

By Senator Rodriguez

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1                                   A bill to be entitled  
2       An act relating to Resiliency Energy Environment  
3       Florida programs; amending s. 163.08, F.S.; defining  
4       terms; providing that a property owner may apply to a  
5       Resiliency Energy Environment Florida (REEF) program  
6       for funding to finance a qualifying improvement and  
7       may enter into an assessment financing agreement with  
8       a local government; providing that REEF program costs  
9       may be collected as non-ad valorem assessments;  
10      authorizing local governments to enter into agreements  
11      with program administrators to administer REEF  
12      programs; revising and specifying public recording  
13      requirements for assessment financing agreements and  
14      notices of lien; revising requirements that apply to  
15      local governments or program administrators in  
16      determining eligibility for assessment financing;  
17      revising requirements for qualifying improvements;  
18      revising and specifying limitations on non-ad valorem  
19      assessments; providing construction; specifying  
20      underwriting, financing estimate, disclosure, and  
21      confirmation requirements for program administrators  
22      relating to residential real property; authorizing a  
23      residential real property owner, under certain  
24      circumstances and within a certain timeframe, to  
25      cancel an assessment financing agreement without  
26      financial penalty; specifying limitations on  
27      assessment financing agreement terms for residential  
28      real property; prohibiting certain financing terms for  
29      residential real property; specifying requirements

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30 for, and certain prohibited acts by, program  
31 administrators relating to assessment financing  
32 agreements and contractors for qualifying improvements  
33 to residential real property; specifying additional  
34 annual reporting requirements for program  
35 administrators; specifying requirements for, and  
36 limitations on, assessment financing agreements  
37 relating to government-leased property; providing  
38 construction and applicability; conforming provisions  
39 to changes made by the act; providing an effective  
40 date.

41  
42 Be It Enacted by the Legislature of the State of Florida:

43  
44 Section 1. Present subsection (16) of section 163.08,  
45 Florida Statutes, is redesignated as subsection (33), a new  
46 subsection (16) and subsections (17) through (32) are added to  
47 that section, and subsections (1), (2), (4), (6) through (10),  
48 (12), (13), and (14) of that section are amended, to read:

49 163.08 Supplemental authority for improvements to real  
50 property.—

51 (1) (a) In chapter 2008-227, Laws of Florida, the  
52 Legislature amended the energy goal of the state comprehensive  
53 plan to provide, in part, that the state shall reduce its energy  
54 requirements through enhanced conservation and efficiency  
55 measures in all end-use sectors and reduce atmospheric carbon  
56 dioxide by promoting an increased use of renewable energy  
57 resources. That act also declared it the public policy of the  
58 state to play a leading role in developing and instituting

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59 energy management programs that promote energy conservation,  
60 energy security, and the reduction of greenhouse gases. In  
61 addition to establishing policies to promote the use of  
62 renewable energy, the Legislature provided for a schedule of  
63 increases in energy performance of buildings subject to the  
64 Florida Energy Efficiency Code for Building Construction. In  
65 chapter 2008-191, Laws of Florida, the Legislature adopted new  
66 energy conservation and greenhouse gas reduction comprehensive  
67 planning requirements for local governments. In the 2008 general  
68 election, the voters of this state approved a constitutional  
69 amendment authorizing the Legislature, by general law, to  
70 prohibit consideration of any change or improvement made for the  
71 purpose of improving a property's resistance to wind damage or  
72 the installation of a renewable energy source device in the  
73 determination of the assessed value of residential real  
74 property.

75 (b) The Legislature finds that all energy-consuming-  
76 improved properties that are not using energy conservation  
77 strategies contribute to the burden affecting all improved  
78 property resulting from fossil fuel energy production. Improved  
79 property that has been retrofitted with energy-related  
80 qualifying improvements receives the special benefit of  
81 alleviating the property's burden from energy consumption. All  
82 improved properties not protected from wind damage by wind  
83 resistance qualifying improvements contribute to the burden  
84 affecting all improved property resulting from potential wind  
85 damage. Improved property that has been retrofitted with wind  
86 resistance qualifying improvements receives the special benefit  
87 of reducing the property's burden from potential wind damage.

