



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

233 (3) "Property owner" means the owner or owners of record  
234 of real property. The term includes real property held in trust  
235 for 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-  
 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,  
 266 with energy-efficient, impact-resistant, wind-resistant, or  
 267 hurricane 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  
289 roof, including improvements that strengthen the roof deck  
290 attachment;

291 b. Creating a secondary water barrier to prevent water  
292 intrusion;

293 c. Installing wind-resistant shingles or gable-end  
294 bracing;

295 d. Reinforcing roof-to-wall connections; or

296 e. Providing flood and water damage mitigation and  
297 resiliency improvements, prioritizing repairs, replacement, or  
298 improvements that qualify for reductions in flood insurance  
299 premiums, including raising a structure above the base flood

300 elevation to reduce flood damage; creating or improving  
301 stormwater and flood resiliency, including flood diversion  
302 apparatus, drainage gates, or shoreline improvements; purchasing  
303 flood-damage-resistant building materials; or making any other  
304 improvements necessary to achieve a sustainable building rating  
305 or compliance with a national model resiliency standard and any  
306 improvements to a structure to achieve wind or flood insurance  
307 rate reductions, including building elevation.

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

320 4. Renewable energy improvements, including the  
321 installation of any system in which the electrical, mechanical,  
322 or thermal energy is produced from a method that uses solar,  
323 geothermal, bioenergy, wind, or hydrogen.

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

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

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

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

338 Section 2. Section 163.081, Florida Statutes, is created  
 339 to read:

340 163.081 Financing qualifying improvements to residential  
 341 property.—

342 (1) RESIDENTIAL PROPERTY PROGRAM AUTHORIZATION.—

343 (a) A program administrator may only offer a program for  
 344 financing qualifying improvements to residential property within  
 345 the jurisdiction of a county or municipality if the county or  
 346 municipality has authorized by ordinance or resolution the  
 347 program administrator to administer the program for financing  
 348 qualifying improvements to residential property. The authorized

349 program must, at a minimum, meet the requirements of this  
 350 section.

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

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

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

368 (e) An authorized program administrator may levy non-ad  
 369 valorem assessments to facilitate repayment of financing  
 370 qualifying improvements. Costs incurred by the program  
 371 administrator for such purpose may be collected as a non-ad  
 372 valorem assessment. A non-ad valorem assessment shall be  
 373 collected pursuant to s. 197.3632 and, notwithstanding s.

374 197.3632(8)(a), shall not be subject to discount for early  
375 payment. However, the notice and adoption requirements of s.  
376 197.3632(4) do not apply if this section is used and complied  
377 with, and the intent resolution, publication of notice, and  
378 mailed notices to the property appraiser, tax collector, and  
379 Department of Revenue required by s. 197.3632(3)(a) may be  
380 provided on or before August 15 of each year in conjunction with  
381 any non-ad valorem assessment authorized by this section, if the  
382 property appraiser, tax collector, and program administrator  
383 agree. The program administrator shall only compensate the tax  
384 collector for the actual cost of collecting non-ad valorem  
385 assessments, not to exceed 2 percent of the amount collected and  
386 remitted.

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

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

396 (3) FINANCING AGREEMENTS.—

397 (a) Before entering into a financing agreement, the  
398 program administrator must make each of the following findings



399 based on a review of public records derived from a commercially  
 400 accepted source and the property owner's statements, records,  
 401 and credit reports:

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

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

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

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

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

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

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

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

434       9. The property owner is current on all mortgage debt on  
 435 the residential property.

436       10. The property owner has not been subject to a  
 437 bankruptcy proceeding within the last 5 years unless it was  
 438 discharged or dismissed more than 2 years before the date on  
 439 which the property owner applied for financing.

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

442       12. The term of the financing agreement does not exceed  
 443 the weighted average useful life of the qualified improvements  
 444 to which the greatest portion of funds disbursed under the  
 445 assessment contract is attributable, not to exceed 20 years. The  
 446 program administrator shall determine the useful life of a  
 447 qualifying improvement using established standards, including

448 certification criteria from government agencies or nationally  
449 recognized standards and testing organizations.

