship program may be transferred between jurisdictions or private entities.

The bill addresses the special conditions or requirements the BCAIB may impose when issuing provisional certificates for building officials, plans examiners, and building inspectors. The BCAIB may continue to impose special conditions or requirements to protect the public safety and health, but it may not require an applicant to be employed by a municipality, county, or other local government agency.

The bill corrects a scrivener's error by renaming the "one-family and two-family dwelling" training program to the "residential" training program to conform to changes made during the 2020 Regular Session.³⁹

Building Permits for Demolition

The bill amends s. 553.79, F.S., to provide that a local government may not prohibit or otherwise restrict the ability of a property owner to obtain a building permit to demolish and replace any single-family residential dwelling located in a coastal high hazard area, moderate flood zone, or special flood hazard area if the lowest floor elevation of the dwelling is at or below the property's base flood elevation plus one foot, pursuant to the building code or local ordinance. Such a demolition permit may only be reviewed administratively for compliance with the building code and applicable construction regulations, and is not subject to additional land development regulation or zoning approval that requires a public hearing before the issuance of the permit.

Local governments may not impose additional regulatory requirements on the replacement of the single-family residential dwelling which would not otherwise be applicable to a similarly situated vacant parcel, and may not penalize the owner for such demolition.

Alternative Plans Review and Inspection

The bill amends s. 553.791 F.S., to provide that if an owner or contractor retains a private provider for plans review or inspection services, the local government must provide equal access

³⁹ See ch. 2020-160, s. 19, Laws of Fla.

to all permitting and inspection documents and reports to the private provider, the owner, and the contractor.

The bill provides that the “reasonable administrative fee” a local government charges for using a private provider must be based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.

The bill provides that if a local building official does not provide a notice of deficiencies within two business days, the request for a certificate of occupancy is “**automatically**” granted and **considered issued** the next business day, instead of “**deemed**” granted and required to be issued by the local building official on the next business day.

The bill also provides that if a local building official does not provide a notice of deficiencies within two business days, the building permit is closed and the local building official must provide the permit applicant with the written certificate of occupancy or certificate of completion within 10 days after it has been automatically granted and considered issued.

The bill provides for an effective date of July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may provide for more availability of building inspectors and plans reviewers by providing additional opportunities for persons to qualify for licensure, which may also reduce construction costs and delays.

Private property owners may benefit from fewer regulatory requirements imposed by local governments for the demolition and replacement of single family residences located in a FEMA flood zone.

C. Government Sector Impact:

The bill may increase costs to local governments by requiring equal access to records for private providers, owners, and contractors under the alternative plans review and inspection process, however, any costs are likely minimal.

Additionally, the bill may result in a slight reduction of revenues to local governments by limiting the amount of an administrative fee a local government may charge when a permit holder uses the services of a private provider.

The Department of Business and Professional Regulation expects minimal impact to the agency, which can be absorbed with existing resources.

VI. Technical Deficiencies:

The title of the bill is “Building Inspections,” however section 3 of the bill provides that a local government may not prohibit or restrict a property owner to obtain a building permit to demolish any single-family residential structure located in certain flood hazard areas. The sponsor may consider a title amendment to ensure that the single subject rule is accurately reflected.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 468.603, 468.609, 553.791, and 553.79.

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

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

CS by Community Affairs on January 25, 2022:

- Clarifies that a person may complete a 4-year internship program at a private provider’s firm while under the direct supervision of a certified building official or

licensed engineer architect, and allows engineers and architects to give favorable recommendation after completion of the internship program;

- Provides that a local government may not prohibit or restrict a property owner to obtain a building permit to demolish any single-family residential structure located in certain flood hazard areas provided that the permit otherwise complies with applicable building code requirements; and
- Provides that a building official may rescind a certificate of occupancy or certificate of completion within 30 days after issuance for failure to comply, and must provide written notice to the applicant, private provider, and the fee owner. The notice must include reasons for rescinding the certificate and detail how the certificate can be reinstated. A private provider must have the opportunity to cure any deficiencies and resubmit the application.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/26/2022	.	
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The Committee on Community Affairs (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (9) is added to section 468.603,
Florida Statutes, to read:

468.603 Definitions.—As used in this part:

(9) "Private provider" has the same meaning as in s.
553.791(1)(n).

Section 2. Paragraph (c) of subsection (2), paragraphs (c)



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11 and (d) of subsection (7), and paragraph (b) of subsection (10)
12 of section 468.609, Florida Statutes, are amended to read:

13 468.609 Administration of this part; standards for
14 certification; additional categories of certification.—

15 (2) A person may take the examination for certification as
16 a building code inspector or plans examiner pursuant to this
17 part if the person:

18 (c) Meets eligibility requirements according to one of the
19 following criteria:

20 1. Demonstrates 4 years' combined experience in the field
21 of construction or a related field, building code inspection, or
22 plans review corresponding to the certification category sought;

23 2. Demonstrates a combination of postsecondary education in
24 the field of construction or a related field and experience
25 which totals 3 years, with at least 1 year of such total being
26 experience in construction, building code inspection, or plans
27 review;

28 3. Demonstrates a combination of technical education in the
29 field of construction or a related field and experience which
30 totals 3 years, with at least 1 year of such total being
31 experience in construction, building code inspection, or plans
32 review;

33 4. Currently holds a standard certificate issued by the
34 board or a firesafety inspector license issued under ~~pursuant to~~
35 chapter 633, with a minimum of 3 years' verifiable full-time
36 experience in firesafety inspection or firesafety plan review,
37 and has satisfactorily completed a building code inspector or
38 plans examiner training program that provides at least 100 hours
39 but not more than 200 hours of cross-training in the



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40 certification category sought. The board shall establish by rule
41 criteria for the development and implementation of the training
42 programs. The board must ~~shall~~ accept all classroom training
43 offered by an approved provider if the content substantially
44 meets the intent of the classroom component of the training
45 program;

46 5. Demonstrates a combination of the completion of an
47 approved training program in the field of building code
48 inspection or plan review and a minimum of 2 years' experience
49 in the field of building code inspection, plan review, fire code
50 inspections and fire plans review of new buildings as a
51 firesafety inspector certified under s. 633.216, or
52 construction. The approved training portion of this requirement
53 must ~~shall~~ include proof of satisfactory completion of a
54 training program that provides at least 200 hours but not more
55 than 300 hours of cross-training that is approved by the board
56 in the chosen category of building code inspection or plan
57 review in the certification category sought with at least 20
58 hours but not more than 30 hours of instruction in state laws,
59 rules, and ethics relating to professional standards of
60 practice, duties, and responsibilities of a certificateholder.
61 The board shall coordinate with the Building Officials
62 Association of Florida, Inc., to establish by rule the
63 development and implementation of the training program. However,
64 the board must ~~shall~~ accept all classroom training offered by an
65 approved provider if the content substantially meets the intent
66 of the classroom component of the training program;

67 6. Currently holds a standard certificate issued by the
68 board or a firesafety inspector license issued under ~~pursuant to~~



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69 chapter 633 and:

70 a. Has at least 4 years' verifiable full-time experience as
71 an inspector or plans examiner in a standard certification
72 category currently held or has a minimum of 4 years' verifiable
73 full-time experience as a firesafety inspector licensed under
74 ~~pursuant to~~ chapter 633.

75 b. Has satisfactorily completed a building code inspector
76 or plans examiner classroom training course or program that
77 provides at least 200 but not more than 300 hours in the
78 certification category sought, except for residential ~~one-family~~
79 ~~and two-family dwelling~~ training programs, which must provide at
80 least 500 but not more than 800 hours of training as prescribed
81 by the board. The board shall establish by rule criteria for the
82 development and implementation of classroom training courses and
83 programs in each certification category; or

84 7.a. Has completed a 4-year internship certification
85 program as a building code inspector or plans examiner while
86 also employed full-time by a municipality, county, or other
87 governmental jurisdiction, under the direct supervision of a
88 certified building official. A person may also complete the
89 internship certification program while employed full-time by a
90 private provider or a private provider's firm that performs the
91 services of a building code inspector or plans examiner, while
92 under the direct supervision of the private provider who must be
93 a certified building official or a person licensed as an
94 engineer under chapter 471 or an architect under chapter 481.

95 Proof of graduation with a related vocational degree or college
96 degree or of verifiable work experience may be exchanged for the
97 internship experience requirement year-for-year, but may reduce



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98 the requirement to no less than 1 year.

99 b. Has passed an examination administered by the
100 International Code Council in the certification category sought.
101 Such examination must be passed before beginning the internship
102 certification program.

103 c. Has passed the principles and practice examination
104 before completing the internship certification program.

105 d. Has passed a board-approved 40-hour code training course
106 in the certification category sought before completing the
107 internship certification program.

108 e. Has obtained a favorable recommendation from the
109 supervising building official, engineer, or architect after
110 completion of the internship certification program.

111 (7)

112 (c) The board shall provide for appropriate levels of
113 provisional certificates and may issue these certificates with
114 such special conditions or requirements ~~relating to the place of~~
115 ~~employment of the person holding the certificate, the~~
116 ~~supervision of such person on a consulting or advisory basis, or~~
117 ~~other matters~~ as the board deems ~~may deem~~ necessary to protect
118 the public safety and health. The board may not place a special
119 condition or requirement on a provisional certificate with
120 respect to the requirement of employment by a municipality,
121 county, or other local government agency.

122 (d) A person may perform the duties of a plans examiner or
123 building code inspector for 120 days if a provisional
124 certificate application has been submitted if such person is
125 under the direct supervision of a person licensed as a certified
126 building code administrator under this part ~~who holds a standard~~



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127 ~~certification~~ and who has found such person qualified for a
128 provisional certificate. Direct supervision and the
129 determination of qualifications may also be provided by a
130 building code administrator who holds a limited or provisional
131 certificate in a county having a population of fewer than 75,000
132 and in a municipality located within such county.

133 (10)

134 (b) The board shall by rule establish:

135 1. Reciprocity of certification with any other state that
136 requires an examination administered by the International Code
137 Council.

138 2. That an applicant for certification as a building code
139 inspector or plans examiner may apply for a provisional
140 certificate valid for the duration of the internship period.

141 3. That partial completion of an internship program is
142 transferable among jurisdictions, private providers, and firms
143 of private providers ~~may be transferred between jurisdictions~~ on
144 a form prescribed by the board.

145 4. That an applicant may apply for a standard certificate
146 on a form prescribed by the board upon successful completion of
147 an internship certification program.

148 5. That an applicant may apply for a standard certificate
149 at least 30 days but ~~and~~ no more than 60 days before completing
150 the internship certification program.

151 6. That a building code inspector or plans examiner who has
152 standard certification may seek an additional certification in
153 another category by completing an additional nonconcurrent 1-
154 year internship program in the certification category sought and
155 passing an examination administered by the International Code



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156 Council and a board-approved 40-hour code training course.

157 Section 3. Paragraph (b) of subsection (2) and subsection
158 (13) of section 553.791, Florida Statutes, are amended, and
159 paragraph (c) is added to subsection (2) of that section, to
160 read:

161 553.791 Alternative plans review and inspection.—

162 (2)

163 (b) If an owner or contractor retains a private provider
164 for purposes of plans review or building inspection services,
165 the local jurisdiction must reduce the permit fee by the amount
166 of cost savings realized by the local enforcement agency for not
167 having to perform such services. Such reduction may be
168 calculated on a flat fee or percentage basis, or any other
169 reasonable means by which a local enforcement agency assesses
170 the cost for its plans review or inspection services. The local
171 jurisdiction may not charge fees for building inspections if the
172 fee owner or contractor hires a private provider to perform such
173 services; however, the local jurisdiction may charge a
174 reasonable administrative fee, which shall be based on the cost
175 that is actually incurred, including the labor cost of the
176 personnel providing the service, by the local jurisdiction or
177 attributable to the local jurisdiction for the clerical and
178 supervisory assistance required, or both.

179 (c) If an owner or a contractor retains a private provider
180 for purposes of plans review or building inspection services,
181 the local jurisdiction must provide equal access to all
182 permitting and inspection documents and reports to the private
183 provider, owner, and contractor.

184 (13) No more than 2 business days after receipt of a



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185 request for a certificate of occupancy or certificate of
186 completion and the applicant's presentation of a certificate of
187 compliance and approval of all other government approvals
188 required by law, the local building official shall issue the
189 certificate of occupancy or certificate of completion or provide
190 a notice to the applicant identifying the specific deficiencies,
191 as well as the specific code chapters and sections. If the local
192 building official does not provide notice of the deficiencies
193 within the prescribed 2-day period, the request for a
194 certificate of occupancy or certificate of completion is
195 automatically ~~shall be deemed~~ granted and deemed ~~the certificate~~
196 ~~of occupancy or certificate of completion shall be issued as of~~
197 ~~by the local building official on the next business day. The~~
198 local building official must provide the applicant with the
199 written certificate of occupancy or certificate of completion
200 within 10 days after it is automatically granted and issued.
201 After the expiration of the 10-day period, the permit is deemed
202 closed. If the local building official determines the applicant
203 failed to adhere to this subsection, the local building official
204 may rescind the certificate of occupancy or certificate of
205 completion within 30 days after its issuance and must provide
206 written notice to the permit applicant and private provider, as
207 applicable, as well as the fee owner of the rescinded
208 certificate. The notice must include specific reasons for
209 rescinding the certificate and detail how the certificate can be
210 reinstated. The permit must then be reopened, and the private
211 provider shall have the opportunity to cure any deficiencies and
212 resubmit the application for certificate of occupancy or
213 certificate of completion ~~To resolve any identified~~



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214 ~~deficiencies, the applicant may elect to dispute the~~
215 ~~deficiencies pursuant to subsection (14) or to submit a~~
216 ~~corrected request for a certificate of occupancy or certificate~~
217 ~~of completion.~~

218 Section 4. This act shall take effect July 1, 2022.

219

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

221 And the title is amended as follows:

222 Delete everything before the enacting clause
223 and insert:

224 A bill to be entitled
225 An act relating to building inspection services;
226 amending s. 468.603, F.S.; defining the term "private
227 provider"; amending s. 468.609, F.S.; revising
228 eligibility requirements for a person applying to
229 become certified as a building code inspector or plans
230 examiner; revising the special conditions or
231 requirements that the Florida Building Code
232 Administrators and Inspectors Board may impose on
233 provisional certificates; revising circumstances under
234 which a person may perform the duties of a plans
235 examiner or building code inspector for a specified
236 period; revising a requirement for the board's rules
237 relating to the transferability of a partial
238 completion of an internship program; amending s.
239 553.791, F.S.; specifying the required basis for a
240 certain administrative fee charged by local
241 jurisdictions relating to building inspections by
242 private providers; requiring the local jurisdiction to



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243 provide access to certain documents to a private
244 provider, owner, and contractor; providing that a
245 certificate of occupancy or certificate of completion
246 is automatically granted and issued under certain
247 circumstances; requiring the local building official
248 to provide a written certificate of occupancy or
249 certificate of completion within a specified time;
250 providing construction; specifying and revising
251 procedures and requirements if the local building
252 official determines the applicant failed to adhere to
253 certain requirements; providing an effective date.



775516

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2022	.	
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The Committee on Community Affairs (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (9) is added to section 468.603,
Florida Statutes, to read:

468.603 Definitions.—As used in this part:

(9) "Private provider" has the same meaning as in s.
553.791(1)(n).

Section 2. Paragraph (c) of subsection (2), paragraphs (c)



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11 and (d) of subsection (7), and paragraph (b) of subsection (10)
12 of section 468.609, Florida Statutes, are amended to read:

13 468.609 Administration of this part; standards for
14 certification; additional categories of certification.—

15 (2) A person may take the examination for certification as
16 a building code inspector or plans examiner pursuant to this
17 part if the person:

18 (c) Meets eligibility requirements according to one of the
19 following criteria:

20 1. Demonstrates 4 years' combined experience in the field
21 of construction or a related field, building code inspection, or
22 plans review corresponding to the certification category sought;

23 2. Demonstrates a combination of postsecondary education in
24 the field of construction or a related field and experience
25 which totals 3 years, with at least 1 year of such total being
26 experience in construction, building code inspection, or plans
27 review;

28 3. Demonstrates a combination of technical education in the
29 field of construction or a related field and experience which
30 totals 3 years, with at least 1 year of such total being
31 experience in construction, building code inspection, or plans
32 review;

33 4. Currently holds a standard certificate issued by the
34 board or a firesafety inspector license issued under ~~pursuant to~~
35 chapter 633, with a minimum of 3 years' verifiable full-time
36 experience in firesafety inspection or firesafety plan review,
37 and has satisfactorily completed a building code inspector or
38 plans examiner training program that provides at least 100 hours
39 but not more than 200 hours of cross-training in the



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40 certification category sought. The board shall establish by rule
41 criteria for the development and implementation of the training
42 programs. The board must ~~shall~~ accept all classroom training
43 offered by an approved provider if the content substantially
44 meets the intent of the classroom component of the training
45 program;

46 5. Demonstrates a combination of the completion of an
47 approved training program in the field of building code
48 inspection or plan review and a minimum of 2 years' experience
49 in the field of building code inspection, plan review, fire code
50 inspections and fire plans review of new buildings as a
51 firesafety inspector certified under s. 633.216, or
52 construction. The approved training portion of this requirement
53 must ~~shall~~ include proof of satisfactory completion of a
54 training program that provides at least 200 hours but not more
55 than 300 hours of cross-training that is approved by the board
56 in the chosen category of building code inspection or plan
57 review in the certification category sought with at least 20
58 hours but not more than 30 hours of instruction in state laws,
59 rules, and ethics relating to professional standards of
60 practice, duties, and responsibilities of a certificateholder.
61 The board shall coordinate with the Building Officials
62 Association of Florida, Inc., to establish by rule the
63 development and implementation of the training program. However,
64 the board must ~~shall~~ accept all classroom training offered by an
65 approved provider if the content substantially meets the intent
66 of the classroom component of the training program;

67 6. Currently holds a standard certificate issued by the
68 board or a firesafety inspector license issued under ~~pursuant to~~



775516

69 chapter 633 and:

70 a. Has at least 4 years' verifiable full-time experience as
71 an inspector or plans examiner in a standard certification
72 category currently held or has a minimum of 4 years' verifiable
73 full-time experience as a firesafety inspector licensed under
74 ~~pursuant to~~ chapter 633.

75 b. Has satisfactorily completed a building code inspector
76 or plans examiner classroom training course or program that
77 provides at least 200 but not more than 300 hours in the
78 certification category sought, except for residential ~~one-family~~
79 ~~and two-family dwelling~~ training programs, which must provide at
80 least 500 but not more than 800 hours of training as prescribed
81 by the board. The board shall establish by rule criteria for the
82 development and implementation of classroom training courses and
83 programs in each certification category; or

84 7.a. Has completed a 4-year internship certification
85 program as a building code inspector or plans examiner while
86 also employed full-time by a municipality, county, or other
87 governmental jurisdiction, under the direct supervision of a
88 certified building official. A person may also complete the
89 internship certification program while employed full-time by a
90 private provider or a private provider's firm that performs the
91 services of a building code inspector or plans examiner, while
92 under the direct supervision of the private provider who must be
93 a certified building official or a person licensed as an
94 engineer under chapter 471 or an architect under chapter 481.

95 Proof of graduation with a related vocational degree or college
96 degree or of verifiable work experience may be exchanged for the
97 internship experience requirement year-for-year, but may reduce



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98 the requirement to no less than 1 year.

99 b. Has passed an examination administered by the
100 International Code Council in the certification category sought.
101 Such examination must be passed before beginning the internship
102 certification program.

103 c. Has passed the principles and practice examination
104 before completing the internship certification program.

105 d. Has passed a board-approved 40-hour code training course
106 in the certification category sought before completing the
107 internship certification program.

108 e. Has obtained a favorable recommendation from the
109 supervising building official, engineer, or architect after
110 completion of the internship certification program.

111 (7)

112 (c) The board shall provide for appropriate levels of
113 provisional certificates and may issue these certificates with
114 such special conditions or requirements ~~relating to the place of~~
115 ~~employment of the person holding the certificate, the~~
116 ~~supervision of such person on a consulting or advisory basis, or~~
117 ~~other matters~~ as the board deems ~~may deem~~ necessary to protect
118 the public safety and health. The board may not place a special
119 condition or requirement on a provisional certificate with
120 respect to the requirement of employment by a municipality,
121 county, or other local government agency.

122 (d) A person may perform the duties of a plans examiner or
123 building code inspector for 120 days if a provisional
124 certificate application has been submitted if such person is
125 under the direct supervision of a person licensed as a certified
126 building code administrator under this part ~~who holds a standard~~



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127 ~~certification~~ and who has found such person qualified for a
128 provisional certificate. Direct supervision and the
129 determination of qualifications may also be provided by a
130 building code administrator who holds a limited or provisional
131 certificate in a county having a population of fewer than 75,000
132 and in a municipality located within such county.

133 (10)

134 (b) The board shall by rule establish:

135 1. Reciprocity of certification with any other state that
136 requires an examination administered by the International Code
137 Council.

138 2. That an applicant for certification as a building code
139 inspector or plans examiner may apply for a provisional
140 certificate valid for the duration of the internship period.

141 3. That partial completion of an internship program is
142 transferable among jurisdictions, private providers, and firms
143 of private providers ~~may be transferred between jurisdictions~~ on
144 a form prescribed by the board.

145 4. That an applicant may apply for a standard certificate
146 on a form prescribed by the board upon successful completion of
147 an internship certification program.

148 5. That an applicant may apply for a standard certificate
149 at least 30 days but ~~and~~ no more than 60 days before completing
150 the internship certification program.

151 6. That a building code inspector or plans examiner who has
152 standard certification may seek an additional certification in
153 another category by completing an additional nonconcurrent 1-
154 year internship program in the certification category sought and
155 passing an examination administered by the International Code



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156 Council and a board-approved 40-hour code training course.
157 Section 3. Subsection (25) is added to section 553.79,
158 Florida Statutes, to read:
159 553.79 Permits; applications; issuance; inspections.—
160 (25) (a) A local law, ordinance, or regulation may not
161 prohibit or otherwise restrict the ability of a private property
162 owner to obtain a building permit to demolish any single-family
163 residential structure located in a coastal high hazard area,
164 moderate flood zone, or special flood hazard area according to
165 Flood Insurance Rate Maps produced by the Federal Emergency
166 Management Agency in support of the National Flood Insurance
167 Program if the lowest finished floor elevation of such structure
168 is at or below base flood elevation as established by the
169 Florida Building Code, as amended, or a higher base flood
170 elevation as may be required by local ordinance, whichever is
171 higher, provided that such permit otherwise complies with all
172 applicable Florida Building Code requirements.
173 (b) Demolition permits sought pursuant to this subsection
174 may be reviewed only administratively for compliance with the
175 Florida Building Code and may not be subject to any additional
176 land development regulations or a public hearing as a requisite
177 to issuance. In the event of such demolition, a local government
178 may not impose additional regulatory requirements on the new
179 single-family residential structure constructed in place of the
180 demolished structure which would not otherwise be applicable to
181 a similarly situated, vacant parcel; nor may the local
182 government otherwise penalize the owner for such demolition.
183 (c) This subsection does not apply to any structure
184 designated on the National Register of Historic Places; to any



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185 privately owned single-family residential structure designated
186 historic by a local, state, or federal governmental agency on or
187 before January 1, 2022; or to any privately owned single-family
188 residential structure designated historic with the consent of
189 its owner subsequent to such date.

190 Section 4. Paragraph (b) of subsection (2) and subsection
191 (13) of section 553.791, Florida Statutes, are amended, and
192 paragraph (c) is added to subsection (2) of that section, to
193 read:

194 553.791 Alternative plans review and inspection.—

195 (2)

196 (b) If an owner or contractor retains a private provider
197 for purposes of plans review or building inspection services,
198 the local jurisdiction must reduce the permit fee by the amount
199 of cost savings realized by the local enforcement agency for not
200 having to perform such services. Such reduction may be
201 calculated on a flat fee or percentage basis, or any other
202 reasonable means by which a local enforcement agency assesses
203 the cost for its plans review or inspection services. The local
204 jurisdiction may not charge fees for building inspections if the
205 fee owner or contractor hires a private provider to perform such
206 services; however, the local jurisdiction may charge a
207 reasonable administrative fee, which shall be based on the cost
208 that is actually incurred, including the labor cost of the
209 personnel providing the service, by the local jurisdiction or
210 attributable to the local jurisdiction for the clerical and
211 supervisory assistance required, or both.

212 (c) If an owner or contractor retains a private provider
213 for purposes of plans review or building inspection services,



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214 the local jurisdiction must provide equal access to all
215 permitting and inspection documents and reports to the private
216 provider, owner, and contractor.