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88 Further, the installation and operation of qualifying  
89 improvements not only benefit the affected properties for which  
90 the improvements are made, but also assist in fulfilling the  
91 goals of the state's energy and hurricane mitigation policies.

92 (c) In order to make qualifying improvements more  
93 affordable and assist property owners who wish to undertake such  
94 improvements, the Legislature finds that there is a compelling  
95 state interest in enabling property owners to voluntarily  
96 finance such improvements with local government assistance.

97 (d)~~(e)~~ The Legislature determines that the actions  
98 authorized under this section, including, but not limited to,  
99 the financing of qualifying improvements through the execution  
100 of assessment financing agreements and the related imposition of  
101 voluntary assessments, are reasonable and necessary to serve and  
102 achieve a compelling state interest and are necessary for the  
103 prosperity and welfare of the state and its property owners and  
104 inhabitants.

105 (2) As used in this section, the term:

106 (a) "Assessment financing agreement" means the financing  
107 agreement under a REEF program between a local government and a  
108 property owner for the acquisition or installation of qualifying  
109 improvements.

110 (b) "Contractor" means an independent contractor who  
111 contracts with a property owner to install qualifying  
112 improvements on real property but who is not the owner of such  
113 property.

114 (c) "Government-leased property" means real property owned  
115 by a local government which has become subject to taxation due  
116 to lease of the property to a nongovernmental lessee.

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117 (d)~~(a)~~ "Local government" means a county, a municipality, a  
118 dependent special district as defined in s. 189.012, or a  
119 separate legal entity created pursuant to s. 163.01(7).

120 (e) "Non-ad valorem assessment" or "assessment" has the  
121 same meaning as the term "non-ad valorem assessment" as defined  
122 in s. 197.3632(1).

123 (f) "Nongovernmental lessee" means a person or an entity,  
124 other than a local government, which is the lessee of  
125 government-leased property.

126 (g) "Nonresidential real property" means any property not  
127 defined as residential real property and which will be or has  
128 been improved by a qualifying improvement. The term includes,  
129 but is not limited to, the following:

130 1. Multifamily residential property composed of five or  
131 more dwelling units.

132 2. Office property.

133 3. Commercial real property.

134 4. Industrial property.

135 5. Agricultural property.

136 6. Government-leased property.

137 (h) "Program administrator" means an entity, including, but  
138 not limited to, a for-profit or not-for-profit entity, with  
139 which a local government contracts to administer a REEF program.

140 (i)~~(b)~~ "Qualifying improvement" includes any:

141 1. Energy conservation and efficiency improvement, which is  
142 a measure to reduce consumption through conservation or a more  
143 efficient use of electricity, natural gas, propane, or other  
144 forms of energy on the property, including, but not limited to,  
145 air sealing; installation of insulation; installation of energy-

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146 efficient heating, cooling, or ventilation systems; building  
147 modifications to increase the use of daylight; replacement of  
148 windows; installation of energy controls or energy recovery  
149 systems; installation of electric vehicle charging equipment;  
150 and installation of efficient lighting equipment.

151 2. Renewable energy improvement, which is the installation  
152 of any system in which the electrical, mechanical, or thermal  
153 energy is produced from a method that uses one or more of the  
154 following fuels or energy sources: hydrogen, solar energy,  
155 geothermal energy, bioenergy, and wind energy.

156 3. Wind resistance improvement, which includes, but is not  
157 limited to:

- 158 a. Improving the strength of the roof deck attachment;  
159 b. Creating a secondary water barrier to prevent water  
160 intrusion;  
161 c. Installing wind-resistant shingles;  
162 d. Installing gable-end bracing;  
163 e. Reinforcing roof-to-wall connections;  
164 f. Installing storm shutters; or  
165 g. Installing opening protections.

166 (j) "Residential real property" means a residential real  
167 property composed of four or fewer dwelling units which is or  
168 will be improved by a qualifying improvement.

