

Tab 1 CS/SB 826 by EN, Mayfield; (Compare to CS/CS/H 00395) Marina Evacuations							
377578	A	S	RCS	IS, Mayfield	Delete L.52 - 53:	02/19	01:53 PM

Tab 2 CS/SB 998 by CA, Hutson; (Compare to CS/H 01339) Housing							
911204	A	S	RCS	IS, Hutson	Delete L.122 - 1017:	02/19	04:12 PM
527132	AA	S	RCS	IS, Hutson	Delete L.919:	02/19	04:12 PM
356676	AA	S	RCS	IS, Hutson	Delete L.1036 - 1044.	02/19	04:12 PM

Tab 3 SB 1036 by Albritton; (Similar to CS/H 00569) Diesel Exhaust Fluid							
182284	D	S	RCS	IS, Albritton	Delete everything after	02/19	01:53 PM

Tab 4 CS/SB 1050 by GO, Diaz; (Similar to CS/H 01181) Disaster Volunteer Leave for State Employees							
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Tab 5 CS/SB 1508 by CJ, Taddeo; (Similar to CS/H 01281) Police Vehicles							
556294	A	S	RCS	IS, Taddeo	Delete L.27 - 36:	02/19	01:53 PM

Tab 6 CS/SB 1606 by BI, Perry; (Compare to CS/H 00895) Insurance							
798258	D	S	RCS	IS, Perry	Delete everything after	02/19	05:13 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

INFRASTRUCTURE AND SECURITY

Senator Lee, Chair
Senator Perry, Vice Chair

MEETING DATE: Monday, February 17, 2020
TIME: 4:00—6:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Lee, Chair; Senator Perry, Vice Chair; Senators Bean, Cruz, Hooper, Hutson, Stewart, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 826 Environment and Natural Resources / Mayfield (Compare CS/CS/H 395, H 1329)	Marina Evacuations; Prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal, etc. EN 02/03/2020 Fav/CS IS 02/17/2020 Fav/CS RC	Fav/CS Yeas 7 Nays 0
2	CS/SB 998 Community Affairs / Hutson (Compare CS/H 1339, CS/S 818)	Housing; Authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; providing the percentage of the sales price of certain mobile homes which is subject to sales tax; revising an exemption from regulation for certain water service resellers, etc. CA 01/13/2020 Fav/CS IS 02/17/2020 Fav/CS AP	Fav/CS Yeas 7 Nays 0
3	SB 1036 Albritton (Similar CS/H 569)	Diesel Exhaust Fluid; Requiring the presence, storage, or use of diesel exhaust fluid on the premises of a public airport to be phased out by a certain date; requiring the manager of each public airport that meets certain criteria to create a diesel exhaust fluid safety mitigation and exclusion plan for submission to the Department of Environmental Protection; prohibiting the presence, storage, or use of diesel exhaust fluid on the premises of a public airport after a certain date, etc. IS 02/17/2020 Fav/CS EN AP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Infrastructure and Security

Monday, February 17, 2020, 4:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 1050 Governmental Oversight and Accountability / Diaz (Similar CS/H 1181)	Disaster Volunteer Leave for State Employees; Reordering, revising, and providing definitions; revising conditions under which an employee may be granted leave under the Florida Disaster Volunteer Leave Act; specifying requirements and limitations, etc. GO 01/13/2020 Fav/CS IS 02/17/2020 Favorable RC	Favorable Yeas 7 Nays 0
5	CS/SB 1508 Criminal Justice / Taddeo (Similar CS/H 1281)	Police Vehicles; Prohibiting a person from knowingly selling, exchanging, or transferring a police vehicle without removing any police markings from the vehicle; requiring law enforcement agencies to provide written confirmation that the police markings have been removed, etc. CJ 02/11/2020 Fav/CS IS 02/17/2020 Fav/CS RC	Fav/CS Yeas 7 Nays 0
6	CS/SB 1606 Banking and Insurance / Perry (Compare CS/H 895)	Insurance; Requiring law enforcement officers, after a certain timeframe and under certain circumstances, to access information from the motor vehicle insurance online verification system for certain purposes; authorizing the use of the online verification of insurance for motor vehicle registration purposes; requiring the Department of Highway Safety and Motor Vehicles to establish an online verification system for motor vehicle insurance; creating the Motor Vehicle Insurance Online Verification Task Force within the department, etc. BI 02/04/2020 Fav/CS IS 02/17/2020 Fav/CS AP	Fav/CS Yeas 7 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Infrastructure and Security

BILL: CS/CS/SB 826

INTRODUCER: Infrastructure and Security Committee, Environment and Natural Resources Committee and Senator Mayfield

SUBJECT: Marina Evacuations

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Anderson</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 826 prohibits, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. The CS requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport.

If the Coast Guard Captain of the Port sets the port condition to “Yankee”¹ and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, is required to remove the vessel, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The CS provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the CS does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

¹ Gale force winds are predicted to arrive within 24 hours, and the port is closed to inbound traffic and vessel traffic control measures are in effect on vessel movements within the port.

The CS provides that after a watch has been issued, if an owner or operator has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to a fine, in an amount not exceeding three times the cost associated with removing the vessel from the waterway.

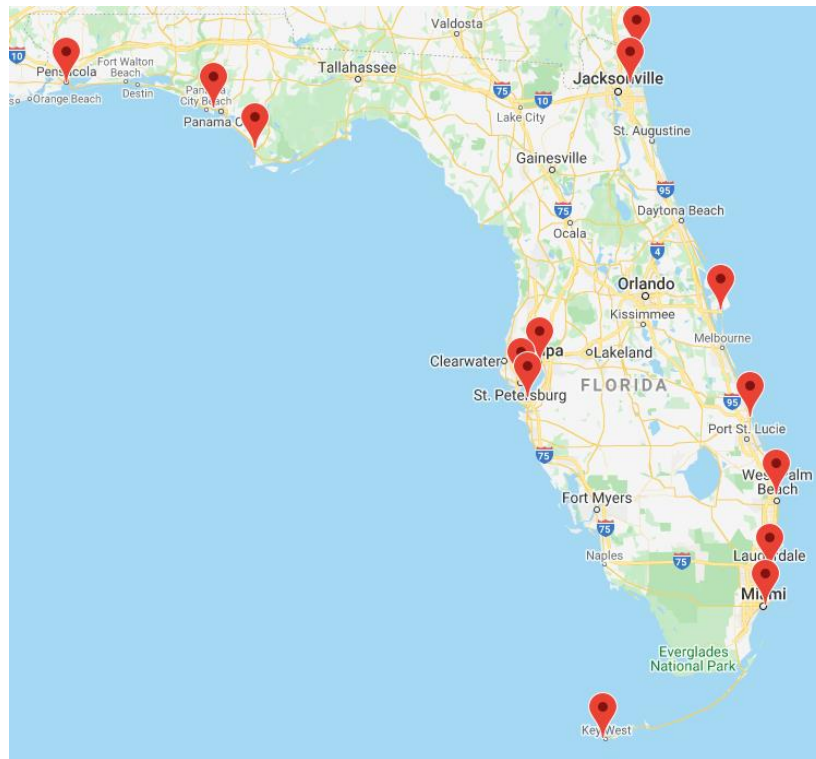
The CS has an effective date of July 1, 2020.

II. Present Situation:

Deepwater Ports in Florida

Under Florida law, a “port” means a port authority or district.² Ports are created by and given authority under general or special law. Each port, in agreement with the United States Coast Guard (Coast Guard), state pilots, and other ports in its operating port area, is required to adopt guidelines for minimum bottom clearance for each berth and channel, for the movement of vessels, and for radio communications of vessel traffic for all commercial vessels entering and leaving its harbor channels.³

There are 14 deepwater seaports in Florida, indicated in the map below:⁴



² Section 313.21, F.S.; *see also* s. 315.02, F.S. “Port authority” means a port authority in Florida created by or pursuant to the provisions of any general or special law or any district or board of county commissioners acting as a port authority under or pursuant to the provisions of any general or special law. “Port district” means any district created by or pursuant to the provisions of any general or special law and authorized to own or operate any port facilities.

³ Section 313.23, F.S.

⁴ Florida Ports Council, *Seaports*, <https://flaports.org/seaports/> (last visited February 12, 2020).

Port Canaveral

One example of a deepwater seaport impacted by the CS is Port Canaveral, which was dedicated on November 4, 1953.⁵ It is a gateway for Central Florida and the world's second busiest cruise port.⁶ Annually, Port Canaveral moves nearly 4 million tons of cargo and sees 4 million cruise passengers.⁷ It also houses United States Army, Navy, and Air Force facilities.⁸ Port Canaveral is a key part of Florida's gasoline supply system. Gasoline and other petroleum products are primarily delivered by marine tankers and barges to the state's ports, including Port Canaveral, where the products are offloaded and later stored and distributed around the state.⁹ Additionally, 200 small businesses ranging from marinas, restaurants, retail, and charter boats currently lease and operate at Port Canaveral.¹⁰

In fiscal year 2018, Port Canaveral reported \$103.8 million in revenues, the highest in its history.¹¹

Canaveral Port Authority

The Canaveral Port District (Port District) was created by the Legislature by special act in 1953, as amended in 2014.¹² It is an independent special taxing district and political subdivision of the state.¹³ The Canaveral Port Authority (Port Authority) has the power to make rules and regulations for the promotion and conduct of navigation, commerce, and industry in the Port District.¹⁴ The Port Authority also has the power to make rules and regulations governing the docking, storing, mooring, and anchoring of vessels within the Port District and to remove all obstacles to navigation, commerce, and industry in the waters of the port.¹⁵

The Port Canaveral Tariff No. 16 provides the current rates, rules, and regulations governing its marine and port services.¹⁶ Anyone who uses the waterways and facilities under the jurisdiction of the Port Authority consents to the terms and conditions of the tariff.¹⁷ According to the tariff, Port Canaveral is not a suitable refuge during hurricanes or tropical storms. All Port Canaveral

⁵ Port Canaveral, *History*, <https://www.portcanaveral.com/About/History> (last visited February 12, 2020).

⁶ Port Canaveral, *Port and Cruise Facts*, <https://www.portcanaveral.com/Cruise/Port-Cruise-Facts> (last visited February 12, 2020).

⁷ *Supra*, note 5.

⁸ Port Canaveral, *About Us*, <https://www.portcanaveral.com/About/> (last visited February 12, 2020).

⁹ Office of Program Policy Analysis and Government Accountability, Florida Legislature, *Feasibility Analysis for Petroleum Distribution Centers*, 11 (Nov. 29, 2018), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/18-PETRO.pdf>.

¹⁰ *Supra*, note 8.

¹¹ Florida Ports Council, *Port Canaveral*, <https://flaports.org/ports/port-canaveral/> (last visited February 12, 2020).

¹² Ch. 2014-241, Laws of Fla. Each special district in existence at the time was required to submit to the Legislature a draft codified charter so that its special acts could be codified into a single act for reenactment by the Legislature.

¹³ Section 189.403(1), F.S., defines a "special district" as a confined local government unit established for a special purpose. The public policy intent of special districts is to provide private and public sectors an alternative governing method to "manage, own, operate, construct and finance basic capital infrastructure, facilities and services."

¹⁴ Art. IV, s. 9 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

¹⁵ Art. IV, s. 10 of the Canaveral Port Authority Charter, as amended by Ch. 2014-241, Laws of Fla.

¹⁶ Canaveral Port Authority, *Tariff No. 16 – Governing Rates, Rules, & Regulations of the Marine and Port Services*, Rule 520 (Oct. 1, 2019), available at [https://www.portcanaveral.com/getattachment/Tariffs/CPA-Tariff-16-FY20-\(2\).pdf.aspx?lang=en-US](https://www.portcanaveral.com/getattachment/Tariffs/CPA-Tariff-16-FY20-(2).pdf.aspx?lang=en-US).

¹⁷ *Id.*, Rule 100.

waterway tenants and users must comply with evacuation orders and storm preparation directives given by the Port Authority, the Coast Guard, the Brevard County Sheriff's Office, and Canaveral Fire Rescue.¹⁸

The tariff specifically states that recreational and commercial vessels under 500 gross tons are not eligible to remain in Port and must be removed from the waters of the Port, at the expense of the vessel owner or operator, before hurricane condition Zulu is set by the Coast Guard (see discussion below of Hurricane Season Port Conditions and Categories).¹⁹ The Port Authority is authorized to issue penalties to vessel owners or operators in accordance with statutory provisions (see discussion below of Vessel Movements and Penalties for Delay).²⁰

Vessel Movements and Penalties for Delay

Pursuant to Florida law, each port may regulate vessel movements within its jurisdiction, whether involving public or private facilities or areas, by:

- Scheduling vessels for use of berths, anchorages, or other facilities at the port.
- Ordering and enforcing a vessel, at its own expense and risk, to vacate or change position at a berth, anchorage, or facility, whether public or private, in order to facilitate navigation, commerce, protection of other vessels or property, or dredging of channels or berths.
- Designating port facilities for the loading or discharging of vessels.
- Assigning berths at wharves for arriving vessels.²¹

Ports are authorized to establish fees and compensation for the services regulating vessel movements provided by the port.²²

A port may impose and collect a penalty from a vessel that unnecessarily delays in moving under an order to vacate or change position. This penalty may not exceed \$1,000 per hour or fraction thereof, plus 150 percent of the demurrage costs incurred by a waiting vessel, until the order is complied with.²³

Marinas

A marina is a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis.²⁴ There are five marinas within Port Canaveral, with approximately 260 wet slips hosted on Port property for recreational vessels under 500 gross tons.²⁵ This

¹⁸ *Id.*, Rule 520.

¹⁹ *Id.*

²⁰ Section 313.22(3), F.S.

²¹ Section 313.22(1), F.S.

²² Section 313.22(2), F.S.

²³ *Supra*, note 20.

²⁴ Section 327.02(25), F.S.

²⁵ Email from Caitlin Lewis, Government Relations Manager, Canaveral Port Authority, to Senate Environment and Natural Resources Committee (Jan. 22, 2020), available at http://www.flsenate.gov/Committees/Show/EN/MeetingPacket/4857/8671_MeetingPacket_4857.03.20.pdf on page 218-219 (last visited February 12, 2020).

number does not include boats in marina storage within Port property. The map below shows Port Canaveral, including its marina district.²⁶



Marina Evacuations

Storm Condition Effects on Vessels and Marinas

Hurricanes and storm conditions can include high winds, storm surges, wave action, and heavy rainfall.²⁷ These conditions can cause catastrophic damage to marinas and vessels. Vessels that are left in a marina during hurricane and storm conditions can lead to problems in the port, including the inability to secure docks, causing potential damage to infrastructure such as piers, and other harm to persons or property. Weather during a storm event can force a vessel into an obstruction, propel objects into the vessel, or sink or damage a boat.²⁸ A moored vessel can repeatedly collide with a stationary dock, leading to damage to both the vessel and dock. Storm surges can even lift entire floating docks above their pilings or knock boats off their cradles.²⁹

Vessels left in the harbor can also pose navigational issues and cause problems and delays in clearing channels. However, boater preparedness education and preparation can reduce the loss of property for both the vessel owner and others.³⁰ To this end, marinas and ports have an interest in requiring vessel owners to secure their vessels during a storm to prevent damage to persons or property.

Safe Haven

Some marina docking contracts contain “safe haven” or “hurricane” clauses. These clauses provide that, when a hurricane watch is issued, boat owners shall immediately remove their vessels and all personal property from the marina and seek safe haven somewhere else. Failure to

²⁶ *Supra*, note 6.

²⁷ UF/IFAS, *Hurricane Manual for Marine Interest*, available at [https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-\(2\).pdf](https://sfyl.ifas.ufl.edu/media/sfylifasufledu/miami-dade/documents/disaster-preparation/hurricane-and-disaster/HurricaneManual1-(2).pdf) (last visited February 12, 2020).

²⁸ *Id.*; Florida Keys National Marine Sanctuary, *Protect your Boat in a Hurricane: Making a Plan (Part I)*, <https://floridakeys.noaa.gov/whatsnew/around/2015/boathurricane1.html> (last visited February 12, 2020).

²⁹ *Id.*

³⁰ *Supra*, note 27.

comply with this requirement, according to the clauses, will result in the boat owner being liable for all damage to docks, piers, other vessels, or any other property damage directly caused by the owner's vessel or resulting from its presence in the marina.³¹

Marina Evacuation Statute

Florida enacted a law designed to prevent marinas from using safe haven clauses as a basis for recovering their property damage from vessel owners after a hurricane.³² Florida law emphasizes the protection of life over property by prohibiting marinas from requiring vessel owners to remove their vessels from a marina following the issuance of a hurricane watch or warning.³³

However, after a tropical storm or hurricane watch has been issued, a marina owner or operator, or their employee or agent, may take reasonable actions to further secure a vessel within the marina to minimize damage to the vessel and to protect marina property, private property, and the environment.³⁴ The owner or operator may charge a reasonable fee for such services.³⁵ A marina owner may include this in a contractual agreement with a vessel owner.³⁶ Marina owners are not able to be held liable for damage to a vessel from a storm or hurricane, but may be liable for damage due to intentional acts or negligence when removing or securing a vessel.³⁷

Burklow & Associates, Inc. v. Belcher is the only Florida state court decision that specifically mentions Florida's marina evacuation statute.³⁸ A marina owner sued owners of 16 stored vessels for damages allegedly caused by the vessel owners' failure to move their vessels after a hurricane warning was issued as was required by their marina contracts.³⁹ The court upheld the state statute and found that the vessel owners had no duty, contractually or otherwise, to move their vessels following the issuance of a hurricane watch or warning.⁴⁰ The court's analysis pointed to the clear legislative policy "to ensure that protecting lives and safety of vessel owners is placed before interests of protecting property" when a hurricane approaches.⁴¹

Hurricane Season Port Conditions and Categories

Port conditions are set by the Coast Guard Captain of the Port of a sector, or regulated area. Port conditions are explained in the table below.⁴² "Gale force winds" mean winds of 34 knots or 39 miles per hour.

³¹ Mercante, James, *Hurricanes and Act of God: When the Best Defense is a Good Offense*, 18 U.S.F. MAR. L.J. (2006).

³² Ch. 93-211, s. 22, Laws of Fla. (creating s. 327.59, F.S.).

³³ Section 327.59(1), F.S.

³⁴ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(2), F.S., effective Jul. 1, 2006).

³⁵ *Id.*

³⁶ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(3), F.S., effective Jul. 1, 2006).

³⁷ Ch. 2006-309, s. 2, Laws of Fla. (creating s. 327.59(4), F.S., effective Jul. 1, 2006).

³⁸ 719 So.2d 31 (Fla. Dist. Ct. App. 1998).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² 33 C.F.R. s. 165.720; 33 C.F.R. 165.781; see also Brazos Pilots Association, *Hurricane Season Port Conditions and Categories*, available at <http://www.brazospilots.com/Hurricane-Season.pdf> (last visited February 12, 2020).

Port Condition	Storm Status	Port Status
Whiskey	Gale force winds are predicted to arrive within 72 hours	Open to all commercial and recreational traffic
X-Ray	Gale force winds are predicted to arrive within 48 hours	Open to all commercial and recreational traffic
Yankee	Gale force winds are predicted to arrive within 24 hours	Closed to inbound traffic and vessel traffic control measures in effect on vessel movements within the port
Zulu	Gale force winds are predicted to arrive within 12 hours	Closed to all inbound and outbound traffic
Recovery	The storm is no longer a threat to the area, but response and recovery operations may be in progress to address damage.	Reopened to outbound traffic at completion of port survey; vessel traffic control measures remain in effect on vessel movements within the port

III. Effect of Proposed Changes:

The CS amends s. 327.59, F.S., to prohibit, upon the issuance of a hurricane watch that affects the waters of marinas located in a deepwater seaport, vessels under 500 gross tons from remaining in the waters of such marinas that have been deemed not suitable for refuge during a hurricane.

The CS requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the Coast Guard Captain of the Port sets the port condition to “Yankee” and a vessel owner has failed to remove his or her vessel from the waterway, a marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and vessel owner, is required to remove the vessel, or cause the vessel to be removed, if reasonable, from its slip. The marina owner may charge the vessel owner a reasonable fee for the service of removing the vessel.

The CS provides that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane and is held harmless from removing the vessel from the waterways. However, the CS does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel.

The CS provides that after a hurricane watch has been issued, if an owner or operator of a vessel has not removed the vessel pursuant to an order from the seaport, the owner or operator may be subject to a fine, which must be imposed and collected by the deepwater seaport that issued the evacuation order. The amount of the fine may not exceed three times the cost associated with removing the vessel from the waterway.

The CS provides the bill will take effect July 1, 2020.

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:

Vessel owners may incur increased costs from moving their vessel pursuant to a movement order, from fees charged by a marina owner for the service of moving a vessel, or due to penalties incurred from noncompliance with a movement order.

C. Government Sector Impact:

Ports may see a positive fiscal impact due to increased collection of penalties from vessel owners that do not comply with a movement order and cost savings associated with prevention of damage to port facilities and infrastructure.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following section of the Florida Statutes: 327.59

IX. Additional Information:

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

CS/CS by Infrastructure and Security Committee on February 17, 2020:

- Provides that the fine imposed on the vessel owner is limited to three times the removal costs and must be imposed by the deepwater seaport issuing the evacuation order.

CS by Environment and Natural Resources Committee on February 3, 2020:

- Requires that owners of vessels under 500 gross tons remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport;
- Requires a marina owner, operator, employee, or agent to remove a vessel from its slip if the Coast Guard Captain of the Port sets the port condition to “Yankee” and the vessel owner has not removed the vessel from the waterway as required;
- Authorizes the marina owner, operator, employee, or agent to charge the vessel owner a reasonable fee for the service of moving the vessel; and
- Clarifies that a marina owner, operator, employee, or agent may not be held liable for any damage incurred to the vessel from a hurricane or from removing the vessel as required under this section; however, the amendment does not provide immunity to the marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence.

- B. **Amendments:**

None.



377578

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
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	.	

The Committee on Infrastructure and Security (Mayfield)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 52 - 53
and insert:
to an order from the deepwater seaport, may be subject to a
fine, which must be imposed and collected by the deepwater
seaport that issued the evacuation order if assessed, in an
amount not exceeding three times the cost associated with
removing the vessel from the waterway.



377578

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

12 And the title is amended as follows:

13 Delete line 13

14 and insert:

15 construction; providing that the owners or operators
16 of certain vessels may be subject to a fine that the
17 deepwater seaport issuing an evacuation order is
18 required to impose and collect;

By the Committee on Environment and Natural Resources; and
Senator Mayfield

592-03060-20

2020826c1

A bill to be entitled

An act relating to marina evacuations; amending s. 327.59, F.S.; prohibiting vessels under a specified weight from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane after the issuance of a hurricane watch; requiring a marina owner, operator, employee, or agent to remove specified vessels under certain circumstances; providing that such owner, operator, employee, or agent may charge the vessel owner a reasonable fee for such removal and may not be held liable for any damages as a result of such removal; providing construction; authorizing certain penalty fees; providing an effective date.

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

Section 1. Subsection (1) of section 327.59, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

327.59 Marina evacuations.—

(1) ~~Except as provided in this section After June 1, 1994,~~ marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety of vessel owners is placed before interests of protecting property.

(5) Upon the issuance of a hurricane watch affecting the

Page 1 of 2

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

592-03060-20

2020826c1

waters of marinas located in a deepwater seaport, vessels under 500 gross tons may not remain in the waters of such marinas that have been deemed not suitable for refuge during a hurricane. Vessel owners shall promptly remove their vessels from the waterways upon issuance of an evacuation order by the deepwater seaport. If the United States Coast Guard captain of the port sets the port condition to "Yankee" and a vessel owner has failed to remove a vessel from the waterway, the marina owner, operator, employee, or agent, regardless of any existing contractual provisions between the marina owner and the vessel owner, shall remove the vessel, or cause the vessel to be removed, if reasonable, from its slip and may charge the vessel owner a reasonable fee for any such services rendered. A marina owner, operator, employee, or agent may not be held liable for any damage incurred to a vessel from a hurricane and is held harmless as a result of such actions to remove the vessel from the waterways. Nothing in this section may be construed to provide immunity to a marina owner, operator, employee, or agent for any damage caused by intentional acts or negligence when removing a vessel pursuant to this section. After the hurricane watch has been issued, the owner or operator of any vessel that has not been removed from the waterway of the marina, pursuant to an order from the deepwater seaport, may be subject to the penalties under s. 313.22(3).

Section 2. This act shall take effect July 1, 2020.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20

Meeting Date

CS/SR826

Bill Number (if applicable)

377578

Amendment Barcode (if applicable)

Topic MARINA EVALUATIONS

Name BONNIE BASHAM

Job Title

Address 133 OAK ST

Street

Phone 8809337277

MT

FL

32307

Email CAPITALIDEAS@ATT.NET

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing BOAT OWNERS of the United States

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20

Meeting Date

826

Bill Number (if applicable)

377578

Amendment Barcode (if applicable)

Topic Marina Evacuations

Name Chris Dawson

Job Title _____

Address 301 E. Pine Street, Suite 1400

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Orlando

City

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State

32801

Zip

Email chris.dawson@gray-robinson.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Canaveral Port Authority

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. The Chair will attempt to limit their remarks so that as many persons as possible can be heard.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17

Meeting Date

826

Bill Number (if applicable)

Topic MARINA EVACUATIONS

Amendment Barcode (if applicable)

Name MICHAEL RUBIN

Job Title VP GOVT AFFAIRS

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Zip

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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA PORTS COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20

Meeting Date

826

Bill Number (if applicable)

Topic Marina Evacuations

Amendment Barcode (if applicable)

Name Chris Dawson

Job Title _____

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City

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State

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Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Canaveral Port Authority

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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 Infrastructure and Security

BILL: CS/CS/SB 998

INTRODUCER: Infrastructure and Security Committee, Community Affairs Committee, and Senator Hutson

SUBJECT: Housing

DATE: February 19, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Toman</u>	<u>Ryon</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 998 addresses several housing issues related to development zoning and impact fees; the provision of affordable housing; and taxation, regulation, ownership, and tenancy related to mobile homes and mobile home parks.

With respect to zoning, impact fees, and affordable housing, the bill:

- Notwithstanding other laws and regulations, authorizes local governments to approve the development of affordable housing on any parcel zoned for residential, commercial or industrial use;
- Provides that local governments may adopt an ordinance to allow accessory dwelling units (ADUs) in any area zoned for single-family residential use;
- Requires the reporting of impact fee charges data within the annual financial audit report submitted to the Department of Financial Services (DFS);
- Requires the evaluation of additional local government contribution criteria within applications submitted for State Apartment Incentive Loan (SAIL) Program funding;
- Transitions the “pilot” features of a workforce housing program into the Community Workforce Housing Loan Program, administered by the Florida Housing Finance Corporation (FHFC);
- Establishes biannual regional workshops for locally elected officials serving on affordable housing advisory committees (AHACs) to identify and share best affordable housing practices;

- Adds data reporting within a State Housing Initiatives Partnership (SHIP) Program participant's submissions to the FHFC on affordable housing applications approved and denied;
- Permits the FHFC to prioritize a portion of the SAIL Program funds set aside for persons with special needs, to provide funding for the development of newly constructed permanent rental housing on a campus that provides housing for persons in foster care or persons aging out of foster care;
- Expands a tax exemption for housing authorities from state and local taxes by including their nonprofit instrumentality in the exemption; and
- Prevents local governments from circumventing a housing authority's tax exemption through renaming a tax or assessment.

With respect to housing issues related to mobile homes, the bill:

- Provides a mobile home buyer will have the option to receive the seller's prospectus or a new prospectus;
- Requires mobile home owner to receive written permission from park owner before exterior modifications or additions;
- Requires property taxes or assessments be disclosed in the prospectus or rental agreement as a separate charge or a factor in order for a park owner to be deemed to have disclosed the passing on of property taxes and assessments;
- Creates a strict prohibition to prevent the park owner from passing on to mobile home owners taxes in an amount in excess of what is actually paid to the tax collector;
- Revises requirements on how mobile home dealers offer and display mobile homes at a place of business;
- Revises features of repair and remodeling codes for mobile and manufactured homes;
- Clarifies provisions exempting mobile home park owners from the jurisdiction of the Public Service Commission (PSC) when the park owners provide water and wastewater;
- Permits a mobile home park damaged or destroyed by wind, water, or other natural force to be rebuilt on the same site with the same density as was approved, permitted, and built before being damaged or destroyed;
- Revises numerous rights, obligations, and record retention requirements of the park owner and a mobile home park home owner's association; and
- Revises the rights and obligations of the park owner and the tenant in a mobile home park in a legal action based on nonpayment of rent.

The bill may have a local mandate and require the approval of two-thirds of the membership in each house of the Legislature. See Section IV. Constitutional Issues.

Please see Section V. Fiscal Impact Statement for additional information.

The bill has an effective date of July 1, 2020.

II. Present Situation:

The various features of the bill principally address housing issues affecting local government development zoning, impact fees and affordable housing in chs. 125, 163, 166, 196, 420, and

423, F.S., and statutes governing mobile homes within chs. 320, 367 and 723, F.S. The Present Situation within these general topic groupings is included in the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Bill Sections Addressing Development Zoning, Impact Fees, and Affordable Housing

Zoning and Impact Fees for Affordable Housing (Sections 1, 3 and 4)

Present Situation

Local Government Authority

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.¹ Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.² Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.³

Comprehensive Plans and Land Use Regulation

Local governments regulate aspects of land development by enacting ordinances which address local zoning, rezoning, subdivision, building construction, landscaping, tree protection⁴ or sign regulations or any other regulations controlling the development of land.⁵ “Land development regulation” is defined to include a general zoning code, but shall not include a zoning map, an action which results in zoning or rezoning of land, or any building construction standard adopted pursuant to and in compliance with the provisions of ch. 553, F.S., on Building Construction Standards.⁶

In 1985, the Legislature passed the landmark Growth Management Act, which required every city and county to create and implement a comprehensive plan to guide future development. Section 163.3177, F.S., governs a locality’s comprehensive plan which lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments.

Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government amends its comprehensive plan first. Among the many components of a comprehensive plan is a land use element designating proposed future general

¹ FLA. CONST. art. VIII, s. 1(f).

² FLA. CONST. art. VIII, s. 1(g).

³ FLA. CONST. art. VIII, s. 2(b). See also s. 166.021(1), F.S.

⁴ Chapter 2019-155, Laws of Fla., prohibits a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the tree presents a danger to persons or property, as documented by a certified arborist or licensed landscape architect.

⁵ See ss. 163.3164 and 163.3213, F.S. Pursuant to s. 163.3213, F.S., substantially affected persons have the right to maintain administrative actions which assure that land development regulations implement and are consistent with the local comprehensive plan.

⁶ Section 163.3213(1)(b), F.S.

distribution, location, and extent of the uses of land.⁷ Specified use designations include those for residential, commercial, industry, agriculture, recreation, conservation, education, and public facilities.⁸

State law requires a proposed comprehensive plan amendment to receive public hearings, the first held by the local planning board.⁹ The local government must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies, including the Department of Economic Opportunity (DEO), the relevant Regional Planning Council, and adjacent local governments that request to participate in the review process.¹⁰

In 2011, the Legislature bifurcated the process for approving comprehensive plan amendments.¹¹ Most plan amendments are placed into the Expedited State Review Process, while plan amendments relating to large-scale developments are placed into the State Coordinated Review Process.¹² The two processes operate in much the same way; however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.¹³

Sections 125.66, and 166.41, F.S., outline regular and emergency ordinance adoption procedures for counties and municipalities. Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances or resolutions initiated by the local government that change the actual zoning map designation of a parcel or parcels of land must follow additional enhanced procedures and requirements.¹⁴

Affordable Housing

Affordable housing is generally defined in relation to the annual area median income of the household living in the housing adjusted for family size. Section 420.0004, F.S., defines affordable to mean that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for:

- Extremely-low-income households, i.e., total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state;¹⁵

⁷ Section 163.3177(6)(a), F.S.

⁸ *Id.* Section 163.3164(4), F.S., specifies the designation of an “agricultural enclave.” Among other features, to be considered an agricultural enclave, a parcel must be owned by a single person, used for bona fide agricultural purposes, and must be surrounded by 75 percent by property that has existing or industrial, commercial, or residential development or property designated by the local government for such purposes.

⁹ Sections 163.3174(4)(a) and 163.3184, F.S.

¹⁰ Section 163.3184, F.S.

¹¹ Chapter 2011-139, s. 17, Laws of Fla.

¹² *Id.*

¹³ Section 163.3184(3), (4), F.S.

¹⁴ *See* sections 125.66(4) and 166.041(3), F.S.

¹⁵ Section 420.0004(9), F.S. Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

- Very-low-income households, i.e., total annual gross household income does not exceed 50 percent of the median annual income within the state or the area whichever is greater;¹⁶
- Low-income households, i.e., total annual gross household income does not exceed 80 percent of the median annual income within the state or the area whichever is greater;¹⁷
- Moderate-income households, i.e., total annual gross household income does not exceed 120 percent of the median annual income within the state or the area whichever is greater.¹⁸

Statutory Guidance on County and Municipal Affordable Housing

In 2001, the Legislature created ss. 125.01055¹⁹ and 166.04151, F.S.,²⁰ respectively authorizing a county or municipality, notwithstanding any other provision of law, to “adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.”

“Inclusionary housing ordinances (sometimes called inclusionary zoning ordinances) are land use regulations that require affordable housing units to be provided in conjunction with the development of market rate units. The intent of these ordinances is to increase the production of affordable housing in general and to increase the production in specific geographic areas that might otherwise not include affordable housing.”²¹

Chapter 2019-165, L.O.F., amended ss. 125.01055 and 166.04151, F.S., to provide that a local inclusionary housing ordinance requiring a developer to provide a specified number of affordable housing units or requiring a developer to contribute to a housing fund must provide incentives to fully offset all costs to the developer of its affordable housing contribution. The developer offset provision does not apply in areas of critical state concern in Monroe County and the City of Key West.

Local Government Impact Fees²²

Pursuant to home rule authority, counties and municipalities may impose proprietary fees,²³ regulatory fees, and special assessments²⁴ to pay the cost of providing a facility or service or regulating an activity. As one type of regulatory fee, impact fees are charges imposed by local governments against new development to provide for capital facilities’ costs made necessary by such growth.²⁵ Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee.

¹⁶ Section 420.0004(17), F.S. ‘Area’ in s. 420.0004, F.S., means within the metropolitan statistical area (MSA) or, if not within an MSA, within the county.

¹⁷ Section 420.0004(11), F.S.

¹⁸ Section 420.0004(12), F.S.

¹⁹ Chapter 2001-252, s. 16, Laws of Fla.

²⁰ Chapter 2001-252, s. 15, Laws of Fla.

²¹ *Ross, J. and Outka, U.*, The Florida Housing Coalition, *Inclusionary Housing: A Challenge Worth Taking*, available at <https://www.flhousing.org/wp-content/uploads/2012/05/Inclusionary-Housing-A-Challenge-Worth-Taking.pdf> (last visited February 13, 2020).

²² Office of Economic and Demographic Research, The Florida Legislature, *2019 Local Government Financial Handbook*, available at <http://edr.state.fl.us/Content/local-government/reports/lgfih19.pdf> (last visited February 13, 2020).

²³ *Id.* Examples of proprietary fees include admissions fees, franchise fees, user fees, and utility fees.

²⁴ *Id.* Special assessments are typically used to construct and maintain capital facilities or to fund certain services.

²⁵ *Id.*

Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Section 163.31801(3), F.S., provides requirements and procedures for the adoption of an impact fee. An impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum:

- Require that the calculation of the impact fee be based on the most recent and localized data;
- Provide for accounting and reporting of impact fee collections and expenditures. If a local government imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund;
- Limit administrative charges for the collection of impact fees to actual costs; and
- Require that notice be provided at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.

Chapter 2019-165, L.O.F., amended s. 163.31801, F.S., to codify the 'dual rational nexus test' for impact fees, as articulated in case law. This test requires an impact fee to be proportional and have a reasonable connection, or rational nexus, between 1) the proposed new development and the need and the impact of additional capital facilities, and 2) the expenditure of funds and the benefits accruing to the proposed new development.²⁶ Local governments are prohibited from requiring the payment of impact fees prior to issuing a property's building permit.²⁷

Additionally, ch. 2019-165, L.O.F., established that impact fee funds must be earmarked for capital facilities that benefit new residents and may not be used to pay existing debt unless specific conditions are met.²⁸ Provisions also authorized a local government to provide an exception or waiver for an impact fee for affordable housing. If a local government provides such an exception or waiver, it is not required to use any revenues to offset the impact.²⁹ Impact fee provisions in s. 163.31801, F.S., do not apply to water and sewer connection fees.

Local Government Financial and Economic Status Reporting

Local governments are accountable for the manner in which they spend public funds, and the submission of financial reports required by state law is one method of demonstrating accountability. Section 218.39, F.S., requires the completion of an annual financial audit of accounts and records within nine months after the end of the fiscal year for counties, district school boards, charter schools, and charter technical career centers and certain municipalities and special districts. The statute requires filing of these annual financial audit reports with the State of Florida's Auditor General.

Section 218.32, F.S., requires counties, municipalities, and special districts to complete and submit to the DFS a copy of its annual financial report (AFR) for the previous fiscal year no later

²⁶ Section 163.31801(3)(f) and (g), F.S.

²⁷ Section 163.31801(3)(e), F.S.

²⁸ Section 163.31801(3)(h) and (i), F.S.

²⁹ Section 163.31801(8), F.S.

than nine months after the end of the fiscal year. The AFR is not an audit but rather a unique financial document completed using a format prescribed by the DFS.³⁰

The DFS's Bureau of Local Government has created a web-based AFR system called Local Government Electronic Reporting (LOGER) where local government entities complete and electronically submit AFRs.³¹ DFS personnel verify an entity's data entered in LOGER by comparing the data to the financial statements included in the submitted audit report, or with other prescribed information from those entities not subject to the audit requirement and contact the entities for clarification when the comparisons yield significant differences.³²

In addition to the above local government financial reporting, ch. 2019-56, L.O.F., amended ss. 129.03 and 166.241, F.S., to require counties and municipalities respectively to report certain economic status information to the Office of Economic and Demographic Research. This includes information on government spending and debt per resident, median income, average local government employee salary, percentage of budget spent on employee salaries and benefits, and the number of taxing districts.

Effect of Proposed Changes

Sections 1 and 4 amend ss. 125.01055 and 166.04151, F.S., to -- notwithstanding any other law or local ordinance or regulation to the contrary -- authorize the board of a county commission and the governing body of a municipality, respectively, to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use.

Section 3 amends s. 163.31801, F.S., to require the reporting of impact fee charges data within the annual financial audit report items specified under s. 218.32, F.S. The data includes the specific purpose of an impact fee and the associated infrastructure need the fee meets; a description of the impact fee schedule policy and fee calculation methods; the amount assessed for each purpose and type of dwelling; and the total amount of impact fees charged by type of dwelling.

Accessory Dwelling Units (Section 2)

Present Situation

An ADU is an ancillary or secondary living unit that has a separate kitchen, bathroom, and sleeping area existing either within the same structure, or on the same lot, as the primary dwelling unit.³³ Section 163.31771, F.S., finds that encouraging local governments to permit ADUs to increase the availability of affordable rentals serves a public purpose. A local government may adopt an ordinance allowing ADUs in any area zoned for single-family

³⁰ See Department of Financial Services Bureau of Financial Reporting, *Uniform Accounting System Manual for Florida Local Governments* (2014), available at https://www.myfloridacfo.com/Division/AA/Manuals/2014UASManual-7-31-15_FINAL.pdf (last visited February 13, 2020).

³¹ LOGER is available at <https://apps.fldfs.com/LocalGov/Reports/> (last visited February 13, 2020).

³² See Florida Auditor General, *Local Government Financial Reporting System: Performance Audit Report 2019-028* (Sep. 2019), available at https://flauditor.gov/pages/pdf_files/2019-028.pdf (last visited February 13, 2020).

³³ Section 163.31771(2)(a), F.S. ADUs are sometimes referred to as "granny flats" to denote their use in accommodating the housing needs of aging parents. ADUs have the potential to make the primary home more affordable by creating rental income for the homeowner, while also providing affordable rental housing.

residential use based upon a finding that there is a shortage of affordable rentals in its jurisdiction.³⁴ Each ADU allowed by an ordinance under s. 163.31771, F.S., shall count towards the affordable housing component of the housing element in the local government's comprehensive plan.³⁵ An application for a building permit to construct such ADUs must include an affidavit which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.³⁶

In 2019, the Florida Housing Coalition, the entity that currently provides technical assistance and training for the Catalyst Program under s. 420.531, F.S., published the *Accessory Dwelling Unit Guidebook*.³⁷ The stated intent of the Guidebook is to address the challenges and benefits a community might face as it considers allowing the implementation of ADUs and presents a range of alternatives for local governments and other stakeholders to consider and evaluate. Among other data points, the Guidebook found that:

- Of Florida's 67 counties, 16 did not address any ADU in their land development codes; and
- Of the 15 most populous cities in Florida, 11 of them explicitly allow ADUs in single-family districts.

Effect of Proposed Changes

Section 2 amends s. 163.31771, F.S., to allow a local government to adopt an ordinance to allow ADUs in any area zoned for single family residential use. The ordinance would not be conditioned upon a finding that there is a shortage of affordable rentals within the local jurisdiction.

Property Taxation (Section 5 and 6)

Present Situation

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.³⁸ The property appraiser annually determines the "just value"³⁹ of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."⁴⁰ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

³⁴ Section 163.31771(3), F.S.

³⁵ Section 163.31771(5), F.S.

³⁶ Section 163.31771(4), F.S. The parameters defining the various income designations are specified in s 420.0004, F.S.

³⁷ See Florida Housing Coalition, *Accessory Dwelling Unit Guidebook*, (May 2019) available at <https://www.flhousing.org/wp-content/uploads/2019/08/ADU-Guidebook.pdf> (last visited February 13, 2020).

³⁸ 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.

³⁹ 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).

⁴⁰ See s. 192.001(2) and (16), F.S.

The Florida Constitution prohibits the state from levying ad valorem taxes⁴¹ and limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁴²

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁴³ 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;⁴⁴ land used for conservation purposes;⁴⁵ historic properties when authorized by the county or municipality;⁴⁶ and certain working waterfront property.⁴⁷

Exemption of Property Tax for Charitable Purposes and Affordable Housing

The Florida Constitution provides that portions of property used predominately for educational, literary, scientific, religious, or charitable purposes may be exempted by general law from taxation.⁴⁸

In 1999, the Legislature authorized a property tax exemption for property owned by certain exempt entities which provide affordable housing under the charitable purposes exemption.⁴⁹ The property must be owned entirely by a not-for-profit corporation, used to provide affordable housing through any state housing program under ch. 420, F.S., and serving low-income and very-low-income persons.⁵⁰ In order to qualify for the exemption, the property must comply with s. 196.195, F.S., for determining non-profit status of the property owner and s. 196.196, F.S., for determining exempt status of the use of the property.

In 2017, the Legislature created s. 196.1978(2), F.S., to provide that property used as affordable housing will be considered a charitable purpose and qualify for a 50 percent property tax discount if the property:

- Provides affordable housing to natural persons or families meeting the extremely-low, very-low, or low-income limits specified in s. 420.0004, F.S.;
- Provides housing in a multifamily project in which at least 70 units are provided to the above group; and

⁴¹ FLA. CONST. art. VII, s. 1(a).

⁴² See FLA. CONST. art. VII, s. 4.

⁴³ Section 193.011(2), F.S.

⁴⁴ FLA. CONST. art. VII, s. 4(a).

⁴⁵ FLA. CONST. art. VII, s. 4(b).

⁴⁶ FLA. CONST. art. VII, s. 4(e).

⁴⁷ FLA. CONST. art. VII, s. 4(j).

⁴⁸ FLA. CONST. art. VII, s. 3.

⁴⁹ Chapter 99-378, s. 15, Laws of Fla. (creating s. 196.1978, F.S., effective July 1, 1999).

⁵⁰ The not-for-profit corporation must qualify as charitable under s. 501(c)(3) of the Internal Revenue Code and other federal regulations. See 26 U.S.C. § 501(c)(3) ("charitable purposes" include relief of the poor, the distressed or the underprivileged, the advancement of religion, and lessening the burdens of government).

- Is subject to an agreement with FHFC to provide affordable housing to the above group, recorded in the official records of the county in which the property is located.⁵¹

The discount begins on January 1 of the year following the 15th year of the term of the agreement on those portions of the affordable housing property that provide the housing as described above. The discount terminates when the property is no longer serving extremely-low, very-low, or low-income persons pursuant to the recorded agreement. The discount is applied to taxable value prior to tax rolls being reported to taxing authorities and tax rates being set in the annual local government budgeting process.

Effect of Proposed Changes

Section 5 amends s 196.196, F.S., to provide that property owned by a person, made available for affordable housing may be granted an ad valorem exemption, and provides that the board of county commissioners of any county or the governing authority of a municipality may adopt ordinances to grant an ad valorem tax exemption for property used for the charitable purpose of providing affordable housing, if the person owning the property has taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet the extremely-low-income, very-low-income, low-income, or moderate-income limits.

Section 6 amends s. 196.1978, F.S., provides that units which are vacant or that are occupied by tenants who were natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits at the time they initially became tenants, but who no longer meet those income limits, will be treated as portions of the property exempt from ad valorem taxation provided that the property is subject to a recorded land use restriction agreement in favor of the FHFC or any other governmental or quasi-governmental jurisdiction.

In addition, it provides that the Legislature intends that any property owned by one or more limited liability companies or limited partnerships, each of which is a disregarded entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) will be treated as owned by the ultimate sole member s. 501(c)(3) nonprofit corporation.

State Apartment Incentive Loan Program: Local Government Contributions (Section 12)

Present Situation

The SAIL Program⁵² provides low-interest loans on a competitive basis to affordable housing developers. SAIL is funded through a statutory distribution of documentary stamp tax revenues, which are deposited into the State Housing Trust Fund. This money often serves to bridge the gap between the primary financing and the total cost of the development. SAIL dollars are available to individuals, public entities, nonprofit organizations, or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families. In most cases, the SAIL loan cannot exceed 25 percent of the total development cost and can be used in conjunction with other state and federal programs.

⁵¹ Section 196.1978(2)(a), F.S. and ch. 2017-36, s. 6, Laws of Fla.

⁵² See s. 420.5087, F.S., and Florida Housing Finance Corporation, *State Apartment Incentive Loan, Background*, for information cited in this section, available at <http://www.floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan> (last visited February 13, 2020).

The FHFC administers the SAIL program and is required to establish a review committee for the competitive evaluation and selection of applications submitted. The evaluation criteria include local government contributions and local government comprehensive planning and activities that promote affordable housing.⁵³

Effect of Proposed Changes

Section 12 amends provisions of the SAIL Program in s. 420.5087, F.S., to require the evaluation of additional components within the review and selection process of applications submitted for funding. The additional components relate to criteria surrounding local government contributions, including policies that promote access to public transportation, reduce the need for on-site parking, and expedite permits for affordable housing projects.

Community Workforce Housing Innovation Pilot Program (Section 13)

Present Situation

Established by ch. 2006-69, L.O.F., the Community Workforce Housing Innovation Pilot Program (CWHIP) was created for the purpose of providing affordable rental and home ownership community workforce housing for essential services personnel with medium incomes in high-cost and high-growth counties. Designed to use regulatory incentives and state and local funds to promote local public-private partnerships and to leverage government and private sources, the FHFC administered the program in 2006 and 2007.⁵⁴

The CWHIP targeted households earning higher incomes than traditionally served through other affordable housing programs to create homeowner or rental housing for persons such as teachers, firefighters, healthcare providers and others as defined by local governments. Households earning up to 140 percent of area median income (AMI) could be served through the program with that provision rising up to 150 percent of AMI in the Florida Keys.⁵⁵

CWHIP provided priority funding consideration to projects in counties where the disparity between the AMI and the median sales price for a single family home was greatest. Priority funding consideration was specified where:

- The local jurisdiction established local incentives such as expedited reviews of development orders and permits and supported development near transportation hubs;
- Financial strategies like tax increment financing were utilized; and
- Projects set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel.

The CWHIP loans were awarded with a one to three percent interest rate and could be forgiven where long-term affordability was provided and where at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services.⁵⁶

⁵³ Section 420.5087(6)(c), F.S.

⁵⁴ Section 420.5095(2), F.S.

⁵⁵ Section 420.5095(3)(a), F.S.

⁵⁶ Section 420.5095(11), F.S.

The FHFC administered two rounds of funding for CWHIP: \$50 million in October of 2006 and \$62.4 million in December of 2007.⁵⁷

Effect of Proposed Changes

Section 13 amends s. 420.5095, F.S., to transition the “pilot” features of a workforce housing program into the Community Workforce Housing Loan Program, administered by the FHFC. Workforce housing is defined as housing affordable to persons of families whose total annual income does not exceed 80 percent of the area median income or 120 percent of the area median income, adjusted for household size in specified areas of critical concern. The FHFC is required to establish a loan application process pursuant to the SAIL Program provisions under s. 420.5087, F.S., and award loans at a one percent interest rate for a term not to exceed 15 years. The bill removes the requirement that projects set aside at least 50 percent of units for workforce housing to be given priority consideration for funding.

