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1 A bill to be entitled
2 An act relating to improvements to real property;
3 amending s. 163.08, F.S.; deleting provisions relating
4 to legislative findings and intent; defining terms and
5 revising definitions; creating s. 163.081, F.S.;
6 authorizing a program administrator to offer a program
7 for financing qualifying improvements for residential
8 property when authorized by a county or municipality;
9 requiring an authorized program administrator that
10 administers an authorized program to meet certain
11 requirements; authorizing a county or municipality to
12 enter into an interlocal agreement to implement a
13 program; authorizing a county or municipality to
14 deauthorize a program administrator through certain
15 measures; allowing a recorded financing agreement at
16 the time of deauthorization to continue, with an
17 exception; authorizing a program administrator to
18 contract with third-party administrators to implement
19 the program; authorizing a program administrator to
20 levy non-ad valorem assessments for a certain purpose;
21 providing for compensation for tax collectors for
22 actual costs incurred to collect non-ad valorem
23 assessments; authorizing a program administrator to
24 incur debt for the purpose of providing financing for
25 qualifying improvements; authorizing the owner of
26 record of the residential property to apply to the
27 program administrator to finance a qualifying
28 improvement; requiring the program administrator to
29 make certain findings before entering into a financing

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30 agreement; requiring the program administrator to
31 ascertain certain financial information from the
32 property owner before entering into a financing
33 agreement; requiring certain documentation before the
34 financing agreement is approved and recorded;
35 requiring an advisement and notification for certain
36 qualifying improvements; requiring certain financing
37 agreement and contract provisions for change orders
38 under certain circumstances; prohibiting a financing
39 agreement from being entered into under certain
40 circumstances; requiring the program administrator to
41 provide certain information before a financing
42 agreement may be executed; requiring an oral, recorded
43 telephone call with the residential property owner to
44 confirm findings and disclosures before the approval
45 of a financing agreement; requiring the residential
46 property owner to provide written notice to the holder
47 or loan servicer of his or her intent to enter into a
48 financing agreement as well as other financial
49 information; requiring that proof of such notice be
50 provided to the program administrator; providing that
51 a certain acceleration provision in an agreement
52 between the residential property owner and mortgagor
53 or lienholder is unenforceable; providing that the
54 lienholder or loan servicer retains certain authority;
55 authorizing a residential property owner, under
56 certain circumstances and within a certain timeframe,
57 to cancel a financing agreement without financial
58 penalty; requiring recording of the financing

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59 agreement in a specified timeframe; creating the
60 seller's disclosure statements for properties offered
61 for sale which have assessments on them for qualifying
62 improvements; requiring the program administrator to
63 confirm that certain conditions are met before
64 disbursing final funds to a qualifying improvement
65 contractor for qualifying improvements on residential
66 property; requiring a program administrator to confirm
67 that the applicable work service has been completed or
68 the final permit for the qualifying improvement has
69 been closed and evidence of substantial completion of
70 construction or improvement has been issued; creating
71 s. 163.082, F.S.; authorizing a program administrator
72 to offer a program for financing qualifying
73 improvements for commercial property when authorized
74 by a county or municipality; requiring an authorized
75 program administrator that administers an authorized
76 program to meet certain requirements; authorizing a
77 county or municipality to enter into an interlocal
78 agreement to implement a program; authorizing a county
79 or municipality to deauthorize a program administrator
80 through certain measures; authorizing a recorded
81 financing agreement at the time of deauthorization to
82 continue, with an exception; authorizing a program
83 administrator to contract with third-party
84 administrators to implement the program; authorizing a
85 program administrator to levy non-ad valorem
86 assessments for a certain purpose; providing for
87 compensation for tax collectors for actual costs

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88 incurred to collect non-ad valorem assessments;
89 authorizing a program administrator to incur debt for
90 the purpose of providing financing for qualifying
91 improvements; authorizing the owner of record of the
92 commercial property to apply to the program
93 administrator to finance a qualifying improvement;
94 requiring the program administrator to receive the
95 written consent of current holders or loan servicers
96 of certain mortgages encumbering or secured by
97 commercial property; requiring a program administrator
98 offering a program for financing qualifying
99 improvements to commercial property to certain
100 underwriting criteria; requiring the program
101 administrator to make certain findings before entering
102 into a financing agreement; requiring the program
103 administrator to ascertain certain financial
104 information from the property owner before entering
105 into a financing agreement; requiring the program
106 administrator to document and retain certain findings;
107 requiring certain financing agreement and contract
108 provisions for change orders under certain
109 circumstances; prohibiting a financing agreement from
110 being entered into under certain circumstances;
111 requiring the program administrator to provide certain
112 information before a financing agreement may be
113 executed; requiring any financing agreement executed
114 pursuant to this section be submitted for recording in
115 the public records of the county where the commercial
116 property is located in a specified timeframe;

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117 requiring that the recorded agreement provide
118 constructive notice that the non-ad valorem assessment
119 levied on the property is a lien of equal dignity;
120 providing that a lien with a certain acceleration
121 provision is unenforceable; creating the seller's
122 disclosure statements for properties offered for sale
123 which have assessments on them for qualifying
124 improvements; requiring the program administrator to
125 confirm that certain conditions are met before
126 disbursing final funds to a qualifying improvement
127 contractor for qualifying improvements on commercial
128 property; providing construction; creating s. 163.083,
129 F.S.; requiring a county or municipality to establish
130 or approve a process for the registration of a
131 qualifying improvement contractor to install
132 qualifying improvements; requiring certain conditions
133 for a qualifying improvement contractor to participate
134 in a program; prohibiting a third-party administrator
135 from registering as a qualifying improvement
136 contractor; requiring the program administrator to
137 monitor qualifying improvement contractors, enforce
138 certain penalties for a finding of violation, and post
139 certain information online; creating s. 163.084, F.S.;
140 authorizing the program administrator to contract with
141 entities to administer an authorized program;
142 providing certain requirements for a third-party
143 administrator; prohibiting a program administrator
144 from acting as a third-party administrator under
145 certain circumstances; providing an exception;