217 (13) No more than 2 business days after receipt of a
218 request for a certificate of occupancy or certificate of
219 completion and the applicant's presentation of a certificate of
220 compliance and approval of all other government approvals
221 required by law, the local building official shall issue the
222 certificate of occupancy or certificate of completion or provide
223 a notice to the applicant identifying the specific deficiencies,
224 as well as the specific code chapters and sections. If the local
225 building official does not provide notice of the deficiencies
226 within the prescribed 2-day period, the request for a
227 certificate of occupancy or certificate of completion is
228 automatically shall be deemed granted and deemed the certificate
229 of occupancy or certificate of completion shall be issued as of
230 by the local building official on the next business day. The
231 local building official must provide the applicant with the
232 written certificate of occupancy or certificate of completion
233 within 10 days after it is automatically granted and issued.
234 After the expiration of the 10-day period, the permit is deemed
235 closed. If the local building official determines the applicant
236 failed to adhere to this subsection, the local building official
237 may rescind the certificate of occupancy or certificate of
238 completion within 30 days after its issuance and must provide
239 written notice to the permit applicant and private provider, as
240 applicable, as well as the fee owner of the rescinded
241 certificate. The notice must include specific reasons for
242 rescinding the certificate and detail how the certificate can be



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243 reinstated. The permit must then be reopened, and the private
244 provider shall have the opportunity to cure any deficiencies and
245 resubmit the application for certificate of occupancy or
246 certificate of completion ~~To resolve any identified~~
247 ~~deficiencies, the applicant may elect to dispute the~~
248 ~~deficiencies pursuant to subsection (14) or to submit a~~
249 ~~corrected request for a certificate of occupancy or certificate~~
250 ~~of completion.~~

251 Section 5. This act shall take effect July 1, 2022.

252

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

254 And the title is amended as follows:

255 Delete everything before the enacting clause
256 and insert:

257 A bill to be entitled
258 An act relating to building inspections; amending s.
259 468.603, F.S.; defining the term "private provider";
260 amending s. 468.609, F.S.; revising eligibility
261 requirements for a person applying to become certified
262 as a building code inspector or plans examiner;
263 revising the special conditions or requirements that
264 the Florida Building Code Administrators and
265 Inspectors Board may impose on provisional
266 certificates; revising circumstances under which a
267 person may perform the duties of a plans examiner or
268 building code inspector for a specified period;
269 revising a requirement for the board's rules relating
270 to the transferability of a partial completion of an
271 internship program; amending s. 553.79, F.S.;



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272 prohibiting local laws, ordinances, or regulations
273 that prohibit or restrict a private property owner's
274 ability to obtain a building permit to demolish a
275 single-family residential structure located in certain
276 flood zones if certain conditions are met; specifying
277 restrictions on a local government's review of such
278 demolition permits and on certain actions by the local
279 government relating to the demolition; providing
280 applicability; amending s. 553.791, F.S.; specifying
281 the required basis for a certain administrative fee
282 charged by local jurisdictions relating to building
283 inspections by private providers; requiring the local
284 jurisdiction to provide access to certain documents to
285 a private provider, owner, and contractor; providing
286 that a certificate of occupancy or certificate of
287 completion is automatically granted and issued under
288 certain circumstances; requiring the local building
289 official to provide a written certificate of occupancy
290 or certificate of completion within a specified time;
291 providing construction; specifying and revising
292 procedures and requirements if the local building
293 official determines the applicant failed to adhere to
294 certain requirements; providing an effective date.

By Senator Brodeur

9-00831-22

2022644__

1 A bill to be entitled
 2 An act relating to building inspection services;
 3 amending s. 468.603, F.S.; defining the term "private
 4 entity"; amending s. 468.609, F.S.; revising
 5 eligibility requirements for a person applying to
 6 become certified as a building code inspector or plans
 7 examiner; revising the special conditions or
 8 requirements that the Florida Building Code
 9 Administrators and Inspectors Board may impose on
 10 provisional certificates; revising qualifications of a
 11 building code administrator who may directly supervise
 12 certain persons performing duties of a plans examiner
 13 or building code inspector under certain
 14 circumstances; requiring the board to authorize, by
 15 rule, the transfer of a partial completion of an
 16 internship program between private entities; amending
 17 s. 553.791, F.S.; specifying a requirement for the
 18 basis of the administrative fee that a local
 19 jurisdiction may charge when an owner or a contractor
 20 hires a private provider for inspection services;
 21 requiring the local jurisdiction to provide access to
 22 certain documents to a private provider, contractor,
 23 and owner; providing that a certificate of occupancy
 24 or certificate of completion is automatically granted
 25 and issued, and the permit application closed, under
 26 certain circumstances; requiring the local building
 27 official to provide a written certificate of occupancy
 28 or certificate of completion within a specified time;
 29 providing an effective date.

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30
 31 Be It Enacted by the Legislature of the State of Florida:
 32
 33 Section 1. Subsection (9) is added to section 468.603,
 34 Florida Statutes, to read:
 35 468.603 Definitions.—As used in this part:
 36 (9) "Private entity" has the same meaning as in s.
 37 553.5141(1)(f).
 38 Section 2. Paragraph (c) of subsection (2), paragraphs (c)
 39 and (d) of subsection (7), and paragraph (b) of subsection (10)
 40 of section 468.609, Florida Statutes, are amended to read:
 41 468.609 Administration of this part; standards for
 42 certification; additional categories of certification.—
 43 (2) A person may take the examination for certification as
 44 a building code inspector or plans examiner pursuant to this
 45 part if the person:
 46 (c) Meets eligibility requirements according to one of the
 47 following criteria:
 48 1. Demonstrates 4 years' combined experience in the field
 49 of construction or a related field, building code inspection, or
 50 plans review corresponding to the certification category sought;
 51 2. Demonstrates a combination of postsecondary education in
 52 the field of construction or a related field and experience
 53 which totals 3 years, with at least 1 year of such total being
 54 experience in construction, building code inspection, or plans
 55 review;
 56 3. Demonstrates a combination of technical education in the
 57 field of construction or a related field and experience which
 58 totals 3 years, with at least 1 year of such total being

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59 experience in construction, building code inspection, or plans
60 review;

61 4. Currently holds a standard certificate issued by the
62 board or a firesafety inspector license issued under ~~pursuant to~~
63 chapter 633, with a minimum of 3 years' verifiable full-time
64 experience in firesafety inspection or firesafety plan review,
65 and has satisfactorily completed a building code inspector or
66 plans examiner training program that provides at least 100 hours
67 but not more than 200 hours of cross-training in the
68 certification category sought. The board shall establish by rule
69 criteria for the development and implementation of the training
70 programs. The board must ~~shall~~ accept all classroom training
71 offered by an approved provider if the content substantially
72 meets the intent of the classroom component of the training
73 program;

74 5. Demonstrates a combination of the completion of an
75 approved training program in the field of building code
76 inspection or plan review and a minimum of 2 years' experience
77 in the field of building code inspection, plan review, fire code
78 inspections and fire plans review of new buildings as a
79 firesafety inspector certified under s. 633.216, or
80 construction. The approved training portion of this requirement
81 must ~~shall~~ include proof of satisfactory completion of a
82 training program that provides at least 200 hours but not more
83 than 300 hours of cross-training that is approved by the board
84 in the chosen category of building code inspection or plan
85 review in the certification category sought with at least 20
86 hours but not more than 30 hours of instruction in state laws,
87 rules, and ethics relating to professional standards of

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88 practice, duties, and responsibilities of a certificateholder.
89 The board shall coordinate with the Building Officials
90 Association of Florida, Inc., to establish by rule the
91 development and implementation of the training program. However,
92 the board must ~~shall~~ accept all classroom training offered by an
93 approved provider if the content substantially meets the intent
94 of the classroom component of the training program;

95 6. Currently holds a standard certificate issued by the
96 board or a firesafety inspector license issued under ~~pursuant to~~
97 chapter 633 and:

98 a. Has at least 4 years' verifiable full-time experience as
99 an inspector or plans examiner in a standard certification
100 category currently held or has a minimum of 4 years' verifiable
101 full-time experience as a firesafety inspector licensed under
102 ~~pursuant to~~ chapter 633.

103 b. Has satisfactorily completed a building code inspector
104 or plans examiner classroom training course or program that
105 provides at least 200 but not more than 300 hours in the
106 certification category sought, except for residential ~~one-family~~
107 ~~and two-family dwelling~~ training programs, which must provide at
108 least 500 but not more than 800 hours of training as prescribed
109 by the board. The board shall establish by rule criteria for the
110 development and implementation of classroom training courses and
111 programs in each certification category; or

112 7.a. Has completed a 4-year internship certification
113 program as a building code inspector or plans examiner while
114 also employed full-time by a municipality, county, or other
115 governmental jurisdiction, under the direct supervision of a
116 certified building official, or by a private entity that

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117 conducts the same or similar services as a municipality, county,
 118 or other governmental jurisdiction, while under the direct
 119 supervision of a person licensed as a building code
 120 administrator under this part. Proof of graduation with a
 121 related vocational degree or college degree or of verifiable
 122 work experience may be exchanged for the internship experience
 123 requirement year-for-year, but may reduce the requirement to no
 124 less than 1 year.

125 b. Has passed an examination administered by the
 126 International Code Council in the certification category sought.
 127 Such examination must be passed before beginning the internship
 128 certification program.

129 c. Has passed the principles and practice examination
 130 before completing the internship certification program.

131 d. Has passed a board-approved 40-hour code training course
 132 in the certification category sought before completing the
 133 internship certification program.

134 e. Has obtained a favorable recommendation from the
 135 supervising building official after completion of the internship
 136 certification program.

137 (7)

138 (c) The board shall provide for appropriate levels of
 139 provisional certificates and may issue these certificates with
 140 such special conditions or requirements ~~relating to the place of~~
 141 ~~employment of the person holding the certificate, the~~
 142 ~~supervision of such person on a consulting or advisory basis, or~~
 143 ~~other matters~~ as the board deems may deem necessary to protect
 144 the public safety and health. The board may not place a special
 145 condition or requirement on a provisional certificate with

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146 respect to the requirement of employment by a municipality,
 147 county, or other local government agency.

148 (d) A person may perform the duties of a plans examiner or
 149 building code inspector for 120 days if a provisional
 150 certificate application has been submitted if such person is
 151 under the direct supervision of a person licensed as a certified
 152 building code administrator under this part ~~who holds a standard~~
 153 ~~certification~~ and who has found such person qualified for a
 154 provisional certificate. Direct supervision and the
 155 determination of qualifications may also be provided by a
 156 building code administrator who holds a limited or provisional
 157 certificate in a county having a population of fewer than 75,000
 158 and in a municipality located within such county.

159 (10)

160 (b) The board shall by rule establish:

161 1. Reciprocity of certification with any other state that
 162 requires an examination administered by the International Code
 163 Council.

164 2. That an applicant for certification as a building code
 165 inspector or plans examiner may apply for a provisional
 166 certificate valid for the duration of the internship period.

167 3. That partial completion of an internship program may be
 168 transferred between jurisdictions or private entities on a form
 169 prescribed by the board.

170 4. That an applicant may apply for a standard certificate
 171 on a form prescribed by the board upon successful completion of
 172 an internship certification program.

173 5. That an applicant may apply for a standard certificate
 174 at least 30 days ~~but and~~ no more than 60 days before completing

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175 the internship certification program.

176 6. That a building code inspector or plans examiner who has
177 standard certification may seek an additional certification in
178 another category by completing an additional nonconcurrent 1-
179 year internship program in the certification category sought and
180 passing an examination administered by the International Code
181 Council and a board-approved 40-hour code training course.

182 Section 3. Paragraph (b) of subsection (2) and subsection
183 (13) of section 553.791, Florida Statutes, are amended, and
184 paragraph (c) is added to subsection (2) of that section, to
185 read:

186 553.791 Alternative plans review and inspection.-

187 (2)

188 (b) If an owner or contractor retains a private provider
189 for purposes of plans review or building inspection services,
190 the local jurisdiction must reduce the permit fee by the amount
191 of cost savings realized by the local enforcement agency for not
192 having to perform such services. Such reduction may be
193 calculated on a flat fee or percentage basis, or any other
194 reasonable means by which a local enforcement agency assesses
195 the cost for its plans review or inspection services. The local
196 jurisdiction may not charge fees for building inspections if the
197 fee owner or contractor hires a private provider to perform such
198 services; however, the local jurisdiction may charge a
199 reasonable administrative fee, which shall be based on the cost
200 that is actually incurred, including the labor cost of the
201 personnel providing the service, by the local jurisdiction or
202 attributable to the local jurisdiction for the clerical and
203 supervisory assistance required, or both.

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204 (c) If an owner or a contractor retains a private provider
205 for purposes of plans review or building inspection services,
206 the local jurisdiction must provide equal access to all
207 permitting and inspection documents and reports to the private
208 provider, owner, and contractor.

209 (13) No more than 2 business days after receipt of a
210 request for a certificate of occupancy or certificate of
211 completion and the applicant's presentation of a certificate of
212 compliance and approval of all other government approvals
213 required by law, the local building official shall issue the
214 certificate of occupancy or certificate of completion or provide
215 a notice to the applicant identifying the specific deficiencies,
216 as well as the specific code chapters and sections. If the local
217 building official does not provide notice of the deficiencies
218 within the prescribed 2-day period, the request for a
219 certificate of occupancy or certificate of completion is
220 automatically ~~shall be deemed~~ granted and considered the
221 ~~certificate of occupancy or certificate of completion shall be~~
222 ~~issued as of by the local building official on~~ the next business
223 day, and the permit is closed. The local building official must
224 provide the applicant with the written certificate of occupancy
225 or certificate of completion within 10 days after it is
226 automatically granted and issued. To resolve any identified
227 deficiencies, the applicant may elect to dispute the
228 deficiencies pursuant to subsection (14) or to submit a
229 corrected request for a certificate of occupancy or certificate
230 of completion.

231 Section 4. This act shall take effect July 1, 2022.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 706

INTRODUCER: Community Affairs Committee and Senator Perry

SUBJECT: School Concurrency

DATE: January 26, 2022

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 706 concerns school concurrency, the process by which local governments ensure school capacity is not outpaced by population increase created by development. Concurrency requirements are local laws stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.

The bill provides that school concurrency is satisfied if the developer in good faith offers to execute, rather than actually executes, a commitment to provide mitigation proportionate to the demand created by the development.

The bill also provides that such mitigation paid by a developer, rather than being immediately directed toward a school capacity improvement, may be set aside and not spent until an appropriate improvement is identified.

The bill takes effect July 1, 2022.

II. Present Situation:

Concurrency

“Concurrency” is a phrase referring to a set of land use regulations requiring local governments to ensure that new development does not outstrip a local government’s ability to provide necessary services. Developments meet concurrency requirements when the local government has the infrastructure capacity to serve the new growth.

In essence, a concurrency requirement is a law stating that certain infrastructure must be in place and available to serve new development before the local government may allow new citizens to live in the new development.¹ For example, before a local government can approve a building permit to allow a new development, it must consult with its water suppliers to ensure adequate supplies to serve the new development will be available by the time citizens can move in.² Certain services are subject to concurrency statewide (sanitary sewer, solid waste, drainage, and potable water) while other services, such as public transportation or schools, may optionally be subjected to concurrency by a local government.³

School Concurrency

The Legislature prescribes the methods and regulations controlling when public school concurrency is imposed by a local government.⁴ Local governments must include principles, guidelines, standards, strategies, and acceptable levels of service based on data in their comprehensive plans⁵ and school-related interlocal agreements.⁶ Local governments and school boards work in conjunction to determine whether adequate school capacity will be available to accommodate the development.

School concurrency requires a local government to deny an application for new residential development if adequate school capacity will not be available or under construction within three years of approving the application.⁷ Typically the level of service required to be maintained is expressed in terms of student capacity (the maximum number of students a facility is designed to accommodate), student stations (the area necessary for a student to engage in learning), gross square footage of facilities, and facility utilization, versus the total number of students in a district or designated area.⁸ Level of service can be separated into tiers of acceptability, as well

¹ Section 163.3180(2), F.S.

² Id.

³ Section 163.3180(1), F.S.

⁴ Section 163.3180(6), F.S.

⁵ Local government comprehensive plans provide the policy foundation for local planning and land use decisions on capital improvements, conservation, intergovernmental coordination, recreation, open space, future land use, housing, transportation, coastal management (where applicable) and public facilities.

⁶ Section 613.3180(6)(a), F.S.

⁷ Section 613.3180(h), F.S.

⁸ See, e.g., Florida Planning and Development Lab at Florida State University, *Recommendations for Implementing School Concurrency*, Dec. 2007, available at <https://fpdl.coss.fsu.edu/sites/g/files/imported/storage/original/application/90a0cefe399a0d8424ca33f8e03d1bf5.pdf> (last visited January 20, 2022).

as divided between different types of school- elementary, middle, high, and special purpose being the typical divisions.⁹

Concurrency Service Areas

Local governments are encouraged, but not required, to apply school concurrency on a districtwide basis.¹⁰ A local government choosing to enforce concurrency on a less than districtwide basis must delineate school attendance zones or concurrency service areas through an interlocal agreement with the school district and other participating governments.¹¹ In order to implement attendance zones, a local government must first show that the utilization of school capacity is being used to its fullest capacity given transportation costs and other factors, and zones must be supported by data and analysis in the comprehensive plan.¹²

The Legislature has implemented some safeguards to encourage growth. Where school capacity is available on a districtwide basis but concurrency service areas constrict capacity, the local government must determine whether the needed capacity for a development exists in an adjacent service area.¹³ If such coverage exists, the local government may not deny an application for the development, and must deduct the capacity from the adjacent area. Nonetheless, students from the development may not be required to attend school in the adjacent service area.¹⁴

Proportionate Share

Proportionate share is a tool local governments may use to require developers to help mitigate the impacts of their development notwithstanding a failure to achieve and maintain the adopted level of service standards.¹⁵ Proportionate share generally requires developers to contribute to costs, or build facilities, necessary to offset a new development's impacts.¹⁶

With respect to school concurrency applied by a local government, when a contribution of land; the construction, expansion, or payment for land acquisition; the construction or expansion of a public school facility, or a portion thereof; or the construction of a specified charter school is used as proportionate-share mitigation, the local government is required to credit such contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by a local ordinance for the same need, on a dollar-for-dollar basis.¹⁷

⁹ Section 163.3180(6)(c), F.S.

¹⁰ Section 163.3180(6)(f), F.S.

¹¹ Section 163.3180(f),(i), F.S.

¹² *Id.*

¹³ Section 163.3180(f) 2. b., F.S.

¹⁴ *Id.*

¹⁵ Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency: Best Practices Guide*, pg. 64 (2007), retrieved from http://www.cutr.usf.edu/pdf/DCA_TCBP%20Guide.pdf (last visited March 18, 2019).

¹⁶ *Id.*

¹⁷ Section 163.3180(6)(h)2.b., F.S.

III. Effect of Proposed Changes:

The bill amends s. 163.3180 (6), F.S., to provide that school concurrency is satisfied if the developer in good faith offers to execute, rather than actually executes, a legally binding commitment to provide mitigation proportionate to the demand created by the development.

The bill also provides that proportionate-share mitigation paid by a developer, rather than being immediately directed toward a school capacity improvement, may be set aside and not spent until an appropriate improvement is identified.

The bill takes effect July 1, 2022.

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:

Private sector development may benefit to the extent that the bill streamlines school concurrency requirements.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides that school concurrency is deemed satisfied where a developer in good faith offers to execute a contract to provide proportionate share mitigation. The bill does not address how relevant improvements to public education in order to increase school capacity will follow in instances where a developer and local government fail to agree to definite terms on proportionate share mitigation. Such an occurrence would allow development to move forward without increased school capacity following, leaving a larger deficit of capacity before subsequent development.

VIII. Statutes Affected:

This bill substantially amends section 163.3180 Florida Statutes.

IX. Additional Information:

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

CS by Community Affairs on January 25, 2022:

The CS removes a provision requiring all counties which apply school concurrency to do so on a district-wide basis.

- B. **Amendments:**

None.



660222

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with directory and title amendments)

Delete lines 20 - 56.

===== **D I R E C T O R Y C L A U S E A M E N D M E N T**=====

And the directory clause is amended as follows:

Delete lines 16 - 17

and insert:

Section 1. Paragraph (h) of subsection (6) of section 163.3180, Florida Statutes, is amended to read:



660222

11
12
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14
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16

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

And the title is amended as follows:

Delete lines 3 - 7

and insert:

163.3180, F.S.;

By Senator Perry

8-00683-22

2022706__

A bill to be entitled

An act relating to school concurrency; amending s. 163.3180, F.S.; requiring, instead of encouraging, local governments that adopt school concurrency to apply such concurrency to development on a districtwide basis; removing provisions addressing school concurrency on a less than districtwide basis; revising provisions specifying when school concurrency is satisfied; specifying that proportionate-share mitigation must be set aside and not spent if an improvement has not been identified; providing an effective date.

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

Section 1. Paragraphs (f) and (h) of subsection (6) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.—

(6)

(f)~~1~~. In order to balance competing interests, preserve the constitutional concept of uniformity, and avoid disruption of existing educational and growth management processes, local governments ~~are encouraged~~, if they elect to adopt school concurrency, must ~~to~~ apply school concurrency to development on a districtwide basis so that a concurrency determination for a specific development will be based upon the availability of school capacity districtwide.

~~2. If a local government elects to apply school concurrency on a less than districtwide basis, by using school attendance~~

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~~zones or concurrency service areas.~~

~~a. Local governments and school boards shall have the burden to demonstrate that the utilization of school capacity is maximized to the greatest extent possible in the comprehensive plan and amendment, taking into account transportation costs and court-approved desegregation plans, as well as other factors. In addition, in order to achieve concurrency within the service area boundaries selected by local governments and school boards, the service area boundaries, together with the standards for establishing those boundaries, shall be identified and included as supporting data and analysis for the comprehensive plan.~~

~~b. Where school capacity is available on a districtwide basis but school concurrency is applied on a less than districtwide basis in the form of concurrency service areas, if the adopted level of service standard cannot be met in a particular service area as applied to an application for a development permit and if the needed capacity for the particular service area is available in one or more contiguous service areas, as adopted by the local government, then the local government may not deny an application for site plan or final subdivision approval or the functional equivalent for a development or phase of a development on the basis of school concurrency, and if issued, development impacts shall be subtracted from the contiguous service area's capacity totals. Students from the development may not be required to go to the adjacent service area unless the school board rezones the area in which the development occurs.~~

(h)1. In order to limit the liability of local governments, a local government may allow a landowner to proceed with

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59 development of a specific parcel of land notwithstanding a
60 failure of the development to satisfy school concurrency, if all
61 the following factors are shown to exist:

62 a. The proposed development would be consistent with the
63 future land use designation for the specific property and with
64 pertinent portions of the adopted local plan, as determined by
65 the local government.

66 b. The local government's capital improvements element and
67 the school board's educational facilities plan provide for
68 school facilities adequate to serve the proposed development,
69 and the local government or school board has not implemented
70 that element or the project includes a plan that demonstrates
71 that the capital facilities needed as a result of the project
72 can be reasonably provided.

73 c. The local government and school board have provided a
74 means by which the landowner will be assessed a proportionate
75 share of the cost of providing the school facilities necessary
76 to serve the proposed development.

77 2. If a local government applies school concurrency, it may
78 not deny an application for site plan, final subdivision
79 approval, or the functional equivalent for a development or
80 phase of a development authorizing residential development for
81 failure to achieve and maintain the level-of-service standard
82 for public school capacity in a local school concurrency
83 management system where adequate school facilities will be in
84 place or under actual construction within 3 years after the
85 issuance of final subdivision or site plan approval, or the
86 functional equivalent. School concurrency is satisfied if the
87 developer in good faith offers to execute ~~executes~~ a legally

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88 binding commitment to provide mitigation proportionate to the
89 demand for public school facilities to be created by actual
90 development of the property, including, but not limited to, the
91 options described in sub-subparagraph a. Options for
92 proportionate-share mitigation of impacts on public school
93 facilities must be established in the comprehensive plan and the
94 interlocal agreement pursuant to s. 163.31777.

95 a. Appropriate mitigation options include the contribution
96 of land; the construction, expansion, or payment for land
97 acquisition or construction of a public school facility; the
98 construction of a charter school that complies with the
99 requirements of s. 1002.33(18); or the creation of mitigation
100 banking based on the construction of a public school facility in
101 exchange for the right to sell capacity credits. Such options
102 must include execution by the applicant and the local government
103 of a development agreement that constitutes a legally binding
104 commitment to pay proportionate-share mitigation for the
105 additional residential units approved by the local government in
106 a development order and actually developed on the property,
107 taking into account residential density allowed on the property
108 prior to the plan amendment that increased the overall
109 residential density. The district school board must be a party
110 to such an agreement. As a condition of its entry into such a
111 development agreement, the local government may require the
112 landowner to agree to continuing renewal of the agreement upon
113 its expiration.

114 b. If the interlocal agreement and the local government
115 comprehensive plan authorize a contribution of land; the
116 construction, expansion, or payment for land acquisition; the

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117 construction or expansion of a public school facility, or a
118 portion thereof; or the construction of a charter school that
119 complies with the requirements of s. 1002.33(18), as
120 proportionate-share mitigation, the local government shall
121 credit such a contribution, construction, expansion, or payment
122 toward any other impact fee or exaction imposed by local
123 ordinance for public educational facilities, on a dollar-for-
124 dollar basis at fair market value. The credit must be based on
125 the total impact fee assessed and not on the impact fee for any
126 particular type of school.

127 c. Any proportionate-share mitigation must be directed by
128 the school board toward a school capacity improvement identified
129 in the 5-year school board educational facilities plan or must
130 be set aside and not spent until such an improvement has been
131 identified that satisfies the demands created by the development
132 in accordance with a binding developer's agreement.

133 3. This paragraph does not limit the authority of a local
134 government to deny a development permit or its functional
135 equivalent pursuant to its home rule regulatory powers, except
136 as provided in this part.

137 Section 2. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 944

INTRODUCER: Senator Baxley

SUBJECT: Online Marketplace Transparency

DATE: January 20, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 944 creates s. 559.953, F.S., which establishes that an online marketplace must require high-volume third-party sellers to provide the online marketplace with verification and disclosure information. Additionally, an online marketplace must require high-volume third-party sellers with an aggregate total of \$20,000 or more in annual gross revenues on its online platform to provide consumers with disclosure information.

The bill requires an online marketplace to provide consumers with a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace and a message encouraging individuals seeking to purchase products to report suspicious activity to the online marketplace.

The bill provides that a violation of s. 559.953, F.S., constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act, and the Department of Legal Affairs may adopt rules to collect and verify the required information. Additionally, regulation under s. 559.953, F.S., is preempted to the Department of Legal Affairs.

The bill takes effect July 1, 2022.