169 (k) "Resiliency Energy Environment Florida (REEF) program"  
170 means a program established by a local government, alone or in  
171 partnership with other local governments or a program  
172 administrator, to finance qualifying improvements on  
173 nonresidential real property or residential real property.

174 (4) Subject to local government ordinance or resolution, a

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175 property owner may apply to the REEF program ~~local government~~  
176 for funding to finance a qualifying improvement and enter into  
177 an assessment ~~a~~ financing agreement with the local government.  
178 Costs incurred by the REEF program ~~local government~~ for such  
179 purpose may be collected as a non-ad valorem assessment. A non-  
180 ad valorem assessment shall be collected pursuant to s. 197.3632  
181 and, notwithstanding s. 197.3632(8)(a), shall not be subject to  
182 discount for early payment. However, the notice and adoption  
183 requirements of s. 197.3632(4) do not apply if this section is  
184 used and complied with, and the intent resolution, publication  
185 of notice, and mailed notices to the property appraiser, tax  
186 collector, and Department of Revenue required by s.  
187 197.3632(3)(a) may be provided on or before August 15 in  
188 conjunction with any non-ad valorem assessment authorized by  
189 this section, if the property appraiser, tax collector, and  
190 local government agree.

191 (6) A local government may enter into an agreement with a  
192 program administrator to administer a REEF program ~~A qualifying~~  
193 ~~improvement program may be administered by a for-profit entity~~  
194 ~~or a not-for-profit organization on behalf of and at the~~  
195 ~~discretion of the local government.~~

196 (7) A local government may incur debt for the purpose of  
197 providing financing for qualifying ~~such~~ improvements, which debt  
198 is payable from revenues received from the improved property, or  
199 from any other available revenue source authorized under this  
200 section or by other law.

201 (8) A local government may enter into an assessment ~~a~~  
202 financing agreement to finance or refinance a qualifying  
203 improvement only with the record owner of the affected property.

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204 Any assessment financing agreement entered into pursuant to this  
205 section or a summary memorandum of such agreement shall be  
206 submitted for recording ~~recorded~~ in the public records of the  
207 county within which the property is located by the ~~sponsoring~~  
208 ~~unit of~~ local government within 5 days after execution of the  
209 agreement. The recorded agreement shall provide constructive  
210 notice that the assessment to be levied on the property  
211 constitutes a lien of equal dignity to county taxes and  
212 assessments from the date of recordation. A notice of lien for  
213 the full amount of the financing may be recorded in the public  
214 records of the county where the property is located. Such lien  
215 shall not be enforceable in a manner that results in the  
216 acceleration of the remaining nondelinquent unpaid balance under  
217 the assessment financing agreement.

218 (9) Before entering into an assessment a financing  
219 agreement, the local government, or the program administrator  
220 acting on its behalf, shall reasonably determine that:

221 (a) All property taxes and any other assessments levied on  
222 the same bill as property taxes are current ~~paid~~ and have not  
223 been delinquent for more than 30 days for the preceding 3 years  
224 or the property owner's period of ownership, whichever is less;

225 (b) ~~that~~ There are no involuntary liens greater than  
226 \$1,000, including, but not limited to, construction liens on the  
227 property;

228 (c) ~~that~~ No notices of default or other evidence of  
229 property-based debt delinquency have been recorded and not  
230 released during the preceding 3 years or the property owner's  
231 period of ownership, whichever is less;

232 (d) The local government or program administrator has asked



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233 the property owner whether any other assessments under this  
234 section have been recorded or have been funded and not yet  
235 recorded on the property. The failure of a property owner to  
236 disclose information set forth in this paragraph does not  
237 invalidate an assessment financing agreement or any obligation  
238 thereunder, even if the total financed amount of the qualifying  
239 improvements exceeds the amount that would otherwise be  
240 authorized under paragraph (12) (a);

241 (e) and that The property owner is current on all mortgage  
242 debt on the property; and

243 (f) If the property is residential real property, it is not  
244 subject to an existing home equity conversion mortgage or  
245 reverse mortgage product or is not currently a residential  
246 property gifted to a homeowner by a nonprofit entity.