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146 requiring the program administrator to include in its
147 contract with the third-party administrator the right
148 to perform annual reviews of the administrator;
149 authorizing the program administrator to take certain
150 actions if the program administrator finds that the
151 third-party administrator has committed a violation of
152 its contract; authorizing a program administrator to
153 terminate an agreement with a third-party
154 administrator under certain circumstances; providing
155 for the continuation of certain financing agreements
156 after the termination or suspension of the third-party
157 administrator, with an exception; creating s. 163.085,
158 F.S.; requiring that, in communicating with the
159 property owner, the program administrator, qualifying
160 improvement contractor, or third-party administrator
161 comply with certain requirements; prohibiting the
162 program administrator or third-party administrator
163 from disclosing certain financing information to a
164 qualifying improvement contractor; prohibiting a
165 qualifying improvement contractor from making certain
166 advertisements or solicitations; providing exceptions;
167 prohibiting a program administrator or third-party
168 administrator from providing certain payments, fees,
169 or kickbacks to a qualifying improvement contractor;
170 prohibiting a program administrator or third-party
171 administrator from reimbursing a qualifying
172 improvement contractor for certain expenses;
173 prohibiting a qualifying improvement contractor from
174 providing different prices for a qualifying

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175 improvement; requiring a contract between a property
176 owner and a qualifying improvement contractor to
177 include certain provisions; prohibiting a program
178 administrator, qualifying improvement contractor, or
179 third-party administrator from providing any cash
180 payment or anything of material value to a property
181 owner which is explicitly conditioned on a financing
182 agreement; providing exceptions; creating s. 163.086,
183 F.S.; prohibiting a recorded financing agreement from
184 being removed from attachment to a property under
185 certain circumstances; providing for the
186 unenforceability of a financing agreement under
187 certain circumstances; providing provisions for when a
188 qualifying improvement contractor initiates work on an
189 unenforceable contract; providing that a qualifying
190 improvement contractor may retrieve chattel or
191 fixtures delivered pursuant to an unenforceable
192 contract if certain conditions are met; providing that
193 an unenforceable contract will remain unenforceable
194 under certain circumstances; creating s. 163.087,
195 F.S.; requiring a program administrator authorized to
196 administer a program for financing a qualifying
197 improvement to post on its website an annual report;
198 specifying requirements for the report; requiring the
199 Auditor General to conduct an operational audit of
200 each program administrator; requiring the Auditor
201 General to adopt certain rules requiring certain
202 reporting from the program administrator; requiring
203 program administrators and, if applicable, third-party

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204 administrators to post the report on its website;
205 providing that a contract, agreement, authorization,
206 or interlocal agreement entered into before a certain
207 date may continue without additional action by the
208 county or municipality; requiring that the program
209 administrator comply with the act and that any related
210 contracts, agreements, authorizations, or interlocal
211 agreements be amended to comply with the act;
212 providing an effective date.

213
214 Be It Enacted by the Legislature of the State of Florida:

215
216 Section 1. Section 163.08, Florida Statutes, is amended to
217 read:

218 (Substantial rewording of section. See
219 s. 163.08, F.S., for present text.)

220 163.08 Definitions.—As used in ss. 163.081-163.087, the
221 term:

222 (1) "Commercial property" means real property other than
223 residential property. The term includes, but is not limited to,
224 a property zoned multifamily residential which is composed of
225 five or more dwelling units; and real property used for
226 commercial, industrial, or agricultural purposes.

227 (2) "Program administrator" means a county, a municipality,
228 a dependent special district as defined in s. 189.012, or a
229 separate legal entity created pursuant to s. 163.01(7) which
230 directly operates a program for financing qualifying
231 improvements and is authorized pursuant to s. 163.081 or s.
232 163.082.

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233 (3) "Property owner" means the owner or owners of record of
234 real property. The term includes real property held in trust for
235 the benefit of one or more individuals, in which case the
236 individual or individuals may be considered as the property
237 owner or owners, provided that the trustee provides written
238 consent. The term does not include persons renting, using,
239 living, or otherwise occupying real property.

240 (4) "Qualifying improvement" means the following permanent
241 improvements located on real property within the jurisdiction of
242 an authorized financing program:

243 (a) For improvements on residential property:

244 1. Repairing, replacing, or improving a central sewerage
245 system, converting an onsite sewage treatment and disposal
246 system to a central sewerage system, or, if no central sewerage
247 system is available, removing, repairing, replacing, or
248 improving an onsite sewage treatment and disposal system to an
249 advanced system or technology.

250 2. Repairing, replacing, or improving a roof, including
251 improvements that strengthen the roof deck attachment; create a
252 secondary water barrier to prevent water intrusion; install
253 wind-resistant shingles or gable-end bracing; or reinforce roof-
254 to-wall connections.

255 3. Providing flood and water damage mitigation and
256 resiliency improvements, prioritizing repairs, replacement, or
257 improvements that qualify for reductions in flood insurance
258 premiums, including raising a structure above the base flood
259 elevation to reduce flood damage; constructing a flood diversion
260 apparatus, drainage gate, or seawall improvement, including
261 seawall repairs and seawall replacements; purchasing flood-

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262 damage-resistant building materials; or making electrical,
263 mechanical, plumbing, or other system improvements that reduce
264 flood damage.

265 4. Replacing windows or doors, including garage doors, with
266 energy-efficient, impact-resistant, wind-resistant, or hurricane
267 windows or doors or installing storm shutters.

268 5. Installing energy-efficient heating, cooling, or
269 ventilation systems.

270 6. Replacing or installing insulation.

271 7. Replacing or installing energy-efficient water heaters.

272 8. Installing and affixing a permanent generator.

273 9. Providing a renewable energy improvement, including the
274 installation of any system in which the electrical, mechanical,
275 or thermal energy is produced from a method that uses solar,
276 geothermal, bioenergy, wind, or hydrogen.

277 (b) For installing or constructing improvements on
278 commercial property:

279 1. Waste system improvements, which consists of repairing,
280 replacing, improving, or constructing a central sewerage system,
281 converting an onsite sewage treatment and disposal system to a
282 central sewerage system, or, if no central sewerage system is
283 available, removing, repairing, replacing, or improving an
284 onsite sewage treatment and disposal system to an advanced
285 system or technology.

286 2. Making resiliency improvements, which includes but is
287 not limited to:

288 a. Repairing, replacing, improving, or constructing a roof,
289 including improvements that strengthen the roof deck attachment;

290 b. Creating a secondary water barrier to prevent water

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291 intrusion;
292 c. Installing wind-resistant shingles or gable-end bracing;
293 d. Reinforcing roof-to-wall connections; or
294 e. Providing flood and water damage mitigation and
295 resiliency improvements, prioritizing repairs, replacement, or
296 improvements that qualify for reductions in flood insurance
297 premiums, including raising a structure above the base flood
298 elevation to reduce flood damage; creating or improving
299 stormwater and flood resiliency, including flood diversion
300 apparatus, drainage gates, or shoreline improvements; purchasing
301 flood-damage-resistant building materials; or making any other
302 improvements necessary to achieve a sustainable building rating
303 or compliance with a national model resiliency standard and any
304 improvements to a structure to achieve wind or flood insurance
305 rate reductions, including building elevation.

