

2024770er

1
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

2024770er

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

2024770er

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

2024770er

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;

2024770er

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;

2024770er

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

2024770er

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

2024770er

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.

2024770er

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-

2024770er

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

2024770er

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,

2024770er

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.

2024770er

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

2024770er

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

2024770er

407 property.

408 3. The financing agreement does not utilize a negative
409 amortization schedule, a balloon payment, or prepayment fees or
410 finances other than nominal administrative costs. Capitalized
411 interest included in the original balance of the assessment
412 financing agreement does not constitute negative amortization.

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

418 5. There are no outstanding fines or fees related to zoning
419 or code enforcement violations issued by a county or
420 municipality, unless the qualifying improvement will remedy the
421 zoning or code violation.

422 6. There are no involuntary liens, including, but not
423 limited to, construction liens on the residential property.

424 7. No notices of default or other evidence of property-
425 based debt delinquency have been recorded and not released
426 during the preceding 3 years or the property owner's period of
427 ownership, whichever is less.

428 8. The property owner is current on all mortgage debt on
429 the residential property.

430 9. The property owner has not been subject to a bankruptcy
431 proceeding within the last 5 years unless it was discharged or
432 dismissed more than 2 years before the date on which the
433 property owner applied for financing.

434 10. The residential property is not subject to an existing
435 home equity conversion mortgage or reverse mortgage product.

2024770er

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

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

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

457 (b) Before entering into a financing agreement, the program
458 administrator must determine if there are any current financing
459 agreements on the residential property and if the property owner
460 has obtained or sought to obtain additional qualifying
461 improvements on the same property which have not yet been
462 recorded. The existence of a prior qualifying improvement non-ad
463 valorem assessment or a prior financing agreement is not
464 evidence that the financing agreement under consideration is

2024770er

465 affordable or meets other program requirements.

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

472 (d) If the qualifying improvement is estimated to cost
473 \$10,000 or more, before entering into a financing agreement the
474 program administrator must advise the property owner in writing
475 that the best practice is to obtain estimates from more than one
476 unaffiliated, registered qualifying improvement contractor for
477 the qualifying improvement and notify the property owner in
478 writing of the advertising and solicitation requirements of s.
479 163.085.

480 (e) A property owner and the program administrator may
481 agree to include in the financing agreement provisions for
482 allowing change orders necessary to complete the qualifying
483 improvement. Any financing agreement or contract for qualifying
484 improvements which includes such provisions must meet the
485 requirements of this paragraph. If a proposed change order on a
486 qualifying improvement will increase the original cost of the
487 qualifying improvement by 20 percent or more or will expand the
488 scope of the qualifying improvement by more than 20 percent,
489 before the change order may be executed which would result in an
490 increase in the amount financed through the program
491 administrator for the qualifying improvement, the program
492 administrator must notify the property owner, provide an updated
493 written disclosure form as described in subsection (4) to the

2024770er

494 property owner, and obtain written approval of the change from
495 the property owner.

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

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

504 (4) DISCLOSURES.-

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

512 1. The estimated total amount to be financed, including the
513 total and itemized cost of the qualifying improvement, program
514 fees, and capitalized interest;

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

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

518 4. The interest charged and estimated annual percentage
519 rate;

520 5. A description of the qualifying improvement;

521 6. The total estimated annual costs that will be required
522 to be paid under the assessment contract, including program

2024770er

523 fees;

524 7. The total estimated average monthly equivalent amount of
525 funds that would need to be saved in order to pay the annual
526 costs of the non-ad valorem assessment, including program fees;

527 8. The estimated due date of the first payment that
528 includes the non-ad valorem assessment;

529 9. A disclosure that the financing agreement may be
530 canceled within 3 business days after signing the financing
531 agreement without any financial penalty for doing so;

532 10. A disclosure that the property owner may repay any
533 remaining amount owed, at any time, without penalty or
534 imposition of additional prepayment fees or fines other than
535 nominal administrative costs;

536 11. A disclosure that if the property owner sells or
537 refinances the residential property, the property owner may be
538 required by a mortgage lender to pay off the full amount owed
539 under each financing agreement under this section;

540 12. A disclosure that the assessment will be collected
541 along with the property owner's property taxes, and will result
542 in a lien on the property from the date the financing agreement
543 is recorded;

544 13. A disclosure that potential utility or insurance
545 savings are not guaranteed, and will not reduce the assessment
546 amount; and

547 14. A disclosure that failure to pay the assessment may
548 result in penalties, fees, including attorney fees, court costs,
549 and the issuance of a tax certificate that could result in the
550 property owner losing the property and a judgment against the
551 property owner, and may affect the property owner's credit

2024770er

552 rating.