II. Present Situation:

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

History and Purpose of FDUTPA

The Florida Deceptive and Unfair Trade Practices Act (FDUTPA) became law in 1973.¹ The FDUTPA is a consumer and business protection measure that prohibits unfair methods of

¹ Ch. 73-124, Laws of Fla.; codified at part II of ch. 501, F.S.

competition, unconscionable acts or practices, and unfair or deceptive acts or practices in trade or commerce.² The FDUTPA is based on federal law, and s. 501.204(2), F.S., provides that it is the intent of the Legislature that due consideration and great weight must be given to the interpretations of the Federal Trade Commission and the federal courts relating to section 5 of the Federal Trade Commission Act.³

The State Attorney or the Department of Legal Affairs may bring actions when it is in the public interest on behalf of consumers or governmental entities.⁴ The Office of the State Attorney may enforce violations of the FDUTPA if the violations take place in its jurisdiction.⁵ The Department of Legal Affairs has enforcement authority if the violation is multi-jurisdictional, the state attorney defers in writing, or the state attorney fails to act within 90 days after a written complaint is filed.⁶ Consumers may also file suit through private actions.⁷

Remedies under the FDUTPA

The Department of Legal Affairs and the State Attorney, as enforcing authorities, may seek the following remedies:

- Declaratory judgments;
- Injunctive relief;
- Actual damages on behalf of consumers and businesses;
- Cease and desist orders; and
- Civil penalties of up to \$10,000 per willful violation.⁸

Remedies for private parties are limited to the following:

- A declaratory judgment and an injunction where a person is aggrieved by a FDUTPA violation; and
- Actual damages, attorney fees and court costs, where a person has suffered a loss due to a FDUTPA violation.⁹

² See s. 501.202, F.S. Trade or commerce means the advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated. "Trade or commerce" shall include the conduct of any trade or commerce, however denominated, including any nonprofit or not-for-profit person or activity. See s. 501.203(8), F.S.

³ See s 501.204(2), F.S.

⁴ See ss. 501.203(2), 501.206, and 501.207, F.S.

⁵ Section 501.203(2), F.S.

⁶ *Id.*

⁷ Section 501.211, F.S.

⁸ Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

⁹ Section 501.211(1) and (2), F.S.

Federal Unfair and Deceptive Trade Practices

The Federal Trade Commission's (FTC's) unfair and deceptive trade practices regulations prohibit unfair¹⁰ or deceptive¹¹ acts or practices in or affecting commerce.¹² The FTC's regulations include "Truth In Advertising" guidelines, which require advertisements to be truthful, not misleading, and, when appropriate, backed by scientific evidence.¹³ To enforce these regulations, the FTC takes law enforcement actions, provides consumer and business education, issues reports and policy guidance, leads workshops, and participates in other forums.¹⁴

The FTC also provides "online shopping" guidance to consumers.¹⁵ The guidance includes confirming an online seller's physical address and phone number, scrutinizing details provided about a product, paying with credit card, keeping records of any transaction, and protecting personal information.¹⁶ Additionally, the FTC offers resources on how to compare products online, as well as where to go to report online shopping fraud.¹⁷

E-commerce Marketplace

As e-commerce grows, the sale of counterfeit goods alongside authentic products continues to be a concern.¹⁸ In 2020, the Department of Homeland Security published a report detailing potential strategies and policies to combat the trade of counterfeit goods.¹⁹ According to the report, e-commerce platforms enable counterfeiters to produce products at lower prices, while also reaching a larger number of potential customers.²⁰ The report points to a scenario where third-party marketplace websites contain photos of the real product, fake reviews of the counterfeit product, and other information designed to mislead consumers.²¹

¹⁰ An "unfair" practice is unfair if it causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition. *See* 15 U.S.C. Sec. 45(n).

¹¹ A "deceptive" practice involves a material representation, omission or practice that is likely to mislead a consumer acting reasonably in the circumstances. *See* FTC Policy Statement on Deception (Oct. 14, 1983) available at https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf (last visited Jan. 14, 2022). *See also* Federal Trade Commission, *A Brief Overview of the Federal Trade Commission's Investigative, Law Enforcement, and Rulemaking Authority* (revised, May 2021) available at <https://www.ftc.gov/about-ftc/what-we-do/enforcement-authority> (last visited Jan. 14, 2022).

¹² 15 U.S.C. s. 45(a)(1).

¹³ Federal Trade Commission, *Truth In Advertising*, available at <https://www.ftc.gov/news-events/media-resources/truth-advertising> (last visited Jan. 14, 2022).

¹⁴ Federal Trade Commission, *Protecting Consumers from Fraud and Deception*, available at <https://www.ftc.gov/news-events/media-resources/truth-advertising/protecting-consumers> (last visited Jan. 14, 2022).

¹⁵ *See* Federal Trade Commission, *Shopping Online*, available at <https://www.consumer.ftc.gov/articles/0020-shopping-online> (last visited Jan. 14, 2022).

¹⁶ *Id.*

¹⁷ *Id.* *See also* Federal Trade Commission, *Comparison Shopping*, available at <https://www.consumer.ftc.gov/shopping> (last visited Jan. 14, 2022).

¹⁸ *See* Department of Homeland Security, *Combating Trafficking in Counterfeit and Pirated Goods* (Jan. 24, 2020), available at https://www.dhs.gov/sites/default/files/publications/20_0124_plcy_counterfeit-pirated-goods-report_01.pdf (last visited Jan. 14, 2022).

¹⁹ *Id.*

²⁰ *Id.* at 21.

²¹ *Id.* at 22.

The report also discusses how the online marketplace is changing consumer attitudes and perceptions.²² For instance, shopping online makes it harder for consumers to identify what the report calls traditional “red flag” indicators, which has the potential to cause safety risks when consumers rely on false claims that certain products have health or safety certificates.²³ The report points out that this dynamic creates a lack of consumer trust, as well as harming the reputation of brands or businesses.²⁴

In 2019, the Organization for Economic Cooperation and Development (OECD) in partnership with the EU Intellectual Property Office also published a study detailing trends in counterfeit and pirated goods.²⁵ According to the OECD, trade in fake goods infringe on trademarks and copyright, while also potentially harming the health and safety of consumers.²⁶ The OECD reported that counterfeit and pirated goods were steadily rising, and in March of 2019, accounted for 3.3 percent of global trade.²⁷

Preemption

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature has preempted a particular subject area or (2) the local enactment conflicts with a state statute. Where state preemption applies, it precludes a local government from exercising authority in that particular area.²⁸

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.²⁹ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.³⁰ In cases where the Legislature expressly or specifically preempts an area, there is no problem with ascertaining what the Legislature intended.³¹

In cases determining the validity of ordinances enacted in the face of state preemption, the effect has been to find such ordinances null and void.³² Implied preemption is actually a decision by the courts to create preemption in the absence of an explicit legislative directive.³³ Preemption of a

²² *Id.* at 14.

²³ *Id.* at 15.

²⁴ *Id.*

²⁵ See Organization for Economic Cooperation and Development, *Trends in Trade in Counterfeit and Pirated Goods* (2019), available at https://read.oecd-ilibrary.org/trade/trends-in-trade-in-counterfeit-and-pirated-goods_g2g9f533-en#page1 (last visited Jan. 14, 2022).

²⁶ See Organization for Economic Cooperation and Development, *Trade in Fake Goods is now 3.3% of World Trading and Rising* (March 18, 2019), available at www.oecd.org/newsroom/trade-in-fake-goods-is-now-33-of-world-trade-and-rising.htm (last visited Jan. 14, 2022).

²⁷ *Id.*

²⁸ See James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009).

²⁹ See *City of Hollywood v. Mulligan*, 934 So.2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So.2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So.3d 309 (Fla. 2008).

³⁰ *Mulligan*, 934 So.2d at 1243.

³¹ *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So.3d 880, 886 (Fla. 2010).

³² See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

³³ *Phantom of Clearwater, Inc.*, 894 So.2d at 1019.

local government enactment is implied only where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and strong public policy reasons exist for finding preemption.³⁴ Implied preemption is found where the local legislation would present the danger of conflict with the state's pervasive regulatory scheme.³⁵

III. Effect of Proposed Changes:

The bill creates s. 559.953, F.S., and provides the following definitions:

- “Consumer product” means a product that is used or bought for use primarily for personal, family, or household purposes;
- “High-volume third-party seller” means a participant in an online marketplace that is a third-party seller and who, in any continuous 12-month period during the previous 24-months, has entered into 200 or more discrete sales or transactions of new or unused consumer products resulting in the accumulation of an aggregate total of \$5,000 or more in gross revenues;³⁶
- “Online marketplace” means any consumer-directed electronically based or accessed platform that includes features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States, is used by one or more third-party sellers for such purposes, and has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products;
- “Seller” means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace;
- “Third-party seller” means any seller, independent of an operator, a facilitator, or an owner of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in the United States through an online marketplace;³⁷ and
- “Verify” means to confirm information and documentation provided to an online marketplace by the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided which correspond to the seller or an individual acting on the seller’s behalf are valid, not misappropriated, and not falsified.

The bill establishes that an online marketplace must require high-volume third-party sellers to provide the online marketplace with the following information within 10 business days after qualifying as a high-volume third-party seller:

- Deposit account information from a financial institution;
- Contact information;³⁸and

³⁴ *Id.*

³⁵ *Sarasota Alliance for Fair Elections, Inc.*, 28 So.3d at 886.

³⁶ Only sales or transactions made through the online marketplace for which payment was processed by the online marketplace, either directly or through the seller’s payment processor, count towards the calculation for the number of discrete sales or transactions or gross revenues.

³⁷ The term “third-party seller” does not include, with respect to an online marketplace: a seller that operates the online marketplace; a business entity that has made available to the general public the entity’s name, business address, and working contact information; a business entity with an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; or a business entity that has provided to the online marketplace identifying information that has been verified.

³⁸ Contact information includes: a valid e-mail address and working phone number; if the high-volume third-party seller is an individual, a copy of a valid government-issued photo identification for the individual which includes the individual’s name and physical address; if the high-volume third-party seller is not an individual, either a copy of a government-issued photo

- A business tax identification number or, if the high-volume third party seller does not have a business tax identification number, a taxpayer identification number.

The bill provides that the online marketplace must verify the information the high-volume third-party seller provides under s. 559.953(2)(a), F.S., within 10 business days after receiving the information. If the high-volume third-party seller provides any changes to the information, the online marketplace must verify such changes within 10 business days after receiving the information.³⁹

The bill requires the online marketplace to annually notify each high-volume third-party seller that they must inform the online marketplace of any changes to the information provided by the seller within 10 business days after receiving the notification.⁴⁰

The bill establishes that an online marketplace must require a high-volume third-party seller to disclose to consumers in a conspicuous manner on the product listing, through a conspicuously placed link on the product listing, or in the order confirmation message or other document of communication made to the consumer after the purchase is finalized and in the consumer's account transaction history, all of the following information of any high-volume third party seller with an aggregate total of \$20,000 or more in annual gross revenues on its online platform:

- The full name of the high-volume third-party seller;
- The full physical address of the high-volume third-party seller;⁴¹
- Contact information for the high-volume third-party seller, including a working telephone number and working e-mail address to allow for direct, unhindered communication with the high-volume third-party seller;⁴² and
- The identification of any seller that supplies the consumer product to the consumer upon purchase, if such seller is different than the high-volume third-party seller listed on the consumer product listing before the purchase.

The bill provides that if an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to restrict access to the full physical address, telephone number, or e-mail address required, then the online marketplace, after providing the seller with written or electronic notice, must require the full disclosure of the high-volume third-party seller's full physical address, telephone number, and e-mail address. If such information is not disclosed within 10 business days after notification, the online

identification for an individual acting on behalf of such seller which includes such individual's name and physical address or a copy of a government-issued record or tax document that includes the business name and physical address of the high-volume third-party seller.

³⁹ If a high-volume third-party seller provides a copy of a valid government-issued tax document, the information contained within such document must be presumed verified as of the date of issuance of the document.

⁴⁰ The online marketplace must include in the notification direction to each high-volume third-party seller to electronically certify either that the seller's information is unchanged or that the seller is providing changes to the information. The high-volume third-party seller's participation on the marketplace must be suspended until they have certified that their information is unchanged or has provided any changed information and the information has been verified.

⁴¹ If the full physical address of the high-volume third-party seller is the primary residential address of such high-volume third-party seller, only the city, state, and country of the high-volume third-party seller is required to be disclosed.

⁴² If the only telephone number of the high-volume third-party seller is the personal telephone number of the high-volume third-party seller, then only the working e-mail address is required to be disclosed or the online marketplace must provide other means of electronic messaging to contact the seller.

marketplace must suspend the selling privileges of the high-volume third-party seller on the online marketplace until the required information is disclosed.

The bill requires an online marketplace to conspicuously, on the product listing of any high-volume third-party seller, provide to consumers a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace and a message encouraging individuals seeking to purchase products to report suspicious activity to the online marketplace.

The bill provides that an online marketplace is not prevented from providing additional measures, electronic or otherwise, that it deems necessary to prevent the sale of fraudulent, stolen, or counterfeit consumer products on its platform.

The bill establishes that a violation of s. 559.953, F.S., constitutes a violation of the Deceptive and Unfair Trade Practices Act,⁴³ and the Department of Legal Affairs may adopt rules to collect and verify the required information.

The bill provides that the regulation under s. 559.953, F.S., is preempted to the Department of Legal Affairs.

The bill takes effect July 1, 2022.

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.

⁴³See part II of ch. 501, F.S.

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

None.

B. Private Sector Impact:

Marketplace providers will be required to verify high volume third-party sellers, as well as require certain disclosures. This will potentially provide more safety within the online marketplace.

C. Government Sector Impact:

This bill will potentially lead to an increase in the investigations and enforcement actions undertaken by the Department of Legal Affairs relating to violations of the provisions of this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates the following section of the Florida Statutes: 559.953.

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 Baxley

12-00821A-22

2022944__

1 A bill to be entitled
 2 An act relating to online marketplace transparency;
 3 creating s. 559.953, F.S.; defining terms; requiring
 4 online marketplaces to require high-volume third-party
 5 sellers using their service to provide certain
 6 information to the online marketplace within a
 7 specified timeframe; requiring the online marketplace
 8 to verify such information, or changes to such
 9 information, within a specified timeframe; providing
 10 that information on valid government-issued tax
 11 documents is presumed verified as of the issuance
 12 date; requiring an online marketplace to update and
 13 require certification of the updated information at
 14 least annually; requiring the online marketplace to
 15 suspend certain sellers who do not provide such a
 16 certification or updated information; requiring online
 17 marketplaces to disclose certain information in a
 18 specified manner; requiring disclosure of suppliers;
 19 providing for enforcement; authorizing the Department
 20 of Legal Affairs to adopt rules; preempting the
 21 regulation of the verification and disclosure of such
 22 information to the department; providing an effective
 23 date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Section 559.953, Florida Statutes, is created to
 28 read:
 29 559.953 Disclosure of information by online marketplaces.-

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

12-00821A-22

2022944__

30 (1) DEFINITIONS.-As used in this section, the term:
 31 (a) "Consumer product" means a product that is used or
 32 bought for use primarily for personal, family, or household
 33 purposes.
 34 (b) "High-volume third-party seller" means a participant in
 35 an online marketplace that is a third-party seller and that, in
 36 any continuous 12-month period during the previous 24 months,
 37 has entered into 200 or more discrete sales or transactions of
 38 new or unused consumer products resulting in the accumulation of
 39 an aggregate total of \$5,000 or more in gross revenues. Only
 40 sales or transactions made through the online marketplace for
 41 which payment was processed by the online marketplace, either
 42 directly or through the seller's payment processor, count
 43 towards the calculation for the number of discrete sales or
 44 transactions or the gross revenues.
 45 (c) "Online marketplace" means any consumer-directed
 46 electronically based or accessed platform that:
 47 1. Includes features that allow for, facilitate, or enable
 48 third-party sellers to engage in the sale, purchase, payment,
 49 storage, shipping, or delivery of a consumer product in the
 50 United States;
 51 2. Is used by one or more third-party sellers for such
 52 purposes; and
 53 3. Has a contractual or similar relationship with consumers
 54 governing their use of the platform to purchase consumer
 55 products.
 56 (d) "Seller" means a person who sells, offers to sell, or
 57 contracts to sell a consumer product through an online
 58 marketplace.

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59 (e) "Third-party seller" means any seller, independent of
 60 an operator, a facilitator, or an owner of an online
 61 marketplace, that sells, offers to sell, or contracts to sell a
 62 consumer product in the United States through an online
 63 marketplace. The term does not include, with respect to an
 64 online marketplace:

- 65 1. A seller that operates the online marketplace;
- 66 2. A business entity that has made available to the general
 67 public the entity's name, business address, and working contact
 68 information;
- 69 3. A business entity with an ongoing contractual
 70 relationship with the online marketplace to provide the online
 71 marketplace with the manufacture, distribution, wholesaling, or
 72 fulfillment of shipments of consumer products; or
- 73 4. A business entity that has provided to the online
 74 marketplace identifying information that has been verified.

75 (f) "Verify" means to confirm information and documentation
 76 provided to an online marketplace by the use of one or more
 77 methods that enable the online marketplace to reliably determine
 78 that any information and documents provided which correspond to
 79 the seller or an individual acting on the seller's behalf are
 80 valid, not misappropriated, and not falsified.

81 (2) VERIFICATION.—

82 (a) An online marketplace shall require that any high-
 83 volume third-party seller on the online marketplace provide the
 84 online marketplace with all of the following information within
 85 10 business days after qualifying as a high-volume third-party
 86 seller:

- 87 1. Deposit account information from a financial

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88 institution. If the high-volume third-party seller does not have
 89 deposit account information at a financial institution, such
 90 seller must provide the online marketplace with the name of the
 91 payee for payments issued by the online marketplace to the high-
 92 volume third-party seller, and the information must be confirmed
 93 by the online marketplace or by another third party contracted
 94 by the online marketplace.

- 95 2. Contact information, including all of the following:
 - 96 a. A valid e-mail address and working phone number.
 - 97 b. If the high-volume third-party seller is an individual,
 98 a copy of a valid government-issued photo identification for the
 99 individual which includes the individual's name and physical
 100 address.
 - 101 c. If the high-volume third-party seller is not an
 102 individual, either a copy of a government-issued photo
 103 identification for an individual acting on behalf of such seller
 104 which includes such individual's name and physical address or a
 105 copy of a government-issued record or tax document that includes
 106 the business name and physical address of the high-volume third-
 107 party seller.

108 3. A business tax identification number or, if the high-
 109 volume third-party seller does not have a business tax
 110 identification number, a taxpayer identification number.

111 (b) The online marketplace shall verify the information the
 112 high-volume third-party seller provides under this subsection
 113 within 10 business days after receiving such information. If the
 114 high-volume third-party seller provides any changes to the
 115 information, the online marketplace must verify such changes
 116 within 10 business days after receiving the information. If a

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 117 high-volume third-party seller provides a copy of a valid
 118 government-issued tax document, the information contained within
 119 such tax document shall be presumed verified as of the date of
 120 issuance of such document.

(c) The online marketplace shall, on at least an annual
 122 basis, notify each high-volume third-party seller on the online
 123 marketplace that such seller must inform the online marketplace
 124 of any changes to the information previously provided by the
 125 seller within 10 business days after receiving the notification.
 126 The notification must require the high-volume third-party seller
 127 to either electronically certify that the high-volume third-
 128 party seller's information is unchanged or provide changes to
 129 the information as necessary. If the online marketplace becomes
 130 aware that a high-volume third-party seller has not certified
 131 that such information is unchanged or provided such changed
 132 information within 10 business days after receiving such
 133 notification, the online marketplace must suspend the selling
 134 privileges of the high-volume third-party seller until such
 135 seller provides such certification or changed information.

(3) DISCLOSURE.—

(a) An online marketplace shall disclose to consumers in a
 138 conspicuous manner on the product listing, through a
 139 conspicuously placed link on the product listing, or in the
 140 order confirmation message or other document or communication
 141 made to the consumer after the purchase is finalized and in the
 142 consumer's account transaction history, all of the following
 143 information of any high-volume third party seller with an
 144 aggregate total of \$20,000 or more in annual gross revenues on
 145 its online platform:

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 146 1. The full name of the high-volume third-party seller.
 147 2. The full physical address of the high-volume third-party
 148 seller. If the full physical address of the high-volume third-
 149 party seller is the primary residential address of such high-
 150 volume third-party seller, only the city, state, and country of
 151 the high-volume third-party seller is required to be disclosed.
 152 3. Contact information for the high-volume third-party
 153 seller, including a working telephone number and working e-mail
 154 address to allow for direct, unhindered communication with the
 155 high-volume third-party seller. If the only telephone number of
 156 the high-volume third-party seller is the personal telephone
 157 number of the high-volume third-party seller, then only the
 158 working e-mail address is required to be disclosed or the online
 159 marketplace must provide other means of electronic messaging to
 160 contact such seller.
 161 4. The identification of any seller that supplies the
 162 consumer product to the consumer upon purchase, if such seller
 163 is different than the high-volume third-party seller listed on
 164 the consumer product listing before the purchase.
 165 (b) If an online marketplace becomes aware that a high-
 166 volume third-party seller has made a false representation to the
 167 online marketplace in order to restrict access to the full
 168 physical address, telephone number, or e-mail address required
 169 in paragraph (a), the online marketplace must, after providing
 170 the seller with written or electronic notice, require the full
 171 disclosure of the high-volume third-party seller's full physical
 172 address, telephone number, and e-mail address. If such
 173 information is not disclosed within 10 business days after
 174 notification, the online marketplace must suspend the selling

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175 privileges of the high-volume third-party seller on the online
176 marketplace until the required information is disclosed.

177 (c) An online marketplace shall provide to consumers, in a
178 conspicuous manner on the consumer product listing of any high-
179 volume third-party seller, a reporting mechanism that allows for
180 electronic and telephonic reporting of suspicious marketplace
181 activity to the online marketplace and a message encouraging
182 individuals seeking goods for purchase to report suspicious
183 activity to the online marketplace.

184 (d) This subsection does not prevent an online marketplace
185 from providing any additional measures, electronic or otherwise,
186 that it deems necessary to prevent the sale of fraudulent,
187 stolen, or counterfeit consumer products on its platform.

188 (4) ENFORCEMENT.—A violation of this section constitutes a
189 violation of the Deceptive and Unfair Trade Practices Act under
190 part II of chapter 501. A person who violates this section is
191 subject to the penalties and remedies provided therein.

192 (5) RULES.—The Department of Legal Affairs may adopt rules
193 with respect to collecting and verifying information under this
194 section, provided that such rules are limited to what is
195 necessary to collect and verify such information.

196 (6) PREEMPTION.—The regulation of the requirement for
197 online marketplaces to verify information from high-volume
198 third-party sellers on a one-time or ongoing basis or disclose
199 information to consumers is preempted to the department. A local
200 governmental entity may not establish, mandate, or otherwise
201 require the verification or disclosure of such information.

202 Section 2. This act shall take effect July 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 178

INTRODUCER: Senator Pizzo

SUBJECT: Visiting County and Municipal Detention Facilities

DATE: January 24, 2022

REVISED: _____

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

I. Summary:

SB 178 authorizes the following individuals to visit county and municipal detention facilities at their pleasure:

- The Governor;
- Cabinet members;
- Members of the Legislature;
- State court judges;
- State attorneys; and
- Public defenders.

The bill prohibits a county or municipal detention facility from unreasonably withholding permission to visit such facility from a person who provides sufficient evidence that he or she is a professional journalist or a writer.

The bill provides that all other persons may visit a county or municipal detention facility in accordance with the rules or regulations prescribed by the facility.

The bill is effective July 1, 2022.

II. Present Situation:

County and Municipal Detention Facilities

A county detention facility is any county jail, stockade, work camp, residential probation center, or any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either a felony or misdemeanor.¹ Sheriffs

¹ Section 951.23(1)(a), F.S.

operate the majority of county detention facilities, with counties operating the remainder.² County detention facilities house inmates who have been arrested and are awaiting trial, as well as inmates who have been convicted and sentenced to less than one year of incarceration.

The Department of Corrections (DOC) reports that approximately 55,150 inmates were incarcerated in the state's county detention facilities during the month of October 2021.³

A municipal detention facility is a city jail, stockade, prison camp, or any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of a violation of municipal laws or ordinances.⁴

Visitation of County and Municipal Detention Facilities

Each county sheriff's office or board of county commissioners establish the visitation rules for its detention facilities. Such rules may establish visitation hours, dress codes, and admission requirements. Some facilities include exceptions to the visitation rules for private attorneys and public defenders.⁵

Visitation of State Correctional Institutions

The following persons are authorized to visit state correctional institutions at their pleasure:

- The Governor;
- All Cabinet members;
- Members of the Legislature;
- Judges of state courts;
- State attorneys;
- Public defenders; and
- Authorized representatives of the Florida Commission on Offender Review.⁶

Additionally, permission to visit state correctional institutions may not be unreasonably withheld from those who provide the DOC sufficient evidence that they are bona fide reporters or writers.⁷ Any other persons seeking to enter a state correctional institution may only do so in accordance with the rules prescribed by the DOC.

² For example, the county commissions operate the county detention facilities in Escambia, Gulf, Jackson, Miami-Dade, Okaloosa, Orange, Osceola, and Volusia counties (see <https://myescambia.com/our-services/corrections/community-detention>; http://www.gulfcounty-fl.gov/county_government/detention_facility; <https://jacksoncountyfl.gov/services/correctional-facility/>; <https://www.miamidade.gov/global/corrections/home.page>; <http://www.co.okaloosa.fl.us/corrections/history>; http://www.ocfl.net/tabid/367/default.aspx#.X_MzJthKiU1; <https://www.osceola.org/agencies-departments/corrections/about/>; and <https://www.volusia.org/services/public-protection/corrections/>; respectively (last visited Jan. 19, 2022)).

³ Department of Corrections, *Florida County Detention Facilities Average Inmate Population*, October 2021, p. 2, available at <http://www.dc.state.fl.us/pub/jails/2021/jails-2021-10.pdf> (last visited Jan. 19, 2022).

⁴ Section 951.23(1)(d), F.S.

⁵ For example, see Nassau County Sheriff's Office, *Jail Visitation*, available at <https://nassauso.com/corrections/jail-visitiation/> (last visited January 20, 2022); and Broward County Sheriff's Office, *Attorney Information*, available at <https://www.sheriff.org/DOD/Pages/Attorney-Info.aspx> (last visited Jan. 19, 2022).

⁶ Section 944.23, F.S.

⁷ *Id.*

Visitation of State Juvenile Facilities

In 2018, the Legislature authorized the following individuals to visit all facilities housing juveniles that are operated or overseen by the Department of Juvenile Justice (DJJ) or a county, at their pleasure, between the hours of 6 a.m. and 11 p.m.:

- The Governor;
- A Cabinet member;
- A member of the Legislature;
- A judge of a state court;
- A state attorney;
- A public defender; and
- A person authorized by the secretary of the DJJ.⁸

If one of the individuals listed above seeks to visit a state juvenile facility before 6:00 a.m. or after 11:00 p.m., a request for an after-hours tour must be submitted to and be approved by the Assistant Secretary for Detention at least 14 days prior to the tour.⁹ Such individuals on an after-hours tour may not access areas in which youth are sleeping.¹⁰

The DJJ may not unreasonably withhold permission to visit a state facility housing juveniles from a person who provides sufficient evidence that he or she is a bona fide reporter or writer.