306 3. Energy conservation and efficiency improvements, which
307 are measures to reduce consumption through efficient use or
308 conservation of electricity, natural gas, propane, or other
309 forms of energy, including but not limited to, air sealing;
310 installation of insulation; installation of energy-efficient
311 heating, cooling, or ventilation systems; building modification
312 to increase the use of daylight; window replacement; windows;
313 energy controls or energy recovery systems; installation of
314 electric vehicle charging equipment; installation of efficient
315 lighting equipment; or any other improvements necessary to
316 achieve a sustainable building rating or compliance with a
317 national model green building code.

318 4. Renewable energy improvements, including the
319 installation of any system in which the electrical, mechanical,

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320 or thermal energy is produced from a method that uses solar,
321 geothermal, bioenergy, wind, or hydrogen.

322 5. Water conservation efficiency improvements, which are
323 measures to reduce consumption through efficient use or
324 conservation of water.

325 (5) "Qualifying improvement contractor" means a licensed or
326 registered contractor who has been registered to participate by
327 a program administrator pursuant to s. 163.083 to install or
328 otherwise perform work to make qualifying improvements on
329 residential property financed pursuant to a program authorized
330 under s. 163.081.

331 (6) "Residential property" means real property zoned as
332 residential or multifamily residential and composed of four or
333 fewer dwelling units.

334 (7) "Third-party administrator" means an entity under
335 contract with a program administrator pursuant to s. 163.084.

336 Section 2. Section 163.081, Florida Statutes, is created to
337 read:

338 163.081 Financing qualifying improvements to residential
339 property.—

340 (1) RESIDENTIAL PROPERTY PROGRAM AUTHORIZATION.—

341 (a) A program administrator may only offer a program for
342 financing qualifying improvements to residential property within
343 the jurisdiction of a county or municipality if the county or
344 municipality has authorized by ordinance or resolution the
345 program administrator to administer the program for financing
346 qualifying improvements to residential property. The authorized
347 program must, at a minimum, meet the requirements of this
348 section.

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349 (b) Pursuant to this section or as otherwise provided by
350 law or pursuant to a county's or municipality's home rule power,
351 a county or municipality may enter into an interlocal agreement
352 providing for a partnership between one or more counties or
353 municipalities for the purpose of facilitating a program to
354 finance qualifying improvements to residential property located
355 within the jurisdiction of the counties or municipalities that
356 are party to the agreement.

357 (c) A county or municipality may deauthorize a program
358 administrator through repeal of the ordinance or resolution
359 adopted pursuant to paragraph (a) or other action. Any recorded
360 financing agreements at the time of deauthorization shall
361 continue, except any financing agreement for which the
362 provisions of s. 163.086 apply.

363 (d) An authorized program administrator may contract with
364 one or more third-party administrators to implement the program
365 as provided in s. 163.084.

366 (e) An authorized program administrator may levy non-ad
367 valorem assessments to facilitate repayment of financing
368 qualifying improvements. Costs incurred by the program
369 administrator for such purpose may be collected as a non-ad
370 valorem assessment. A non-ad valorem assessment shall be
371 collected pursuant to s. 197.3632 and, notwithstanding s.
372 197.3632(8) (a), shall not be subject to discount for early
373 payment. However, the notice and adoption requirements of s.
374 197.3632(4) do not apply if this section is used and complied
375 with, and the intent resolution, publication of notice, and
376 mailed notices to the property appraiser, tax collector, and
377 Department of Revenue required by s. 197.3632(3) (a) may be

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378 provided on or before August 15 of each year in conjunction with
379 any non-ad valorem assessment authorized by this section, if the
380 property appraiser, tax collector, and program administrator
381 agree. The program administrator shall only compensate the tax
382 collector for the actual cost of collecting non-ad valorem
383 assessments, not to exceed 2 percent of the amount collected and
384 remitted.

385 (f) A program administrator may incur debt for the purpose
386 of providing financing for qualifying improvements, which debt
387 is payable from revenues received from the improved property or
388 any other available revenue source authorized by law.

389 (2) APPLICATION.—The owner of record of the residential
390 property within the jurisdiction of an authorized program may
391 apply to the authorized program administrator to finance a
392 qualifying improvement. The program administrator may only enter
393 into a financing agreement with the property owner.

394 (3) FINANCING AGREEMENTS.—

395 (a) Before entering into a financing agreement, the program
396 administrator must make each of the following findings based on
397 a review of public records derived from a commercially accepted
398 source and the property owner's statements, records, and credit
399 reports:

400 1. There are sufficient resources to complete the project.

401 2. The total amount of any non-ad valorem assessment for a
402 residential property under this section does not exceed 20
403 percent of the just value of the property as determined by the
404 property appraiser. The total amount may exceed this limitation
405 upon written consent of the holders or loan servicers of any
406 mortgage encumbering or otherwise secured by the residential

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407 property.

408 3. The combined mortgage-related debt and total amount of
409 any non-ad valorem assessments under the program for the
410 residential property does not exceed 97 percent of the just
411 value of the property as determined by the property appraiser.

412 4. The financing agreement does not utilize a negative
413 amortization schedule, a balloon payment, or prepayment fees or
414 finances other than nominal administrative costs. Capitalized
415 interest included in the original balance of the assessment
416 financing agreement does not constitute negative amortization.

417 5. All property taxes and any other assessments, including
418 non-ad valorem assessments, levied on the same bill as the
419 property taxes are current and have not been delinquent for the
420 preceding 3 years, or the property owner's period of ownership,
421 whichever is less.

422 6. There are no outstanding fines or fees related to zoning
423 or code enforcement violations issued by a county or
424 municipality, unless the qualifying improvement will remedy the
425 zoning or code violation.

426 7. There are no involuntary liens, including, but not
427 limited to, construction liens on the residential property.

428 8. No notices of default or other evidence of property-
429 based debt delinquency have been recorded and not released
430 during the preceding 3 years or the property owner's period of
431 ownership, whichever is less.

432 9. The property owner is current on all mortgage debt on
433 the residential property.