Affordable Housing Workshops for Locally Elected Officials utilizing Catalyst and the SHIP (Sections 14 and 17)

Present Situation

Affordable Housing Catalyst Program

Section 420.531, F.S., directs the FHFC to operate the Affordable Housing Catalyst Program (Catalyst Program) to provide specialized technical support to local governments and community-based organizations to implement the HOME Investment Partnership Program, the SHIP Program, and other affordable housing programs.⁵⁸ The FHFC currently contracts with the Florida Housing Coalition to provide Catalyst Program training and technical assistance.⁵⁹

The Florida Housing Coalition’s technical assistance team consists of a geographically dispersed network of personnel who provide on-site and telephone or e-mail technical assistance as well as training through workshops and webinars.⁶⁰ This technical assistance targets supporting local governments and nonprofit organizations and includes:

- Leveraging program dollars with other public and private funding sources;
- Working effectively with lending institutions;
- Implementing regulatory reform;

⁵⁷ See Florida Housing Finance Corporation, *2007 Annual Report* and *2008 Annual Report*, available at <http://www.floridahousing.org/docs/default-source/data-docs-and-reports/annual-reports/2007AnnualReport.pdf> and http://www.floridahousing.org/docs/default-source/data-docs-and-reports/annual-reports/2008AnnualReport_CDfile.pdf (last visited February 13, 2020).

⁵⁸ To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization.

⁵⁹ *Contract for Affordable Housing Catalyst Services between Florida Housing Finance Corporation and the Florida Housing Coalition, Inc.*, (July 1, 2019) available at https://www.floridahousing.org/docs/default-source/legal/contracts/2019/014-2019---the-florida-housing-coalition-inc---affordable-housing-catalyst-program-services.pdf?sfvrsn=c09dea7b_2 (last visited February 13, 2020).

⁶⁰ The *2019/2020 Catalyst Training Schedule* is available at <https://www.floridahousing.org/docs/default-source/programs/special-programs/catalyst/training-schedule-catalyst-2019-2020.pdf?sfvrsn=2> (last visited February 13, 2020). A link to the Florida Housing Coalition’s *Work Shop and Webinar Calendar* is available at https://www.flhousing.org/events/list/?tribe_paged=2&tribe_event_display=list (last visited February 13, 2020).

- Training for boards of directors;
- Implementing rehabilitation and emergency repair programs;
- Assisting with the creation of fiscal and program tracking systems; and
- Meeting compliance requirements of state and federally funded housing programs.

State Housing Initiatives Partnership Program

Administered by FHFC, the SHIP Program provides funds to all 67 counties and 52 Community Developments Block Grant entitlement cities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.⁶¹ The program targets very-low, low, and moderate-income families. The SHIP is funded through a statutory distribution of documentary stamp tax revenues, which are deposited into the Local Government Housing Trust Fund.

Subject to specific appropriation, funds are distributed quarterly to local governments participating in the program.⁶² Funds are expended per each local government's adopted Local Housing Assistance Plan (LHAP), which details the housing strategies they will use.⁶³ Local governments submit their LHAPs to the FHFC for review to ensure that they meet the broad statutory guidelines and the requirements of the program rules. The FHFC must approve an LHAP before a local government may receive the SHIP funding for the applicable years.

SHIP Incentive Strategies and Advisory Committee

Within 12 months of adopting a LHAP, each participating local government must amend the plan to include local housing incentive strategies.⁶⁴ The strategies must:

- Assure that permits for affordable housing projects are expedited;
- Establish an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing; and
- Include a schedule for implementing the incentive strategies.⁶⁵

Local governments must appoint members to an Affordable Housing Advisory Committee (AHAC) to triennially review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan.⁶⁶ The AHAC is comprised of local citizens representing a range of affordable housing stakeholders.⁶⁷ At a minimum, each AHAC must submit a report to the local governing body on certain affordable housing incentives including:

- The processing of approvals of development orders or permits for affordable housing.
- The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- The allowance of flexibility in densities for affordable housing.

⁶¹ See ss. 420.907-420.9089, F.S.

⁶² Section 420.9073, F.S.

⁶³ Section 420.9075, F.S.

⁶⁴ Section 420.9076(1), F.S.

⁶⁵ Section 420.9071(16), F.S.

⁶⁶ Section 420.9076(4), F.S.

⁶⁷ Section 420.9076(2), F.S.

- The allowance of affordable accessory residential units in residential zoning districts.
- The reduction of parking and setback requirements for affordable housing.

Local governments that receive the minimum allocation under the SHIP⁶⁸ must perform the initial incentives review but may elect to not perform the subsequent triennial reviews.

Statutorily Authorized Affordable Housing Study Groups

In 1986, the Affordable Housing Study Commission (Commission) was statutorily created to evaluate affordable housing policy issues and programs.⁶⁹ This standing commission is charged with recommending public policy changes to the Governor and Legislature to stimulate community development and revitalization and promote the production, preservation and maintenance of decent, affordable housing for all Floridians. Section 420.609, F.S., specifies the make-up of 21 members who are appointed by the Governor to the Commission. The FHFC provides administrative support to the Commission, but the Commission has not received funding or gubernatorial appointments since 2008.⁷⁰

The 2017 Legislature created a statewide Affordable Housing Workgroup (Workgroup).⁷¹ The 14-member body consisted of current and previously elected state and local officials as well as stakeholders from the private and non-profit affordable housing community. The Workgroup's final report was submitted to the Governor and Legislature and provided findings and recommendations to address the state's affordable housing needs including strategies and pathways for low-income housing in the state.⁷²

Effect of Proposed Changes

Section 14 amends s. 420.531, F.S., to establish biannual regional workshops for locally elected officials serving on AHACs as provided for by the SHIP in s. 420.9076, F.S. The entity providing statewide training and technical assistance for the Catalyst Program authorized in s. 420.531, F.S., will administer and conduct the workshops with the intent of facilitating peer-to-peer identification and sharing of best affordable housing practices. Workshops may be conducted through teleconferencing or other technological means. Annual reports summarizing each region's deliberations and recommendations, as well as local official attendance records, must be submitted to the President of the Senate, the Speaker of the House, and the FHFC by March 31 of the following year.

The section also includes SAIL among the programs listed for which Catalyst Program may provide technical support.

⁶⁸ Pursuant to s. 420.9073(3), F.S., the minimum local housing distribution is \$350,000.

⁶⁹ Chapter 86-192 Laws of Fla.

⁷⁰ Commission Annual Reports submitted from 1987-2008 are *available at* <http://apps.floridahousing.org/StandAlone/AHSC/AHSC-AnnualReports.htm> (last visited February 13, 2020).

⁷¹ Chapter 2017-071, s. 46, Laws of Fla. Legislation creating the workgroup designated Florida Housing Finance Corporation as the administering entity.

⁷² The Workgroup's Final Report, meeting agendas, research materials and other information is available at <https://www.floridahousing.org/about-florida-housing/workgroup-on-affordable-housing> (last visited February 13, 2020).

Section 17 amends s. 420.9076, F.S., to modify requirements of the SHIP AHACs. The new provisions include ensuring that one locally elected official from each participating SHIP county or municipality serves on the advisory committee. This official, or a locally elected designee, must attend biannual workshops on affordable housing best practices as provided for in section 13 of the bill. If a locally elected official fails to attend three consecutive regional workshops, the FHFC may withhold the participating SHIP entity's funds pending the person's attendance at the next regularly scheduled biannual meeting.

The section also requires annual, rather than triennial, AHAC reviews of local policies and provisions affecting affordable housing. An annual report of advisory committee reviews and recommendations must be submitted to the local governing body and to the entity providing statewide training and technical assistance for the Catalyst Program. In addition to currently provided information, the report must now also include information on all allowable fee waivers for the development or construction of affordable housing.

Funding Transitional Housing for Persons Aging out of Foster Care (Section 15)

Present Situation

Affordable Housing Funding for Special Needs Populations

Section 420.0004, F.S., defines a person with special needs as an adult person requiring independent living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under s. 409.1451(5); a survivor of domestic violence as defined in s. 741.28; or a person receiving benefits under the Social Security Disability Insurance program or the Supplemental Security Income program or from veterans' disability benefits.

Each local government participating in the SHIP Program (see page 10 of the analysis for a summary of the general elements and governance of the SHIP) must use a minimum of 20 percent of its local housing distribution to serve persons with special needs as defined above in s. 420.0004, F.S.⁷³ A local government must certify that it will meet this requirement through existing approved strategies in its LHAP.

Section 420.507(48), F.S., requires the FHFC to reserve up to five percent of certain annual allocations⁷⁴ for high-priority affordable housing projects for veterans and their families, and other special needs populations. The FHFC must reserve an additional five percent of each allocation for affordable housing projects that target persons who have a disabling condition.

According to the statewide 2019 Rental Market Study, an estimated 104,273 cost burdened renter households receive disability-related Social Security, SSI, and veterans' benefits

⁷³ Section 420.9075(5)(d), F.S.

⁷⁴ These allocations include those for low-income housing tax credits, nontaxable revenue bonds, and SAIL funds appropriated by the Legislature.

statewide.⁷⁵ Based on service use, an estimated 7,836 survivors of domestic violence and 2,574 youth exiting foster care are in need of affordable housing.⁷⁶

Services and Support for Persons Aging Out of Foster Care

Sections 39.6251 and 409.1451, F.S., require the Department of Children and Families to administer an array of independent living services to eligible young adults ranging in ages 18-22 (not yet 23), including supports in making the transition to self-sufficiency.⁷⁷

Extended Foster Care (EFC) provides eligible young adults the option of remaining in foster care until the age of 21 or until the age of 22 if they have a disability. EFC is a voluntary program that requires the young adult to agree to participate in school, work, or a work training program in accordance with federal and state guidelines. Exceptions and accommodations are made for young adults with a documented disability.

Effect of Proposed Changes

Section 15 amends s. 420.9073, F.S., to authorize the FHFC to prioritize a portion of the SAIL Program funds set aside under s. 420.5087(3)(d), F.S., for persons with special needs, to provide funding for the development of newly constructed permanent rental housing on a campus that provides housing for persons in foster care or persons aging out of foster care. The housing must promote and facilitate access to community-based supportive, educational, and employment services and resources that assist persons aging out of foster care to successfully transition to independent living and adulthood. The FHFC must consult with the Department of Children and Families to create minimum criteria for such housing.

Annual SHIP Entity Reporting Submissions to Florida Housing (Section 16)

Present Situation

Section 420.9075(10), F.S., requires each local government participating in the SHIP (see page 10 of the analysis for a summary of the general elements and governance of the SHIP) to annually submit a report of its affordable housing programs and accomplishments to the FHFC. The local government's chief elected official or his or her designee must certify the report as accurate and complete.⁷⁸ Among the many items included in the report are:

- The number of households served by income category, age, family size, and race, and data regarding any special needs populations;
- The number of units and the average cost of producing units under each local housing assistance strategy;

⁷⁵ Shimberg Center for Housing Studies, University of Florida, 2019 Rental Market Study (May 2019) available at http://www.shimberg.ufl.edu/publications/RMS_2019.pdf (last visited February 13, 2020). The Rental Market Study defines 'cost burdened' to mean the household is paying at least 40 percent of income toward gross rent.

⁷⁶ *Id.*

⁷⁷ Information in this section related to independent living services and extended foster care is drawn from the Department of Children and Families, *Independent Living Services Annual Report* (Jan. 31, 2019) available at <https://www.myflfamilies.com/service-programs/child-welfare/docs/2019LMRs/Independent%20Living%20Services%202018%20Annual%20Report.pdf> (last visited February 13, 2020).

⁷⁸ Section 420.4075(1), F.S., requires availability of the report for public inspection and comment prior to certifying and transmitting it to Florida Housing.

- By income category, the number of mortgages made, the average mortgage amount, and the rate of default; and
- A description of the status of implementation of each local housing incentive strategy.⁷⁹

If, as a review of the report, the FHFC determines a violation of the criteria for a LHAP or that an eligible sponsor or eligible person has violated the applicable award conditions, the FHFC reports the violation to its compliance monitoring agent and the Executive Office of the Governor.⁸⁰ If a violation is deemed to have occurred, the distribution of program funds to the local government must be suspended until the violation is corrected.⁸¹

Effect of Proposed Changes

Section 16 amends s. 420.9075, F.S., to include data on the number of affordable housing applications submitted, approved and denied within a SHIP entity's annual program reporting to the FHFC.

Housing Projects (Section 18)

Present Situation

Public Housing Authorities

The state role in housing and urban development is outlined in part I of ch. 421, F.S., (Housing Authorities Law), ch. 422, F.S., (Housing Cooperation Law), and ch. 423, F.S., (Tax Exemption of Housing Authorities).⁸² Section 421.02, F.S., finds that there is a shortage of safe or sanitary dwelling accommodations available at rents that persons of low income can afford. To provide such accommodations housing authorities may acquire property to be used for or in connection with housing projects. Public money may only be spent to acquire private property for exclusively public uses and purposes, and the purposes must be determined to be governmental functions of public concern.

City, County, and Regional Housing Authorities

Florida Statutes provide for the creation of special district, city, county and regional housing authorities. Of the 119 public housing authorities in Florida,⁸³ 116 are special districts.⁸⁴

The determination of the need for a city housing authority may be made by the governing body of a city or upon the filing of a petition signed by 25 city residents. The mayor, with the approval of the governing body, appoints no fewer than five and no more than seven persons as commissioners of the authority.⁸⁵ The powers of each authority are vested in the commissioners

⁷⁹ Section 420.5075(10), F.S.

⁸⁰ Section 420.9075(13), F.S.

⁸¹ *Id.*

⁸² The Department of Economic Opportunity is the state agency charged with the responsibility of this state role.

⁸³ Florida Housing Finance Corporation, *Public Housing Question* (February 18, 2020), on file with the Senate Committee on Infrastructure and Security.

⁸⁴ Florida Department of Economic Opportunity, *Official List of Special Districts Online*, available at <http://specialdistrictreports.floridajobs.org/webreports/sumfunctionlist.aspx> (last visited February 18, 2020).

⁸⁵ At least one commissioner must be a resident of a housing project or a person of low income who resides within the housing authority's jurisdiction and is receiving a rent subsidy. *See* s. 421.05(1), F.S.

and action may be taken upon a majority vote of the commissioners. No commissioner or employee of an authority may acquire any interest in any housing project or in any property included or planned to be included in any project, nor in any contract or proposed contract for materials or services to be furnished or used in connection with any housing project.⁸⁶

Section 421.08, F.S., establishes the powers of a housing authority, including:

- The power to acquire, lease, and operate housing projects,
- The power to provide for the construction, reconstruction, improvement, alteration, or repair of any housing project,
- The power to lease or rent any dwellings, houses, accommodations, lands, buildings, structures, or facilities embraced in any housing project, and
- The power to invest any funds held in reserves or sinking funds.

Section 421.08(8)(a), F.S., grants the power to organize for the purpose of creating a for-profit or not-for-profit corporation, limited liability company, or other similar business entity pursuant to all applicable laws of this state in which the housing authority may hold an ownership interest or participate in its governance in order to develop, acquire, lease, construct, rehabilitate, manage, or operate multifamily or single-family residential projects. These projects may include nonresidential uses and may use public and private funds to serve individuals or families who meet the applicable income requirements of the state or federal program involved; whose income does not exceed 150 percent of the applicable median income for the area, as established by the United States Department of Housing and Urban Development; and who, in the determination of the housing authority, lack sufficient income or assets to enable them to purchase or rent a decent, safe, and sanitary dwelling. These corporations, limited liability companies, or other business entities may join partnerships, joint ventures, or limited liability companies pursuant to applicable laws or may otherwise engage with business entities in developing, acquiring, leasing, constructing, rehabilitating, managing, or operating such projects.

Section 421.27, F.S., governs the creation and powers of county housing authorities, which is similar to the creation of city housing authorities.⁸⁷ A county housing authority's area of operation includes all of the county except that portion which lies within the territorial boundaries of any city as defined in the Housing Authorities Law. A regional housing authority may be created by two or more contiguous counties if a regional entity would be a more economically or administratively efficient unit.⁸⁸ The powers of a regional housing authority are analogous to those of a city or county housing authority.

Tax Exemption of Housing Authorities

Chapter 423, F.S., provides property tax exemptions as well as state and local government tax and assessment exemptions for housing authorities. Specifically, s. 423.01(4), F.S., provides that such housing projects, including all property of a housing authority used for or in connection therewith or appurtenant thereto, are exclusively for public uses and municipal purposes and not for profit, and are governmental functions of state concern. As a matter of legislative

⁸⁶ See s. 421.06, F.S.

⁸⁷ In counties, petitions must be signed by 25 county residents and the Governor appoints the commissioners.

⁸⁸ See s. 421.28, F.S. The Governor appoints commissioners pursuant to s. 421.30, F.S.

determination, it is found and declared that the property and debentures of a housing authority are of such character as may be exempt from taxation.

Section 423.02, F.S., provides that housing projects of housing authorities, including authority property used in connection with or appurtenant to a housing project, shall be exempt from all taxes and special assessments of the state or any city, town, county, or political subdivision of the state.⁸⁹

Effect of Proposed Changes

Section 18 amends s. 423.02, F.S., to include a housing authority's nonprofit instrumentality under the housing authority's tax exemption from all taxes and special assessments of the state or any city, town, county, or political subdivision of the state. In addition, a city, town, county, or political subdivision of the state may not rename, modify terminology, or otherwise change a tax or assessment with the intent to circumvent the exemption provided in s. 423.02, F.S. This provision must be interpreted broadly to protect housing authorities or their nonprofit instrumentalities from taxation or assessment.

Bill Sections Addressing Mobile Homes

Mobile Home Act

Chapter 723, F.S., the "Florida Mobile Home Act" (act) addresses the unique relationship between a mobile home owner and a mobile home park owner.⁹⁰ The provisions in ch. 723, F.S., apply to residential tenancies where a mobile home is placed upon a lot that is rented or leased from a mobile home park that has ten or more lots offered for rent or lease.⁹¹

Chapter 723.003, F.S., provides the following relevant definitions:

- "Mobile home park" or "park" means a use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.⁹²
- "Mobile home owner," "mobile homeowner," "home owner," or "homeowner" means a person who owns a mobile home and rents or leases a lot within a mobile home park for residential use.⁹³

Mobile home parks are regulated by the Division of Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation. A mobile home park owner must pay to the division, on or before October 1 of each year, an annual fee of \$4 for each mobile home lot within a mobile home park which he or she owns.⁹⁴ If the fee is not paid by December 31, a penalty of ten percent of the amount due must be assessed. Additionally,

⁸⁹ In lieu of such taxes or special assessments a housing authority may agree to make payments to a local government for services, improvements or facilities furnished by the entity for the benefit of a housing project owned by the housing authority.

⁹⁰ Section 723.004, F.S.

⁹¹ Section 723.002(1), F.S.

⁹² Section 723.003(12), F.S.

⁹³ Section 723.003(11), F.S.

⁹⁴ Section 723.007(1), F.S.

if the fee is not paid, the park owner does not have standing to maintain or defend any action in court until the amount due, plus any penalty, is paid.⁹⁵

Additionally, a surcharge of \$1 is levied on each annual fee. The surcharge collected must be deposited in the Florida Mobile Home Relocation Trust Fund.⁹⁶

Mobile Home Dealer Display Requirements (Section 7)

Present Situation

A mobile home dealer must hold a license issued by the Department of Highway Safety and Motor Vehicles (DHSMV).⁹⁷ The term “dealer” means “any person engaged in the business of buying, selling, or dealing in mobile homes or offering or displaying mobile homes for sale.” The term includes a mobile home broker.⁹⁸ Any person who buys, sells, deals in, or offers or displays for sale, or who acts as the agent for the sale of, one or more mobile homes in any 12-month period is prima facie presumed to be a dealer. The term “dealer” does not include banks, credit unions, or finance companies that acquire mobile homes as an incident to their regular business and does not include mobile home rental and leasing companies that sell mobile homes to dealers licensed under this section.⁹⁹

The place of business of the mobile home dealer must be at a permanent location, not a tent or a temporary stand or other temporary quarters. The location of the place of business must afford sufficient unoccupied space to store all mobile homes offered and displayed for sale.¹⁰⁰

Effect of Proposed Changes

Section 7 amends s. 320.77, F.S., to remove the requirement that a place of business of a mobile home dealer must afford sufficient unoccupied space to store all mobile homes offered and displayed for sale. Under the bill, the place of business of a mobile home dealer must have sufficient space to display a manufactured home as a model home.

Recreational Vehicle Dealer Requirements (Section 7)

Present Situation

A recreational vehicle dealer must hold a license issued by the DHSMV.¹⁰¹ The term “dealer” means any person engaged in the business of buying, selling, or dealing in recreational vehicles or offering or displaying recreational vehicles for sale. The term does not include banks, credit unions, and finance companies that acquire recreational vehicles as an incident to their regular business and does not include mobile home rental and leasing companies that sell recreational vehicles to dealers licensed under this section.

⁹⁵ *Id.*

⁹⁶ Section 723.007(2), F.S.

⁹⁷ Section 320.77(2), F.S.

⁹⁸ See s. 320.77(1)(b), F.S., defining the term “mobile home broker.”

⁹⁹ Section 320.77(1)(a), F.S.

¹⁰⁰ Section 320.77(3)(h), F.S.

¹⁰¹ Section 320.771(2), F.S.

A recreational vehicle is a type of motor vehicle primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.¹⁰² One type of a recreational vehicle is known as a “park trailer,” which is a transportable unit that has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.¹⁰³

A recreational vehicle dealer must be insured under a garage liability insurance policy that includes a minimum \$25,000 combined single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection.¹⁰⁴

Effect of Proposed Changes

Section 7 amends s. 320.771, F.S., to exempt a recreational vehicle dealer from the requirement to be insured under a garage liability insurance policy, if the dealer sells only park trailers.

Repair and Remodeling Codes for Mobile and Manufactured Homes (Sections 9 and 10)

Present Situation

Chapter 320, F.S., relates to the regulation and enforcement of motor vehicle standards and licenses by the DHSMV.

Section 320.01(2)(a), F.S., defines the term “mobile home” to mean:

[A] structure, transportable in one or more sections, which is 8 body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. For tax purposes, the length of a mobile home is the distance from the exterior of the wall nearest to the drawbar and coupling mechanism to the exterior of the wall at the opposite end of the home where such walls enclose living or other interior space. Such distance includes expandable rooms, but excludes bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments that do not enclose interior space. In the event that the mobile home owner has no proof of the length of the drawbar, coupling, or hitch, then the tax collector may in his or her discretion either inspect the home to determine the actual length or may assume 4 feet to be the length of the drawbar, coupling, or hitch.

Section 320.01(2)(b), F.S., defines the term “manufactured home” to mean:

[A] mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

¹⁰² See s. 320.01(1)(b), F.S.

¹⁰³ Section 320.01(1)(b)7., F.S.

¹⁰⁴ Section 320.771(3)(j), F.S.

Section 320.822(2), F.S., defines the term “code” to include the “Mobile Home Repair and Remodeling Code” and the “Used Recreational Vehicle Code.”

Section 320.8232(2), F.S., requires that the provisions of the “Repair and Remodeling Code” ensure safe and livable housing and that the code not be more stringent than those standards required to be met in the manufacture of mobile homes. Such provisions must include, but not be limited to, standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety. Section 320.822(2), F.S., uses the term “Repair and Remodeling Code” and not the term “Mobile Home Repair and Remodeling Code.”

Subsection (1) of s. 320.822, F.S., requires compliance with the “Used Recreational Vehicle Code” for recreational vehicles manufactured after January 1, 1968, and sold or offered for sale in this state by a dealer or manufacturer.

The DHSMV Rule 15C-2.0081 of the Florida Administrative Code (F.A.C.) entitled “Mobile/Manufactured Home Repair and Remodeling Code,” provides guidelines which must be used to assure safe and livable housing and which must not be more stringent than the standard to which the home was originally constructed. The guidelines provide that:

- Additions, including, but not limited to add-a-rooms, roof-overs and porches must be free standing and self-supporting with only the flashing attached to the main unit unless the added unit has been designed to be married to the existing unit. All additions must be constructed in compliance with State and locally adopted building codes;
- Anchoring of additions must be in compliance with requirements for similar type construction;
- Repair or remodeling of a mobile/manufactured home shall require the use of material and design equivalent to the original construction. Structure must include, but not be limited to, roof system, walls, floor system, windows and exterior doors of the mobile/manufactured home; and
- Electrical and plumbing repair and replacement shall require the use of material and design equivalent to the original construction.

Effect of Proposed Changes

Section 9 amends s. 320.822, F.S., to revise the term “Mobile Home Repair and Remodeling Code” to the “Mobile and Manufactured Home Repair and Remodeling Code.”

Section 10 amends s. 320.8232, F.S., to require the Mobile and Manufactured Home Repair and Remodeling Code to be a uniform code. The term “uniform code” is not defined by statute. The bill does not specify that the code must be a statewide uniform code. However, the bill requires that all repairs and remodeling of mobile and manufactured homes must be performed in accordance with rules of the DHSMV.¹⁰⁵

¹⁰⁵ Department of Highway Safety and Motor Vehicles, Agency Bill Analysis of SB 998 (February 12, 2020) (on file with the Senate Committee on Infrastructure and Security), the DHSMV presumes this is a reference to Rule 15C-2.0081, F.A.C.

Jurisdiction of the Public Service Commission: Mobile Home Parks and Water and Wastewater Systems (Section 11)

Present Situation

In various areas throughout Florida, water and wastewater services are provided through privately-owned and operated water and wastewater companies. These privately-owned companies are referred to as “investor-owned utilities,” or “IOUs.”¹⁰⁶

For IOUs operating within a single Florida county, the county has the option to regulate rates and service or allow the PSC to regulate those utilities.¹⁰⁷ Currently, the PSC has jurisdiction over 150 water and wastewater IOUs in 38 of 67 counties in Florida.¹⁰⁸

The remaining water and wastewater customers in the state are not subject to PSC regulation and are served either by IOUs in non-jurisdictional counties, by wells and septic tanks, or by systems owned, operated, managed, or controlled by governmental authorities or by statutorily exempt utilities (such as municipal utilities, cooperatives, and non-profits).¹⁰⁹

Section 367.022(5), F.S., exempts from regulation by the PSC “landlords providing [water or wastewater] service to their tenants without specific compensation for the service.” Section 367.022(9), F.S., also exempts from regulation any person who resells water service to his or her tenants or to individually metered residents for a fee that does not exceed the actual purchase price of the water service plus the actual cost of meter reading and billing, not to exceed nine percent of the actual cost of service.

Chapter 723.003, F.S., provides the following relevant definitions:

- “Mobile home subdivision” means a subdivision of mobile homes where individual lots are owned by owners and where a portion of the subdivision or the amenities exclusively serving the subdivision are retained by the subdivision developer;¹¹⁰
- “Mobile home lot rental agreement” or “rental agreement” means any mutual understanding or lease, whether oral or written, between a mobile home owner and a mobile home park owner in which the mobile home owner is entitled to place his or her mobile home on a mobile home lot for either direct or indirect remuneration of the mobile home park owner;¹¹¹
- “Lot rental amount” means all financial obligations, except user fees, which are required as a condition of the tenancy; and¹¹²
- “User fees” means those amounts charged in addition to the lot rental amount for nonessential optional services provided by or through the park owner to the mobile home

¹⁰⁶ IOUs can range in size from very small systems, owned by individuals as sole proprietorships and serving only a few dozen customers in a small neighborhood to systems owned by large interstate corporations which serve tens of thousands of customers in multiple Florida counties.

¹⁰⁷ Section 367.171, F.S. If a county chooses to allow regulation by the PSC, it may rescind this election only after 10 continuous years of PSC regulation.

¹⁰⁸ *Facts and Figures of the Florida Utility Industry*, Florida Public Service Commission (June 2019), available at <http://www.psc.state.fl.us/Files/PDF/Publications/Reports/General/Factsandfigures/June%202019.pdf> (last visited February 13, 2020).

¹⁰⁹ See s. 367.022, F.S.

¹¹⁰ Section 723.003(14), F.S.

¹¹¹ Section 723.003(10), F.S.

¹¹² Section 723.003(6), F.S.

owner under a separate written agreement between the mobile home owner and the person furnishing the optional service or services.¹¹³

Effect of Proposed Changes

Section 11 amends s. 367.022, F.S., to add an exemption to regulation by the PSC as a utility for the owner of a mobile home park operating both as a mobile home park and a mobile home subdivision who provides service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation.

Prospectus or Offering Circular and Rental Agreements (Sections 19 and 20)

Present Situation

Prospectus

The prospectus in a mobile home park is the document that governs the landlord-tenant relationship between the park owner and the mobile home owner.¹¹⁴ The prospectus or offering circular, together with its attached exhibits, is a disclosure document intended to afford protection to homeowners and prospective homeowners in a mobile home park. The purpose of the document is to disclose the representations of the mobile home park owner concerning the operations of the mobile home park.¹¹⁵

The prospectus must include the information specified in s. 723.012(4), F.S., including a description of the mobile home park property, including, but not limited to:

- The number of lots in each section, the approximate size of each lot, the setback requirements, and the minimum separation distance between mobile homes as required by law.
- The maximum number of lots that will use shared facilities of the park; and, if the maximum number of lots will vary, a description of the basis for variation.

Section 723.012(7), F.S., requires the prospectus to include a description of all improvements, whether temporary or permanent, which are required to be installed by the mobile home owner as a condition of his or her occupancy in the park.

If the tenancy was in existence on the effective date of ch. 723, F.S., (June 4, 1984),¹¹⁶ “the prospectus or offering circular offered by the mobile home park owner shall contain the same terms and conditions as rental agreements offered to all other mobile home owners residing in the park on the effective date of this act, excepting only rent variations based upon lot location and size, and shall not require any mobile home owner to install any permanent improvements.”

¹¹³ Section 723.003(21), F.S.

¹¹⁴ Section 723.012, F.S.

¹¹⁵ Section 723.011(3), F.S.

¹¹⁶ See Chapter 84-80, Laws of Fla. The provisions that were to become ch. 723, F.S., were enacted under ch. 720, F.S., with an effective date of upon becoming law, unless otherwise provided. Chapter 84-80, Laws of Fla., was approved by the Governor and filed with the Secretary of State on June 4, 1984, and was codified under ch. 723, F.S. The provision codified in s. 723.011(4), F.S., was enacted by the Legislature under s. 720.302 (3), F.S., with an effective date of January 1, 1985, for mobile home parks containing 100 spaces or more and July 1, 1985, for mobile home parks containing less than 100 spaces.

In a mobile home park containing 26 or more lots, the park owner must file a prospectus with the division for approval.¹¹⁷ The division maintains copies of each prospectus and all amendments to each prospectus that it has approved.¹¹⁸

The park owner must provide a copy of the prospectus with exhibits to each prospective lessee prior to the execution of the lot rental agreement or at the time of occupancy, whichever occurs first. The lot rental agreement is voidable by the lessee for a period of 15 days after receipt.¹¹⁹

By rule of the division, the prospectus distributed to a home owner or prospective home owner is binding for the length of the tenancy, including any assumptions of that tenancy, and may not be changed except in certain specified circumstances.¹²⁰

Mobile Home Lot Rental Agreements

Rental agreements in a mobile home park must be consistent with ch. 723, F.S.¹²¹ The provisions of ch. 723, F.S., are deemed to apply to every tenancy in a mobile home park whether or not a tenancy is covered by a valid written rental agreement.¹²²

Park owners are prohibited from offering a rental agreement for a term of less than one year.¹²³ If there is no written rental agreement, the rental term may not be less than one year from the date of initial occupancy. The initial term may be less than 1 year in order to permit the park owner to have all rental agreements within the park commence at the same time. Thereafter, all terms must be for a minimum of one year.¹²⁴

Effect of Proposed Changes

Section 19 amends s. 723.011, F.S., to provide that a mobile home owner may be required to install permanent improvements to the mobile home as disclosed in the prospectus.

Section 20 amends s. 723.012, F.S., to provide that if a mobile home park owner intends to include additional property and mobile home lots and to increase the number of lots that will use the shared facilities of the park, the mobile home park owner must amend the prospectus to disclose such additions. If the number of mobile home lots in the park increases by more than 15 percent of the total number of lots in the original prospectus, the mobile home park owner must reasonably offset the impact of the additional lots by increasing the shared facilities. The amendment to the prospectus must include a reasonable timeframe for providing the required additional shared facilities and the costs and expenses necessary to increase the shared facilities may not be passed on or passed through to the existing mobile home owners.

¹¹⁷ Section 723.011(1)(a), F.S.

¹¹⁸ Section 723.011(1)(d), F.S.

¹¹⁹ Sections 723.011(2) and 723.014(1), F.S.

¹²⁰ See Rule 61B-31.001, F.A.C.

¹²¹ Section 723.031(1), F.S.

¹²² *Id.* at (2).

¹²³ Section 723.031(4), F.S.

¹²⁴ *Id.*

Mobile Home Owner's General Obligations (Section 21)

Present Situation

Section 723.023, F.S., sets forth the mobile home owner's general obligations. A mobile home owner shall at all times:

- Comply with building, housing, and health codes, including compliance with all building permits and construction requirements for construction on the mobile home and lot. The home owner is responsible for all fines imposed by the local government for noncompliance with any local codes.
- Keep the mobile home lot which he or she occupies clean, neat, and sanitary, and maintained in compliance with all local codes.
- Comply with properly promulgated park rules and regulations and require other persons on the premises with his or her consent to comply with such rules and to conduct themselves, and other persons on the premises with his or her consent, in a manner that does not unreasonably disturb other residents of the park or constitute a breach of the peace.

Effect of Proposed Changes

Section 21 amends s. 723.023, F.S., to require the mobile home owner to:

- Receive written approval from the mobile home park owner before making any exterior modification or addition to the home.
- Remove any debris and other property of any kind which is left on the mobile home lot when vacating the premises.

Mobile Home Park Rent Increases (Sections 22 and 23)

Present Situation

A purchaser of a mobile home has the right to assume the remainder of the term of any rental agreement in effect between the mobile home park owner and seller.¹²⁵ The purchaser is also entitled to rely on the terms and conditions of the prospectus or offering circular as delivered to the initial recipient.¹²⁶

The mobile home park owner may increase the rental amount upon the expiration of the assumed rental agreement "in an amount deemed appropriate by the mobile home park owner."¹²⁷ The park owner must give affected mobile home owners and the board of directors of the homeowners' association, if one has been formed, at least a 90-day notice of a lot rental increase.¹²⁸

The amount of the lot rental increase must be disclosed to the purchaser of a mobile home and agreed to in writing by the purchaser.¹²⁹ Lot rental increases may not be arbitrary or discriminatory between similarly situated tenants in the park, and the lot rental may not increase

¹²⁵ Section 723.059(3), F.S.

¹²⁶ *Id.*

¹²⁷ Section 723.059(4), F.S.

¹²⁸ Section 723.037(1), F.S.

¹²⁹ Section 723.031(5), F.S.

during the term of the rental agreement.¹³⁰ However, the mobile home park owner may pass on, at any time during the term of the rental agreement, ad valorem property taxes and utility charges, or increases of either, if the passing on of these costs was disclosed prior to the tenancy.¹³¹

A park owner is deemed to have disclosed the passing on of ad valorem property taxes and non-ad valorem assessments if ad valorem property taxes or non-ad valorem assessments were disclosed as a factor for increasing the lot rental amount in the prospectus or rental agreement.¹³²

A park owner must give written notice to each affected mobile home owner and the board of directors of the homeowners' association, if one has been formed, at least 90 days before any increase in lot rental amount or reduction in services or utilities provided by the park owner or change in rules and regulations.¹³³ The notice must identify all other affected homeowners, which may be by lot number, name, group, or phase. If the affected homeowners are not identified by name, the park owner shall make the names and addresses available upon request.¹³⁴

A committee of no more than five people, designated by a majority of the owners or by the board of directors of the homeowners' association (if formed), and the park owner must meet no later than 60 days before the effective date of a rent increase to discuss the reasons for the increase.¹³⁵ Current law does not specify that the five members of the committee must be mobile home owners in the park. At the meeting, the park owner or subdivision developer must in good faith disclose and explain all material factors resulting in the decision to increase the lot rental amount, reduce services or utilities, or change rules and regulations, including how those factors justify the specific change proposed.¹³⁶

If the meeting does not resolve the issue, then additional meetings may be requested. If subsequent meetings are unsuccessful, within 30 days of the last scheduled meeting, the mobile home owners may petition the division to initiate mediation.¹³⁷ If the mediation does not successfully resolve the dispute, then the parties may file an action in circuit court to challenge the rental increase as unreasonable.¹³⁸

Effect of Proposed Changes

Section 22 amends s. 723.031, F.S., to require, upon the sale of a mobile home on a rented lot, the amount of a lot rental increase to be disclosed and agreed to by the purchaser by executing a rental agreement setting forth the new lot rental amount. Current law requires that such a disclosure and agreement must be in writing but does not specify that the written disclosure and agreement must be executed.

¹³⁰ *Id.*

¹³¹ Section 723.031(5)(c), F.S.

¹³² *Id.*

¹³³ *Supra*, note 136.

¹³⁴ *Id.*

¹³⁵ Section 723.037(4)(a), F.S.

¹³⁶ Section 723.037(4)(b), F.S.

¹³⁷ Section 723.037(5)(a), F.S.

¹³⁸ Section 723.0381, F.S.

In addition, the bill requires ad valorem property taxes or non-ad valorem assessments be disclosed in the prospectus or rental agreement as a separate charge in order for a park owner to be deemed to have disclosed the passing on of ad valorem property taxes and non-ad valorem assessments. The bill prohibits a park owner from charging or collecting from the mobile home owners any sum of ad valorem taxes or non-ad valorem taxes in an amount in excess of the sums remitted by the park owner to the tax collector.

Section 23 amends s. 723.037, F.S., to permit the park owner to give notice of all rent increases for multiple anniversary dates in the same 90-day notice. It also provides that the requirement that the park owner must make available, upon request, the identifying information for homeowners affected by a rent increase does not authorize the park owner to release the names, addresses, or other private information of the homeowners to the association or any other person for any other purpose.

In addition, the bill provides that the committee designated as provided under current law by a majority of the affected mobile home owners, or by the board of directors of the homeowners' association, must address all lot rental amount increases that are specified in the notice of lot rental amount increase, regardless of the effective date of the increase.

Replacing Mobile Homes in a Mobile Home Park (Section 24)

Present Situation

Except as expressly preempted by the requirements of the DHSMV, a mobile home owner or the park owner may not “site any size new or used mobile home and appurtenances on a mobile home lot in accordance with the lot sizes, separation and setback distances, and other requirements in effect at the time of the approval of the mobile home park.”¹³⁹

Effect of Proposed Changes

Section 24 amends s.723.041, F.S., to provide that a mobile home park that is damaged or destroyed due to wind, water, or other natural force may be rebuilt on the same site with the same density as was approved, permitted, and built before being damaged or destroyed. This section also provides that the regulation of the uniform firesafety standards established under s. 633.206, F.S., are not limited by s. 723.041, F.S. However, s. 723.041, F.S., supersedes any other density, separation, setback, or lot size regulation adopted after initial permitting and construction of the mobile home park.

Park Owner Disclosures Prior to Residence (Section 25)

Present Situation

A mobile home park owner or developer may not require a person, as a precondition to occupancy in the mobile home park, to provide any improvement unless the requirement is disclosed pursuant to s. 723.011, F.S, which requires the park owner to deliver a prospectus to the prospective homeowner before the rental of a mobile home lot.¹⁴⁰

¹³⁹ Section 723.041(4), F.S.

¹⁴⁰ Section 723.011(2), F.S.

In a mobile home park containing 26 or more lots, the park owner shall file a prospectus with the division.¹⁴¹ The prospectus must include a “description of all improvements, whether temporary or permanent, which are required to be installed by the mobile home owner as a condition of his or her occupancy in the park.”¹⁴²

Effect of Proposed Changes

Section 25 amends s. 723.042, F.S., to provide a mobile home park owner or developer may not require a person, as a precondition to occupancy in the mobile home park, to provide any improvement unless the requirement is disclosed pursuant to s. 723.012 (7), F.S., which pertains to the prospectus as well as the offering circular.

Purchasers of a Mobile Home within Mobile Home Park (Section 26)

Present Situation

The purchaser of a mobile home has the right to assume the remainder of the term of any rental agreement in effect between the mobile home park owner and the seller. The purchaser is entitled to rely on the terms and conditions of the prospectus or offering circular as delivered to the initial recipient.¹⁴³

Upon the expiration of the assumed rental agreement, the mobile home park owner may increase the rental amount if the increase is disclosed to the purchaser prior to his or her occupancy and is imposed in a manner consistent with the initial offering circular or prospectus and ch. 723, F.S.¹⁴⁴

Effect of Proposed Changes

Section 26 amends s. 723.059, F.S., so that a purchaser may no longer be entitled to rely on the terms and conditions of the prospectus or offering circular as delivered to the initial recipient. Instead the purchaser may assume the seller’s prospectus. However, nothing will prohibit a mobile home park owner from offering the purchaser of a mobile home any approved prospectus.

Mobile Home Park Lot Termination of Tenancy (Section 27)

Present Situation

Section 723.061, F.S., provides grounds for the termination of a mobile home park lot rental agreement on the basis of:

- Nonpayment of rent;
- Conviction of a violation of a federal or state law or local ordinance, if the violation is detrimental to the health, safety, or welfare of other residents of the mobile home park;
- A violation of the park rules or of the rental agreement;
- A change in land use; or

¹⁴¹ Section 723.011(1), F.S.

¹⁴² Section 723.012(7), F.S.

¹⁴³ Section 723.059(3), F.S.

¹⁴⁴ Section 723.059(4), F.S.

- Failure to qualify as, and to obtain approval to become, a tenant or occupant of the home, if such approval is required by a properly promulgated rule.

Notices to a mobile home owner and tenant or occupant under s. 723.061, F.S., must be in writing and sent by certified or registered mail, return receipt requested, addressed to the mobile home owner and tenant or occupant at her or his last known address.¹⁴⁵ Delivery of the mailed notice shall be deemed given 5 days after the date of postmark.

Effect of Proposed Changes

Section 27 amends s. 723.061, F.S., to require within 20 days after giving an eviction notice to a mobile home owner, the park owner must provide the division with a copy of the notice. The division must then provide the executive director of the Florida Mobile Home Relocation Corporation with a copy of the notice.

In addition, the bill provides that a park owner does not waive the right to terminate the rental agreement or the right to bring a civil action for the noncompliance, if a park owner accepts payment for any portion of a lot rental amount with actual knowledge of noncompliance after notice and termination of the rental agreement. This provision applies to violations related to the tenant's nonpayment of rent, conviction of a violation of a federal or state law or local ordinance that is detrimental to the health, safety, or welfare of other residents of the mobile home park, a violation of the park rules or of the rental agreement, or failure to qualify as, and to obtain approval to become, a tenant or occupant of the home, if such approval is required by a properly promulgated rule. Any rent so received by the park owner must be accounted for at the final hearing.

Homeowners' Association Incorporation (Section 28)

Present Situation

In order to exercise the rights of a homeowners' association (association), mobile home owners must form an association that must be either a for-profit or not-for-profit corporation and of which not less than two-thirds of all the mobile home owners within the park must have consented in writing to become members or shareholders. The term "member" or "shareholder" means a mobile home owner who consents to be bound by the articles of incorporation, bylaws, and polices of the incorporated homeowners' association.¹⁴⁶

Upon receiving its certificate of incorporation the association must notify the park owner in writing of its creation and must advise the park owner of the names and addresses of the association officers. This notice must be made by personal delivery upon the park owner's representative as designated in the prospectus or by certified mail, return receipt requested.¹⁴⁷

¹⁴⁵ Section 723.061, F.S. Requirements differ for notices sent to the officers of the homeowners' association in the event of a change in use of the land comprising the mobile home park.

¹⁴⁶ Section 723.075(1), F.S.

¹⁴⁷ Section 723.076(1), F.S.

Effect of Proposed Changes

Section 28 amends s. 723.076, F.S., to specify that the association must notify the park owner in writing by certified mail, return receipt requested, of names and addresses of newly elected or appointed officers or members to the association.

Homeowners' Association Bylaws (Section 29)

Present Situation

Voting Requirements and Proxies

Unless otherwise provided in the bylaws, 30 percent of the total membership is required to constitute a quorum for a meeting of the association.¹⁴⁸ A member may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. However, members may cast votes for association board members by limited or general proxy.¹⁴⁹ If a mobile home or subdivision lot is jointly owned, the owners of the mobile home or subdivision lot must be counted as one for the purpose of determining the number of votes required for a majority. Only one vote per mobile home or subdivision lot will be counted. Any number greater than 50 percent of the total number of votes constitutes a majority.¹⁵⁰

Board of Directors' and Committee Meetings

Meetings of the board of directors and meetings of its committees at which a quorum is present must be open to all members. This requirement does not apply to meetings held for the purpose of discussing personnel matters or meetings with the association's attorney where the contents of the discussion would be governed by the attorney-client privilege.¹⁵¹

Member Meetings

The association must conduct at least one member meeting annually during which members of the board of the directors are elected. The association's bylaws may not restrict the nomination from the floor of any member desiring to be a candidate for board membership. All nominations from the floor must be made at a meeting of the members held at least 30 days before the annual meeting. Unless waived in writing, the notice of the annual meeting must be mailed, hand delivered, or electronically transmitted to each member to at least 14 days before the meeting. An officer of the association must provide an affidavit affirming that the notices were mailed or hand delivered to each member at the address last furnished to the corporation.¹⁵²

Minutes of Meetings

The minutes of all meetings of members of the association, the board of directors, and a committee must be maintained in writing and approved by the members, board, or committee, as applicable. A vote or abstention from voting on each matter voted upon for each director present at a board meeting must be recorded in the minutes. The minutes of all meetings of members and

¹⁴⁸ Section 723.078(2)(b)1., F.S.

¹⁴⁹ Section 723.078(2)(b)2., F.S.

¹⁵⁰ *Id.*

¹⁵¹ Section 723.078(2)(c), F.S.

¹⁵² Section 723.078(2)(d), F.S.

of the board of directors must be maintained, available for inspection, and retained for at least seven years.¹⁵³

Effect of Proposed Changes

Section 29 amends s. 723.078, F.S., to provide that a proxy may not be used in the election of board members in general elections or elections to fill vacancies caused by recall, resignation, or otherwise. Board members must be elected by written ballot or by voting in person.

Under the bill, elections must be decided by a plurality of the ballots cast. There is no quorum requirement for an election but at least 20 percent of the eligible voters must cast a ballot for an election to be valid. A member is prohibited from allowing any other person to cast his or her ballot; improperly cast ballots are invalid. An election is required only if there are more candidates nominated than vacancies that exist on the board.

The bill provides that each member or other eligible person wishing to be a candidate for the board of directors must appear on the ballot in alphabetical order by surname. Ballots may not indicate if a candidate is an incumbent on the board. Ballots must be uniform in appearance and may not provide a space for the signature of, or any other means of identifying a vote. If the ballot contains more votes than vacancies or fewer votes than vacancies, the ballot is invalid unless otherwise stated in the bylaws. Write-in candidates and more than one vote per candidate per ballot are not allowed.

The bill requires election oversight by an impartial committee responsible for complying with all ballot requirements. The bill defines “impartial committee” to mean a committee whose members do not include any of the following people or their spouses:

- Current board members.
- Current association officers.
- Candidates for the association or board.

The bill requires the association bylaws provide a method for determining the winner of an election in which there is more than one candidate for the same position receiving the same number of votes.

The bill directs the division to adopt procedural rules to govern elections, including, but not limited to, rules for providing notice by electronic transmission and rules for maintaining secrecy of ballots.

Board of Directors’ and Committee Meetings

The bill provides that meetings between the park owner and the board of directors or any of the board’s committees are not subject to the requirement that meetings be open to the association members.

¹⁵³ Section 723.078(2)(e), F.S.

The bill clarifies that notices of all board or committee meetings open to association members must be posted in a conspicuous place upon the park property at least 48 hours in advance, except in an emergency.

Member Meetings

The bill changes the date for the meeting at which to nominate candidates to the board of directors to 27, rather than 30, days before the annual meeting. Unless otherwise stated in the bylaws, notices may be delivered electronically.

Minutes of Meetings

Under the bill, the minutes of board or committee meetings that are closed to members are privileged, confidential, and not available for inspection or photocopying.

The bill provides that minutes of meetings open for members of the board of directors must be maintained in writing. All minutes of open meetings must be retained within this state for a period of at least five years, rather than seven years as provided in current law.