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

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

463 (b) Before entering into a financing agreement, the  
464 program administrator must determine if there are any current  
465 financing agreements on the residential property and if the  
466 property owner has obtained or sought to obtain additional  
467 qualifying improvements on the same property which have not yet  
468 been recorded. The existence of a prior qualifying improvement  
469 non-ad valorem assessment or a prior financing agreement is not  
470 evidence that the financing agreement under consideration is  
471 affordable or meets other program requirements.

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

478 (d) If the qualifying improvement is estimated to cost  
479 \$10,000 or more, before entering into a financing agreement the  
480 program administrator must advise the property owner in writing  
481 that the best practice is to obtain estimates from more than one  
482 unaffiliated, registered qualifying improvement contractor for  
483 the qualifying improvement and notify the property owner in  
484 writing of the advertising and solicitation requirements of s.  
485 163.085.

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

497 administrator for the qualifying improvement, the program  
498 administrator must notify the property owner, provide an updated  
499 written disclosure form as described in subsection (4) to the  
500 property owner, and obtain written approval of the change from  
501 the property owner.

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

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

510 (4) DISCLOSURES.—

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

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

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

- 522        3. The term of the financing agreement and the schedule  
523 for the non-ad valorem assessments;
- 524        4. The interest charged and estimated annual percentage  
525 rate;
- 526        5. A description of the qualifying improvement;
- 527        6. The total estimated annual costs that will be required  
528 to be paid under the assessment contract, including program  
529 fees;
- 530        7. The total estimated average monthly equivalent amount  
531 of funds that would need to be saved in order to pay the annual  
532 costs of the non-ad valorem assessment, including program fees;
- 533        8. The estimated due date of the first payment that  
534 includes the non-ad valorem assessment;
- 535        9. A disclosure that the financing agreement may be  
536 canceled within 3 business days after signing the financing  
537 agreement without any financial penalty for doing so;
- 538        10. A disclosure that the property owner may repay any  
539 remaining amount owed, at any time, without penalty or  
540 imposition of additional prepayment fees or fines other than  
541 nominal administrative costs;
- 542        11. A disclosure that if the property owner sells or  
543 refinances the residential property, the property owner may be  
544 required by a mortgage lender to pay off the full amount owed  
545 under each financing agreement under this section;

546 12. A disclosure that the assessment will be collected  
 547 along with the property owner's property taxes, and will result  
 548 in a lien on the property from the date the financing agreement  
 549 is recorded;

550 13. A disclosure that potential utility or insurance  
 551 savings are not guaranteed, and will not reduce the assessment  
 552 amount; and

553 14. A disclosure that failure to pay the assessment may  
 554 result in penalties, fees, including attorney fees, court costs,  
 555 and the issuance of a tax certificate that could result in the  
 556 property owner losing the property and a judgment against the  
 557 property owner, and may affect the property owner's credit  
 558 rating.

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

564 (5) NOTICE TO LIENHOLDERS AND SERVICERS.--At least 5  
 565 business days before entering into a financing agreement, the  
 566 property owner must provide to the holders or loan servicers of  
 567 any existing mortgages encumbering or otherwise secured by the  
 568 residential property a written notice of the owner's intent to  
 569 enter into a financing agreement together with the maximum  
 570 amount to be financed, including the amount of any fees and

571 interest, and the maximum annual assessment necessary to repay  
572 the total. A verified copy or other proof of such notice must be  
573 provided to the program administrator. A provision in any  
574 agreement between a mortgagor or other lienholder and a property  
575 owner, or otherwise now or hereafter binding upon a property  
576 owner, which allows for acceleration of payment of the mortgage,  
577 note, or lien or other unilateral modification solely as a  
578 result of entering into a financing agreement as provided for in  
579 this section is unenforceable. This subsection does not limit  
580 the authority of the holder or loan servicer to increase the  
581 required monthly escrow by an amount necessary to pay the annual  
582 assessment.

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

587 (7) RECORDING.—Any financing agreement executed pursuant  
588 to this section, or a summary memorandum of such agreement,  
589 shall be submitted for recording in the public records of the  
590 county within which the residential property is located by the  
591 program administrator within 10 business days after execution of  
592 the agreement and the 3-day cancellation period. The recorded  
593 agreement must provide constructive notice that the non-ad  
594 valorem assessment to be levied on the property constitutes a  
595 lien of equal dignity to county taxes and assessments from the



596 date of recordation. A notice of lien for the full amount of the  
597 financing may be recorded in the public records of the county  
598 where the property is located. Such lien is not enforceable in a  
599 manner that results in the acceleration of the remaining  
600 nondelinquent unpaid balance under the assessment financing  
601 agreement.