III. Effect of Proposed Changes:

The bill authorizes the following persons to visit county and municipal detention facilities, at their pleasure:

- The Governor;
- Cabinet members;
- Members of the Legislature;
- State court judges;
- State attorneys; and
- Public defenders.

A person who is not otherwise authorized by law may not enter a county or municipal detention facility except as provided in the rules or regulations provided by such facility.

The bill also prohibits a county or municipal facility from withholding permission to visit the facility if the person is a professional journalist, as defined in s. 90.5015, F.S., or a writer.¹¹

⁸ Chapter 2018-47, s. 1, L.O.F. (creating s. 985.6885, F.S., effective July 1, 2018).

⁹ Rule 63G-2.023(9)(k), F.A.C.

¹⁰ *Id.*

¹¹ Section 90.5015, F.S., defines “professional journalist” as a person regularly engaged in collecting, photographing, recording, writing, editing, reporting, or publishing news, for gain or livelihood, who obtained the information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network, or news magazine. Book authors and others are not professional journalists and are not included in this provision.

The bill is effective July 1, 2022.

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:

This bill creates section 951.225 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 Pizzo

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1 A bill to be entitled
 2 An act relating to visiting county and municipal
 3 detention facilities; creating s. 951.225, F.S.;
 4 authorizing specified persons to visit at their
 5 pleasure county and municipal detention facilities;
 6 prohibiting persons not otherwise authorized by law
 7 from entering such facilities; providing exceptions;
 8 prohibiting the unreasonable withholding of permission
 9 for professional journalists or writers to enter such
 10 facilities; providing an effective date.
 11

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

14 Section 1. Section 951.225, Florida Statutes, is created to
 15 read:

16 951.225 Persons authorized to visit county and municipal
 17 detention facilities.-

18 (1) All of the following persons are authorized to visit at
 19 their pleasure any county or municipal detention facility:

20 (a) The Governor.

21 (b) Cabinet members.

22 (c) Members of the Legislature.

23 (d) State court judges.

24 (e) State attorneys.

25 (f) Public defenders.

26 (2) A person not otherwise authorized by law may not enter
 27 a county or municipal detention facility except under such rules
 28 or regulations as the county and municipal detention facilities
 29 may prescribe. Permission may not be unreasonably withheld from

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30 a person who gives sufficient evidence to the facility that he
 31 or she is a professional journalist, as defined in s. 90.5015,
 32 or a writer.

33 Section 2. This act shall take effect July 1, 2022.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 614

INTRODUCER: Senator Garcia

SUBJECT: Authorization of Restrictions Concerning Dangerous Dogs

DATE: January 13, 2022

REVISED: _____

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

I. Summary:

SB 614 makes two changes to Florida’s “Dangerous Dogs” law. First, the bill incorporates “public housing authorities” into the statute that authorizes counties and municipalities to address safety and welfare concerns caused by attacks on persons or domestic animals by dogs by ordinance, provided such regulation is not specific to the breed of the dog. Thus, the bill authorizes a public housing authority to enact a rule or a policy to address dangerous dogs, but such rule or policy may not be breed specific. This change effectively nullifies any existing restrictions imposed by housing authorities pertaining to specific breeds of dogs on housing authority property.

Second, the bill removes the grandfather provision in statute, which allows local governments to enforce dog breed-specific regulations, if the ordinance enacting such regulations was adopted before October 1, 1990. This change effectively nullifies Miami-Dade County’s regulations and restrictions on owners of “pit bull dogs.”

The bill takes effect October 1, 2022.

II. Present Situation:

Dangerous Dogs

Part II of ch. 767, F.S., outlines the state’s “Dangerous Dogs” provisions, originally enacted in 1990.¹ The Legislature found that “dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of the owners to confine and properly train and control their dogs; that existing laws

¹ Ch. 90-180, L.O.F.

inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements on the owners of dangerous dogs.”²

A “dangerous dog” is defined as a dog that:

- Has aggressively bitten, attacked, endangered or inflicted severe injury on a person on public or private property;
- Has more than one time severely injured or killed a domestic animal while the dog is off the owner’s property; or
- Has, when unprovoked, chased or approached a person in public in a menacing fashion, or with an attitude of attack.³

Process for Classification of Dogs as Dangerous

An animal control officer or employee is typically the person who would investigate an incident involving a dog. In areas unserved by an animal control authority, the sheriff assumes the duties required of an animal control officer.⁴

Upon receiving a report of a potentially dangerous dog, the animal control authority must investigate the incident, interview the owner, and require a sworn affidavit from any person who seeks to have a dog classified as dangerous.⁵ An animal that is the subject of a dangerous dog investigation because of severe injury to a human being may be immediately confiscated by an animal control authority, placed in quarantine, if necessary, for the proper length of time, or impounded and held.⁶ A dog that is being investigated as a dangerous dog that is not impounded with the animal control authority must be humanely and safely confined by the owner in a securely fenced or enclosed area pending the outcome of the investigation.⁷

The animal control authority may not declare a dog as dangerous if:

- The injured person was unlawfully on the property, or if lawfully on the property was tormenting, abusing, or assaulting the dog or its owner or a family member; or
- The dog was protecting a person within the immediate vicinity of the dog from an unjustified attack or assault.⁸

After investigating, the animal control authority must initially determine whether sufficient cause exists to classify the dog as dangerous and if sufficient cause is found, provide the owner an opportunity for a hearing before making a final determination regarding the classification or penalty.⁹ The animal control authority must provide written notice of sufficient cause and

² Section 767.10, F.S.

³ Section 767.11(1), F.S., requires an appropriate authority to document a dog as a dangerous dog. Section 767.11(2), F.S., further defines what is meant by “unprovoked” as that the victim whom while acting peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog. A severe injury is any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery. Section 767.11(3), F.S.

⁴ Section 767.11(5) and (6), F.S.

⁵ Section 767.12(1), F.S.

⁶ Section 767.12(1)(a), F.S.

⁷ Section 767.12(1)(b), F.S.

⁸ Section 767.12(2)(a-b), F.S.

⁹ Section 767.12(3), F.S.

proposed penalty to the owner by registered mail, certified hand delivery, or service in conformity with how service of process is made.

The owner has 7 calendar days from receiving the notice to file a written request for a hearing. The hearing officer must hold the hearing as soon as possible, no more than 21 calendar days, and no sooner than 5 days after receiving the request for hearing.¹⁰ If a hearing is not timely requested the authority's determination becomes final.

Local Government Regulation of Dangerous Dogs

Current law authorizes local governments to place further restrictions and additional requirements on owners of dogs that have bitten or attacked persons or domestic animals.¹¹ However, no local regulation may be breed-specific, or lessen the provisions of ch. 767, F.S., unless the regulation was adopted prior to October 1, 1990.¹² Breed-specific regulation is a term used for laws and ordinances that seek to reduce dog attacks on humans and other animals by regulating or banning a specific breed of dog.¹³ Florida is one of twenty-one states that prohibit local governments from enacting breed specific ordinances.¹⁴

Because of the 1990 grandfather provision, Miami-Dade County¹⁵ and the City of Sunrise¹⁶ are known to be the only two local governments in Florida with breed specific ordinances currently in effect. Miami-Dade's ordinance provides that pit bull dogs should be banned from purchase, from being brought into Miami-Dade County, or otherwise acquired and regulated due to unique history, nature and characteristics which require special regulation. The county defines "pit bull dog" with reference to the descriptions given by the American Kennel Club and the United Kennel Club. In 2012, Miami-Dade County held a referendum to gauge public opinion on keeping the ordinance in place. Over 63 percent of voters chose to keep the county's regulation of pit bull dogs in place.¹⁷

Public Housing Authorities

The federal government has created programs to provide housing assistance to lower-income households since the 1930s. Public housing developments which provide low-rent opportunities are generally owned and operated by the local public housing authorities (PHAs) in each state and subsidized and regulated by the federal government. Families are eligible to live in public housing if they are low-income¹⁸ but 40 percent of public housing units that become available in

¹⁰ Section 767.12(3), F.S.

¹¹ Section 767.14, F.S.

¹² Section 767.14, F.S.

¹³ What Is Breed-Specific Legislation?, ASPCA, available at: <https://www.aspc.org/improving-laws-animals/public-policy/what-breed-specific-legislation> (last visited Dec. 27, 2021).

¹⁴ What Is Breed-Specific Legislation? ASPCA, available at: <https://www.aspc.org/improving-laws-animals/public-policy/what-breed-specific-legislation> (last visited Dec. 27, 2021).

¹⁵ Ord. No. 89-22, § 2, 4-4-89

¹⁶ Ord. No. 251-A, § 2(4-17), 5-2-89

¹⁷ Official election records available at <https://enr.electionsfl.org/DAD/3042/Summary/> (last visited Dec. 27, 2021).

¹⁸ Low income is defined as earning at or below 80% of area median income for these purposes, Congressional Research Service, Overview of Federal Housing Assistance Programs and Policy, available at: <https://crsreports.congress.gov/product/pdf/RL/RL34591> (last visited Dec. 27, 2021).

a year must be given to families that are extremely low-income.¹⁹ Families living in public housing typically are required to pay 30 percent of their adjusted income toward rent.

PHAs receive several streams of funding from United States Department of Housing and Urban Development (HUD) to help make up the difference between what tenants pay in rent and what it costs to maintain public housing.²⁰ PHAs receive operating funds and capital funds through a formula allocation process; operating funds are used for management, administration and day-to-day costs of running a housing development, and capital funds are used for modernization needs (i.e., replacing a roof or heating and cooling system).²¹ Most PHAs own and manage the public housing developments themselves, but some contract with private management companies or transfer ownership to a private subsidiary or another entity that operates the development under public housing rules.²²

There are 99 active HUD-registered PHAs in Florida,²³ of which 91 are special districts.²⁴ PHAs are created pursuant to Florida law at municipal, county, and regional levels, and become active through resolution by the applicable governing body. The powers of each authority are vested in housing authority commissioners and action may be taken upon a majority vote of the commissioners.²⁵ Housing authorities have the power to:

- Acquire, lease, and operate housing projects.
- Provide for the construction, reconstruction, improvement, alteration, or repair of any housing project.
- Lease or rent dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project.
- Invest funds held in reserves or sinking funds.²⁶

Pet Regulation in Public Housing Authorities

HUD regulations permit public housing tenants to own common household pets.²⁷ However, HUD allows local PHAs to enforce reasonable restrictions on the types of common household pets allowed in their rules and policies.²⁸ A tenant in public housing must maintain each pet responsibly, in accordance with relevant state and local public health, animal control and anti-cruelty laws, and in accordance with the policies established in the PHA's Annual Plan.²⁹

¹⁹ Extremely low income is defined as earning at or below the greater of 30% of area median income or the federal poverty guidelines. Congressional Research Service, *Overview of Federal Housing Assistance Programs and Policy*, available at: <https://crsreports.congress.gov/product/pdf/RL/RL34591> (last visited Jan. 11, 2022).

²⁰ *Id.*

²¹ *Id.*

²² Center on Budget and Policy Priorities, *Policy Basics: Public Housing*, available at: <https://www.cbpp.org/research/public-housing> (last visited Jan. 13, 2022).

²³ HUD, *Public Housing Authority Contact Information*, available at: https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_FL.pdf (last visited Jan. 11, 2022).

²⁴ Florida Department of Economic Opportunity, *Official List of Special Districts Online*, available at: <http://specialdistrictreports.floridajobs.org/webreports/sumfunctionlist.aspx> (last visited Jan. 11, 2022).

²⁵ *Id.*

²⁶ Section 421.08, F.S.

²⁷ See HUD *Public Housing Occupancy Guidebook*, *Pet Ownership in Public Housing*, December 2020, available at: <https://www.hud.gov/sites/dfiles/PIH/documents/PHOGPetOwnership.pdf> (last visited Jan. 13, 2022).

²⁸ 24 CFR § 5.318(a); § 960.707(b)

²⁹ 24 CFR § 960.707(a)

A PHA's reasonable requirements for pet policies in general occupancy developments may include but are not limited to tenant and pet density; size, weight, and type of pets; pet fees and deposits; pet care and handling; and pet registration. PHAs have discretion to consider additional factors if reasonable and consistent with state or local law.³⁰

Currently, some PHAs include provisions in their policies prohibiting pets based on breed, behavior, or training of the pet.³¹ However, some regulations based on breed do not depend on a finding that the pet is vicious or dangerous. Additionally, the definition of "dangerous dog" under Florida law is not uniformly applied in all PHA policies.³²

III. Effect of Proposed Changes:

The bill amends s. 767.14, F.S., to authorize PHAs to adopt rules or policies imposing restrictions or further requirements on owners of dogs deemed dangerous, as defined by Florida law, as long as such requirements are not specific to breed. This provision is current law for local governments. This change effectively nullifies any existing restrictions imposed by housing authorities pertaining to specific breeds of dogs for housing authority tenants.

The bill also removes a provision that exempts local ordinances adopted before October 1, 1990 from the prohibition on enacting ordinances that are specific to certain breeds of dogs. This change nullifies any breed-specific local government ordinances currently in place.

The bill takes effect on October 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ 7 24 CFR § 960.707

³¹ See e.g., Tampa Housing Authority, <https://www.thafl.com/Departments/Real-Estate-Development/library/PHA-PLAN.pdf> (last visited Jan. 3, 2022) (forbidding "Pit bull, Rottweiler, German Shepherd, Chow, Doberman Pinscher or any species considered vicious, intimidating, or kept for the purpose of training for fighting or wagering of bets"); St. Petersburg Housing Authority, https://www.stpeteha.org/plugins/show_image.php?id=1912 (last visited Jan. 3, 2022) (prohibiting "any animal deemed to be potentially harmful to the health or safety of others, including attack or fight trained dogs . . . certain breeds may be prohibited at the discretion of [St. Petersburg Housing Authority]"); Key West Housing Authority, https://www.kwha.org/egov/documents/1614973714_73249.pdf (last visited Jan. 3, 2022) (prohibiting "vicious or intimidating pets. Dog breeds including pitbull, rottweiler, Doberman, are considered vicious or intimidating breeds").

³² See s. 767.11(1), F.S.

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:

This bill substantially amends section 767.14 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

By Senator Garcia

37-00747B-22

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A bill to be entitled

An act relating to the authorization of restrictions concerning dangerous dogs; amending s. 767.14, F.S.; authorizing certain housing authorities to adopt certain ordinances, rules, or policies relating to dangerous dogs; removing an exemption for local ordinances adopted before a specified date which pertain to dogs that have bitten or attacked persons or domestic animals; providing an effective date.

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

Section 1. Section 767.14, Florida Statutes, is amended to read:

767.14 Additional local restrictions authorized.—This act does not limit any local government or housing authority created by or pursuant to s. 421.04, s. 421.27, or s. 421.28 from adopting an ordinance, a rule, or a policy to address the safety and welfare concerns caused by attacks on persons or domestic animals, placing further restrictions or additional requirements on owners of dogs that have bitten or attacked persons or domestic animals, or developing procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed and that the provisions of this act are not lessened by such additional regulations or requirements. ~~This section does not apply to any local ordinance adopted prior to October 1, 1990.~~

Section 2. This act shall take effect October 1, 2022.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: CS/SB 898

INTRODUCER: Community Affairs Committee; and Senator Stewart, and others

SUBJECT: Tenant Safety

DATE: January 26, 2022

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 898, designated as “Miya’s Law,” makes changes to Florida’s Residential Landlord and Tenant Act as well as public lodging establishment laws in an effort to provide safety and security to apartment tenants.

The bill directs landlords or licensees of transient and nontransient apartments to require that all employees undergo a background screening performed by a consumer reporting agency done in accordance with the federal Fair Credit Reporting Act as a condition of employment. A person may be disqualified from employment based on the background screening if the person has been found guilty or plead no contest to certain offenses including those involving violence and disregard for safety.

Under the bill, apartments must maintain a log accounting for the issuance and return of all keys for each dwelling unit, and establish policies for the issuance and return of unit keys, as well as storage and access to unissued keys. An apartment’s key logs and employee background screening files are subject to the Department of Business and Professional Regulation’s annual inspection of apartments. This portion of the bill takes effect on January 1, 2023.

The bill changes from 12 hours to 24 hours the “reasonable notice” that a landlord must give a tenant for entry of a unit for the purpose of repair for all tenancies.

Except as otherwise expressly provided, the bill takes effect on July 1, 2022.

II. Present Situation:

The Florida Residential Landlord and Tenant Act

Residential tenancies are governed by the Florida Residential Landlord and Tenant Act (act).¹

The landlord is the owner or lessor of a dwelling unit. The tenant is a person entitled to occupy a dwelling unit under a rental agreement, in which the tenant makes periodic payments of rent to the landlord.² When people enter into a landlord and tenant relationship, as evidenced by a rental agreement, each party commits to abide by certain legal obligations and responsibilities. Rental agreements may be written or oral.³ Oral rental agreements are for a duration of less than one year.⁴ Every rental agreement carries with it an obligation of good faith in both performance and enforcement.⁵ Landlords are entitled to collect security deposits from tenants and hold the deposits as security against the performance of the rental agreement.⁶

Landlords and tenants have different obligations to maintain the property. Landlords must comply with building, housing, and health codes, and for dwelling units other than a single-family home or a duplex, a landlord must provide for:

- The extermination of insects and rodents;
- Locks and keys;
- The clean and safe condition of common areas;
- Garbage removal; and
- Heat during winter, running water, and hot water.⁷

Tenants, in turn, must:

- Comply with building, housing and health codes that apply to tenants;
- Keep the premises clean and sanitary;
- Keep plumbing fixtures clean and sanitary and in repair;
- Use and operate electrical, plumbing, sanitary, heating, ventilating, air-conditioning, and other appliances in a reasonable manner;
- Not destroy or damage the premises or property or allow others to do so; and
- Not disturb the peace.⁸

A landlord may enter a dwelling unit at any time for the protection or preservation of the premises.⁹ The landlord may enter a dwelling unit with reasonable notice to the tenant and at a reasonable time for the purpose of repair of the premises. “Reasonable notice” for the purpose of repair is a notice given at least 12 hours prior to the entry, and reasonable time for the purpose of

¹ Part II of Chapter 83, F.S., s. 83.40, F.S.

² Sections 83.43(3), (4), and (6), F.S.

³ Section 83.43(7), F.S.

⁴ *Id.*

⁵ Section 83.44, F.S.

⁶ Section 83.43(12), F.S.

⁷ Sections 83.51(1)(a) and (2)(a), F.S.

⁸ Section 83.52, F.S.

⁹ Section 83.53(2), F.S.

repair is defined as between the hours of 7:30 a.m. and 8:00 p.m.¹⁰ A landlord cannot abuse the right of access nor use it to harass the tenant.¹¹

Transient and Non-transient Apartments

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

The division licenses transient and non-transient apartments in the state. Any non-transient apartment renting four units or less or any apartment building inspected by the United States Department of Housing and Urban Development (HUD) or other entity acting on its behalf that is designated primarily as housing for tenants at least 62 years of age is exempt from division licensure.¹²

The regulation of public lodging establishments includes, but is not limited to, sanitation standards, inspections, and training and testing of personnel. Both transient and non-transient apartments are inspected by the division at least annually.¹³ For purposes of performing required inspections and the enforcement, the division has the right of entry and access to public lodging establishments at any reasonable time.¹⁴

The term “public lodging establishments” includes transient and nontransient public lodging establishments.¹⁵ The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the duration of the rentals.

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

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

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

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

¹⁰ Section 83.53(2), F.S.

¹¹ Section 83.53(3), F.S.

¹² Section 509.013 (4) (b), F.S.

¹³ Section 509.032 (2) (a), F.S.

¹⁴ Section 509.032 (2) (b), F.S.

¹⁵ Section 509.013(4)(a), F.S.

Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.¹⁶

A nontransient apartment is defined as a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants. A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy.¹⁷

Safety Regulations

Section 509.211, F.S., dictates safety regulations of public lodging establishments. The law requires every bedroom or apartment in a public lodging establishment to be equipped with an approved locking device on each door opening to the outside, to an adjoining room or apartment, or to a hallway.¹⁸ Every public lodging establishment that is three or more stories in height must have safe and secure railings on all balconies, platforms, and stairways, and all such railings must be properly maintained and repaired.¹⁹

Employee Background Screenings

Florida provides standard procedures for screening a prospective employee where the Legislature has determined it is necessary to conduct a criminal history background check to protect vulnerable persons.²⁰

By law, when a criminal history check or a duty to disclose the absence of a criminal history check is mandated by state law, the criminal history check must include a Florida criminal history provided by the FDLE. Such Florida criminal history information may be provided by a private vendor only if that information is directly obtained from the FDLE for each request.²¹

A Level 1 screening is a name-based demographic screening that includes a statewide criminal record check through the Florida Department of Law Enforcement (FDLE).²² A Level 1 background screening involves a name-based search of Florida records, including employment history, state and local criminal history check, and a search of the National Sex Offender Public Website.²³ A Level 1 screening may be paid for and conducted through FDLE's website, which provides immediate results.²⁴

¹⁶ Section 509.242(1), F.S.

¹⁷ *Id.*

¹⁸ Section 509.211 (1) F.S.

¹⁹ Section 509.211 (3) F.S.

²⁰ Sections 435.01-435.12, F.S.

²¹ Section 943.053(12), F.S.

²² Section 435.03, F.S. A Level 1 criminal history record check is "a state-only name-based check." Florida Department of Law Enforcement, *Definitions*, <https://www.fdle.state.fl.us/Background-Checks/VECHS-FAQs/Definitions.aspx> (last visited Jan. 20, 2022).

²³ Section 435.03(1), F.S.

²⁴ FDLE, State of Florida Criminal History Records Check, available at: <http://www.fdle.state.fl.us/Criminal-History-Records/Florida-Checks.aspx> (last visited Jan. 20, 2022).

A Level 2 screening consists of a fingerprint-based search of FDLE and the Federal Bureau of Investigation databases for state and national criminal arrest records.²⁵ A Level 1 screening and Level 2 screening have the same disqualifying offenses, including, but not limited to, domestic violence, sexual misconduct, murder, and other violent or sexually-based offenses.²⁶

The state mandates background screenings for many professions, including at least a Level 1 screening, and on an agency-determined basis a Level 2, for all state employees.²⁷ Many professions require a background screening that interact with vulnerable persons like minors or vulnerable adults, whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, sensory, long-term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.²⁸ Examples of professions requiring background screening include employees who work in schools, substance abuse and mental health facilities, nursing homes, and massage therapists.

For athletic coaches authorized in the state, a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act, which includes a Level 1 background screening and a search of designated identifying information against listed sexual predator and sexual offender internet sites is also deemed to satisfy the specified requirements.²⁹

Third Party Background Screening

There are hundreds of companies engaged in employment and tenant background screening across the United States.³⁰ These companies are defined as “consumer reporting agencies” (CRAs), pursuant to the Fair Credit Reporting Act (FCRA) and are regulated by both the Federal Trade Commission and Consumer Financial Protection Bureau.³¹ The FCRA promotes the accuracy, fairness, and privacy of information that consumer reporting agencies and their related entities collect.³² The FCRA governs the acts of CRAs, entities that furnish information to CRAs (furnishers), and individuals who use credit reports issued by CRAs. Specifically, CRAs and their furnishers must adopt methods to ensure the information they collect and report is accurate.

Individuals can review the information a CRA has collected on them to ensure that it is accurate, and may dispute its accuracy—which triggers a CRA’s and furnisher’s duty to reinvestigate the information. Individuals may also request to review the information a CRA has in his or her file, the sources of the information, and the identity of those to whom the information was disclosed.

²⁵ Section 435.04, F.S.

²⁶ Sections 435.03(2) and 435.04(2), F.S.

²⁷ Section 110.1127, F.S.

²⁸ Section 435.02(6), F.S.

²⁹ Section 943.0438(2)(a)2., F.S.

³⁰ Professional Background Screening Association, About PBSA, available at: <https://thepbsa.org/about-us/about-pbsa/> (last visited Jan. 23, 2022.)

³¹ *Id.*

³² Consumer Finance Bureau, *A Summary of Your Rights Under the Fair Credit Reporting Act* (Sept. 18, 2018), 12 CFR 1022, available at <https://www.consumer.ftc.gov/articles/pdf-0096-fair-credit-reporting-act.pdf> (last visited Jan. 26, 2022). See also, Federal Trade Commission, *Fair Credit Reporting Act*, <https://www.ftc.gov/enforcement/statutes/fair-credit-reporting-act> (last visited Jan. 26, 2022).

A CRA cannot provide information in a consumer report to anyone who does not have a specified purpose in the FCRA.³³

Miya Marcano

On September 24, 2021, Miya Marcano, a student at Valencia College, went missing from her apartment in Orlando, Florida, where she also worked at the front office. She was later found dead miles from her apartment.³⁴

Investigators for the Orange County Sheriff's Office said Marcano was taken from her apartment by Armando Caballero, who was a maintenance worker at the same apartment complex. It is alleged that he used a master key fob for the apartment complex to enter her apartment. Caballero was found dead by apparent suicide a few days after Marcano went missing.³⁵

III. Effect of Proposed Changes:

The bill, cited as "Miya's Law," creates s. 83.515, F.S., to direct landlords of transient and nontransient apartments to require all employees to undergo a background screening performed by a consumer reporting agency done in accordance with the federal Fair Credit Reporting Act as a condition of employment. The screening must include a screening of criminal history records and sexual predator and sexual offender registries of all states and the District of Columbia.

The bill authorizes landlords to disqualify a person from employment based on the background screening if the person has been convicted of or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, any of the following offenses:

- A criminal offense involving disregard for the safety of others which, if committed in Florida, is a felony or first degree misdemeanor or, if committed in another state, would be a felony or a misdemeanor of the first degree if committed in Florida; or
- A criminal offense committed in any jurisdiction which involves violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, and stalking.