434 10. The property owner has not been subject to a bankruptcy
435 proceeding within the last 5 years unless it was discharged or

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436 dismissed more than 2 years before the date on which the
437 property owner applied for financing.

438 11. The residential property is not subject to an existing
439 home equity conversion mortgage or reverse mortgage product.

440 12. The term of the financing agreement does not exceed the
441 weighted average useful life of the qualified improvements to
442 which the greatest portion of funds disbursed under the
443 assessment contract is attributable, not to exceed 20 years. The
444 program administrator shall determine the useful life of a
445 qualifying improvement using established standards, including
446 certification criteria from government agencies or nationally
447 recognized standards and testing organizations.

448 13. The total estimated annual payment amount for all
449 financing agreements entered into under this section on the
450 residential property does not exceed 10 percent of the property
451 owner's annual household income. Income must be confirmed using
452 reasonable evidence and not solely by a property owner's
453 statement.

454 14. If the qualifying improvement is for the conversion of
455 an onsite sewage treatment and disposal system to a central
456 sewerage system, the property owner has utilized all available
457 local government funding for such conversions and is unable to
458 obtain financing for the improvement on more favorable terms
459 through a local government program designed to support such
460 conversions.

461 (b) Before entering into a financing agreement, the program
462 administrator must determine if there are any current financing
463 agreements on the residential property and if the property owner
464 has obtained or sought to obtain additional qualifying

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465 improvements on the same property which have not yet been
466 recorded. The existence of a prior qualifying improvement non-ad
467 valorem assessment or a prior financing agreement is not
468 evidence that the financing agreement under consideration is
469 affordable or meets other program requirements.

470 (c) Findings satisfying paragraphs (a) and (b) must be
471 documented, including supporting evidence relied upon, and
472 provided to the property owner prior to a financing agreement
473 being approved and recorded. The program administrator must
474 retain the documentation for the duration of the financing
475 agreement.

476 (d) If the qualifying improvement is estimated to cost
477 \$10,000 or more, before entering into a financing agreement the
478 program administrator must advise the property owner in writing
479 that the best practice is to obtain estimates from more than one
480 unaffiliated, registered qualifying improvement contractor for
481 the qualifying improvement and notify the property owner in
482 writing of the advertising and solicitation requirements of s.
483 163.085.

484 (e) A property owner and the program administrator may
485 agree to include in the financing agreement provisions for
486 allowing change orders necessary to complete the qualifying
487 improvement. Any financing agreement or contract for qualifying
488 improvements which includes such provisions must meet the
489 requirements of this paragraph. If a proposed change order on a
490 qualifying improvement will increase the original cost of the
491 qualifying improvement by 20 percent or more or will expand the
492 scope of the qualifying improvement by more than 20 percent,
493 before the change order may be executed which would result in an

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494 increase in the amount financed through the program
495 administrator for the qualifying improvement, the program
496 administrator must notify the property owner, provide an updated
497 written disclosure form as described in subsection (4) to the
498 property owner, and obtain written approval of the change from
499 the property owner.

500 (f) A financing agreement may not be entered into if the
501 total cost of the qualifying improvement, including program fees
502 and interest, is less than \$2,500.

503 (g) A financing agreement may not be entered into for
504 qualifying improvements in buildings or facilities under new
505 construction or construction for which a certificate of
506 occupancy or similar evidence of substantial completion of new
507 construction or improvement has not been issued.

508 (4) DISCLOSURES.—

509 (a) In addition to the requirements imposed in subsection
510 (3), a financing agreement may not be executed unless the
511 program administrator first provides, including via electronic
512 means, a written financing estimate and disclosure to the
513 property owner which includes all of the following, each of
514 which must be individually acknowledged in writing by the
515 property owner:

516 1. The estimated total amount to be financed, including the
517 total and itemized cost of the qualifying improvement, program
518 fees, and capitalized interest;

519 2. The estimated annual non-ad valorem assessment;

520 3. The term of the financing agreement and the schedule for
521 the non-ad valorem assessments;

522 4. The interest charged and estimated annual percentage

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- 523 rate;
- 524 5. A description of the qualifying improvement;
- 525 6. The total estimated annual costs that will be required
526 to be paid under the assessment contract, including program
527 fees;
- 528 7. The total estimated average monthly equivalent amount of
529 funds that would need to be saved in order to pay the annual
530 costs of the non-ad valorem assessment, including program fees;
- 531 8. The estimated due date of the first payment that
532 includes the non-ad valorem assessment;
- 533 9. A disclosure that the financing agreement may be
534 canceled within 3 business days after signing the financing
535 agreement without any financial penalty for doing so;
- 536 10. A disclosure that the property owner may repay any
537 remaining amount owed, at any time, without penalty or
538 imposition of additional prepayment fees or fines other than
539 nominal administrative costs;
- 540 11. A disclosure that if the property owner sells or
541 refinances the residential property, the property owner may be
542 required by a mortgage lender to pay off the full amount owed
543 under each financing agreement under this section;
- 544 12. A disclosure that the assessment will be collected
545 along with the property owner's property taxes, and will result
546 in a lien on the property from the date the financing agreement
547 is recorded;
- 548 13. A disclosure that potential utility or insurance
549 savings are not guaranteed, and will not reduce the assessment
550 amount; and
- 551 14. A disclosure that failure to pay the assessment may

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552 result in penalties, fees, including attorney fees, court costs,
553 and the issuance of a tax certificate that could result in the
554 property owner losing the property and a judgment against the
555 property owner, and may affect the property owner's credit
556 rating.

557 (b) Prior to the financing agreement being approved, the
558 program administrator must conduct an oral, recorded telephone
559 call with the property owner during which the program
560 administrator must confirm each finding or disclosure required
561 in subsection (3) and this section.

562 (5) NOTICE TO LIENHOLDERS AND SERVICERS.—At least 5
563 business days before entering into a financing agreement, the
564 property owner must provide to the holders or loan servicers of
565 any existing mortgages encumbering or otherwise secured by the
566 residential property a written notice of the owner's intent to
567 enter into a financing agreement together with the maximum
568 amount to be financed, including the amount of any fees and
569 interest, and the maximum annual assessment necessary to repay
570 the total. A verified copy or other proof of such notice must be
571 provided to the program administrator. A provision in any
572 agreement between a mortgagor or other lienholder and a property
573 owner, or otherwise now or hereafter binding upon a property
574 owner, which allows for acceleration of payment of the mortgage,
575 note, or lien or other unilateral modification solely as a
576 result of entering into a financing agreement as provided for in
577 this section is unenforceable. This subsection does not limit
578 the authority of the holder or loan servicer to increase the
579 required monthly escrow by an amount necessary to pay the annual
580 assessment.