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

609  
610 QUALIFYING IMPROVEMENTS.—The property being purchased  
611 is subject to an assessment on the property pursuant  
612 to s. 163.081, Florida Statutes. The assessment is for  
613 a qualifying improvement to the property and is not  
614 based on the value of the property. You are encouraged  
615 to contact the property appraiser's office to learn  
616 more about this and other assessments that may be  
617 provided by law.

618  
619 (9) DISBURSEMENTS.—Before disbursing final funds to a  
620 qualifying improvement contractor for a qualifying improvement

621 on residential property, the program administrator shall confirm  
622 that the applicable work or service has been completed or, as  
623 applicable, that the final permit for the qualifying improvement  
624 has been closed with all permit requirements satisfied or a  
625 certificate of occupancy or similar evidence of substantial  
626 completion of construction or improvement has been issued.

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

631 Section 3. Section 163.082, Florida Statutes, is created  
632 to read:

633 163.082 Financing qualifying improvements to commercial  
634 property.—

635 (1) COMMERCIAL PROPERTY PROGRAM AUTHORIZATION.—

636 (a) A program administrator may only offer a program for  
637 financing qualifying improvements to commercial property within  
638 the jurisdiction of a county or municipality if the county or  
639 municipality has authorized by ordinance or resolution the  
640 program administrator to administer the program for financing  
641 qualifying improvements to commercial property. The authorized  
642 program must, at a minimum, meet the requirements of this  
643 section.

644 (b) Pursuant to this section or as otherwise provided by  
645 law or pursuant to a county's or municipality's home rule power,

646 a county or municipality may enter into an interlocal agreement  
647 providing for a partnership between one or more counties or  
648 municipalities for the purpose of facilitating a program for  
649 financing qualifying improvements to commercial property located  
650 within the jurisdiction of the counties or municipalities that  
651 are party to the agreement.

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

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

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

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

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

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

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

696 (4) FINANCING AGREEMENTS.—

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

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

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

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

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

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

721 6. The property owner is current on all mortgage debt on  
722 the commercial property.

723 7. The term of the financing agreement does not exceed the  
724 weighted average useful life of the qualified improvements to  
725 which the greatest portion of funds disbursed under the  
726 assessment contract is attributable, not to exceed 30 years. The  
727 program administrator shall determine the useful life of a  
728 qualifying improvement using established standards, including  
729 certification criteria from government agencies or nationally  
730 recognized standards and testing organizations.

731 8. The property owner is not currently the subject of a  
732 bankruptcy proceeding.

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

742 (c) The program administrator shall document and retain  
743 findings satisfying paragraphs (a) and (b), including supporting  
744 evidence relied upon, which were made prior to the financing

745 agreement being approved and recorded, for the duration of the  
746 financing agreement.

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

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

766 (5) DISCLOSURES.—In addition to the requirements imposed  
767 in subsection (4), a financing agreement may not be executed  
768 unless the program administrator provides, whether on a separate  
769 document or included with other disclosures or forms, a

770 financing estimate and disclosure to the property owner which  
771 includes all of the following:

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

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

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

778 (d) The interest charged and estimated annual percentage  
779 rate;

780 (e) A description of the qualifying improvement;

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

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

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

788 (6) RECORDING.—Any financing agreement executed pursuant  
789 to this section or a summary memorandum of such agreement must  
790 be submitted for recording in the public records of the county  
791 within which the commercial property is located by the program  
792 administrator within 10 business days after execution of the  
793 agreement. The recorded agreement must provide constructive  
794 notice that the non-ad valorem assessment to be levied on the



795 property constitutes a lien of equal dignity to county taxes and  
796 assessments from the date of recordation. A notice of lien for  
797 the full amount of the financing may be recorded in the public  
798 records of the county where the property is located. Such lien  
799 is not enforceable in a manner that results in the acceleration  
800 of the remaining nondelinquent unpaid balance under the  
801 assessment financing agreement.