Effective January 1, 2023, the bill amends s. 509.211 F.S., to direct all public lodging establishments licensed by the Division of Hotels and Restaurants as a transient or nontransient apartment to require all employees to undergo a background screening as a condition of employment, as provided in s. 83.515, F.S., created in section 1 of the bill. Such licensed apartments must also maintain a log accounting for the issuance and return of all keys for each dwelling unit, and establish policies for the issuance and return of unit keys, as well as storage

³³ Permissible purposes include employment, insurance underwriting that involves the consumer, evaluating the consumer's eligibility for licensure or other governmental benefit that considers the applicants financial responsibility or status, or a legitimate business need. 15 U.S.C. § 1681b(a).

³⁴ Cristobal Reyes, Miya Marcano's family again blasts Orange sheriff after autopsy released: 'Precious moments' lost, Orlando Sentinel, Orlando Sentinel (Dec. 28, 2021), available at <https://www.orlandosentinel.com/news/crime/os-ne-miya-marcano-autopsy-response-20211228-svqnw6bdozaghnoijjevdkgoi-story.html> (last visited Jan. 16, 2022); Vanessa Etienne, Miya Marcano Cause of Death Ruled a 'Homicide by Undetermined Means': Medical Examiner, People (Dec. 29, 2021), available at <https://people.com/crime/miya-marcano-cause-of-death-ruled-a-homicide-by-undetermined-means-by-medical-examiner/> (last visited Jan. 16, 2022).

³⁵ *Id.*

and access to unissued keys. Upon request during the division's annual inspection of the premises, a licensee must provide proof of compliance with these requirements.

Finally, the bill amends s. 83.53, F.S., to change from 12 hours to 24 hours the "reasonable notice" that a landlord must give a tenant for entry of a unit for the purpose of repair.

Except as otherwise provided, the bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The cost of the background screening will be borne by either an applicant/employee or the apartment landlord/licensee, however the bill does not specify. If the cost is to be borne by the apartment landlord/licensee, this expense may be passed on to apartment tenants. Background screening requirements may have a negative impact on workforce availability in affected lodging establishments.

The Division of Hotels and Restaurants currently licenses 19,261 transient and non-transient apartments. According to the DBPR, if third-party screening rates are similar to the FDLE rate of \$72.99 per person, the total fiscal impact to license holders to process

one employee per license is \$1,405,860.39. However, the associated costs will be much greater because most properties will have multiple employees requiring screening.³⁶

Third-party background screening organizations will experience a significant increase in demand for their services due to this bill.

C. Government Sector Impact:

The bill adds additional items for DBPR to review during annual inspections of apartments, which may add to inspector workloads. According to the DBPR, the estimated additional cost is \$475,480 (\$346,795 recurring).

VI. Technical Deficiencies:

None.

VII. Related Issues:

Lines 34-39 of the bill requires a “third-party” background check conducted by a consumer reporting agency. According to FDLE, landlords will be responsible for finding a third-party company that can meet the screening criteria in the bill. FDLE is unaware of the existence of a vendor with this capability.³⁷

The bill does not specify a date in which existing apartment employees must obtain a background screening.

It is unclear how the effective date in section 4 of the bill is intended to operate in concert with section 2 of the bill.

The sponsor may consider incorporating reference to electronic programmable key cards to the bill provision requiring apartments to maintain a log accounting for the issuance and return of dwelling unit keys.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 83.53 and 509.211.

This bill creates section 83.515 of the Florida Statutes.

³⁶ DBPR Agency Analysis of SB 898 (Nov. 12, 2021). On file with Senate Community Affairs Committee.

³⁷ FDLE Agency Analysis of SB 898 (Dec. 10, 2021). On file with Senate Community Affairs Committee.

IX. Additional Information:

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

CS by Community Affairs on January 25, 2022:

The committee substitute removes the requirement that a background screening required under the bill be performed by a consumer reporting agency accredited by the Professional Background Screening Association and replaces it with the requirement that the background screening be done in accordance with the federal Fair Credit Reporting Act.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/26/2022	.	
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	.	

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

Senate Amendment

Delete lines 35 - 36
and insert:
must be performed by a consumer reporting agency in accordance
with the federal Fair Credit Reporting Act, and must

By Senator Stewart

13-00663B-22

2022898__

1 A bill to be entitled
 2 An act relating to tenant safety; providing a short
 3 title; creating s. 83.515, F.S.; requiring landlords
 4 of nontransient or transient apartments to require
 5 employees to undergo background screenings as a
 6 condition of employment; specifying requirements for
 7 the employee background screenings; authorizing
 8 landlords to disqualify persons from employment under
 9 certain circumstances relating to criminal offenses;
 10 amending s. 83.53, F.S.; revising what constitutes
 11 reasonable notice for repairs of dwelling units;
 12 amending s. 509.211, F.S.; requiring public lodging
 13 establishments licensed as nontransient or transient
 14 apartments to take certain actions relating to
 15 employee background screenings and keys for dwelling
 16 units; requiring such establishments to provide proof
 17 of compliance to the Division of Hotels and
 18 Restaurants of the Department of Business and
 19 Professional Regulation upon request; providing
 20 effective dates.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. This act may be cited as "Miya's Law."
 25 Section 2. Section 83.515, Florida Statutes, is created to
 26 read:
 27 83.515 Background screening of apartment employees;
 28 employment disqualification.-
 29 (1) The landlord of a public lodging establishment

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

13-00663B-22

2022898__

30 classified under s. 509.242(1)(d) or (e) as a nontransient
 31 apartment or transient apartment, respectively, must require
 32 that each employee of the establishment undergo a background
 33 screening as a condition of employment.
 34 (2) The background screening required under subsection (1)
 35 must be performed by a consumer reporting agency accredited by
 36 the Professional Background Screening Association and must
 37 include a screening of criminal history records and sexual
 38 predator and sexual offender registries of all 50 states and the
 39 District of Columbia.
 40 (3) A landlord may disqualify a person from employment if
 41 the person has been convicted or found guilty of, or entered a
 42 plea of guilty or nolo contendere to, regardless of
 43 adjudication, any of the following offenses:
 44 (a) A criminal offense involving disregard for the safety
 45 of others which, if committed in this state, is a felony or a
 46 misdemeanor of the first degree or, if committed in another
 47 state, would be a felony or a misdemeanor of the first degree if
 48 committed in this state.
 49 (b) A criminal offense committed in any jurisdiction which
 50 involves violence, including, but not limited to, murder, sexual
 51 battery, robbery, carjacking, home-invasion robbery, and
 52 stalking.
 53 Section 3. Subsection (2) of section 83.53, Florida
 54 Statutes, is amended to read:
 55 83.53 Landlord's access to dwelling unit.-
 56 (2) The landlord may enter the dwelling unit at any time
 57 for the protection or preservation of the premises. The landlord
 58 may enter the dwelling unit upon reasonable notice to the tenant

Page 2 of 4

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

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59 and at a reasonable time for the purpose of repair of the
60 premises. "Reasonable notice" for the purpose of repair is
61 notice given at least 24 ~~42~~ hours prior to the entry, and
62 reasonable time for the purpose of repair shall be between the
63 hours of 7:30 a.m. and 8:00 p.m. The landlord may enter the
64 dwelling unit when necessary for the further purposes set forth
65 in subsection (1) under any of the following circumstances:

- 66 (a) With the consent of the tenant;
- 67 (b) In case of emergency;
- 68 (c) When the tenant unreasonably withholds consent; or
- 69 (d) If the tenant is absent from the premises for a period
70 of time equal to one-half the time for periodic rental payments.
71 If the rent is current and the tenant notifies the landlord of
72 an intended absence, then the landlord may enter only with the
73 consent of the tenant or for the protection or preservation of
74 the premises.

75 Section 4. Effective January 1, 2023, subsection (5) is
76 added to section 509.211, Florida Statutes, to read:

77 509.211 Safety regulations.—

78 (5) Each public lodging establishment licensed as a
79 nontransient apartment or transient apartment shall do all of
80 the following:

- 81 (a) Require that each employee of the licensee undergo a
82 background screening as a condition of employment pursuant to s.
83 83.515.
- 84 (b) Maintain a log accounting for the issuance and return
85 of all keys for each dwelling unit.
- 86 (c) Establish policies and procedures for the issuance and
87 return of dwelling unit keys and regulating the storage of, and

Page 3 of 4

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2022898__

88 access to, unissued keys.

89

90 Upon request during the division's annual inspection of the
91 premises, a licensee must provide the division with proof of
92 compliance with this subsection for the inspection.

93

94

Section 5. Except as otherwise expressly provided in this
act, this act shall take effect July 1, 2022.

Page 4 of 4

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



2022 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Department of Business & Professional Regulation

BILL INFORMATION

BILL NUMBER:	<u>SB 898</u>
BILL TITLE:	<u>Tenant Safety</u>
BILL SPONSOR:	<u>Sen. Stewart</u>
EFFECTIVE DATE:	<u>Except as otherwise expressly provided in this act, this act shall take effect July 1, 2022</u>

COMMITTEES OF REFERENCE

1) Community Affairs
2) Judiciary
3) Rules
4) Click or tap here to enter text.
5) Click or tap here to enter text.

CURRENT COMMITTEE

N/A

SIMILAR BILLS

BILL NUMBER:	N/A
SPONSOR:	Click or tap here to enter text.

PREVIOUS LEGISLATION

BILL NUMBER:	Click or tap here to enter text.
SPONSOR:	Click or tap here to enter text.
YEAR:	Click or tap here to enter text.
LAST ACTION:	Click or tap here to enter text.

IDENTICAL BILLS

BILL NUMBER:	HB 577
SPONSOR:	Rep. Bartleman

Is this bill part of an agency package?

No

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	November 12, 2021
LEAD AGENCY ANALYST:	Michelle Keith, Division of Hotels and Restaurants
ADDITIONAL ANALYST(S):	Marc Drexler, Division Counsel Jake Whealdon, Acting OGC Rules Tracy Dixon, Service Operations Robin Jordan, Technology

LEGAL ANALYST:	Ross Marshman, OGC
FISCAL ANALYST:	Raleigh Close, Budget Office

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

The bill mandates background screenings for employees of transient or non-transient apartments as a condition of employment and specifies requirements for the screenings; authorizes landlords to disqualify potential employees for certain criminal offenses; revises the meaning of a reasonable notice for repairs of dwelling units; requires transient and non-transient apartments to take certain actions involving employee background screenings and the provision of keys for tenant dwelling units; requires transient and non-transient apartments to provide proof of compliance with the bill to the Division of Hotels and Restaurants.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

The regulation of public lodging establishments including, but not limited to, sanitation standards, inspections and training and testing of personnel is preempted to the state.

The Division of Hotels and Restaurants licenses apartments as transient or non-transient. A transient apartment is a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy. A non-transient apartment is a building or complex of buildings in which 75 percent or more of the units are available for rent to non-transient tenants.

Any non-transient apartment renting four units or less or any apartment building inspected by the United States Department of Housing and Urban Development (HUD) or other entity acting on its behalf that is designated primarily as housing for tenants at least 62 years of age is exempt from division licensure.

Both transient and non-transient apartments are inspected by the division at least annually.

The division does not require background checks of apartment employees and does not require accounting of dwelling unit keys. Division inspectors are primarily trained in food safety, transient lodging requirements and building/property upkeep and sanitation. Personal safety, home safety and potential felony crimes like robbery or assault prevention are not part of their training curriculum or required skillset.

There are currently no employee background or criminal history check requirements in Ch. 83, F.S.

2. EFFECT OF THE BILL:

Section 1 of the bill states it may also be referred to and cited as "Miya's Law."

Section 2 creates s. 83.515, F.S. and sets provisions for the background screening and disqualification of employees of transient and non-transient apartments as classified in s. 509.242, F.S. It requires as a condition of employment that each apartment employee must undergo a background check completed by a consumer reporting agency which is accredited by the Professional Background Screening Association and that the check must include a screening of criminal history records as well as sexual predator and sexual offender registries across all 50 States and the District of Columbia. It provides that a landlord may disqualify a person from employment if the person was convicted, found guilty of, or entered a plea of guilty or nolo contendere to (regardless of adjudication): the commission of a criminal offense in Florida involving disregard for the safety of others which is a felony or a misdemeanor of the first degree, the commission of a criminal offense in another state involving disregard for the safety of others which would be a felony or a misdemeanor of the first degree if committed in Florida, or the commission of a criminal offense committed in any jurisdiction which involves violence, including but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery and stalking.

Section 3 of the bill amends subsection (2) of s. 83.53, F.S. increasing "reasonable notice" when a landlord requires access to a tenant's unit for the purpose of repair from 12 hours to 24 hours prior to entry.

Section 4 of the bill adds subsection (5) to s. 509.211, F.S. requiring each licensed transient or non-transient apartment to: mandate a background screening as a condition of employment per s. 83.515, F.S., establish policies and procedures for the issuance and return of dwelling unit keys, regulate the storage and access to unissued dwelling unit keys, and maintain a log accounting for the issuance and return of all keys. During their annual

inspection, licensed transient and non-transient apartments must provide proof of compliance with these requirements upon request of the division.

Section 5 states that unless otherwise provided, the act would take effect July 1, 2022.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	N/A
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	61C-3.001, F.A.C.

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	To date, the division has not been contacted by proponents of the legislation with any stated positions.
Opponents and summary of position:	To date, the division has not been contacted by opponents of the legislation with any stated positions.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?

Y N

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?

Y N

Revenues:	N/A
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Expenditures:	N/A
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?Y N

Revenues:	Possible indeterminate influx of compliance fines related to violations of the act.
Expenditures:	<p>Checking for proof of compliance during each inspection may increase DBPR's visit time by approximately 30 minutes per inspection, possibly longer if an appointment is needed. This may create a new staffing, training and workload requirement for the Division of Hotels and Restaurants, necessitating the need for additional funding and resources. Estimated expenditures \$475,480 (\$346,795 recurring). The funding source for these expenditures will be the Hotel & Restaurants Trust Fund.</p> <p>See Additional Comments.</p>
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	N/A

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?Y N

Revenues:	N/A
Expenditures:	<p>Possible indeterminate increase in disciplinary fines related to violations of the act and unknown costs to conduct background screenings on current employees and applicants seeking employment at a transient or non-transient apartment. (A level 2 background check completed through FDLE will cost the individual or business \$72.99 but a check through a private company could cost from \$60-\$100 per screening. It is also unclear if a level 2 background check will satisfy the requirements of the act.)</p> <p>See Additional Comments.</p>
Other:	N/A

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?Y N

If yes, explain impact.	Yes. The bill creates new requirements for which the division could impose fines under 509.261(1)(a), F.S., for non-compliance.
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Bill Section Number:	Section 4.
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TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

<p>If yes, describe the anticipated impact to the agency including any fiscal impact.</p>	<p>Additional staffing required to implement the provisions of this bill would result in technology infrastructure and licensing costs. Assuming employees are located in office space outside of existing offices, additional undetermined infrastructure costs will be incurred based on number, location and suitability</p> <ul style="list-style-type: none"> • For 5 additional senior sanitation and safety specialist FTEs: <ul style="list-style-type: none"> ○ Non-recurring costs for iPads - \$4,500.00 ○ Non-recurring costs software licenses – \$450.00 ○ Recurring software license maintenance and data service- \$2,440.00
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

<p>If yes, describe the anticipated impact including any fiscal impact.</p>	<p>Click or tap here to enter text.</p>
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ADDITIONAL COMMENTS

Division of Hotels and Restaurants: While the bill does not directly provide disciplinary consequences, the bill opens up the possibility of fines under s. 509.261(1)(a), F.S., by creating a new requirement in chapter 509. The bill does not authorize the division to adopt rules for enforcement of the act and does not direct how or what the division must review to verify the completion, accreditation and validity of criminal, background and registry checks. It is unclear if division staff would be responsible for verifying that identities of employees match the key and background/criminal history logs or if division staff would be responsible for verifying who is an employee versus a non-employee (landlord). For the purposes of determining compliance with the background check and key maintenance log requirements, it is estimated that an additional 30 minutes would be added to the total time necessary to complete an apartment inspection.

The bill is unclear if the background screening requirements apply only to new apartment employment applicants or if the requirements will retroactively apply to staff already employed at an apartment. The bill does not specify that the background checks apply to only to a certain employment category at apartments, so it is assumed that the background and criminal history checks applies to all employees including maintenance, office staff, rental agents, managers, etc.

It is the division's understanding that there are different levels of criminal/background checks, each with different parameters and search regions. A level 2 background check completed through FDLE will cost the individual or business \$72.99 but a check through a private company could cost from \$60-\$100 per screening. It is unclear if a level 2 background check will satisfy the requirements of the act or if requestors can provide specific search parameters for each background check. It is likely that some landlords will shift the costs associated with conducting the background checks onto the tenant as part of the landlord's rental program and fees.

The Florida Department of Law Enforcement's Sexual Offenders and Predators search engine provides a statement that the information provided is for public access and FDLE does not confirm the accuracy of the information. (<https://offender.fdle.state.fl.us/offender/sops/home.jsf>) It is the division's understanding that sexual offender and predator regulations differ from state to state, that there is no national registry that encompasses all data for both sex offenders and sexual predators, and that a background/criminal history will show convictions of being an offender or predator but not if an individual is actually registered as a sex offender or sexual predator. It is also the division's understanding that sexual offenders and predators must by law complete any necessary registrations themselves, so it can be assumed that any available list may not be all encompassing. Additionally, any criminal, registry or background information gathered is

specific to data present at the time, and the bill does not require additional checks or set a schedule of checks throughout an individual's employment with an apartment.

The Division of Hotels and Restaurants currently licenses 19,261 transient and non-transient apartments. Using the FDLE rate of \$72.99 per person, the total fiscal impact to license holders to process one employee per license is \$1,405,860.39. However, the associated costs will likely be greater because some properties have multiple employees requiring screening. The division reviewed a National Apartment Association document from June 2020 which states "Regarding onsite personnel, the age-old, general rule is one office staff and one maintenance staff per 100 units. While there are various factors to consider with all staffing situations, this has been the formula for most owners, operators and developers when calculating personnel expenses." The Division of Hotels and Restaurants has noted an average growth of 0.42% in the number of apartment licenses and an average increase of 17.73% in the number of apartment units over the last five fiscal years. Currently, each apartment license has an average of 67 units, with 2,416 licenses having 200 or more units (12.5% of 19,261 licenses). Based on this, the minimum estimated average fiscal impact to license holders would be \$3,164,408.46.

Licenses with 100 or less units= 16,845 x 2 employees each x \$72.99= \$2,459,033.10.

Licenses with 200 or more units= 2,416 x 4 employees each x \$72.99= \$705,375.36

Section 4 sets requirements for tracking dwelling unit keys but does not account for the possibility of an individual duplicating and misusing keys or for apartments using electronic programmable key cards instead of traditional metal keys. Additionally, smaller apartments may not have an office on-site and the bill is unclear how compliance can be achieved during inspection in this situation.

Estimated Division Field Inspection Staff Needed

Since the implementation of Human Trafficking training requirements in January 2021, the division has conducted 26,845 total public lodging service inspections, at which 21.2% of lodging establishments were cited for lack of Human Trafficking training or signage, resulting in 9,928 violations. The division projects that there will be the same percentage of employee background check violations in apartments as there are Human Trafficking training violations in all public lodging establishments. In FY 2020-21, there were 18,774 apartment inspections conducted. Assuming the same number of inspections for FY 2022-23, there will be an estimated 3,980 lodging employee training violations (18,774 x 0.212 = 3,980.09).

After the initial inspections finding 3,980 violations of the background check /criminal history requirement, the division must make implementation assumptions to estimate the fiscal impact of the bill:

Assuming some hands-on division follow-up is necessary; a Senior Inspector will conduct a callback inspection after the division receives notice from the establishment that compliance has been achieved. When conducting the callback inspection, the established policies and procedures, and the number of employees, as documented by the Senior Inspector, can be observed and recorded during the visit. The fines will be administratively assessed based on this information. This scenario will require a minimum of 1 callback inspection for each establishment that had a violation, or 3,980 callback inspections.

Staff calculation

- | | | |
|----|--|----------|
| 1. | Workload: Additional Callback Inspections | 3,980 |
| 2. | Inspections per inspector, per year | 785 |
| 3. | Number of additional inspection FTEs required: | 5.07 FTE |
| | (3,980 required annual inspections divided by 785 inspections per inspector, per year = 5.070) | |

Total anticipated Division of Hotels and Restaurants staff needed: 5 senior sanitation and safety specialist FTE. Estimated additional costs \$475,480 (\$346,795 recurring). The funding source for these expenditures will be the Hotel & Restaurants Trust Fund.

OGC Division Counsel Comments:

The proposed legislative changes will likely result in additional workload for legal staff due to more administrative complaints being issued. The potential increase is indeterminate at this time.

OGC Rules: No additional comments.

DSO: No impact.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	As noted above, the proposed legislative changes will likely result in additional workload for legal staff due to more administrative complaints being issued. The potential increase is indeterminate at this time.
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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1236

INTRODUCER: Senator Jones

SUBJECT: County and Municipal Detention Facilities

DATE: January 24, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Siples/Hunter	Ryon	CA	Favorable
2.	_____	_____	CJ	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1236 establishes the Florida Model Jail Standards (FMJS) Commission to develop and maintain model standards for county and municipal detention facilities. The FMJS Commission is comprised of seven members appointed by the Florida Sheriffs Association (FSA) and the Florida Association of Counties.

The bill requires every sheriff, county, city, or other entity that operates a county or municipal detention facility to adopt, at a minimum, the approved FMJS, which address the construction, equipping, maintenance, and operation of county and municipal detention facilities, as well as the confinement and classification of prisoners.

Under the bill's provisions, each county or municipal detention facility must be inspected at least twice annually. One inspection is announced and the other inspection is unannounced. The announced inspection evaluates a facility's compliance with all the FMJS and the unannounced inspection is limited to a review for serious violations. The two inspections must be at least 120 days apart.

The bill prohibits a county or municipal detention facility from refusing to be inspected or refusing access to its facility. If the officer in charge of the facility so refuses, then his or her salary must be withheld and deposited in the facility's inmate welfare fund for each day the person refuses such inspection or access. The penalty applies regardless of whether the person is elected, appointed, or an employee of a county, city, or other political division of the state.

The bill provides if, upon inspection, a facility is noncompliant with the FMJS, it has 30 days to cure the noncompliance, if it is not a serious violation. If it is a serious violation, the facility has 24 days to cure the noncompliance. For notable, or non-serious violations, the facility will be re-inspected within 10 days after the 30-day correction period. If it is still noncompliant, the facility will have 15 days to cure the noncompliance and a second re-inspection will be conducted within

48 hours thereafter. For serious violations, the facility will be re-inspected within 48 hours after the serious violation was first observed. If a facility continues to be noncompliant on a notable violation after the first and second re-inspection or on a serious violation after the re-inspection, it will be subject to penalties.

The bill assigns the following penalties for noncompliance with the FMJS:

- If an annual inspection reveals that a detention facility is noncompliant with a notable violation and the noncompliance is not corrected within the initial 30-day correction period, the facility must pay the following amount into the facility's inmate welfare fund for each day that the facility is not in compliance with the FMJS:
 - \$500 per day of noncompliance for the 31st day through the 60th day;
 - \$1,000 per day of noncompliance for the 61st day through the 90th day; and
 - \$2,000 per day of noncompliance for the 91st day and all remaining days.
- If an annual inspection reveals that a detention facility is noncompliant with a serious violation and the noncompliance is not corrected within 24 hours after its discovery, the facility must pay \$2,000 per day that the FMJS Commission determines that the facility is noncompliant.

In addition to the above-listed penalties, if a second re-inspection for a notable violation or a serious violation reveals that the detention facility continues to be noncompliant, the facility must cease operation of the detention facility within 14 days and must contract with one or more other detention facilities to house its prisoners until the facility is determined to be in compliance with the FMJS. The 14-day time period commences upon:

- The expiration of the appeal process, as provided in the FMJS;
- The facility failing to file a timely appeal; or
- The conclusion of an appeal process that results in a finding that the detention facility is noncompliant with the FMJS.

If the detention facility consists of separate detention campuses, only the campus that is determined to be noncompliant must cease operations. The receiving facility must be in compliance with the FMJS and the noncompliant facility is responsible for the costs accrued by the receiving facility for housing its prisoners.

The bill revises the definitions of “county detention facility” and “municipal detention facility.”

The bill may have a fiscal impact on both the private and government sector. See Section V. Fiscal Impact Statement.

The bill takes effect on July 1, 2022.

II. Present Situation:

County and Municipal Detention Facilities

A county detention facility is any county jail, stockade, work camp, residential probation center, or any other place except a municipal detention facility used by a county or county officer for the

detention of persons charged with or convicted of either a felony or misdemeanor.¹ Sheriffs operate the majority of county detention facilities, with counties operating the remainder.² County detention facilities house inmates who have been arrested and are awaiting trial, as well as inmates who have been convicted and sentenced to less than one year of incarceration or awaiting transfer to the Department of Corrections (DOC).

The DOC reports that approximately 55,150 inmates were incarcerated in the state's county detention facilities during the month of October 2021.³

A municipal detention facility is a city jail, stockade, prison camp, or any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of a violation of municipal laws or ordinances.⁴

Florida Model Jail Standards

Prior to 1996, the Department of Corrections was responsible for the standards and inspection process for local jails.⁵ In 2006, the Legislature enacted legislation that established a five-person workgroup, consisting of three persons appointed by the Florida Sheriffs Association (FSA) and two persons appointed by the Florida Association of Counties, to develop model standards for county and municipal detention facilities.⁶ The model standards developed by the workgroup must address:

- The construction, equipping, maintenance, and operation of county and municipal detention facilities, including the:
 - Cleanliness and sanitation;
 - Number of prisoners who may be housed per specified unit of floor space;
 - Quality, quantity, and diversity of food served and the manner in which food is served;
 - Furnishing of medical attention and health and comfort items; and
 - Disciplinary treatment which may be meted out to prisoners.
- The confinement of prisoners by classification and providing, whenever possible, for classifications that separate males from females, juveniles from adults, felons from misdemeanants,⁷ and those awaiting trial from those convicted. Additionally, it should provide for the separation of special risk prisoners, such as the mentally ill, suicide risks,

¹ Section 951.23(1)(a), F.S.