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

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

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

2024770er

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

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

603
604 QUALIFYING IMPROVEMENTS.—The property being purchased
605 is subject to an assessment on the property pursuant
606 to s. 163.081, Florida Statutes. The assessment is for
607 a qualifying improvement to the property and is not
608 based on the value of the property. You are encouraged
609 to contact the property appraiser's office to learn

2024770er

610 more about this and other assessments that may be
611 provided by law.

612
613 (9) DISBURSEMENTS.—Before disbursing final funds to a
614 qualifying improvement contractor for a qualifying improvement
615 on residential property, the program administrator shall confirm
616 that the applicable work or service has been completed or, as
617 applicable, that the final permit for the qualifying improvement
618 has been closed with all permit requirements satisfied or a
619 certificate of occupancy or similar evidence of substantial
620 completion of construction or improvement has been issued.

621 (10) CONSTRUCTION.—This section is additional and
622 supplemental to county and municipal home rule authority and not
623 in derogation of such authority or a limitation upon such
624 authority.

625 Section 3. Section 163.082, Florida Statutes, is created to
626 read:

627 163.082 Financing qualifying improvements to commercial
628 property.—

629 (1) COMMERCIAL PROPERTY PROGRAM AUTHORIZATION.—

630 (a) A program administrator may only offer a program for
631 financing qualifying improvements to commercial property within
632 the jurisdiction of a county or municipality if the county or
633 municipality has authorized by ordinance or resolution the
634 program administrator to administer the program for financing
635 qualifying improvements to commercial property. The authorized
636 program must, at a minimum, meet the requirements of this
637 section.

638 (b) Pursuant to this section or as otherwise provided by

2024770er

639 law or pursuant to a county's or municipality's home rule power,
640 a county or municipality may enter into an interlocal agreement
641 providing for a partnership between one or more counties or
642 municipalities for the purpose of facilitating a program for
643 financing qualifying improvements to commercial property located
644 within the jurisdiction of the counties or municipalities that
645 are party to the agreement.

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

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

655 (e) An authorized program administrator may levy non-ad
656 valorem assessments to facilitate repayment of financing or
657 refinancing qualifying improvements. Costs incurred by the
658 program administrator for such purpose may be collected as a
659 non-ad valorem assessment. A non-ad valorem assessment shall be
660 collected pursuant to s. 197.3632 and, notwithstanding s.
661 197.3632(8)(a), is not subject to discount for early payment.
662 However, the notice and adoption requirements of s. 197.3632(4)
663 do not apply if this section is used and complied with, and the
664 intent resolution, publication of notice, and mailed notices to
665 the property appraiser, tax collector, and Department of Revenue
666 required by s. 197.3632(3)(a) may be provided on or before
667 August 15 of each year in conjunction with any non-ad valorem

2024770er

668 assessment authorized by this section, if the property
669 appraiser, tax collector, and program administrator agree. The
670 program administrator shall only compensate the tax collector
671 for the actual cost of collecting non-ad valorem assessments,
672 not to exceed 2 percent of the amount collected and remitted.

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

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

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

690 (4) FINANCING AGREEMENTS.—

691 (a) A program administrator offering a program for
692 financing qualifying improvements to commercial property must
693 maintain underwriting criteria sufficient to determine the
694 financial feasibility of entering into a financing agreement. To
695 enter into a financing agreement, the program administrator
696 must, at a minimum, make each of the following findings based on

2024770er

697 a review of public records derived from a commercially accepted
698 source and the statements, records, and credit reports of the
699 commercial property owner:

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

701 2. All property taxes and any other assessments, including
702 non-ad valorem assessments, levied on the same bill as the
703 property taxes are current.

704 3. There are no involuntary liens greater than \$5,000,
705 including, but not limited to, construction liens on the
706 commercial property.