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581 (6) CANCELLATION.—A property owner may cancel a financing
582 agreement on a form established by the program administrator
583 within 3 business days after signing the financing agreement
584 without any financial penalty for doing so.

585 (7) RECORDING.—Any financing agreement executed pursuant to
586 this section, or a summary memorandum of such agreement, shall
587 be submitted for recording in the public records of the county
588 within which the residential property is located by the program
589 administrator within 10 business days after execution of the
590 agreement and the 3-day cancelation period. The recorded
591 agreement must provide constructive notice that the non-ad
592 valorem assessment to be levied on the property constitutes a
593 lien of equal dignity to county taxes and assessments from the
594 date of recordation. A notice of lien for the full amount of the
595 financing may be recorded in the public records of the county
596 where the property is located. Such lien is not enforceable in a
597 manner that results in the acceleration of the remaining
598 nondelinquent unpaid balance under the assessment financing
599 agreement.

600 (8) SALE OF RESIDENTIAL PROPERTY.—At or before the time a
601 seller executes a contract for the sale of any residential
602 property for which a non-ad valorem assessment has been levied
603 under this section and has an unpaid balance due, the seller
604 shall give the prospective purchaser a written disclosure
605 statement in the following form, which must be set forth in the
606 contract or in a separate writing:

607
608 QUALIFYING IMPROVEMENTS.—The property being purchased
609 is subject to an assessment on the property pursuant

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610 to s. 163.081, Florida Statutes. The assessment is for
611 a qualifying improvement to the property and is not
612 based on the value of the property. You are encouraged
613 to contact the property appraiser's office to learn
614 more about this and other assessments that may be
615 provided by law.

616

617 (9) DISBURSEMENTS.—Before disbursing final funds to a
618 qualifying improvement contractor for a qualifying improvement
619 on residential property, the program administrator shall confirm
620 that the applicable work or service has been completed or, as
621 applicable, that the final permit for the qualifying improvement
622 has been closed with all permit requirements satisfied or a
623 certificate of occupancy or similar evidence of substantial
624 completion of construction or improvement has been issued.

625 (10) CONSTRUCTION.—This section is additional and
626 supplemental to county and municipal home rule authority and not
627 in derogation of such authority or a limitation upon such
628 authority.

629 Section 3. Section 163.082, Florida Statutes, is created to
630 read:

631 163.082 Financing qualifying improvements to commercial
632 property.—

633 (1) COMMERCIAL PROPERTY PROGRAM AUTHORIZATION.—

634 (a) A program administrator may only offer a program for
635 financing qualifying improvements to commercial property within
636 the jurisdiction of a county or municipality if the county or
637 municipality has authorized by ordinance or resolution the
638 program administrator to administer the program for financing

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639 qualifying improvements to commercial property. The authorized
640 program must, at a minimum, meet the requirements of this
641 section.

642 (b) Pursuant to this section or as otherwise provided by
643 law or pursuant to a county's or municipality's home rule power,
644 a county or municipality may enter into an interlocal agreement
645 providing for a partnership between one or more counties or
646 municipalities for the purpose of facilitating a program for
647 financing qualifying improvements to commercial property located
648 within the jurisdiction of the counties or municipalities that
649 are party to the agreement.

650 (c) A county or municipality may deauthorize a program
651 administrator through repeal of the ordinance or resolution
652 adopted pursuant to paragraph (a) or other action. Any recorded
653 financing agreements at the time of deauthorization shall
654 continue, except any financing agreement for which the
655 provisions of s. 163.086 apply.

656 (d) A program administrator may contract with one or more
657 third-party administrators to implement the program as provided
658 in s. 163.084.

659 (e) An authorized program administrator may levy non-ad
660 valorem assessments to facilitate repayment of financing or
661 refinancing qualifying improvements. Costs incurred by the
662 program administrator for such purpose may be collected as a
663 non-ad valorem assessment. A non-ad valorem assessment shall be
664 collected pursuant to s. 197.3632 and, notwithstanding s.
665 197.3632(8) (a), is not subject to discount for early payment.
666 However, the notice and adoption requirements of s. 197.3632(4)
667 do not apply if this section is used and complied with, and the

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668 intent resolution, publication of notice, and mailed notices to
669 the property appraiser, tax collector, and Department of Revenue
670 required by s. 197.3632(3) (a) may be provided on or before
671 August 15 of each year in conjunction with any non-ad valorem
672 assessment authorized by this section, if the property
673 appraiser, tax collector, and program administrator agree. The
674 program administrator shall only compensate the tax collector
675 for the actual cost of collecting non-ad valorem assessments,
676 not to exceed 2 percent of the amount collected and remitted.

677 (f) A program administrator may incur debt for the purpose
678 of providing financing for qualifying improvements, which debt
679 is payable from revenues received from the improved property or
680 any other available revenue source authorized by law.

681 (2) APPLICATION.—The owner of record of the commercial
682 property within the jurisdiction of the authorized program may
683 apply to the program administrator to finance a qualifying
684 improvement and enter into a financing agreement with the
685 program administrator to make such improvement. The program
686 administrator may only enter into a financing agreement with a
687 property owner.

688 (3) CONSENT OF LIENHOLDERS AND SERVICERS.—The program
689 administrator must receive the written consent of the current
690 holders or loan servicers of any mortgage that encumbers or is
691 otherwise secured by the commercial property or that will
692 otherwise be secured by the property before a financing
693 agreement may be executed.

694 (4) FINANCING AGREEMENTS.—

695 (a) A program administrator offering a program for
696 financing qualifying improvements to commercial property must

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697 maintain underwriting criteria sufficient to determine the
698 financial feasibility of entering into a financing agreement. To
699 enter into a financing agreement, the program administrator
700 must, at a minimum, make each of the following findings based on
701 a review of public records derived from a commercially accepted
702 source and the statements, records, and credit reports of the
703 commercial property owner:

704 1. There are sufficient resources to complete the project.

705 2. The combined mortgage-related debt and total amount of
706 any non-ad valorem assessments under the program for the
707 commercial property does not exceed 97 percent of the just value
708 of the property as determined by the property appraiser.

709 3. All property taxes and any other assessments, including
710 non-ad valorem assessments, levied on the same bill as the
711 property taxes are current.