247 (10) Before final funding may be provided, a qualifying  
248 improvement ~~must shall~~ be affixed or planned to be affixed to a  
249 nonresidential real property or residential real ~~building or~~  
250 facility that is part of the property and constitutes shall  
251 constitute an improvement to that property ~~the building or~~  
252 facility or a fixture attached to the building or facility. An  
253 assessment financing agreement may between a local government  
254 and a qualifying property owner ~~may not~~ cover qualifying wind-  
255 ~~resistance~~ improvements on nonresidential real property or  
256 residential real property in buildings or facilities under new  
257 construction ~~or construction for which a certificate of~~  
258 occupancy or similar evidence of substantial completion of new  
259 construction or improvement has not been issued.

260 (12) (a) Without the consent of the holders or loan  
261 servicers of any mortgage encumbering or otherwise secured by

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262 the property, the total amount of any non-ad valorem assessment  
263 for a property under this section may not exceed 20 percent of  
264 the fair market just value of the real property ~~as determined by~~  
265 ~~the county property appraiser.~~ The combined mortgage-related  
266 debt and total amount of any non-ad valorem assessments funded  
267 under this section for residential real property may not exceed  
268 100 percent of the fair market value of the residential real  
269 property. However, the failure of a property owner to disclose  
270 information set forth in paragraph (9) (d) does not invalidate an  
271 assessment financing agreement or any obligation thereunder,  
272 even if the total financed amount of the qualifying improvements  
273 exceeds the amount that would otherwise be authorized under this  
274 paragraph.

275 (b) Notwithstanding paragraph (a), a non-ad valorem  
276 assessment for a qualifying improvement defined in subparagraph  
277 (2) (i) 1. ~~(2) (b) 1.~~ or subparagraph (2) (i) 2. which ~~(2) (b) 2.~~ that  
278 is supported by an energy audit is not subject to the limits in  
279 this subsection if the audit demonstrates that the annual energy  
280 savings from the qualified improvement equals or exceeds the  
281 annual repayment amount of the non-ad valorem assessment.

282 (13) At least 30 days before entering into an assessment a  
283 financing agreement, the property owner shall provide to the  
284 holders or loan servicers of any existing mortgages encumbering  
285 or otherwise secured by the property a notice of the owner's  
286 intent to enter into an assessment a financing agreement  
287 together with the maximum principal amount to be financed and  
288 the maximum annual assessment necessary to repay that amount. A  
289 verified copy or other proof of such notice shall be provided to  
290 the local government or program administrator. A provision in

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291 any agreement between a mortgagee or other lienholder and a  
292 property owner, or otherwise now or hereafter binding upon a  
293 property owner, which allows for acceleration of payment of the  
294 mortgage, note, or lien or other unilateral modification solely  
295 as a result of entering into an assessment ~~a~~ financing agreement  
296 as provided for in this section is not enforceable. This  
297 subsection does not limit the authority of the holder or loan  
298 servicer to increase the required monthly escrow by an amount  
299 necessary to ~~annually~~ pay the annual ~~qualifying improvement~~  
300 assessment.

301 (14) At or before the time a seller ~~purchaser~~ executes a  
302 contract for the sale ~~and purchase~~ of any property for which a  
303 non-ad valorem assessment has been levied under this section and  
304 has an unpaid balance due, the seller must ~~shall~~ give the  
305 prospective purchaser a written disclosure statement in the  
306 following form, which shall be set forth in the contract or in a  
307 separate writing:

308  
309 QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY,  
310 RENEWABLE ENERGY, OR WIND RESISTANCE.—The property  
311 being purchased is located within the jurisdiction of  
312 a local government that has placed an assessment on  
313 the property pursuant to s. 163.08, Florida Statutes.  
314 The assessment is for a qualifying improvement to the  
315 property relating to energy efficiency, renewable  
316 energy, or wind resistance, and is not based on the  
317 value of property. You are encouraged to contact the  
318 county property appraiser's office to learn more about  
319 this and other assessments that may be provided by

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320 law.