Powers and Duties of Homeowners' Associations (Section 30)

Present Situation

The powers of the association include, but are not limited to, the maintenance, management, and operation of the park property.¹⁵⁴ The association must maintain the following items, when applicable, which constitute the official records of the association:¹⁵⁵

- A copy of the articles of incorporation and each amendment;
- A copy of the bylaws and each amendment;
- A copy of the written rules or policies and each amendment;
- Approved minutes for all meetings of the members, board of directors, and committees of the board. Records must be retained within this state for at least seven years;
- A current roster of all members and their mailing address and lot identifications;
- All insurance policies or copies, which must be retained for at least seven years;
- A copy of all contracts or agreements to which the association is a party. Copies must be retained for at least seven years;
- The financial and accounting records, which must be maintained for at least seven years; and
- All other written records that are related to the operation of the association.

The official records must be maintained within the state for at least seven years and must be made available to a member for inspection or photocopying within ten business days after receipt by the board or its designee of a written request submitted by certified mail, return receipt requested.¹⁵⁶

Failure to provide access to the records creates a rebuttable presumption that the association willfully failed to comply with this section. A member who is denied access to official records is

¹⁵⁴ Section 723.079(1), F.S.

¹⁵⁵ Section 723.079(4)(a)-(i), F.S.

¹⁵⁶ Section 723.079(5), F.S.

entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are \$10 per day up to ten days and calculation begins on the 11th business day after receipt of the written request by certified mail, return receipt requested.

Effect of Proposed Changes

Section 30 amends s. 723.079, F.S., to include the approved minutes of meetings open for members, open for members of the board, and committees as part of the official association records and changes the length of retention from seven to five years. The bill specifies that insurance policies and contracts or agreements must be retained for at least five years after the expiration date of the policy or contract. The bill provides that financial and accounting records of the association must be maintained within this state for at least five years, and also specifies that all other written records must be retained within this state for at least five years or at least five years after the expiration date.

The bill requires that the association records be available for inspection by a member within 20 business days. Under the bill, an association member denied access to association records may recover only \$10 per calendar day up to ten days, not to exceed \$100, and the calculation for the damages begins on the 21st business day after the association receives the written request for records.

The bill provides that a dispute between a member and an association regarding inspecting or photocopying official records must be submitted to mandatory binding arbitration with the division, and the arbitration must be conducted pursuant to s. 723.1255, F.S., and procedural rules adopted by the division.

Alternative Resolution of Recall, Election, and Inspection and Photocopying of Official Records Disputes (Section 31)

Present Situation

As required by statute, the division adopted rules of procedure governing binding arbitration for recall proceedings related to board members of a condominium, cooperative, or mobile home homeowner's association.¹⁵⁷

Effect of Proposed Changes

Section 31 amends s. 723.1255, F.S., to include disputes between a mobile home owner and a homeowners' association regarding the election and recall of officers or directors or the inspection and photocopying of official records. The dispute must be submitted to the division for mandatory binding arbitration conducted under the statute and the procedural rules adopted by the division.

Each party is responsible for paying its own attorney fees, expert and investigator fees, and associated costs. The cost of the arbitrator must be divided equally between the parties regardless of the outcome.

¹⁵⁷ Rule 61B-50, F.A.C.

The bill directs the division to adopt rules of procedure to govern mandatory binding arbitration proceedings for the disputes specified in the bill.

Bill Sections Addressing Reenacting Issues and Effective Date

Effect of Proposed Changes

Section 32 reenacts a portion of s. 420.507, F.S., to incorporate the amending language in section 12 of the bill.

Section 33 reenacts a portion of s. 193.018, F.S., to incorporate the amending language in section 13 of the bill.

Section 34 provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

The bill provides that units which are vacant or that are occupied by tenants who were natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits at the time they initially became tenants, but who no longer meet those income limits, will be treated as portions of the property exempt from ad valorem taxation provided that the property is subject to a recorded land use restriction agreement in favor of the FHFC or any other governmental or quasi-governmental jurisdiction.

The bill also includes a housing authority's nonprofit instrumentality under the housing authority's tax exemption from all taxes and special assessments of the state or any city, town, county, or political subdivision of the state. In addition, a city, town, county, or political subdivision of the state may not rename, modify terminology, or otherwise change a tax or assessment with the intent to circumvent the exemption, which must be interpreted broadly to protect housing authorities or their nonprofit instrumentalities from taxation or assessment.

Subsection (b) of s. 18, Art. VII of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. The amount of revenue reduced due to the exemptions is unknown, therefore the impact to local government revenue is indeterminate. However, the mandates requirements do not apply

to laws having an insignificant impact,^{158, 159} which is \$2.2 million or less for Fiscal Year 2020-2021.¹⁶⁰

Subsection (a) of s. 18, Art. VII of the Florida Constitution would require the bill to contain a finding of important state interest and meet one of the exceptions specified in that paragraph: provision of funding or a funding mechanism, enactment by vote of two-thirds of the membership in each house, expenditure is required to comply with a law that applies to all persons similarly situated, or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement.

The bill's tax exemptions appear to apply to all similarly situated taxing authorities, and all are required to comply. However, the bill does not contain a finding of important state interest.

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:

As of this date, the Revenue Estimating Conference has not met to consider the proposed fiscal impact of the bill.

B. Private Sector Impact:

An owner of housing providing property as affordable housing may see a positive fiscal impact from potential savings through an ad valorem tax exemption.

¹⁵⁸ FLA. CONST. art. VII, s. 18(d).

¹⁵⁹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited January 23, 2020).

¹⁶⁰ Based on the Demographic Estimating Conference's population adopted on July 8, 2019. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited January 23, 2020).

C. Government Sector Impact:

The state or any city, town, county, or political subdivision of the state may see a negative fiscal impact. The bill includes a housing authority's nonprofit instrumentality under the housing authority's tax exemption from all taxes and special assessments of the state or any city, town, county, or political subdivision of the state. In addition, a city, town, county, or political subdivision of the state may not rename, modify terminology, or otherwise change a tax or assessment with the intent to circumvent the exemption, which must be interpreted broadly to protect housing authorities or their nonprofit instrumentalities from taxation or assessment.

The Catalyst Program will incur new costs related to the administration of regional affordable housing workshops for locally elected officials as specified in sections 14 and 17 in the bill. The statewide regional affordable housing workshops for training and technical assistance may cost approximately \$73,000 to \$107,000, depending on the number of regions and whether the method of delivery is by teleconference or in person.¹⁶¹

Local governments may incur travel expenses linked to elected official attendance at regional affordable housing workshops.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV analysis of the bill indicates lines 407-416 requires the Mobile and Manufactured Home Repair and Remodeling Code to "be a uniform code[.]" Presumably, this language references Rule 15C-2.0081, F.A.C. The proposed language does not specify what must be "uniform" or with what 15C-2.0081, F.A.C. must conform. Additionally, if the proposed changes to s. 320.8232 are enacted, it is unclear whether the title of s. 320.8232 should be amended ...¹⁶²

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.01055, 163.31771, 163.31801, 166.04151, 196.196, 196.1978, 320.77, 320.771, 320.822, 320.8232, 367.022, 420.5087, 420.5095, 420.531, 420.9073, 420.9075, 420.9076, 423.02, 723.011, 723.012, 723.023, 723.031, 723.037, 723.041, 723.042, 723.059, 723.061, 723.076, 723.078, 723.079, 723.1255, 420.507, and 193.018.

¹⁶¹ E-mail from Kody Glazer, Legal Director, Florida Housing Coalition, *Senate Bill 998: Cost Estimate of Proposed Catalyst Additions* (Feb. 14, 2020) (on file with the Senate Committee on Infrastructure and Security).

¹⁶² Department of Highway Safety and Motor Vehicles, Agency Bill Analysis of SB 998 (February 12, 2020) (on file with the Senate Committee on Infrastructure and Security),

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Infrastructure and Security on February 17, 2020:**

- Reverts accessory dwelling units back to optional instead of mandatory for local governments.
- Allows property used for certain purpose to be eligible for exemption from ad valorem taxes.
- Modifies the CWHIP program into a loan program, and removes workforce housing set aside requirements.
- Modifies numerous issues related to the mobile home park owners, mobile home owners, and mobile home homeowner's associations.
- Allows a mobile home park to be rebuilt to same density as was approved, permitted, and built prior to destruction from natural force. The bill allows for "same density as was approved, permitted, or built."
- Changes mobile home eviction notification back to current law requiring certified or registered mail, return receipt requested.

CS by Community Affairs on January 13, 2020:

- Removes a provision prohibiting local governments from collecting impact fees and specified other fees for the development or construction of affordable housing.
- Restores language set for removal in the original bill providing that local governments granting impact fee waivers for affordable housing do not have to use revenues to offset such waivers.
- Provides that the bill's required local government ordinance allowing ADUs applies in areas zoned for single-family residential use rather than areas zoned for any residential use.
- Removes a newly proposed process for local government approvals of development permits, construction permits, or certificates of occupancy which would apply specifically for affordable housing.
- Changes an intended priority funding criteria within the Workforce Housing Loan Program to set aside "at least 50 percent of units" for workforce housing.
- Removes a newly proposed Rental to Homeownership Program tied to the awarding of rental funding in ch. 420, F.S.
- Authorizes the FHFC to withhold up to 5 percent of annual Local Government Housing Trust Fund distributions to fund transitional housing for persons aging out of foster care.
- Removes proposed changes to funding reservation percentage categories and administrative cost caps in the SHIP Program.
- Adds data reporting within a SHIP entity's submissions to the FHFC on applications received, approved and denied.
- Changes the frequency of proposed locally elected regional workshops on affordable housing from quarterly to biannually and permits three absences (rather than one) before the FHFC may withhold a local government's SHIP funding.

- Removes some cross references and statutory reenactments made unnecessary by the other changes in the bill.
- Clarifies provisions exempting mobile home park owners from the jurisdiction of the PSC when they provide water and wastewater.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Hutson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 122 - 1017

and insert:

Section 2. Subsections (3) and (4) of section 163.31771,
Florida Statutes, are amended to read:

163.31771 Accessory dwelling units.—

(3) ~~A Upon a finding by a local government that there is a
shortage of affordable rentals within its jurisdiction, the~~
local government may adopt an ordinance to allow accessory



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11 dwelling units in any area zoned for single-family residential
12 use.

13 ~~(4) If the local government adopts an ordinance under this~~
14 ~~section,~~ An application for a building permit to construct an
15 accessory dwelling unit must include an affidavit from the
16 applicant which attests that the unit will be rented at an
17 affordable rate to an extremely-low-income, very-low-income,
18 low-income, or moderate-income person or persons.

19 Section 3. Subsection (10) is added to section 163.31801,
20 Florida Statutes, to read:

21 163.31801 Impact fees; short title; intent; minimum
22 requirements; audits; challenges.—

23 (10) In addition to the items that must be reported in the
24 annual financial reports under s. 218.32, a county,
25 municipality, or special district must report all of the
26 following data on all impact fees charged:

27 (a) The specific purpose of the impact fee, including the
28 specific infrastructure needs to be met, including, but not
29 limited to, transportation, parks, water, sewer, and schools.

30 (b) The impact fee schedule policy describing the method of
31 calculating impact fees, such as flat fees, tiered scales based
32 on number of bedrooms, or tiered scales based on square footage.

33 (c) The amount assessed for each purpose and for each type
34 of dwelling.

35 (d) The total amount of impact fees charged by type of
36 dwelling.

37 Section 4. Subsection (4) is added to section 166.04151,
38 Florida Statutes, to read:

39 166.04151 Affordable housing.—



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40 (4) Notwithstanding any other law or local ordinance or
41 regulation to the contrary, the governing body of a municipality
42 may approve the development of housing that is affordable, as
43 defined in s. 420.0004, on any parcel zoned for residential,
44 commercial, or industrial use.

45 Section 5. Subsection (5) of section 196.196, Florida
46 Statutes, is amended to read:

47 196.196 Determining whether property is entitled to
48 charitable, religious, scientific, or literary exemption.—

49 (5) (a) Property owned by an exempt organization qualified
50 as charitable under s. 501(c) (3) of the Internal Revenue Code,
51 and property owned by a person granted an exemption under
52 paragraph (b), is used for a charitable purpose if the
53 organization or person has taken affirmative steps to prepare
54 the property to provide affordable housing to persons or
55 families that meet the extremely-low-income, very-low-income,
56 low-income, or moderate-income limits, as specified in s.
57 420.0004. The term "affirmative steps" means environmental or
58 land use permitting activities, creation of architectural plans
59 or schematic drawings, land clearing or site preparation,
60 construction or renovation activities, or other similar
61 activities that demonstrate a commitment of the property to
62 providing affordable housing.

63 (b) The board of county commissioners of any county, or the
64 governing authority of any municipality, may adopt an ordinance
65 to grant an ad valorem tax exemption under s. 3, Art. VII of the
66 State Constitution, for property used for the charitable purpose
67 of providing affordable housing, if the person owning such
68 property has taken affirmative steps as defined in paragraph (a)



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69 to prepare the property to provide affordable housing to persons
70 or families that meet the extremely-low-income, very-low-income,
71 low-income, or moderate-income limits, as specified in s.
72 420.0004.

73 (c) (b)1. If property owned by an organization or person
74 granted an exemption under this subsection is transferred for a
75 purpose other than directly providing affordable homeownership
76 or rental housing to persons or families who meet the extremely-
77 low-income, very-low-income, low-income, or moderate-income
78 limits, as specified in s. 420.0004, or is not in actual use to
79 provide such affordable housing within 5 years after the date
80 the organization or person is granted the exemption, the
81 property appraiser making such determination shall serve upon
82 the organization or person that illegally or improperly received
83 the exemption a notice of intent to record in the public records
84 of the county a notice of tax lien against any property owned by
85 that organization or person in the county, and such property
86 must ~~shall~~ be identified in the notice of tax lien. The
87 organization or person owning such property is subject to the
88 taxes otherwise due and owing as a result of the failure to use
89 the property to provide affordable housing plus 15 percent
90 interest per annum and a penalty of 50 percent of the taxes
91 owed.

92 2. Such lien, when filed, attaches to any property
93 identified in the notice of tax lien owned by the organization
94 or person that illegally or improperly received the exemption.
95 If such organization or person no longer owns property in the
96 county but owns property in any other county in the state, the
97 property appraiser shall record in each such other county a



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98 notice of tax lien identifying the property owned by such
99 organization or person in such county which shall become a lien
100 against the identified property. Before any such lien may be
101 filed, the organization or person so notified must be given 30
102 days to pay the taxes, penalties, and interest.

103 3. If an exemption is improperly granted as a result of a
104 clerical mistake or an omission by the property appraiser, the
105 organization or person improperly receiving the exemption shall
106 not be assessed a penalty or interest.

107 4. The 5-year limitation specified in this subsection may
108 be extended if the holder of the exemption continues to take
109 affirmative steps to develop the property for the purposes
110 specified in this subsection.

111 Section 6. Subsection (1) of section 196.1978, Florida
112 Statutes, is amended to read:

113 196.1978 Affordable housing property exemption.—

114 (1) Property used to provide affordable housing to eligible
115 persons as defined by s. 159.603 and natural persons or families
116 meeting the extremely-low-income, very-low-income, low-income,
117 or moderate-income limits specified in s. 420.0004, which is
118 owned entirely by a nonprofit entity that is a corporation not
119 for profit, qualified as charitable under s. 501(c)(3) of the
120 Internal Revenue Code and in compliance with Rev. Proc. 96-32,
121 1996-1 C.B. 717, is considered property owned by an exempt
122 entity and used for a charitable purpose, and those portions of
123 the affordable housing property that provide housing to natural
124 persons or families classified as extremely low income, very low
125 income, low income, or moderate income under s. 420.0004 are
126 exempt from ad valorem taxation to the extent authorized under



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127 s. 196.196. Units that are vacant or that are occupied by
128 tenants who were natural persons or families meeting the
129 extremely-low-income, very-low-income, low-income, or moderate-
130 income limits specified in s. 420.0004 at the time they
131 initially became tenants, but who no longer meet those income
132 limits, shall be treated as portions of the property exempt from
133 ad valorem taxation under s. 196.196 provided that the property
134 is subject to a recorded land use restriction agreement in favor
135 of the Florida Housing Finance Agency or any other governmental
136 or quasi-governmental jurisdiction. All property identified in
137 this section must comply with the criteria provided under s.
138 196.195 for determining exempt status and applied by property
139 appraisers on an annual basis. The Legislature intends that any
140 property owned by one or more limited liability companies or
141 limited partnerships, each of which is a limited liability
142 company which is disregarded as an entity for federal income tax
143 purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii)
144 shall be treated as owned by the ultimate ~~its~~ sole member s.
145 501(c)(3) nonprofit corporation.

146 Section 7. Paragraph (h) of subsection (3) of section
147 320.77, Florida Statutes, is amended to read:

148 320.77 License required of mobile home dealers.—

149 (3) APPLICATION.—The application for such license shall be
150 in the form prescribed by the department and subject to such
151 rules as may be prescribed by it. The application shall be
152 verified by oath or affirmation and shall contain:

153 (h) Certification by the applicant:

154 1. That the location is a permanent one, not a tent or a
155 temporary stand or other temporary quarters. ~~;~~ ~~and,~~



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156 2. Except in the case of a mobile home broker, that the
157 location affords sufficient ~~unoccupied~~ space to display ~~store~~
158 ~~all mobile homes offered and displayed~~ for sale. A space to
159 display a manufactured home as a model home is sufficient to
160 satisfy this requirement.; ~~and that~~ The location must be ~~is~~ a
161 suitable place in which the applicant can in good faith carry on
162 business and keep and maintain books, records, and files
163 necessary to conduct such business, which must ~~will~~ be available
164 at all reasonable hours to inspection by the department or any
165 of its inspectors or other employees.

166
167 This paragraph does ~~subsection shall~~ not preclude a licensed
168 mobile home dealer from displaying and offering for sale mobile
169 homes in a mobile home park.

170
171 The department shall, if it deems necessary, cause an
172 investigation to be made to ascertain if the facts set forth in
173 the application are true and shall not issue a license to the
174 applicant until it is satisfied that the facts set forth in the
175 application are true.

176 Section 8. Paragraph (j) of subsection (3) of section
177 320.771, Florida Statutes, is amended to read:

178 320.771 License required of recreational vehicle dealers.-

179 (3) APPLICATION.-The application for such license shall be
180 in the form prescribed by the department and subject to such
181 rules as may be prescribed by it. The application shall be
182 verified by oath or affirmation and shall contain:

183 (j) A statement that the applicant is insured under a
184 garage liability insurance policy, which shall include, at a



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185 minimum, \$25,000 combined single-limit liability coverage,
186 including bodily injury and property damage protection, and
187 \$10,000 personal injury protection, if the applicant is to be
188 licensed as a dealer in, or intends to sell, recreational
189 vehicles. However, a garage liability policy is not required for
190 the licensure of a mobile home dealer who sells only park
191 trailers.

192
193 The department shall, if it deems necessary, cause an
194 investigation to be made to ascertain if the facts set forth in
195 the application are true and shall not issue a license to the
196 applicant until it is satisfied that the facts set forth in the
197 application are true.

198 Section 9. Paragraph (c) of subsection (2) of section
199 320.822, Florida Statutes, is amended to read:

200 320.822 Definitions; ss. 320.822-320.862.—In construing ss.
201 320.822-320.862, unless the context otherwise requires, the
202 following words or phrases have the following meanings:

203 (2) "Code" means the appropriate standards found in:

204 (c) The Mobile and Manufactured Home Repair and Remodeling
205 Code and the Used Recreational Vehicle Code.

206 Section 10. Subsection (2) of section 320.8232, Florida
207 Statutes, is amended to read:

208 320.8232 Establishment of uniform standards for used
209 recreational vehicles and repair and remodeling code for mobile
210 homes.—

211 (2) The Mobile and Manufactured Home ~~provisions of the~~
212 Repair and Remodeling Code must be a uniform code, must shall
213 ensure safe and livable housing, and may shall not be more



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214 stringent than those standards required to be met in the
215 manufacture of mobile homes. Such code must ~~provisions shall~~
216 ~~include, but not be limited to,~~ standards for structural
217 adequacy, plumbing, heating, electrical systems, and fire and
218 life safety. All repairs and remodeling of mobile and
219 manufactured homes must be performed in accordance with
220 department rules.

221 Section 11. Subsection (9) of section 367.022, Florida
222 Statutes, is amended, and subsection (14) is added to that
223 section, to read:

224 367.022 Exemptions.—The following are not subject to
225 regulation by the commission as a utility nor are they subject
226 to the provisions of this chapter, except as expressly provided:

227 (9) Any person who resells water service to his or her
228 tenants or to individually metered residents for a fee that does
229 not exceed the actual purchase price of the water and wastewater
230 service plus the actual cost of meter reading and billing, not
231 to exceed 9 percent of the actual cost of service.

232 (14) The owner of a mobile home park operating both as a
233 mobile home park and a mobile home subdivision, as those terms
234 are defined in s. 723.003, who provides service within the park
235 and subdivision to a combination of both tenants and lot owners,
236 provided that the service to tenants is without specific
237 compensation.

238 Section 12. Paragraph (c) of subsection (6) of section
239 420.5087, Florida Statutes, is amended to read:

240 420.5087 State Apartment Incentive Loan Program.—There is
241 hereby created the State Apartment Incentive Loan Program for
242 the purpose of providing first, second, or other subordinated



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243 mortgage loans or loan guarantees to sponsors, including for-
244 profit, nonprofit, and public entities, to provide housing
245 affordable to very-low-income persons.

246 (6) On all state apartment incentive loans, except loans
247 made to housing communities for the elderly to provide for
248 lifesafety, building preservation, health, sanitation, or
249 security-related repairs or improvements, the following
250 provisions shall apply:

251 (c) The corporation shall provide by rule for the
252 establishment of a review committee for the competitive
253 evaluation and selection of applications submitted in this
254 program, including, but not limited to, the following criteria:

255 1. Tenant income and demographic targeting objectives of
256 the corporation.

257 2. Targeting objectives of the corporation which will
258 ensure an equitable distribution of loans between rural and
259 urban areas.

260 3. Sponsor's agreement to reserve the units for persons or
261 families who have incomes below 50 percent of the state or local
262 median income, whichever is higher, for a time period that
263 exceeds the minimum required by federal law or this part.

264 4. Sponsor's agreement to reserve more than:

265 a. Twenty percent of the units in the project for persons
266 or families who have incomes that do not exceed 50 percent of
267 the state or local median income, whichever is higher; or

268 b. Forty percent of the units in the project for persons or
269 families who have incomes that do not exceed 60 percent of the
270 state or local median income, whichever is higher, without
271 requiring a greater amount of the loans as provided in this



272 section.

273 5. Provision for tenant counseling.

274 6. Sponsor's agreement to accept rental assistance
275 certificates or vouchers as payment for rent.

276 7. Projects requiring the least amount of a state apartment
277 incentive loan compared to overall project cost, except that the
278 share of the loan attributable to units serving extremely-low-
279 income persons must be excluded from this requirement.

280 8. Local government contributions and local government
281 comprehensive planning and activities that promote affordable
282 housing and policies that promote access to public
283 transportation, reduce the need for onsite parking, and expedite
284 permits for affordable housing projects.

285 9. Project feasibility.

286 10. Economic viability of the project.

287 11. Commitment of first mortgage financing.

288 12. Sponsor's prior experience.

289 13. Sponsor's ability to proceed with construction.

290 14. Projects that directly implement or assist welfare-to-
291 work transitioning.

292 15. Projects that reserve units for extremely-low-income
293 persons.

294 16. Projects that include green building principles, storm-
295 resistant construction, or other elements that reduce long-term
296 costs relating to maintenance, utilities, or insurance.

297 17. Job-creation rate of the developer and general
298 contractor, as provided in s. 420.507(47).

299 Section 13. Section 420.5095, Florida Statutes, is amended
300 to read:



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301 420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~
302 Program.—

303 (1) The Legislature finds and declares that recent rapid
304 increases in the median purchase price of a home and the cost of
305 rental housing have far outstripped the increases in median
306 income in the state, ~~preventing essential services personnel~~
307 ~~from living in the communities where they serve and thereby~~
308 creating the need for innovative solutions for the provision of
309 housing opportunities ~~for essential services personnel.~~

310 (2) The Community Workforce Housing Loan ~~Innovation Pilot~~
311 Program is created to provide ~~affordable rental and home~~
312 ~~ownership community~~ workforce housing for persons ~~essential~~
313 ~~services personnel~~ affected by the high cost of housing, ~~using~~
314 ~~regulatory incentives and state and local funds to promote local~~
315 ~~public-private partnerships and leverage government and private~~
316 ~~resources.~~

317 (3) For purposes of this section, the term—

318 ~~(a)~~ “workforce housing” means housing affordable to natural
319 persons or families whose total annual household income does not
320 exceed 80 ~~140~~ percent of the area median income, adjusted for
321 household size, or 120 ~~150~~ percent of area median income,
322 adjusted for household size, in areas of critical state concern
323 designated under s. 380.05, for which the Legislature has
324 declared its intent to provide affordable housing, and areas
325 that were designated as areas of critical state concern for at
326 least 20 consecutive years before ~~prior to~~ removal of the
327 designation.

328 ~~(b)~~ “~~Public-private partnership~~” means ~~any form of business~~
329 ~~entity that includes substantial involvement of at least one~~



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330 ~~county, one municipality, or one public sector entity, such as a~~
331 ~~school district or other unit of local government in which the~~
332 ~~project is to be located, and at least one private sector for-~~
333 ~~profit or not-for-profit business or charitable entity, and may~~
334 ~~be any form of business entity, including a joint venture or~~
335 ~~contractual agreement.~~

336 (4) The Florida Housing Finance Corporation is authorized
337 to provide loans under the Community Workforce Housing
338 ~~Innovation Pilot~~ program loans to applicants ~~an applicant~~ for
339 construction ~~or rehabilitation~~ of workforce housing in eligible
340 areas. This funding is intended to be used with other public and
341 ~~private sector resources.~~

342 (5) The corporation shall establish a loan application
343 process under s. 420.5087 ~~by rule which includes selection~~
344 ~~criteria, an application review process, and a funding process.~~
345 ~~The corporation shall also establish an application review~~
346 ~~committee that may include up to three private citizens~~
347 ~~representing the areas of housing or real estate development,~~
348 ~~banking, community planning, or other areas related to the~~
349 ~~development or financing of workforce and affordable housing.~~

350 (a) ~~The selection criteria and application review process~~
351 ~~must include a procedure for curing errors in the loan~~
352 ~~applications which do not make a substantial change to the~~
353 ~~proposed project.~~

354 (b) ~~To achieve the goals of the pilot program, the~~
355 ~~application review committee may approve or reject loan~~
356 ~~applications or responses to questions raised during the review~~
357 ~~of an application due to the insufficiency of information~~
358 ~~provided.~~



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359 ~~(c) The application review committee shall make~~
360 ~~recommendations concerning program participation and funding to~~
361 ~~the corporation's board of directors.~~

362 ~~(d) The board of directors shall approve or reject loan~~
363 ~~applications, determine the tentative loan amount available to~~
364 ~~each applicant, and rank all approved applications.~~

365 ~~(e) The board of directors shall decide which approved~~
366 ~~applicants will become program participants and determine the~~
367 ~~maximum loan amount for each program participant.~~

368 ~~(6) The corporation shall provide incentives for local~~
369 ~~governments in eligible areas to use local affordable housing~~
370 ~~funds, such as those from the State Housing Initiatives~~
371 ~~Partnership Program, to assist in meeting the affordable housing~~
372 ~~needs of persons eligible under this program. Local governments~~
373 ~~are authorized to use State Housing Initiative Partnership~~
374 ~~Program funds for persons or families whose total annual~~
375 ~~household income does not exceed:~~

376 ~~(a) One hundred and forty percent of the area median~~
377 ~~income, adjusted for household size; or~~

378 ~~(b) One hundred and fifty percent of the area median~~
379 ~~income, adjusted for household size, in areas that were~~
380 ~~designated as areas of critical state concern for at least 20~~
381 ~~consecutive years prior to the removal of the designation and in~~
382 ~~areas of critical state concern, designated under s. 380.05, for~~
383 ~~which the Legislature has declared its intent to provide~~
384 ~~affordable housing.~~

385 ~~(7) Funding shall be targeted to innovative projects in~~
386 ~~areas where the disparity between the area median income and the~~
387 ~~median sales price for a single-family home is greatest, and~~



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388 ~~where population growth as a percentage rate of increase is~~
389 ~~greatest. The corporation may also fund projects in areas where~~
390 ~~innovative regulatory and financial incentives are made~~
391 ~~available. The corporation shall fund at least one eligible~~
392 ~~project in as many counties and regions of the state as is~~
393 ~~practicable, consistent with program goals.~~

394 ~~(6)-(8)~~ Projects must be given ~~shall receive~~ priority
395 consideration for funding if ~~where~~:

396 ~~(a)~~ the local jurisdiction has adopted, or is committed to
397 adopting, appropriate regulatory incentives, ~~or the local~~
398 ~~jurisdiction or public-private partnership has adopted or is~~
399 ~~committed to adopting~~ local contributions or financial
400 strategies, or other funding sources to promote the development
401 and ongoing financial viability of such projects. Local
402 incentives include such actions as expediting review of
403 development orders and permits, supporting development near
404 transportation hubs and major employment centers, and adopting
405 land development regulations designed to allow flexibility in
406 densities, use of accessory units, mixed-use developments, and
407 flexible lot configurations. Financial strategies include such
408 actions as promoting employer-assisted housing programs,
409 providing tax increment financing, and providing land.

410 ~~(b)~~ Projects ~~are innovative and include new construction or~~
411 ~~rehabilitation; mixed-income housing; commercial and housing~~
412 ~~mixed-use elements; innovative design; green building~~
413 ~~principles; storm-resistant construction; or other elements that~~
414 ~~reduce long-term costs relating to maintenance, utilities, or~~
415 ~~insurance and promote homeownership. The program funding may not~~
416 ~~exceed the costs attributable to the portion of the project that~~



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417 ~~is set aside to provide housing for the targeted population.~~

418 ~~(c) Projects that set aside at least 80 percent of units~~
419 ~~for workforce housing and at least 50 percent for essential~~
420 ~~services personnel and for projects that require the least~~
421 ~~amount of program funding compared to the overall housing costs~~
422 ~~for the project.~~

423 ~~(9) Notwithstanding s. 163.3184(4)(b)-(d), any local~~
424 ~~government comprehensive plan amendment to implement a Community~~
425 ~~Workforce Housing Innovation Pilot Program project found~~
426 ~~consistent with this section shall be expedited as provided in~~
427 ~~this subsection. At least 30 days prior to adopting a plan~~
428 ~~amendment under this subsection, the local government shall~~
429 ~~notify the state land planning agency of its intent to adopt~~
430 ~~such an amendment, and the notice shall include its evaluation~~
431 ~~related to site suitability and availability of facilities and~~
432 ~~services. The public notice of the hearing required by s.~~
433 ~~163.3184(11)(b)2. shall include a statement that the local~~
434 ~~government intends to use the expedited adoption process~~
435 ~~authorized by this subsection. Such amendments shall require~~
436 ~~only a single public hearing before the governing board, which~~
437 ~~shall be an adoption hearing as described in s. 163.3184(4)(c).~~
438 ~~Any further proceedings shall be governed by s. 163.3184(5)-~~
439 ~~(13).~~

440 ~~(10) The processing of approvals of development orders or~~
441 ~~development permits, as defined in s. 163.3164, for innovative~~
442 ~~community workforce housing projects shall be expedited.~~

443 ~~(7)(11) The corporation shall award loans with a 1 interest~~
444 ~~rates set at 1 to 3 percent interest rate for a term that does~~
445 ~~not exceed 15 years, which may be made forgivable when long-term~~



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446 ~~affordability is provided and when at least 80 percent of the~~
447 ~~units are set aside for workforce housing and at least 50~~
448 ~~percent of the units are set aside for essential services~~
449 ~~personnel.~~

450 ~~(12) All eligible applications shall:~~

451 ~~(a) For home ownership, limit the sales price of a detached~~
452 ~~unit, townhome, or condominium unit to not more than 90 percent~~
453 ~~of the median sales price for that type of unit in that county,~~
454 ~~or the statewide median sales price for that type of unit,~~
455 ~~whichever is higher, and require that all eligible purchasers of~~
456 ~~home ownership units occupy the homes as their primary~~
457 ~~residence.~~

458 ~~(b) For rental units, restrict rents for all workforce~~
459 ~~housing serving those with incomes at or below 120 percent of~~
460 ~~area median income at the appropriate income level using the~~
461 ~~restricted rents for the federal low-income housing tax credit~~
462 ~~program and, for workforce housing units serving those with~~
463 ~~incomes above 120 percent of area median income, restrict rents~~
464 ~~to those established by the corporation, not to exceed 30~~
465 ~~percent of the maximum household income adjusted to unit size.~~

466 ~~(c) Demonstrate that the applicant is a public-private~~
467 ~~partnership in an agreement, contract, partnership agreement,~~
468 ~~memorandum of understanding, or other written instrument signed~~
469 ~~by all the project partners.~~

470 ~~(d) Have grants, donations of land, or contributions from~~
471 ~~the public-private partnership or other sources collectively~~
472 ~~totaling at least 10 percent of the total development cost or \$2~~
473 ~~million, whichever is less. Such grants, donations of land, or~~
474 ~~contributions must be evidenced by a letter of commitment,~~



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475 ~~agreement, contract, deed, memorandum of understanding, or other~~
476 ~~written instrument at the time of application. Grants, donations~~
477 ~~of land, or contributions in excess of 10 percent of the~~
478 ~~development cost shall increase the application score.~~

479 ~~(e) Demonstrate how the applicant will use the regulatory~~
480 ~~incentives and financial strategies outlined in subsection (8)~~
481 ~~from the local jurisdiction in which the proposed project is to~~
482 ~~be located. The corporation may consult with the Department of~~
483 ~~Economic Opportunity in evaluating the use of regulatory~~
484 ~~incentives by applicants.~~

485 ~~(f) Demonstrate that the applicant possesses title to or~~
486 ~~site control of land and evidences availability of required~~
487 ~~infrastructure.~~

488 ~~(g) Demonstrate the applicant's affordable housing~~
489 ~~development and management experience.~~

490 ~~(h) Provide any research or facts available supporting the~~
491 ~~demand and need for rental or home ownership workforce housing~~
492 ~~for eligible persons in the market in which the project is~~
493 ~~proposed.~~

494 ~~(13) Projects may include manufactured housing constructed~~
495 ~~after June 1994 and installed in accordance with mobile home~~
496 ~~installation standards of the Department of Highway Safety and~~
497 ~~Motor Vehicles.~~

498 ~~(8)-(14)~~ The corporation may adopt rules pursuant to ss.
499 120.536(1) and 120.54 to implement this section.

500 ~~(15) The corporation may use a maximum of 2 percent of the~~
501 ~~annual program appropriation for administration and compliance~~
502 ~~monitoring.~~

503 ~~(16) The corporation shall review the success of the~~



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504 ~~Community Workforce Housing Innovation Pilot Program to~~
505 ~~ascertain whether the projects financed by the program are~~
506 ~~useful in meeting the housing needs of eligible areas and shall~~
507 ~~include its findings in the annual report required under s.~~
508 ~~420.511(3).~~

509 Section 14. Section 420.531, Florida Statutes, is amended
510 to read:

511 420.531 Affordable Housing Catalyst Program.—

512 (1) The corporation shall operate the Affordable Housing
513 Catalyst Program for the purpose of securing the expertise
514 necessary to provide specialized technical support to local
515 governments and community-based organizations to implement the
516 HOME Investment Partnership Program, State Apartment Incentive
517 Loan Program, State Housing Initiatives Partnership Program, and
518 other affordable housing programs. To the maximum extent
519 feasible, the entity to provide the necessary expertise must be
520 recognized by the Internal Revenue Service as a nonprofit tax-
521 exempt organization. It must have as its primary mission the
522 provision of affordable housing training and technical
523 assistance, an ability to provide training and technical
524 assistance statewide, and a proven track record of successfully
525 providing training and technical assistance under the Affordable
526 Housing Catalyst Program. The technical support shall, at a
527 minimum, include training relating to the following key elements
528 of the partnership programs:

529 (a) ~~(1)~~ Formation of local and regional housing partnerships
530 as a means of bringing together resources to provide affordable
531 housing.

532 (b) ~~(2)~~ Implementation of regulatory reforms to reduce the



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533 risk and cost of developing affordable housing.

534 (c)~~(3)~~ Implementation of affordable housing programs
535 included in local government comprehensive plans.

536 (d)~~(4)~~ Compliance with requirements of federally funded
537 housing programs.

538 (2) In consultation with the corporation, the entity
539 providing statewide training and technical assistance shall
540 convene and administer biannual, regional workshops for the
541 locally elected officials serving on affordable housing advisory
542 committees as provided in s. 420.9076. The regional workshops
543 may be conducted through teleconferencing or other technological
544 means and must include processes and programming that facilitate
545 peer-to-peer identification and sharing of best affordable
546 housing practices among the locally elected officials. Annually,
547 calendar year reports summarizing the deliberations, actions,
548 and recommendations of each region, as well as the attendance
549 records of locally elected officials, must be compiled by the
550 entity providing statewide training and technical assistance for
551 the Affordable Housing Catalyst Program and must be submitted to
552 the President of the Senate, the Speaker of the House of
553 Representatives, and the corporation by March 31 of the
554 following year.

555 Section 15. Present subsection (7) of section 420.9073,
556 Florida Statutes, is redesignated as subsection (8), and a new
557 subsection (7) is added to that section, to read:

558 420.9073 Local housing distributions.—

559 (7) Notwithstanding subsections (1)-(4), the corporation
560 may prioritize a portion of the State Apartment Incentive Loan
561 Program funds set aside under s. 420.5087(3)(d) for persons with



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562 special needs as defined in s. 420.0004(13) to provide funding
563 for the development of newly constructed permanent rental
564 housing on a campus that provides housing for persons in foster
565 care or persons aging out of foster care pursuant to s.
566 409.1451. Such housing shall promote and facilitate access to
567 community-based supportive, educational, and employment services
568 and resources that assist persons aging out of foster care to
569 successfully transition to independent living and adulthood. The
570 corporation must consult with the Department of Children and
571 Families to create minimum criteria for such housing.

572 Section 16. Paragraph (j) is added to subsection (10) of
573 section 420.9075, Florida Statutes, to read:

574 420.9075 Local housing assistance plans; partnerships.—

575 (10) Each county or eligible municipality shall submit to
576 the corporation by September 15 of each year a report of its
577 affordable housing programs and accomplishments through June 30
578 immediately preceding submittal of the report. The report shall
579 be certified as accurate and complete by the local government's
580 chief elected official or his or her designee. Transmittal of
581 the annual report by a county's or eligible municipality's chief
582 elected official, or his or her designee, certifies that the
583 local housing incentive strategies, or, if applicable, the local
584 housing incentive plan, have been implemented or are in the
585 process of being implemented pursuant to the adopted schedule
586 for implementation. The report must include, but is not limited
587 to:

588 (j) The number of affordable housing applications
589 submitted, the number approved, and the number denied.

590 Section 17. Subsections (2) and (4) of section 420.9076,



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591 Florida Statutes, are amended, and subsection (10) is added to
592 that section, to read:

593 420.9076 Adoption of affordable housing incentive
594 strategies; committees.—

595 (2) The governing board of a county or municipality shall
596 appoint the members of the affordable housing advisory
597 committee. Pursuant to the terms of any interlocal agreement, a
598 county and municipality may create and jointly appoint an
599 advisory committee. The local action adopted pursuant to s.
600 420.9072 which creates the advisory committee and appoints the
601 advisory committee members must name at least 8 but not more
602 than 11 committee members and specify their terms. Effective
603 October 1, 2020, the committee must consist of one locally
604 elected official from each county or municipality participating
605 in the State Housing Initiatives Partnership Program and one
606 representative from at least six of the categories below:

607 (a) A citizen who is actively engaged in the residential
608 home building industry in connection with affordable housing.

609 (b) A citizen who is actively engaged in the banking or
610 mortgage banking industry in connection with affordable housing.

611 (c) A citizen who is a representative of those areas of
612 labor actively engaged in home building in connection with
613 affordable housing.

614 (d) A citizen who is actively engaged as an advocate for
615 low-income persons in connection with affordable housing.

616 (e) A citizen who is actively engaged as a for-profit
617 provider of affordable housing.

618 (f) A citizen who is actively engaged as a not-for-profit
619 provider of affordable housing.



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620 (g) A citizen who is actively engaged as a real estate
621 professional in connection with affordable housing.

622 (h) A citizen who actively serves on the local planning
623 agency pursuant to s. 163.3174. If the local planning agency is
624 comprised of the governing board of the county or municipality,
625 the governing board may appoint a designee who is knowledgeable
626 in the local planning process.

627 (i) A citizen who resides within the jurisdiction of the
628 local governing body making the appointments.

629 (j) A citizen who represents employers within the
630 jurisdiction.

631 (k) A citizen who represents essential services personnel,
632 as defined in the local housing assistance plan.

633 (4) Annually ~~Triennially~~, the advisory committee shall
634 review the established policies and procedures, ordinances, land
635 development regulations, and adopted local government
636 comprehensive plan of the appointing local government and shall
637 recommend specific actions or initiatives to encourage or
638 facilitate affordable housing while protecting the ability of
639 the property to appreciate in value. The recommendations may
640 include the modification or repeal of existing policies,
641 procedures, ordinances, regulations, or plan provisions; the
642 creation of exceptions applicable to affordable housing; or the
643 adoption of new policies, procedures, regulations, ordinances,
644 or plan provisions, including recommendations to amend the local
645 government comprehensive plan and corresponding regulations,
646 ordinances, and other policies. At a minimum, each advisory
647 committee shall submit an annual ~~a~~ report to the local governing
648 body and to the entity providing statewide training and



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649 technical assistance for the Affordable Housing Catalyst Program
650 which that includes recommendations on, ~~and triennially~~
651 ~~thereafter evaluates~~ the implementation of, affordable housing
652 incentives in the following areas:

653 (a) The processing of approvals of development orders or
654 permits for affordable housing projects is expedited to a
655 greater degree than other projects, as provided in s.
656 163.3177(6)(f)3.

657 (b) All allowable fee waivers provided ~~The modification of~~
658 ~~impact fee requirements, including reduction or waiver of fees~~
659 ~~and alternative methods of fee payment~~ for the development or
660 construction of affordable housing.

661 (c) The allowance of flexibility in densities for
662 affordable housing.

663 (d) The reservation of infrastructure capacity for housing
664 for very-low-income persons, low-income persons, and moderate-
665 income persons.

666 (e) ~~The allowance of~~ Affordable accessory residential units
667 ~~in residential zoning districts.~~

668 (f) The reduction of parking and setback requirements for
669 affordable housing.

670 (g) The allowance of flexible lot configurations, including
671 zero-lot-line configurations for affordable housing.

672 (h) The modification of street requirements for affordable
673 housing.

674 (i) The establishment of a process by which a local
675 government considers, before adoption, policies, procedures,
676 ordinances, regulations, or plan provisions that increase the
677 cost of housing.



678 (j) The preparation of a printed inventory of locally owned
679 public lands suitable for affordable housing.

680 (k) The support of development near transportation hubs and
681 major employment centers and mixed-use developments.

682

683 The advisory committee recommendations may also include other
684 affordable housing incentives identified by the advisory
685 committee. Local governments that receive the minimum allocation
686 under the State Housing Initiatives Partnership Program shall
687 perform an ~~the~~ initial review but may elect to not perform the
688 annual ~~triennial~~ review.

689 (10) The locally elected official serving on an advisory
690 committee, or a locally elected designee, must attend biannual
691 regional workshops convened and administered under the
692 Affordable Housing Catalyst Program as provided in s.
693 420.531(2). If the locally elected official or a locally elected
694 designee fails to attend three consecutive regional workshops,
695 the corporation may withhold funds pending the person's
696 attendance at the next regularly scheduled biannual meeting.

697 Section 18. Section 423.02, Florida Statutes, is amended to
698 read:

699 423.02 Housing projects exempted from taxes and
700 assessments; payments in lieu thereof.—The housing projects,
701 including all property of housing authorities used for or in
702 connection therewith or appurtenant thereto, of housing
703 authorities, or their nonprofit instrumentalities as authorized
704 by s. 421.08(8), shall be exempt from all taxes and special
705 assessments of the state or any city, town, county, or political
706 subdivision of the state, provided, however, that in lieu of



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707 such taxes or special assessments, a housing authority or its
708 nonprofit instrumentality may agree to make payments to any
709 city, town, county, or political subdivision of the state for
710 services, improvements, or facilities furnished by such city,
711 town, county, or political subdivision for the benefit of a
712 housing project owned by the housing authority or its nonprofit
713 instrumentality, but in no event shall such payments exceed the
714 estimated cost to such city, town, county, or political
715 subdivision of the services, improvements, or facilities to be
716 so furnished. A city, town, county, or political subdivision of
717 the state may not rename, modify terminology, or otherwise
718 change a tax or assessment with the intent to circumvent the
719 exemption provided under this section, which must be interpreted
720 broadly to protect housing authorities or their nonprofit
721 instrumentalities from taxation or assessment.

722 Section 19. Subsection (4) of section 723.011, Florida
723 Statutes, is amended to read:

724 723.011 Disclosure prior to rental of a mobile home lot;
725 prospectus, filing, approval.-

726 (4) With regard to a tenancy in existence on the effective
727 date of this chapter, the prospectus or offering circular
728 offered by the mobile home park owner must ~~shall~~ contain the
729 same terms and conditions as rental agreements offered to all
730 other mobile home owners residing in the park on the effective
731 date of this act, excepting only rent variations based upon lot
732 location and size, and may ~~shall~~ not require any mobile home
733 owner to install any permanent improvements, except that the
734 mobile home owner may be required to install permanent
735 improvements to the mobile home as disclosed in the prospectus.



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736 Section 20. Subsection (5) of section 723.012, Florida
737 Statutes, is amended to read:

738 723.012 Prospectus or offering circular.—The prospectus or
739 offering circular, which is required to be provided by s.
740 723.011, must contain the following information:

741 (5) A description of the recreational and other common
742 facilities, if any, that will be used by the mobile home owners,
743 including, but not limited to:

744 (a) The number of buildings and each room thereof and its
745 intended purposes, location, approximate floor area, and
746 capacity in numbers of people.

747 (b) Each swimming pool, as to its general location,
748 approximate size and depths, and approximate deck size and
749 capacity and whether heated.

750 (c) All other facilities and permanent improvements that
751 ~~which~~ will serve the mobile home owners.

752 (d) A general description of the items of personal property
753 available for use by the mobile home owners.

754 (e) A general description of the days and hours that
755 facilities will be available for use.

756 (f) A statement as to whether all improvements are complete
757 and, if not, their estimated completion dates.

758
759 If a mobile home park owner intends to include additional
760 property and mobile home lots and to increase the number of lots
761 that will use the shared facilities of the park, the mobile home
762 park owner must amend the prospectus to disclose such additions.
763 If the number of mobile home lots in the park increases by more
764 than 15 percent of the total number of lots in the original



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765 prospectus, the mobile home park owner must reasonably offset
766 the impact of the additional lots by increasing the shared
767 facilities. The amendment to the prospectus must include a
768 reasonable timeframe for providing the required additional
769 shared facilities. The costs and expenses necessary to increase
770 the shared facilities may not be passed on or passed through to
771 the existing mobile home owners.

772 Section 21. Section 723.023, Florida Statutes, is amended
773 to read:

774 723.023 Mobile home owner's general obligations.—A mobile
775 home owner shall ~~at all times~~:

776 (1) At all times comply with all obligations imposed on
777 mobile home owners by applicable provisions of building,
778 housing, and health codes, including compliance with all
779 building permits and construction requirements for construction
780 on the mobile home and lot. The home owner is responsible for
781 all fines imposed by the local government for noncompliance with
782 any local codes.

783 (2) At all times keep the mobile home lot that ~~which~~ he or
784 she occupies clean, neat, and sanitary, and maintained in
785 compliance with all local codes.

786 (3) At all times comply with properly promulgated park
787 rules and regulations and require other persons on the premises
788 with his or her consent to comply with such rules and to conduct
789 themselves, and other persons on the premises with his or her
790 consent, in a manner that does not unreasonably disturb other
791 residents of the park or constitute a breach of the peace.

792 (4) Receive written approval from the mobile home park
793 owner before making any exterior modification or addition to the



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794 home.

795 (5) When vacating the premises, remove any debris and other
796 property of any kind which is left on the mobile home lot.

797 Section 22. Subsection (5) of section 723.031, Florida
798 Statutes, is amended to read:

799 723.031 Mobile home lot rental agreements.-

800 (5) The rental agreement must ~~shall~~ contain the lot rental
801 amount and services included. An increase in lot rental amount
802 upon expiration of the term of the lot rental agreement must
803 ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s.
804 723.059(4), whichever is applicable; it provided that, pursuant to
805 s. 723.059(4), the amount of the lot rental increase is
806 disclosed and agreed to by the purchaser, in writing. An
807 increase in lot rental amount shall not be arbitrary or
808 discriminatory between similarly situated tenants in the park. A
809 lot rental amount may not be increased during the term of the
810 lot rental agreement, except:

811 (a) When the manner of the increase is disclosed in a lot
812 rental agreement with a term exceeding 12 months and which
813 provides for such increases not more frequently than annually.

