

Amendment No. 1

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WITHDRAWN	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: Ways & Means Committee
2 Representative Fine offered the following:

Amendment (with title amendment)

Remove lines 150-308 and insert:

6 4. Wastewater improvement, which includes, but is not
7 limited to:

8 a. The removal, replacement, or improvement of an onsite
9 sewage treatment and disposal system with a secondary or
10 advanced onsite sewage treatment and disposal system or
11 technology;

12 b. The replacement or conversion of an onsite sewage
13 treatment and disposal system to a central sewerage system or
14 distributed sewerage system, including, but not limited to, the
15 installation of a sewer lateral and anything necessary to
16 connect the onsite sewage treatment and disposal system or the

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17 building's plumbing to a central sewerage system or distributed
18 sewerage system; or

19 c. Any removal, repairs, or modifications made to an
20 onsite sewage treatment and disposal system, including any
21 repair, modification, or replacement of a system required under
22 a local ordinance enacted pursuant to ss. 381.0065 and
23 381.00651.

24 5. Flood and water damage mitigation and resiliency
25 improvement, which includes, but is not limited to, projects and
26 installation for:

27 a. The raising of a structure above the base flood
28 elevation to reduce flood damage;

29 b. A flood diversion apparatus or sea wall improvement,
30 which includes seawall repairs and seawall replacements;

31 c. Flood damage-resistant building materials;

32 d. Electrical, mechanical, plumbing, or other system
33 improvements that reduce flood damage; or

34 e. Other improvements that qualify for reductions in flood
35 insurance premiums.

36 (g) "Residential real property" means a residential real
37 property composed of four or fewer dwelling units which has been
38 or will be improved by a qualifying improvement.

39 (h) "Resiliency Energy Environment Florida (REEF) program"
40 means a program established by a local government, alone or in
41 partnership with other local governments or a program

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42 administrator, to finance qualifying improvements on
43 nonresidential real property or residential real property.

44 (4) Subject to local government ordinance or resolution, a
45 property owner may apply to the REEF program ~~local government~~
46 for funding to finance a qualifying improvement and enter into
47 an assessment ~~a~~ financing agreement with the local government.
48 Costs incurred by the REEF program ~~local government~~ for such
49 purpose may be collected as a non-ad valorem assessment. A non-
50 ad valorem assessment shall be collected pursuant to s. 197.3632
51 and, notwithstanding s. 197.3632 (8) (a), shall not be subject to
52 discount for early payment. However, the notice and adoption
53 requirements of s. 197.3632 (4) do not apply if this section is
54 used and complied with, and the intent resolution, publication
55 of notice, and mailed notices to the property appraiser, tax
56 collector, and Department of Revenue required by s.
57 197.3632(3) (a) may be provided on or before August 15 in
58 conjunction with any non-ad valorem assessment authorized by
59 this section, if the property appraiser, tax collector, and
60 local government agree.

61 (6) A local government may enter into an agreement with a
62 program administrator to administer a REEF program on behalf of
63 the local government ~~A qualifying improvement program may be~~
64 ~~administered by a for-profit entity or a not-for-profit~~
65 ~~organization on behalf of and at the discretion of the local~~
66 ~~government.~~

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

72 (8) A local government may enter into an assessment a
73 financing agreement to finance or refinance a qualifying
74 improvement only with the record owner of the affected property.
75 Any assessment financing agreement entered into pursuant to this
76 section or a summary memorandum of such agreement shall be
77 submitted for recording ~~recorded~~ in the public records of the
78 county within which the property is located by the ~~sponsoring~~
79 ~~unit of~~ local government within 5 days after execution of the
80 agreement. The recorded agreement shall provide constructive
81 notice that the assessment to be levied on the property
82 constitutes a lien of equal dignity to county taxes and
83 assessments from the date of recordation. A notice of lien for
84 the full amount of the financing may be recorded in the public
85 records of the county where the property is located. Such lien
86 shall not be enforceable in a manner that results in the
87 acceleration of the remaining nondelinquent unpaid balance under
88 the assessment financing agreement.

89 (9) Before entering into an assessment a financing
90 agreement, the local government, or the program administrator

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91 acting on its behalf, shall reasonably determine that all of the
92 following conditions are met:

93 (a) All property taxes and any other assessments levied on
94 the same bill as property taxes are current ~~paid~~ and have not
95 been delinquent for more than 30 days for the preceding 3 years
96 or the property owner's period of ownership, whichever is less.†

97 (b) ~~that~~ There are no involuntary liens greater than
98 \$1,000, including, but not limited to, construction liens on the
99 property.†

100 (c) ~~that~~ No notices of default or other evidence of
101 property-based debt delinquency have been recorded and not
102 released during the preceding 3 years or the property owner's
103 period of ownership, whichever is less.†

104 (d) The local government or program administrator has
105 asked the property owner whether any other assessments under
106 this section have been recorded or have been funded and not yet
107 recorded on the property. The failure of a property owner to
108 disclose information set forth in this paragraph does not
109 invalidate an assessment financing agreement or any obligation
110 thereunder, even if the total financed amount of the qualifying
111 improvements exceeds the amount that would otherwise be
112 authorized under paragraph (12)(a).