321

322 (16) Before final approval of an assessment financing  
323 agreement for a qualifying improvement on a residential real  
324 property, a program administrator shall reasonably determine  
325 that the property owner has the ability to pay the estimated  
326 annual assessment. To do so, the program administrator shall, at  
327 a minimum, use the underwriting requirements in subsection (9),  
328 confirm that the property owner is not in bankruptcy, and  
329 determine that the total estimated annual payment amount for all  
330 assessment financing agreements funded under this section on the  
331 property does not exceed 10 percent of the property owner's  
332 annual household income. Income may be confirmed using  
333 information gathered from reputable third parties that provide  
334 reasonably reliable evidence of the property owner's household  
335 income. Income may not be confirmed solely by a property owner's  
336 statement. The failure of a property owner to disclose  
337 information set forth in paragraph (9) (d) does not invalidate an  
338 assessment financing agreement or any obligation thereunder,  
339 even if the total estimated annual payment amount exceeds the  
340 amount that would otherwise be authorized under this subsection.

341 (17) Prior to or contemporaneously with a property owner  
342 signing an assessment financing agreement on a residential real  
343 property, the program administrator shall provide a financing  
344 estimate and disclosure to the residential real property owner  
345 which includes all of the following:

346 (a) The total amount estimated to be funded, including the  
347 cost of the qualifying improvements, program fees, and  
348 capitalized interest, if any.

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- 349       (b) The estimated annual assessment.
- 350       (c) The term of the assessment.
- 351       (d) The interest charged and estimated annual percentage  
352 rate.
- 353       (e) A description of the qualifying improvement.
- 354       (f) A disclosure that if the property owner sells or  
355 refinances the property, the property owner, as a condition of  
356 the sale or the refinance, may be required by a mortgage lender  
357 to pay off the full amount owed under each assessment financing  
358 agreement.
- 359       (g) A disclosure that the assessment will be collected  
360 along with the property owner's property taxes and will result  
361 in a lien on the property from the date the assessment financing  
362 agreement is recorded.
- 363       (h) A disclosure that failure to pay the assessment may  
364 result in penalties and fees, along with the issuance of a tax  
365 certificate that could result in the property owner losing the  
366 real property.
- 367       (18) Before a notice to proceed is issued on residential  
368 real property, the program administrator shall conduct with the  
369 residential real property owner or an authorized representative  
370 an oral, recorded telephone call during which the program  
371 administrator shall use plain language. The program  
372 administrator shall ask the residential real property owner if  
373 he or she would like to communicate primarily in a language  
374 other than English. A program administrator may not leave a  
375 voicemail to the residential real property owner to satisfy this  
376 requirement. A program administrator, as part of such telephone  
377 call, shall confirm all of the following with the residential

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378 real property owner:

379 (a) That at least one residential real property owner has  
380 access to a copy of the assessment financing agreement and  
381 financing estimates and disclosures.

382 (b) The qualifying improvements being financed.

383 (c) The total estimated annual costs that the residential  
384 real property owner will have to pay under the assessment  
385 financing agreement, including applicable fees.

386 (d) The total estimated average monthly equivalent amount  
387 of funds the residential real property owner would have to save  
388 in order to pay the annual costs of the assessment, including  
389 applicable fees.

390 (e) The estimated date the residential real property  
391 owner's first property tax payment that includes the assessment  
392 will be due.

393 (f) The term of the assessment financing agreement.

394 (g) That payments for the assessment financing agreement  
395 will cause the residential real property owner's annual property  
396 tax bill to increase, and that payments will be made through an  
397 additional annual assessment on the property and either will be  
398 paid directly to the county tax collector's office as part of  
399 the total annual secured property tax bill or may be paid  
400 through the residential real property owner's mortgage escrow  
401 account.

402 (h) That the residential real property owner has disclosed  
403 whether the property has received, or the owner is seeking,  
404 additional assessments funded under this section and that the  
405 owner has disclosed all other assessments funded under this  
406 section which are or are about to be placed on the property.