² For example, the county commissions operate the county detention facilities in Escambia, Gulf, Jackson, Miami-Dade, Okaloosa, Orange, Osceola, and Volusia counties (see <https://myescambia.com/our-services/corrections/community-detention>; http://www.gulfcountry-fl.gov/county_government/detention_facility; <https://jacksoncountyfl.gov/services/correctional-facility/>; <https://www.miamidade.gov/global/corrections/home.page>; <http://www.co.okaloosa.fl.us/corrections/history>; http://www.ocfl.net/tabid/367/default.aspx#.X_MzJthKiUj; <https://www.osceola.org/agencies-departments/corrections/about/>; and <https://www.volusia.org/services/public-protection/corrections/>; respectively (all websites last visited January 20, 2022)).

³ Department of Corrections, *Florida County Detention Facilities Average Inmate Population*, November 2020, p. 2, available at <http://www.dc.state.fl.us/pub/jails/2021/jails-2021-10.pdf> (last visited January 20, 2022).

⁴ Section 951.23(1)(d), F.S.

⁵ Florida Sheriffs Association, *Florida Model Jail Standards: What is FMJS?*, available at <https://www.flsheriffs.org/law-enforcement-programs/training/florida-model-jail-standards> (last visited January 20, 2022).

⁶ Section 951.23(4)(a), F.S. See also s. 31, ch. 96-312, Laws of Fla.

⁷ However, non-dangerous felons may be housed with misdemeanants.

drug and alcohol addicts, sex deviants, and any other classification the local unit deems necessary.⁸

The Florida Model Jail Standards (FMJS) are minimum standards that county and municipal detention facilities in Florida must meet to ensure the constitutional rights of those incarcerated are upheld.⁹ The FMJS Committee, the group created to comply with s. 951.23, F.S., develops the FMJS and enforces the model standards it has adopted.¹⁰ The FSA provides support to the FMJS Committee, but is a separate entity. The FMJS Committee has six subcommittees, each with a distinct mission and objective:

- Quality Assurance and Improvement Subcommittee, which monitors and reviews the status of the FMJS program and its effectiveness;
- Standards Review Subcommittee, which maintains a professional manual consistent with the most current practices in the corrections industry for adult and youth detention facilities;
- Medical Subcommittee, which fosters the effectiveness of the medical care and health of individuals incarcerated in county detention facilities;
- Compliance Review Subcommittee, which objectively conducts reasonable reviews of facility inspection results and remains unbiased while reviewing facility grievances and presenting clear and concise evidence to the full FMJS Committee;
- Training Subcommittee, which establishes a training curriculum for the Jail Inspectors and Jail Medical Inspectors certification program;
- PREA Subcommittee, which establishes a set of minimum model jail standards as required by the Prison Rape Elimination Act of 2003 (PREA); and
- Technical Support Subcommittee, which responds to, reviews, and makes recommendations of issues that are directly related to corrections as directed by the full FMJS Committee.¹¹

Once the FMJS were adopted by the FSA and the Florida Association of Counties, they were filed with the Department of State.¹² The FMJS Committee performs a biannual review of all existing standards.¹³ Amendment or repeal of any provision of the FMJS is within the discretion of the FMJS Committee.¹⁴

The FMJS Committee provides notice of all its proceedings, as well as any adoption, amendment, or repeal of provisions of the FMJS, to all county and municipal detention facilities.¹⁵ Notice of any official FMJS Committee business is available, upon request, to the public.

⁸ *Supra* note 6.

⁹ *Supra* note 5.

¹⁰ *Id.*

¹¹ *Id.*

¹² Florida Sheriffs Association and Florida Association of Counties, *Florida Model Jail Standards*, pg. 10 (Eff. Apr. 1, 2021), available at https://www.flsheriffs.org/uploads/docs/FMJS_Manual_Eff_04_01_21.pdf (last visited January 20, 2022).

¹³ *Id.*, at pg. 74.

¹⁴ *Id.*, at pg. 10.

¹⁵ *Id.*, at pg. 74.

FMJS Certified Inspectors

FMJS Certified Jail Inspectors have successfully completed the FMJS Inspector Certification Course and are recognized by the FMJS Committee to conduct correctional operations inspections.¹⁶ To qualify as a FMJS Certified Jail Inspector, an individual must:

- Be actively employed or a retired certified correctional officer with five years' experience in the care, custody, and control of inmates or a civilian employee with eight years of experience in jail operations; and
- Have written endorsement(s) from the candidate's Sheriff. If the candidate is not employed by a Sheriff's office, written endorsement must be submitted by the Chief Executive Officer of the correctional facility with which the candidate is employed.¹⁷

Certified Jail Inspectors must be re-certified every four years and successfully pass the certification exam prior to a new certification being issued. Each FMJS Certified Jail Inspector must complete one jail inspection each year in order to maintain his or her certification. The FMJS Certified Jail Inspectors must report their inspection activity to the FMJS Committee Chair and the FSA each year for compliance.¹⁸

FMJS Certified Medical Inspectors have successfully completed the FMJS Medical Inspector Certification Course and are recognized by the FMJS Committee to conduct medical compliance inspections.¹⁹ To qualify as a FMJS Certified Medical Inspector, an individual must:

- Be a Florida-licensed physician, nurse, advanced practice registered nurse, physician assistant, emergency medical technician, or paramedic;
- Be actively employed or retired from active employment in a jail or prison setting for a minimum of three years; and
- Have written endorsement(s) from the candidate's Sheriff, and if services are contracted, an endorsement from the candidate's employing Chief Executive Officer. If the candidate is not employed by a Sheriff's office, written endorsement must be submitted by the Chief Executive Officer of the correctional facility with which the candidate is employed.²⁰

Certified Medical Inspectors must be re-certified every four years and to recertify, the Certified Medical Inspector must complete a classroom re-certification course and successfully pass the test, and successfully complete a refresher course every four years.²¹ Each FMJS Certified Medical Inspector must complete one medical inspection each year in order to maintain his or her certification. The FMJS Certified Medical Inspectors must report their inspection activity to the FMJS Committee Chair and the FSA each year for compliance.²²

Currently, there are 180 Certified Jail Inspectors and 54 Certified Medical Inspectors.²³

¹⁶ *Id.*, at pgs. 10-11.

¹⁷ *Id.*, at pg. 11.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*, at pgs. 11-12.

²¹ *Id.*, at pg. 12.

²² *Id.*, at pg. 11.

²³ Email from Matt Dunagan, Deputy Director of Operations, Florida Sheriffs Association (Jan. 21, 2022) (on file with the Senate Committee on Community Affairs).

Inspections

The officer-in-charge²⁴ of a facility must contract with or arrange for a FMJS Certified Inspector(s) to inspect all county and municipal jail facilities, at least annually.²⁵ The inspection is comprised of two components: correctional operations and medical compliance.²⁶

The FMJS Certified Jail or Medical Inspector must report his or her findings to the officer-in-charge, within 14 days of the inspection.²⁷ If the report indicates one or more violations, the officer-in-charge must develop a corrective action plan, which specifies the corrective action to be taken, the timetable for such corrective action, and the resources to be used. The officer-in-charge must forward a copy of the corrective action plan to the FMJS Chairperson within 30 days after receipt of the inspection report. The inspection report, responses, and other documents prepared by the FMJS inspector(s) or officer-in-charge are public records and subject to review under ch. 119, F.S.²⁸

If action is not taken to correct violations, a facility may be subject to s. 951.23(6), F.S. Under this provision, if a court finds that a county or municipal detention facility does not meet minimum standards, it may order all or some of the prisoners to be removed and confined to another facility within the same county or municipality or in some other county or municipality. In such cases, the costs of maintaining the removed prisoners is borne by the county or municipality from which the prisoners have been removed.²⁹

Violations

Under the FMJS, there are two categories of violations: serious violations and notable violations. A serious violation is a violation or condition that appears to pose a substantial and immediate danger to the life, health, or safety of one or more prisoner or employee.³⁰

If a FMJS Certified Inspector observes a serious violation, he or she must immediately notify the officer-in charge of the violation and the duty to correct. The officer-in-charge must ensure corrective action be taken within 24 hours and must submit a report in response to the violation. A re-inspection must be completed within 48 hours of the time when the serious violation was first observed to determine whether it has been corrected. Examples of a serious violation include:

- Failure of the policy and procedure directives to contain emergency plans and tool, knife, and firearms control;
- Persons assigned to food service areas known to have or suspected of having communicable diseases, open wounds, sores, or respiratory infections;
- Failure to provide a modified diet when ordered by the health authority, if such denial would be immediately detrimental to the health and wellbeing of prisoner(s);

²⁴ The “officer-in-charge” is the Sheriff, Chief Correctional Officer, or any correctional administrator appointed by a City or County Board of Commissioners.

²⁵ *Supra* note 12, at pg. 12. The annual inspection must be completed by December 31st each year.

²⁶ The units may not be self-inspected.

²⁷ *Supra* note 12, at pg. 14.

²⁸ *Id.*

²⁹ Section 951.23(6)(b), F.S.

³⁰ *Id.*, at pgs. 8 and 14.

- Failure to provide separate storage for poisons and hazardous chemicals away from food;
- Failure to establish agreement with one or more health providers to provide emergency services;
- Failure to maintain first aid supplies on premises;
- Failure to have at least one staff member on duty trained in the delivery of first aid care and CPR;
- Permitting firearms and ammunition in secure areas of the facility except in the case of an emergency, and approved by the officer-in-charge;
- Failure to meet fire, safety, and prevention standards by a state certified fire inspector as being life threatening; and
- Failure to comply with the FMJS provisions related to restrictive housing of pregnant prisoners, a secondary means of egress or fire exit from each housing area and floor where inmates are housed, and prohibition on prisoners from supervising, controlling, exerting, or assuming any authority over other prisoners.³¹

A notable violation is any deficiency to the standards that is not a “serious violation.”³²

Inmate Commissary and Welfare Fund

Section 951.23(9), F.S., authorizes commissaries to be operated in detention facilities. If a commissary is established, an inmate welfare fund must also be established. Profits from the commissary must be used for overall inmate welfare, and an inmate welfare fund committee must recommend the expenditures that are to be made.³³ However, profits may also be used to pay for expenses related to such operation, including compensation for commissary employees and gratuities for prisoners who assist such employees.³⁴

III. Effect of Proposed Changes:

Revisions to Definitions

The bill revises the definition of “county detention facility” to include facilities operated by either a board of county commissioners, a sheriff, or another entity. Similarly, the bill revises the definition of “municipal detention facility” to include facilities operated by a city or other entity.

Model Jail Standards

The bill repeals the current five-person workgroup, and establishes the seven-member Florida Model Jail Standards Commission as the entity responsible for developing and maintaining model standards for county and municipal detention facilities. The FMJS Commission is to be comprised of:

- Four persons appointed by the FSA, three of whom must be currently elected sheriffs and one must be a Florida-licensed physician with at least two years’ experience in correctional health care; and

³¹ *Id.*, at pgs. 15-16.

³² *Id.*, at pgs. 7 and 16.

³³ Section 951.23(9)(d), F.S.

³⁴ Section 951.23(9)(c), F.S.

- Three persons appointed by the Florida Association of Counties, one of whom must be a currently elected county commissioner, one must be an experienced jail administrator of a Florida county jail operated by a county, and one must be a Florida-licensed psychiatrist with at least two years' experience in correctional psychiatry.

The bill requires every sheriff, county, city, or other entity that operates a county or municipal detention facility to adopt, at a minimum, the commission-approved FMJS, with respect to:

- The construction, equipping, maintenance, and operation of county and municipal detention facilities, including the:
 - Cleanliness and sanitation;
 - Number of prisoners who may be housed per specified unit of floor space;
 - Quality, quantity, and diversity of food served and the manner in which food is served;
 - Furnishing of medical attention and health and comfort items; and
 - Disciplinary treatment which may be meted out to prisoners;
- The confinement of prisoners by classification and providing, whenever possible, for classifications that separate males from females, juveniles from adults, and felons from misdemeanants.³⁵ Additionally, it should provide for the separation of special risk prisoners, such as the mentally ill, suicide risks, drug and alcohol addicts, sex deviants, and any other classification the local unit deems necessary. Special consideration must be given to the appropriate housing of pregnant women; and
- Additional standards relating to inspections, as discussed below.

The bill removes the criteria that those awaiting trial be separated from those who have been convicted.

Inspections

The bill establishes a system for municipal and county detention facilities to be inspected for compliance with the FMJS. The bill requires that the FMJS Commission create and identify criteria and standards for which noncompliance with those provisions result in either a serious or notable violation.

Under the bill, each county and municipal detention facility must be inspected biannually for compliance with the FMJS. One inspection must be announced, with advance notice of the date on which the inspection is to occur, and the other must be a limited, unannounced inspection, with no advanced notice. The announced annual inspection must examine compliance with all of the FMJS. The unannounced inspection is limited to a review for serious violations. The inspections must be at least 120 days apart.

The bill prohibits a facility from refusing to be inspected or refusing access to the facility by FMJS commission inspectors. If a person in charge of a facility refuses to allow inspection or provide access to the facility, then his or her salary must be withheld for each day he or she refuses such inspection or access. The monies withheld must be deposited into the facility's inmate welfare fund. This penalty applies to any person refusing such inspection or access,

³⁵ However, non-dangerous felons may be housed with misdemeanants.

regardless of whether the person is elected, appointed, or an employee of a county, city, or other political subdivision of the state.

If, during one of the inspections, a detention facility is found to be noncompliant with the FMJS, the facility must correct the noncompliance within 30 days. After the 30-day correction period or upon the facility notifying the FMJS Commission that it has corrected its noncompliance, whichever is earlier, the facility must be re-inspected within 10 days. If upon re-inspection, the facility continues to be noncompliant, the facility has 15 days to correct the noncompliance and have a second re-inspection within 48 hours thereafter. If the facility continues to be noncompliant after the first and second re-inspection, then it will be subject to the penalties discussed below.

The bill requires a serious violation to be corrected within 24 hours and a re-inspection must occur within 48 hours after the violation was first observed. A re-inspection may occur prior to the expiration of the 24-hour period if the facility notifies the FMJS Commission that it has cured the noncompliance. If upon re-inspection, the facility continues to be noncompliant, then it will be subject to the penalties discussed below.

Penalties for Noncompliance

The bill assigns the following penalties for noncompliance with the FMJS:

- If an annual inspection reveals that a detention facility is noncompliant with a notable violation and the noncompliance is corrected within the initial 30-day correction period, there is no penalty.
- If an annual inspection reveals that a detention facility is noncompliant with a notable violation and the noncompliance is not corrected within the initial 30-day correction period, the facility must pay the following amount into the facility's inmate welfare fund for each day that the facility is not in compliance with the FMJS:
 - \$500 per day of noncompliance for the 31st day through the 60th day;
 - \$1,000 per day of noncompliance for the 61st day through the 90th day; and
 - \$2,000 per day of noncompliance for the 91st day and all remaining days.
- If an annual inspection reveals that a detention facility is noncompliant with a serious violation and the noncompliance is corrected within 24 hours after its discovery, there is no penalty.
- If an annual inspection reveals that a detention facility is noncompliant with a serious violation and the noncompliance is not corrected within 24 hours after its discovery, the facility must pay \$2,000 per day that the FMJS Commission determines that the facility is noncompliant.

In addition to the above-listed penalties, if a second re-inspection for a notable violation or a serious violation reveals that the detention facility continues to be noncompliant, the facility must cease operation of the detention facility within 14 days and must contract with one or more other detention facilities to house its prisoners until the facility is determined to be in compliance with the FMJS. The 14-day time period commences upon:

- The expiration of the appeal process, as provided in the FMJS;
- The facility failing to file a timely appeal; or

- The conclusion of an appeal process that results in a finding that the detention facility is noncompliant with the FMJS.

If the detention facility consists of separate detention campuses, only the campus that is determined to be noncompliant must cease operations. The receiving facility must be in compliance with the FMJS and the noncompliant facility is responsible for the costs accrued by the receiving facility for housing its prisoners. The bill provides that the penalty for noncompliance during a second re-inspection for a notable violation or a serious violation may not be deemed to limit or prevent any other remedies or causes of action against a facility or an entity that operates a facility that may be brought under any other law, ordinance, or rule.

The bill provides the following definitions:

- “Commission” means the Florida Model Jail Standards Commission, as provided in s. 951.23(4)(a), F.S.
- “County detention facility” has the same meaning as in s. 951.23, F.S.
- “Jail standards” means the Florida Model Jail Standards, established by the commission, as set forth in s. 951.23(4)(a), F.S.
- “Municipal detention facility” has the same meaning as in s. 951.23, F.S.

The bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. Under the bill, a county or municipality may need to expend funds to make improvements to a local detention facility in order to comply with the standards developed by the Florida Model Jail Standards Commission. Additionally, a county or municipality may be responsible for the cost of each inspection of a facility, which will occur biannually. Laws having an “insignificant fiscal impact” are exempt from the mandate requirements, which for Fiscal Year 2021-2022 is forecast at approximately \$2.3 million.^{36,37,38}

If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

³⁶ FLA. CONST. art. VII, s. 18(d).

³⁷ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 7, 2022).

³⁸ Based on the Florida Demographic Estimating Conference’s March 3, 2021 population forecast for 2022 of 22,245,429. The conference packet is available at: <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Jan. 7, 2022).

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:

The FMJS Commission may incur administrative and operational costs related to the inspection of county and municipal detention facilities and the enforcement of the FMJS. The bill is not clear on which entity pays for the cost of the inspection. If the cost is to be borne by the FMJS Commission, then it will incur that cost. Individuals who refuse to comply with the bill's inspection or access requirements, will be subject to a loss of wages.

C. Government Sector Impact:

County or municipal detention facilities who are not in compliance with the FMJS may incur costs associated with complying with the standards. The bill is not clear on which entity pays for the cost of the inspection. If the cost is to be borne by the facility, then county and municipal detention facilities will incur that cost.

VI. Technical Deficiencies:

It is unclear how the penalties assessed under the bill will be enforced if a county or municipal entity refuses or is unable to pay the fines, or refuses to withhold the wages of an individual who refuses to allow inspection or access to the detention facility.

VII. Related Issues:

Employers that fail to pay the earned wages of an employee in a timely manner may be subject to legal action under applicable state and federal law.³⁹

VIII. Statutes Affected:

This bill substantially amends section 951.23 of the Florida Statutes.

This bill creates section 951.2302 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.

³⁹ See generally, pt. I, ch. 448, F.S., and Fair Labor Standards Act, 29 U.S.C. s. 201, et.al.

By Senator Jones

35-00828-22

20221236__

1 A bill to be entitled
 2 An act relating to county and municipal detention
 3 facilities; amending s. 951.23, F.S.; revising the
 4 definitions of the terms "county detention facility"
 5 and "municipal detention facility"; creating the
 6 Florida Model Jail Standards Commission to supersede a
 7 working group; prescribing the commission's
 8 membership; specifying that each entity that operates
 9 a municipal or county detention facility shall adopt
 10 the Florida Model Jail Standards approved by the
 11 commission; specifying minimum commission standards;
 12 creating s. 951.2302, F.S.; defining terms; requiring
 13 the jail standards to include criteria and standards
 14 for what actions result in serious violations and
 15 notable violations; specifying that the jail standards
 16 must require that each county detention facility and
 17 municipal detention facility be inspected, at a
 18 minimum, twice annually; prohibiting any person in
 19 charge of a county detention facility or municipal
 20 detention facility from refusing to be inspected or
 21 refusing access to commission inspectors; providing
 22 annual inspection requirements; providing procedures
 23 and requirements for reinspections of detention
 24 facilities due to noncompliance; providing timeframes
 25 within which detention facilities must correct
 26 violations; providing financial penalties for persons
 27 in charge of detention facilities who refuse to allow
 28 inspections or who refuse to provide access to
 29 detention facilities, or for facilities found to be

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

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30 noncompliant with the jail standards during an annual
 31 inspection or any reinspection; requiring certain
 32 noncompliant detention facilities to cease operations
 33 and contract with other detention facilities for
 34 inmate housing under certain circumstances; requiring
 35 that the assessed financial penalties be deposited
 36 into the detention facility's inmate welfare fund;
 37 providing an effective date.

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

40 Section 1. Paragraphs (a) and (d) of subsection (1) and
 41 paragraph (a) of subsection (4) of section 951.23, Florida
 42 Statutes, are amended to read:

44 951.23 County and municipal detention facilities;
 45 definitions; administration; standards and requirements.—

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

47 (a) "County detention facility" means a county jail, a
 48 county stockade, a county work camp, a county residential
 49 probation center, and any other place except a municipal
 50 detention facility used by a county or county officer for the
 51 detention of persons charged with or convicted of ~~a either~~
 52 felony or a misdemeanor, regardless of whether such facility is
 53 operated by a board of county commissioners, a sheriff, or any
 54 other entity.

55 (d) "Municipal detention facility" means a city jail, a
 56 city stockade, a city prison camp, and any other place except a
 57 county detention facility used by a municipality or municipal
 58 officer for the detention of persons charged with or convicted

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59 of violation of municipal laws or ordinances, regardless of
60 whether such facility is operated by a city or any other entity.

61 (4) STANDARDS FOR SHERIFFS AND CHIEF CORRECTIONAL
62 OFFICERS.—

63 (a) There ~~is shall be~~ established the Florida Model Jail
64 Standards Commission, a seven-member commission ~~five member~~
65 ~~working group~~ consisting of four ~~three~~ persons appointed by the
66 Florida Sheriffs Association, three of whom must be currently
67 elected sheriffs and one of whom must be a Florida licensed
68 physician with at least 2 years of experience in correctional
69 health care, and three ~~two~~ persons appointed by the Florida
70 Association of Counties, of whom one must be a currently elected
71 county commissioner, one must be an experienced jail
72 administrator of a Florida county jail operated by a county, and
73 one must be a Florida licensed psychiatrist with at least 2
74 years of experience in correctional psychiatry, to develop and
75 maintain minimum model standards for county and municipal
76 detention facilities. Every sheriff, county, city, or other
77 entity that operates a municipal detention facility or a county
78 detention facility ~~By October 1, 1996, each sheriff and chief~~
79 ~~correctional officer~~ shall adopt, at a minimum, the Florida
80 Model Jail Standards approved by the commission with reference
81 to all of the following:

82 1.a. The construction, equipping, maintenance, and
83 operation of county and municipal detention facilities.

84 b. The cleanliness and sanitation of county and municipal
85 detention facilities; the number of county and municipal
86 prisoners who may be housed therein per specified unit of floor
87 space; the quality, quantity, and supply of bedding furnished to

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88 such prisoners; the quality, quantity, and diversity of food
89 served to them and the manner in which it is served; the
90 furnishing to them of medical attention and health and comfort
91 items; and the disciplinary treatment which may be meted out to
92 them.

93
94 Notwithstanding the provisions of the otherwise applicable
95 building code, a reduced custody housing area may be occupied by
96 inmates or may be used for sleeping purposes as allowed in
97 subsection (7). The sheriff or chief correctional officer shall
98 provide that a reduced custody housing area shall be governed by
99 fire and life safety standards which do not interfere with the
100 normal use of the facility and which affect a reasonable degree
101 of compliance with rules of the State Fire Marshal for
102 correctional facilities.

103 2. The confinement of prisoners by classification and
104 providing, whenever possible, for classifications which separate
105 males from females, juveniles from adults, and felons from
106 misdemeanants, and those awaiting trial from those convicted
107 ~~and~~, in addition, providing for the separation of special risk
108 prisoners, such as the mentally ill, alcohol or narcotic
109 addicts, sex deviates, suicide risks, and any other
110 classification which the local unit may deem necessary for the
111 safety of the prisoners and the operation of the facility
112 pursuant to degree of risk and danger criteria. Nondangerous
113 felons may be housed with misdemeanants. Special consideration
114 must be given to the appropriate housing of pregnant women.

115 3. The additional jail standard requirements provided for
116 under s. 951.2302.

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117 Section 2. Section 951.2302, Florida Statutes, is created
 118 to read:

119 951.2302 Inspection of county and municipal detention
 120 facilities; penalties for noncompliance with jail standards.-

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

122 (a) "Commission" means the Florida Model Jail Standards
 123 Commission as provided in s. 951.23(4)(a).

124 (b) "County detention facility" has the same meaning as in
 125 s. 951.23.

126 (c) "Jail standards" means the Florida Model Jail Standards
 127 established by the commission, as set forth in s. 951.23(4)(a).

128 (d) "Municipal detention facility" has the same meaning as
 129 in s. 951.23.

130 (2) VIOLATIONS CRITERIA.-The jail standards must create and
 131 identify criteria and standards for which noncompliance with
 132 those provisions results in a serious violation or a notable
 133 violation.

134 (3) TYPE AND FREQUENCY OF INSPECTIONS.-The jail standards
 135 must require that each county detention facility and municipal
 136 detention facility be inspected, at a minimum, twice annually,
 137 as outlined in this section, for compliance with the jail
 138 standards. Each inspection must occur at least 120 days apart. A
 139 county detention facility or municipal detention facility may
 140 not refuse to be inspected or refuse access to the facility by
 141 commission inspectors. If any person in charge of a county
 142 detention facility or municipal detention facility refuses to
 143 allow inspection of the facility or to provide access to the
 144 facility, he or she shall be subject to the penalties in
 145 paragraph (5)(f).

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146 (a) One of the annual inspections must be announced, with
 147 advance notice of the date on which the inspection will commence
 148 provided to the detention facility. The announced annual
 149 inspection must include an inspection of compliance with all
 150 jail standards.

151 (b) One of the annual inspections must be a limited,
 152 unannounced inspection, with no advance notice provided to the
 153 detention facility. The scope of the unannounced annual
 154 inspection must be limited to a review for serious violations.

155 (4) REINSPECTIONS.-

156 (a) If an announced or unannounced annual inspection finds
 157 a detention facility to be noncompliant with the jail standards
 158 for a notable violation, the facility must correct the
 159 noncompliance within 30 days and must be reinspected within 10
 160 days after the 30-day correction period, or upon the facility
 161 notifying the commission that it has corrected its
 162 noncompliance, whichever is earlier. If upon reinspection the
 163 detention facility is still found to be noncompliant, the
 164 facility must correct the noncompliance within 15 days and must
 165 have a second reinspection within 48 hours thereafter. If the
 166 detention facility is found to be noncompliant during the second
 167 reinspection, the penalties and procedures set forth in
 168 paragraph (5)(e) shall apply. This paragraph does not prevent
 169 reinspection from occurring before the expiration of the
 170 timeframes stated in this paragraph if a detention facility
 171 notifies the commission that it has cured the noncompliance
 172 before the expiration of such timeframes.