113 (e) ~~and that~~ The property owner is current on all mortgage
114 debt on the property.

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115 (f) The residential property is not subject to an existing
116 home equity conversion mortgage or reverse mortgage product.
117 This paragraph does not apply to nonresidential real property.

118 (g) The property is not currently a residential property
119 gifted to a homeowner for free by a nonprofit entity as may be
120 disclosed by the property owner. The failure of a property owner
121 to disclose information set forth in this paragraph does not
122 invalidate an assessment financing agreement or any obligation
123 thereunder. This paragraph does not apply to nonresidential real
124 property.

125 (10) Before final funding may be provided, a qualifying
126 improvement ~~must shall~~ be affixed or planned to be affixed to a
127 nonresidential real property or residential real ~~building or~~
128 facility that is part of the property and constitutes shall
129 constitute an improvement to that property the building or
130 facility or a fixture attached to the building or facility. An
131 assessment financing agreement may between a local government
132 and a qualifying property owner ~~may not~~ cover qualifying wind-
133 ~~resistance~~ improvements on nonresidential real property under
134 new construction or residential real property in buildings or
135 facilities under new construction ~~or construction for which a~~
136 certificate of occupancy or similar evidence of substantial
137 completion of new construction or improvement has not been
138 issued.

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139 (12) (a) Without the consent of the holders or loan
140 servicers of any mortgage encumbering or otherwise secured by
141 the property, the total amount of any non-ad valorem assessment
142 for a property under this section may not exceed 20 percent of
143 the fair market ~~just~~ value of the real property ~~as determined by~~
144 ~~the county property appraiser.~~ The combined mortgage-related
145 debt and total amount of any non-ad valorem assessments funded
146 under this section for residential real property may not exceed
147 100 percent of the fair market value of the residential real
148 property. However, the failure of a property owner to disclose
149 information set forth in paragraph (9) (d) does not invalidate an
150 assessment financing agreement or any obligation thereunder,
151 even if the total financed amount of the qualifying improvements
152 exceeds the amount that would otherwise be authorized under this
153 paragraph. For purposes of this paragraph, fair market value may
154 be determined using reputable third parties.

155 (b) Notwithstanding paragraph (a), a non-ad valorem
156 assessment for a qualifying improvement defined in subparagraph
157 (2) (f)1. ~~(2) (b)1.~~ or subparagraph (2) (f)2. ~~which (2) (b)2. that~~
158 is supported by an energy audit is not subject to the limits in
159 this subsection if the audit demonstrates that the annual energy
160 savings from the qualified improvement equals or exceeds the
161 annual repayment amount of the non-ad valorem assessment.

162 (13) At least 30 days before entering into an assessment a
163 financing agreement, the property owner shall provide to the

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164 holders or loan servicers of any existing mortgages encumbering
165 or otherwise secured by the property a notice of the owner's
166 intent to enter into an assessment a financing agreement
167 together with the maximum principal amount to be financed and
168 the maximum annual assessment necessary to repay that amount. A
169 verified copy or other proof of such notice shall be provided to
170 the local government. A provision in any agreement between a
171 mortgagee or other lienholder and a property owner, or otherwise
172 now or hereafter binding upon a property owner, which allows for
173 acceleration of payment of the mortgage, note, or lien or other
174 unilateral modification solely as a result of entering into an
175 assessment a financing agreement as provided for in this section
176 is not enforceable. This subsection does not limit the authority
177 of the holder or loan servicer to increase the required monthly
178 escrow by an amount necessary to ~~annually~~ pay the annual
179 ~~qualifying improvement~~ assessment.

180 (14) At or before the time a seller ~~purchaser~~ executes a
181 contract for the sale ~~and purchase~~ of any property for which a
182 non-ad valorem assessment has been levied under this section and
183 has an unpaid balance due, the seller must ~~shall~~ give the
184 prospective purchaser a written disclosure statement in the
185 following form, which shall be set forth in the contract or in a
186 separate writing:

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188 QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY,
189 RENEWABLE ENERGY, FLOOD MITIGATION, ADVANCED
190 TECHNOLOGIES FOR WASTEWATER REMOVAL, OR WIND
191 RESISTANCE.—The property being purchased is located
192 within the jurisdiction of a local government that has
193 placed an assessment on the property pursuant to s.
194 163.08, Florida Statutes. The assessment is for a
195 qualifying improvement to the property relating to
196 flood mitigation, advanced technologies for wastewater
197 removal, energy efficiency, renewable

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201 **T I T L E A M E N D M E N T**

202 Remove line 3 and insert:

203 Florida programs; amending s. 163.08, F.S.; defining and
204 revising