712 4. There are no involuntary liens greater than \$5,000,
713 including, but not limited to, construction liens on the
714 commercial property.

715 5. No notices of default or other evidence of property-
716 based debt delinquency have been recorded and not been released
717 during the preceding 3 years or the property owner's period of
718 ownership, whichever is less.

719 6. The property owner is current on all mortgage debt on
720 the commercial property.

721 7. The term of the financing agreement does not exceed the
722 weighted average useful life of the qualified improvements to
723 which the greatest portion of funds disbursed under the
724 assessment contract is attributable, not to exceed 30 years. The
725 program administrator shall determine the useful life of a

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726 qualifying improvement using established standards, including
727 certification criteria from government agencies or nationally
728 recognized standards and testing organizations.

729 8. The property owner is not currently the subject of a
730 bankruptcy proceeding.

731 (b) Before entering into a financing agreement, the program
732 administrator shall determine if there are any current financing
733 agreements on the commercial property and whether the property
734 owner has obtained or sought to obtain additional qualifying
735 improvements on the same property which have not yet been
736 recorded. The existence of a prior qualifying improvement non-ad
737 valorem assessment or a prior financing agreement is not
738 evidence that the financing agreement under consideration is
739 affordable or meets other program requirements.

740 (c) The program administrator shall document and retain
741 findings satisfying paragraphs (a) and (b), including supporting
742 evidence relied upon, which were made prior to the financing
743 agreement being approved and recorded, for the duration of the
744 financing agreement.

745 (d) A property owner and the program administrator may
746 agree to include in the financing agreement provisions for
747 allowing change orders necessary to complete the qualifying
748 improvement. Any financing agreement or contract for qualifying
749 improvements which includes such provisions must meet the
750 requirements of this paragraph. If a proposed change order on a
751 qualifying improvement will increase the original cost of the
752 qualifying improvement by 20 percent or more or will expand the
753 scope of the qualifying improvement by 20 percent or more,
754 before the change order may be executed which would result in an

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755 increase in the amount financed through the program
756 administrator for the qualifying improvement, the program
757 administrator must notify the property owner, provide an updated
758 written disclosure form as described in subsection (5) to the
759 property owner, and obtain written approval of the change from
760 the property owner.

761 (e) A financing agreement may not be entered into if the
762 total cost of the qualifying improvement, including program fees
763 and interest, is less than \$2,500.

764 (5) DISCLOSURES.—In addition to the requirements imposed in
765 subsection (4), a financing agreement may not be executed unless
766 the program administrator provides, whether on a separate
767 document or included with other disclosures or forms, a
768 financing estimate and disclosure to the property owner which
769 includes all of the following:

770 (a) The estimated total amount to be financed, including
771 the total and itemized cost of the qualifying improvement,
772 program fees, and capitalized interest;

773 (b) The estimated annual non-ad valorem assessment;

774 (c) The term of the financing agreement and the schedule
775 for the non-ad valorem assessments;

776 (d) The interest charged and estimated annual percentage
777 rate;

778 (e) A description of the qualifying improvement;

779 (f) The total estimated annual costs that will be required
780 to be paid under the assessment contract, including program
781 fees;

782 (g) The estimated due date of the first payment that
783 includes the non-ad valorem assessment; and

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784 (h) A disclosure of any prepayment penalties, fees, or
785 finances as set forth in the financing agreement.

786 (6) RECORDING.—Any financing agreement executed pursuant to
787 this section or a summary memorandum of such agreement must be
788 submitted for recording in the public records of the county
789 within which the commercial property is located by the program
790 administrator within 10 business days after execution of the
791 agreement. The recorded agreement must provide constructive
792 notice that the non-ad valorem assessment to be levied on the
793 property constitutes a lien of equal dignity to county taxes and
794 assessments from the date of recordation. A notice of lien for
795 the full amount of the financing may be recorded in the public
796 records of the county where the property is located. Such lien
797 is not enforceable in a manner that results in the acceleration
798 of the remaining nondelinquent unpaid balance under the
799 assessment financing agreement.

800 (7) SALE OF COMMERCIAL PROPERTY.—At or before the time a
801 seller executes a contract for the sale of any commercial
802 property for which a non-ad valorem assessment has been levied
803 under this section and has an unpaid balance due, the seller
804 shall give the prospective purchaser a written disclosure
805 statement in the following form, which must be set forth in the
806 contract or in a separate writing:

807
808 QUALIFYING IMPROVEMENTS.—The property being purchased
809 is subject to an assessment on the property pursuant
810 to s. 163.082, Florida Statutes. The assessment is for
811 a qualifying improvement to the property and is not
812 based on the value of the property. You are encouraged

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813 to contact the property appraiser's office to learn
814 more about this and other assessments that may be
815 provided for by law.

816
817 (8) COMPLETION CERTIFICATE.—Upon disbursement of all
818 financing and completion of installation of qualifying
819 improvements financed, the program administrator shall retain a
820 certificate that the qualifying improvements have been installed
821 and are in good working order.

822 (9) CONSTRUCTION.—This section is additional and
823 supplemental to county and municipal home rule authority and not
824 in derogation of such authority or a limitation upon such
825 authority.

826 Section 4. Section 163.083, Florida Statutes, is created to
827 read:

828 163.083 Qualifying improvement contractors.—

829 (1) A county or municipality shall establish a process, or
830 approve a process established by a program administrator, to
831 register contractors for participation in a program authorized
832 by a county or municipality pursuant to s. 163.081. A qualifying
833 improvement contractor may only perform such work that the
834 contractor is appropriately licensed, registered, and permitted
835 to conduct. At the time of application to participate and during
836 participation in the program, contractors must:

837 (a) Hold all necessary licenses or registrations for the
838 work to be performed which are in good standing. Good standing
839 includes no outstanding complaints with the state or local
840 government which issues such licenses or registrations.

841 (b) Comply with all applicable federal, state, and local

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842 laws and regulations, including obtaining and maintaining any
843 other permits, licenses, or registrations required for engaging
844 in business in the jurisdiction in which it operates and
845 maintaining all state-required bond and insurance coverage.

846 (c) File with the program administrator a written statement
847 in a form approved by the county or municipality that the
848 contractor will comply with applicable laws and rules and
849 qualifying improvement program policies and procedures,
850 including those on advertising and marketing.

851 (2) A third-party administrator or a program administrator,
852 either directly or through an affiliate, may not be registered
853 as a qualifying improvement contractor.