814 (b) For pass-through charges as defined in s. 723.003.

815 (c) That a charge may not be collected which results in
816 payment of money for sums previously collected as part of the
817 lot rental amount. The provisions hereof notwithstanding, the
818 mobile home park owner may pass on, at any time during the term
819 of the lot rental agreement, ad valorem property taxes, non-ad
820 valorem assessments, and utility charges, or increases of
821 either, provided that the ad valorem property taxes, non-ad
822 valorem assessments, and utility charges are not otherwise being



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823 collected in the remainder of the lot rental amount and provided
824 further that the passing on of such ad valorem taxes, non-ad
825 valorem assessments, or utility charges, or increases of either,
826 was disclosed prior to tenancy, was being passed on as a matter
827 of custom between the mobile home park owner and the mobile home
828 owner, or such passing on was authorized by law. A park owner is
829 deemed to have disclosed the passing on of ad valorem property
830 taxes and non-ad valorem assessments if ad valorem property
831 taxes or non-ad valorem assessments were disclosed as a separate
832 charge or a factor for increasing the lot rental amount in the
833 prospectus or rental agreement. Such ad valorem taxes, non-ad
834 valorem assessments, and utility charges shall be a part of the
835 lot rental amount as defined by this chapter. The term "non-ad
836 valorem assessments" has the same meaning as provided in s.
837 197.3632(1)(d). Other provisions of this chapter
838 notwithstanding, pass-on charges may be passed on only within 1
839 year of the date a mobile home park owner remits payment of the
840 charge. A mobile home park owner is prohibited from passing on
841 any fine, interest, fee, or increase in a charge resulting from
842 a park owner's payment of the charge after the date such charges
843 become delinquent. A mobile home park owner is prohibited from
844 charging or collecting from the mobile home owners any sum for
845 ad valorem taxes or non-ad valorem tax charges in an amount in
846 excess of the sums remitted by the park owner to the tax
847 collector. Nothing herein shall prohibit a park owner and a
848 homeowner from mutually agreeing to an alternative manner of
849 payment to the park owner of the charges.

850 (d) If a notice of increase in lot rental amount is not
851 given 90 days before the renewal date of the rental agreement,



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852 the rental agreement must remain under the same terms until a
853 90-day notice of increase in lot rental amount is given. The
854 notice may provide for a rental term shorter than 1 year in
855 order to maintain the same renewal date.

856 Section 23. Subsection (1) and paragraph (a) of subsection
857 (4) of section 723.037, Florida Statutes, are amended to read:

858 723.037 Lot rental increases; reduction in services or
859 utilities; change in rules and regulations; mediation.—

860 (1) A park owner shall give written notice to each affected
861 mobile home owner and the board of directors of the homeowners'
862 association, if one has been formed, at least 90 days before any
863 increase in lot rental amount or reduction in services or
864 utilities provided by the park owner or change in rules and
865 regulations. The park owner may give notice of all increases in
866 lot rental amount for multiple anniversary dates in the same 90-
867 day notice. The notice must ~~shall~~ identify all other affected
868 homeowners, which may be by lot number, name, group, or phase.
869 If the affected homeowners are not identified by name, the park
870 owner shall make the names and addresses available upon request.
871 However, this requirement does not authorize the release of the
872 names, addresses, or other private information about the
873 homeowners to the association or any other person for any other
874 purpose. The home owner's right to the 90-day notice may not be
875 waived or precluded by a home owner, or the homeowners'
876 committee, in an agreement with the park owner. Rules adopted as
877 a result of restrictions imposed by governmental entities and
878 required to protect the public health, safety, and welfare may
879 be enforced prior to the expiration of the 90-day period but are
880 not otherwise exempt from the requirements of this chapter.



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881 Pass-through charges must be separately listed as to the amount
882 of the charge, the name of the governmental entity mandating the
883 capital improvement, and the nature or type of the pass-through
884 charge being levied. Notices of increase in the lot rental
885 amount due to a pass-through charge must ~~shall~~ state the
886 additional payment and starting and ending dates of each pass-
887 through charge. The homeowners' association shall have no
888 standing to challenge the increase in lot rental amount,
889 reduction in services or utilities, or change of rules and
890 regulations unless a majority of the affected homeowners agree,
891 in writing, to such representation.

892 (4) (a) A committee, not to exceed five in number,
893 designated by a majority of the affected mobile home owners or
894 by the board of directors of the homeowners' association, if
895 applicable, and the park owner shall meet, at a mutually
896 convenient time and place no later than 60 days before the
897 effective date of the change to discuss the reasons for the
898 increase in lot rental amount, reduction in services or
899 utilities, or change in rules and regulations. The negotiating
900 committee shall make a written request for a meeting with the
901 park owner or subdivision developer to discuss those matters
902 addressed in the 90-day notice, and may include in the request a
903 listing of any other issue, with supporting documentation, that
904 the committee intends to raise and discuss at the meeting. The
905 committee shall address all lot rental amount increases that are
906 specified in the notice of lot rental amount increase,
907 regardless of the effective date of the increase.

908
909 This subsection is not intended to be enforced by civil or



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910 administrative action. Rather, the meetings and discussions are
911 intended to be in the nature of settlement discussions prior to
912 the parties proceeding to mediation of any dispute.

913 Section 24. Subsections (5) and (6) are added to section
914 723.041, Florida Statutes, to read:

915 723.041 Entrance fees; refunds; exit fees prohibited;
916 replacement homes.-

917 (5) A mobile home park that is damaged or destroyed due to
918 wind, water, or other natural force may be rebuilt on the same
919 site with the same density as was approved, permitted, or built
920 before the park was damaged or destroyed.

921 (6) This section does not limit the regulation of the
922 uniform firesafety standards established under s. 633.206, but
923 supersedes any other density, separation, setback, or lot size
924 regulation adopted after initial permitting and construction of
925 the mobile home park.

926 Section 25. Section 723.042, Florida Statutes, is amended
927 to read:

928 723.042 Provision of improvements.-A No person may not
929 ~~shall~~ be required by a mobile home park owner or developer, as a
930 condition of residence in the mobile home park, to provide any
931 improvement unless the requirement is disclosed pursuant to s.
932 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home
933 park.

934 Section 26. Section 723.059, Florida Statutes, is amended
935 to read:

936 723.059 ~~Rights of Purchaser of a mobile home within a~~
937 mobile home park.-

938 (1) The purchaser of a mobile home within a mobile home



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939 park may become a tenant of the park if such purchaser would
940 otherwise qualify with the requirements of entry into the park
941 under the park rules and regulations, subject to the approval of
942 the park owner, but such approval may not be unreasonably
943 withheld. The purchaser of the mobile home may cancel or rescind
944 the contract for purchase of the mobile home if the purchaser's
945 tenancy has not been approved by the park owner 5 days before
946 the closing of the purchase.

947 (2) Properly promulgated rules may provide for the
948 screening of any prospective purchaser to determine whether or
949 not such purchaser is qualified to become a tenant of the park.

950 (3) The purchaser of a mobile home who intends to become
951 ~~becomes~~ a resident of the mobile home park in accordance with
952 this section has the right to assume the remainder of the term
953 of any rental agreement then in effect between the mobile home
954 park owner and the seller and may assume the seller's
955 prospectus. However, nothing herein shall prohibit a mobile home
956 park owner from offering the purchaser of a mobile home any
957 approved prospectus shall be entitled to rely on the terms and
958 conditions of the prospectus or offering circular as delivered
959 to the initial recipient.

960 (4) However, nothing herein shall be construed to prohibit
961 a mobile home park owner from increasing the rental amount to be
962 paid by the purchaser upon the expiration of the assumed rental
963 agreement in an amount deemed appropriate by the mobile home
964 park owner, so long as such increase is disclosed to the
965 purchaser prior to his or her occupancy and is imposed in a
966 manner consistent with the purchaser's initial offering circular
967 ~~or~~ prospectus and this act.



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968 (5) Lifetime leases and the renewal provisions in
969 automatically renewable leases, both those existing and those
970 entered into after July 1, 1986, are not assumable unless
971 otherwise provided in the mobile home lot rental agreement or
972 unless the transferee is the home owner's spouse. The right to
973 an assumption of the lease by a spouse may be exercised only one
974 time during the term of that lease.

975 Section 27. Paragraph (d) of subsection (1) and subsection
976 (4) of section 723.061, Florida Statutes, are amended, and
977 subsection (5) is added to that section, to read:

978 723.061 Eviction; grounds, proceedings.—

979 (1) A mobile home park owner may evict a mobile home owner,
980 a mobile home tenant, a mobile home occupant, or a mobile home
981 only on one or more of the following grounds:

982 (d) Change in use of the land comprising the mobile home
983 park, or the portion thereof from which mobile homes are to be
984 evicted, from mobile home lot rentals to some other use, if:

985 1. The park owner gives written notice to the homeowners'
986 association formed and operating under ss. 723.075-723.079 of
987 its right to purchase the mobile home park, if the land
988 comprising the mobile home park is changing use from mobile home
989 lot rentals to a different use, at the price and under the terms
990 and conditions set forth in the written notice.

991 a. The notice shall be delivered to the officers of the
992 homeowners' association by United States mail. Within 45 days
993 after the date of mailing of the notice, the homeowners'
994 association may execute and deliver a contract to the park owner
995 to purchase the mobile home park at the price and under the
996 terms and conditions set forth in the notice. If the contract



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997 between the park owner and the homeowners' association is not
998 executed and delivered to the park owner within the 45-day
999 period, the park owner is under no further obligation to the
1000 homeowners' association except as provided in sub-subparagraph
1001 b.

1002 b. If the park owner elects to offer or sell the mobile
1003 home park at a price lower than the price specified in her or
1004 his initial notice to the officers of the homeowners'
1005 association, the homeowners' association has an additional 10
1006 days to meet the revised price, terms, and conditions of the
1007 park owner by executing and delivering a revised contract to the
1008 park owner.

1009 c. The park owner is not obligated under this subparagraph
1010 or s. 723.071 to give any other notice to, or to further
1011 negotiate with, the homeowners' association for the sale of the
1012 mobile home park to the homeowners' association after 6 months
1013 after the date of the mailing of the initial notice under sub-
1014 subparagraph a.

1015 2. The park owner gives the affected mobile home owners and
1016 tenants at least 6 months' notice of the eviction due to the
1017 projected change in use and of their need to secure other
1018 accommodations. Within 20 days after giving an eviction notice
1019 to a mobile home owner, the park owner must provide the division
1020 with a copy of the notice. The division must provide the
1021 executive director of the Florida Mobile Home Relocation
1022 Corporation with a copy of the notice.

1023 a. The notice of eviction due to a change in use of the
1024 land must include in a font no smaller than the body of the
1025 notice the following statement:



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YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

b. The park owner may not give a notice of increase in lot rental amount within 90 days before giving notice of a change in use.

(4) Except for the notice to the officers of the homeowners' association under subparagraph (1)(d)1., any notice required by this section must be in writing~~r~~ and must be posted on the premises and sent to the mobile home owner and tenant or occupant, as appropriate, by United States mail ~~certified or registered mail, return receipt requested~~, addressed to the mobile home owner and tenant or occupant, as appropriate, at her or his last known address. Delivery of the mailed notice is ~~shall be~~ deemed given 5 days after the date of postmark.

(5) A park owner who accepts payment of any portion of the lot rental amount with actual knowledge of noncompliance after notice and termination of the rental agreement due to a violation under paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) does not waive the right to terminate the rental agreement or the right to bring a civil action for the noncompliance, but not for any subsequent or continuing noncompliance. Any rent so received must be accounted for at the final hearing.

Section 28. Subsection (1) of section 723.076, Florida



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1055 Statutes, is amended to read:

1056 723.076 Incorporation; notification of park owner.—

1057 (1) Upon receipt of its certificate of incorporation, the
1058 homeowners' association shall notify the park owner in writing
1059 of such incorporation and shall advise the park owner of the
1060 names and addresses of the officers of the homeowners'
1061 association by personal delivery upon the park owner's
1062 representative as designated in the prospectus or by certified
1063 mail, return receipt requested. Thereafter, the homeowners'
1064 association shall notify the park owner in writing by certified
1065 mail, return receipt requested, of any change of names and
1066 addresses of its president or registered agent. Upon election or
1067 appointment of new officers or members, the homeowners'
1068 association shall notify the park owner in writing by certified
1069 mail, return receipt requested, of the names and addresses of
1070 the new officers or members.

1071 Section 29. Paragraphs (b) through (e) of subsection (2) of
1072 section 723.078, Florida Statutes, are amended, and paragraph
1073 (i) of that subsection is reenacted, to read:

1074 723.078 Bylaws of homeowners' associations.—

1075 (2) The bylaws shall provide and, if they do not, shall be
1076 deemed to include, the following provisions:

1077 (b) *Quorum; voting requirements; proxies.*—

1078 1. Unless otherwise provided in the bylaws, 30 percent of
1079 the total membership is required to constitute a quorum.

1080 Decisions shall be made by a majority of members represented at
1081 a meeting at which a quorum is present.

1082 2.a. A member may not vote by general proxy but may vote by
1083 limited proxies substantially conforming to a limited proxy form



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1084 adopted by the division. Limited proxies and general proxies may
1085 be used to establish a quorum. Limited proxies may be used for
1086 votes taken to amend the articles of incorporation or bylaws
1087 pursuant to this section, and any other matters for which this
1088 chapter requires or permits a vote of members. ~~A, except that no~~
1089 proxy, limited or general, may not be used in the election of
1090 board members in general elections or elections to fill
1091 vacancies caused by recall, resignation, or otherwise. Board
1092 members must be elected by written ballot or by voting in
1093 person. If a mobile home or subdivision lot is owned jointly,
1094 the owners of the mobile home or subdivision lot must be counted
1095 as one for the purpose of determining the number of votes
1096 required for a majority. Only one vote per mobile home or
1097 subdivision lot shall be counted. Any number greater than 50
1098 percent of the total number of votes constitutes a majority.
1099 Notwithstanding this section, members may vote in person at
1100 member meetings or by secret ballot, including absentee ballots,
1101 as defined by the division.

1102 b. Elections shall be decided by a plurality of the ballots
1103 cast. There is no quorum requirement; however, at least 20
1104 percent of the eligible voters must cast a ballot in order to
1105 have a valid election. A member may not allow any other person
1106 to cast his or her ballot, and any ballots improperly cast are
1107 invalid. An election is not required unless there are more
1108 candidates nominated than vacancies that exist on the board.

1109 c. Each member or other eligible person who desires to be a
1110 candidate for the board of directors shall appear on the ballot
1111 in alphabetical order by surname. A ballot may not indicate if
1112 any of the candidates are incumbent on the board. All ballots



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1113 must be uniform in appearance. Write-in candidates and more than
1114 one vote per candidate per ballot are not allowed. A ballot may
1115 not provide a space for the signature of, or any other means of
1116 identifying, a voter. If a ballot contains more votes than
1117 vacancies or fewer votes than vacancies, the ballot is invalid
1118 unless otherwise stated in the bylaws.

1119 d. An impartial committee shall be responsible for
1120 overseeing the election process and complying with all ballot
1121 requirements. For purposes of this section, the term "impartial
1122 committee" means a committee whose members do not include any of
1123 the following people or their spouses:

1124 (I) Current board members.

1125 (II) Current association officers.

1126 (III) Candidates for the association or board.

1127 e. The association bylaws shall provide a method for
1128 determining the winner of an election in which two or more
1129 candidates for the same position receive the same number of
1130 votes.

1131 f. The division shall adopt procedural rules to govern
1132 elections, including, but not limited to, rules for providing
1133 notice by electronic transmission and rules for maintaining the
1134 secrecy of ballots.

1135 3. A proxy is effective only for the specific meeting for
1136 which originally given and any lawfully adjourned meetings
1137 thereof. In no event shall any proxy be valid for a period
1138 longer than 90 days after the date of the first meeting for
1139 which it was given. Every proxy shall be revocable at any time
1140 at the pleasure of the member executing it.

1141 4. A member of the board of directors or a committee may



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1142 submit in writing his or her agreement or disagreement with any
1143 action taken at a meeting that the member did not attend. This
1144 agreement or disagreement may not be used as a vote for or
1145 against the action taken and may not be used for the purposes of
1146 creating a quorum.

1147 (c) *Board of directors' and committee meetings.*—

1148 1. Meetings of the board of directors and meetings of its
1149 committees at which a quorum is present shall be open to all
1150 members. Notwithstanding any other provision of law, the
1151 requirement that board meetings and committee meetings be open
1152 to the members does not apply to meetings between the park owner
1153 and the board of directors or any of the board's committees,
1154 board or committee meetings held for the purpose of discussing
1155 personnel matters, or meetings between the board or a committee
1156 and the association's attorney, with respect to potential or
1157 pending litigation, ~~when~~ where the meeting is held for the
1158 purpose of seeking or rendering legal advice, and ~~when~~ where the
1159 contents of the discussion would otherwise be governed by the
1160 attorney-client privilege. Notice of all meetings open to
1161 members shall be posted in a conspicuous place upon the park
1162 property at least 48 hours in advance, except in an emergency.
1163 Notice of any meeting in which dues assessments against members
1164 are to be considered for any reason shall specifically contain a
1165 statement that dues assessments will be considered and the
1166 nature of such dues assessments.

1167 2. A board or committee member's participation in a meeting
1168 via telephone, real-time videoconferencing, or similar real-time
1169 telephonic, electronic, or video communication counts toward a
1170 quorum, and such member may vote as if physically present. A



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1171 speaker shall be used so that the conversation of those board or
1172 committee members attending by telephone may be heard by the
1173 board or committee members attending in person, as well as by
1174 members present at a meeting.

1175 3. Members of the board of directors may use e-mail as a
1176 means of communication but may not cast a vote on an association
1177 matter via e-mail.

1178 4. The right to attend meetings of the board of directors
1179 and its committees includes the right to speak at such meetings
1180 with reference to all designated agenda items. The association
1181 may adopt reasonable written rules governing the frequency,
1182 duration, and manner of members' statements. Any item not
1183 included on the notice may be taken up on an emergency basis by
1184 at least a majority plus one of the members of the board. Such
1185 emergency action shall be noticed and ratified at the next
1186 regular meeting of the board. Any member may tape record or
1187 videotape meetings of the board of directors and its committees,
1188 except meetings between the board of directors or its appointed
1189 homeowners' committee and the park owner. The division shall
1190 adopt reasonable rules governing the tape recording and
1191 videotaping of the meeting.

1192 5. Except as provided in paragraph (i), a vacancy occurring
1193 on the board of directors may be filled by the affirmative vote
1194 of the majority of the remaining directors, even though the
1195 remaining directors constitute less than a quorum; by the sole
1196 remaining director; if the vacancy is not so filled or if no
1197 director remains, by the members; or, on the application of any
1198 person, by the circuit court of the county in which the
1199 registered office of the corporation is located.



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1200 6. The term of a director elected or appointed to fill a
1201 vacancy expires at the next annual meeting at which directors
1202 are elected. A directorship to be filled by reason of an
1203 increase in the number of directors may be filled by the board
1204 of directors, but only for the term of office continuing until
1205 the next election of directors by the members.

1206 7. A vacancy that will occur at a specific later date, by
1207 reason of a resignation effective at a later date, may be filled
1208 before the vacancy occurs. However, the new director may not
1209 take office until the vacancy occurs.

1210 8.a. The officers and directors of the association have a
1211 fiduciary relationship to the members.

1212 b. A director and committee member shall discharge his or
1213 her duties in good faith, with the care an ordinarily prudent
1214 person in a like position would exercise under similar
1215 circumstances, and in a manner he or she reasonably believes to
1216 be in the best interests of the corporation.

1217 9. In discharging his or her duties, a director may rely on
1218 information, opinions, reports, or statements, including
1219 financial statements and other financial data, if prepared or
1220 presented by:

1221 a. One or more officers or employees of the corporation who
1222 the director reasonably believes to be reliable and competent in
1223 the matters presented;

1224 b. Legal counsel, public accountants, or other persons as
1225 to matters the director reasonably believes are within the
1226 persons' professional or expert competence; or

1227 c. A committee of the board of directors of which he or she
1228 is not a member if the director reasonably believes the



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1229 committee merits confidence.

1230 10. A director is not acting in good faith if he or she has
1231 knowledge concerning the matter in question that makes reliance
1232 otherwise permitted by subparagraph 9. unwarranted.

1233 11. A director is not liable for any action taken as a
1234 director, or any failure to take any action, if he or she
1235 performed the duties of his or her office in compliance with
1236 this section.

1237 (d) *Member meetings.*—Members shall meet at least once each
1238 calendar year, and the meeting shall be the annual meeting. All
1239 members of the board of directors shall be elected at the annual
1240 meeting unless the bylaws provide for staggered election terms
1241 or for their election at another meeting. The bylaws shall not
1242 restrict any member desiring to be a candidate for board
1243 membership from being nominated from the floor. All nominations
1244 from the floor must be made at a duly noticed meeting of the
1245 members held at least 27 ~~30~~ days before the annual meeting. The
1246 bylaws shall provide the method for calling the meetings of the
1247 members, including annual meetings. The method shall provide at
1248 least 14 days' written notice to each member in advance of the
1249 meeting and require the posting in a conspicuous place on the
1250 park property of a notice of the meeting at least 14 days prior
1251 to the meeting. The right to receive written notice of
1252 membership meetings may be waived in writing by a member. Unless
1253 waived, the notice of the annual meeting shall be mailed, hand
1254 delivered, or electronically transmitted to each member, and
1255 shall constitute notice. Unless otherwise stated in the bylaws,
1256 an officer of the association shall provide an affidavit
1257 affirming that the notices were mailed, ~~or~~ hand delivered, or



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1258 provided by electronic transmission in accordance with ~~the~~
1259 ~~provisions of~~ this section to each member at the address last
1260 furnished to the corporation. These meeting requirements do not
1261 prevent members from waiving notice of meetings or from acting
1262 by written agreement without meetings, if allowed by the bylaws.

1263 (e) *Minutes of meetings.*—

1264 1. Notwithstanding any other provision of law, the minutes
1265 of board or committee meetings that are closed to members are
1266 privileged and confidential and are not available for inspection
1267 or photocopying.

1268 2. Minutes of all meetings of members of an association and
1269 meetings open to members of the board of directors, and a
1270 committee of the board must be maintained in written form and
1271 approved by the members, board, or committee, as applicable. A
1272 vote or abstention from voting on each matter voted upon for
1273 each director present at a board meeting must be recorded in the
1274 minutes.

1275 3.2. All approved minutes of open meetings of members,
1276 committees, and the board of directors shall be kept in a
1277 businesslike manner and shall be available for inspection by
1278 members, or their authorized representatives, and board members
1279 at reasonable times. The association shall retain these minutes
1280 within this state for ~~a period of~~ at least 5 7 years.

1281 (i) *Recall of board members.*—Any member of the board of
1282 directors may be recalled and removed from office with or
1283 without cause by the vote of or agreement in writing by a
1284 majority of all members. A special meeting of the members to
1285 recall a member or members of the board of directors may be
1286 called by 10 percent of the members giving notice of the meeting



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1287 as required for a meeting of members, and the notice shall state
1288 the purpose of the meeting. Electronic transmission may not be
1289 used as a method of giving notice of a meeting called in whole
1290 or in part for this purpose.

1291 1. If the recall is approved by a majority of all members
1292 by a vote at a meeting, the recall is effective as provided in
1293 this paragraph. The board shall duly notice and hold a board
1294 meeting within 5 full business days after the adjournment of the
1295 member meeting to recall one or more board members. At the
1296 meeting, the board shall either certify the recall, in which
1297 case such member or members shall be recalled effective
1298 immediately and shall turn over to the board within 5 full
1299 business days any and all records and property of the
1300 association in their possession, or shall proceed under
1301 subparagraph 3.

1302 2. If the proposed recall is by an agreement in writing by
1303 a majority of all members, the agreement in writing or a copy
1304 thereof shall be served on the association by certified mail or
1305 by personal service in the manner authorized by chapter 48 and
1306 the Florida Rules of Civil Procedure. The board of directors
1307 shall duly notice and hold a meeting of the board within 5 full
1308 business days after receipt of the agreement in writing. At the
1309 meeting, the board shall either certify the written agreement to
1310 recall members of the board, in which case such members shall be
1311 recalled effective immediately and shall turn over to the board,
1312 within 5 full business days, any and all records and property of
1313 the association in their possession, or shall proceed as
1314 described in subparagraph 3.

1315 3. If the board determines not to certify the written



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1316 agreement to recall members of the board, or does not certify
1317 the recall by a vote at a meeting, the board shall, within 5
1318 full business days after the board meeting, file with the
1319 division a petition for binding arbitration pursuant to the
1320 procedures of s. 723.1255. For purposes of this paragraph, the
1321 members who voted at the meeting or who executed the agreement
1322 in writing shall constitute one party under the petition for
1323 arbitration. If the arbitrator certifies the recall of a member
1324 of the board, the recall shall be effective upon mailing of the
1325 final order of arbitration to the association. If the
1326 association fails to comply with the order of the arbitrator,
1327 the division may take action under s. 723.006. A member so
1328 recalled shall deliver to the board any and all records and
1329 property of the association in the member's possession within 5
1330 full business days after the effective date of the recall.

1331 4. If the board fails to duly notice and hold a board
1332 meeting within 5 full business days after service of an
1333 agreement in writing or within 5 full business days after the
1334 adjournment of the members' recall meeting, the recall shall be
1335 deemed effective and the board members so recalled shall
1336 immediately turn over to the board all records and property of
1337 the association.

1338 5. If the board fails to duly notice and hold the required
1339 meeting or fails to file the required petition, the member's
1340 representative may file a petition pursuant to s. 723.1255
1341 challenging the board's failure to act. The petition must be
1342 filed within 60 days after expiration of the applicable 5-full-
1343 business-day period. The review of a petition under this
1344 subparagraph is limited to the sufficiency of service on the



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1345 board and the facial validity of the written agreement or
1346 ballots filed.

1347 6. If a vacancy occurs on the board as a result of a recall
1348 and less than a majority of the board members are removed, the
1349 vacancy may be filled by the affirmative vote of a majority of
1350 the remaining directors, notwithstanding any other provision of
1351 this chapter. If vacancies occur on the board as a result of a
1352 recall and a majority or more of the board members are removed,
1353 the vacancies shall be filled in accordance with procedural
1354 rules to be adopted by the division, which rules need not be
1355 consistent with this chapter. The rules must provide procedures
1356 governing the conduct of the recall election as well as the
1357 operation of the association during the period after a recall
1358 but before the recall election.

1359 7. A board member who has been recalled may file a petition
1360 pursuant to s. 723.1255 challenging the validity of the recall.
1361 The petition must be filed within 60 days after the recall is
1362 deemed certified. The association and the member's
1363 representative shall be named as the respondents.

1364 8. The division may not accept for filing a recall
1365 petition, whether or not filed pursuant to this subsection, and
1366 regardless of whether the recall was certified, when there are
1367 60 or fewer days until the scheduled reelection of the board
1368 member sought to be recalled or when 60 or fewer days have not
1369 elapsed since the election of the board member sought to be
1370 recalled.

1371 Section 30. Paragraphs (d) and (f) through (i) of
1372 subsection (4) and subsection (5) of section 723.079, Florida
1373 Statutes, are amended to read:



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1374 723.079 Powers and duties of homeowners' association.—

1375 (4) The association shall maintain the following items,
1376 when applicable, which constitute the official records of the
1377 association:

1378 (d) The approved minutes of all meetings of the members of
1379 an association and meetings open for members of, the board of
1380 directors, and committees of the board, which minutes must be
1381 retained within this ~~the~~ state for at least 5 7 years.

1382 (f) All of the association's insurance policies or copies
1383 thereof, which must be retained within this state for at least 5
1384 7 years after the expiration date of the policy.

1385 (g) A copy of all contracts or agreements to which the
1386 association is a party, including, without limitation, any
1387 written agreements with the park owner, lease, or other
1388 agreements or contracts under which the association or its
1389 members has any obligation or responsibility, which must be
1390 retained within this state for at least 5 7 years after the
1391 expiration date of the contract or agreement.

1392 (h) The financial and accounting records of the
1393 association, kept according to good accounting practices. All
1394 financial and accounting records must be maintained within this
1395 state for a ~~period of~~ at least 5 7 years. The financial and
1396 accounting records must include:

1397 1. Accurate, itemized, and detailed records of all receipts
1398 and expenditures.

1399 2. A current account and a periodic statement of the
1400 account for each member, designating the name and current
1401 address of each member who is obligated to pay dues or
1402 assessments, the due date and amount of each assessment or other



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1403 charge against the member, the date and amount of each payment
1404 on the account, and the balance due.

1405 3. All tax returns, financial statements, and financial
1406 reports of the association.

1407 4. Any other records that identify, measure, record, or
1408 communicate financial information.

1409 (i) All other written records of the association not
1410 specifically included in the foregoing which are related to the
1411 operation of the association must be retained within this state
1412 for at least 5 years or at least 5 years after the expiration
1413 date, as applicable.

1414 (5) The official records shall be ~~maintained within the~~
1415 ~~state for at least 7 years and shall be~~ made available to a
1416 member for inspection or photocopying within 20 ~~10~~ business days
1417 after receipt by the board or its designee of a written request
1418 submitted by certified mail, return receipt requested. The
1419 requirements of this subsection are satisfied by having a copy
1420 of the official records available for inspection or copying in
1421 the park or, at the option of the association, by making the
1422 records available to a member electronically via the Internet or
1423 by allowing the records to be viewed in electronic format on a
1424 computer screen and printed upon request. If the association has
1425 a photocopy machine available where the records are maintained,
1426 it must provide a member with copies on request during the
1427 inspection if the entire request is no more than 25 pages. An
1428 association shall allow a member or his or her authorized
1429 representative to use a portable device, including a smartphone,
1430 tablet, portable scanner, or any other technology capable of
1431 scanning or taking photographs, to make an electronic copy of



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1432 the official records in lieu of the association's providing the
1433 member or his or her authorized representative with a copy of
1434 such records. The association may not charge a fee to a member
1435 or his or her authorized representative for the use of a
1436 portable device.

1437 (a) The failure of an association to provide access to the
1438 records within 20 ~~10~~ business days after receipt of a written
1439 request submitted by certified mail, return receipt requested,
1440 creates a rebuttable presumption that the association willfully
1441 failed to comply with this subsection.

1442 (b) A member who is denied access to official records is
1443 entitled to ~~the actual damages or minimum~~ damages for the
1444 association's willful failure to comply with this subsection in
1445 the amount of. The minimum damages are to be \$10 per calendar
1446 day up to 10 days, not to exceed \$100. The calculation for
1447 damages begins ~~to begin~~ on the 21st ~~11th~~ business day after
1448 receipt of the written request, submitted by certified mail,
1449 return receipt requested.

1450 (c) A dispute between a member and an association regarding
1451 inspecting or photocopying official records must be submitted to
1452 mandatory binding arbitration with the division, and the
1453 arbitration must be conducted pursuant to s. 723.1255 and
1454 procedural rules adopted by the division.

1455 (d) The association may adopt reasonable written rules
1456 governing the frequency, time, location, notice, records to be
1457 inspected, and manner of inspections, but may not require a
1458 member to demonstrate a proper purpose for the inspection, state
1459 a reason for the inspection, or limit a member's right to
1460 inspect records to less than 1 business day per month. The



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1461 association may impose fees to cover the costs of providing
1462 copies of the official records, including the costs of copying
1463 and for personnel to retrieve and copy the records if the time
1464 spent retrieving and copying the records exceeds 30 minutes and
1465 if the personnel costs do not exceed \$20 per hour. Personnel
1466 costs may not be charged for records requests that result in the
1467 copying of 25 or fewer pages. The association may charge up to
1468 25 cents per page for copies made on the association's
1469 photocopier. If the association does not have a photocopy
1470 machine available where the records are kept, or if the records
1471 requested to be copied exceed 25 pages in length, the
1472 association may have copies made by an outside duplicating
1473 service and may charge the actual cost of copying, as supported
1474 by the vendor invoice. The association shall maintain an
1475 adequate number of copies of the recorded governing documents,
1476 to ensure their availability to members and prospective members.
1477 Notwithstanding this paragraph, the following records are not
1478 accessible to members or home owners:

1479 1. A record protected by the lawyer-client privilege as
1480 described in s. 90.502 and a record protected by the work-
1481 product privilege, including, but not limited to, a record
1482 prepared by an association attorney or prepared at the
1483 attorney's express direction which reflects a mental impression,
1484 conclusion, litigation strategy, or legal theory of the attorney
1485 or the association and which was prepared exclusively for civil
1486 or criminal litigation, for adversarial administrative
1487 proceedings, or in anticipation of such litigation or
1488 proceedings until the conclusion of the litigation or
1489 proceedings.



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1490 2. E-mail addresses, telephone numbers, facsimile numbers,
1491 emergency contact information, any addresses for a home owner
1492 other than as provided for association notice requirements, and
1493 other personal identifying information of any person, excluding
1494 the person's name, lot designation, mailing address, and
1495 property address. Notwithstanding the restrictions in this
1496 subparagraph, an association may print and distribute to home
1497 owners a directory containing the name, park address, and
1498 telephone number of each home owner. However, a home owner may
1499 exclude his or her telephone number from the directory by so
1500 requesting in writing to the association. The association is not
1501 liable for the disclosure of information that is protected under
1502 this subparagraph if the information is included in an official
1503 record of the association and is voluntarily provided by a home
1504 owner and not requested by the association.

1505 3. An electronic security measure that is used by the
1506 association to safeguard data, including passwords.

1507 4. The software and operating system used by the
1508 association which allows the manipulation of data, even if the
1509 home owner owns a copy of the same software used by the
1510 association. The data is part of the official records of the
1511 association.

1512 Section 31. Section 723.1255, Florida Statutes, is amended
1513 to read:

1514 723.1255 Alternative resolution of recall, election, and
1515 inspection and photocopying of official records disputes.—

1516 (1) A dispute between a mobile home owner and a homeowners'
1517 association regarding the election and recall of officers or
1518 directors under s. 723.078(2)(b) or regarding the inspection and



911204

1519 photocopying of official records under s. 723.079(5) must be
1520 submitted to mandatory binding arbitration with the division.
1521 The arbitration shall be conducted in accordance with this
1522 section and the procedural rules adopted by the division.

1523 (2) Each party shall be responsible for paying its own
1524 attorney fees, expert and investigator fees, and associated
1525 costs. The cost of the arbitrators shall be divided equally
1526 between the parties regardless of the outcome.

1527 (3) The division shall adopt procedural rules to govern
1528 mandatory binding arbitration proceedings ~~The Division of~~
1529 ~~Florida Condominiums, Timeshares, and Mobile Homes of the~~
1530 ~~Department of Business and Professional Regulation shall adopt~~
1531 ~~rules of procedure to govern binding recall arbitration~~
1532 ~~proceedings.~~

1533
1534 ===== T I T L E A M E N D M E N T =====

1535 And the title is amended as follows:

1536 Delete lines 7 - 102

1537 and insert:

1538 conditions under which local governments are
1539 authorized to adopt ordinances that allow accessory
1540 dwelling units in any area zoned for single-family
1541 residential use; amending s. 163.31801, F.S.;

1542 requiring counties, municipalities, and special
1543 districts to include certain data relating to impact
1544 fees in their annual financial reports; amending s.
1545 166.04151, F.S.; authorizing governing bodies of
1546 municipalities to approve the development of
1547 affordable housing on any parcel zoned for



1548 residential, commercial, or industrial use; amending
1549 s. 196.196, F.S.; providing that property owned by a
1550 person granted a specified exemption is used for a
1551 charitable purpose under certain circumstances;
1552 authorizing the board of county commissioners of a
1553 county or the governing authority of a municipality to
1554 adopt certain ordinances related to ad valorem tax
1555 exemptions; amending s. 196.1978, F.S.; requiring
1556 certain units to be treated as portions of property
1557 exempt from ad valorem taxation under certain
1558 circumstances; amending s. 320.77, F.S.; revising a
1559 certification requirement for mobile home dealer
1560 applicants relating to the applicant's business
1561 location; amending s. 320.771, F.S.; exempting certain
1562 recreational vehicle dealer applicants from a garage
1563 liability insurance requirement; amending s. 320.822,
1564 F.S.; revising the definition of the term "code";
1565 amending s. 320.8232, F.S.; revising applicable
1566 standards for the repair and remodeling of mobile and
1567 manufactured homes; amending s. 367.022, F.S.;
1568 revising an exemption from regulation for certain
1569 water service resellers; exempting certain mobile home
1570 park and mobile home subdivision owners from
1571 regulation by the Florida Public Service Commission
1572 relating to water and wastewater systems; amending s.
1573 420.5087, F.S.; revising the criteria used by a review
1574 committee when evaluating and selecting specified
1575 applications for state apartment incentive loans;
1576 amending s. 420.5095, F.S.; renaming the Community



1577 Workforce Housing Innovation Pilot Program as the
1578 Community Workforce Housing Loan Program to provide
1579 workforce housing for persons affected by the high
1580 cost of housing; revising the definition of the term
1581 "workforce housing"; deleting the definition of the
1582 term "public-private partnership"; authorizing the
1583 corporation to provide loans under the program to
1584 applicants for construction of workforce housing;
1585 requiring the corporation to establish a certain loan
1586 application process; deleting provisions requiring the
1587 corporation to provide incentives for local
1588 governments to use certain funds; requiring projects
1589 to receive priority consideration for funding under
1590 certain circumstances; deleting a provision providing
1591 for the expedition of local government comprehensive
1592 plan amendments to implement a program project;
1593 requiring that the corporation award loans at a
1594 specified interest rate and for a limited term;
1595 conforming provisions to changes made by the act;
1596 deleting a provision authorizing the corporation to
1597 use a maximum percentage of a specified appropriation
1598 for administration and compliance; amending s.
1599 420.531, F.S.; specifying that technical support
1600 provided to local governments and community-based
1601 organizations includes implementation of the State
1602 Apartment Incentive Loan Program; requiring the entity
1603 providing training and technical assistance to convene
1604 and administer biannual workshops; providing
1605 requirements for such workshops; requiring such entity



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1606 to annually compile and submit certain information to
1607 the Legislature and the corporation by a specified
1608 date; amending s. 420.9073, F.S.; authorizing the
1609 corporation to prioritize a portion of the State
1610 Apartment Incentive Loan funding set aside for certain
1611 purposes; requiring that such funding be used for
1612 housing for certain persons in foster care or persons
1613 aging out of foster care; providing requirements for
1614 such housing; requiring the corporation to consult
1615 with the Department of Children and Families to create
1616 minimum criteria for such housing; amending s.
1617 420.9075, F.S.; revising requirements for reports
1618 submitted to the corporation by counties and certain
1619 municipalities; amending s. 420.9076, F.S.; beginning
1620 on a specified date, revising the membership of local
1621 affordable housing advisory committees; requiring the
1622 committees to perform specified duties annually
1623 instead of triennially; revising duties of the
1624 committees; requiring locally elected officials
1625 serving on advisory committees, or their designees, to
1626 attend biannual regional workshops; providing a
1627 penalty; amending s. 423.02, F.S.; exempting certain
1628 nonprofit instrumentalities from all taxes and special
1629 assessments of the state or any city, town, county, or
1630 political subdivision of the state under certain
1631 conditions; authorizing such nonprofit
1632 instrumentalities to agree to make payments to any
1633 city, town, county, or political subdivision of the
1634 state for services, improvements, or facilities



1635 furnished by such city, town, county, or political
1636 subdivision for the benefit of a certain housing
1637 project; prohibiting a city, town, county, or
1638 political subdivision of the state from renaming,
1639 modifying terminology, or otherwise changing a tax or
1640 assessment with a certain intent; amending s. 723.011,
1641 F.S.; providing that a mobile home owner may be
1642 required to install permanent improvements as
1643 disclosed in the mobile home park prospectus; amending
1644 s. 723.012, F.S.; requiring a mobile home park owner
1645 to amend its prospectus under certain circumstances;
1646 requiring a mobile home park owner to increase shared
1647 facilities under certain circumstances; providing a
1648 requirement for the prospectus amendment; prohibiting
1649 certain costs and expenses from being passed on or
1650 passed through to existing mobile home owners;
1651 amending s. 723.023, F.S.; revising general
1652 obligations for mobile home owners; amending s.
1653 723.031, F.S.; revising construction relating to a
1654 park owner's disclosure of certain taxes and
1655 assessments; prohibiting a mobile home park owner from
1656 charging or collecting certain taxes or charges in
1657 excess of a certain amount; amending s. 723.037, F.S.;
1658 authorizing mobile home park owners to give notice of
1659 lot rental increases for multiple anniversary dates in
1660 one notice; providing construction; revising a
1661 requirement for a lot rental negotiation committee;
1662 amending s. 723.041, F.S.; providing that a mobile
1663 home park damaged or destroyed due to natural force



911204

1664 may be rebuilt with the same density as previously
1665 approved, permitted, or built; providing construction;
1666 amending s. 723.042, F.S.; conforming a provision to
1667 changes made by the act; amending s. 723.059, F.S.;
1668 authorizing certain mobile home purchasers to assume
1669 the seller's prospectus; authorizing a mobile home
1670 park owner to offer a purchaser any approved
1671 prospectus; amending s. 723.061, F.S.; revising
1672 requirements related to the provision and mailing of
1673 eviction notices; specifying the waiver and nonwaiver
1674 of certain rights of mobile home park owners under
1675 certain circumstances; requiring the accounting at
1676 final hearing of rents received; amending s. 723.076,
1677 F.S.; providing a notice requirement for homeowners'
1678 associations to park owners after the election or
1679 appointment of new officers or members; amending s.
1680 723.078, F.S.; revising requirements for homeowners'
1681 association board elections and ballots; requiring an
1682 impartial committee to be responsible for overseeing
1683 the election process and complying with ballot
1684 requirements; defining the term "impartial committee";
1685 requiring that association bylaws provide a method for
1686 determining the winner of an election under certain
1687 circumstances; requiring the division to adopt
1688 procedural rules; revising the types of meetings that
1689 are not required to be open to members; providing an
1690 exception to a requirement for an officer of an
1691 association to provide an affidavit affirming certain
1692 information; authorizing meeting notices to be



911204

1693 provided by electronic means; providing that the
1694 minutes of certain board and committee meetings are
1695 privileged and confidential; conforming provisions to
1696 changes made by the act; amending s. 723.079, F.S.;
1697 revising homeowners' association recordkeeping
1698 requirements; revising the timeframes during which
1699 certain records are required to be retained and be
1700 made available for inspection or photocopying;
1701 limiting the amount of damages for which an
1702 association is liable when a member is denied access
1703 to official records; requiring that certain disputes
1704 be submitted to mandatory binding arbitration with the
1705 division; providing requirements for such arbitration;
1706 amending s. 723.1255, F.S.; requiring that certain
1707 disputes be submitted to mandatory binding arbitration
1708 with the division; providing requirements for such
1709 arbitration and responsibility for fees and costs;
1710 requiring the division to adopt procedural rules;
1711 reenacting s.



527132

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Hutson)
recommended the following:

1 **Senate Amendment to Amendment (911204) (with title**
2 **amendment)**

3
4 Delete line 919
5 and insert:
6 site with the same density as was approved, permitted, and built
7

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

9 And the title is amended as follows:

10 Delete line 1665



527132

11 and insert:
12 approved, permitted, and built; providing
13 construction;



356676

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Hutson)
recommended the following:

1 **Senate Amendment to Amendment (911204) (with directory and**
2 **title amendments)**

3
4 Delete lines 1036 - 1044.

5
6 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

7 And the directory clause is amended as follows:

8 Delete lines 975 - 976

9 and insert:

10 Section 27. Paragraph (d) of subsection (1) of section



356676

11 723.061, Florida Statutes, is amended, and

12

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

14 And the title is amended as follows:

15 Delete lines 1672 - 1673

16 and insert:

17 requirements related to the provision of eviction

18 notices by mobile home park owners to specified

19 entities; specifying the waiver and nonwaiver

By the Committee on Community Affairs; and Senator Hutson

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1 A bill to be entitled
 2 An act relating to housing; amending s. 125.01055,
 3 F.S.; authorizing a board of county commissioners to
 4 approve development of affordable housing on any
 5 parcel zoned for residential, commercial, or
 6 industrial use; amending s. 163.31771, F.S.; revising
 7 legislative findings; requiring local governments to
 8 adopt ordinances that allow accessory dwelling units
 9 in any area zoned for single-family residential use;
 10 amending s. 163.31801, F.S.; requiring counties,
 11 municipalities, and special districts to include
 12 certain data relating to impact fees in their annual
 13 financial reports; amending s. 166.04151, F.S.;
 14 authorizing governing bodies of municipalities to
 15 approve the development of affordable housing on any
 16 parcel zoned for residential, commercial, or
 17 industrial use; amending s. 212.05, F.S.; providing
 18 the percentage of the sales price of certain mobile
 19 homes which is subject to sales tax; providing a sales
 20 tax exemption for certain mobile homes; amending s.
 21 212.06, F.S.; revising the definition of the term
 22 "fixtures" to include certain mobile homes; amending
 23 s. 320.77, F.S.; revising a certification requirement
 24 for mobile home dealer applicants relating to the
 25 applicant's business location; amending s. 320.822,
 26 F.S.; revising the definition of the term "code";
 27 amending s. 320.8232, F.S.; revising applicable
 28 standards for the repair and remodeling of mobile and
 29 manufactured homes; amending s. 367.022, F.S.;

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

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30 revising an exemption from regulation for certain
 31 water service resellers; exempting certain mobile home
 32 park and mobile home subdivision owners from
 33 regulation by the Florida Public Service Commission
 34 relating to water and wastewater systems; amending s.
 35 420.5087, F.S.; revising the criteria used by a review
 36 committee when evaluating and selecting specified
 37 applications for state apartment incentive loans;
 38 amending s. 420.5095, F.S.; renaming the Community
 39 Workforce Housing Innovation Pilot Program as the
 40 Community Workforce Housing Loan Program to provide
 41 workforce housing for persons affected by the high
 42 cost of housing; revising the definition of the term
 43 "workforce housing"; deleting the definition of the
 44 term "public-private partnership"; authorizing the
 45 Florida Housing Finance Corporation to provide loans
 46 under the program to applicants for construction of
 47 workforce housing; requiring the corporation to
 48 establish a certain loan application process; deleting
 49 provisions requiring the corporation to provide
 50 incentives for local governments to use certain funds;
 51 requiring projects to receive priority consideration
 52 for funding under certain circumstances; deleting a
 53 provision providing for the expedition of local
 54 government comprehensive plan amendments to implement
 55 a program project; requiring that the corporation
 56 award loans at a specified interest rate and for a
 57 limited term; conforming provisions to changes made by
 58 the act; amending s. 420.531, F.S.; specifying that

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59 technical support provided to local governments and
 60 community-based organizations includes implementation
 61 of the State Apartment Incentive Loan Program;
 62 requiring the entity providing training and technical
 63 assistance to convene and administer biannual
 64 workshops; requiring such entity to annually compile
 65 and submit certain information to the Legislature and
 66 the corporation by a specified date; amending s.
 67 420.9073, F.S.; authorizing the corporation to
 68 withhold a certain portion of funds distributed from
 69 the Local Government Housing Trust Fund to be used for
 70 certain transitional housing; prohibiting such funds
 71 from being used for specified purposes; requiring that
 72 such transitional housing be constructed on certain
 73 campuses; requiring the corporation to consult with
 74 the Department of Children and Families to create
 75 minimum criteria for such housing; providing for the
 76 distribution of withheld funds; amending s. 420.9075,
 77 F.S.; revising requirements for reports submitted by
 78 counties and certain municipalities to the
 79 corporation; amending s. 420.9076, F.S.; beginning on
 80 a specified date, revising the membership of local
 81 affordable housing advisory committees; requiring the
 82 committees to perform specified duties annually
 83 instead of triennially; requiring locally elected
 84 officials serving on advisory committees, or their
 85 designees, to attend biannual regional workshops;
 86 providing a penalty; amending s. 723.041, F.S.;

87 providing that a mobile home park damaged or destroyed

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88 due to natural force may be rebuilt with the same
 89 density as previously approved, permitted, or built;
 90 providing construction; amending s. 723.061, F.S.;

91 revising a requirement related to mailing eviction
 92 notices; specifying the waiver and nonwaiver of
 93 certain rights of the park owner under certain
 94 circumstances; requiring the accounting at final
 95 hearing of rents received; requiring a tenant
 96 defending certain actions by a landlord to comply with
 97 certain requirements; amending s. 723.063, F.S.;

98 revising procedures and requirements for mobile home
 99 owners and revising construction relating to park
 100 owners' actions for rent or possession; revising
 101 conditions under which a park owner may apply to a
 102 court for disbursement of certain funds; reenacting s.
 103 420.507(22)(i), F.S., relating to powers of the
 104 Florida Housing Finance Corporation, to incorporate
 105 the amendment made to s. 420.5087, F.S., in a
 106 reference thereto; reenacting s. 193.018(2), F.S.,
 107 relating to land owned by a community land trust used
 108 to provide affordable housing, to incorporate the
 109 amendment made to s. 420.5095, F.S., in a reference
 110 thereto; providing an effective date.