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407 (i) That the property will be subject to a lien during the  
408 term of the assessment financing agreement and that the  
409 obligations under the agreement may be required to be paid in  
410 full before the residential real property owner sells or  
411 refinances the property.

412 (j) That any potential utility or insurance savings are not  
413 guaranteed and will not reduce the assessment or total  
414 assessment amount.

415 (k) That the program administrator does not provide tax  
416 advice, and the residential real property owner should seek  
417 professional tax advice if he or she has questions regarding tax  
418 credits, tax deductibility, or other tax impacts of the  
419 qualifying improvement or the assessment financing agreement.

420 (19) A residential real property owner may cancel an  
421 assessment financing agreement within 3 business days after  
422 signing the assessment financing agreement without any financial  
423 penalty for doing so.

424 (20) The term of an assessment financing agreement on  
425 residential real property may not exceed:

426 (a) Thirty years; or

427 (b) Either the weighted average estimated useful life of  
428 all qualifying improvements being financed or the estimated  
429 useful life of the qualifying improvements to which the greatest  
430 portion of funds is disbursed.

431 (21) An assessment financing agreement authorized under  
432 this section on residential real property may not include any of  
433 the following financing terms:

434 (a) A negative amortization schedule.

435 (b) A balloon payment.

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436 (c) Prepayment fees, other than nominal administrative  
437 costs.

438 (22) For residential real property, a program  
439 administrator:

440 (a) May not enroll a contractor who contracts with  
441 residential real property owners to install qualifying  
442 improvements unless:

443 1. The program administrator makes a reasonable effort to  
444 determine that the contractor maintains in good standing an  
445 appropriate license from the state, if applicable, as well as  
446 any other permit, license, or registration required for engaging  
447 in business in the jurisdiction in which he or she operates and  
448 that the contractor maintains all state-required bond and  
449 insurance coverage; and

450 2. The program administrator obtains the contractor's  
451 written agreement that the contractor will act in accordance  
452 with all applicable laws, including applicable advertising and  
453 marketing laws and regulations.

454 (b) Shall maintain a process to enroll new contractors  
455 which includes reasonable review of the following for each  
456 contractor:

457 1. Relevant work or project history.

458 2. Financial and reputational background checks.

459 3. A criminal background check. A program administrator may  
460 rely on a background check conducted by the Construction  
461 Industry Licensing Board within the Department of Business and  
462 Professional Regulation to comply with this requirement.

463 4. Status on the Better Business Bureau online platform or  
464 another online platform that tracks contractor reviews.



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465 (23) (a) Before disbursing funds to a contractor for a  
466 qualifying improvement on residential real property, a program  
467 administrator must first confirm that the applicable work or  
468 service has been completed, either through a written  
469 certification from the property owner, a recorded telephone call  
470 with the property owner, review of geo-stamped and time-stamped  
471 photographs, review of a final permit, or a site inspection  
472 through third-party means.

473 (b) A program administrator may not disclose to a  
474 contractor or to a third party engaged in soliciting an  
475 assessment financing agreement the maximum financing amount for  
476 which a residential real property owner is eligible.

477 (24) A program administrator shall comply with the  
478 following marketing and communications guidelines when  
479 communicating with residential real property owners:

480 (a) A program administrator may not represent:

481 1. That the REEF program or assessment financing is a  
482 government assistance program;

483 2. That qualifying improvements are free or that assessment  
484 financing is a free program; or

485 3. That the financing of a qualifying improvement using the  
486 REEF program does not require the property owner to repay the  
487 financial obligation.

488 (b) A program administrator may not make any representation  
489 as to the tax deductibility of an assessment authorized under  
490 this section. A program administrator or contractor may  
491 encourage a property owner to seek the advice of a tax  
492 professional regarding tax matters related to assessments.

493 (25) A contractor should not present a higher price for a

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494 qualifying improvement on residential real property financed by  
495 an assessment financing agreement than the contractor would  
496 otherwise reasonably present if the qualifying improvement was  
497 not being financed through an assessment financing agreement.

498 (26) A program administrator shall use appropriate  
499 methodologies or technologies to identify and verify the  
500 identity of the residential real property owners who execute an  
501 assessment financing agreement.