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

809  
810 QUALIFYING IMPROVEMENTS.—The property being purchased  
811 is subject to an assessment on the property pursuant  
812 to s. 163.082, Florida Statutes. The assessment is for  
813 a qualifying improvement to the property and is not  
814 based on the value of the property. You are encouraged  
815 to contact the property appraiser's office to learn  
816 more about this and other assessments that may be  
817 provided for by law.  
818

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

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

828       Section 4. Section 163.083, Florida Statutes, is created  
 829 to read:

830       163.083 Qualifying improvement contractors.—

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

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

843 (b) Comply with all applicable federal, state, and local  
844 laws and regulations, including obtaining and maintaining any  
845 other permits, licenses, or registrations required for engaging  
846 in business in the jurisdiction in which it operates and  
847 maintaining all state-required bond and insurance coverage.

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

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

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

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

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

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

873        Section 5. Section 163.084, Florida Statutes, is created  
874 to read:

875        163.084 Third-party administrator for financing qualifying  
876 improvements programs.-

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

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

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

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

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

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

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

917 ordinance or resolution or the contract with the third-party  
 918 administrator:

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

921 (b) Impose any fines or sanctions.

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

924 (d) Terminate the agreement with the third-party  
 925 administrator.

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

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

936 (b) The third-party administrator, or an officer, a  
 937 director, a manager or a managing member, or a control person of  
 938 the third-party administrator, has been found by a court of  
 939 competent jurisdiction to have violated state or federal laws  
 940 related to the administration of a program authorized of the

941 provisions of ss. 163.081-163.086 or a similar program in  
942 another jurisdiction within the last 5 years.

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

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

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

957 Section 6. Section 163.085, Florida Statutes, is created  
958 to read:

959 163.085 Advertisement and solicitation for financing  
960 qualifying improvements programs under s. 163.081 or s.  
961 163.082.—

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

965 (a) Suggest or imply:

966 1. That a non-ad valorem assessment authorized under s.  
 967 163.081 or s. 163.082 is a government assistance program;

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

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

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

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

986 (3) A qualifying improvement contractor may not advertise  
 987 the availability of financing agreements for, or solicit program  
 988 participation on behalf of, the program administrator unless the  
 989 contractor is registered by the program administrator to



990 participate in the program and is in good standing with the  
 991 program administrator.

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

1000 (5) A program administrator or third-party administrator  
 1001 may not reimburse a qualifying improvement contractor for its  
 1002 expenses in advertising and marketing campaigns and materials.

1003 (6) A qualifying improvement contractor may not provide a  
 1004 different price for a qualifying improvement financed under s.  
 1005 163.081 than the price that the qualifying improvement  
 1006 contractor would otherwise provide if the qualifying improvement  
 1007 was not being financed through a financing agreement. Any  
 1008 contract between a property owner and a qualifying improvement  
 1009 contractor must clearly state all pricing and cost provisions,  
 1010 including any process for change orders which meet the  
 1011 requirements of s. 163.081(3)(d).

1012 (7) A program administrator, qualifying improvement  
 1013 contractor, or third-party administrator may not provide any  
 1014 direct cash payment or other thing of material value to a

1015 property owner which is explicitly conditioned upon the property  
1016 owner entering into a financing agreement. However, a program  
1017 administrator or third-party administrator may offer programs or  
1018 promotions on a nondiscriminatory basis that provide reduced  
1019 fees or interest rates if the reduced fees or interest rates are  
1020 reflected in the financing agreements and are not provided to  
1021 the property owner as cash consideration.

1022 Section 7. Section 163.086, Florida Statutes, is created  
1023 to read:

1024 163.086 Unenforceable financing agreements for qualifying  
1025 improvements programs under s. 163.081 or s. 163.082;  
1026 attachment; fraud.—

1027 (1) A recorded financing agreement may not be removed from  
1028 attachment to a residential property or commercial property if  
1029 the property owner fraudulently obtained funding pursuant to s.  
1030 163.081 or s. 163.082.

1031 (2) A financing agreement may not be enforced, and a  
1032 recorded financing agreement may be removed from attachment to a  
1033 residential property or commercial property and deemed null and  
1034 void, if:

1035 (a) The property owner applied for, accepted, and canceled  
1036 a financing agreement within the 3-business-day period pursuant  
1037 to s. 163.081(6). A qualifying improvement contractor may not  
1038 begin work under a canceled contract.