173 (b) If an announced or unannounced annual inspection finds
 174 a detention facility to be noncompliant with the jail standards

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175 for a serious violation, the facility must correct the
 176 noncompliance within 24 hours and must be reinspected within 48
 177 hours after the violation was first observed. This paragraph
 178 does not prevent reinspection from occurring before the
 179 expiration of the 24-hour period if a detention facility
 180 notifies the commission that it has cured the noncompliance
 181 before such time. If the detention facility is found to be
 182 noncompliant during the reinspection, the penalties and
 183 procedures set forth in paragraph (5)(e) shall apply.
 184 (5) PENALTIES FOR NONCOMPLIANCE WITH JAIL STANDARDS.—The
 185 following penalties shall apply to any person in charge of a
 186 detention facility who refuses to allow an inspection or to
 187 provide access to a facility, or to a detention facility that is
 188 found to be noncompliant with the jail standards during an
 189 annual inspection or any reinspection:
 190 (a) If an annual inspection reveals that a detention
 191 facility is noncompliant with the jail standards for a notable
 192 violation and the noncompliance is corrected within the initial
 193 30-day correction period, there is no penalty.
 194 (b) If an annual inspection reveals that a detention
 195 facility is noncompliant with the jail standards for a notable
 196 violation, and the noncompliance is not corrected within the
 197 initial 30-day correction period, the facility must pay into the
 198 facility's inmate welfare fund the following specified amounts
 199 per day that the facility is not in compliance until the
 200 noncompliance has been corrected:
 201 1. The 31st day through the 60th day: \$500 per day of
 202 noncompliance.
 203 2. The 61st day through the 90th day: \$1,000 per day of

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204 noncompliance.
 205 3. The 91st day and all remaining days: \$2,000 per day of
 206 noncompliance.
 207 (c) If an annual inspection reveals that a detention
 208 facility is noncompliant with the jail standards for a serious
 209 violation, but the noncompliance is corrected within 24 hours
 210 after its discovery, there is no penalty.
 211 (d) If an annual inspection reveals that a detention
 212 facility is noncompliant with the jail standards for a serious
 213 violation and the noncompliance is not corrected within 24 hours
 214 after its discovery, the facility must pay into the facility's
 215 inmate welfare fund \$2,000 per day that the commission
 216 determines that the facility is noncompliant.
 217 (e) In addition to the penalties set forth in paragraphs
 218 (b) and (d), if a second reinspection for a notable violation or
 219 a serious violation reveals that a detention facility is still
 220 noncompliant with the jail standards, the facility must cease
 221 its operations as a detention facility within 14 days and must
 222 contract with one or more other detention facilities to house
 223 the noncompliant facility's inmates until such time as the
 224 facility is determined to be in compliance with the jail
 225 standards. The receiving detention facility or facilities must
 226 be in compliance with the jail standards in order to house the
 227 noncompliant facility's inmates. However, if a detention
 228 facility consists of separate detention campuses, only the
 229 campus determined to be noncompliant with the jail standards
 230 must cease operations as stated in this paragraph. The 14-day
 231 time period shall commence upon the expiration of the appeal
 232 process specified in the jail standards, with the detention

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233 facility failing to file a timely appeal, or upon the conclusion
234 of the appeal process specified in the jail standards, resulting
235 in a finding that the detention facility is noncompliant with
236 the jail standards. The noncompliant detention facility is
237 responsible for the costs accrued by another detention facility
238 or facilities for housing the noncompliant facility's inmates.
239 This paragraph may not be deemed to limit or prevent any other
240 remedies or causes of action against a facility or an entity
241 that operates a facility which may be brought under any other
242 law, ordinance, or rule.

243 (f) If any person in charge of a county detention facility
244 or municipal detention facility refuses to allow inspection of
245 the facility or to provide access to the facility, such person's
246 salary must be withheld for each day he or she refuses such
247 inspection or access, and the amount withheld must be deposited
248 into the facility's inmate welfare fund. This paragraph applies
249 regardless of whether the person refusing to allow the
250 inspection or refusing access to the detention facility is
251 elected, appointed, or an employee of a county, a city, or any
252 other political subdivision of this state.

253 Section 3. This act shall take effect July 1, 2022.

From: Matt Dunagan
To: [Siples, Yolanda](#)
Subject: Re: Certified Inspectors
Date: Friday, January 21, 2022 9:41:00 AM

Jail 180
Medical 54

Matt Dunagan
Deputy Director of Operations
Florida Sheriffs Association
Sent from my iPhone

On Jan 21, 2022, at 8:04 AM, Siples, Yolanda <Siples.Yolanda@flsenate.gov> wrote:

CAUTION: This email originated from outside of FSA. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Mr. Dunagan,

Can you tell me how many FMJS certified jail and certified medical inspectors are available to do inspections in the state?

Thanks,

Yolanda

Yolanda L. Siples
Criminal Justice Committee
Florida Senate
510 Knott Building
404 S. Monroe St.
Tallahassee, FL 32311
850-487-5197
Siples.yolanda@flsenate.gov

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

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

BILL: SB 1124

INTRODUCER: Senator Gruters

SUBJECT: Preemption of Local Government Wage Mandates

DATE: January 24, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Pre-meeting
2.			CM	
3.			RC	

I. Summary:

The bill substantially revises the preemption of local government wage and employment benefits requirements in current law and renames the law the “Wage Mandate Preemption Act.” The bill provides new definitions for the following terms: “employ,” “employee,” “employer,” “political subdivision,” and “wage mandate.” The term “employer” now explicitly includes “employers that have contracts or subcontracts with a political subdivision or that have received tax abatements, loan guarantees, or other financial assistance from a political subdivision,” which were previously a category of employers and employees that were exempt from state preemption of minimum wage ordinances. “Wage mandate” is a new term added, defined as “any requirement enacted by a political subdivision which requires an employer to pay any or all of its employees a wage rate not otherwise required under state or federal law.”

The bill prohibits political subdivisions from enacting, maintaining, or enforcing any wage mandates in an amount greater than the state minimum wage rate calculated pursuant to s. 24(c), art. X of the State Constitution, and provides that any wage mandates in conflict with the state minimum wage are void.

The bill further provides an exception, allowing political subdivisions to enact, maintain, or enforce minimum wage requirements or other benefits included in a collective bargaining agreement for employees of the political subdivision. Additionally, there is an exception if federal law requires the payment of a prevailing minimum wage to persons working on projects funded in whole or in part by federal funds.

The bill takes effect upon becoming a law.

II. Present Situation:

Federal and State Minimum Wage Laws

In 1938, the United States Congress enacted the federal Fair Labor Standards Act (29 U.S.C. ss. 201, et seq.), establishing an initial federal minimum wage of \$0.25 per hour. The minimum wage for all covered, nonexempt employees has remained at \$7.25 per hour since 2009.¹ The Act includes several exemptions from the federal minimum hourly wage, including:²

- Executive, administrative and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and employees in certain computer-related occupations;
- Employees in certain seasonal amusement or recreational establishments, employees in certain small newspapers, seamen employed on foreign vessels, employees engaged in fishing operations, and employees engaged in newspaper delivery;
- Farm workers employed by anyone who used no more than 500 “man-days” of farm labor in any calendar quarter of the preceding calendar year; and
- Casual babysitters and persons employed as companions for the elderly or infirm.

Employers also must pay tipped employees (e.g., servers in restaurants) who customarily and regularly receive more than \$30 per month in tips the federal minimum wage of \$7.25 per hour. The employer may account for tips received by a tipped employee as part of the wage rate, but must also pay the employee a base wage of at least \$2.13 per hour.³

The Wage and Hour Division of the United States Department of Labor enforces the federal Fair Labor Standards Act, including the federal minimum wage.

According to the United States Department of Labor, five states do not have an established minimum wage requirement: Alabama, Louisiana, Mississippi, South Carolina and Tennessee.

Twenty seven states, Puerto Rico, and the District of Columbia have minimum wage rates higher than the federal rate:⁴

- Alaska (\$10.34)
- Arizona (\$12.80)
- California (\$14.00)
- Colorado (\$12.56)
- Connecticut (\$13.00)
- Florida (\$10.00)
- Illinois (\$12.00)
- Maine (\$12.75)

¹ U.S. Department of Labor, Minimum Wage, available at <https://www.dol.gov/general/topic/wages/minimumwage> (last visited Jan. 19, 2022)

² U.S. Department of Labor, Fair Labor Standards Act Advisor available at: <https://webapps.dol.gov/elaws/whd/flsa/screen75.asp> (last visited Jan. 19, 2022)

³ U.S. Department of Labor, Tipped Employees, available at <https://www.dol.gov/agencies/whd/compliance-assistance/handy-reference-guide-flsa#1> (last visited Jan. 19, 2022)

⁴ U.S. Department of Labor, State Minimum Wage Laws, available at <https://www.dol.gov/agencies/whd/minimum-wage/state> (last visited Jan. 19, 2022)

- Maryland (\$12.50)
- Massachusetts (\$14.25)
- Michigan (\$9.87)
- Minnesota (\$10.33)
- Missouri (\$11.15)
- Montana (\$9.20)
- Nebraska (\$9.00)
- Nevada (\$9.75)
- New Mexico (\$11.50)
- New Jersey (\$13.00)
- New York (\$13.20)
- Ohio (\$9.30)
- Oregon (\$12.75)
- Rhode Island (\$12.25)
- South Dakota (\$9.95)
- Vermont (\$12.55)
- Virginia (\$11.00)
- Washington (\$14.49)
- West Virginia (\$8.75)

Georgia and Wyoming have minimum wage rates lower than the federal minimum wage. If an employee is subject to both a state and federal minimum wage law, the employee is entitled to the higher of the two minimum wages.

The Florida Minimum Wage Act

Under the State Constitution, all working Floridians are entitled to be paid a minimum wage that is sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services in order to avoid economic hardship.⁵ The amount of the minimum wage and the procedure for calculating increases in the minimum wage are established in the State Constitution.⁶ The State Constitution first provided for a minimum wage at an hourly rate of \$6.15, which became effective on May 2, 2005.⁷

On November 3, 2020, Florida voters approved Amendment 2, which amended the State Constitution to gradually increase the state's minimum wage to \$15.00 an hour by the year 2026.⁸ Pursuant to the passage of Amendment 2, on September 30, 2021, Florida's minimum wage increased to \$10.00 per hour. Each year, thereafter, Florida's minimum wage will increase

⁵ FLA. CONST. art. X, s. 24(a).

⁶ FLA. CONST. art. X, s. 24(c).

⁷ The Department of Economic Opportunity annually calculates an adjusted state minimum wage rate by increasing the state minimum wage by the rate of inflation for the 12 months prior to September 1. Each adjusted state minimum wage rate takes effect on the following January 1.

⁸ United States Department of State, Notice of Increase to State of Florida's Minimum Wage, available at <https://www.state.gov/wp-content/uploads/2021/01/2021-01-29-Notice-FL-Minimum-Wage-Increase.pdf> (last visited Jan. 23, 2022).

by \$1.00 until the minimum wage reaches \$15.00 per hour on September 30, 2026.⁹ Beginning in 2027, the minimum wage will be adjusted annually for inflation, as it has been since 2005.

The constitutional provision has been implemented by the Florida Minimum Wage Act.¹⁰ The statute establishes procedures with respect to civil actions alleging violations of its provisions. The Florida minimum wage provisions may be enforced by the bringing of a civil suit by an aggrieved person¹¹ or by the Attorney General.¹²

Power of Local Governments to Enact Minimum Wage Ordinances

Home Rule Power

The State Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹³ Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.¹⁴ Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.¹⁵

Preemption

State preemption precludes a local government from exercising authority in a particular area, and requires consistency with the state constitution or state statute. A local government enactment may be found inconsistent with state law if (1) the Legislature has preempted a particular subject area to the state or (2) the local regulation conflicts with a state statute.¹⁶

Florida law recognizes two types of preemption: express and implied. Express preemption requires a specific legislative statement; it cannot be implied or inferred.¹⁷ Express preemption of a field by the Legislature must be accomplished by clear language stating that intent.¹⁸

⁹ Department of Economic Opportunity, Florida's Minimum Wage, available at https://floridajobs.org/docs/default-source/business-growth-and-partnerships/for-employers/posters-and-required-notice/2021-minimum-wage/september-2021/florida-minimum-wage-september-2021-announcement.pdf?sfvrsn=c12151b0_4 (last visited Jan. 19, 2022)

¹⁰ Section 448.110, F.S.

¹¹ Section 448.110(6), F.S.

¹² Section 448.110(7), F.S.

¹³ FLA. CONST. art. VIII, s. 1(f).

¹⁴ FLA. CONST. art. VIII, s. 1(g).

¹⁵ FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

¹⁶ James R. Wolf and Sarah Harley Bolinder, *The Effectiveness of Home Rule: A Preemption and Conflict Analysis*, 83 Fla. B.J. 92 (June 2009), <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited Jan. 18, 2022).

¹⁷ *See City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

¹⁸ *Mulligan*, 934 So. 2d at 1243.

Implied preemption is a legal doctrine that addresses situations in which the Legislature has not expressly preempted an area but, for all intents and purposes, the area is dominated by the state. Findings of implied preemption are for a very narrow class of areas in which the state has legislated pervasively.¹⁹

In cases determining the validity of ordinances enacted in the face of state preemption, such ordinances are found null and void.²⁰

Statutory Restriction of Minimum Wage Requirements

In 2003, the Legislature preempted the establishment of minimum wages to the state.²¹ However, a political subdivision²² retains the authority to establish a minimum wage other than a state or federal minimum wage or to provide employment benefits not otherwise required under state or federal law for:

- Its employees;
- The employees of an employer contracting to provide goods or services for the political subdivision, or the employees of a subcontractor of such an employer; or
- The employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.²³

The law also provides an exception for domestic violence or sexual abuse ordinances, orders, rules, or policies adopted by a political subdivision.²⁴

The law contains an exception for situations where compliance with the law would prevent a political subdivision from receiving federal funds. This allows compliance with the Davis-Bacon and related acts,²⁵ which direct the Department of Labor to determine fair wages for contractors and subcontractors working on public buildings and public works. Florida law only allows non-compliance with regard to local minimum wage alterations to the extent necessary to allow receipt of federal funds.²⁶

Additionally, political subdivisions are prohibited from requiring an employer to provide employment benefits²⁷ not required by state or federal law.²⁸

¹⁹ Wolf and Bolinder, *supra*.

²⁰ See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So.2d 504 (Fla. 3d DCA 2002).

²¹ S. 218.077(2), F.S.

²² Defined as a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law. S. 218.077(1)(f), F.S.

²³ Section 218.077(3)(a), F.S.

²⁴ Section 218.077(3)(b), F.S.

²⁵ See, e.g., 40 U.S.C. 3141 *et seq.*

²⁶ Section 218.077(4), F.S.

²⁷ Defined as anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health benefits; disability benefits; death benefits; group accidental death and dismemberment benefits; paid or unpaid days off for holidays, sick leave, vacation, and personal necessity; retirement benefits; and profit-sharing benefits. S. 218.077(1)(d), F.S.

²⁸ Section 218.077(2), F.S.; However, federally authorized and recognized tribal governments are not prohibited from requiring employment benefits for a person employed within a territory over which the tribe has jurisdiction. S. 218.077(5), F.S.

III. Effect of Proposed Changes:

The bill substantially revises s. 218.077, F.S., in order to address local variations in minimum wage mandates that impact economic stability and growth. The bill provides new definitions for the following terms: “employ,” “employee,” “employer,” “political subdivision,” and “wage mandate.” The term “employer” now explicitly includes “employers that have contracts or subcontracts with a political subdivision or that have received tax abatements, loan guarantees, or other financial assistance from a political subdivision,” which were previously a category of employers and employees that were exempt from state preemption of minimum wage ordinances. “Wage mandate” is a new term added, defined as “any requirement enacted by a political subdivision which requires an employer to pay any or all of its employees a wage rate not otherwise required under state or federal law.”

The bill prohibits political subdivisions from enacting, maintaining, or enforcing any wage mandates in an amount greater than the state minimum wage rate calculated pursuant to s. 24(c), art. X of the State Constitution, and provides that any wage mandates in conflict with the state minimum wage are void.

The bill further provides an exception allowing political subdivisions to enact, maintain, or enforce minimum wage requirements or other benefits included in a collective bargaining agreement for employees of the political subdivision. Additionally, there is an exception if federal law requires the payment of a prevailing minimum wage to persons working on projects funded in whole or in part by federal funds.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill will no longer allow political subdivisions to establish a minimum wage other than a state or federal minimum wage or to require employment benefits not otherwise required under state or federal law from private employers that have contracts or subcontracts with a political subdivision or that have received tax abatements, loan guarantees, or other financial assistance from a political subdivision. This change may lower operating costs for these private employers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 218.077 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.



192142

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/26/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 218.077, Florida Statutes, is amended to
read:

218.077 Wage Mandate Preemption Act ~~and employment benefits requirements by political subdivisions; restrictions.~~

(1) This section may be cited as the "Wage Mandate Preemption Act."



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11 (2) As used in this section, the term:

12 (a) "Employ" has the same meaning as established under the
13 federal Fair Labor Standards Act and its implementing
14 regulations.

15 (b) "Employee" means any natural person who is entitled
16 under state or federal law to receive a state or federal minimum
17 wage.

18 (c) ~~(b)~~ "Employer" means any person who is required under
19 state or federal law to pay a state or federal minimum wage to
20 the person's employees.

21 ~~(c) "Employer contracting to provide goods or services for~~
22 ~~the political subdivision" means a person contracting with the~~
23 ~~political subdivision to provide goods or services to, for the~~
24 ~~benefit of, or on behalf of, the political subdivision in~~
25 ~~exchange for valuable consideration, and includes a person~~
26 ~~leasing or subleasing real property owned by the political~~
27 ~~subdivision.~~

28 (d) "Employment benefits" means anything of value that an
29 employee may receive from an employer in addition to wages and
30 salary. The term includes, but is not limited to, health
31 benefits; disability benefits; death benefits; group accidental
32 death and dismemberment benefits; paid or unpaid days off for
33 holidays, sick leave, vacation, and personal necessity;
34 retirement benefits; and profit-sharing benefits.

35 (e) "Federal minimum wage" means a minimum wage required
36 under federal law, including the federal Fair Labor Standards
37 Act of 1938, as amended, 29 U.S.C. ss. 201 et seq.

38 (f) "Political subdivision" means a county, municipality,
39 department, commission, district, board, or other public body,



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40 whether corporate or otherwise, created by or under state law.

41 (g) "Wage" means that compensation for employment to which
42 any state or federal minimum wage applies.

43 (h) "Wage mandate" means any requirement enacted by a
44 political subdivision which requires an employer to pay any or
45 all of its employees a wage rate not otherwise required under
46 state or federal law.

47 ~~(3)(2)~~ Except as otherwise provided in subsection ~~(4)~~ ~~(3)~~,
48 a political subdivision may not enact ~~establish, maintain~~
49 ~~mandate, or enforce by charter, ordinance, purchase agreement,~~
50 ~~contract, regulation, rule, or resolution, either directly or~~
51 ~~indirectly, a wage mandate in an amount greater than the state~~
52 ~~minimum wage rate calculated pursuant to s. 24, Art. X of the~~
53 ~~State Constitution or the federal minimum wage rate. Any wage~~
54 ~~mandate that conflicts with this subsection is void.~~

55 Additionally, a political subdivision may not ~~otherwise require~~
56 ~~an employer to pay a minimum wage, other than a state or federal~~
57 ~~minimum wage, to apply a state or federal minimum wage to wages~~
58 ~~exempt from a state or federal minimum wage, or~~ require an
59 employer to provide employment benefits not otherwise required
60 by state or federal law.

61 ~~(4)(3)~~ This section does not:

62 (a) Limit the authority of a political subdivision to
63 enact, maintain, or enforce, through a collective bargaining
64 agreement or other means, establish a minimum wage requirement
65 other than a state or federal minimum wage or to provide
66 employment benefits not otherwise required under state or
67 federal law:

68 1. For the employees of the political subdivision; or



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69 2. ~~For the employees of an employer contracting to provide~~
70 ~~goods or services for the political subdivision, or for the~~
71 ~~employees of a subcontractor of such an employer, under the~~
72 ~~terms of a contract with the political subdivision; or~~

73 ~~3.~~ For the employees of an employer receiving a direct tax
74 abatement or subsidy from the political subdivision, as a
75 condition of the direct tax abatement or subsidy.

76 (b) Apply to a domestic violence or sexual abuse ordinance,
77 order, rule, or policy adopted by a political subdivision.

78 (c) Limit, restrict, or expand a prevailing wage required
79 under state law.

80 (5)~~(4)~~ If it is determined by the officer or agency
81 responsible for distributing federal funds to a political
82 subdivision that compliance with this act would prevent receipt
83 of those federal funds, or would otherwise be inconsistent with
84 federal requirements pertaining to such funds, then this act
85 does not apply, but only to the extent necessary to allow
86 receipt of the federal funds or to eliminate the inconsistency
87 with such federal requirements.

88 (6)~~(5)~~ This section does not prohibit a federally
89 authorized and recognized tribal government from requiring
90 employment benefits for a person employed within a territory
91 over which the tribe has jurisdiction.

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

93
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete everything before the enacting clause
97 and insert:



192142

98 A bill to be entitled
99 An act relating to preemption of local government wage
100 mandates; amending s. 218.077, F.S.; providing a short
101 title; defining the terms "employ" and "wage mandate";
102 deleting the definition of the term "employer
103 contracting to provide goods or services for the
104 political subdivision"; revising prohibitions relating
105 to political subdivisions enacting, maintaining, or
106 enforcing wage mandates in an amount greater than the
107 state or federal minimum wage; specifying that any
108 wage mandate that conflicts with such prohibitions is
109 void; revising applicability; providing construction;
110 providing an effective date.



716180

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/26/2022	.	
	.	
	.	
	.	

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

Senate Amendment (with title amendment)

Delete lines 14 - 18

and insert:

Section 1. Section 218.079, Florida Statutes, is created to read:

218.079 Wage Mandate Preemption Act.-

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

And the title is amended as follows:



716180

11 Delete lines 3 - 9
12 and insert:
13 mandates; creating s. 218.079, F.S.; providing a short
14 title; providing legislative findings and
15 declarations; defining terms; prohibiting political
16 subdivisions from enacting, maintaining, or enforcing
17 wage mandates in an amount greater than the state
18 minimum wage rate; providing construction and
19 applicability; providing an

By Senator Gruters

23-00841-22

20221124__

A bill to be entitled

An act relating to preemption of local government wage mandates; amending s. 218.077, F.S.; providing a short title; providing legislative findings and declarations; revising and defining terms; revising prohibitions relating to political subdivisions enacting, maintaining, or enforcing wage mandates in an amount greater than the state minimum wage rate; revising construction and applicability; providing an effective date.

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

Section 1. Section 218.077, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 218.077, F.S., for present text.)
218.077 Wage Mandate Preemption Act.—

(1) This section may be cited as the "Wage Mandate Preemption Act."

(2) The Legislature finds and declares all of the following:

(a) That economic stability and growth are among the most important factors affecting the general welfare of the residents of this state and are among the most important matters for which the Legislature is responsible.

(b) That mandated wage rates comprise a major cost component for private enterprises and are among the chief factors affecting the economic stability and growth of this

Page 1 of 4

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

23-00841-22

20221124__

state.

(c) That prevailing wage laws increase the costs of government and business and diminish the number of jobs generated by the economy.

(d) That local variations in mandated wage rates threaten many businesses with a loss of employees to areas that require higher mandated wage rates, threaten many other businesses with the loss of patrons to areas that allow lower mandated wage rates, and are detrimental to the business environment of this state, to local labor markets, and to the citizens, businesses, and governments of the political subdivisions of this state.

(e) That in order for businesses to remain competitive while attracting and retaining the highest possible caliber of employees, private enterprises in this state must be allowed to function in a uniform environment with respect to mandated wage rates.

(f) That legislated wage disparity between political subdivisions of this state creates an anticompetitive marketplace that fosters job and business relocation.

(g) That prevailing wage laws are most harmful to the young, to minorities, and to other new or potential entrants to the workplace.

(h) That prohibiting and repealing prevailing wage laws will increase the efficiency of public investments, reduce the cost of government, and eliminate government's preferential treatment.

(3) For the purposes of this section, the term:

(a) "Employ" has the same meaning as established under the federal Fair Labor Standards Act and its implementing

Page 2 of 4

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

23-00841-22

20221124__

59 regulations.

60 (b) "Employee" means any individual employed by an
61 employer.

62 (c) "Employer" means any person who employs employees. The
63 term includes, but is not limited to, any person acting directly
64 or indirectly in the interest of an employer in relation to an
65 employee and includes a public agency other than the government
66 of the United States, as well as employers that have contracts
67 or subcontracts with a political subdivision or that have
68 received tax abatements, loan guarantees, or other financial
69 assistance from a political subdivision.

70 (d) "Political subdivision" includes, but is not limited
71 to, any municipality, city, county, village, school district,
72 special purpose district, or local government of this state.

73 (e) "Wage mandate" means any requirement enacted by a
74 political subdivision which requires an employer to pay any or
75 all of its employees a wage rate not otherwise required under
76 state or federal law.

77 (4) Except as provided in subsection (5), a political
78 subdivision may not enact, maintain, or enforce by charter,
79 ordinance, purchase agreement, contract, regulation, rule, or
80 resolution, either directly or indirectly, a wage mandate in an
81 amount greater than the state minimum wage rate calculated
82 pursuant to s. 24, Art. X of the State Constitution. Any wage
83 mandate that conflicts with this subsection is void.

84 (5) Subsection (4) does not:

85 (a) Prohibit a political subdivision from enacting,
86 maintaining, or enforcing through a collective bargaining
87 agreement or other means a minimum wage requirement governing

23-00841-22

20221124__

88 compensation paid by the political subdivision to employees of
89 the political subdivision.