707 4. No notices of default or other evidence of property-
708 based debt delinquency have been recorded and not been released
709 during the preceding 3 years or the property owner's period of
710 ownership, whichever is less.

711 5. The property owner is current on all mortgage debt on
712 the commercial property.

713 6. The term of the financing agreement does not exceed the
714 weighted average useful life of the qualified improvements to
715 which the greatest portion of funds disbursed under the
716 assessment contract is attributable, not to exceed 30 years. The
717 program administrator shall determine the useful life of a
718 qualifying improvement using established standards, including
719 certification criteria from government agencies or nationally
720 recognized standards and testing organizations.

721 7. The property owner is not currently the subject of a
722 bankruptcy proceeding.

723 (b) Before entering into a financing agreement, the program
724 administrator shall determine if there are any current financing
725 agreements on the commercial property and whether the property

2024770er

726 owner has obtained or sought to obtain additional qualifying
727 improvements on the same property which have not yet been
728 recorded. The existence of a prior qualifying improvement non-ad
729 valorem assessment or a prior financing agreement is not
730 evidence that the financing agreement under consideration is
731 affordable or meets other program requirements.

732 (c) The program administrator shall document and retain
733 findings satisfying paragraphs (a) and (b), including supporting
734 evidence relied upon, which were made prior to the financing
735 agreement being approved and recorded, for the duration of the
736 financing agreement.

737 (d) A property owner and the program administrator may
738 agree to include in the financing agreement provisions for
739 allowing change orders necessary to complete the qualifying
740 improvement. Any financing agreement or contract for qualifying
741 improvements which includes such provisions must meet the
742 requirements of this paragraph. If a proposed change order on a
743 qualifying improvement will increase the original cost of the
744 qualifying improvement by 20 percent or more or will expand the
745 scope of the qualifying improvement by 20 percent or more,
746 before the change order may be executed which would result in an
747 increase in the amount financed through the program
748 administrator for the qualifying improvement, the program
749 administrator must notify the property owner, provide an updated
750 written disclosure form as described in subsection (5) to the
751 property owner, and obtain written approval of the change from
752 the property owner.

753 (e) A financing agreement may not be entered into if the
754 total cost of the qualifying improvement, including program fees

2024770er

755 and interest, is less than \$2,500.

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

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

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

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

768 (d) The interest charged and estimated annual percentage
769 rate;

770 (e) A description of the qualifying improvement;

771 (f) The total estimated annual costs that will be required
772 to be paid under the assessment contract, including program
773 fees;

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

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

778 (6) RECORDING.—Any financing agreement executed pursuant to
779 this section or a summary memorandum of such agreement must be
780 submitted for recording in the public records of the county
781 within which the commercial property is located by the program
782 administrator within 10 business days after execution of the
783 agreement. The recorded agreement must provide constructive

2024770er

784 notice that the non-ad valorem assessment to be levied on the
785 property constitutes a lien of equal dignity to county taxes and
786 assessments from the date of recordation. A notice of lien for
787 the full amount of the financing may be recorded in the public
788 records of the county where the property is located. Such lien
789 is not enforceable in a manner that results in the acceleration
790 of the remaining nondelinquent unpaid balance under the
791 assessment financing agreement.

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

799
800 QUALIFYING IMPROVEMENTS.—The property being purchased
801 is subject to an assessment on the property pursuant
802 to s. 163.082, Florida Statutes. The assessment is for
803 a qualifying improvement to the property and is not
804 based on the value of the property. You are encouraged
805 to contact the property appraiser's office to learn
806 more about this and other assessments that may be
807 provided for by law.

808
809 (8) COMPLETION CERTIFICATE.—Upon disbursement of all
810 financing and completion of installation of qualifying
811 improvements financed, the program administrator shall retain a
812 certificate that the qualifying improvements have been installed

2024770er

813 and are in good working order.

814 (9) CONSTRUCTION.—This section is additional and
815 supplemental to county and municipal home rule authority and not
816 in derogation of such authority or a limitation upon such
817 authority.