502 (27) A program administrator may not provide a contractor  
503 with any payment, fee, or kickback in exchange for referring  
504 assessment financing business relating to a specific assessment  
505 financing agreement.

506 (28) A program administrator shall develop and implement  
507 policies and procedures for responding, tracking, and timely  
508 helping to resolve questions and property owner complaints as  
509 soon as reasonably practicable.

510 (29) A program administrator shall maintain a process for  
511 monitoring contractors that contract with residential real  
512 property owners to install qualifying improvements with regard  
513 to performance and compliance with program policies and shall  
514 implement policies for suspending and terminating contractors  
515 based on violations of program policies or unscrupulous  
516 behavior. A program administrator shall maintain a policy for  
517 determining the conditions on which a contractor may be  
518 reinstated to the program.

519 (30) A program administrator shall provide, at a reasonable  
520 time following the end of the prior calendar year, an annual  
521 report to the dependent special district as defined in s.  
522 189.012 or a separate legal entity created pursuant to s.

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523 163.01(7) which it has contracted with to administer a REEF  
524 program and shall include information and data related to the  
525 following:

526 (a) The total number of property owner complaints received  
527 which are associated with project funding in the report year.

528 (b) Of the total number of complaints received associated  
529 with project funding in the report year:

530 1. The number and percentage of complaints that relate to  
531 the assessment financing.

532 2. The number and percentage of complaints that relate to a  
533 contractor or the workmanship of a contractor and are not  
534 related to assessment financing.

535 3. The number and percentage of complaints that relate to  
536 both a contractor and the assessment financing.

537 4. The number and percentage of complaints identified in  
538 subparagraphs 1., 2., and 3. which were resolved and the number  
539 and percentage of complaints that were not resolved.

540 (c) The percentage of complaints in subparagraphs (b)1.,  
541 2., and 3. expressed as a total of all projects funded in the  
542 report year.

543 (31) Notwithstanding any provision of this section to the  
544 contrary, the following applies to government-leased property:

545 (a) The assessment financing agreement must be executed by  
546 either:

547 1. The local government and the nongovernmental lessee; or

548 2. Solely by the nongovernmental lessee but with the  
549 written consent of the local government. Evidence of such  
550 consent must be provided to the program administrator or REEF  
551 program.

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552       (b) The assessment financing agreement must provide that  
553 the nongovernmental lessee is the only party obligated to pay  
554 the assessment.

555       (c) A delinquent assessment must be enforced in the manner  
556 provided in ss. 196.199(8) and 197.432(10).

557       (d) The recorded assessment financing agreement, or a  
558 summary memorandum of such recorded agreement, must provide  
559 constructive notice that the assessment to be levied on the  
560 property is subject to enforcement in the manner provided in ss.  
561 196.199(8) and 197.432(10).

562       (e) For purposes of subsections (9) and (13) only,  
563 references to the property owner are deemed to refer to the  
564 nongovernmental lessee and references to the period of ownership  
565 are deemed to refer to the period that the nongovernmental  
566 lessee has been leasing the property from the local government.

567       (f) The term of the assessment financing agreement on  
568 government-leased property may not exceed:

569           1. Thirty years;

570           2. The remaining term of the lease on the government-leased  
571 property; or

572           3. Either the weighted average estimated useful life of all  
573 qualifying improvements being financed or the estimated useful  
574 life of the qualifying improvements to which the greatest  
575 portion of funds is disbursed.

576       (32) (a) Subsections (16) through (30) do not apply to  
577 residential real property if the program administrator  
578 reasonably determines that:

579           1. The residential real property is owned by a business  
580 entity that owns more than four residential real properties; and

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581       2. The business entity's managing member, partner, or  
582 beneficial owner does not reside in the residential real  
583 property.

584       (b) Subsections (16) through (30) apply to a program  
585 administrator only when administering a REEF program for  
586 qualifying improvements on residential real property.  
587 Subsections (16) through (30) do not apply with respect to a  
588 local government or to nonresidential real property.

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