90 (b) Apply to a collective bargaining agreement negotiated
91 between a political subdivision and the bargaining
92 representative of the employees of the political subdivision.

93 (c) Limit, restrict, or expand a prevailing wage required
94 under state law.

95 (d) Apply if federal law requires the payment of a
96 prevailing or minimum wage to persons working on projects funded
97 in whole or in part by federal funds.

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

The Florida Senate

APPEARANCE RECORD

8 1604

1.25.2022

Meeting Date

Bill Number or Topic

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Randy Lewis

Phone

850-524-2398

Address

211 John Knox Rd. #106

Email

randylewisai@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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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-25-22

Meeting Date

1702

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Carlos Molnar - FL Association of the American Institute of Architects Phone 8132424267

Address 1726 E 7th Ave, Ste 1 Email carlos.molnar@sol-designs

Street

Tampa

City

FL

State

33605

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

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

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

1-25-22

Meeting Date

APPEARANCE RECORD

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1702

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Stephen Panzarino - Florida Association of the American Institute of Architects Phone 9419320330

Address 10121 Marbella Dr Email stephen.panzarino@aecom

Street

Lakewood Ranch FL 34211

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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The Florida Senate

APPEARANCE RECORD

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1/25/2022
Meeting Date

1702
Bill Number or Topic

Community Affairs
Committee

Amendment Barcode (if applicable)

Name Carol Bowen Phone (954) 465-6811

Address 3730 Coconut Creek Parkway, Ste 200 Email cbowen@cbowenfl.com
Street

Coconut Creek FL 33006
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Associated Builders and Contractors

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

1702

1-25-22

Meeting Date

Community Affairs

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name Allen Douglas

Phone 850-224-7121

Address 125 S. Gadsden St.

Email allen@fleng.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:

Florida Engineering Society / American Council of Engineering Companies of Florida

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

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

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The Florida Senate

APPEARANCE RECORD

1-25-22

Meeting Date

1702

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020

Email travis@moore-relations.com

Street

St. Petersburg

FL

33731

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Community Associations Institute + FirstService Residential

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

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

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

S-001 (08/10/2021)

1/25/2022

APPEARANCE RECORD

SB 1746/Homestead Exemption

Meeting Date

Bill Number or Topic

Senate Community Affairs

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

Committee

Amendment Barcode (if applicable)

Name Allie McNair (Florida Sheriffs Association)

Phone 850-566-1979

Address 2167 Mahan Dr.

Email amcnair@flsheriffs.org

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 Sheriffs 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. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

Jan 25, 2022

Meeting Date

1744

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Matt Puckett

Phone 850 - 222 - 3329

Address 300 East Brevard Street

Email

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Florida Police Benevolent Association

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

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

S-001 (08/10/2021)

1/25/2022

The Florida Senate

APPEARANCE RECORD

5JR 1746

Meeting Date

Bill Number or Topic

Comm Affairs

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

Committee

Amendment Barcode (if applicable)

Name Edward G. Labrador

Phone 850-922-4300

Address 1005 Monroe St.
Street

Email elabrador@fl-counties.com

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL. Assoc. of Counties

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-25-2022

Meeting Date

1746

Bill Number or Topic

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

Amendment Barcode (if applicable)

Comm. Affairs

Committee

Name Chris Doolin

Phone 850-508-5492

Address 1018 Thomasville Rd. 10213

Email cdoolin@doolinandassoc.com

Street

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:

SMALL COUNTY COALITION

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

1748

1/25/2022

Meeting Date

Bill Number or Topic

Comm. Affairs

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

Committee

Amendment Barcode (if applicable)

Name

Edward G. Labrador

Phone

850-922-4300

Address

100 S. Monroe St.

Email

elabrador@fl-counties.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL. Assoc. of Counties

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-25-2022

1748

Meeting Date

Bill Number or Topic

Comm Affairs

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

Committee

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

850-508-5492

Address

1018 Thomasville Rd. 102B

Email

cdoolin@doolinandassoc.com

Street

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:

SMALL COUNTY COALITION

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

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

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

S-001 (08/10/2021)

1.25.2022

APPEARANCE RECORD

SB 1748

Meeting Date

Bill Number or Topic

Community Affairs

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

Committee

Amendment Barcode (if applicable)

Name ALLIE MCNAIR (FLORIDA SHERIFFS ASSOCIATION) Phone 850-566-1979

Address 2167 MAHAN DR Email AMCNAIR@FLSHERIFFS.ORG
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 SHERIFFS ASSOCIATION

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

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

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

The Florida Senate

APPEARANCE RECORD

SB 644

11/25/2022

Meeting Date

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name PAUL HANDERHAN

Phone 361 704 0428

Address 120 S Monroe Street

Email Paul@ramboconsulting.com

Street

Tallahassee FL 33021

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: FAIR

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/25/2022

SB 644

Meeting Date

Bill Number or Topic

Community Affairs

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

775516

Committee

Amendment Barcode (if applicable)

Name PAUL HENDERHAN

Phone 561 704 0428

Address 120 S. MONROE STREET

Email paul@ramboconsulting.com

Street

Tallahassee FL 33021

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:

FAIR

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

1/25/22

Meeting Date

SB 706

Bill Number or Topic

Community Affairs
Committee

Amendment Barcode (if applicable)

Name Benjamin Stearns

Phone (850) 224-1585

Address 215 S. Monroe St. Suite 500
Street

Email bstearns@carltonfields.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:

Florida Home Builders Association

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/25/22

Meeting Date

706

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Edward Briggs

Phone

850-933-5994

Address

235 W. Brandon Blvd. Ste. 640

Email

edward@rsacouncilfla.com

Street

Brandon

FL

33511

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:

Homes By Westbay

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

1/25/22

Meeting Date

706

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Jane West

Phone 904-671-4008

Address 308 N. Monroe St

Email jwest@1000fof.org

Street

Tallahassee FL

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: 1000 Friends of Florida

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

J-25-22

Meeting Date

944

Bill Number or Topic

Community Affairs
Committee

Amendment Barcode (if applicable)

Name Tracy Mayernick

Phone 850-445-3000

Address 110 E. Jefferson
Street

Email Tracy@themayernickgroup.com

Tall 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:

The Home Depot

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

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

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

S-001 (08/10/2021)

1/25/2022

Meeting Date

Community Affairs

Committee

Name Jake Farmer

Address

Street

City

State

Zip

The Florida Senate

APPEARANCE RECORD

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

944

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 352.359.6835

Email jake.farmer@walgreens.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:

Walgreens

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 944

Bill Number or Topic

1/26/2022

Meeting Date

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

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name SERVANDO ESPARZA

Phone 817-891-8598

Address 1714 ARBORSIDE DR.

Email SESPARZAC@TECHNET.ORG

Street

AUSTIN

TX

78754

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:

TECHNET

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)

1/25/2022

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

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

944

Bill Number or Topic

Amendment Barcode (if applicable)

Name Grace Lovett

Phone 850.222.4082

Address 227 S. Adams Street

Email grace@frf.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:

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 \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-25-2021

Meeting Date

614

Bill Number or Topic

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Denise Lasher

Phone

813.240.4567

Address

17513 Mallard Ct

Email

lasherinc@gmail.com

Street

Lutz

FL

33559

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Best Friends Animal Society

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

614

1-25-22

Meeting Date

Bill Number or Topic

Community Affairs
Committee

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

Amendment Barcode (if applicable)

Name TRAVIS MOORE Phone 727.421.6902

Address P.O. Box 2020 Email travis@moore-relations.com
Street

St. Petersburg FL 33731
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Animal Legal Defense Fund

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 898

Bill Number or Topic

1/28/22

Meeting Date

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

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Kelly Mallette

Phone (850) 224-3427

Address 104 W Jefferson Street

Email kelly@rlbookpa.com

Street

Tallahassee, FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Apartment 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 \(flisenate.gov\)](#)

APPEARANCE RECORD

SB 1236/County & Municipal Detention..

1/25/2022

Meeting Date

Bill Number or Topic

Senate Community Affairs

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

Committee

Amendment Barcode (if applicable)

Name Allie McNair (Florida Sheriffs Association) Phone 850-566-1979

Address 2167 Mahan Dr. Email amcnair@flsheriffs.org

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 Sheriffs 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 \(flsenate.gov\)](#)

01/25/2022

Meeting Date

APPEARANCE RECORD

SB 1124

Bill Number or Topic

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

Community Affairs

Committee

192142

Amendment Barcode (if applicable)

Name Andy Palmer

Phone 8502059000

Address 119 South Monroe Street

Email andy.palmer@mhdfirm.com

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Restaurant and 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. [2020-2022JointRules.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

1/25/22

Meeting Date

SB1124

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Amendment Barcode (if applicable)

Name GLENDA ABICHT

Phone 786-376-1181

Address 4305 SW 98 AVE

Email GLENDA.ABICHT@GMAIL.COM

Street

MIAMI

FL

33165

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. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/25/22 Meeting Date

Comm. Affairs Committee

SB 1124 Bill Number or Topic

Amendment Barcode (if applicable)

Name Ana Ciereszko

Phone 305 321 0016

Address 7550 SW 61 St. Street

Email aciereszko@yahoo.com

Miami FL 33143 City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: United Faculty of Miami Dade College

[] 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.

The Florida Senate

APPEARANCE RECORD

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

1/25/22

Meeting Date

SB 1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name LAurette Philipson

Phone 727-484-0237

Address 7240 Westwind Dr

Email advocatephilipson@smail.com

POI Richey Fl 34108

Street

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/25/2022

Meeting Date

1124

Bill Number or Topic

~~Criminal Justice~~
Community Affairs
Committee

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

Amendment Barcode (if applicable)

Name Karen Woodall

Phone 850-321-9386

Address 579 E. Call St.
Street

Email fcfep@yahoo.com

Tallahassee, FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
FL Center for Fiscal & Economic Policy

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

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

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

preemption

S-001 (08/10/2021)

1-25-21

The Florida Senate APPEARANCE RECORD

SB 1124

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

KARI HEBRANK

Phone

850-566-7824

Address

215 S. Monroe St. #500

Email

khebrank@carltonfields.com

Street

Tallahassee FL

State

Zip

32301

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:

National Utility Contractors Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §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

831124

Bill Number or Topic

1/25/22

Meeting Date

Comm Affairs

Committee

Amendment Barcode (if applicable)

Name Michael Woods

Phone

Address 8130A Edgewick Ct

Email mike.speaksout@gmail.com

Street

City LCS State FL Zip 33406

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

1/25/2022

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

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

1124

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lorena Holley

Phone 850.222.4082

Address 227 S. Adams Street

Email lorena@frf.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:

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 \(flsenate.gov\)](#)

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

Jan 25, 2022
Meeting Date

Senate Community Affairs
Committee

SB 1124
Bill Number or Topic

Amendment Barcode (if applicable)

Name AFSCME

Phone _____

Address 3064 Highland Oaks Terrace
Street

Email _____

Ft. Lasso 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:

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.

1/25/22

Meeting Date

Community Affairs

Committee

The Florida Senate APPEARANCE RECORD

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

1124

Bill Number or Topic

Name **Adam Basford**

Amendment Barcode (if applicable)

Address **516 N Adams**

Phone **850-224-7173**

Street

Email **abasford@aif.com**

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Associated Industries of Florida

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

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

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

The Florida Senate

APPEARANCE RECORD

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

1/25/2022

Meeting Date

SB 1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Devon West

Phone 954-789-9253

Address 100 S. Andrews Ave.

Email dewest@broward.org

Street

Fort Lauderdale, FL 33301

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:

Broward County

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1-25-22

Meeting Date

ATU Local 1596

Committee

1124

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Jackie Spens

Phone

321-273-6048

Address

2813 Denison Court

Email

spensjackie21@gmail

Street

Cocoa

Fl.

32924

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

1/25/22
Meeting Date

The Florida Senate APPEARANCE RECORD

Preemption
Bill Number or Topic

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

Committee
Name Coyuca Jones

Amendment Barcode (if applicable)

Phone 904 895 2081

Address 992 Encourte Green
Street

Email coy.jones@1199.org

Apopka FL 32712
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: 1199SEIU

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.

1-25-2022

Meeting Date

Local 517

Committee

Name Nora McGill

Address 1882 Matherborn Dr

Street

Orlando

City

Fla

State

Zip

The Florida Senate

APPEARANCE RECORD

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

SB 1124

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 321-377-0864

Email Nora-TGIF@yahoo.com

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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The Florida Senate

APPEARANCE RECORD

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

01-25-2022

Meeting Date

SB# 1124

Bill Number or Topic

Community Affairs
Committee

Amendment Barcode (if applicable)

Name

Ken Williams

Phone 813.493.7685

Address

7411 Meadow Drive
Street

Email

Tampa FL 33634

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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1/25/22

Meeting Date

The Florida Senate APPEARANCE RECORD

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

SB 1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name KAREN SCOTT

Phone 813 495 7797

Address 5520 48th ST
Street

Email KScottJan@gmail.com

Tpa FL 33610
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:

1199SEIU

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

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S-001 (08/10/2021)

1/25

Meeting Date

The Florida Senate APPEARANCE RECORD

1124

Bill Number or Topic

Community Affairs
Committee

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

Amendment Barcode (if applicable)

Name Camila Cisneros

Phone (786) 499-4393

Address 1780 79th St Cswy Apt C201

Email ccisneros@flaflcio.org

NORTH Bay Village FL 33141
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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The Florida Senate
APPEARANCE RECORD

1124

Bill Number or Topic

Meeting Date

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

Committee

Amendment Barcode (if applicable)

Name Jamelia Fairley Phone 321-746-3939

Address 122 Vista Verde Circle # Email _____
Street

LINKA MARY FL 32746
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/25/2022

Meeting Date

11 24

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

Linda Joseph

Phone

Address

275 NW 157 ST

Email

LindaJoseph@BellSouth.net

Street

Miami, Fla

City

33169

State

Zip

Speaking:

For

Against

Information

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:

Fight for 15.

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/25/22

Meeting Date

1124

Bill Number or Topic

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

Committee

Miami-Dade

Amendment Barcode (if applicable)

Name

Eileen Higgins, Commissioner

Phone

305-375-5924

Address

111 SW 1st St

Email

ehiggins@miamidade.gov

Street

Miami

FL

33128

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-25-22

Meeting Date

1124

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Anthony Ivey

Phone

786-689-3199

Address

1590 Sherman St

Email

anthonyivey82@gmail.com

Street

Hollywood

FL

33020

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:

Fight for BS

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

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The Florida Senate

APPEARANCE RECORD

1124

Bill Number or Topic

1/25/2022

Meeting Date

Comm. Affairs

Committee

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

Amendment Barcode (if applicable)

Name Edward G. Labrador

Phone 850-922-4300

Address 100 S. Monroe St.

Email elabrador@flcounties.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:

FL Assoc. of counties

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

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

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

S-001 (08/10/2021)

1/25/22

Meeting Date

The Florida Senate APPEARANCE RECORD

1124

Bill Number or Topic

Community Affairs

Committee

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

Amendment Barcode (if applicable)

Name Ida V. Eskamani

Phone _____

Address 134 E Colonial Dr

Email _____

Street

Orlando

FL

32801

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
Florida Immigrant Coalition

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Meeting Date 2/25/22

Bill Number or Topic SB 1124

Committee Community Affairs

Amendment Barcode (if applicable)

Name Dr. Rich Templin Phone _____

Address 135 S. Monroe Email _____
Street

Tallahassee FL 32301
City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida AFL-CIO

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

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

The Florida Senate

APPEARANCE RECORD

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

11/25/22

Meeting Date

SB 1124

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 12 S Bronough St

Street

Email cjohnson@flchamber.com

Tallahassee FL

City

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:

FL Chamber of Commerce

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

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

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S-001 (08/10/2021)

1/25/22
Meeting Date

The Florida Senate APPEARANCE RECORD

1124
Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name REV DR RUSSELL MEYER

Phone 813 763 3610

Address 1308 Windsor Pl
Street

Email russellmeyer@att.net

JAX FL 32205
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 FAITH ADVOCACY OFFICE

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.

CourtSmart Tag Report

Room: SB 37

Caption: Senate Community Affairs

Case No.:

Judge:

Type:

Started: 1/25/2022 3:30:20 PM

Ends: 1/25/2022 6:00:38 PM

Length: 02:30:19

3:30:21 PM Call to order
3:30:23 PM Roll call
3:30:48 PM Pledge of Allegiance
3:31:15 PM Comments from Chair Garcia
3:31:23 PM Tab 4 - SB 1748 by Sen Brodeur
3:31:53 PM Sponsor explains bill
3:33:47 PM Sen Hooper in questions
3:33:55 PM Response of Sponsor
3:34:41 PM Allie McNair, Florida Sheriffs Association, waive in support
3:34:56 PM Chris Doolin, Small County Coalition, Speaking Against
3:38:10 PM Sen Cruz in questions
3:38:21 PM Response of Speaker
3:38:58 PM Back and forth in questions
3:42:32 PM Edward Labrador, Florida Association of Counties, Speaking against
3:42:59 PM Sen Farmer in debate
3:46:27 PM Sen Cruz in debate
3:47:42 PM Sponsor closes on bill
3:48:23 PM SB 1748 is reported favorably
3:48:46 PM Pass the gavel to Chair Bradley
3:48:52 PM Tab 3- SJR 1746 by Sen Brodeur
3:49:08 PM Sponsor explains bill
3:49:21 PM No questions
3:49:36 PM Chris Doolin, Speaking Against
3:49:39 PM Edward Labrador, Speaking Against
3:53:08 PM Matt Puckett, Florida Police Benevolent Association, waive in support
3:53:13 PM Allie McNair, waive in support
3:53:25 PM No debate
3:53:29 PM Waive close
3:53:32 PM SJR 1746 is reported favorably
3:53:51 PM Tab 11 - SB 1236 by Sen Jones
3:54:02 PM Sponsor explains bill
3:55:26 PM No questions
3:55:31 PM Allie McNair, Speaking for the bill
3:57:18 PM Sen Farmer in debate
3:57:48 PM Sponsor closes on bill
3:58:17 PM SB 1236 is reported favorably
3:58:38 PM Tab 8 - SB 178 by Sen Pizzo
3:59:08 PM Sponsor explains bill
3:59:41 PM No questions
3:59:45 PM No appearance forms
3:59:49 PM No debate
3:59:53 PM Waive close
3:59:55 PM SB 178 is reported favorably
4:00:37 PM Tab 1 - SB 1610 by Sen Rodriguez
4:00:48 PM Sponsor explains bill
4:01:39 PM Sen Hooper in questions
4:02:16 PM Response of Sponsor
4:03:18 PM No Appearance forms
4:03:22 PM No debate
4:03:29 PM Sponsor closes on bill
4:03:33 PM SB 1610 is reported favorably
4:03:55 PM Turns gavel to Chair Garcia

4:04:08 PM Tab 2 - SB 1702 by Sen Bradley
4:04:20 PM Sponsor explains bill
4:06:33 PM Sen Cruz in questions
4:07:02 PM Response of Sponsor
4:08:14 PM Travis Moore, Community Associations Institute & First Service Residential, Speaking for
4:09:40 PM Allen Douglas, Florida Engineering Society/American Council of Engineering, Speaking for
4:10:55 PM Carol Bowen, Associated Builders and Contractors, waiving in support
4:11:03 PM Steven Panzarino, waive in support
4:11:11 PM Carlos Molnar, waive in support
4:11:24 PM No debate
4:11:26 PM Sponsor closes on bill
4:12:34 PM SB 1702 is reported favorably
4:12:50 PM Gavel back to Chair Bradley
4:13:02 PM Tab 10 - SB 898 by Sen Stewart
4:13:11 PM Sponsor explains bill
4:14:30 PM Amendment 647436 by Sen Stewart
4:14:41 PM Sponsor explains amendment
4:15:03 PM No questions
4:15:06 PM No appearance forms
4:15:10 PM No debate
4:15:12 PM Waive close
4:15:14 PM Amendment is adopted
4:15:18 PM Back on the bill as amended
4:15:25 PM No questions
4:15:31 PM Kelly Mallette, Florida Apartment Association, waive in support
4:16:12 PM No debate
4:16:18 PM CS/SB 898 is reported favorable
4:16:32 PM Tab 5 - SB 644 by Sen Brodeur
4:16:43 PM Take up amendment 775516 by Sen Brodeur
4:16:54 PM Sponsor explains amendment
4:18:42 PM Sen Farmer in questions
4:19:18 PM Response of Sponsor
4:20:06 PM Back and forth in questions
4:21:00 PM Paul Handerhan, FAIR, waive in support
4:21:11 PM No debate
4:21:15 PM Waive close
4:21:20 PM Amendment is adopted
4:21:23 PM Back on the bill as amended
4:21:33 PM No questions
4:21:36 PM Paul Handerhan waive in support
4:21:50 PM Sen Farmer in debate
4:23:19 PM Sponsor closes on bill
4:23:48 PM CS/SB 644 is reported favorably
4:24:08 PM Tab 9 - SB 614 by Sen Garcia
4:24:30 PM Sponsor explains bill
4:25:24 PM Sen Farmer in questions
4:25:46 PM Response of Sponsor
4:26:05 PM Back and forth in questions
4:26:23 PM Sen Cruz in questions
4:26:50 PM Response of Sponsor
4:29:00 PM Back and forth in questions
4:33:13 PM Travis Moore, Animal Legal Defense Fund, waive in support
4:33:20 PM Denise Lasher, Best Friends Animal Society, Speaking for
4:37:19 PM No debate
4:37:23 PM Sponsor closes on bill
4:39:09 PM SB 614 is reported favorably
4:39:23 PM Tab 6 - SB 706 by Sen Perry
4:39:35 PM Sponsor explains bill
4:40:31 PM Amendment 660222 by Sen Perry
4:40:38 PM Sponsor explains amendment
4:40:42 PM No questions
4:40:46 PM No debate waive close

4:40:50 PM Amendment is adopted
4:40:53 PM Back on the bill as amended
4:40:58 PM No questions
4:41:01 PM Jane West, 1000 friends of Florida, waive against
4:41:08 PM Edward Briggs, Homes by Westbuy, waive in support
4:41:17 PM Benjamin Stern, Florida Home Builders Association waive in support
4:41:22 PM No debate
4:41:24 PM Waive close
4:41:25 PM CS/SB 706 is reported favorably
4:41:26 PM Tab 7 - SB 944 by Sen Baxley
4:41:57 PM Sponsor explains bill
4:43:06 PM No questions
4:43:10 PM Grace Lovett, Florida Retail Federation, speak in support
4:45:12 PM Servando Esparza, TECHNET, speaking against bill
4:48:02 PM Jake Farmer, Walgreens, Waiving in support
4:48:14 PM Tracy Mayernick, The home depot, waiving in support
4:48:29 PM No debate
4:48:31 PM Sponsor closes on bill
4:49:38 PM SB 944 is reported favorably
4:49:56 PM Tab 12 - SB 1124 by Sen Gruters
4:50:20 PM Amendment 192142 by Sen Gruters
4:50:28 PM Sponsor explains amendment
4:51:08 PM No questions
4:51:13 PM Andy Palmer, Florida Restaurant and Lodging Associations, waiving in support
4:51:20 PM No debate
4:51:22 PM waive close
4:51:24 PM Amendment is adopted
4:51:29 PM Back on the bill as amended
4:51:34 PM Sen Farmer in questions
4:52:11 PM Response of Sponsors
4:52:54 PM Back and forth in questions
4:54:46 PM Sen Hooper in questions
4:55:25 PM Response of Sponsor
4:55:39 PM Sen Polsky in questions
4:55:56 PM Response of Sponsor
4:56:17 PM Back and forth in questions
4:58:43 PM Sen Garcia in questions
4:58:50 PM Response of Sponsor
4:59:15 PM Reverend Dr Russell Meyer, Florida Faith Advocacy Office, Speaking Against
5:04:37 PM Carolyn Johnson, FL Chamber of Commerce, waiving in support
5:04:51 PM Dr Rich Templin, Florida AFL-CIO, Speaking against
5:09:31 PM Sen Hutson in questions
5:10:15 PM Response of Speaker
5:11:13 PM Ida Eskamani, Florida Rising/Florida Immigrant Coalition, Speaking against
5:13:51 PM Edward Labrador, Florida Association of Counties, Speaking Against
5:18:34 PM Anthony Ivey, Fight for 15, Speaking against
5:20:03 PM Eileen Higgins, Miami-Dade Commissioner, Speaking against
5:26:24 PM Sen Polsky in questions
5:26:34 PM Response of Speaker
5:27:54 PM Sen Hutson in questions
5:28:21 PM Response of Speaker
5:29:52 PM Sen Farmer in questions
5:31:07 PM Response of Speaker
5:31:21 PM Back and forth in questions
5:33:23 PM Linda Joseph, Fight for 15, speaking against
5:35:55 PM Jamelia Fairly, waiving against
5:36:15 PM Camilla Cisneros, Speaking against
5:38:22 PM Karen Scott, waive against
5:38:25 PM Ken Williams, Speaking against
5:40:10 PM Nora McGill, waive against
5:40:14 PM Coyuca Jones, waive against
5:40:16 PM Jacquelyne Steven, waive against

5:40:21 PM Devon West, Broward County, waive against
5:40:25 PM Adam Basford, Associated Industries of Florida, waive in support
5:40:29 PM AFSCME, waive against
5:40:33 PM Lorena Holly, Florida Retail Federation, waive in support
5:40:38 PM Michael Woods, waive against
5:40:43 PM Kiri Hebrank, National utility Contractors Association, waive in support
5:40:52 PM Karen Woodall, Florida Center for Fiscal and Economic Policy, waive against
5:40:56 PM
5:40:58 PM Laurette Philipson, waive against
5:41:00 PM Ana Ciereszko, United Faculty of Miami Dade College, waive against
5:41:07 PM Glenda Abicht, waive against
5:41:22 PM Sen Baxley in debate
5:43:42 PM Sen Cruz in debate
5:46:25 PM Sen Polsky in debate
5:51:56 PM Sen Farmer in debate
6:00:01 PM Bill is temporarily postponed
6:00:09 PM Motion to Vote After Sen Polsky Tab 4 and Tab 3
6:00:26 PM Motion adopted
6:00:29 PM Meeting adjourned