818 Section 4. Section 163.083, Florida Statutes, is created to
819 read:

820 163.083 Qualifying improvement contractors.—

821 (1) A county or municipality shall establish a process, or
822 approve a process established by a program administrator, to
823 register contractors for participation in a program authorized
824 by a county or municipality pursuant to s. 163.081. A qualifying
825 improvement contractor may only perform such work that the
826 contractor is appropriately licensed, registered, and permitted
827 to conduct. At the time of application to participate and during
828 participation in the program, contractors must:

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

833 (b) Comply with all applicable federal, state, and local
834 laws and regulations, including obtaining and maintaining any
835 other permits, licenses, or registrations required for engaging
836 in business in the jurisdiction in which it operates and
837 maintaining all state-required bond and insurance coverage.

838 (c) File with the program administrator a written statement
839 in a form approved by the county or municipality that the
840 contractor will comply with applicable laws and rules and
841 qualifying improvement program policies and procedures,

2024770er

842 including those on advertising and marketing.

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

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

847 (a) A process to monitor qualifying improvement contractors
848 for performance and compliance with requirements of the program
849 and must conduct regular reviews of qualifying improvement
850 contractors to confirm that each qualifying improvement
851 contractor is in good standing.

852 (b) Procedures for notice and imposition of penalties upon
853 a finding of violation, which may consist of placement of the
854 qualifying improvement contractor in a probationary status that
855 places conditions for continued participation, suspension, or
856 termination from participation in the program.

857 (c) An easily accessible page on its website that provides
858 information on the status of registered qualifying improvement
859 contractors, including any imposed penalties, and the names of
860 any qualifying improvement contractors currently on probationary
861 status or that are suspended or terminated from participation in
862 the program.

863 Section 5. Section 163.084, Florida Statutes, is created to
864 read:

865 163.084 Third-party administrator for financing qualifying
866 improvements programs.—

867 (1) (a) A program administrator may contract with one or
868 more third-party administrators to administer a program
869 authorized by a county or municipality pursuant to s. 163.081 or
870 s. 163.082 on behalf of and at the discretion of the program

2024770er

871 administrator.

872 (b) The third-party administrator must be independent of
873 the program administrator and have no conflicts of interest
874 between managers or owners of the third-party administrator and
875 program administrator managers, owners, officials, or employees
876 with oversight over the contract. A program administrator,
877 either directly or through an affiliate, may not act as a third-
878 party administrator for itself or for another program
879 administrator. However, this paragraph does not apply to a
880 third-party administrator created by an entity authorized in law
881 pursuant to s. 288.9604.

882 (c) The contract must provide for the entity to administer
883 the program according to the requirements of s. 163.081 or s.
884 163.082 and the ordinance or resolution adopted by the county or
885 municipality authorizing the program. However, only the program
886 administrator may levy or administer non-ad valorem assessments.

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

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

892 (b) Found by a court of competent jurisdiction to have
893 substantially violated state or federal laws related to the
894 administration of ss. 163.081-163.086 or a similar program in
895 another jurisdiction.

896 (3) The program administrator must include in any contract
897 with the third-party administrator the right to perform annual
898 reviews of the administrator to confirm compliance with ss.
899 163.081-163.086, the ordinance or resolution adopted by the

2024770er

900 county or municipality, and the contract with the program
901 administrator. If the program administrator finds that the
902 third-party administrator has committed a violation of ss.
903 163.081-163.086, the adopted ordinance or resolution, or the
904 contract with the program administrator, the program
905 administrator shall provide the third-party administrator with
906 notice of the violation and may, as set forth in the adopted
907 ordinance or resolution or the contract with the third-party
908 administrator:

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

911 (b) Impose any fines or sanctions.

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

914 (d) Terminate the agreement with the third-party
915 administrator.

916 (4) A program administrator may terminate the agreement
917 with a third-party administrator, as set forth by the county or
918 municipality in its adopted ordinance or resolution or the
919 contract with the third-party administrator, if the program
920 administrator makes a finding that:

921 (a) The third-party administrator has violated the contract
922 with the program administrator. The contract may set forth
923 substantial violations that may result in contract termination
924 and other violations that may provide for a period of time for
925 correction before the contract may be terminated.

926 (b) The third-party administrator, or an officer, a
927 director, a manager or a managing member, or a control person of
928 the third-party administrator, has been found by a court of

2024770er

929 competent jurisdiction to have violated state or federal laws
930 related to the administration of a program authorized of the
931 provisions of ss. 163.081-163.086 or a similar program in
932 another jurisdiction within the last 5 years.