111
 112 Be It Enacted by the Legislature of the State of Florida:

113
 114 Section 1. Subsection (4) is added to section 125.01055,
 115 Florida Statutes, to read:
 116 125.01055 Affordable housing.—

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117 (4) Notwithstanding any other law or local ordinance or
 118 regulation to the contrary, the board of county commissioners
 119 may approve the development of housing that is affordable, as
 120 defined in s. 420.0004, on any parcel zoned for residential,
 121 commercial, or industrial use.

122 Section 2. Subsections (1), (3), and (4) of section
 123 163.31771, Florida Statutes, are amended to read:

124 163.31771 Accessory dwelling units.—

125 (1) The Legislature finds that the median price of homes in
 126 this state has increased steadily over the last decade and at a
 127 greater rate of increase than the median income in many urban
 128 areas. The Legislature finds that the cost of rental housing has
 129 also increased steadily and the cost often exceeds an amount
 130 that is affordable to extremely-low-income, very-low-income,
 131 low-income, or moderate-income persons and has resulted in a
 132 critical shortage of affordable rentals in many urban areas in
 133 the state. This shortage of affordable rentals constitutes a
 134 threat to the health, safety, and welfare of the residents of
 135 the state. Therefore, the Legislature finds that it serves an
 136 important public purpose to require ~~encourage~~ the permitting of
 137 accessory dwelling units in single-family residential areas in
 138 order to increase the availability of affordable rentals for
 139 extremely-low-income, very-low-income, low-income, or moderate-
 140 income persons.

141 (3) ~~A Upon a finding by a local government that there is a~~
 142 ~~shortage of affordable rentals within its jurisdiction, the~~
 143 local government shall ~~may~~ adopt an ordinance to allow accessory
 144 dwelling units in any area zoned for single-family residential
 145 use.

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146 ~~(4) If the local government adopts an ordinance under this~~
 147 ~~section,~~ An application for a building permit to construct an
 148 accessory dwelling unit must include an affidavit from the
 149 applicant which attests that the unit will be rented at an
 150 affordable rate to an extremely-low-income, very-low-income,
 151 low-income, or moderate-income person or persons.

152 Section 3. Subsection (10) is added to section 163.31801,
 153 Florida Statutes, to read:

154 163.31801 Impact fees; short title; intent; minimum
 155 requirements; audits; challenges.—

156 (10) In addition to the items that must be reported in the
 157 annual financial reports under s. 218.32, a county,
 158 municipality, or special district must report all of the
 159 following data on all impact fees charged:

160 (a) The specific purpose of the impact fee, including the
 161 specific infrastructure needs to be met, including, but not
 162 limited to, transportation, parks, water, sewer, and schools.

163 (b) The impact fee schedule policy describing the method of
 164 calculating impact fees, such as flat fees, tiered scales based
 165 on number of bedrooms, or tiered scales based on square footage.

166 (c) The amount assessed for each purpose and for each type
 167 of dwelling.

168 (d) The total amount of impact fees charged by type of
 169 dwelling.

170 Section 4. Subsection (4) is added to section 166.04151,
 171 Florida Statutes, to read:

172 166.04151 Affordable housing.—

173 (4) Notwithstanding any other law or local ordinance or
 174 regulation to the contrary, the governing body of a municipality

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175 may approve the development of housing that is affordable, as
 176 defined in s. 420.0004, on any parcel zoned for residential,
 177 commercial, or industrial use.

178 Section 5. Paragraph (a) of subsection (1) of section
 179 212.05, Florida Statutes, is amended to read:

180 212.05 Sales, storage, use tax.—It is hereby declared to be
 181 the legislative intent that every person is exercising a taxable
 182 privilege who engages in the business of selling tangible
 183 personal property at retail in this state, including the
 184 business of making mail order sales, or who rents or furnishes
 185 any of the things or services taxable under this chapter, or who
 186 stores for use or consumption in this state any item or article
 187 of tangible personal property as defined herein and who leases
 188 or rents such property within the state.

189 (1) For the exercise of such privilege, a tax is levied on
 190 each taxable transaction or incident, which tax is due and
 191 payable as follows:

192 (a)1.a. At the rate of 6 percent of the sales price of each
 193 item or article of tangible personal property when sold at
 194 retail in this state, computed on each taxable sale for the
 195 purpose of remitting the amount of tax due the state, and
 196 including each and every retail sale.

197 b. Each occasional or isolated sale of an aircraft, boat,
 198 mobile home, or motor vehicle of a class or type ~~that which~~ is
 199 required to be registered, licensed, titled, or documented in
 200 this state or by the United States Government shall be subject
 201 to tax at the rate provided in this paragraph. A mobile home
 202 shall be assessed sales tax at a rate of 6 percent on 50 percent
 203 of the sales price of the mobile home, if subject to sales tax

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204 as tangible personal property. However, a mobile home is not
 205 subject to sales tax if the mobile home is intended to be
 206 permanently affixed to the land and the purchaser signs an
 207 affidavit stating that he or she intends to seek an "RP" series
 208 sticker pursuant to s. 320.0815(2). The department shall by rule
 209 adopt any nationally recognized publication for valuation of
 210 used motor vehicles as the reference price list for any used
 211 motor vehicle which is required to be licensed pursuant to s.
 212 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party
 213 to an occasional or isolated sale of such a vehicle reports to
 214 the tax collector a sales price that ~~which~~ is less than 80
 215 percent of the average loan price for the specified model and
 216 year of such vehicle as listed in the most recent reference
 217 price list, the tax levied under this paragraph shall be
 218 computed by the department on such average loan price unless the
 219 parties to the sale have provided to the tax collector an
 220 affidavit signed by each party, or other substantial proof,
 221 stating the actual sales price. Any party to such sale who
 222 reports a sales price less than the actual sales price is guilty
 223 of a misdemeanor of the first degree, punishable as provided in
 224 s. 775.082 or s. 775.083. The department shall collect or
 225 attempt to collect from such party any delinquent sales taxes.
 226 In addition, such party shall pay any tax due and any penalty
 227 and interest assessed plus a penalty equal to twice the amount
 228 of the additional tax owed. Notwithstanding any other provision
 229 of law, the Department of Revenue may waive or compromise any
 230 penalty imposed pursuant to this subparagraph.

231 2. This paragraph does not apply to the sale of a boat or
 232 aircraft by or through a registered dealer under this chapter to

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233 a purchaser who, at the time of taking delivery, is a
 234 nonresident of this state, does not make his or her permanent
 235 place of abode in this state, and is not engaged in carrying on
 236 in this state any employment, trade, business, or profession in
 237 which the boat or aircraft will be used in this state, or is a
 238 corporation none of the officers or directors of which is a
 239 resident of, or makes his or her permanent place of abode in,
 240 this state, or is a noncorporate entity that has no individual
 241 vested with authority to participate in the management,
 242 direction, or control of the entity's affairs who is a resident
 243 of, or makes his or her permanent abode in, this state. For
 244 purposes of this exemption, either a registered dealer acting on
 245 his or her own behalf as seller, a registered dealer acting as
 246 broker on behalf of a seller, or a registered dealer acting as
 247 broker on behalf of the purchaser may be deemed to be the
 248 selling dealer. This exemption shall not be allowed unless:

249 a. The purchaser removes a qualifying boat, as described in
 250 sub-subparagraph f., from the state within 90 days after the
 251 date of purchase or extension, or the purchaser removes a
 252 nonqualifying boat or an aircraft from this state within 10 days
 253 after the date of purchase or, when the boat or aircraft is
 254 repaired or altered, within 20 days after completion of the
 255 repairs or alterations; or if the aircraft will be registered in
 256 a foreign jurisdiction and:

257 (I) Application for the aircraft's registration is properly
 258 filed with a civil airworthiness authority of a foreign
 259 jurisdiction within 10 days after the date of purchase;
 260 (II) The purchaser removes the aircraft from the state to a
 261 foreign jurisdiction within 10 days after the date the aircraft

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262 is registered by the applicable foreign airworthiness authority;
 263 and

264 (III) The aircraft is operated in the state solely to
 265 remove it from the state to a foreign jurisdiction.
 266

267 For purposes of this sub-subparagraph, the term "foreign
 268 jurisdiction" means any jurisdiction outside of the United
 269 States or any of its territories;

270 b. The purchaser, within 30 days from the date of
 271 departure, provides the department with written proof that the
 272 purchaser licensed, registered, titled, or documented the boat
 273 or aircraft outside the state. If such written proof is
 274 unavailable, within 30 days the purchaser shall provide proof
 275 that the purchaser applied for such license, title,
 276 registration, or documentation. The purchaser shall forward to
 277 the department proof of title, license, registration, or
 278 documentation upon receipt;

279 c. The purchaser, within 10 days of removing the boat or
 280 aircraft from Florida, furnishes the department with proof of
 281 removal in the form of receipts for fuel, dockage, slippage,
 282 tie-down, or hangaring from outside of Florida. The information
 283 so provided must clearly and specifically identify the boat or
 284 aircraft;

285 d. The selling dealer, within 5 days of the date of sale,
 286 provides to the department a copy of the sales invoice, closing
 287 statement, bills of sale, and the original affidavit signed by
 288 the purchaser attesting that he or she has read the provisions
 289 of this section;

290 e. The seller makes a copy of the affidavit a part of his

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291 or her record for as long as required by s. 213.35; and
 292 f. ~~Unless~~ The nonresident purchaser of a boat of 5 net tons
 293 of admeasurement or larger intends to remove the boat from this
 294 state within 10 days after the date of purchase or when the boat
 295 is repaired or altered, within 20 days after completion of the
 296 repairs or alterations, the nonresident purchaser applies to the
 297 selling dealer for a decal which authorizes 90 days after the
 298 date of purchase for removal of the boat. The nonresident
 299 purchaser of a qualifying boat may apply to the selling dealer
 300 within 60 days after the date of purchase for an extension decal
 301 that authorizes the boat to remain in this state for an
 302 additional 90 days, but not more than a total of 180 days,
 303 before the nonresident purchaser is required to pay the tax
 304 imposed by this chapter. The department is authorized to issue
 305 decals in advance to dealers. The number of decals issued in
 306 advance to a dealer shall be consistent with the volume of the
 307 dealer's past sales of boats which qualify under this sub-
 308 subparagraph. The selling dealer or his or her agent shall mark
 309 and affix the decals to qualifying boats in the manner
 310 prescribed by the department, before delivery of the boat.

311 (I) The department is hereby authorized to charge dealers a
 312 fee sufficient to recover the costs of decals issued, except the
 313 extension decal shall cost \$425.

314 (II) The proceeds from the sale of decals will be deposited
 315 into the administrative trust fund.

316 (III) Decals shall display information to identify the boat
 317 as a qualifying boat under this sub-subparagraph, including, but
 318 not limited to, the decal's date of expiration.

319 (IV) The department is authorized to require dealers who

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320 purchase decals to file reports with the department and may
 321 prescribe all necessary records by rule. All such records are
 322 subject to inspection by the department.

323 (V) Any dealer or his or her agent who issues a decal
 324 falsely, fails to affix a decal, mismarks the expiration date of
 325 a decal, or fails to properly account for decals will be
 326 considered prima facie to have committed a fraudulent act to
 327 evade the tax and will be liable for payment of the tax plus a
 328 mandatory penalty of 200 percent of the tax, and shall be liable
 329 for fine and punishment as provided by law for a conviction of a
 330 misdemeanor of the first degree, as provided in s. 775.082 or s.
 331 775.083.

332 (VI) Any nonresident purchaser of a boat who removes a
 333 decal before permanently removing the boat from the state, or
 334 defaces, changes, modifies, or alters a decal in a manner
 335 affecting its expiration date before its expiration, or who
 336 causes or allows the same to be done by another, will be
 337 considered prima facie to have committed a fraudulent act to
 338 evade the tax and will be liable for payment of the tax plus a
 339 mandatory penalty of 200 percent of the tax, and shall be liable
 340 for fine and punishment as provided by law for a conviction of a
 341 misdemeanor of the first degree, as provided in s. 775.082 or s.
 342 775.083.

343 (VII) The department is authorized to adopt rules necessary
 344 to administer and enforce this subparagraph and to publish the
 345 necessary forms and instructions.

346 (VIII) The department is hereby authorized to adopt
 347 emergency rules pursuant to s. 120.54(4) to administer and
 348 enforce the provisions of this subparagraph.

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349
350 If the purchaser fails to remove the qualifying boat from this
351 state within the maximum 180 days after purchase or a
352 nonqualifying boat or an aircraft from this state within 10 days
353 after purchase or, when the boat or aircraft is repaired or
354 altered, within 20 days after completion of such repairs or
355 alterations, or permits the boat or aircraft to return to this
356 state within 6 months from the date of departure, except as
357 provided in s. 212.08(7)(fff), or if the purchaser fails to
358 furnish the department with any of the documentation required by
359 this subparagraph within the prescribed time period, the
360 purchaser shall be liable for use tax on the cost price of the
361 boat or aircraft and, in addition thereto, payment of a penalty
362 to the Department of Revenue equal to the tax payable. This
363 penalty shall be in lieu of the penalty imposed by s. 212.12(2).
364 The maximum 180-day period following the sale of a qualifying
365 boat tax-exempt to a nonresident may not be tolled for any
366 reason.

367 Section 6. Paragraph (b) of subsection (14) of section
368 212.06, Florida Statutes, is amended to read:

369 212.06 Sales, storage, use tax; collectible from dealers;
370 "dealer" defined; dealers to collect from purchasers;
371 legislative intent as to scope of tax.-

372 (14) For the purpose of determining whether a person is
373 improving real property, the term:

374 (b) "Fixtures" means items that are an accessory to a
375 building, other structure, or land and that do not lose their
376 identity as accessories when installed but that do become
377 permanently attached to realty. However, the term does not

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378 include the following items, whether or not such items are
379 attached to real property in a permanent manner:

380 1. Property of a type that is required to be registered,
381 licensed, titled, or documented by this state or by the United
382 States Government, including, but not limited to, mobile homes,
383 except the term includes mobile homes assessed as real property
384 or intended to be qualified and taxed as real property pursuant
385 to s. 320.0815(2).~~7-08~~

386 2. Industrial machinery or equipment.

387
388 For purposes of this paragraph, industrial machinery or
389 equipment is not limited to machinery and equipment used to
390 manufacture, process, compound, or produce tangible personal
391 property. For an item to be considered a fixture, it is not
392 necessary that the owner of the item also own the real property
393 to which it is attached.

394 Section 7. Paragraph (h) of subsection (3) of section
395 320.77, Florida Statutes, is amended to read:

396 320.77 License required of mobile home dealers.-

397 (3) APPLICATION.-The application for such license shall be
398 in the form prescribed by the department and subject to such
399 rules as may be prescribed by it. The application shall be
400 verified by oath or affirmation and shall contain:

401 (h) Certification by the applicant:

402 1. That the location is a permanent one, not a tent or a
403 temporary stand or other temporary quarters.~~7-and,~~

404 2. Except in the case of a mobile home broker, that the
405 location affords sufficient ~~unoccupied~~ space to display store
406 ~~all mobile homes offered and displayed for sale. A space to~~

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407 display a manufactured home as a model home is sufficient to
 408 satisfy this requirement. ~~and that~~ The location must be ~~is~~ a
 409 suitable place in which the applicant can in good faith carry on
 410 business and keep and maintain books, records, and files
 411 necessary to conduct such business, which ~~must will~~ be available
 412 at all reasonable hours to inspection by the department or any
 413 of its inspectors or other employees.

414
 415 This ~~paragraph does subsection shall~~ not preclude a licensed
 416 mobile home dealer from displaying and offering for sale mobile
 417 homes in a mobile home park.

418
 419 The department shall, if it deems necessary, cause an
 420 investigation to be made to ascertain if the facts set forth in
 421 the application are true and shall not issue a license to the
 422 applicant until it is satisfied that the facts set forth in the
 423 application are true.

424 Section 8. Paragraph (c) of subsection (2) of section
 425 320.822, Florida Statutes, is amended to read:
 426 320.822 Definitions; ss. 320.822-320.862.—In construing ss.
 427 320.822-320.862, unless the context otherwise requires, the
 428 following words or phrases have the following meanings:

429 (2) "Code" means the appropriate standards found in:
 430 (c) The Mobile and Manufactured Home Repair and Remodeling
 431 Code and the Used Recreational Vehicle Code.

432 Section 9. Subsection (2) of section 320.8232, Florida
 433 Statutes, is amended to read:
 434 320.8232 Establishment of uniform standards for used
 435 recreational vehicles and repair and remodeling code for mobile

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436 homes.—
 437 (2) The Mobile and Manufactured Home ~~provisions of the~~
 438 Repair and Remodeling Code must be a uniform code, must shall
 439 ensure safe and livable housing, and may shall not be more
 440 stringent than those standards required to be met in the
 441 manufacture of mobile homes. Such code must provisions shall
 442 include, but not be limited to, standards for structural
 443 adequacy, plumbing, heating, electrical systems, and fire and
 444 life safety. All repairs and remodeling of mobile and
 445 manufactured homes must be performed in accordance with
 446 department rules.

447 Section 10. Subsection (9) of section 367.022, Florida
 448 Statutes, is amended, and subsection (14) is added to that
 449 section, to read:

450 367.022 Exemptions.—The following are not subject to
 451 regulation by the commission as a utility nor are they subject
 452 to the provisions of this chapter, except as expressly provided:

453 (9) Any person who resells water service to his or her
 454 tenants or to individually metered residents for a fee that does
 455 not exceed the actual purchase price of the water and wastewater
 456 service plus the actual cost of meter reading and billing, not
 457 to exceed 9 percent of the actual cost of service.

458 (14) The owner of a mobile home park operating both as a
 459 mobile home park and a mobile home subdivision, as those terms
 460 are defined in s. 723.003, who provides service within the park
 461 and subdivision to a combination of both tenants and lot owners,
 462 provided that the service to tenants is without specific
 463 compensation.

464 Section 11. Paragraph (c) of subsection (6) of section

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465 420.5087, Florida Statutes, is amended to read:

466 420.5087 State Apartment Incentive Loan Program.—There is
467 hereby created the State Apartment Incentive Loan Program for
468 the purpose of providing first, second, or other subordinated
469 mortgage loans or loan guarantees to sponsors, including for-
470 profit, nonprofit, and public entities, to provide housing
471 affordable to very-low-income persons.

472 (6) On all state apartment incentive loans, except loans
473 made to housing communities for the elderly to provide for
474 lifesafety, building preservation, health, sanitation, or
475 security-related repairs or improvements, the following
476 provisions shall apply:

477 (c) The corporation shall provide by rule for the
478 establishment of a review committee for the competitive
479 evaluation and selection of applications submitted in this
480 program, including, but not limited to, the following criteria:

481 1. Tenant income and demographic targeting objectives of
482 the corporation.

483 2. Targeting objectives of the corporation which will
484 ensure an equitable distribution of loans between rural and
485 urban areas.

486 3. Sponsor's agreement to reserve the units for persons or
487 families who have incomes below 50 percent of the state or local
488 median income, whichever is higher, for a time period that
489 exceeds the minimum required by federal law or this part.

490 4. Sponsor's agreement to reserve more than:

491 a. Twenty percent of the units in the project for persons
492 or families who have incomes that do not exceed 50 percent of
493 the state or local median income, whichever is higher; or

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494 b. Forty percent of the units in the project for persons or
495 families who have incomes that do not exceed 60 percent of the
496 state or local median income, whichever is higher, without
497 requiring a greater amount of the loans as provided in this
498 section.

499 5. Provision for tenant counseling.

500 6. Sponsor's agreement to accept rental assistance
501 certificates or vouchers as payment for rent.

502 7. Projects requiring the least amount of a state apartment
503 incentive loan compared to overall project cost, except that the
504 share of the loan attributable to units serving extremely-low-
505 income persons must be excluded from this requirement.

506 8. Local government contributions and local government
507 comprehensive planning and activities that promote affordable
508 housing and policies that promote access to public
509 transportation, reduce the need for onsite parking, and expedite
510 permits for affordable housing projects.

511 9. Project feasibility.

512 10. Economic viability of the project.

513 11. Commitment of first mortgage financing.

514 12. Sponsor's prior experience.

515 13. Sponsor's ability to proceed with construction.

516 14. Projects that directly implement or assist welfare-to-
517 work transitioning.

518 15. Projects that reserve units for extremely-low-income
519 persons.

520 16. Projects that include green building principles, storm-
521 resistant construction, or other elements that reduce long-term
522 costs relating to maintenance, utilities, or insurance.

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523 17. Job-creation rate of the developer and general
524 contractor, as provided in s. 420.507(47).

525 Section 12. Section 420.5095, Florida Statutes, is amended
526 to read:

527 420.5095 Community Workforce Housing Loan Innovation Pilot
528 Program.—

529 (1) The Legislature finds and declares that recent rapid
530 increases in the median purchase price of a home and the cost of
531 rental housing have far outstripped the increases in median
532 income in the state, ~~preventing essential services personnel~~
533 ~~from living in the communities where they serve and thereby~~
534 creating the need for innovative solutions for the provision of
535 housing opportunities ~~for essential services personnel~~.

536 (2) The Community Workforce Housing Loan Innovation Pilot
537 Program is created to provide affordable rental and home
538 ~~ownership community~~ workforce housing for persons essential
539 ~~services personnel~~ affected by the high cost of housing, ~~using~~
540 ~~regulatory incentives and state and local funds to promote local~~
541 ~~public-private partnerships and leverage government and private~~
542 ~~resources~~.

543 (3) For purposes of this section, the term+

544 ~~(a)~~ "workforce housing" means housing affordable to natural
545 persons or families whose total annual household income does not
546 exceed 80 ~~140~~ percent of the area median income, adjusted for
547 household size, or 120 ~~150~~ percent of area median income,
548 adjusted for household size, in areas of critical state concern
549 designated under s. 380.05, for which the Legislature has
550 declared its intent to provide affordable housing, and areas
551 that were designated as areas of critical state concern for at

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552 least 20 consecutive years before ~~prior to~~ removal of the
553 designation.

554 ~~(b) "Public-private partnership" means any form of business~~
555 ~~entity that includes substantial involvement of at least one~~
556 ~~county, one municipality, or one public sector entity, such as a~~
557 ~~school district or other unit of local government in which the~~
558 ~~project is to be located, and at least one private sector for-~~
559 ~~profit or not-for-profit business or charitable entity, and may~~
560 ~~be any form of business entity, including a joint venture or~~
561 ~~contractual agreement.~~

562 (4) The Florida Housing Finance Corporation is authorized
563 to provide loans under the Community Workforce Housing
564 Innovation Pilot program loans to applicants an applicant for
565 construction ~~or rehabilitation~~ of workforce housing in eligible
566 areas. This funding is intended to be used with other public and
567 private sector resources.

568 (5) The corporation shall establish a loan application
569 process under s. 420.5087 by rule which includes selection
570 criteria, an application review process, and a funding process.
571 The corporation shall also establish an application review
572 committee that may include up to three private citizens
573 representing the areas of housing or real estate development,
574 banking, community planning, or other areas related to the
575 development or financing of workforce and affordable housing.

576 ~~(a) The selection criteria and application review process~~
577 ~~must include a procedure for curing errors in the loan~~
578 ~~applications which do not make a substantial change to the~~
579 ~~proposed project.~~

580 ~~(b) To achieve the goals of the pilot program, the~~

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581 application review committee may approve or reject loan
 582 applications or responses to questions raised during the review
 583 of an application due to the insufficiency of information
 584 provided.

585 ~~(e) The application review committee shall make~~
 586 ~~recommendations concerning program participation and funding to~~
 587 ~~the corporation's board of directors.~~

588 ~~(d) The board of directors shall approve or reject loan~~
 589 ~~applications, determine the tentative loan amount available to~~
 590 ~~each applicant, and rank all approved applications.~~

591 ~~(e) The board of directors shall decide which approved~~
 592 ~~applicants will become program participants and determine the~~
 593 ~~maximum loan amount for each program participant.~~

594 ~~(f) The corporation shall provide incentives for local~~
 595 ~~governments in eligible areas to use local affordable housing~~
 596 ~~funds, such as those from the State Housing Initiatives~~
 597 ~~Partnership Program, to assist in meeting the affordable housing~~
 598 ~~needs of persons eligible under this program. Local governments~~
 599 ~~are authorized to use State Housing Initiative Partnership~~
 600 ~~Program funds for persons or families whose total annual~~
 601 ~~household income does not exceed:~~

602 ~~(a) One hundred and forty percent of the area median~~
 603 ~~income, adjusted for household size, or~~

604 ~~(b) One hundred and fifty percent of the area median~~
 605 ~~income, adjusted for household size, in areas that were~~
 606 ~~designated as areas of critical state concern for at least 20~~
 607 ~~consecutive years prior to the removal of the designation and in~~
 608 ~~areas of critical state concern, designated under s. 380.05, for~~
 609 ~~which the Legislature has declared its intent to provide~~

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610 affordable housing.

611 ~~(7) Funding shall be targeted to innovative projects in~~
 612 ~~areas where the disparity between the area median income and the~~
 613 ~~median sales price for a single-family home is greatest, and~~
 614 ~~where population growth as a percentage rate of increase is~~
 615 ~~greatest. The corporation may also fund projects in areas where~~
 616 ~~innovative regulatory and financial incentives are made~~
 617 ~~available. The corporation shall fund at least one eligible~~
 618 ~~project in as many counties and regions of the state as is~~
 619 ~~practicable, consistent with program goals.~~

620 ~~(6)(8) Projects must be given shall receive priority~~
 621 ~~consideration for funding if where:~~

622 (a) The local jurisdiction has adopted, or is committed to
 623 adopting, appropriate regulatory incentives, ~~or the local~~
 624 ~~jurisdiction or public-private partnership has adopted or is~~
 625 ~~committed to adopting~~ local contributions or financial
 626 strategies, or other funding sources to promote the development
 627 and ongoing financial viability of such projects. Local
 628 incentives include such actions as expediting review of
 629 development orders and permits, supporting development near
 630 transportation hubs and major employment centers, and adopting
 631 land development regulations designed to allow flexibility in
 632 densities, use of accessory units, mixed-use developments, and
 633 flexible lot configurations. Financial strategies include such
 634 actions as promoting employer-assisted housing programs,
 635 providing tax increment financing, and providing land.

636 ~~(b) Projects are innovative and include new construction or~~
 637 ~~rehabilitation; mixed income housing; commercial and housing~~
 638 ~~mixed-use elements; innovative design; green building~~

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639 ~~principles, storm-resistant construction, or other elements that~~
 640 ~~reduce long-term costs relating to maintenance, utilities, or~~
 641 ~~insurance and promote homeownership. The program funding may not~~
 642 ~~exceed the costs attributable to the portion of the project that~~
 643 ~~is set aside to provide housing for the targeted population.~~

644 (b)(e) The projects that set aside at least 50 ~~80~~ percent
 645 of units for workforce housing and at least 50 percent for
 646 essential services personnel and for projects that require the
 647 least amount of program funding compared to the overall housing
 648 costs for the project.

649 ~~(9)~~ Notwithstanding s. 163.3184(4)(b) ~~(d)~~, any local
 650 government comprehensive plan amendment to implement a Community
 651 Workforce Housing Innovation Pilot Program project found
 652 consistent with this section shall be expedited as provided in
 653 this subsection. At least 30 days prior to adopting a plan
 654 amendment under this subsection, the local government shall
 655 notify the state land planning agency of its intent to adopt
 656 such an amendment, and the notice shall include its evaluation
 657 related to site suitability and availability of facilities and
 658 services. The public notice of the hearing required by s.
 659 163.3184(11)(b)2. shall include a statement that the local
 660 government intends to use the expedited adoption process
 661 authorized by this subsection. Such amendments shall require
 662 only a single public hearing before the governing board, which
 663 shall be an adoption hearing as described in s. 163.3184(4)(c).
 664 Any further proceedings shall be governed by s. 163.3184(5).
 665 ~~(13).~~

666 ~~(10)~~ The processing of approvals of development orders or
 667 development permits, as defined in s. 163.3164, for innovative

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668 ~~community workforce housing projects shall be expedited.~~

669 (7)(11) The corporation shall award loans with a 1 interest
 670 rates set at 1 to 3 percent interest rate for a term that does
 671 not exceed 15 years, which may be made forgivable when long-term
 672 affordability is provided and when at least 80 percent of the
 673 units are set aside for workforce housing and at least 50
 674 percent of the units are set aside for essential services
 675 personnel.

676 ~~(12)~~ All eligible applications shall:

677 ~~(a)~~ For home ownership, limit the sales price of a detached
 678 unit, townhome, or condominium unit to not more than 90 percent
 679 of the median sales price for that type of unit in that county,
 680 or the statewide median sales price for that type of unit,
 681 whichever is higher, and require that all eligible purchasers of
 682 home ownership units occupy the homes as their primary
 683 residence.

684 ~~(b)~~ For rental units, restrict rents for all workforce
 685 housing serving those with incomes at or below 120 percent of
 686 area median income at the appropriate income level using the
 687 restricted rents for the federal low-income housing tax credit
 688 program and, for workforce housing units serving those with
 689 incomes above 120 percent of area median income, restrict rents
 690 to those established by the corporation, not to exceed 30
 691 percent of the maximum household income adjusted to unit size.

692 ~~(c)~~ Demonstrate that the applicant is a public-private
 693 partnership in an agreement, contract, partnership agreement,
 694 memorandum of understanding, or other written instrument signed
 695 by all the project partners.

696 ~~(d)~~ Have grants, donations of land, or contributions from

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697 ~~the public-private partnership or other sources collectively~~
 698 ~~totaling at least 10 percent of the total development cost or \$2~~
 699 ~~million, whichever is less. Such grants, donations of land, or~~
 700 ~~contributions must be evidenced by a letter of commitment,~~
 701 ~~agreement, contract, deed, memorandum of understanding, or other~~
 702 ~~written instrument at the time of application. Grants, donations~~
 703 ~~of land, or contributions in excess of 10 percent of the~~
 704 ~~development cost shall increase the application score.~~

705 ~~(e) Demonstrate how the applicant will use the regulatory~~
 706 ~~incentives and financial strategies outlined in subsection (8)~~
 707 ~~from the local jurisdiction in which the proposed project is to~~
 708 ~~be located. The corporation may consult with the Department of~~
 709 ~~Economic Opportunity in evaluating the use of regulatory~~
 710 ~~incentives by applicants.~~

711 ~~(f) Demonstrate that the applicant possesses title to or~~
 712 ~~site control of land and evidences availability of required~~
 713 ~~infrastructure.~~

714 ~~(g) Demonstrate the applicant's affordable housing~~
 715 ~~development and management experience.~~

716 ~~(h) Provide any research or facts available supporting the~~
 717 ~~demand and need for rental or home ownership workforce housing~~
 718 ~~for eligible persons in the market in which the project is~~
 719 ~~proposed.~~

720 ~~(13) Projects may include manufactured housing constructed~~
 721 ~~after June 1994 and installed in accordance with mobile home~~
 722 ~~installation standards of the Department of Highway Safety and~~
 723 ~~Motor Vehicles.~~

724 ~~(8)(14)~~ The corporation may adopt rules pursuant to ss.
 725 120.536(1) and 120.54 to implement this section.

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726 ~~(15) The corporation may use a maximum of 2 percent of the~~
 727 ~~annual program appropriation for administration and compliance~~
 728 ~~monitoring.~~

729 ~~(16) The corporation shall review the success of the~~
 730 ~~Community Workforce Housing Innovation Pilot Program to~~
 731 ~~ascertain whether the projects financed by the program are~~
 732 ~~useful in meeting the housing needs of eligible areas and shall~~
 733 ~~include its findings in the annual report required under s.~~
 734 ~~420.511(3).~~

735 Section 13. Section 420.531, Florida Statutes, is amended
 736 to read:

737 420.531 Affordable Housing Catalyst Program.—

738 (1) The corporation shall operate the Affordable Housing
 739 Catalyst Program for the purpose of securing the expertise
 740 necessary to provide specialized technical support to local
 741 governments and community-based organizations to implement the
 742 HOME Investment Partnership Program, State Apartment Incentive
 743 Loan Program, State Housing Initiatives Partnership Program, and
 744 other affordable housing programs. To the maximum extent
 745 feasible, the entity to provide the necessary expertise must be
 746 recognized by the Internal Revenue Service as a nonprofit tax-
 747 exempt organization. It must have as its primary mission the
 748 provision of affordable housing training and technical
 749 assistance, an ability to provide training and technical
 750 assistance statewide, and a proven track record of successfully
 751 providing training and technical assistance under the Affordable
 752 Housing Catalyst Program. The technical support shall, at a
 753 minimum, include training relating to the following key elements
 754 of the partnership programs:

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755 (a)(1) Formation of local and regional housing partnerships
756 as a means of bringing together resources to provide affordable
757 housing.

758 (b)(2) Implementation of regulatory reforms to reduce the
759 risk and cost of developing affordable housing.

760 (c)(3) Implementation of affordable housing programs
761 included in local government comprehensive plans.

762 (d)(4) Compliance with requirements of federally funded
763 housing programs.

764 (2) In consultation with the corporation, the entity
765 providing statewide training and technical assistance shall
766 convene and administer biannual, regional workshops for the
767 locally elected officials serving on affordable housing advisory
768 committees as provided in s. 420.9076. The regional workshops
769 may be conducted through teleconferencing or other technological
770 means and must include processes and programming that facilitate
771 peer-to-peer identification and sharing of best affordable
772 housing practices among the locally elected officials. Annually,
773 calendar year reports summarizing the deliberations, actions,
774 and recommendations of each region, as well as the attendance
775 records of locally elected officials, must be compiled by the
776 entity providing statewide training and technical assistance for
777 the Affordable Housing Catalyst Program and must be submitted to
778 the President of the Senate, the Speaker of the House of
779 Representatives, and the corporation by March 31 of the
780 following year.

781 Section 14. Present subsection (7) of section 420.9073,
782 Florida Statutes, is redesignated as subsection (8), and a new
783 subsection (7) is added to that section, to read:

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784 420.9073 Local housing distributions.-

785 (7) Notwithstanding subsections (1)-(4), the corporation
786 may withhold up to 5 percent of the total amount distributed
787 each fiscal year from the Local Government Housing Trust Fund to
788 provide additional funding to counties and eligible
789 municipalities for the construction of transitional housing for
790 persons aging out of foster care. Funds may not be used for
791 design or planning. Such housing must be constructed on a campus
792 that provides housing for persons aging out of foster care. The
793 corporation must consult with the Department of Children and
794 Families to create minimum criteria for such housing. Any
795 portion of the withheld funds not distributed or committed by
796 the end of the fiscal year shall be distributed as provided in
797 subsections (1) and (2).

798 Section 15. Paragraph (j) is added to subsection (10) of
799 section 420.9075, Florida Statutes, to read:

800 420.9075 Local housing assistance plans; partnerships.-

801 (10) Each county or eligible municipality shall submit to
802 the corporation by September 15 of each year a report of its
803 affordable housing programs and accomplishments through June 30
804 immediately preceding submittal of the report. The report shall
805 be certified as accurate and complete by the local government's
806 chief elected official or his or her designee. Transmittal of
807 the annual report by a county's or eligible municipality's chief
808 elected official, or his or her designee, certifies that the
809 local housing incentive strategies, or, if applicable, the local
810 housing incentive plan, have been implemented or are in the
811 process of being implemented pursuant to the adopted schedule
812 for implementation. The report must include, but is not limited

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813 to:

814 (j) The number of affordable housing applications
 815 submitted, the number approved, and the number denied.

816 Section 16. Subsections (2) and (4) of section 420.9076,
 817 Florida Statutes, are amended, and subsection (10) is added to
 818 that section, to read:

819 420.9076 Adoption of affordable housing incentive
 820 strategies; committees.—

821 (2) The governing board of a county or municipality shall
 822 appoint the members of the affordable housing advisory
 823 committee. Pursuant to the terms of any interlocal agreement, a
 824 county and municipality may create and jointly appoint an
 825 advisory committee. The local action adopted pursuant to s.
 826 420.9072 which creates the advisory committee and appoints the
 827 advisory committee members must name at least 8 but not more
 828 than 11 committee members and specify their terms. Effective
 829 October 1, 2020, the committee must consist of one locally
 830 elected official from each county or municipality participating
 831 in the State Housing Initiatives Partnership Program and one
 832 representative from at least six of the categories below:

833 (a) A citizen who is actively engaged in the residential
 834 home building industry in connection with affordable housing.

835 (b) A citizen who is actively engaged in the banking or
 836 mortgage banking industry in connection with affordable housing.

837 (c) A citizen who is a representative of those areas of
 838 labor actively engaged in home building in connection with
 839 affordable housing.

840 (d) A citizen who is actively engaged as an advocate for
 841 low-income persons in connection with affordable housing.

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842 (e) A citizen who is actively engaged as a for-profit
 843 provider of affordable housing.

844 (f) A citizen who is actively engaged as a not-for-profit
 845 provider of affordable housing.

846 (g) A citizen who is actively engaged as a real estate
 847 professional in connection with affordable housing.

848 (h) A citizen who actively serves on the local planning
 849 agency pursuant to s. 163.3174. If the local planning agency is
 850 comprised of the governing board of the county or municipality,
 851 the governing board may appoint a designee who is knowledgeable
 852 in the local planning process.

853 (i) A citizen who resides within the jurisdiction of the
 854 local governing body making the appointments.

855 (j) A citizen who represents employers within the
 856 jurisdiction.

857 (k) A citizen who represents essential services personnel,
 858 as defined in the local housing assistance plan.

859 (4) Annually ~~Triennially~~, the advisory committee shall
 860 review the established policies and procedures, ordinances, land
 861 development regulations, and adopted local government
 862 comprehensive plan of the appointing local government and shall
 863 recommend specific actions or initiatives to encourage or
 864 facilitate affordable housing while protecting the ability of
 865 the property to appreciate in value. The recommendations may
 866 include the modification or repeal of existing policies,
 867 procedures, ordinances, regulations, or plan provisions; the
 868 creation of exceptions applicable to affordable housing; or the
 869 adoption of new policies, procedures, regulations, ordinances,
 870 or plan provisions, including recommendations to amend the local

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871 government comprehensive plan and corresponding regulations,
 872 ordinances, and other policies. At a minimum, each advisory
 873 committee shall submit an annual a report to the local governing
 874 body and to the entity providing statewide training and
 875 technical assistance for the Affordable Housing Catalyst Program
 876 which that includes recommendations on, and triennially
 877 thereafter evaluates the implementation of, affordable housing
 878 incentives in the following areas:

879 (a) The processing of approvals of development orders or
 880 permits for affordable housing projects is expedited to a
 881 greater degree than other projects, as provided in s.
 882 163.3177(6)(f)3.

883 (b) All allowable fee waivers provided ~~The modification of~~
 884 ~~impact-fee requirements, including reduction or waiver of fees~~
 885 ~~and alternative methods of fee payment for the development or~~
 886 ~~construction of~~ affordable housing.

887 (c) The allowance of flexibility in densities for
 888 affordable housing.

889 (d) The reservation of infrastructure capacity for housing
 890 for very-low-income persons, low-income persons, and moderate-
 891 income persons.

892 (e) ~~The allowance of Affordable accessory residential units~~
 893 ~~in residential zoning districts.~~

894 (f) The reduction of parking and setback requirements for
 895 affordable housing.

896 (g) The allowance of flexible lot configurations, including
 897 zero-lot-line configurations for affordable housing.

898 (h) The modification of street requirements for affordable
 899 housing.

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900 (i) The establishment of a process by which a local
 901 government considers, before adoption, policies, procedures,
 902 ordinances, regulations, or plan provisions that increase the
 903 cost of housing.

904 (j) The preparation of a printed inventory of locally owned
 905 public lands suitable for affordable housing.

906 (k) The support of development near transportation hubs and
 907 major employment centers and mixed-use developments.

908
 909 The advisory committee recommendations may also include other
 910 affordable housing incentives identified by the advisory
 911 committee. Local governments that receive the minimum allocation
 912 under the State Housing Initiatives Partnership Program shall
 913 perform an the initial review but may elect to not perform the
 914 annual triennial review.

915 (10) The locally elected official serving on an advisory
 916 committee, or a locally elected designee, must attend biannual
 917 regional workshops convened and administered under the
 918 Affordable Housing Catalyst Program as provided in s.
 919 420.531(2). If the locally elected official or a locally elected
 920 designee fails to attend three consecutive regional workshops,
 921 the corporation may withhold funds pending the person's
 922 attendance at the next regularly scheduled biannual meeting.

923 Section 17. Subsections (5) and (6) are added to section
 924 723.041, Florida Statutes, to read:

925 723.041 Entrance fees; refunds; exit fees prohibited;
 926 replacement homes.-

927 (5) A mobile home park that is damaged or destroyed due to
 928 wind, water, or other natural force may be rebuilt on the same

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929 site with the same density as was approved, permitted, or built
 930 before the park was damaged or destroyed.

931 (6) This section does not limit the regulation of the
 932 uniform firesafety standards established under s. 633.206, but
 933 supersedes any other density, separation, setback, or lot size
 934 regulation adopted after initial permitting and construction of
 935 the mobile home park.

936 Section 18. Subsection (4) of section 723.061, Florida
 937 Statutes, is amended, and subsections (5) and (6) are added to
 938 that section, to read:

939 723.061 Eviction; grounds, proceedings.-

940 (4) Except for the notice to the officers of the
 941 homeowners' association under subparagraph (1)(d)1., any notice
 942 required by this section must be in writing, and must be posted
 943 on the premises and sent to the mobile home owner and tenant or
 944 occupant, as appropriate, by United States mail certified or
 945 registered mail, return receipt requested, addressed to the
 946 mobile home owner and tenant or occupant, as appropriate, at her
 947 or his last known address. Delivery of the mailed notice is
 948 shall be deemed given 5 days after the date of postmark.

949 (5) If the park owner accepts payment of any portion of the
 950 lot rental amount with actual knowledge of noncompliance after
 951 notice and termination of the rental agreement due to a
 952 violation under paragraph (1)(b), paragraph (1)(c), or paragraph
 953 (1)(e), the park owner does not waive the right to terminate the
 954 rental agreement or the right to bring a civil action for the
 955 noncompliance, but not for any subsequent or continuing
 956 noncompliance. Any rent so received must be accounted for at the
 957 final hearing.

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958 (6) A tenant who intends to defend against an action by the
 959 landlord for possession for noncompliance under paragraph
 960 (1)(a), paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e)
 961 must comply with s. 723.063(2).

962 Section 19. Section 723.063, Florida Statutes, is amended
 963 to read:

964 723.063 Defenses to action for rent or possession;
 965 procedure.-

966 (1) (a) In any action based upon nonpayment of rent or
 967 seeking to recover unpaid rent, or a portion thereof, the mobile
 968 home owner may defend upon the ground of a material
 969 noncompliance with any portion of this chapter or may raise any
 970 other defense, whether legal or equitable, which he or she may
 971 have.

972 (b) The defense of material noncompliance may be raised by
 973 the mobile home owner only if 7 days have elapsed after he or
 974 she has notified the park owner in writing of his or her
 975 intention not to pay rent, or a portion thereof, based upon the
 976 park owner's noncompliance with portions of this chapter,
 977 specifying in reasonable detail the provisions in default. A
 978 material noncompliance with this chapter by the park owner is a
 979 complete defense to an action for possession based upon
 980 nonpayment of rent, or a portion thereof, and, upon hearing, the
 981 court or the jury, as the case may be, shall determine the
 982 amount, if any, by which the rent is to be reduced to reflect
 983 the diminution in value of the lot during the period of
 984 noncompliance with any portion of this chapter. After
 985 consideration of all other relevant issues, the court shall
 986 enter appropriate judgment.

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987 (2) In any action by the park owner or a mobile home owner
 988 brought under subsection (1), the mobile home owner shall pay
 989 into the registry of the court that portion of the accrued rent,
 990 if any, relating to the claim of material noncompliance as
 991 alleged in the complaint, or as determined by the court. The
 992 court shall notify the mobile home owner of such requirement.
 993 The failure of the mobile home owner to pay the rent, ~~or portion~~
 994 ~~thereof~~, into the registry of the court or to file a motion to
 995 determine the amount of rent to be paid into the registry within
 996 5 days, excluding Saturdays, Sundays, and legal holidays, after
 997 the date of service of process constitutes an absolute waiver of
 998 the mobile home owner's defenses other than payment, and the
 999 park owner is entitled to an immediate default judgment for
 1000 removal of the mobile home owner with a writ of possession to be
 1001 issued without further notice or hearing thereon. If a motion to
 1002 determine rent is filed, the movant must provide sworn
 1003 documentation in support of his or her allegation that the rent
 1004 alleged in the complaint is erroneous as required herein
 1005 ~~constitutes an absolute waiver of the mobile home owner's~~
 1006 ~~defenses other than payment, and the park owner is entitled to~~
 1007 ~~an immediate default.~~

1008 (3) When the mobile home owner has deposited funds into the
 1009 registry of the court in accordance with ~~the provisions of this~~
 1010 ~~section and the park owner is in actual danger of loss of the~~
 1011 ~~premises or other personal hardship resulting from the loss of~~
 1012 ~~rental income from the premises~~, the park owner may apply to the
 1013 court for disbursement of all or part of the funds or for prompt
 1014 final hearing, whereupon the court shall advance the cause on
 1015 the calendar. The court, after preliminary hearing, may award

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

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1016 all or any portion of the funds on deposit to the park owner or
 1017 may proceed immediately to a final resolution of the cause.

1018 Section 20. For the purpose of incorporating the amendment
 1019 made by this act to section 420.5087, Florida Statutes, in a
 1020 reference thereto, paragraph (i) of subsection (22) of section
 1021 420.507, Florida Statutes, is reenacted to read:

1022 420.507 Powers of the corporation.—The corporation shall
 1023 have all the powers necessary or convenient to carry out and
 1024 effectuate the purposes and provisions of this part, including
 1025 the following powers which are in addition to all other powers
 1026 granted by other provisions of this part:

1027 (22) To develop and administer the State Apartment
 1028 Incentive Loan Program. In developing and administering that
 1029 program, the corporation may:

1030 (i) Establish, by rule, the procedure for competitively
 1031 evaluating and selecting all applications for funding based on
 1032 the criteria set forth in s. 420.5087(6)(c), determining actual
 1033 loan amounts, making and servicing loans, and exercising the
 1034 powers authorized in this subsection.

1035 Section 21. For the purpose of incorporating the amendment
 1036 made by this act to section 420.5095, Florida Statutes, in a
 1037 reference thereto, subsection (2) of section 193.018, Florida
 1038 Statutes, is reenacted to read:

1039 193.018 Land owned by a community land trust used to
 1040 provide affordable housing; assessment; structural improvements,
 1041 condominium parcels, and cooperative parcels.—

1042 (2) A community land trust may convey structural
 1043 improvements, condominium parcels, or cooperative parcels, that
 1044 are located on specific parcels of land that are identified by a

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

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1045 legal description contained in and subject to a ground lease
1046 having a term of at least 99 years, for the purpose of providing
1047 affordable housing to natural persons or families who meet the
1048 extremely-low-income, very-low-income, low-income, or moderate-
1049 income limits specified in s. 420.0004, or the income limits for
1050 workforce housing, as defined in s. 420.5095(3). A community
1051 land trust shall retain a preemptive option to purchase any
1052 structural improvements, condominium parcels, or cooperative
1053 parcels on the land at a price determined by a formula specified
1054 in the ground lease which is designed to ensure that the
1055 structural improvements, condominium parcels, or cooperative
1056 parcels remain affordable.

1057 Section 22. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20
Meeting Date

998
Bill Number (if applicable)

Topic Manufactured Housing
Name Nancy Stewart

911204
Amendment Barcode (if applicable)

Job Title _____

Address 1400 Village Square Blvd Ste 3-156
Street
Tallahassee FL 32312
City State Zip

Phone 850-385-7805
Email nancy.stewart@nancyblackstewart.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Federation of Manufactured Home Owners of FL, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20
Meeting Date

998
Bill Number (if applicable)

911204
Amendment Barcode (if applicable)

Topic manufactured housing

Name Lori Killinger

Job Title Legislative Counsel

Address _____
Street

Phone 8502225702

City _____ State _____ Zip _____

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Manufactured Housing Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.17.2020
Meeting Date

998
Bill Number (if applicable)

911204
Amendment Barcode (if applicable)

Topic Housing

Name Tonnette [tone-Net] Graham

Job Title Assoc. Director of Public Policy

Address 100 S. Monroe Street

Phone 850.922.4300

Tallahassee, FL
City State

32301
Zip

Email tgraham@flcounties.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Association of Counties

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-17-20

Meeting Date

998

Bill Number (if applicable)

Topic Housing

Amendment Barcode (if applicable)

Name Melissa Ramba

Job Title lobbyist

Address 108 S Monroe St.

