

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Cortes, B. offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 125.575, Florida Statutes, is created
 7 to read:

8 125.575 County capital recovery.-

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

10 (a) "Abatement fine" means an amount billed to an owner of
 11 real property by a county after the county brings such real
 12 property or a portion thereof into compliance with a county
 13 ordinance or code by removing, repairing, rehabilitating,
 14 demolishing, improving, remediating, storing, transporting, or
 15 disposing of any portion of the real property or any tangible
 16 personal property located thereon, regardless of whether a lien
 17 was attached to the property related to such fine.

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18 (b) "Administrative fine" means an amount billed to an
19 individual for a violation of a county ordinance or code
20 unrelated to real property.

21 (c) "Delinquent" means unpaid after the due date listed on
22 the original billing of an abatement fine, administrative fine,
23 property fine, or utility charge, regardless of whether the
24 county has contracted with a collection agency pursuant to s.
25 938.35 for the collection of the unpaid fines or charges.

26 (d) "Designated revenues" means abatement fines,
27 administrative fines, property fines, and utility charges.

28 (e) "Procurement request" means an invitation to bid, an
29 invitation to negotiate, or a request for proposals issued by a
30 county pursuant to its procurement policies.

31 (f) "Property fine" means an amount, other than an
32 abatement fine, billed to a property owner due to the property
33 owner's property being out of compliance with a county ordinance
34 or code, regardless of whether a lien was attached to the
35 property related to such fine.

36 (g) "Utility charge" means an amount billed to a customer,
37 other than a government entity as defined in s. 768.295, by a
38 county-owned utility for providing utility service.

39 (2) Beginning October 1, 2016, a county shall issue a
40 procurement request meeting the requirements of subsection (4)
41 if the county has designated revenues totaling at least:

42 (a) Ten million dollars which are more than 90 days
43 delinquent;

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44 (b) Five million dollars which are more than 180 days
45 delinquent; or

46 (c) One million dollars which are more than 270 days
47 delinquent.

48 (3) A county that meets at least one of the criteria in
49 subsection (2) 1 year after issuing a procurement request
50 pursuant to this section must issue one additional procurement
51 request meeting the requirements of subsection (4).

52 (4) A procurement request issued pursuant to this section
53 must be issued no later than 30 days after the criteria set
54 forth in subsection (2) or subsection (3) are met and must seek
55 bids from consumer collection agencies registered pursuant to s.
56 559.553. The procurement request shall require an up-front
57 payment and may allow a portion of the bid to be based on
58 contingency fees in exchange for the right of the consumer
59 collection agency to collect the county's delinquent designated
60 revenues that were delinquent on the date that the county issued
61 the procurement request. The procurement request must state that
62 bids based solely on contingency fees with no up-front payment
63 will not be accepted.

64 (5) Subsections (2) and (3) do not apply to a county whose
65 delinquent designated revenues are less than 20 percent of the
66 total designated revenues billed by the county in the previous
67 12 months.

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68 (6) A county is not required to enter into a contract for
69 services with any consumer collection agency that responds to
70 the procurement request.

71 (7) Any delinquent designated revenues that a consumer
72 collection agency has contracted to collect in response to a
73 procurement request issued pursuant to this section shall be
74 excluded from the calculation made by the county when
75 determining whether any of the criteria in subsection (2) are
76 met.

77 (8) The county shall forward a copy of all bids that it
78 has received in response to any procurement request issued
79 pursuant to this section to the Department of Financial
80 Services. The Department of Financial Services shall keep all of
81 the bids on file for at least 5 years.

82 Section 2. Section 166.30, Florida Statutes, is created to
83 read:

84 166.30 Municipal capital recovery.—

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

86 (a) "Abatement fine" means an amount billed to an owner of
87 real property by a municipality after the municipality brings
88 such real property or a portion thereof into compliance with a
89 municipal ordinance or code by removing, repairing,
90 rehabilitating, demolishing, improving, remediating, storing,
91 transporting, or disposing of any portion of the real property
92 or any tangible personal property located thereon, regardless of

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93 whether a lien was attached to the property related to such
94 fine.

95 (b) "Administrative fine" means an amount billed to an
96 individual for a violation of a municipal ordinance or code
97 unrelated to real property.