933 (c) Any officer, director, manager or managing member, or
934 control person of the third-party administrator has been
935 convicted of, or has entered a plea of guilty or nolo contendere
936 to, regardless of whether adjudication has been withheld, a
937 crime related to administration of a program authorized of the
938 provisions of ss. 163.081-163.086 or a similar program in
939 another jurisdiction within the last 10 years.

940 (d) An annual performance review reveals a substantial
941 violation or a pattern of violations by the third-party
942 administrator.

943 (5) Any recorded financing agreements at the time of
944 termination or suspension by the program administrator shall
945 continue, except any financing agreement for which the
946 provisions of s. 163.086 apply.

947 Section 6. Section 163.085, Florida Statutes, is created to
948 read:

949 163.085 Advertisement and solicitation for financing
950 qualifying improvements programs under s. 163.081 or s.
951 163.082.—

952 (1) When communicating with a property owner, a program
953 administrator, qualifying improvement contractor, or third-party
954 administrator may not:

955 (a) Suggest or imply:

956 1. That a non-ad valorem assessment authorized under s.
957 163.081 or s. 163.082 is a government assistance program;

2024770er

958 2. That qualifying improvements are free or provided at no
959 cost, or that the financing related to a non-ad valorem
960 assessment authorized under s. 163.081 or s. 163.082 is free or
961 provided at no cost; or

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

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

970 (2) A program administrator or third-party administrator
971 may not provide to a qualifying improvement contractor any
972 information that discloses the amount of financing for which a
973 property owner is eligible for qualifying improvements or the
974 amount of equity in a residential property or commercial
975 property.

976 (3) A qualifying improvement contractor may not advertise
977 the availability of financing agreements for, or solicit program
978 participation on behalf of, the program administrator unless the
979 contractor is registered by the program administrator to
980 participate in the program and is in good standing with the
981 program administrator.

982 (4) A program administrator or third-party administrator
983 may not provide any payment, fee, or kickback to a qualifying
984 improvement contractor for referring property owners to the
985 program administrator or third-party administrator. However, a
986 program administrator or third-party administrator may provide

2024770er

987 information to a qualifying improvement contractor to facilitate
988 the installation of a qualifying improvement for a property
989 owner.

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

993 (6) A qualifying improvement contractor may not provide a
994 different price for a qualifying improvement financed under s.
995 163.081 than the price that the qualifying improvement
996 contractor would otherwise provide if the qualifying improvement
997 was not being financed through a financing agreement. Any
998 contract between a property owner and a qualifying improvement
999 contractor must clearly state all pricing and cost provisions,
1000 including any process for change orders which meet the
1001 requirements of s. 163.081(3)(d).

1002 (7) A program administrator, qualifying improvement
1003 contractor, or third-party administrator may not provide any
1004 direct cash payment or other thing of material value to a
1005 property owner which is explicitly conditioned upon the property
1006 owner entering into a financing agreement. However, a program
1007 administrator or third-party administrator may offer programs or
1008 promotions on a nondiscriminatory basis that provide reduced
1009 fees or interest rates if the reduced fees or interest rates are
1010 reflected in the financing agreements and are not provided to
1011 the property owner as cash consideration.

1012 Section 7. Section 163.086, Florida Statutes, is created to
1013 read:

1014 163.086 Unenforceable financing agreements for qualifying
1015 improvements programs under s. 163.081 or s. 163.082;

2024770er

1016 attachment; fraud.—

1017 (1) A recorded financing agreement may not be removed from
1018 attachment to a residential property or commercial property if
1019 the property owner fraudulently obtained funding pursuant to s.
1020 163.081 or s. 163.082.

1021 (2) A financing agreement may not be enforced, and a
1022 recorded financing agreement may be removed from attachment to a
1023 residential property or commercial property and deemed null and
1024 void, if:

1025 (a) The property owner applied for, accepted, and canceled
1026 a financing agreement within the 3-business-day period pursuant
1027 to s. 163.081(6). A qualifying improvement contractor may not
1028 begin work under a canceled contract.

1029 (b) A person other than the property owner obtained the
1030 recorded financing agreement. The court may enter an order which
1031 holds that person or persons personally liable for the debt.

1032 (c) The program administrator, third-party administrator,
1033 or qualifying improvement contractor approved or obtained
1034 funding through fraudulent means and in violation of ss.
1035 163.081-163.085, or this section for qualifying improvements on
1036 the residential property or commercial property.