854 (3) A program administrator shall establish and maintain:

855 (a) A process to monitor qualifying improvement contractors
856 for performance and compliance with requirements of the program
857 and must conduct regular reviews of qualifying improvement
858 contractors to confirm that each qualifying improvement
859 contractor is in good standing.

860 (b) Procedures for notice and imposition of penalties upon
861 a finding of violation, which may consist of placement of the
862 qualifying improvement contractor in a probationary status that
863 places conditions for continued participation, suspension, or
864 termination from participation in the program.

865 (c) An easily accessible page on its website that provides
866 information on the status of registered qualifying improvement
867 contractors, including any imposed penalties, and the names of
868 any qualifying improvement contractors currently on probationary
869 status or that are suspended or terminated from participation in
870 the program.

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871 Section 5. Section 163.084, Florida Statutes, is created to
872 read:

873 163.084 Third-party administrator for financing qualifying
874 improvements programs.-

875 (1) (a) A program administrator may contract with one or
876 more third-party administrators to administer a program
877 authorized by a county or municipality pursuant to s. 163.081 or
878 s. 163.082 on behalf of and at the discretion of the program
879 administrator.

880 (b) The third-party administrator must be independent of
881 the program administrator and have no conflicts of interest
882 between managers or owners of the third-party administrator and
883 program administrator managers, owners, officials, or employees
884 with oversight over the contract. A program administrator,
885 either directly or through an affiliate, may not act as a third-
886 party administrator for itself or for another program
887 administrator. However, this paragraph does not apply to a
888 third-party administrator created by an entity authorized in law
889 pursuant to s. 288.9604.

890 (c) The contract must provide for the entity to administer
891 the program according to the requirements of s. 163.081 or s.
892 163.082 and the ordinance or resolution adopted by the county or
893 municipality authorizing the program. However, only the program
894 administrator may levy or administer non-ad valorem assessments.

895 (2) A program administrator may not contract with a third-
896 party administrator that, within the last 3 years, has been:

897 (a) Prohibited, after notice and a hearing, from serving as
898 a third-party administrator for another program administrator
899 for program or contract violations in this state; or

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900 (b) Found by a court of competent jurisdiction to have
901 substantially violated state or federal laws related to the
902 administration of ss. 163.081-163.086 or a similar program in
903 another jurisdiction.

904 (3) The program administrator must include in any contract
905 with the third-party administrator the right to perform annual
906 reviews of the administrator to confirm compliance with ss.
907 163.081-163.086, the ordinance or resolution adopted by the
908 county or municipality, and the contract with the program
909 administrator. If the program administrator finds that the
910 third-party administrator has committed a violation of ss.
911 163.081-163.086, the adopted ordinance or resolution, or the
912 contract with the program administrator, the program
913 administrator shall provide the third-party administrator with
914 notice of the violation and may, as set forth in the adopted
915 ordinance or resolution or the contract with the third-party
916 administrator:

917 (a) Place the third-party administrator in a probationary
918 status that places conditions for continued operations.

919 (b) Impose any fines or sanctions.

920 (c) Suspend the activity of the third-party administrator
921 for a period of time.

922 (d) Terminate the agreement with the third-party
923 administrator.

924 (4) A program administrator may terminate the agreement
925 with a third-party administrator, as set forth by the county or
926 municipality in its adopted ordinance or resolution or the
927 contract with the third-party administrator, if the program
928 administrator makes a finding that:

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929 (a) The third-party administrator has violated the contract
930 with the program administrator. The contract may set forth
931 substantial violations that may result in contract termination
932 and other violations that may provide for a period of time for
933 correction before the contract may be terminated.

934 (b) The third-party administrator, or an officer, a
935 director, a manager or a managing member, or a control person of
936 the third-party administrator, has been found by a court of
937 competent jurisdiction to have violated state or federal laws
938 related to the administration of a program authorized of the
939 provisions of ss. 163.081-163.086 or a similar program in
940 another jurisdiction within the last 5 years.

941 (c) Any officer, director, manager or managing member, or
942 control person of the third-party administrator has been
943 convicted of, or has entered a plea of guilty or nolo contendere
944 to, regardless of whether adjudication has been withheld, a
945 crime related to administration of a program authorized of the
946 provisions of ss. 163.081-163.086 or a similar program in
947 another jurisdiction within the last 10 years.

948 (d) An annual performance review reveals a substantial
949 violation or a pattern of violations by the third-party
950 administrator.

951 (5) Any recorded financing agreements at the time of
952 termination or suspension by the program administrator shall
953 continue, except any financing agreement for which the
954 provisions of s. 163.086 apply.

955 Section 6. Section 163.085, Florida Statutes, is created to
956 read:

957 163.085 Advertisement and solicitation for financing

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958 qualifying improvements programs under s. 163.081 or s.
959 163.082.-

960 (1) When communicating with a property owner, a program
961 administrator, qualifying improvement contractor, or third-party
962 administrator may not:

963 (a) Suggest or imply:

964 1. That a non-ad valorem assessment authorized under s.
965 163.081 or s. 163.082 is a government assistance program;

966 2. That qualifying improvements are free or provided at no
967 cost, or that the financing related to a non-ad valorem
968 assessment authorized under s. 163.081 or s. 163.082 is free or
969 provided at no cost; or

970 3. That the financing of a qualifying improvement using the
971 program authorized pursuant to s. 163.081 or s. 163.082 does not
972 require repayment of the financial obligation.

973 (b) Make any representation as to the tax deductibility of
974 a non-ad valorem assessment. A program administrator, qualifying
975 improvement contractor, or third-party administrator may
976 encourage a property owner to seek the advice of a tax
977 professional regarding tax matters related to assessments.

978 (2) A program administrator or third-party administrator
979 may not provide to a qualifying improvement contractor any
980 information that discloses the amount of financing for which a
981 property owner is eligible for qualifying improvements or the
982 amount of equity in a residential property or commercial
983 property.

984 (3) A qualifying improvement contractor may not advertise
985 the availability of financing agreements for, or solicit program
986 participation on behalf of, the program administrator unless the

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987 contractor is registered by the program administrator to
988 participate in the program and is in good standing with the
989 program administrator.

990 (4) A program administrator or third-party administrator
991 may not provide any payment, fee, or kickback to a qualifying
992 improvement contractor for referring property owners to the
993 program administrator or third-party administrator. However, a
994 program administrator or third-party administrator may provide
995 information to a qualifying improvement contractor to facilitate
996 the installation of a qualifying improvement for a property
997 owner.