98 (c) "Delinquent" means unpaid after the due date listed on
99 the original billing of an abatement fine, administrative fine,
100 property fine, or utility charge, regardless of whether the
101 municipality has contracted with a collection agency pursuant to
102 s. 938.35 for the collection of the unpaid fines or charges.

103 (d) "Designated revenues" means abatement fines,
104 administrative fines, property fines, and utility charges.

105 (e) "Procurement request" means an invitation to bid, an
106 invitation to negotiate, or a request for proposals issued by a
107 municipality pursuant to its procurement policies.

108 (f) "Property fine" means an amount, other than an
109 abatement fine, billed to a property owner due to the property
110 owner's property being out of compliance with a municipal
111 ordinance or code, regardless of whether a lien was attached to
112 the property related to such fine.

113 (g) "Utility charge" means an amount billed to a customer,
114 other than a government entity as defined in s. 768.295, by a
115 municipally owned utility for providing utility service.

116 (2) Beginning October 1, 2016, a municipality shall issue
117 a procurement request meeting the requirements of subsection (4)
118 if the municipality has designated revenues totaling at least:

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- 119 (a) Ten million dollars which are more than 90 days
120 delinquent;
- 121 (b) Five million dollars which are more than 180 days
122 delinquent; or
- 123 (c) One million dollars which are more than 270 days
124 delinquent.
- 125 (3) A municipality that meets at least one of the criteria
126 in subsection (2) 1 year after issuing a procurement request
127 pursuant to this section must issue one additional procurement
128 request meeting the requirements of subsection (4).
- 129 (4) A procurement request issued pursuant to this section
130 must be issued no later than 30 days after the criteria set
131 forth in subsection (2) or subsection (3) are met and must seek
132 bids from consumer collection agencies registered pursuant to s.
133 559.553. The procurement request shall require an up-front
134 payment and may allow a portion of the bid to be based on
135 contingency fees in exchange for the right of the consumer
136 collection agency to collect the municipality's delinquent
137 designated revenues that were delinquent on the date that the
138 municipality issued the procurement request. The procurement
139 request must state that bids based solely on contingency fees
140 with no up-front payment will not be accepted.
- 141 (5) Subsections (2) and (3) do not apply to a municipality
142 whose delinquent designated revenues are less than 20 percent of
143 the total designated revenues billed by the municipality in the
144 previous 12 months.

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145 (6) A municipality is not required to enter into a
146 contract for services with any consumer collection agency that
147 responds to the procurement request.

148 (7) Any delinquent designated revenues that a consumer
149 collection agency has contracted to collect in response to a
150 procurement request issued pursuant to this section shall be
151 excluded from the calculation made by the municipality when
152 determining whether any of the criteria in subsection (2) are
153 met.

154 (8) The municipality shall forward a copy of all bids that
155 it has received in response to any procurement request issued
156 pursuant to this section to the Department of Financial
157 Services. The Department of Financial Services shall keep all of
158 the bids on file for at least 5 years.

159 Section 3. Subsection (4) of section 218.39, Florida
160 Statutes, is amended to read:

161 218.39 Annual financial audit reports.—

162 (4) A management letter shall be prepared and included as
163 a part of each financial audit report. For each county and
164 municipal financial audit report, the letter must include a
165 discussion of the current balance of the county's or
166 municipality's delinquent designated revenues as defined in ss.
167 125.575 and 166.30 and the efforts that the county or
168 municipality has undertaken to collect such revenues.

169 Section 4. This act shall take effect July 1, 2016.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to local government capital recovery;
creating ss. 125.575 and 166.30, F.S.; providing
definitions; requiring counties and municipalities that
meet certain thresholds for specified delinquent revenues
to issue a procurement request to collect such revenues;
requiring procurement requests to be sent to consumer
collection agencies; providing requirements for the content
of the procurement requests; providing that counties and
municipalities issuing procurement requests are not
required to enter into a contract; excluding certain
delinquent revenues from threshold calculations under
certain circumstances; requiring that copies of all bids
received be filed with the Department of Financial
Services; amending s. 218.39, F.S.; requiring that a
discussion of capital recovery efforts be included in the
management letter accompanying a county's or municipality's
annual financial audit report; providing an effective date.