Phone 850-570-0269

Street

Tallahassee

City

FL

State

32301

Zip

Email Melissa@flapartners.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing The Realtors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/2020
Meeting/Date

998
Bill Number (if applicable)

Topic Housing

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Legislative Advocate

Address _____

Phone _____

Street

Tallahassee FL 32307

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/2020

Meeting Date

998

Bill Number (if applicable)

Topic Housing

Amendment Barcode (if applicable)

Name Daphnee Sainvil

Job Title Legislative Policy Advisor

Address 100 S. Andrews Ave., 8th Floor

Phone 954-253-7320

Street

Ft. Lauderdale

FL

33301

Email dsainvil@broward.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward County Bd. of County Commissioners

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

0.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 Infrastructure and Security

BILL: CS/SB 1036

INTRODUCER: Infrastructure and Security Committee and Senator Albritton

SUBJECT: Diesel Exhaust Fluid

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	IS	Fav/CS
2.			EN	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1036 addresses safety issues associated with airport use of diesel exhaust fluid (DEF). Airports and airport tenants use DEF in diesel-powered vehicles used in an aircraft support role, including aircraft fire-fighting equipment, life-saving equipment, and emergency generators. DEF is also used to help meet the emission control standards mandated by the Environmental Protection Agency. In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of anti-icing injection systems in aircraft fuel trucks with DEF, instead of a product used as a fuel additive to address potential freezing of water within jet fuel in an aircraft at altitude.

The bill requires the governing body of each public airport with specified uses of DEF to create a safety mitigation and exclusion plan and provides minimum requirements for the plan. The governing body must approve the plan by September 1, 2020. By October 1, 2020, the governing body must submit the plan to the Department of Transportation (FDOT) and certify that all DEF has been secured within the airport premises. The plan must be fully implemented by January 1, 2021. By January 1 of each year thereafter, each airport must certify to the FDOT the airport's compliance with its plan.

The fiscal impact of the bill is indeterminate. See the "Fiscal Impact Statement" for additional information.

The bill takes effect July 1, 2020.

II. Present Situation:

Emission Control Standards

Under the federal Clean Air Act of 1990, the Environmental Protection Agency (EPA) has mandated strengthened emission control standards for vehicle engines to reduce health and environmental issues caused by air pollution. With respect to diesel engines, nitrogen oxides (NO_x) are a major contributor to that pollution, and the EPA has identified NO_x in diesel engine emissions for drastic reduction.¹

Vehicle and engine manufacturers have developed “aftertreatment” technologies to meet the strengthened EPA standards, such as Selective Catalytic Reduction (SCR). SCR reduces NO_x emissions when DEF is injected directly into a catalytic converter² in the vehicle’s exhaust system. Heat from the exhaust helps to break DEF down into ammonia, which in the presence of the catalyst, reacts with the NO_x in the exhaust to neutralize it, transforming it into harmless nitrogen gas and water.³

The EPA mandated emission standards for off-road diesel engines starting in 2014, which apply to airport support vehicles now equipped with SCR systems and therefore require DEF.⁴

According to the Federal Aviation Administration (FAA), DEF is not approved for use in jet fuel:

When mixed with jet fuel, DEF will react with certain jet fuel chemical components to form crystalline deposits in the fuel system. These deposits will flow through the aircraft fuel system and may accumulate on filters, fuel metering components, other fuel system components, or engine fuel nozzles. The deposits may also settle in the fuel tanks or other areas of the aircraft fuel system where they may potentially become dislodged over time and accumulate downstream in the fuel system as described above.⁵

DEF Use at Airports

Airports and airport tenants use DEF in diesel-powered vehicles used in an aircraft support role, including aircraft fire-fighting equipment, life-saving equipment, and emergency generators.

¹ Aircraft Diesel Exhaust Fluid Contamination Working Group, *A Collaborative Industry Report on the Hazard of Diesel Exhaust Fluid Contamination of Aircraft Fuel*, June 11, 2019, at p. 3, available at https://download.aopa.org/advocacy/2019/2019_06_11_Aircraft_DEF_Contamination_Working_Group_Report_FINAL.pdf (last visited February 12, 2020).

² Merriam-Webster defines the term to mean “an automobile exhaust-system component containing a catalyst that causes conversion of harmful gases (such as carbon monoxide and uncombusted hydrocarbons) into mostly harmless products (such as water and carbon dioxide).” Merriam-Webster, *catalytic converter*, available at <https://www.merriam-webster.com/dictionary/catalytic%20converter> (last visited February 12, 2020).

³ *Supra* note 1.

⁴ *Supra* note 1 at p. 4.

⁵ U.S. Department of Transportation Federal Aviation Administration, *SAFO 1815, Jet Fuel Contaminated with Diesel Exhaust Fluid (DEF)*, November 13, 2018, available at https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2018/SAFO18015.pdf (last visited February 12, 2020).

DEF is also used to help meet the EPA-mandated emission control standards.⁶ DEF is stored in separate tanks on vehicles having an installed SCR system, which treats the exhaust of those vehicle engines.⁷

In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of anti-icing injection systems in aircraft fuel trucks with DEF, instead of fuel system icing inhibitor (FSII).⁸ One use of FSII is to mitigate against possible freezing of any water within jet fuel contained in an aircraft when at altitude.⁹ FSII injection systems require an FSII fluid reservoir mounted on the truck to supply the injecting system during aircraft refueling.¹⁰ However, since the 2014 application of the EPA mandated emissions standards to off-road diesel engines such as airport refuelers, refueling trucks at airports are often equipped with two reservoirs, one for DEF and one for FSII.¹¹ According to an industry report on DEF contamination of aircraft fuel, difficulty arises in the fact that both DEF and FSII are clear liquids, resulting in confusion and the accidental mixing with or replacement of FSII.¹²

Between November 2017 and May 2019, there were three instances, two in Florida, in which multiple aircraft had jet fuel contaminated with DEF or were refueled using equipment exposed to DEF. In all three cases, the FAA notes the occurrences resulted from the inadvertent adding of DEF to the fuel truck anti-icing injection system reservoirs, instead of FSII.¹³ Because of these instances, and others,¹⁴ numerous aircraft had to perform emergency landings. The FAA conducted a hazard analysis and issued preliminary recommendations to address the problem, including additional training for ground support crews, adoption of best management practices, and dyeing either DEF or FSII so they can be distinguished from each other.¹⁵

III. Effect of Proposed Changes:

SB 1036 creates s. 330.401, F.S., requiring the governing body of each public airport (any publicly or privately owned airport open for public use¹⁶) at which aviation fuels receive onsite treatment with FSII by means of injection or mixing systems; and at which any aircraft fuel delivery vehicle or ground service equipment, the exhaust system of which is being treated with DEF, is operated within 150 feet of any aircraft, to create a DEF safety mitigation and exclusion plan. At a minimum, the plan must include:

- A full inventory of all DEF on the airport premises.

⁶ See email from Lisa Waters, President/CEO of the Florida Airports Council, to House staff, November 4, 2019 (on file in the Senate Infrastructure and Security Committee).

⁷ *Supra* note 4.

⁸ *Id.*

⁹ *Id.*

¹⁰ FAA, *Safety Assessment for Jet Fuel Contamination with Diesel Exhaust Fluid (DEF)*, August 30, 2019, p. 4, available at https://www.nata.aero/assets/Site_18/files/GIA/NATA_News/2019-08-30_Safety_Risk_Assessment_Report_DEF-Final.pdf (last visited February 12, 2020).

¹¹ *Id.*

¹² *Supra* note 1 at p. 9.

¹³ *Supra* note 10 at p. 1.

¹⁴ See National Air Transportation Association, *DEF Contamination Awareness*, available at <https://www.nata.aero/advocacy/def-awareness> (last visited February 13, 2020). See also *supra* note 5.

¹⁵ *Supra* note 10 at pp. 10-13.

¹⁶ Section 330.27, F.S.

- Designation of specific areas of the airport premises where DEF may be stored. To the extent practicable, these areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation fuel storage facility.
- Designation of specific areas where DEF may be added to vehicles. These areas may not be located in aircraft operating areas.
- Incorporation of best practices for ensuring the proper labeling and storage of DEF.
- Incorporation of training in the proper use and storage of DEF for all persons on the airport premises who may come into contact with DEF in the ordinary course of business.

The governing body of the airport¹⁷ must approve the DEF safety mitigation and exclusion plan by September 1, 2020. By October 1, 2020, the governing body must submit the plan to the FDOT and certify that all DEF has been secured within the airport premises. The plan must be fully implemented on the airport premises by January 1, 2021.

Annually thereafter, the bill requires the each public airport to certify to the FDOT the airport's compliance with its plan.

The bill takes effect July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18(a) of the Florida Constitution provides that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds ... unless the legislature has determined that such law fulfills an important state interest and unless: ... the expenditure is required to comply with a law that applies to all persons similarly situated”

The bill applies to all persons similarly situated (publicly or privately owned airports open for use by the public), but it does not include a legislative determination that it fulfills an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁷ Publicly owned airports in Florida operate under either a government department model (where the airport operates as a department of the local government) or an airport authority model (where the airport authority is created as either an independent or a dependent special district). Airport operation and administration is generally governed as part of the local government or special district that owns the airport. Privately owned airports open to public use may employ a variety of models for oversight of operations and maintenance, including, but not limited to, sole proprietorships, corporations, and homeowner's associations. *See* GlobalAir.com, “Airports” tab, available at <https://www.globalair.com/airport/state.aspx> (last visited February 13, 2020).

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:

According to the Florida Department of Transportation, 129 public-use commercial service and general aviation airports currently operate in Florida.¹⁸ Owners of private airports open to public use that have aviation fuels receiving onsite treatment with FSII by means of injection or mixing systems, or that treat any aircraft fuel delivery vehicle or ground service equipment with DEF within 150 feet of any aircraft, the airports will be required to develop and implement the plans specified in the bill. The fiscal impact to these airports is indeterminate, however, as the cost to develop and implement the required plans is unknown. These airports will also incur indeterminate expenses associated with the initial submission of the plan and certification that all DEF is secured within the airport premises, as well as indeterminate expenses associated with the annual submission of certification of plan compliance, to the FDOT.

Tenants of public and private airports open to public use, including fuel providers, will likely incur expenditures associated with complying with airport safety mitigation and exclusion plans; however, the amount of such expenditures is indeterminate.

C. Government Sector Impact:

To the extent that publicly-owned airports are subject to the bill's requirements due to the use of DEF, these airports will incur the same indeterminate expenses as owners of private airports open to public use as described in "Private Sector Impact" above.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁸ FDOT, *Florida Aviation System Plan*, available at <https://www.fdot.gov/aviation/FASP2035> (last visited February 13, 2020).

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 330.401.

IX. Additional Information:

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

CS by Infrastructure and Security on February 17, 2020:

The committee substitute:

- Removes the phase-out of DEF on airport premises by October 1, 2030.
- Removes airport managers as the responsible party for creating a DEF safety mitigation and exclusion plan and places the responsibility with the airport governing body.
- Revises the minimum requirements for the required plans to incorporate best practices and training requirements regarding the use of DEF.
- Replaces the Department of Environmental Protection with the FDOT as the entity to whom airport governing bodies must submit the required plans and certifications.

- B. **Amendments:**

None.



182284

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Albritton)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 330.401, Florida Statutes, is created to
read:

330.401 Diesel exhaust fluid safety mitigation and
exclusion plan; certification.—

(1) (a) The governing body of each public airport as defined
in s. 330.27 at which:



182284

11 1. Aviation fuels receive onsite treatment with fuel system
12 icing inhibitors by means of injection or mixing systems; and

13 2. Any aircraft fuel delivery vehicle or ground service
14 equipment the exhaust system of which is being treated with
15 diesel exhaust fluid is operated within 150 feet of any aircraft

16
17 shall create a diesel exhaust fluid safety mitigation and
18 exclusion plan.

19 (b) The plan must include, at a minimum:

20 1. A full inventory of all diesel exhaust fluid on the
21 premises of the airport.

22 2. Designation of specific areas where diesel exhaust fluid
23 may be stored on the premises of the airport. To the extent
24 practicable, such areas may not be located within or on a
25 vehicle operated for the fueling or servicing of aircraft or at
26 any aviation fuel transfer facility or bulk aviation fuel
27 storage facility.

28 3. Designation of specific areas where diesel exhaust fluid
29 may be added to vehicles. Such areas may not be located in
30 aircraft operating areas.

31 4. Incorporation of best practices for ensuring the proper
32 labeling and storage of diesel exhaust fluid.

33 5. Incorporation of training in the proper use and storage
34 of diesel exhaust fluid for all persons on the premises of the
35 airport who may come in contact with such fluid in the ordinary
36 course of their duties.

37 (2) The diesel exhaust fluid safety mitigation and
38 exclusion plan must be approved by the governing body by
39 September 1, 2020. The governing body must, by October 1, 2020,



40 submit the plan to the Department of Transportation and certify
41 that all diesel exhaust fluid has been secured within the
42 premises of the airport.

43 (3) The diesel exhaust fluid safety mitigation and
44 exclusion plan must be fully implemented on the premises of each
45 airport by January 1, 2021.

46 (4) By January 1 of each year, beginning in 2022, each
47 public airport must certify to the department the airport's
48 compliance with its diesel exhaust fluid safety mitigation and
49 exclusion plan.

50 Section 2. This act shall take effect July 1, 2020.

51
52 ===== T I T L E A M E N D M E N T =====

53 And the title is amended as follows:

54 Delete everything before the enacting clause
55 and insert:

56 A bill to be entitled
57 An act relating to diesel exhaust fluid; creating s.
58 330.401, F.S.; requiring the governing body of each
59 public airport that meets certain criteria to create a
60 diesel exhaust fluid safety mitigation and exclusion
61 plan for submission to the Department of
62 Transportation; providing plan requirements; requiring
63 the plan to be fully implemented by a specified date;
64 requiring an annual certification of compliance;
65 providing an effective date.

By Senator Albritton

26-01482-20

20201036__

1 A bill to be entitled
 2 An act relating to diesel exhaust fluid; creating s.
 3 330.401, F.S.; requiring the presence, storage, or use
 4 of diesel exhaust fluid on the premises of a public
 5 airport to be phased out by a certain date; requiring
 6 the manager of each public airport that meets certain
 7 criteria to create a diesel exhaust fluid safety
 8 mitigation and exclusion plan for submission to the
 9 Department of Environmental Protection; providing plan
 10 requirements; requiring the plan to be fully
 11 implemented on the airport premises by a certain date;
 12 requiring annual certification of the plan by the
 13 department until all diesel exhaust fluid and certain
 14 vehicles have been removed from the airport premises;
 15 prohibiting the presence, storage, or use of diesel
 16 exhaust fluid on the premises of a public airport
 17 after a certain date; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 330.401, Florida Statutes, is created to
 22 read:

23 330.401 Phase-out of diesel exhaust fluid; reports and
 24 certification; prohibition.—

25 (1) The presence, storage, or use of diesel exhaust fluid,
 26 including the use of such fluid to treat the exhaust of a
 27 selective catalytic reduction engine, on the premises of a
 28 public airport as defined in s. 330.27 must be phased out by
 29 October 1, 2030, as provided in this section.

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

26-01482-20

20201036__

30 (2) (a) The manager of each public airport at which:
 31 1. Aviation fuels receive onsite treatment with fuel system
 32 icing inhibitors by means of injection or mixing systems; and
 33 2. Any aircraft fuel delivery vehicle or ground service
 34 equipment, the exhaust system of which is being treated with
 35 diesel exhaust fluid, is operated within 150 feet of any
 36 aircraft
 37
 38 shall create a diesel exhaust fluid safety mitigation and
 39 exclusion plan.
 40 (b) The plan must include, at a minimum:
 41 1. A full inventory of all diesel exhaust fluid on the
 42 premises of the airport.
 43 2. Designation of specific areas where diesel exhaust fluid
 44 is to be stored on the premises of the airport. Such areas may
 45 not be located within or on a vehicle operated for the fueling
 46 or servicing of aircraft or at any aviation fuel transfer
 47 facility or bulk aviation fuel storage facility.
 48 3. Designation of specific areas where a vehicle, the
 49 exhaust system of which is being treated with diesel exhaust
 50 fluid, is to be refueled or treated with such fluid. Such areas
 51 must be segregated from all aircraft operating areas.
 52 (3) The diesel exhaust fluid safety mitigation and
 53 exclusion plan must be approved by the regulatory authority
 54 having jurisdiction over the airport by September 1, 2020. The
 55 manager must, by October 1, 2020, submit the plan to the
 56 Department of Environmental Protection and certify that all such
 57 fluid and vehicles have been secured within the premises of the
 58 airport.

Page 2 of 3

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

26-01482-20

20201036__

59 (4) (a) The diesel exhaust fluid safety mitigation and
60 exclusion plan must be fully implemented on the premises of the
61 airport by January 1, 2021.

62 (b) Each year thereafter, the manager shall review the plan
63 and shall submit the plan, including applicable amendments, to
64 the Department of Environmental Protection for certification. If
65 the department determines that the use of diesel exhaust fluid
66 is being phased out as described in subsection (1), the
67 department shall certify the plan for that year.

68 (c) Once all diesel exhaust fluid and all vehicles, the
69 exhaust system of which were being treated with such fluid, have
70 been removed from the premises of the airport, the manager must
71 submit a written report to the department certifying such
72 removal. If the department determines that such removal has been
73 accomplished, the annual certification provided in paragraph (b)
74 is no longer required.

75 (5) The presence, storage, or use of diesel exhaust fluid
76 on the premises of a public airport as described in subsection
77 (1) is prohibited after October 1, 2030.

78 Section 2. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20
Meeting Date

SB1036
Bill Number (if applicable)

182284
Amendment Barcode (if applicable)

Topic Diesel Exhaust Fund

Name Lisa Waters

Job Title Florida Airports Council

Address 325 John Knox Rd. #L103
Street
Tallahassee Fl. 32303
City State Zip

Phone 850-205-5632

Email lisa@floridaairports.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Airports Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

This form is part of the public record.

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 Infrastructure and Security

BILL: CS/SB 1050

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Diaz

SUBJECT: Disaster Volunteer Leave for State Employees

DATE: February 17, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ponder</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1050 substantially amends s. 110.120, F.S., the Florida Disaster Volunteer Leave Act (the Act). The CS broadens the definition of the term “disaster” to mean an event that results in a state of emergency as declared by the governor of this state or any other state or territory in the United States.

The CS adds two terms to the definition section of the Act: “disaster area” and “volunteer.”

The CS requires a request for disaster leave be made by the employee and specifies that an employing agency must verify the employee’s volunteer status before granting leave.

The CS provides that leave for disasters occurring outside the boundaries of this state but within the United States requires the approval of the head of the employee’s employing agency.

The CS provides that an employee receiving disaster leave must attest to his or her employing agency that he or she has completed his or her volunteer service and must specify the period of time served as a volunteer for that event and a description of the disaster response or recovery services provided.

The CS provides for an effective date of July 1, 2020.

II. Present Situation:

Executive Branch

Chapter 110, Florida Statutes, provides the employment policy of the state. The Legislature has declared that:

[i]t is the purpose of this chapter to establish a system of personnel management. This system shall provide means to recruit, select, train, develop, and maintain an effective and responsible workforce and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, benefits, discipline, discharge, employee performance evaluations, affirmative action, and other related activities.¹

Chapter 110, F.S., is divided into five parts: Part I deals with general state employment provisions; Part II covers the Career Service System; Part III pertains to the Senior Management Service System; Part IV relates to volunteers; and Part V deals with the Selected Exempt Service System. The Department of Management Services is charged with adopting administrative rules to effectuate the provisions of this chapter.²

Section 110.120, F.S., is entitled the “Florida Disaster Volunteer Leave Act” (the Act). The Act provides that an employee³ of a state agency who is a certified disaster service volunteer of the American Red Cross (Red Cross), a 501(c)(3)⁴ tax-exempt organization, may be granted a leave of absence with pay for not more than 15 working days in any 12-month period to participate in specialized disaster relief services for the Red Cross.⁵ The term “state agency” is defined by the Act to mean “any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government.”⁶ The Act specifies that a “disaster” comprises those “disasters designated at level II and above in the American National Red Cross regulations and procedures.”⁷

Leave may be granted upon the request of the Red Cross and the approval of the employee’s employing agency.⁸ An employee granted leave under the Act shall not be deemed an employee of the state for purposes of workers’ compensation.⁹ The Act provides that leave may be granted only for services related to a disaster occurring within the boundaries of the State of Florida,

¹ Section 110.105(1), F.S.

² Section 110.1055, F.S.

³ Other-personal-services employees (OPS), pursuant to s. 110.131(3), F.S., are not eligible for any form of paid leave. Thus, for an OPS employee who requests and is approved leave to provide disaster relief services, such leave of absence will be without pay.

⁴ 26 U.S.C. § 501(c)(3), provides tax exemption for corporations and foundations that are operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

⁵ Section 110.120(3), F.S.

⁶ Section 110.120(2)(a), F.S.

⁷ Section 110.120(2)(b), F.S.

⁸ *Id.*

⁹ *Id.*

except that, with the approval of the Governor and Cabinet, leave may be granted for services in response to a disaster occurring within the boundaries of the United States.¹⁰

Tax-Exempt Nonprofit Organizations and Disaster Relief

Tax-exempt organizations, such as the Red Cross and the Salvation Army, play a critical role in disaster relief and recovery efforts. As recognized by the Internal Revenue Service, “[p]roviding aid to relieve human suffering caused by a natural or civil disaster or an emergency hardship is charity in its most basic form.”¹¹ In the years since the 9/11 terrorist attacks, there has been a sharp growth in the creation of tax-exempt nonprofits that receive donations and disburse assistance following a disaster. For example, Team Rubicon became an established nonprofit 501(c)(3) organization in 2010 with the mission of providing disaster relief and giving American veterans a vital sense of purpose.¹² Team Rubicon was one of the first nonprofits to reach Haiti just five days after the 7.0 magnitude earthquake that killed at least 160,000 people.¹³ World Vision, a registered 501(c)(4)¹⁴ nonprofit organization, is an international partnership of Christians that, among other things, provides emergency relief to assist people afflicted by conflict or disaster.¹⁵ During its Hurricane Katrina response, World Vision not only met emergency needs of the community but also participated in rebuilding efforts over a three year period.¹⁶

States of Emergency Declaration Process

As a state’s chief executive officer, the governor is typically charged via a state’s constitution and/or statutes, with protecting the public safety and welfare of the people of that state.¹⁷ Though the exact process may vary state to state, it is generally the governor who declares a state of emergency through the issuance of an executive order or proclamation to that effect.

In Florida, chapter 252, F.S., governs emergency management. The Governor is responsible for meeting the dangers presented to this state and its people by emergencies.¹⁸ Section 252.36(1)(a), F.S., provides in pertinent part that “[i]n the event of an emergency beyond local control, the Governor . . . may assume” or delegate “direct operational control over all or any part of the emergency management functions within this state.” The Governor must declare a state of emergency by executive order or proclamation “if she or he finds an emergency has occurred or

¹⁰ *Id.*

¹¹ Publication 3833, *Disaster Relief, Providing Assistance through Charitable Organizations* <https://www.irs.gov/pub/irs-pdf/p3833.pdf> (last visited February 13, 2020).

¹² See <https://www.fema.gov/news-release/2017/11/12/4339/national-voad-and-other-voluntary-organizations-play-critical-role-housing> (Last visited February 13, 2020).

¹³ See Kyle Dickman, *The Future of Disaster Relief Isn’t the Red Cross*, Outside Magazine, August 25, 2016, <https://www.outsideonline.com/2106556/team-rubicon-takes-red-cross> (last visited February 13, 2020).

¹⁴ 26 U.S.C. § 501(c)(4), provides tax-exempt status to “[c]ivic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare.”

¹⁵ See Our Mission Statement, <https://www.worldvision.org/about-us/mission-statement> (last visited February 13, 2020).

¹⁶ See 2005 Hurricane Katrina: Facts, FAQ, and how to help <https://www.worldvision.org/disaster-relief-news-stories/2005-hurricane-katrina-facts#world-vision> (last visited February 13, 2020).

¹⁷ See Patricia Sweeney & Ryan Joyce, *Gubernatorial Emergency Management Powers: Testing the Limits in Pennsylvania*, 6 PITT. J. ENVTL. PUB. HEALTH L. 149, 150 (2012).

¹⁸ Section 252.36, F.S.

that the occurrence or the threat thereof is imminent.”¹⁹ A state of emergency continues until terminated by the Governor by executive order or proclamation but may not continue “longer than 60 days unless renewed by the Governor.”²⁰ The Legislature may terminate a state of emergency at any time by a concurrent resolution.²¹ If a state of emergency is terminated by the Legislature, the Governor must issue an executive order or proclamation ending the state of emergency.²² Section 252.36, F.S., requires all executive orders or proclamations to “indicate the nature of the emergency, the area or areas threatened, and the conditions which have brought the emergency about or which make possible its termination.”²³

III. Effect of Proposed Changes:

Section 1 revises s. 110.120(2), F.S., to amend the definition of “disaster” to mean an event that results in a state of emergency, as declared by executive order or proclamation issued by the Governor of this state, or any other state or territory of the United States.

The CS adds the terms “disaster area” and “volunteer” to the definitions section. “Disaster area” is defined to mean a location covered under a state of emergency, as declared by executive order or proclamation issued by the Governor of this state or any other state or territory of the United States. “Volunteer” is defined to mean an individual who has entered into an agreement with a tax-exempt nonprofit organization under s. 501(c)(3) or s. 501 (c)(4) of the Internal Revenue Code to provide nonpaid services to a disaster area for disaster response or recovery.

This section amends s. 110.120(3), F.S., to provide that a leave of absence with pay to serve as a volunteer may be granted for no more than 120 working hours (equivalent to 15 8-hour days) in any 12-month period. The CS requires that the request for leave be made by the employee and that the employee’s employing agency must verify the employee’s volunteer status prior to granting such leave for services related to a disaster within Florida. The approval of the head of the employing agency is required for any leave where the employee is providing volunteer services related to disasters occurring outside the boundaries of this state but within the states or territories of the United States.

The CS requires an employee granted leave to attest to his or her employing agency that he or she has completed his or her volunteer service for a disaster, and to specify the period of time for which he or she served as a volunteer for that event and a description of the disaster response or recovery services that the employee provided.

Section 2 provides that the act will take effect on July 1, 2020.

¹⁹ Section 252.36(2), F.S.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The government sector will continue to experience an impact in processing applications for disaster volunteer leave. While the CS requires the request be made by the employee as opposed to the Red Cross and specifies the employing agency must verify the employee's volunteer status prior to approval, this change will likely not have a substantial or disruptive impact.

The CS may have a slight negative impact on the government sector as it allows employees to request disaster leave to volunteer with any tax-exempt nonprofit under 501(c)(3) or 501(c)(4) and not solely the Red Cross. Thus, there may be more requests being submitted that an agency will have to process.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This CS substantially amends the following section of the Florida Statutes: 110.120

IX. Additional Information:

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

CS by Governmental Oversight and Accountability on January 13, 2020:

The committee substitute removes the legislative and judicial branches from the definition of “state agency” in s. 110.120(2), F.S., because those branches currently have broad discretionary authority to grant leave addressed by this bill.

- B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Diaz

585-02221-20

20201050c1

A bill to be entitled

An act relating to disaster volunteer leave for state employees; amending s. 110.120, F.S.; reordering, revising, and providing definitions; revising conditions under which an employee may be granted leave under the Florida Disaster Volunteer Leave Act; specifying requirements and limitations; providing an effective date.

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

Section 1. Section 110.120, Florida Statutes, is amended to read:

110.120 Administrative leave for disaster service volunteers.—

(1) SHORT TITLE.—This section ~~shall be known and~~ may be cited as the “Florida Disaster Volunteer Leave Act.”

(2) DEFINITIONS.—As used in this section, the term ~~following terms shall apply:~~

(c)(a) “State agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government.

(a)(b) “Disaster” means an event that results in a state of emergency, as declared by executive order or proclamation issued by the Governor of this state or any other state or territory of the United States ~~includes disasters designated at level II and above in the American National Red Cross regulations and procedures.~~

(b) “Disaster area” means a location covered under a state

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

585-02221-20

20201050c1

of emergency, as declared by executive order or proclamation issued by the Governor of this state or any other state or territory of the United States.

(d) “Volunteer” means an individual who has entered into an agreement with a tax-exempt nonprofit organization under s. 501(c)(3) or s. 501(c)(4) of the Internal Revenue Code to provide nonpaid services to a disaster area for disaster response or recovery.

(3) LEAVE OF ABSENCE.—An employee of a state agency ~~who is a certified disaster service volunteer of the American Red Cross~~ may be granted a leave of absence with pay for no not more than 120 working hours ~~15 working days~~ in any 12-month period to serve as a volunteer ~~participate in specialized disaster relief services for the American Red Cross.~~ Such leave of absence may be granted upon the request of the employee ~~American Red Cross~~ and upon the approval of the employee’s employing agency after verifying the employee’s volunteer status. An employee granted leave under this section ~~is shall~~ not be deemed to be an employee of the state for purposes of workers’ compensation. Leave under this section ~~act~~ may be granted only for providing volunteer ~~for~~ services related to a disaster occurring within the boundaries of this ~~the~~ state of Florida, except that, ~~with the approval of the Governor and Cabinet,~~ leave may be granted to an employee to provide volunteer ~~for~~ services in response to a disaster occurring within the states or territories ~~boundaries~~ of the United States upon approval of the head of the employee’s employing agency. An employee who is granted leave under this section must attest to his or her employing agency that he or she has completed his or her volunteer service for a disaster,

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

585-02221-20

20201050c1

59 and must also specify the period of time for which he or she
60 served as a volunteer for that event and a description of the
61 disaster response or recovery services that the employee
62 provided.

63 Section 2. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/27/20
Meeting Date

SB 2050
Bill Number (if applicable)

Topic Florida Disaster Leave Act

Amendment Barcode (if applicable)

Name Savannah Kelly

Job Title External Affairs Director

Address 2646 Raymond Biehl Rd
Street

Phone (850) 508-2022

Tallahassee FL 32303
City State Zip

Email savannah@volunteerflorida.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Volunteer Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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 Infrastructure and Security

BILL: CS/CS/SB 1508

INTRODUCER: Infrastructure and Security Committee, Criminal Justice Committee and Senator Taddeo

SUBJECT: Police Vehicles

DATE: February 18, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wagoner</u>	<u>Jones</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1508 prohibits a person from knowingly selling, exchanging, or transferring a police vehicle without, before consummating the sale, exchange, or transfer, removing any police markings from the vehicle. The CS requires law enforcement agencies, before consummating the sale, exchange, or transfer, to provide an official letter of notification that police markings have been removed to the purchaser, customer, or transferee. The CS exempts the sales, exchanges, or transfers of police vehicles between law enforcements agencies. A person who knowingly sells, exchanges, or offers to sell or exchange a motor vehicle in violation of these provisions commits a second degree misdemeanor, which is punishable by up to 60 days in county jail and a fine of up to \$500.

The CS defines “police markings” as decals, stickers, distinctive paint schemes, or other markings attached or applied to a police vehicle that identify the vehicle as a police vehicle.

The CS may have a fiscal impact. See Section V. Fiscal Impact Statement.

The CS is effective July 1, 2020.

II. Present Situation:

Once police vehicles reach a certain age or mile limit, many law enforcement agencies find it more cost effective to purchase new vehicles than continue to utilize older vehicles.¹ Law enforcement agencies sometimes transition older vehicles to become administrative or training vehicles,² or in many cases, they sell them.³ Retired police cars on the road with their former agency's markings may create confusion for the public and law enforcement and enable illegal police impersonations.⁴

Section 319.14, F.S., provides requirements for the sale of police vehicles. A "police vehicle" is defined as a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.⁵ A person may not knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a police vehicle until the Department of Highway Safety and Motor Vehicles (DHSMV) has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle.⁶ Additionally, prior to consummating the sale, exchange, or transfer of a police vehicle, a person must disclose in writing to the purchaser, customer, or transferee the fact that the vehicle had previously been titled, registered, or used as a police vehicle.⁷ A violation of s. 319.14(5), F.S., is a second degree misdemeanor.⁸ Currently, there is no requirement for the removal of police markings prior to sale.

Although not statutorily required, many law enforcement agencies have adopted policies for removal before selling their vehicles. The DHSMV's Division of Florida Highway Patrol (FHP) decommissions vehicles by removing all police decals and painting over the tan portion of the marked patrol vehicle with oil-based black enamel paint in compliance with s. 321.03, F.S., which prohibits a person from coloring or causing to be colored any motor vehicle or motorcycle the same or similar color as those used by FHP.⁹ Such person would be guilty of a first degree misdemeanor.¹⁰

¹ Tom Kanewske, *What to do With Old Police Vehicles?*, Officer.com (February 15, 2017), available at <https://www.officer.com/on-the-street/vehicles-equipment/article/12291284/what-to-do-with-old-police-vehicles> (last visited February 13, 2020).

² *Id.*

³ Thi Dao, *How to Remarket Patrol Vehicles*, Policemag.com (February 7, 2018), available at <https://www.policemag.com/342406/how-to-remarket-patrol-vehicles> (last visited February 13, 2020).

⁴ Over the last five years, Florida has had 489 arrests for impersonating an officer. Brian Entin & Daniel Cohen, *They're not police cars – but they used to be. Retired law enforcement vehicle can create confusion*, WSVN News Miami (November 4, 2019), available at <https://wsvn.com/news/investigations/theyre-not-police-cars-but-they-used-to-be-retired-law-enforcement-vehicles-can-create-confusion/> (last visited February 13, 2020).

⁵ Section 319.14(1)(c)1., F.S.

⁶ Section 319.14(1)(a), F.S.

⁷ Section 319.14(2), F.S.

⁸ A second degree misdemeanor is punishable by up to 60 days in county jail and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

⁹ Department of Highway Safety and Motor Vehicles, *2020 Agency Legislative Bill Analysis for SB 1508*, (January 14, 2020) (on file with the Senate Committee on Infrastructure and Security).

¹⁰ Section 321.03, F.S. A first degree misdemeanor is punishable by up to one year in jail and a fine of up to \$1,000. Sections 775.082 and 774.083, F.S.

Additionally, it is a first degree misdemeanor for any unauthorized person to color or cause to be colored any motor vehicle or motorcycle the statutorily prescribed color combination of motor vehicles and motorcycles used by sheriffs of Florida and their deputies.¹¹

Further, it is a first degree misdemeanor for an unauthorized person to own or operate a motor vehicle marked or identified in any manner by words, lettering, marking, insignia, or coloration officially used to identify the vehicle as a law enforcement vehicle or a vehicle used by a criminal justice agency¹² or fire department with the intent to mislead or cause another person to believe that such vehicle is an official vehicle of those agencies.¹³

III. Effect of Proposed Changes:

The CS prohibits a person from knowingly selling, exchanging, or transferring a police vehicle without, before consummating the sale, exchange, or transfer, removing any police markings from the vehicle and certifying in writing to the purchaser, customer, or transferee the fact that the vehicle has had the police markings removed. The CS requires law enforcement agencies, sellers, and auction houses, before consummating the sale, exchange, or transfer, to provide an official letter of notification to the purchaser, customer, or transferee confirming the fact that the vehicle has had the police markings removed. A person¹⁴ who knowingly sells, exchanges, or offers to sell or exchange a motor vehicle in violation of these provisions commits a second degree misdemeanor, which is punishable by up to 60 days in county jail and a fine of up to \$500.¹⁵

The CS defines “police markings” as decals, stickers, distinctive paint schemes, or other markings attached or applied to a police vehicle that identify the vehicle as a police vehicle.

The CS does not apply to sales, exchanges, or transfers of police vehicles between law enforcement agencies.

In addition, the CS does not apply to sales, exchanges, or transfers of police vehicles to members of the general public for the purposes of collection or display. However, upon the sale, exchange, or transfer of a police vehicle for either of those purposes, the seller, exchanger, or transferor shall provide a notice to the purchaser, customer, or transferee in substantially the following form:

USE OF THIS VEHICLE FOR THE DELIBERATE IMPERSONATION OF A
PUBLIC OFFICER OR EMPLOYEE IS A FELONY OF THE THIRD DEGREE,
PUNISHABLE AS PROVIDED IN SECTION 843.0855, FLORIDA STATUTES.

¹¹ Section 30.46, F.S.

¹² For purposes of this section, as defined in s. 943.045(11), F.S., “criminal justice agency” means a court, the Department of Law Enforcement, the Department of Juvenile Justice, the protective investigations component of the Department of Children and Families, and any other governmental agency or subunit thereof that performs the administration of criminal justice pursuant to a statute or rule of court and that allocates a substantial part of its annual budget to the administration of criminal justice.

¹³ Section 843.085(2) and (5), F.S.

¹⁴ Section 319.14(5), F.S., provides that any officer, agent, or employee of a person who knowingly authorizes, directs, aids in, or consents to sales contrary to this section are also subject to criminal liability.

¹⁵ *Supra*, note 8.

The CS is effective July 1, 2020.

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 CS may have a negative fiscal impact on sellers and auction houses that do not currently practice the removal of police markings before selling decommissioned police vehicles

C. Government Sector Impact:

The CS may have a negative fiscal impact on law enforcement agencies that do not currently practice the removal of police markings before selling decommissioned police vehicles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.14

IX. Additional Information:

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

CS/CS by Infrastructure and Security on February 17, 2020:

The committee substitute:

- Provides that sellers and auction houses must provide an official letter of notification to the receiver confirming the fact that the vehicle has had the police markings removed.
- Provides that sales, exchanges, or transfers of police vehicles to members of the general public for the purposes of collection or display are exempt from the requirements of the bill. However, the seller, exchanger, or transferor must provide written notice that use of the vehicle for impersonation of a public officer or employee is a third degree felony.

CS by Criminal Justice on February 11, 2020:

The committee substitute:

- Revises the notification of police markings removal requirement.
- Revises the definition of “police markings” to include distinctive paints schemes and specifies that such markings must be used to identify the vehicle as a police vehicle.
- Exempts the sales, exchanges, or transfers of police vehicles between law enforcement agencies from the requirements of the bill.

- B. **Amendments:**

None.



556294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Taddeo)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 27 - 36

and insert:

vehicle. For purposes of this subsection, the term "police markings" means decals, stickers, distinctive paint schemes, or other markings attached or applied to a police vehicle which identify the vehicle as a police vehicle.

(a) Law enforcement agencies, before consummating the sale, exchange, or transfer of a police vehicle, shall provide an



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11 official letter of notification to the purchaser, customer, or
12 transferee confirming the fact that the vehicle has had the
13 police markings removed.

14 (b) Sellers and auction houses, before consummating the
15 sale, exchange, or transfer of a police vehicle, shall provide
16 an official letter of notification to the purchaser, customer,
17 or transferee confirming the fact that the vehicle has had the
18 police markings removed.

19 (c)1. Sales, exchanges, or transfers of police vehicles
20 between law enforcement agencies are exempt from the
21 requirements of this subsection.

22 2. Sales, exchanges, or transfers of police vehicles to
23 members of the general public for the purposes of collection or
24 display are exempt from the requirements of this subsection.
25 However, upon the sale, exchange, or transfer of a police
26 vehicle for either of those purposes, the seller, exchanger, or
27 transferor shall provide a notice to the purchaser, customer, or
28 transferee in substantially the following form:

29
30 USE OF THIS VEHICLE FOR THE DELIBERATE IMPERSONATION OF A PUBLIC
31 OFFICER OR EMPLOYEE IS A FELONY OF THE THIRD DEGREE, PUNISHABLE
32 AS PROVIDED IN SECTION 843.0855, FLORIDA STATUTES.

33
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete lines 6 - 11

37 and insert:

38 defining the term "police markings"; requiring law
39 enforcement agencies to provide an official letter of



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40 notification that the police markings have been
41 removed; requiring sellers and auction houses to
42 provide an official letter of notification that the
43 police markings have been removed; exempting sales,
44 exchanges, or transfers of police vehicles between law
45 enforcement agencies from specified requirements;
46 exempting sales, exchanges, or transfers of police
47 vehicles to members of the public for the purposes of
48 collection or display from specified requirements;
49 requiring that a specified notice be provided to
50 certain purchasers, customers, and transferees;
51 providing an effective date.

By the Committee on Criminal Justice; and Senator Taddeo

591-03461-20

20201508c1

1 A bill to be entitled
 2 An act relating to police vehicles; amending s.
 3 319.14, F.S.; prohibiting a person from knowingly
 4 selling, exchanging, or transferring a police vehicle
 5 without removing any police markings from the vehicle;
 6 requiring law enforcement agencies to provide written
 7 confirmation that the police markings have been
 8 removed; defining the term "police markings";
 9 exempting sales, exchanges, or transfers of police
 10 vehicles between law enforcement agencies from
 11 specified requirements; providing an effective date.
 12
 13 Be It Enacted by the Legislature of the State of Florida:
 14
 15 Section 1. Present subsections (5) through (10) of section
 16 319.14, Florida Statutes, are redesignated as subsections (6)
 17 through (11), respectively, a new subsection (5) is added to
 18 that section, and present subsection (5) of that section is
 19 republished, to read:
 20 319.14 Sale of motor vehicles registered or used as
 21 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
 22 nonconforming vehicles, custom vehicles, or street rod vehicles;
 23 conversion of low-speed vehicles.-
 24 (5) A person may not knowingly sell, exchange, or transfer
 25 a police vehicle without, before consummating the sale,
 26 exchange, or transfer, removing any police markings from the
 27 vehicle. Law enforcement agencies, before consummating the sale,
 28 exchange, or transfer, shall provide an official letter of
 29 notification to the purchaser, customer, or transferee

Page 1 of 2

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

591-03461-20

20201508c1

30 confirming the fact that the vehicle has had the police markings
 31 removed. For purposes of this subsection, the term "police
 32 markings" means decals, stickers, distinctive paint schemes, or
 33 other markings attached or applied to a police vehicle that
 34 identify the vehicle as a police vehicle. Sales, exchanges, or
 35 transfers of police vehicles between law enforcement agencies
 36 are exempt from the requirements of this subsection.
 37 ~~(6)(5)~~ A person who knowingly sells, exchanges, or offers
 38 to sell or exchange a motor vehicle or mobile home contrary to
 39 this section or any officer, agent, or employee of a person who
 40 knowingly authorizes, directs, aids in, or consents to the sale,
 41 exchange, or offer to sell or exchange a motor vehicle or mobile
 42 home contrary to this section commits a misdemeanor of the
 43 second degree, punishable as provided in s. 775.082 or s.
 44 775.083.
 45 Section 2. This act shall take effect July 1, 2020.

Page 2 of 2

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 Infrastructure and Security

BILL: CS/CS/SB 1606

INTRODUCER: Infrastructure and Security Committee, Banking and Insurance Committee, and Senator Perry

SUBJECT: Insurance Administration

DATE: February 19, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Arnold</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1606:

- Requires that an electronic signature used to satisfy the signature requirement for a salvage certificate of title must be executed using a system providing a Level 2 authentication level ;
- Requires insurers to file with the Department of Financial Services (DFS or department) the name and email address of the person who will receive civil remedy notices;
- Amends the civil remedy notices statute of limitations when an appraisal is invoked from 60 days after it is invoked instead of 65 days after mailing of notice;
- Prohibits the Office of Insurance Regulation (OIR) from disseminating aggregated information if it contains trade secret information that can be individually extrapolated;
- Provides that when the OIR period for reviewing specified rates and forms end on a weekend or holiday, the period is extended until the conclusion of the next business day;
- Clarifies that the maximum amount that a condominium unit owner's assessment insurance coverage may be assessed is the loss assessment coverage limit in effect one day before the date of the occurrence that gave rise to the loss;
- Allows insurers to cancel auto policies for non-payment after 30 days, instead of the current 60 days;
- Allows for an electronic method of workers compensation payments to be used; and
- Establishes a new chapter of Florida Statutes regulating travel insurance based on the National Association of Insurance Commissioners (NAIC) Model Act.

The bill takes effect July 1, 2020.

II. Present Situation:

The Present Situation of each portion of the bill is included in the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Electronic Signature Requirement for a Motor Vehicle Salvage Certificate of Title (Section 1) *Present Situation*

The owner of a motor vehicle or mobile home that is considered to be salvage¹ is required to forward the title of the motor vehicle or mobile home to the Department of Highway Safety and Motor Vehicles (DHSMV) for processing within 72 hours after the motor vehicle or mobile home becomes salvage.² However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home must obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System,³ and, within 72 hours after receiving such certificate of title, forward such title to DHSMV for processing. The certificates of title may be forwarded to DHSMV via electronic means, the United States Postal Service, or other commercial delivery service (e.g., FedEx or UPS). The owner or insurance company may not dispose of a vehicle or mobile home that is a total loss before it obtains from DHSMV a salvage certificate of title or certificate of destruction.

To facilitate the issuance of salvage certificates of title and certificates of destruction when the insurer has been unable to obtain the title from the insured so that it may be surrendered to DHSMV, effective July 1, 2020:

- The insurer may receive a salvage certificate of title or certificate of destruction from DHSMV 30 days after paying the claim, if:
 - There is no electronic lien on the motor vehicle or mobile home; and
 - The insurer has:
 - Obtained a release of all liens;
 - Provided proof of payment of the total loss claim; and

¹ “Salvage” is defined as a motor vehicle or mobile home that is a total loss. S. 319.30(1)(t), F.S. A motor vehicle is a “total loss:”

- When an insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or mobile home; or
- When an uninsured motor vehicle or mobile home is wrecked or damaged and the cost, at the time of loss, of repairing or rebuilding the vehicle is 80 percent or more of the cost to the owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.

S. 319.30(3)(a), F.S.

² S. 319.30(3)(b), F.S.

³ The National Motor Vehicle Title Information System (NMVTIS) is an electronic system that provides consumers with valuable information about a vehicle's condition and history. NMVTIS allows consumers to find information on a vehicle's title, most recent odometer reading, brand history, and, in some cases, historical theft data. https://www.vehiclehistory.gov/nmvtis_consumers.html (Last visited Dec. 18, 2019).

- Provided an affidavit⁴ on letterhead signed by the insurance company or its authorized agent stating the attempts⁵ that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail.⁶

The “Electronic Signature Act of 1996”⁷ provides that unless otherwise provided by law, an electronic signature⁸ may be used to sign a writing and has the same force and effect as a written signature.

In 2019, the Legislature passed HB 301, related to Insurance.⁹ Among other things, the bill addressed the use of electronic signatures for automotive title transactions. It authorized an electronic signature consistent with ch. 668, F.S., relating to electronic commerce, to be used to satisfy any signature requirement related to the issuance of a salvage certificate of title or certificate of destruction when this new process becomes effective. However, it required an electronic signature on an odometer disclosure to meet specific security requirements.

For an odometer disclosure related to a certificate of destruction, the electronic signature must meet or exceed Level 2 requirements for Identity Assurance Level, Authenticator Assurance Level, and Federation Assurance Level, as described in the National Institute of Standards and Technology Special Publication 800-63-3, as of December 1, 2017. For a salvage certificate of title, the electronic signature must meet or exceed Level 3 requirements of this standard. While there are several differences between Level 2 and Level 3 requirements that affect the relative security of the electronic signature, one difference limits the use of electronic signatures when executing electronic signatures for odometer disclosures related to salvage certificates of title. Level 3 requires in-person identity proofing, while Level 2 allows remote or in-person identity proofing.

The security levels were chosen based on ongoing federal rule development that governs odometer disclosures. The draft federal regulations included the use of Level 2 requirements in certain instances and Level 3 requirements in others. HB 301 mirrored this structure; however, the final federal regulation was published with an unexpected change after the passage of HB 301. Only Level 2 requirements were implemented. So, the Level 3 requirement of s. 319.30(3)(d), F.S., applicable to odometer disclosures for obtaining salvage certificates of title exceed the federal standard.¹⁰

⁴ The affidavit must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company’s name due to payment of a total loss claim to the owner or lienholder. S. 319.30(3)(b)1.c., F.S.

⁵ The attempts to contact the owner may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner’s or lienholder’s last known address. S. 319.30(3)(b)1.c., F.S. If the owner or lienholder is notified of the request for title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title. S. 319.30(3)(b)1.c.2., F.S.

⁶ The request to the owner or lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home. S. 319.30(3)(b)1.c.3., F.S.

⁷ Ch. 668, part I, F.S.

⁸ Section 668.003(4), F.S., defines “electronic signature” as any letters, characters, or symbols, manifested by electronic or similar means, executed or adopted by a party with an intent to authenticate a writing. A writing is electronically signed if an electronic signature is logically associated with such writing.

⁹ Ch. 2019-108. Laws of Fla.

¹⁰ 84 Fed. Reg. 52664, at 52665 (Oct. 2, 2019).