998 (5) A program administrator or third-party administrator
999 may not reimburse a qualifying improvement contractor for its
1000 expenses in advertising and marketing campaigns and materials.

1001 (6) A qualifying improvement contractor may not provide a
1002 different price for a qualifying improvement financed under s.
1003 163.081 than the price that the qualifying improvement
1004 contractor would otherwise provide if the qualifying improvement
1005 was not being financed through a financing agreement. Any
1006 contract between a property owner and a qualifying improvement
1007 contractor must clearly state all pricing and cost provisions,
1008 including any process for change orders which meet the
1009 requirements of s. 163.081(3)(d).

1010 (7) A program administrator, qualifying improvement
1011 contractor, or third-party administrator may not provide any
1012 direct cash payment or other thing of material value to a
1013 property owner which is explicitly conditioned upon the property
1014 owner entering into a financing agreement. However, a program
1015 administrator or third-party administrator may offer programs or

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1016 promotions on a non-discriminatory basis that provide reduced
1017 fees or interest rates if the reduced fees or interest rates are
1018 reflected in the financing agreements and are not provided to
1019 the property owner as cash consideration.

1020 Section 7. Section 163.086, Florida Statutes, is created to
1021 read:

1022 163.086 Unenforceable financing agreements for qualifying
1023 improvements programs under s. 163.081 or s. 163.082;
1024 attachment; fraud.—

1025 (1) A recorded financing agreement may not be removed from
1026 attachment to a residential property or commercial property if
1027 the property owner fraudulently obtained funding pursuant to s.
1028 163.081 or s. 163.082.

1029 (2) A financing agreement may not be enforced, and a
1030 recorded financing agreement may be removed from attachment to a
1031 residential property or commercial property and deemed null and
1032 void, if:

1033 (a) The property owner applied for, accepted, and canceled
1034 a financing agreement within the 3-business-day period pursuant
1035 to s. 163.081(6). A qualifying improvement contractor may not
1036 begin work under a canceled contract.

1037 (b) A person other than the property owner obtained the
1038 recorded financing agreement. The court may enter an order which
1039 holds that person or persons personally liable for the debt.

1040 (c) The program administrator, third-party administrator,
1041 or qualifying improvement contractor approved or obtained
1042 funding through fraudulent means and in violation of ss.
1043 163.081-163.085, or this section for qualifying improvements on
1044 the residential property or commercial property.

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1045 (3) If a qualifying improvement contractor has initiated
1046 work on residential property or commercial property under a
1047 contract deemed unenforceable under this section, the qualifying
1048 improvement contractor:

1049 (a) May not receive compensation for that work under the
1050 financing agreement.

1051 (b) Must restore the residential property or commercial
1052 property to its original condition at no cost to the property
1053 owner.

1054 (c) Must immediately return any funds, property, and other
1055 consideration given by the property owner. If the property owner
1056 provided any property and the qualifying improvement contractor
1057 does not or cannot return it, the qualifying improvement
1058 contractor must immediately return the fair market value of the
1059 property or its value as designated in the contract, whichever
1060 is greater.

1061 (4) If the qualifying improvement contractor has delivered
1062 chattel or fixtures to residential property or commercial
1063 property pursuant to a contract deemed unenforceable under this
1064 section, the qualifying improvement contractor has 90 days after
1065 the date on which the contract was executed to retrieve the
1066 chattel or fixtures, provided that:

1067 (a) The qualifying improvement contractor has fulfilled the
1068 requirements of paragraphs (3) (a) and (b).

1069 (b) The chattel and fixtures can be removed at the
1070 qualifying improvement contractor's expense without damaging the
1071 residential property or commercial property.

1072 (5) If a qualifying improvement contractor fails to comply
1073 with this section, the property owner may retain any chattel or

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1074 fixtures provided pursuant to a contract deemed unenforceable
1075 under this section.

1076 (6) A contract that is otherwise unenforceable under this
1077 section remains enforceable if the property owner waives his or
1078 her right to cancel the contract or cancels the financing
1079 agreement pursuant to s. 163.081(6) or s. 163.082(6) but allows
1080 the qualifying improvement contractor to proceed with the
1081 installation of the qualifying improvement.

1082 Section 8. Section 163.087, Florida Statutes, is created to
1083 read:

1084 163.087 Reporting for financing qualifying improvements
1085 programs under s. 163.081 or s. 163.082.—

1086 (1) Each program administrator that is authorized to
1087 administer a program for financing qualifying improvements to
1088 residential property or commercial property under s. 163.081 or
1089 s. 163.082 shall post on its website an annual report within 45
1090 days after the end of its fiscal year containing the following
1091 information from the previous year for each program authorized
1092 under s. 163.081 or s. 163.082:

1093 (a) The number and types of qualifying improvements funded.

1094 (b) The aggregate, average, and median dollar amounts of
1095 annual non-ad valorem assessments and the total number of non-ad
1096 valorem assessments collected pursuant to financing agreements
1097 for qualifying improvements.

1098 (c) The total number of defaulted non-ad valorem
1099 assessments, including the total defaulted amount, the number
1100 and dates of missed payments, and the total number of parcels in
1101 default and the length of time in default.

1102 (d) A summary of all reported complaints received by the

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1103 program administrator related to the program, including the
1104 names of the third-party administrator, if applicable, and
1105 qualifying improvement contractors and the resolution of each
1106 complaint.

1107 (2) The Auditor General must conduct an operational audit
1108 of each program administrator authorized under s. 163.081 or s.
1109 163.082, including any third-party administrators, for
1110 compliance with the provisions of ss. 163.08-163.086 and any
1111 adopted ordinance at least once every 3 years. The Auditor
1112 General may stagger evaluations; however, every program must be
1113 evaluated at least once by September 1, 2028. The Auditor
1114 General shall adopt rules pursuant to s. 218.39 requiring each
1115 program administrator to report whether it offers a program
1116 authorized pursuant to s. 163.081 or s. 163.082, and other
1117 pertinent information. Each program administrator and, if
1118 applicable, third-party administrator, must post the most recent
1119 report on its website.

1120 Section 9. A current contract, agreement, authorization, or
1121 interlocal agreement between a county or municipality and a
1122 program administrator entered into before July 1, 2024, shall
1123 continue without additional action by the county or
1124 municipality. However, the program administrator must comply
1125 with this act, and any contract, agreement, authorization, or
1126 interlocal agreement must be amended to comply with this act.

1127 Section 10. This act shall take effect July 1, 2024.