1037 (3) If a qualifying improvement contractor has initiated
1038 work on residential property or commercial property under a
1039 contract deemed unenforceable under this section, the qualifying
1040 improvement contractor:

1041 (a) May not receive compensation for that work under the
1042 financing agreement.

1043 (b) Must restore the residential property or commercial
1044 property to its original condition at no cost to the property

2024770er

1045 owner.

1046 (c) Must immediately return any funds, property, and other
1047 consideration given by the property owner. If the property owner
1048 provided any property and the qualifying improvement contractor
1049 does not or cannot return it, the qualifying improvement
1050 contractor must immediately return the fair market value of the
1051 property or its value as designated in the contract, whichever
1052 is greater.

1053 (4) If the qualifying improvement contractor has delivered
1054 chattel or fixtures to residential property or commercial
1055 property pursuant to a contract deemed unenforceable under this
1056 section, the qualifying improvement contractor has 90 days after
1057 the date on which the contract was executed to retrieve the
1058 chattel or fixtures, provided that:

1059 (a) The qualifying improvement contractor has fulfilled the
1060 requirements of paragraphs (3) (a) and (b).

1061 (b) The chattel and fixtures can be removed at the
1062 qualifying improvement contractor's expense without damaging the
1063 residential property or commercial property.

1064 (5) If a qualifying improvement contractor fails to comply
1065 with this section, the property owner may retain any chattel or
1066 fixtures provided pursuant to a contract deemed unenforceable
1067 under this section.

1068 (6) A contract that is otherwise unenforceable under this
1069 section remains enforceable if the property owner waives his or
1070 her right to cancel the contract or cancels the financing
1071 agreement pursuant to s. 163.081(6) but allows the qualifying
1072 improvement contractor to proceed with the installation of the
1073 qualifying improvement.

2024770er

1074 Section 8. Section 163.087, Florida Statutes, is created to
1075 read:

1076 163.087 Reporting for financing qualifying improvements
1077 programs under s. 163.081 or s. 163.082.—

1078 (1) Each program administrator that is authorized to
1079 administer a program for financing qualifying improvements to
1080 residential property or commercial property under s. 163.081 or
1081 s. 163.082 shall post on its website an annual report within 45
1082 days after the end of its fiscal year containing the following
1083 information from the previous year for each program authorized
1084 under s. 163.081 or s. 163.082:

1085 (a) The number and types of qualifying improvements funded.

1086 (b) The aggregate, average, and median dollar amounts of
1087 annual non-ad valorem assessments and the total number of non-ad
1088 valorem assessments collected pursuant to financing agreements
1089 for qualifying improvements.

1090 (c) The total number of defaulted non-ad valorem
1091 assessments, including the total defaulted amount, the number
1092 and dates of missed payments, and the total number of parcels in
1093 default and the length of time in default.

1094 (d) A summary of all reported complaints received by the
1095 program administrator related to the program, including the
1096 names of the third-party administrator, if applicable, and
1097 qualifying improvement contractors and the resolution of each
1098 complaint.

1099 (2) The Auditor General must conduct an operational audit
1100 of each program administrator authorized under s. 163.081 or s.
1101 163.082, including any third-party administrators, for
1102 compliance with the provisions of ss. 163.08-163.086 and any

2024770er

1103 adopted ordinance at least once every 3 years. The Auditor
1104 General may stagger evaluations; however, every program must be
1105 evaluated at least once by September 1, 2028. The Auditor
1106 General shall adopt rules pursuant to s. 218.39 requiring each
1107 program administrator to report whether it offers a program
1108 authorized pursuant to s. 163.081 or s. 163.082, and other
1109 pertinent information. Each program administrator and, if
1110 applicable, third-party administrator, must post the most recent
1111 report on its website.

1112 Section 9. A current contract, agreement, authorization, or
1113 interlocal agreement between a county or municipality and a
1114 program administrator entered into before July 1, 2024, shall
1115 continue without additional action by the county or
1116 municipality. However, the program administrator must comply
1117 with this act, and any contract, agreement, authorization, or
1118 interlocal agreement must be amended to comply with this act.

1119 Section 10. This act shall take effect July 1, 2024.