Effect of Proposed Changes

Section 1 amends s. 319.30, F.S., to allow electronic signatures on odometer disclosures related to salvage certificates of title to use Level 2 security requirements, consistent with the applicable federal standard. This applies the same security requirements to electronic signatures on odometer disclosures for both certificates of destruction and salvage certificates of title and allows certificate applicants to electronically sign odometer disclosures remotely in both instances, rather than remotely when applying for a certificate of destruction, but in-person only for salvage certificates of title.

*Workers Compensation Insurance Reporting Requirements (Sections 2 and 3)**Present Situation*

When a compensable work-related injury occurs, the employer and their insurance carrier may be liable for payment of lost wages to the injured worker. Payment for lost wages is interchangeably referred to as indemnity benefits or compensation. Currently, indemnity benefits, including penalties associated with incorrect or untimely payment of indemnity, may be paid to the injured worker by check or, upon authorization of the injured worker, deposited into a financial institution or to a prepaid card.^{11,12} Carriers are required to keep records of all payments made, and the DFS audits employers and carriers for appropriate payment of indemnity benefits.

Effect of Proposed Changes

Sections 2 and 3 amends ss. 440.12 and 440.20, F.S., to allow employers and their carriers, upon authorization of the injured worker, to pay indemnity benefits, including associated monetary penalties, by sending money electronically to the injured worker via their account with a money transmitter. Indemnity and penalties paid via money transmitter accounts is considered paid on the date the funds become available to the injured worker for withdrawal.

The money transmitter must be licensed under ch. 560, part II, F.S. A money transmitter is a type of money services business licensed and regulated by the Florida Office of Financial Regulation (OFR).¹³

¹¹ S. 440.12(1)(a), F.S. For the purposes of workers' compensation indemnity payments, "financial institution" means a state or federal savings or thrift association, bank, savings bank, trust company, international bank agency, international banking corporation, international branch, international representative office, international administrative office, international trust entity, international trust company representative office, qualified limited service affiliate, credit union, or an agreement corporation operating pursuant to s. 25 of the Federal Reserve Act, 12 U.S.C. ss. 601 et seq. or Edge Act corporation organized pursuant to s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq.

¹² Pursuant to s. 440.12(1)(b), F.S., a carrier may use a prepaid card to deliver the payment of compensation to an employee if the employee is: 1. provided with at least one means of accessing his or her entire compensation payment once per week without incurring fees; 2. provided with the ability to make point-of-sale purchases without incurring fees from the financial institution issuing the prepaid card; and 3. provided with the terms and conditions of the prepaid card program, including a description of any fees that may be assessed. The obligation to pay indemnity benefits is satisfied when it is directly deposited compensation onto the prepaid card; further, it is considered paid on the date the funds become available for withdrawal by the injured worker. S. 440.20(1)(a), F.S.

¹³ A money services business must have a net worth of \$100,000. If the licensee is operating in more than one location, the net worth requirement is increased by \$10,000, per location, up to a maximum of \$2,000,000. Licensees are required to obtain annual financial reports for submission to OFR. Additionally, prior to licensing, a licensee must provide a surety bond to OFR in amount between \$50,000 and \$2,000,000, as specified in rule. In the alternative, the licensee may deposit cash, securities, or alternative security devices as provided by rule with a federally insured financial institution that are pledged to OFR. The surety bond or collateral deposit must remain in place for five years after the licensee ceases business operations in this state. S. 560.209, F.S. Currently, a money transmitter must calculate their surety bond or collateral deposit based on the number of active branches operated and combined monetary value of the volume of money transmission and payment instruments sold. If the money services business operates 250 or more branches, the required bond is at least

Civil Remedy Notices (Sections 4 and 7)

Present Situation

Pre-Suit Notice and Tolling of the Statute of Limitation Following Issuance of Pre-Suit Notice
 In 1982 the Legislature enacted s. 624.155, F.S., which provides that any person may bring a claim for "bad faith" against an insurer for "not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured with due regard for her or his interests,"¹⁴ the same as the common law standard.¹⁵ In order to bring a bad faith claim under the statute, a plaintiff must first give the insurer and DFS 60 days' written notice of the alleged violation.¹⁶ The 60-day period begins on the date the notice is filed. While the notice is required to be provided to both DFS and the insurer,¹⁷ the statute is silent on what constitutes filing and whether the filing date is the date the notice is received by DFS or the date it was received by the insurer.¹⁸

The notice must include:

- The statutory provision which the insurer allegedly violated;
- The facts and circumstances giving rise to the violation;
- The name of any individual involved in the violation;
- Reference to specific policy language that is relevant to the violation, unless the person bringing the civil action is a third party claimant; and
- A statement that the notice is given to perfect the right to pursue a civil remedy.¹⁹

The statute of limitation for the filing of a lawsuit under s. 624.155, F.S., is tolled for 65 days following the issuance of the notice described above. This extends the claimant's right to sue the insurer until after the conclusion of the 60-day period following the notice within which the insurer may respond to the notice by addressing the alleged violation.

In 2019, the Legislature revised s. 624.155, F.S., to prohibit the issuance of the notice when the insurer invokes the appraisal process. However, the appraisal process, which can be invoked for the first time following receipt of the pre-suit notice,²⁰ is unlikely to be completed within the 60-

\$2,000,000. If they are operating fewer than 250 branches, then the bond is equal to two percent of the combined value of the previous year's money transmissions and payment instruments sold, rounded up to the next \$50,000 increment. Form OFR-560-07 (eff. Oct. 18, 2009), R. 69V-560.1012, F.A.C. License applicant's surety bonds are determined based on the monetary value of projected first-year business. Form OFR-560-01 (eff. Jan. 2, 2014), R. 69V-560.1012, F.A.C. Bonds are then adjusted annually based on actual operations.

¹⁴ S. 624.155(1)(b), F.S.

¹⁵ Fla. Standard Jury Instr. 404.4 (Civil).

¹⁶ S. 624.155(3)(a), F.S.

¹⁷ Filing of the notice with the correct insurer has been held to be a condition precedent to maintaining a bad faith suit against the insurer. *Lopez v. GEICO Casualty Co.*, 968 F.Supp. 2d 1202, at 1209 (S.D. Fla. 2013). In *Lopez*, the plaintiff filed the notice with Government Employees Insurance Company, a similarly named sister company instead of the actual insurer, GEICO Casualty Company. Because the statute of limitation had run out following the flawed delivery of the notice, the *Lopez* case was dismissed with prejudice.

¹⁸ Filing of the notice with DFS has been held to establish the date that starts the 60-day cure period. *Harper v. GEICO Gen. Ins. Co.*, 272 So. 3d 448 (Fla. 2nd DCA 2019). In *Harper*, the plaintiff filed the notice with DFS electronically on Dec. 19, 2013, and mailed the notice to GEICO with it being received by GEICO on Dec. 26, 2013. When GEICO later paid the claim on Feb. 21, 2014, the payment was 65 days from the date DFS received the notice, but 57 days from the date GEICO received the notice. The trial court held that GEICO paid the claim within the 60-day cure period. On appeal, the Second DCA held that the 60-day cure period ran from the date DFS received the notice. The result allowed the plaintiff to pursue a bad faith claim against GEICO for untimely payment of the claim.

¹⁹ S. 624.155(3)(b), F.S.

²⁰ Invoking the appraisal process along with timely payment, if required, can be used by the insurer to cure its claims handling violations and prevent a bad faith claim. See *Effect of the Bill*, p. 5.

day cure period or the 65-day tolling of the applicable statute of limitations. If the appraisal process extends beyond the date the statute of limitation expires following the current tolling period, then the right to sue the insurer in civil court is lost.

Property Appraisal Process

Insurance companies often include an appraisal clause in property insurance policies.²¹ The appraisal clause provides a procedure to resolve disputes between the policyholder and the insurer concerning the value of a covered loss. The appraisal clause is used only to determine disputed values. An appraisal cannot be used to determine what is covered under an insurance policy. Coverage issues are litigated and determined by the courts.

The appraisal process *generally* works as follows:

- The insurance company and the policyholder each appoint an independent, disinterested appraiser.
- Each appraiser evaluates the loss independently.
- The appraisers negotiate and attempt to reach an agreed amount of the damages.
- If the appraisers agree as to the amount of the claim, the insurer pays the claim.
- If the appraisers cannot agree on the amount, they together choose a mutually acceptable umpire.
- Once the umpire has been chosen, the appraisers each present their loss assessment to the umpire.
- The umpire will subsequently provide a written decision to both appraisers. A decision agreed to by any two of the three will set the amount of the loss.
- The insurance company or the policyholder may challenge the umpire's impartiality and disqualify a proposed umpire based on criteria set forth in statute.²²

Effect of Proposed Changes

Sections 4 and 7 amends ss. 624.155 and 624.422, F.S., to require the notice to the authorized insurer must be provided by the DFS to the e-mail address designated by the insurer.

The bill adds an additional tolling period to s. 624.155, F.S. It tolls the statute of limitation for 60 days following the date appraisal is invoked in a residential property insurance claim. In combination it also changes the current 65-day tolling period resulting from the filing of the notice, to a 60-day period after the insurer receives notice from the DFS. The statute of limitation could be tolled for up to 120 days to allow the insurer the 60-day cure period and also allow the parties to pursue the appraisal process prior to expiration of the statute of limitation.

Additionally, the bill clarifies that the 60-day cure period runs from the date the insurer receives the notice, rather than following "filing," which is not defined.

²¹ *Citizens Property Insurance Corporation v. Mango Hill Condominium Association 12 Inc.*, 54 So. 3d 578 (Fla. 3d DCA 2011) and *Intracoastal Ventures Corp. v. Safeco Ins. Co. of America*, 540 So. 2d 162 (Fla. 3d DCA 1989), contain examples of appraisal clauses.

²² See s. 627.70151, F.S.

Trade Secret Information (Sections 5 and 6)

Present Situation

Public Records

Article I, s. 24(a) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the Florida Constitution.²³ The general law must state with specificity the public necessity justifying the exemption²⁴ and must be no more broad than necessary to accomplish its purpose.²⁵

Public policy regarding access to government records is addressed further in s. 119.07(1)(a), F.S., which guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act²⁶ (Act) provides that a public record exemption may be created or maintained only if it serves an identifiable public purpose. In the same manner as the Florida Constitution requires a statement of public necessity and limits the breadth of a public records exemption, an exemption under the Act may be no more broad than necessary to meet one of the following purposes:²⁷

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.

The Act also requires the automatic repeal of a public record exemption on October 2nd of the fifth year after its creation or substantial amendment, unless the Legislature reenacts the exemption.²⁸ Specified questions must be considered by the Legislature during the review process.²⁹

Trade Secrets

Florida law contains a variety of provisions that make trade secret information exempt or confidential and exempt³⁰ from public record requirements. Some exemptions only protect trade

²³ FLA. CONST. art. I, s. 24(c).

²⁴ This portion of a public record exemption is commonly referred to as a "public necessity statement."

²⁵ FLA. CONST. art. I, s. 24(c).

²⁶ S. 119.15, F.S.

²⁷ S. 119.15(6)(b), F.S.

²⁸ S. 119.15(3), F.S.

²⁹ Section 119.15(6)(a), F.S., requires the Legislature to consider the following questions as part of the review process: 1) What specific records or meetings are affected by the exemption? 2) What specific parties does the exemption affect? 3) What is the public purpose of the exemption? 4) Can the information contained in the records or meetings be readily obtained by alternative means? If so, how? 5) Is the record or meeting protected by another exemption? 6) Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

³⁰ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See*

secrets, while others protect “proprietary business information” and define that term to specifically include trade secrets. Generally, trade secret³¹ information received by the OIR or DFS is not protected as confidential and exempt public record information,³² but the insurer is given the opportunity to receive notice of a public records request and a period of time to respond so that the insurer can move to protect the trade secret through an action in circuit court, if they so desire.³³ When an insurer submits trade secret information under the Florida Insurance Code³⁴ or OIR rules, the insurer may file a Notice of Trade Secret and mark and segregate the trade secret information provided to OIR.³⁵ This protection relates to public records requests from the public that would result in the publication of materials covered under a Notice of Trade Secret. It does not expressly extend to publication of aggregate information such as OIR’s Annual Report or other OIR or DFS publications or reports that are not done in response to a public records request.

Effect of Proposed Changes

Sections 5 and 6 amends ss. 624.307 and 624.315, F.S., to limit the release of aggregate information by OIR and DFS if protected trade secret information can be extrapolated from the aggregate information that OIR or DFS would otherwise release. This could occur where aggregate information is reported on a line of insurance in which a small number of companies participate such that one or more of the participating companies could back-out their own data from the reported aggregate information and discern the trade secret information of their competitor. The bill does not create a new public records exception, rather, it limits what OIR and DFS may do with public record information that is protected as a trade secret, but is not confidential and exempt public record information.

Extension of Deadlines in Insurance Rate and Form Filing (Sections 9 through 11)

Present Situation

Florida law provides certain requirements regarding OIR’s review and approval of property and casualty insurance rate and form filings, including timeframes within which OIR must review these filings.³⁶ However, the law is silent on the applicable deadline should the closure of the review period fall on a weekend or a holiday.

WFTV, Inc. v. The School Board of Seminole, 874 So.2d 48, 53 (Fla. 5th DCA 2004), *review denied* 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. *See* Attorney General Opinion 85-62 (August 1, 1985).

³¹ “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process that:

- (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

S. 626.002(4), F.S.

³² Trade secret information contained in an insurance administrator’s records that is obtained by OIR is confidential and exempt. S. 626.884(2), F.S.,

³³ S. 624.4213(2), F.S.

³⁴ The Florida Insurance Code is chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S. S. 624.01, F.S.

³⁵ S. 624.4213(1), F.S.

³⁶ S. 627.062, F.S. (which controls rating requirements for property and casualty insurance in general), s. 627.0651, F.S. (which controls rating requirements for motor vehicle insurance), and s. 627.410 (which controls form filings in general). While the statutes differentiate between issuance of a notice of intent to approve or disapprove a property and casualty rate filing, other than a motor vehicle rate filing, and simply approving or disapproving a motor vehicle rate filing following review, the practical effect of the review process is the same.

Effect of Proposed Changes

Sections 9 through 11 amend ss. 627.062, 627.0651 and 627.410, F.S., to establish that if the last day of the timeframe for OIR to review and approve or disapprove a rate filing for property, casualty, or surety insurance, including motor vehicle insurance, or to review an insurer's form filing, falls on a weekend or holiday recognized by Florida governmental agencies or branches, then the period shall be extended until the conclusion of the next business day.

Residential Condominium Loss Assessments (Section 12)

Present Situation

Loss assessment coverage is insurance coverage for condominium unit owners that provides protection for situations where the owner of a condominium unit, as the owner of shared property, is held financially responsible for:

- Deductibles owed when a claim is made under a condominium association's property insurance policy;
- Damage that occurs to the condominium building or the common areas of a condominium property; or
- Injuries that occur in the common areas of a condominium property.³⁷

Florida law requires that property insurance policies held by condominium unit owners include a minimum property loss assessment coverage of \$2000 for all assessments made as a result of the same direct loss to the condominium property.³⁸ The law further establishes that the maximum amount of any unit owner's coverage that can be assessed for any loss is an amount equal to the unit owner's loss assessment coverage limit in effect one day before the date of an occurrence, but it does not specify exactly what occurrence is referenced.³⁹

Effect of Proposed Changes

Section 12 amends s. 627.714, F.S., to provide that the amount of loss assessment coverage that can be assessed against a unit owner is based upon the coverage limit for loss assessment that was in effect in the unit owner's policy one day before the date of an occurrence that resulted in a loss for which the unit owner is being assessed. Further, the bill establishes that the coverage in place at that time applies regardless of the date on which the condominium association assesses the unit owner.

³⁷ The Balance, *Loss Assessment Explained for Condo Insurance*, <https://www.thebalance.com/loss-assessment-explained-for-condo-insurance-4060435> (last visited Jan. 8, 2020).

³⁸ S. 627.714(1), F.S.

³⁹ S. 627.714(2), F.S.

Prepayment of Premium on Initial Policy Purchase and Cancellation of Motor Vehicle Insurance Policies (Section 13)

Present Situation

Florida law requires that a policy⁴⁰ of private passenger motor vehicle insurance or a binder⁴¹ for such a policy may be initially issued only if, before the effective date of such binder or policy, the insurer or agent has collected from the insured an amount equal to one month's premium.⁴² An insurer, agent, or premium finance company may not, directly or indirectly, take any action resulting in the insured having paid from the insured's own funds an amount less than the required one month premium. This applies without regard to whether the premium is financed by a premium finance company or is paid pursuant to a periodic payment plan of an insurer or an insurance agent. The statute also provides various circumstances where this would not apply including policy renewal, coverage to active duty or former military personnel, and payments by automatic payroll deduction or electronic funds transfer. The insurer may not cancel the policy during the first 60 days, unless the reason for the cancellation is the issuance of a check for the premium that is dishonored for any reason or any other type of premium payment that was subsequently determined to be rejected or invalid.⁴³

Prior to July 2019, insurers were required to collect two months of premium prior to issuing a private passenger motor vehicle policy. This was reduced to one month's premium by CS/CS/CS HB 301 (2019).⁴⁴ However, the cancellation limitation was not reduced at the same time. Now an insurer is only required to collect one month's premium, but cannot cancel the policy for 60 days.

Effect of Proposed Changes

Section 13 amends s. 627.7295, F.S., to reduce the limitation on insurer cancellation from 60 days to 30 days consistent with the 2019 law change that reduced the required collection of initial premium from 2 month's premium to one month's premium.

Travel Insurance (Sections 8 and 14 through 22)

Present Situation

The Florida Insurance Code⁴⁵ generally regulates travel insurance. OIR currently reviews policies relating to travel insurance, pursuant to s. 626.321 (1)(c), F.S. DFS is responsible for licensing of individuals and entities that sell travel insurance.⁴⁶

⁴⁰ Section 627.7295(1)(a), F.S., defines "policy" as a motor vehicle insurance policy that provides personal injury protection coverage, property damage liability coverage, or both.

⁴¹ Section 627.7295(1)(b), F.S., defines "binder" as a binder that provides motor vehicle personal injury protection and property damage liability coverage.

⁴² Section 627.7295(7), F.S.

⁴³ Section 627.7295(4), F.S.

⁴⁴ Chapter 2019-108, s. 16, L.O.F.

⁴⁵ The Florida Insurance Code in chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S. Section 624.01, F.S.

⁴⁶ Section 626.321, F.S. A travel insurance license is a limited license.

Travel Insurance Rates and Forms

Policies and certificates of travel insurance may provide coverage for risks incidental to travel, planned travel, or accommodations while traveling, including, but not limited to, accidental death and dismemberment of a traveler; trip or event cancellation, interruption, or delay; loss of or damage to personal effects or travel documents; damages to travel accommodations; baggage delay; emergency medical travel or evacuation of a traveler; or medical, surgical, and hospital expenses related to an illness or emergency of a traveler. Such policy or certificate may be issued for longer terms, but each policy or certificate must be limited to coverage for travel or use of accommodations of no longer than 90 days.⁴⁷

A group policy for travel insurance is exempt from filing rates and forms.⁴⁸ Currently, a travel insurance policy that is sold directly from an insurance company to a consumer is required to make annual rate filings.⁴⁹ Regardless of whether a travel insurance rate is required to be filed, it may not be excessive, inadequate, or unfairly discriminatory.⁵⁰

Travel Insurance Agent Licensing

A travel insurance agent or agency license may be issued to only:⁵¹

- A full-time salaried employee of a common carrier or a full-time salaried employee or owner of a transportation ticket agency and may authorize the sale of such ticket policies only in connection with the sale of transportation tickets, or to the full-time salaried employee of such an agent. No such policy shall be for a duration of more than 48 hours or for the duration of a specified one way trip or round trip.
- An individual that is:
 - The developer of a timeshare plan that is the subject of an approved public offering statement under ch. 721, F.S.;
 - A managing entity operating a timeshare plan approved under ch. 721, F.S.;
 - A seller of travel as defined in ch. 559, F.S.; or
 - A subsidiary or affiliate of any of the entities described above.
- The full-time salaried employee of a licensed general lines agent or to a business entity that offers motor vehicles for rent or lease if insurance sales activities authorized by the license are in connection with and incidental to the rental or lease of a motor vehicle.
 - A license issued to a business entity that offers motor vehicles for rent or lease encompasses each office, branch office, employee, and authorized representative located at a designated branch, or place of business making use of the entity's business name in order to offer, solicit, and sell insurance pursuant to this paragraph.

⁴⁷ Section 626.321(1)(c), F.S. A policy or certificate providing coverage for air ambulatory services only may exceed the 90 day limit on travel/accommodation (due to illness or injury, and unforeseeable length of time may pass before return home by air ambulance).

⁴⁸ Travel insurance is not subject to rate requirements listed in s. 627.062(2)(a), F.S., or s. 627.062(2)(f), F.S., as long as it is "issued as a master group policy with a situs in another state where each certificate holder pays less than \$30 in premiums for each covered trip and where the insurer has written less than \$1 million in annual written premiums in the travel insurance product in this state during the most recent calendar year." Section 627.062(3)(d)1.n., F.S.

⁴⁹ Each rating organization filing rates for, and each insurer writing, any line of property or casualty insurance is required to complete annual filings. Section 627.0645(1)(c), F.S.

⁵⁰ Section 627.062(1), F.S.

⁵¹ Section 626.321(1)(c), F.S.

- The application for licensure must list the name, address, and phone number for each office, branch office, or place of business that is to be covered by the license. The licensee shall notify the department of the name, address, and phone number of any new location that is to be covered by the license before the new office, branch office, or place of business engages in the sale of insurance pursuant to this paragraph. The licensee must notify the department within 30 days after closing or terminating an office, branch office, or place of business. Upon receipt of the notice, the department shall delete the office, branch office, or place of business from the license.
- A licensed and appointed entity is directly responsible and accountable for all acts of the licensee's employees.

The travel insurance agency license is only issued to the business entity. Each of its branches must be appointed by the insurers the agency and branch represents and the appointments must be filed with DFS. Appointments are subject to an original appointment filing fee and a renewal fee every 24 months.⁵²

Travel Insurance Model Act

In 2016, the National Conference of Insurance Legislators (NCOIL) began considering the adoption of a Travel Insurance Model Act. The final version of this Travel Insurance Model Act was approved on July 15, 2017.⁵³ NAIC used the NCOIL model act as a template to create a model of their own.⁵⁴ At least 42 states have implemented portions of the NAIC Model Act.⁵⁵

Unfair Insurance Trade Practices Act

The Unfair Insurance Trade Practices Act,⁵⁶ among other things, defines unfair methods of competition and unfair or deceptive acts in the business of insurance.⁵⁷ It provides an extensive list of prohibited methods and acts. Among these are prohibitions on misrepresenting the benefits, advantages, conditions, or terms or any insurance policy,⁵⁸ and certain inducements to the purchase of insurance, including the promise of “free” insurance.⁵⁹ The law also describes prohibited discrimination. There are also many exceptions to the prohibitions defined by law.

Among the exceptions is authorization for insurers and their agents to offer and make gifts of charitable contributions, merchandise, goods, wares, store gift cards, gift certificates, event tickets, anti-fraud or loss mitigation services, and other items up to \$100 per calendar year to an insured, prospective insured, or any person for the purpose of advertising.⁶⁰ There are several

⁵² Section 624.501(9), F.S. *See also* s. 626.381, F.S.

⁵³ National Conference of Insurance Legislators, *Travel Insurance Model Act* (July 15, 2017), <http://ncoil.org/wp-content/uploads/2017/07/travel-insurance-model-final.pdf> (last visited January 29, 2020).

⁵⁴ National Association of Insurance Commissioners, *Synopsis: The 2017 Spring National Meeting* (April 24, 2017), https://www.naic.org/documents/prod_serv_naic_state_syn_zs.pdf (last visited January 29, 2020).

⁵⁵ National Association of Insurance Commissioners, *Travel Insurance Model Act* (4th Quarter 2018), <https://www.naic.org/store/free/MDL-632.pdf> (last visited January 29, 2020).

⁵⁶ Chapter 626, F.S., pt. IX.

⁵⁷ Section 626.9541, F.S.

⁵⁸ Section 626.9541(1)(a), F.S.

⁵⁹ Section 626.9541(1)(n), F.S.

⁶⁰ Rule 69B-186.010, F.A.C., Unlawful Inducements Related to Title Insurance Transactions, governs inducements related to title insurance, but exempts gifts within the value limitation of s. 626.9541(1)(m), F.S. However, federal law prohibits any

similar limitations on advertising gifts under the Florida Insurance Code related to the advertising practices of title insurance agents, agencies and insurers, public adjusters, group and individual health benefit plans, and motor vehicle service agreement companies.⁶¹

Effect of Proposed Changes

Section 8 amends s. 626.321, F.S., to revise current travel insurance agent and agency licensing requirements.

Any person licensed in a major line of authority as an insurance producer, including a property and casualty insurance producer who is not appointed by an insurer, may transact travel insurance. A licensed “producer” is a licensed insurance agent.

The bill requires the DFS issue a travel insurance limited license to each limited lines travel insurance producer (travel insurance producer) that properly files an application with the DFS. The limited license authorizes the travel insurance producer to sell, solicit, or negotiate travel insurance through a licensed insurer. A travel insurance producer is defined in section 16 of the bill as:

- A licensed administrator or third-party administrator;
- A licensed insurance producer, including a limited lines producer; or
- A travel administrator.

The section also creates a registration requirement for travel retailers, which are business entities that make, arrange, or offer planned travel. Under the bill, a travel retailer may also offer and disseminate travel insurance to its customers on behalf of and under the license of a travel insurance producer. To do so, the travel retailer must be registered and appointed under a licensed limited lines travel insurance producer to transact travel insurance and the following requirements are met:

- The travel insurance producer or travel retailer provides to purchasers of travel insurance:
 - The material terms of the insurance coverage, or a description thereof;
 - A description of the process for filing a claim;
 - A description of the review or cancellation process for the insurance; and
 - The identity and contact information of the insurer and the limited lines travel insurance producer.
- The travel insurance producer must maintain a register of each travel retailer offering travel insurance on its behalf.
- The travel insurance producer must designate one employee responsible for compliance issues applicable to the licensee and the registered travel retailers appointed under the licensee.

fee, kickback or thing of value given for referral of real estate settlement services on mortgage loans related to federal programs. 12 U.S.C. s. 2607 (2017).

⁶¹ Public adjusters, their apprentices, and anyone acting on behalf of the public adjuster are prohibited from giving gifts of merchandise valued in excess of \$25 as an inducement to contract. Section 626.854(9), F.S. A group or individual health benefit plan may provide merchandise without limitation in value as part of an advertisement for voluntary wellness or health improvement programs. Section 626.9541(4)(a), F.S. Motor vehicle service agreement companies are prohibited from giving gifts of merchandise in excess of \$25 to agreement holders, prospective agreement holders, or others for the purpose of advertising. Section 634.282(17), F.S.

- The travel insurance producer has paid all applicable licensing fees.
- The travel insurance producer must provide for the training of all employees and appointees.

The travel insurance producer is responsible for the acts of the travel retailer and must use reasonable means to ensure compliance by the travel retailer with this section.

Travel retailers must make available to prospective purchasers written materials approved by the travel insurer that provide the contact information of the travel insurance producer, explain that the purchase of travel insurance is not necessary in order to purchase other products from the travel retailer, and explain the information that may be provided by the travel retailer. Travel retailer employees or authorized representatives who are not licensed as an insurance producer may not evaluate or interpret the terms of the travel insurance contract, evaluate or provide advice concerning the prospective purchaser's existing insurance coverage, or hold himself or herself out as an insurance expert. Properly registered travel retailers and their employees may receive compensation from the travel insurance producer.

Section 14 directs the Division of Law Revision to create ch. 647, F.S., encompassing ss. 647.01-647.08, F.S., to be entitled "Travel Insurance." Chapter 647, F.S., incorporates the substance of the NAIC's Travel Insurance Model Act (#635) into the Florida Insurance Code.

Section 15 creates s. 647.01, F.S., to provide a purpose statement that promotes the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in Florida. It defines the scope of the chapter as applicable to:

- Travel insurance that covers any resident of this state and that is sold, solicited, negotiated, or offered in this state; and
- Policies and certificates that are delivered or issued for delivery in Florida.

The bill does not apply to cancellation fee waivers or travel assistance services, except as expressly provided.

It specifies that all other applicable provisions of the insurance laws of this state continue to apply to travel insurance, except that the specific provisions of this chapter shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

Section 16 creates s. 647.02, F.S., defines the following terms used in the chapter:

- "Aggregator site" – a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.
- "Blanket travel insurance" – a policy of travel insurance issued to an eligible group providing coverage to all members of the eligible group without a separate charge to individual members of the eligible group.
- "Cancellation fee waiver" – a contractual agreement between a supplier of travel services and its customer to waive some or all of the nonrefundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.
- "Department" – the Department of Financial Services.

- “Eligible group” – for the purposes of travel insurance, means two or more persons who are engaged in a common enterprise or who have an economic, educational, or social affinity or relationship. The bill provides numerous examples of the types of groups included.
- “Fulfillment materials” – documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan’s coverage and assistance details.
- “Group travel insurance” – travel insurance issued to an eligible group.
- “Limited lines travel insurance producer” means:
 - A licensed or third-party administrator;
 - A licensed insurance producer, including a limited lines producer; or
 - A travel administrator.
- “Travel administrator” – a person who directly or indirectly underwrites policies for; collects charges, collateral, or premiums from; or adjusts or settles claims made by residents of this state in connection with travel insurance, except that a person is not considered a travel administrator if the person is:
 - A person working for a travel administrator, to the extent that the person’s activities are subject to the supervision and control of the travel administrator;
 - An insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer’s license;
 - A travel retailer, as defined s. 626.321(1)(c)2., offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with s. 626.321(1)(c);
 - A person adjusting or settling claims in the normal course of the person’s practice or employment as an attorney at law, without collecting charges or premiums in connection with insurance coverage; or
 - A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of the affiliated insurer.
- “Travel assistance services” – noninsurance services for which the consumer is not indemnified based on a fortuitous event, and the provision of which does not result in the transfer or shifting of risk which would constitute the business of insurance. Travel assistance services are not insurance and are not related to insurance.
- “Travel insurance” – insurance coverage for personal risks incidental to planned travel, including:
 - Interruption or cancellation of trip or event;
 - Loss of baggage or personal effects;
 - Damages to accommodations or rental vehicles;
 - Sickness, accident, disability, or death occurring during travel;
 - Emergency evacuation;
 - Repatriation of remains; or
 - Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as determined by the OIR.

The term does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting longer than six months, including major medical plans for those working or residing overseas as expatriates, or any other product that requires a specific insurance producer license.

- “Travel protection plan” – a plan that provides one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.

Section 17 creates s. 647.03, F.S., to require the travel insurer must pay a premium tax, as required under s. 624.509, F.S., on travel insurance premiums paid by the primary policyholder, certificateholder, or blanket travel insurance policyholder.⁶² The premium paid does not include amounts received for travel assistance services or cancellation waivers.

The bill provides that the premium tax is subject to any apportionment rules that apply to an insurer across multiple taxing jurisdictions or that authorize an insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

Section 18 creates s. 647.04, F.S., to allow the sale of travel protection plans for one price provided the plan provides to the consumer, at or before the time of purchase:

- Disclosure that the plan includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable and disclosure and opportunity for the consumer to obtain additional information regarding the features and pricing of each.
- Fulfillment materials describing each of its features and pricing of each constituent feature, all disclosure required by ch. 647, F.S., and the contact information for the persons providing travel assistance services and cancellation fee waivers.

Section 19 creates s. 647.05, F.S., to require that travel insurance documents provided to a consumer before purchase must be consistent with the travel insurance policy. Information on any preexisting condition exclusion must be provided before purchase.

Fulfillment materials, and mandatory disclosures under s. 626.321(1)(c)3.a., F.S., must be sent to the purchaser of a travel protection plan after purchase, confirming the purchase and outlining the details of the plan. Fulfillment materials must include whether the travel insurance is primary or secondary to other applicable coverage and whether the policy has preexisting condition exclusions.

A policyholder or certificate holder can cancel a policy or certificate for a full refund up to 15 days after date of delivery, if delivered by postal mail, and ten days after date of delivery, if delivered by means other than postal mail.

A person offering, soliciting, or negotiating travel insurance or protection plans may not do so using an opt-out option that requires a consumer to take an affirmative action when purchasing a trip.

Any person offering travel insurance is subject to the Unfair Insurance Trade Practices Act (UITPA),⁶³ unless otherwise specified. If a conflict arises between UITPA and this chapter, the provisions of this chapter will control. If a destination jurisdiction requires travel insurance

⁶² This does not appear to be a new tax. Travel insurance is already subject to premium tax under the Florida Insurance Code. This provision appears to be included to clarify the applicability of premium tax requirements to the newly created ch. 647, F.S.

⁶³ Chapter 626, Part IX, F.S.

coverage, it is not an unfair trade practice to require the consumer to purchase the required coverage through the travel retailer or the limited lines insurance producer supplying the trip or package, or to require that the consumer obtain and provide proof of coverage from another source, provided it meets the jurisdiction's requirements and is purchased prior to departure. It is not an unfair trade practice to market travel insurance directly to a consumer online, as long as the web page provides an accurate summary or short description of the coverage and the consumer has access to the full policy provisions through electronic means. Conversely, a person commits an unfair trade practice under UITPA if he or she offers or sells a policy that could never result in payment of any claims or markets blanket travel insurance coverage as free.

Section 20 creates s. 647.06, F.S., to allow a person to act or represent himself or herself as a travel administrator if he or she is a licensed and appointed property and casualty insurance producer in Florida, is appointed as a managing agent in Florida, or holds a valid third party administrator license. A travel administrator and its employees are exempt from the licensing requirements listed in ch. 626, part VI, F.S. An insurer has the responsibility of ensuring a travel administrator acts in accordance with this chapter and maintains books and records, which must be available to DFS upon request.

Section 21 creates s. 647.07, F.S., to classify travel insurance under the inland marine line of insurance for purposes of rates and forms. Coverage for sickness, accident, disability, or death or incidental limited property and casualty benefits, such as baggage or trip cancellation, during travel may be classified and filed under the accident and health or the inland marine line of insurance. Travel insurance may be in the form of an individual, group or blanket policy.

Travel insurance programs may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels.

Section 22 creates s. 647.08, F.S., which requires DFS to adopt rules to administer ch. 647, F.S.

Effective Date

Section 23 provides except as otherwise expressly provided in the bill and except for Section 23, which shall take effect upon this act becoming a law, the bill has an effective date of July 1, 2020.

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:

The bill does not appear to impose or raise a state tax or fee in violation of Article VII, section 19 of the Florida Constitution. Travel insurance is currently subject to premium tax under the Florida Insurance Code.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DFS and the OIR may have an indeterminate negative fiscal impact implementing the newly created ch. 647, F.S., entitled "Travel Insurance."

VI. Technical Deficiencies:

Lines 862 and 865 create two new violations of the Unfair Insurance Trade Practices Act in relation to travel insurance. It may avoid confusion if these provisions were amended into the Act at ch. 626, part IX, F.S., rather than stating them in a separate chapter of statute.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.30, 440.12, 440.20, 624.155, 624.307, 324.315, 624.422, 626.321, 627.062, 627.0651, 627.410, 627.714, and 627.7295.

This bill creates the following sections of the Florida Statutes: 647.01, 647.02, 647.03, 647.04, 647.05, 647.06, 647.07, and 647.08.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Infrastructure and Security on February 17, 2020:**

- Deletes the provisions of the bill that required the DHSMV to create an online verification system for motor vehicle insurance, and created a task force to assist, review, and report on the implementation of the system;
- Requires that an electronic signature used to satisfy the signature requirement for a salvage certificate of title must be executed using a system providing a Level 2 authentication level;
- Requires insurers to file with the DFS the name and email address of the person who will receive civil remedy notices;
- Amends the civil remedy notices statute of limitations when an appraisal is invoked from 60 days after it is invoked instead of 65 days after mailing of notice;
- Prohibits OIR from disseminating aggregated information if it contains trade secret information that can be individually extrapolated;
- Provides that when the OIR period for reviewing specified rates and forms end on a weekend or holiday, the period is extended until the conclusion of the next business day;
- Clarifies that the maximum amount that a condominium unit owner's assessment insurance coverage may be assessed is the loss assessment coverage limit in effect 1 day before the date of the occurrence that gave rise to the loss;
- Allows insurers to cancel auto policies for non-payment after 30 days, instead of the current 60 days;
- Allows for an electronic method of workers compensation payments to be used; and
- Establishes the National Association of Insurance Commissioners (NAIC) Model Act for travel insurance.

CS by Banking and Insurance on February 4, 2020:

- Retains the bill's provisions requiring the DHSMV to create a motor vehicle insurance online verification system, and requiring the creation of a task force to assist, review, and report on the implementation of the system.
- Amends s. 316.646, F.S., to require law enforcement officers, during a traffic stop or crash investigation, to access the motor vehicle insurance online verification system 18 months after its implementation.
- Authorizes the DHSMV to enter into use agreements with any public or private entity accessing the system to verify insurance coverage.
- Increases the period of time the insurers must maintain policyholder records in order to confirm coverage after the date of any verification request and response, from six months to three years.
- Increases the number of voting Motor Vehicle Insurance Online Verification Task Force members from nine to ten; adds one voting member who must be a member of local law enforcement, appointed by the executive director of the DHSMV.

- Eliminates the bill's provision requiring the Motor Vehicle Insurance Online Verification Task Force to issue a report to the DHSMV, President of the Senate, and Speaker of the House of Representatives no later than six months after the conclusion of the pilot program, evaluating the system's effectiveness in identifying uninsured motorists and making recommendations for system enhancements.
- Predicates the effectiveness of the bill on a specific appropriation.
- Deletes all other sections of the bill.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/19/2020	.	
	.	
	.	
	.	

The Committee on Infrastructure and Security (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Effective upon this act becoming a law, paragraph (d) of subsection (3) of section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(3)



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11 (d) An electronic signature that is consistent with chapter
12 668 satisfies any signature required under this subsection,
13 except that an electronic signature on an odometer disclosure
14 submitted through an insurance company must be executed using an
15 electronic signature, as defined in s. 668.003(4), which ~~that~~
16 uses a system providing an Identity Assurance Level,
17 Authenticator Assurance Level, and Federation Assurance Level,
18 as described in the National Institute of Standards and
19 Technology Special Publication 800-63-3, as of December 1, 2017,
20 which ~~that~~ are equivalent to or greater than:

21 ~~1. Level 2, for each level, for a certificate of~~
22 ~~destruction~~ or-

23 ~~2. Level 3, for each level, for a salvage certificate of~~
24 ~~title.~~

25 Section 2. Paragraph (a) of subsection (1) of section
26 440.12, Florida Statutes, is amended to read:

27 440.12 Time for commencement and limits on weekly rate of
28 compensation.—

29 (1) Compensation is not allowed for the first 7 days of the
30 disability, except for benefits provided under s. 440.13.
31 However, if the injury results in more than 21 days of
32 disability, compensation is allowed from the commencement of the
33 disability.

34 (a) All weekly compensation payments, except for the first
35 payment, must be paid by check or, if authorized by the
36 employee, paid on a prepaid card pursuant to paragraph (b), ~~or~~
37 deposited directly into the employee's account at a financial
38 institution as defined in s. 655.005, or transmitted to the
39 employee's account with a money transmitter licensed under part



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40 II of chapter 560.

41 Section 3. Paragraph (a) of subsection (1) and paragraph
42 (a) of subsection (6) of section 440.20, Florida Statutes, are
43 amended to read:

44 440.20 Time for payment of compensation and medical bills;
45 penalties for late payment.—

46 (1) (a) Unless the carrier denies compensability or
47 entitlement to benefits, the carrier shall pay compensation
48 directly to the employee as required by ss. 440.14, 440.15, and
49 440.16, in accordance with those sections. Upon receipt of the
50 employee's authorization as provided for in s. 440.12(1)(a), the
51 carrier's obligation to pay compensation directly to the
52 employee is satisfied when the carrier directly deposits, by
53 electronic transfer or other means, compensation into the
54 employee's account at a financial institution as defined in s.
55 655.005 or onto a prepaid card in accordance with s. 440.12(1)
56 or transmits the employee's compensation to the employee's
57 account with a money transmitter licensed under part II of
58 chapter 560. Compensation by direct deposit, ~~or~~ through the use
59 of a prepaid card, or through transmission is considered paid on
60 the date the funds become available for withdrawal by the
61 employee.

62 (6) (a) If any installment of compensation for death or
63 dependency benefits, or compensation for disability benefits
64 payable without an award is not paid within 7 days after it
65 becomes due, as provided in subsection (2), subsection (3), or
66 subsection (4), there shall be added to such unpaid installment
67 a penalty of an amount equal to 20 percent of the unpaid
68 installment, which shall be paid at the same time as, but in



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69 addition to, such installment of compensation. This penalty
70 shall not apply for late payments resulting from conditions over
71 which the employer or carrier had no control. When any
72 installment of compensation payable without an award has not
73 been paid within 7 days after it became due and the claimant
74 concludes the prosecution of the claim before a judge of
75 compensation claims without having specifically claimed
76 additional compensation in the nature of a penalty under this
77 section, the claimant will be deemed to have acknowledged that,
78 owing to conditions over which the employer or carrier had no
79 control, such installment could not be paid within the period
80 prescribed for payment and to have waived the right to claim
81 such penalty. However, during the course of a hearing, the judge
82 of compensation claims shall on her or his own motion raise the
83 question of whether such penalty should be awarded or excused.
84 The department may assess without a hearing the penalty against
85 either the employer or the carrier, depending upon who was at
86 fault in causing the delay. The insurance policy cannot provide
87 that this sum will be paid by the carrier if the department or
88 the judge of compensation claims determines that the penalty
89 should be paid by the employer rather than the carrier. Any
90 additional installment of compensation paid by the carrier
91 pursuant to this section shall be paid directly to the employee
92 by check or, if authorized by the employee, by direct deposit
93 into the employee's account at a financial institution or by
94 transmission to the employee's account with a money transmitter
95 licensed under part II of chapter 560.

96 Section 4. Subsection (3) of section 624.155, Florida
97 Statutes, is amended to read:



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98 624.155 Civil remedy.-

99 (3) (a) As a condition precedent to bringing an action under
100 this section, the department and the authorized insurer must
101 have been given 60 days' written notice of the violation. Notice
102 to the authorized insurer must be provided by the department to
103 the e-mail address designated by the insurer under s. 624.422.

104 (b) The notice shall be on a form provided by the
105 department and shall state with specificity the following
106 information, and such other information as the department may
107 require:

108 1. The statutory provision, including the specific language
109 of the statute, which the authorized insurer allegedly violated.

110 2. The facts and circumstances giving rise to the
111 violation.

112 3. The name of any individual involved in the violation.

113 4. Reference to specific policy language that is relevant
114 to the violation, if any. If the person bringing the civil
115 action is a third party claimant, she or he shall not be
116 required to reference the specific policy language if the
117 authorized insurer has not provided a copy of the policy to the
118 third party claimant pursuant to written request.

119 5. A statement that the notice is given in order to perfect
120 the right to pursue the civil remedy authorized by this section.

121 (c) No action shall lie if, within 60 days after the
122 insurer receives ~~filing~~ notice from the department in accordance
123 with this subsection, the damages are paid or the circumstances
124 giving rise to the violation are corrected.

125 (d) The authorized insurer that is the recipient of a
126 notice filed pursuant to this section shall report to the



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127 department on the disposition of the alleged violation.

128 (e) The applicable statute of limitations for an action
129 under this section shall be tolled for a period of:

130 1. Sixty ~~65~~ days after the insurer receives from the
131 department ~~by the mailing of~~ the notice required by this
132 subsection.

133 2. Sixty days after the date appraisal is invoked pursuant
134 to paragraph (f) ~~or the mailing of a subsequent notice required~~
135 by this subsection.

136 (f) A notice required under this subsection may not be
137 filed within 60 days after appraisal is invoked by any party in
138 a residential property insurance claim.

139 Section 5. Subsection (4) of section 624.307, Florida
140 Statutes, is amended to read:

141 624.307 General powers; duties.—

142 (4) The department and office may each collect, propose,
143 publish, and disseminate information relating to the subject
144 matter of any duties imposed upon it by law. Aggregate
145 information may include information asserted as trade secret
146 information unless the trade secret information can be
147 individually extrapolated, in which case the trade secret
148 information remains protected as provided under s. 624.4213.

149 Section 6. Subsection (4) is added to section 624.315,
150 Florida Statutes, to read:

151 624.315 Department; annual report.—

152 (4) When aggregate information includes information
153 asserted as trade secret information, the office may include the
154 trade secret information in the report required under subsection
155 (1) or may make the trade secret information available under



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156 subsection (2) unless the trade secret information can be
157 individually extrapolated, in which case the trade secret
158 information remains protected as provided under s. 624.4213.

159 Section 7. Subsection (2) of section 624.422, Florida
160 Statutes, is amended to read:

161 624.422 Service of process; appointment of Chief Financial
162 Officer as process agent.-

163 (2) Prior to its authorization to transact insurance in
164 this state, each insurer shall file with the department
165 designation of the name and address of the person to whom
166 process against it served upon the Chief Financial Officer is to
167 be forwarded. Each insurer shall also file with the department
168 designation of the name and e-mail address of the person to whom
169 the department shall forward civil remedy notices filed under
170 624.155. The insurer may change a ~~the~~ designation at any time by
171 a new filing.

172 Section 8. Paragraph (c) of subsection (1) of section
173 626.321, Florida Statutes, is amended to read:

174 626.321 Limited licenses and registration.-

175 (1) The department shall issue to a qualified applicant a
176 license as agent authorized to transact a limited class of
177 business in any of the following categories of limited lines
178 insurance:

179 (c) *Travel insurance*.-License covering only policies and
180 certificates of travel insurance which are subject to review by
181 the office. Policies and certificates of travel insurance may
182 provide coverage for travel insurance, as defined in s. 647.02
183 ~~risks incidental to travel, planned travel, or accommodations~~
184 ~~while traveling, including, but not limited to, accidental death~~



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185 ~~and dismemberment of a traveler; trip or event cancellation,~~
186 ~~interruption, or delay; loss of or damage to personal effects or~~
187 ~~travel documents; damages to travel accommodations; baggage~~
188 ~~delay; emergency medical travel or evacuation of a traveler; or~~
189 ~~medical, surgical, and hospital expenses related to an illness~~
190 ~~or emergency of a traveler. Such policy or certificate may be~~
191 ~~issued for terms longer than 90 days, but, other than a policy~~
192 ~~or certificate providing coverage for air ambulatory services~~
193 ~~only, each policy or certificate must be limited to coverage for~~
194 ~~travel or use of accommodations of no longer than 90 days. The~~
195 ~~license may be issued only to an individual or business entity~~
196 ~~that has filed with the department an application for a license~~
197 ~~in a form and manner prescribed by the department.~~

198 1. A limited lines travel insurance producer, as defined in
199 s. 647.02, shall be licensed to sell, solicit, or negotiate
200 travel insurance through a licensed insurer.

201 2. A person may not act as a limited lines travel insurance
202 producer or travel retailer unless properly licensed or
203 registered, respectively. As used in this paragraph, the term
204 "travel retailer" means a business entity that:

205 a. Makes, arranges, or offers planned travel.

206 b. May, under subparagraph 3., offer and disseminate travel
207 insurance as a service to its customers on behalf of and under
208 the direction of a limited lines travel insurance producer.

209 3. A travel retailer may offer and disseminate travel
210 insurance under a limited lines travel insurance producer
211 business entity license only if all of the following
212 requirements are met:

213 a. The limited lines travel insurance producer or travel



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214 retailer provides to purchasers of travel insurance:

215 (I) A description of the material terms or the actual
216 material terms of the insurance coverage.

217 (II) A description of the process for filing a claim.

218 (III) A description of the review or cancellation process
219 for the travel insurance policy.

220 (IV) The identity and contact information of the insurer
221 and limited lines travel insurance producer.

222 b. At the time of licensure, the limited lines travel
223 insurance producer establishes and maintains a register on the
224 department's website and appoints each travel retailer that
225 offers travel insurance on behalf of the limited lines travel
226 insurance producer. The limited lines travel insurance producer
227 must maintain and update the register, which must include the
228 travel retailer's federal tax identification number and the
229 name, address, and contact information of the travel retailer
230 and an officer or person who directs or controls the travel
231 retailer's operations. The limited lines travel insurance
232 producer shall submit the register to the department upon
233 reasonable request. The limited lines travel insurance producer
234 shall also certify that the travel retailer register complies
235 with 18 U.S.C. s. 1033. The grounds for the suspension and
236 revocation and the penalties applicable to resident insurance
237 producers under this section apply to the limited lines travel
238 insurance producers and travel retailers.

239 c. The limited lines travel insurance producer has
240 designated one of its employees as the designated responsible
241 producer. The designated responsible producer, who must be a
242 licensed insurance producer, is responsible for compliance with



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243 the travel insurance laws and regulations applicable to the
244 limited lines travel insurance producer and its registrants. The
245 designated responsible producer and the president, secretary,
246 treasurer, and any other officer or person who directs or
247 controls the limited lines travel insurance producer's insurance
248 operations must comply with the fingerprinting requirements
249 applicable to insurance producers in the resident state of the
250 limited lines travel insurance producer.

251 d. The limited lines travel insurance producer has paid all
252 applicable licensing and appointment fees, as set forth in
253 applicable general law.

254 e. The limited lines travel insurance producer requires
255 each employee and each authorized representative of the travel
256 retailer whose duties include offering and disseminating travel
257 insurance to receive a program of instruction or training, which
258 is subject, at the discretion of the department, to review and
259 approval. The training material must, at a minimum, contain
260 adequate instructions on the types of insurance offered, ethical
261 sales practices, and required disclosures to prospective
262 purchasers.

263
264 As used in this paragraph, the term "offer and disseminate"
265 means to provide general information, including a description of
266 the coverage and price, as well as processing the application
267 and collecting premiums.

268 4. A travel retailer offering or disseminating travel
269 insurance shall make available to prospective purchasers
270 brochures or other written materials that have been approved by
271 the travel insurer. Such materials must include information



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272 that, at a minimum:

273 a. Provides the identity and contact information of the
274 insurer and the limited lines travel insurance producer.

275 b. Explains that the purchase of travel insurance is not
276 required in order to purchase any other product or service from
277 the travel retailer.

278 c. Explains that a travel retailer is authorized to provide
279 only general information about the insurance offered by the
280 travel retailer, including a description of the coverage and
281 price, but is not qualified or authorized to answer technical
282 questions about the terms and conditions of the insurance
283 offered by the travel retailer or to evaluate the adequacy of
284 the customer's existing insurance coverage.

285 5. A travel retailer employee or authorized representative
286 who is not licensed as an insurance producer may not:

287 a. Evaluate or interpret the technical terms, benefits, and
288 conditions of the offered travel insurance coverage;

289 b. Evaluate or provide advice concerning a prospective
290 purchaser's existing insurance coverage; or

291 c. Hold himself or herself or the travel retailer out as a
292 licensed insurer, licensed producer, or insurance expert.

293
294 Notwithstanding any other law, a travel retailer whose
295 insurance-related activities, and those of its employees and
296 authorized representatives, are limited to offering and
297 disseminating travel insurance on behalf of and under the
298 direction of a limited lines travel insurance producer meeting
299 the conditions in this section may receive related compensation
300 upon registration by the limited lines travel insurance producer



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301 as described in paragraph (2) (b) .

302 6. As the insurer's designee, the limited lines travel
303 insurance producer is responsible for the acts of the travel
304 retailer and shall use reasonable means to ensure compliance by
305 the travel retailer with this section.

306 7. Any person licensed as a general or personal lines agent
307 may sell, solicit, and negotiate travel insurance.†

308 ~~1. To a full-time salaried employee of a common carrier or~~
309 ~~a full-time salaried employee or owner of a transportation~~
310 ~~ticket agency and may authorize the sale of such ticket policies~~
311 ~~only in connection with the sale of transportation tickets, or~~
312 ~~to the full-time salaried employee of such an agent. Such policy~~
313 ~~may not be for more than 48 hours or more than the duration of a~~
314 ~~specified one-way trip or round trip.~~

315 ~~2. To an entity or individual that is:~~

316 ~~a. The developer of a timeshare plan that is the subject of~~
317 ~~an approved public offering statement under chapter 721;~~

318 ~~b. An exchange company operating an exchange program~~
319 ~~approved under chapter 721;~~

320 ~~c. A managing entity operating a timeshare plan approved~~
321 ~~under chapter 721;~~

322 ~~d. A seller of travel as defined in chapter 559; or~~

323 ~~e. A subsidiary or affiliate of any of the entities~~
324 ~~described in sub-subparagraphs a.-d.~~

325 ~~3. To a full-time salaried employee of a licensed general~~
326 ~~lines agent or a business entity that offers travel planning~~
327 ~~services if insurance sales activities authorized by the license~~
328 ~~are in connection with, and incidental to, travel.~~

329 ~~a. A license issued to a business entity that offers travel~~



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330 ~~planning services must encompass each office, branch office, or~~
331 ~~place of business making use of the entity's business name in~~
332 ~~order to offer, solicit, and sell insurance pursuant to this~~
333 ~~paragraph.~~

334 ~~b. The application for licensure must list the name,~~
335 ~~address, and phone number for each office, branch office, or~~
336 ~~place of business that is to be covered by the license. The~~
337 ~~licensee shall notify the department of the name, address, and~~
338 ~~phone number of any new location that is to be covered by the~~
339 ~~license before the new office, branch office, or place of~~
340 ~~business engages in the sale of insurance pursuant to this~~
341 ~~paragraph. The licensee shall notify the department within 30~~
342 ~~days after the closing or terminating of an office, branch~~
343 ~~office, or place of business. Upon receipt of the notice, the~~
344 ~~department shall delete the office, branch office, or place of~~
345 ~~business from the license.~~

346 ~~e. A licensed and appointed entity is directly responsible~~
347 ~~and accountable for all acts of the licensee's employees and~~
348 ~~parties with whom the licensee has entered into a contractual~~
349 ~~agreement to offer travel insurance.~~

350
351 ~~A licensee shall require each individual who offers policies or~~
352 ~~certificates under subparagraph 2. or subparagraph 3. to receive~~
353 ~~initial training from a general lines agent or an insurer~~
354 ~~authorized under chapter 624 to transact insurance within this~~
355 ~~state. For an entity applying for a license as a travel~~
356 ~~insurance agent, the fingerprinting requirement of this section~~
357 ~~applies only to the president, secretary, and treasurer and to~~
358 ~~any other officer or person who directs or controls the travel~~



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359 ~~insurance operations of the entity.~~

360 Section 9. Paragraph (a) of subsection (2) of section
361 627.062, Florida Statutes, is amended to read:

362 627.062 Rate standards.—

363 (2) As to all such classes of insurance:

364 (a) Insurers or rating organizations shall establish and
365 use rates, rating schedules, or rating manuals that allow the
366 insurer a reasonable rate of return on the classes of insurance
367 written in this state. A copy of rates, rating schedules, rating
368 manuals, premium credits or discount schedules, and surcharge
369 schedules, and changes thereto, must be filed with the office
370 under one of the following procedures:

371 1. If the filing is made at least 90 days before the
372 proposed effective date and is not implemented during the
373 office's review of the filing and any proceeding and judicial
374 review, such filing is considered a "file and use" filing. In
375 such case, the office shall finalize its review by issuance of a
376 notice of intent to approve or a notice of intent to disapprove
377 within 90 days after receipt of the filing. If the 90-day period
378 ends on a weekend or a holiday under s. 110.117(1)(a)-(i), it
379 must be extended until the conclusion of the next business day.

380 The notice of intent to approve and the notice of intent to
381 disapprove constitute agency action for purposes of the
382 Administrative Procedure Act. Requests for supporting
383 information, requests for mathematical or mechanical
384 corrections, or notification to the insurer by the office of its
385 preliminary findings does not toll the 90-day period during any
386 such proceedings and subsequent judicial review. The rate shall
387 be deemed approved if the office does not issue a notice of



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388 intent to approve or a notice of intent to disapprove within 90
389 days after receipt of the filing.

390 2. If the filing is not made in accordance with
391 subparagraph 1., such filing must be made as soon as
392 practicable, but within 30 days after the effective date, and is
393 considered a "use and file" filing. An insurer making a "use and
394 file" filing is potentially subject to an order by the office to
395 return to policyholders those portions of rates found to be
396 excessive, as provided in paragraph (h).

397 3. For all property insurance filings made or submitted
398 after January 25, 2007, but before May 1, 2012, an insurer
399 seeking a rate that is greater than the rate most recently
400 approved by the office shall make a "file and use" filing. For
401 purposes of this subparagraph, motor vehicle collision and
402 comprehensive coverages are not considered property coverages.

403
404 The provisions of this subsection do not apply to workers'
405 compensation, employer's liability insurance, and motor vehicle
406 insurance.

407 Section 10. Paragraph (a) of subsection (1) of section
408 627.0651, Florida Statutes, is amended to read:

409 627.0651 Making and use of rates for motor vehicle
410 insurance.—

411 (1) Insurers shall establish and use rates, rating
412 schedules, or rating manuals to allow the insurer a reasonable
413 rate of return on motor vehicle insurance written in this state.
414 A copy of rates, rating schedules, and rating manuals, and
415 changes therein, shall be filed with the office under one of the
416 following procedures:



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417 (a) If the filing is made at least 60 days before the
418 proposed effective date and the filing is not implemented during
419 the office's review of the filing and any proceeding and
420 judicial review, such filing shall be considered a "file and
421 use" filing. In such case, the office shall initiate proceedings
422 to disapprove the rate and so notify the insurer or shall
423 finalize its review within 60 days after receipt of the filing.
424 If the 60-day period ends on a weekend or a holiday under s.
425 110.117(1)(a)-(i), it must be extended until the conclusion of
426 the next business day. Notification to the insurer by the office
427 of its preliminary findings shall toll the 60-day period during
428 any such proceedings and subsequent judicial review. The rate
429 shall be deemed approved if the office does not issue notice to
430 the insurer of its preliminary findings within 60 days after the
431 filing.

432 Section 11. Subsection (2) of section 627.410, Florida
433 Statutes, is amended to read:

434 627.410 Filing, approval of forms.—

435 (2) Every such filing must be made at least 30 days in
436 advance of any such use or delivery. At the expiration of the 30
437 days, the form filed will be deemed approved unless prior
438 thereto it has been affirmatively approved or disapproved by
439 order of the office. The approval of such form by the office
440 constitutes a waiver of any unexpired portion of such waiting
441 period. The office may extend the period within which it may
442 affirmatively approve or disapprove such form by up to 15 days
443 by giving notice of such extension before expiration of the
444 initial 30-day period. If the initial 30-day period or the 15-
445 day extension period ends on a weekend or a holiday under s.



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446 110.117(1)(a)-(i), the review period must be extended until the
447 conclusion of the next business day. At the expiration of such
448 extended period, and in the absence of prior affirmative
449 approval or disapproval, such form shall be deemed approved.

450 Section 12. Subsection (2) of section 627.714, Florida
451 Statutes, is amended to read:

452 627.714 Residential condominium unit owner coverage; loss
453 assessment coverage required.—

454 (2) The maximum amount of any unit owner's loss assessment
455 coverage that can be assessed for any loss shall be an amount
456 equal to that unit owner's loss assessment coverage limit in
457 effect 1 day before the date of the occurrence that gave rise to
458 the loss. Such coverage is applicable to any loss assessment
459 regardless of the date of the assessment by the association. Any
460 changes to the limits of a unit owner's coverage for loss
461 assessments made on or after the day before the date of the
462 occurrence are not applicable to such loss.

463 Section 13. Subsection (4) of section 627.7295, Florida
464 Statutes, is amended to read:

465 627.7295 Motor vehicle insurance contracts.—

466 (4) The insurer may cancel the policy in accordance with
467 this code except that, notwithstanding s. 627.728, an insurer
468 may not cancel a new policy or binder during the first 30 ~~60~~
469 days immediately following the effective date of the policy or
470 binder for nonpayment of premium unless the reason for the
471 cancellation is the issuance of a check for the premium that is
472 dishonored for any reason or any other type of premium payment
473 that was subsequently determined to be rejected or invalid.

474 Section 14. The Division of Law Revision is directed to



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475 create chapter 647, Florida Statutes, consisting of ss. 647.01-
476 647.08, Florida Statutes, to be entitled "Travel Insurance."

477 Section 15. Section 647.01, Florida Statutes, is created to
478 read:

479 647.01 Purpose and scope.-

480 (1) The purpose of this chapter is to promote the public
481 welfare by creating a comprehensive legal framework within which
482 travel insurance may be sold in this state.

483 (2) This chapter applies to:

484 (a) Travel insurance that covers any resident of this state
485 and that is sold, solicited, negotiated, or offered in this
486 state.

487 (b) Policies and certificates that are delivered or issued
488 for delivery in this state.

489
490 This chapter does not apply to cancellation fee waivers or
491 travel assistance services, except as expressly provided in this
492 chapter.

493 (3) All other applicable provisions of the insurance laws
494 of this state continue to apply to travel insurance, except that
495 the specific provisions of this chapter shall supersede any
496 general provisions of law that would otherwise be applicable to
497 travel insurance.

498 Section 16. Section 647.02, Florida Statutes, is created to
499 read:

500 647.02 Definitions.-As used in this chapter, the term:

501 (1) "Aggregator site" means a website that provides access
502 to information regarding insurance products from more than one
503 insurer, including product and insurer information, for use in



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504 comparison shopping.

505 (2) "Blanket travel insurance" means a policy of travel
506 insurance issued to an eligible group providing coverage to all
507 members of the eligible group without a separate charge to
508 individual members of the eligible group.

509 (3) "Cancellation fee waiver" means a contractual agreement
510 between a supplier of travel services and its customer to waive
511 some or all of the nonrefundable cancellation fee provisions of
512 the supplier's underlying travel contract with or without regard
513 to the reason for the cancellation or form of reimbursement. A
514 cancellation fee waiver is not insurance.

515 (4) "Department" means the Department of Financial
516 Services.

517 (5) "Eligible group," solely for the purposes of travel
518 insurance, means two or more persons who are engaged in a common
519 enterprise or who have an economic, educational, or social
520 affinity or relationship, including, but not limited to, any of
521 the following:

522 (a) An entity engaged in the business of providing travel
523 or travel services, including, but not limited to:

524 1. A tour operator, lodging provider, vacation property
525 owner, hotel, resort, travel club, travel agency, property
526 manager, and cultural exchange program.

527 2. An operator, owner, or lessor of a means of
528 transportation of passengers, including, but not limited to, a
529 common carrier, airline, cruise line, railroad, steamship
530 company, and public bus carrier.

531
532 With regard to any particular travel or type of travel or



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533 travelers, all members or customers of the group must have a
534 common exposure to risk attendant to such travel.

535 (b) A university, college, school, or other institution of
536 learning, covering students, teachers, employees, or volunteers.

537 (c) An employer covering any group of employees,
538 volunteers, contractors, board of directors, dependents, or
539 guests.

540 (d) A sports team or camp, or a sponsor thereof, covering
541 participants, members, campers, employees, officials,
542 supervisors, or volunteers.

543 (e) A religious, charitable, recreational, educational, or
544 civic organization, or a branch thereof, covering any group of
545 members, participants, or volunteers.

546 (f) A financial institution or financial institution
547 vendor, or a parent holding company, trustee, or agent of or
548 designated by one or more financial institutions or financial
549 institution vendors, including account holders, credit card
550 holders, debtors, guarantors, or purchasers.

551 (g) An incorporated or unincorporated association,
552 including a labor union, having a common interest and
553 constitution and bylaws, which is organized and maintained in
554 good faith for purposes other than obtaining insurance coverage
555 for its members or participants.

556 (h) A trust or the trustees of a fund that covers its
557 members, employees, or customers and is established, created, or
558 maintained for the benefit of its members, employees, or
559 customers, subject to:

- 560 1. The department's authorizing the use of a trust.
561 2. The premium tax provisions in s. 647.03 applicable to



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562 incorporated or unincorporated associations that have a common
563 interest and constitution and bylaws and that are organized and
564 maintained in good faith for purposes other than obtaining
565 insurance coverage for their members, employees, or customers.

566 (i) An entertainment production company covering any group
567 of participants, volunteers, audience members, contestants, or
568 workers.

569 (j) A volunteer fire department, ambulance, rescue, police,
570 court, first-aid, civil defense, or other such volunteer group.

571 (k) A preschool, daycare institution for children or
572 adults, or senior citizen club.

573 (l) An automobile or truck rental or leasing company
574 covering a group of individuals who may become renters, lessees,
575 or passengers as defined by their travel status on the rented or
576 leased vehicles. The common carrier, the operator, owner, or
577 lessor of a means of transportation, or the motor vehicle or
578 truck rental or leasing company is the policyholder under a
579 policy to which this section applies.

580 (m) Any other group for which the department has made the
581 following determinations:

582 1. The group members are engaged in a common enterprise or
583 have an economic, educational, or social affinity or
584 relationship.

585 2. Issuance of the travel insurance policy is not contrary
586 to the public interest.

587 (6) "Fulfillment materials" means documentation sent to the
588 purchaser of a travel protection plan confirming the purchase
589 and providing the travel protection plan's coverage and
590 assistance details.



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591 (7) "Group travel insurance" means travel insurance issued
592 to an eligible group.

593 (8) "Limited lines travel insurance producer" means:

594 (a) A licensed or third-party administrator;

595 (b) A licensed insurance producer, including a limited
596 lines producer; or

597 (c) A travel administrator.

598 (9) "Travel administrator" means a person who directly or
599 indirectly underwrites policies for; collects charges,
600 collateral, or premiums from; or adjusts or settles claims made
601 by residents of this state in connection with travel insurance,
602 except that a person is not considered a travel administrator if
603 the person is:

604 (a) A person working for a travel administrator, to the
605 extent that the person's activities are subject to the
606 supervision and control of the travel administrator;

607 (b) An insurance producer selling insurance or engaged in
608 administrative and claims-related activities within the scope of
609 the producer's license;

610 (c) A travel retailer, as defined s. 626.321(1)(c)2.,
611 offering and disseminating travel insurance and registered under
612 the license of a limited lines travel insurance producer in
613 accordance with s. 626.321(1)(c);

614 (d) A person adjusting or settling claims in the normal
615 course of the person's practice or employment as an attorney at
616 law, without collecting charges or premiums in connection with
617 insurance coverage; or

618 (e) A business entity that is affiliated with a licensed
619 insurer while acting as a travel administrator for the direct



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620 and assumed insurance business of the affiliated insurer.

621 (10) "Travel assistance services" means noninsurance
622 services for which the consumer is not indemnified based on a
623 fortuitous event, and the provision of which does not result in
624 the transfer or shifting of risk which would constitute the
625 business of insurance. The term includes, but is not limited to,
626 security advisories, destination information, vaccination and
627 immunization information services, travel reservation services,
628 entertainment, activity and event planning, translation
629 assistance, emergency messaging, international legal and medical
630 referrals, medical case monitoring, coordination of
631 transportation arrangements, emergency cash transfer assistance,
632 medical prescription replacement assistance, passport and travel
633 document replacement assistance, lost luggage assistance,
634 concierge services, and any other service that is furnished in
635 connection with planned travel. Travel assistance services are
636 not insurance and are not related to insurance.

637 (11) "Travel insurance" means insurance coverage for
638 personal risks incidental to planned travel, including:
639 (a) Interruption or cancellation of trip or event;
640 (b) Loss of baggage or personal effects;
641 (c) Damages to accommodations or rental vehicles;
642 (d) Sickness, accident, disability, or death occurring
643 during travel;
644 (e) Emergency evacuation;
645 (f) Repatriation of remains; or
646 (g) Any other contractual obligations to indemnify or pay a
647 specified amount to the traveler upon determinable contingencies
648 related to travel, as determined by the office.



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649
650 The term does not include major medical plans that provide
651 comprehensive medical protection for travelers with trips
652 lasting longer than 6 months, including major medical plans for
653 those working or residing overseas as expatriates, or any other
654 product that requires a specific insurance producer license.

655 (12) "Travel protection plan" means a plan that provides
656 one or more of the following: travel insurance, travel
657 assistance services, and cancellation fee waivers.

658 Section 17. Section 647.03, Florida Statutes, is created to
659 read:

660 647.03 Premium tax.—

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

662 (a) "Primary certificateholder" means an individual who
663 purchases travel insurance under a group policy.

664 (b) "Primary policyholder" means an individual who
665 purchases individual travel insurance.

666 (2) A travel insurer shall pay the premium tax, as required
667 under s. 624.509, on travel insurance premiums paid by any of
668 the following:

669 (a) A primary policyholder who is a resident of this state.

670 (b) A primary certificateholder who is a resident of this
671 state.

672 (c) A blanket travel insurance policyholder:

673 1. Who is a resident in this state;

674 2. Who has his or her principal place of business in this
675 state; or

676 3. Whose affiliate or subsidiary who has purchased blanket
677 travel insurance for eligible blanket group members has his or



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678 her principal place of business in this state.

679

680 The premium tax under this subsection is subject to any
681 apportionment rules that apply to an insurer across multiple
682 taxing jurisdictions or that authorize an insurer to allocate
683 premium on an apportioned basis in a reasonable and equitable
684 manner in those jurisdictions.

685 (3) A travel insurer shall:

686 (a) Document the state of residence or principal place of
687 business of the policyholder or certificateholder, or an
688 affiliate or subsidiary thereof, as required under subsection
689 (2).

690 (b) Report as premium only the amount allocable to travel
691 insurance and not any amounts received for travel assistance
692 services or cancellation fee waivers.

693 Section 18. Section 647.04, Florida Statutes, is created to
694 read:

695 647.04 Travel protection plans.—A travel protection plan
696 may be offered for one price for the combined features that the
697 travel protection plan offers in this state if the travel
698 protection plan meets all of the following requirements:

699 (1) The travel protection plan clearly discloses to the
700 consumer, at or before the time of purchase, that it includes
701 travel insurance, travel assistance services, and cancellation
702 fee waivers, as applicable, and provides information and an
703 opportunity, at or before the time of purchase, for the consumer
704 to obtain additional information regarding the features and
705 pricing of each.

706 (2) The fulfillment materials:



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707 (a) Describe and delineate the travel insurance, travel
708 assistance services, and cancellation fee waivers in the travel
709 protection plan.

710 (b) Include the travel insurance disclosures required in
711 this chapter, the contact information for persons providing
712 travel assistance services, and cancellation fee waivers, as
713 applicable.

714 Section 19. Section 647.05, Florida Statutes, is created to
715 read:

716 647.05 Sales practices.—

717 (1) (a) All documents provided to a consumer before the
718 purchase of travel insurance, including, but not limited to,
719 sales materials, advertising materials, and marketing materials,
720 must be consistent with the travel insurance policy, including,
721 but not limited to, forms, endorsements, policies, rate filings,
722 and certificates of insurance.

723 (b) For travel insurance policies or certificates that
724 contain preexisting condition exclusions, information and an
725 opportunity to learn more about the preexisting condition
726 exclusions must be provided any time before the purchase.
727 Information on the exclusions and the opportunity to learn more
728 about these exclusions must be included in the coverage's
729 fulfillment materials.

730 (c) The fulfillment materials and the information described
731 in s. 626.321(1)(c)3.a. must be provided to a policyholder or
732 certificateholder as soon as practicable after the purchase of a
733 travel protection plan. Unless the insured has started a covered
734 trip or filed a claim under the travel insurance coverage, the
735 policyholder or certificateholder may cancel a policy or



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736 certificate for a full refund of the travel protection plan
737 price from the date of purchase of a travel protection plan
738 until at least:

739 1. Fifteen days after the date of delivery of the travel
740 protection plan's fulfillment materials by postal mail; or

741 2. Ten days after the date of delivery of the travel
742 protection plan's fulfillment materials by means other than
743 postal mail.

744
745 For the purposes of this paragraph, the term "delivery" means
746 handing fulfillment materials to the policyholder or
747 certificateholder or sending fulfillment materials by postal
748 mail or electronic means to the policyholder or
749 certificateholder.

750 (d) An insurer shall disclose in the policy documentation
751 and fulfillment materials whether the travel insurance is
752 primary or secondary to other applicable coverage.

753 (e) If travel insurance is marketed directly to a consumer
754 through an insurer's website or by others through an aggregator
755 site, it is not an unfair trade practice or other violation of
756 law if the following requirements are met:

757 1. The web page provides an accurate summary or short
758 description of the coverage.

759 2. The consumer has access to the full provisions of the
760 policy through electronic means.

761 (2) A person offering, soliciting, or negotiating travel
762 insurance or travel protection plans on an individual or group
763 basis may not do so by using a negative or opt-out option that
764 would require a consumer to take an affirmative action to



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765 deselect coverage, such as unchecking a box on an electronic
766 form, when the consumer purchases a trip.

767 (3) If a consumer's destination jurisdiction requires
768 insurance coverage, it is not an unfair trade practice to
769 require that the consumer choose between the following options
770 as a condition of purchasing a trip or travel package:

771 (a) Purchasing the coverage required by the destination
772 jurisdiction through the travel retailer, as defined s.
773 626.321(1)(c)2., or limited lines travel insurance producer
774 supplying the trip or travel package; or

775 (b) Agreeing to obtain and provide proof of coverage that
776 meets the destination jurisdiction's requirements before
777 departure.

778 (4) (a) A person offering travel insurance to residents of
779 this state is subject to part IX of chapter 626, the Unfair
780 Insurance Trade Practices Act, except as otherwise provided in
781 this chapter. If a conflict arises between this chapter and the
782 Unfair Insurance Trade Practices Act regarding the sale and
783 marketing of travel insurance and travel protection plans, the
784 provisions of this chapter shall control.

785 (b) A person commits an unfair insurance trade practice
786 under the Unfair Insurance Trade Practices Act if the person:

787 1. Offers or sells a travel insurance policy that could
788 never result in payment of any claims for any insured under the
789 policy; or

790 2. Markets blanket travel insurance coverage as free.

791 Section 20. Section 647.06, Florida Statutes, is created to
792 read:

793 647.06 Travel administrators.—



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794 (1) Notwithstanding any other provision of the Florida
795 Insurance Code, a person may not act or represent himself or
796 herself as a travel administrator in this state unless the
797 person:

798 (a) Is a licensed and appointed property and casualty
799 insurance producer in this state for activities authorized under
800 that producer license;

801 (b) Is a licensed insurance agency, appointed as a managing
802 general agent in this state; or

803 (c) Holds a valid third-party administrator license in this
804 state.

805 (2) A travel administrator and its employees are exempt
806 from the licensing requirements of part VI of chapter 626 for
807 the travel insurance it administers.

808 (3) An insurer is responsible for ensuring that a travel
809 administrator administering travel insurance underwritten by the
810 insurer:

811 (a) Acts in accordance with this chapter.

812 (b) Maintains all books and records that are relevant to
813 the insurer and makes these books and records available to the
814 department upon request.

815 Section 21. Section 647.07, Florida Statutes, is created to
816 read:

817 647.07 Travel insurance policy.-

818 (1) Notwithstanding any other provision of the Florida
819 Insurance Code, travel insurance shall be classified and filed
820 for purposes of rates and forms under the inland marine line of
821 insurance; however, travel insurance that provides coverage for
822 sickness, accident, disability, or death occurring during



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823 travel, either exclusively or in conjunction with related
824 coverages of emergency evacuation or repatriation of remains, or
825 incidental limited property and casualty benefits, such as
826 baggage or trip cancellation, may be classified and filed for
827 purposes of rates and forms under either the accident and health
828 line of insurance or the inland marine line of insurance.

829 (2) Travel insurance may be in the form of an individual,
830 group, or blanket policy. Group or blanket policies are
831 classified as commercial inland marine insurance under s.
832 627.021(2) (d). Travel insurance policies not issued to a
833 commercial entity and primarily used for personal, family, or
834 household purposes are considered personal inland marine
835 insurance and shall not be subject to s. 627.062. Sections of
836 policies or endorsements for travel insurance which are
837 considered personal inland marine insurance consisting of travel
838 assistance services or cancellation fee waivers are not subject
839 to s. 627.410.

840 (3) Travel insurance programs may be developed and provided
841 based on travel protection plans designed for individual or
842 identified marketing or distribution channels.

843 Section 22. Section 647.08, Florida Statutes, is created to
844 read:

845 647.08 Rulemaking authority.—The department shall adopt
846 rules to administer this chapter.

847 Section 23. Except as otherwise expressly provided in this
848 act and except for this section, which shall take effect upon
849 this act becoming a law, this act shall take effect July 1,
850 2020.

851



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

853 And the title is amended as follows:

854 Delete everything before the enacting clause

855 and insert:

856 A bill to be entitled

857 An act relating to insurance administration; amending
858 s. 319.30, F.S.; revising a certain electronic
859 signature requirement for a motor vehicle salvage
860 certificate of title; amending ss. 440.12 and 440.20,
861 F.S.; authorizing the payment of certain workers'
862 compensation benefits to be transmitted to the
863 employee's account with a licensed money transmitter;
864 amending s. 624.155, F.S.; revising requirements and
865 procedures for the civil remedy notice provided to
866 insurers and the Department of Financial Services;
867 revising the timeframe for an insurer to pay damages
868 or for certain circumstances to be corrected; revising
869 circumstances that toll the applicable statute of
870 limitations and the period the statute of limitations
871 is tolled; amending ss. 624.307 and 624.315, F.S.;
872 providing that certain aggregate information
873 containing trade secret information may be publicly
874 disclosed by the department or the Office of Insurance
875 Regulation, except under certain circumstances;
876 amending s. 624.422, F.S., requiring insurers to file
877 with the department certain contact information for
878 service of process; amending s. 626.321, F.S.;
879 providing that certain travel insurance licenses are
880 subject to review by the department rather than by the



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881 office; revising persons who may be licensed to
882 transact in travel insurance; specifying licensure and
883 registration requirements for certain persons;
884 defining the term "travel retailer"; specifying
885 requirements for, restrictions on, and authorized acts
886 by travel retailers and limited lines travel insurance
887 producers; defining the term "offer and disseminate";
888 authorizing certain persons to sell, solicit, and
889 negotiate travel insurance; amending ss. 627.062,
890 627.0651, and 627.410, F.S.; specifying that certain
891 periods ending on a weekend or on certain holidays are
892 extended until the conclusion of the next business
893 day; amending s. 627.714, F.S.; revising criteria for
894 assessing a residential condominium unit owner's loss
895 assessment coverage; amending s. 627.7295, F.S.;;
896 decreasing the timeframe during which an insurer may
897 not cancel a new policy or binder of motor vehicle
898 insurance for nonpayment of premium, except under
899 certain circumstances; creating ch. 647, F.S.,
900 entitled "Travel Insurance"; creating s. 647.01, F.S.;;
901 providing legislative purpose; providing
902 applicability; creating s. 647.02, F.S.; defining
903 terms; creating s. 647.03, F.S.; defining the terms
904 "primary certificateholder" and "primary
905 policyholder"; requiring travel insurers to pay the
906 insurance premium tax on specified travel insurance
907 premiums; providing construction; specifying
908 requirements for travel insurers; creating s. 647.04,
909 F.S.; providing that a travel protection plan may be



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910 offered for one price if it meets specified
911 requirements; creating s. 647.05, F.S.; specifying
912 sales practice requirements, prohibited sales
913 practices, and authorized sales practices relating to
914 travel insurance; specifying a policyholder or
915 certificateholder's right to cancel a travel
916 protection plan for a full refund; defining the term
917 "delivery"; specifying unfair insurance trade
918 practices; providing construction; creating s. 647.06,
919 F.S.; specifying qualifications for travel
920 administrators; providing an exemption from certain
921 licensure; providing that insurers are responsible for
922 ensuring certain acts by travel administrators;
923 creating s. 647.07, F.S.; specifying the
924 classification for travel insurance for rate filing
925 purposes; specifying authorized forms of travel
926 insurance; providing applicability of certain
927 provisions of the Rating Law; authorizing the
928 development and provision of travel insurance programs
929 on certain bases; creating s. 647.08, F.S.; requiring
930 the department to adopt rules; providing effective
931 dates.

By the Committee on Banking and Insurance; and Senator Perry

597-03126-20

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1 A bill to be entitled
 2 An act relating to insurance; amending s. 316.646,
 3 F.S.; requiring law enforcement officers, after a
 4 certain timeframe and under certain circumstances, to
 5 access information from the motor vehicle insurance
 6 online verification system for certain purposes;
 7 amending s. 320.02, F.S.; authorizing the use of the
 8 online verification of insurance for motor vehicle
 9 registration purposes; creating s. 324.252, F.S.;
 10 requiring the Department of Highway Safety and Motor
 11 Vehicles to establish an online verification system
 12 for motor vehicle insurance; providing system
 13 requirements; providing powers and duties of the
 14 department; providing requirements for insurers and
 15 law enforcement officers; providing immunity from
 16 civil liability to insurers for certain good faith
 17 efforts; providing applicability; defining the term
 18 "commercial motor vehicle coverage"; authorizing the
 19 department to adopt rules; creating s. 324.255, F.S.;
 20 creating the Motor Vehicle Insurance Online
 21 Verification Task Force within the department;
 22 providing duties of the task force; specifying the
 23 composition of the task force; providing meeting
 24 requirements; requiring the department to provide
 25 certain support to the task force; providing that task
 26 force members shall serve without compensation and are
 27 not entitled to certain reimbursement; providing the
 28 date by which the task force must complete its work
 29 and submit its final report to the department and the

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

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30 Legislature; providing for expiration of the task
 31 force; providing contingent effect; providing an
 32 effective date.
 33

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

35
 36 Section 1. Present subsection (5) of section 316.646,
 37 Florida Statutes, is redesignated as subsection (6), and a new
 38 subsection (5) is added to that section, to read:

39 316.646 Security required; proof of security and display
 40 thereof.-

41 (5) Eighteen months after implementation of the motor
 42 vehicle insurance online verification system established in s.
 43 324.252, a law enforcement officer, during a traffic stop or
 44 crash investigation, shall access information from the online
 45 verification system to establish compliance with this chapter
 46 and chapter 324.

47 Section 2. Paragraph (f) is added to subsection (5) of
 48 section 320.02, Florida Statutes, to read:

49 320.02 Registration required; application for registration;
 50 forms.-

51 (5)

52 (f) Upon implementation of the motor vehicle insurance
 53 online verification system established in s. 324.252, the online
 54 verification may be used in lieu of the verification procedures
 55 in this subsection.

56 Section 3. Section 324.252, Florida Statutes, is created to
 57 read:

58 324.252 Insurance online verification system.-The

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59 department shall establish an online verification system for
 60 motor vehicle insurance. The goal of the system is to identify
 61 uninsured motorists and aid the department in the enforcement of
 62 the financial responsibility law.

63 (1) The online verification system must:

64 (a) Be accessible through electronic means for use by any
 65 government agency, including any court or law enforcement
 66 agency, in carrying out its functions; by any private person or
 67 entity acting on behalf of a federal, state, or local agency in
 68 carrying out its functions; by any other entity authorized by
 69 the department; and by any insurer authorized by the Office of
 70 Insurance Regulation to provide motor vehicle insurance. The
 71 department may also establish a web portal or other mechanism
 72 that provides the general public with the ability to confirm
 73 whether a particular motor vehicle is currently insured.

74 (b) In real time, send requests to insurers for
 75 verification of evidence of insurance for motor vehicles
 76 registered in this state, and receive confirmation in real time
 77 from insurers via electronic means consistent with the
 78 specifications and standards of the Insurance Industry Committee
 79 on Motor Vehicle Administration (IICMVA), with enhancements,
 80 additions, and modifications as required by the department.
 81 However, the enhancements, additions, and modifications may not
 82 conflict with, nullify, or add requirements that are materially
 83 inconsistent with the specifications or standards of the IICMVA.

84 (c) Be operational by July 1, 2023. The Motor Vehicle
 85 Insurance Online Verification Task Force established in s.
 86 324.255 must conduct a pilot program for at least 9 months to
 87 test the system before statewide use. The system may not be used

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88 in any enforcement action until successful completion of the
 89 pilot program.

90 (d) Be available 24 hours a day, except as provided in
 91 paragraph (2) (a), to verify the insurance status of any vehicle
 92 registered in this state through the insurer's National
 93 Association of Insurance Commissioners (NAIC) company code or
 94 Florida company code, in combination with other identifiers,
 95 including vehicle identification number, car make, car model,
 96 year, registered owner's name, policy number, levels or types of
 97 coverage, or other characteristics or markers as specified by
 98 the Motor Vehicle Insurance Online Verification Task Force.

99 (e) Include appropriate safeguards and controls to prevent
 100 misuse or unauthorized access.

101 (f) Include a disaster recovery plan to ensure service
 102 continuity in the event of a disaster.

103 (g) Include information that enables the department to make
 104 inquiries of evidence of insurance by using multiple data
 105 elements for greater matching accuracy, specifically the
 106 insurer's NAIC company code, in combination with other
 107 identifiers, such as vehicle identification number, policy
 108 number, or other characteristics or markers as specified by the
 109 Motor Vehicle Insurance Online Verification Task Force or the
 110 department.

111 (h) Include a self-reporting mechanism for insurers with
 112 fewer than 2,000 vehicles insured within this state or for
 113 individual entities that are self-insured.

114 (2) The department has the following powers and duties:

115 (a) Upon an insurer's advance notice to the department, the
 116 department shall allow online services established by the

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117 insurer to have reasonable downtime for system maintenance and
 118 other work, as needed. An insurer is not subject to
 119 administrative penalties or disciplinary actions when its online
 120 services are not available under such circumstances or when an
 121 outage is unplanned by the insurer and is reasonably outside its
 122 control.

123 (b) Upon recommendation of the Motor Vehicle Insurance
 124 Online Verification Task Force, the department may develop and
 125 operate its own system or competitively procure a private vendor
 126 that has personnel with extensive operational and management
 127 experience in the development, deployment, and operation of
 128 insurance online verification systems.

129 (c) The department and its private vendor, if any, shall
 130 each maintain a contact person for the insurers during the
 131 establishment, implementation, and operation of the system.

132 (d) The department may enter into agreements governing the
 133 use of the system with any public or private entity accessing
 134 the system to verify insurance coverage.

135 (e) The department shall maintain a historical record of
 136 the system data for 6 months after the date of any verification
 137 request and response.

138 (3) An insurance company authorized to issue insurance
 139 policies for motor vehicles registered in this state:

140 (a) Shall comply with the verification requirements of
 141 motor vehicle insurance for every motor vehicle insured by that
 142 company in this state.

143 (b) Shall maintain policyholder records in order to confirm
 144 insurance coverage for 3 years after the date of any
 145 verification request and response.

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146 (c) Shall cooperate with the department in establishing,
 147 implementing, and maintaining the system.

148 (d) Is immune from civil liability for good faith efforts
 149 to comply with this section. An online verification request or
 150 response may not be used as the basis of a civil action against
 151 an insurer.

152 (4) A law enforcement officer, during a traffic stop or
 153 crash investigation, shall query information from the online
 154 verification system to establish compliance with this chapter.

155 (5) This section does not apply to vehicles insured under
 156 commercial motor vehicle coverage. As used in this subsection,
 157 the term "commercial motor vehicle coverage" means any coverage
 158 provided to an insured under a commercial coverage form and
 159 rated from a commercial manual approved by the Office of
 160 Insurance Regulation. However, insurers of such vehicles may
 161 participate in the online verification system on a voluntary
 162 basis.

163 (6) The department may adopt rules to administer this
 164 section.

165 Section 4. Section 324.255, Florida Statutes, is created to
 166 read:

167 324.255 Motor Vehicle Insurance Online Verification Task
 168 Force.—There is created the Motor Vehicle Insurance Online
 169 Verification Task Force within the department.

170 (1) The task force shall:

171 (a) Facilitate the implementation of the motor vehicle
 172 insurance online verification system established in s. 324.252.

173 (b) Assist in the development of a detailed guide for
 174 insurers by providing data fields and other information

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175 necessary for compliance with the online verification system.

176 (c) Coordinate a pilot program and conduct the program for
 177 at least 9 months to test the online verification system and
 178 identify necessary changes to be implemented before statewide
 179 use.

180 (d) Issue recommendations based on periodic reviews of the
 181 online verification system.

182 (2) The task force shall consist of 10 voting members and 1
 183 nonvoting member.

184 (a) By July 31 of the year this section becomes effective,
 185 the 10 voting members shall be appointed in the following
 186 manner:

187 1. Three representatives of the department, representing
 188 the Florida Highway Patrol, the Division of Motorist Services,
 189 and the Information Systems Administration, appointed by the
 190 executive director of the department.

191 2. One representative of the Office of Insurance
 192 Regulation, appointed by the Commissioner of Insurance
 193 Regulation.

194 3. Three representatives of the motor vehicle insurance
 195 industry, appointed by the Chief Financial Officer as follows:

196 a. One member must represent the motor vehicle insurer with
 197 the largest national market share as of December 31 of the year
 198 before the appointment.

199 b. One member must represent the motor vehicle insurer with
 200 the largest Florida market share as of December 31 of the year
 201 before the appointment.

202 c. One member must be selected from a list of
 203 representatives recommended by the Insurance Industry Committee

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204 on Motor Vehicle Administration.

205 4. One representative of the Department of Financial
 206 Services, appointed by the Chief Financial Officer.

207 5. One representative of the Division of State Technology,
 208 appointed by the Secretary of the Department of Management
 209 Services.

210 6. One member who must be a member of local law
 211 enforcement, appointed by the executive director of the
 212 department.

213 (b) The executive director of the department, who shall be
 214 a nonvoting member, shall serve as chair of the task force.

215 (3) By September 30 of the year this section becomes
 216 effective, the task force shall meet to establish procedures for
 217 the conduct of its business, and the voting members shall elect
 218 a vice chair at that meeting. The task force shall meet at the
 219 call of the chair, who shall prepare the agenda for each meeting
 220 with the consent of the task force. A majority of the voting
 221 members of the task force constitutes a quorum, and a quorum is
 222 necessary for the purpose of voting on any action or
 223 recommendation of the task force. All meetings shall be held in
 224 Tallahassee.

225 (4) The department shall provide the task force members
 226 with administrative and technical support. Task force members
 227 shall serve without compensation and are not entitled to
 228 reimbursement for per diem or travel expenses.

229 (5) By July 1 of the third year after this section becomes
 230 effective, the task force shall complete its work and submit its
 231 final report evaluating the online verification system's
 232 effectiveness and making recommendations for system enhancements

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233 to the department, the President of the Senate, and the Speaker
234 of the House of Representatives. Upon submission of the report,
235 the task force shall expire.

236 Section 5. The amendments made by this act to ss. 316.646
237 and 320.02, Florida Statutes, and the creation of ss. 324.252
238 and 324.255, Florida Statutes, by this act shall take effect
239 upon a specific appropriation.

240 Section 6. This act shall take effect July 1, 2020.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/17/20

Meeting Date

1606

Bill Number (if applicable)

Topic Property and Casualty Insurance

Amendment Barcode (if applicable)

Name Scott Matiyow (Mat-e-o)

Job Title Vice President Legislative and Regulatory Affairs

Address 215 South Monroe Street

Phone 850-597-7425

Street

Tallahassee

FL

32301

Email scott.matiyow@piff.net

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Personal Insurance Federation of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 17, 2020
Meeting Date

SB 1606
Bill Number (if applicable)

Topic Insurance

Amendment Barcode (if applicable)

Name Liz Reynolds

Job Title Regional Vice President - Southeast

Address 3933 Victoria Lakes Dr. S.

Phone (317) 417-5618

Street Jacksonville FL 32226
City State Zip

Email lreynolds@namic.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing National Association of Mutual Insurance Companies

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Military and Veterans Affairs and Space, *Vice Chair*
Education
Health Policy
Infrastructure and Security

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR JANET CRUZ

18th District

February 13, 2020

The Honorable Tom Lee
Chair, Infrastructure and Security Committee
410 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Dear Chairman Lee,

I respectfully request to be excused from the Infrastructure and Security Committee meeting on February 17, 2020. Major General James O. Eifert, The Adjutant General of Florida, has invited me to attend the Deployment Ceremony for the Florida National Guard 290th at MacDill Air Force Base in Tampa. It would be my privilege to attend this event and honor these servicemen and women before they are deployed.

Please let me know if you have any questions or concerns regarding this request.

Thank you,

A handwritten signature in blue ink, appearing to read "Janet Cruz", written over a horizontal line.

Janet Cruz
State Senator, District 18

CC: Marilyn Hudson, Infrastructure and Security Committee – Administrative Assistant

REPLY TO:

- 210A S. MacDill Avenue, Tampa, Florida 33609 (813) 348-1017 FAX: (888) 263-3681
- 218 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

CourtSmart Tag Report

Room: EL 110
Caption: Senate Infrastructure and Security Committee

Case No.:

Type:
Judge:

Started: 2/17/2020 4:04:06 PM

Ends: 2/17/2020 4:38:15 PM

Length: 00:34:10

4:04:04 PM Meeting called to order by Chair Lee
4:04:08 PM Roll call by AA Marilyn Hudson
4:04:19 PM Quorum present
4:04:26 PM Introduction of Tab 6 by Chair Lee
4:05:12 PM Explanation of CS/SB 1606, Insurance by Senator Perry
4:05:31 PM Introduction of Strike-all Amendment Barcode No. 798258 by Chair Lee
4:05:45 PM Explanation of Amendment by Senator Perry
4:06:15 PM Senator Stewart in debate
4:06:57 PM Closure waived
4:07:04 PM Amendment adopted
4:07:09 PM Scott Matiyow, Personal Insurance Federation of Florida waives in support
4:07:25 PM Liz Reynolds, National Association of Mutual Insurance Companies waives in support
4:07:35 PM Closure waived
4:07:38 PM Roll call by AA
4:07:46 PM CS/CS/SB 1606 reported favorably
4:08:00 PM Introduction of Tab 1 by Chair Lee
4:08:10 PM Explanation of CS/SB 826, Marina Evacuations by Senator Mayfield
4:09:00 PM Introduction of Amendment Barcode No. 377578 by Chair Lee
4:09:19 PM Explanation of Amendment by Senator Mayfield
4:09:43 PM Bonnie Basham, Boat Owners of the United States waives in support
4:09:56 PM Chris Dawson, Carnival Port Authority waives in support
4:10:07 PM Closure waived
4:10:09 PM Amendment adopted
4:10:21 PM Michael Rubin, Florida Ports Council waives in support
4:10:35 PM Chris Dawson, Carnival Port Authority waives in support
4:10:39 PM Closure waived
4:10:49 PM Roll call by AA
4:10:53 PM CS/CS/SB 826 reported favorably
4:11:04 PM Introduction of Tab 2 by Chair Lee
4:11:20 PM Explanation of CS/SB 998, Housing by Senator Hutson
4:12:55 PM Introduction of Strike-all Amendment Barcode No. 911204 by Chair Lee
4:13:54 PM Explanation of Amendment by Senator Hutson
4:15:54 PM Question from Senator Stewart
4:16:15 PM Response from Senator Hutson
4:17:02 PM Introduction of Amendment to Amendment, Barcode No. 527132 by Chair Lee
4:17:44 PM Explanation of Amendment by Senator Hutson
4:17:56 PM Question from Senator Stewart
4:18:06 PM Response from Senator Hutson
4:18:10 PM Introduction of Amendment Barcode No. 356676 by Chair Lee
4:18:12 PM Amendment adopted
4:18:15 PM Nancy Stewart, Federation of Manufactured Home Owners of FL, Inc. waives in support
4:18:27 PM Lori Killinger, Florida Manufactured Housing Association waives in support
4:18:36 PM Tonnette Graham, FL Association of Counties waives in support
4:18:56 PM Amendment adopted
4:19:09 PM Melissa Ramba, The Realtors waives in support
4:19:16 PM Speaker Jeff Branch, Florida League of Cities
4:19:55 PM Speaker Daphnee Sainvil, Broward County Board of County Commissioners in support
4:20:52 PM Senator Hutson in closure
4:21:19 PM Roll call by AA
4:21:40 PM CS/CS/SB 998 reported favorably
4:21:54 PM Introduction of Tab 5 by Chair Lee
4:22:13 PM Explanation of CS/SB 1508 by Senator Taddeo

4:22:36 PM Introduction of Amendment Barcode No. 556294 by Chair Lee
4:22:44 PM Explanation of Amendment by Senator Taddeo
4:23:49 PM Closure waived
4:23:53 PM Amendment adopted
4:24:00 PM Closure waived
4:24:07 PM Roll call by AA
4:24:13 PM CS/CS/SB 1508 reported favorably
4:24:30 PM Introduction of Tab 4 by Chair Lee
4:24:38 PM Explanation of SB 1050, Disaster Volunteer Leave for State Employees by Senator Perry
4:25:16 PM Savannah Kelly, Volunteer Florida waives in support
4:25:29 PM Closure waived
4:25:34 PM Roll call by AA
4:25:40 PM CS/SB 1050 reported favorably
4:26:01 PM Comments from Chair Lee
4:27:35 PM Chair turned to Senator Perry
4:27:55 PM Recording Paused
4:32:31 PM Recording Resumed
4:32:37 PM Meeting resumed
4:32:42 PM Introduction of Tab 3 by Chair Perry
4:32:53 PM Explanation of SB 1036, Diesel Exhaust Fluid by Senator Albritton
4:33:08 PM Introduction of Amendment Barcode No. 182284 by Chair Perry
4:33:13 PM Explanation of Amendment by Senator Albritton
4:33:51 PM Speaker Lisa Waters, Florida Airports Council in opposition
4:36:10 PM Senator Albritton in closure
4:36:30 PM Amendment adopted
4:36:55 PM Question from Senator Stewart
4:37:17 PM Response from Senator Albritton
4:37:32 PM Closure waived
4:37:38 PM Roll call by AA
4:37:41 PM SB 1036 reported favorably
4:37:55 PM Senator Stewart moves to adjourn, meeting adjourned