1039        (b) A person other than the property owner obtained the  
 1040 recorded financing agreement. The court may enter an order which  
 1041 holds that person or persons personally liable for the debt.

1042        (c) The program administrator, third-party administrator,  
 1043 or qualifying improvement contractor approved or obtained  
 1044 funding through fraudulent means and in violation of ss.  
 1045 163.081-163.085, or this section for qualifying improvements on  
 1046 the residential property or commercial property.

1047        (3) If a qualifying improvement contractor has initiated  
 1048 work on residential property or commercial property under a  
 1049 contract deemed unenforceable under this section, the qualifying  
 1050 improvement contractor:

1051        (a) May not receive compensation for that work under the  
 1052 financing agreement.

1053        (b) Must restore the residential property or commercial  
 1054 property to its original condition at no cost to the property  
 1055 owner.

1056        (c) Must immediately return any funds, property, and other  
 1057 consideration given by the property owner. If the property owner  
 1058 provided any property and the qualifying improvement contractor  
 1059 does not or cannot return it, the qualifying improvement  
 1060 contractor must immediately return the fair market value of the  
 1061 property or its value as designated in the contract, whichever  
 1062 is greater.

1063 (4) If the qualifying improvement contractor has delivered  
1064 chattel or fixtures to residential property or commercial  
1065 property pursuant to a contract deemed unenforceable under this  
1066 section, the qualifying improvement contractor has 90 days after  
1067 the date on which the contract was executed to retrieve the  
1068 chattel or fixtures, provided that:

1069 (a) The qualifying improvement contractor has fulfilled  
1070 the requirements of paragraphs (3)(a) and (b).

1071 (b) The chattel and fixtures can be removed at the  
1072 qualifying improvement contractor's expense without damaging the  
1073 residential property or commercial property.

1074 (5) If a qualifying improvement contractor fails to comply  
1075 with this section, the property owner may retain any chattel or  
1076 fixtures provided pursuant to a contract deemed unenforceable  
1077 under this section.

1078 (6) A contract that is otherwise unenforceable under this  
1079 section remains enforceable if the property owner waives his or  
1080 her right to cancel the contract or cancels the financing  
1081 agreement pursuant to s. 163.081(6) but allows the qualifying  
1082 improvement contractor to proceed with the installation of the  
1083 qualifying improvement.

1084 Section 8. Section 163.087, Florida Statutes, is created  
1085 to read:

1086 163.087 Reporting for financing qualifying improvements  
1087 programs under s. 163.081 or s. 163.082.—

1088       (1) Each program administrator that is authorized to  
1089 administer a program for financing qualifying improvements to  
1090 residential property or commercial property under s. 163.081 or  
1091 s. 163.082 shall post on its website an annual report within 45  
1092 days after the end of its fiscal year containing the following  
1093 information from the previous year for each program authorized  
1094 under s. 163.081 or s. 163.082:

1095       (a) The number and types of qualifying improvements  
1096 funded.

1097       (b) The aggregate, average, and median dollar amounts of  
1098 annual non-ad valorem assessments and the total number of non-ad  
1099 valorem assessments collected pursuant to financing agreements  
1100 for qualifying improvements.

1101       (c) The total number of defaulted non-ad valorem  
1102 assessments, including the total defaulted amount, the number  
1103 and dates of missed payments, and the total number of parcels in  
1104 default and the length of time in default.

1105       (d) A summary of all reported complaints received by the  
1106 program administrator related to the program, including the  
1107 names of the third-party administrator, if applicable, and  
1108 qualifying improvement contractors and the resolution of each  
1109 complaint.

1110       (2) The Auditor General must conduct an operational audit  
1111 of each program administrator authorized under s. 163.081 or s.  
1112 163.082, including any third-party administrators, for

1113 compliance with the provisions of ss. 163.08-163.086 and any  
1114 adopted ordinance at least once every 3 years. The Auditor  
1115 General may stagger evaluations; however, every program must be  
1116 evaluated at least once by September 1, 2028. The Auditor  
1117 General shall adopt rules pursuant to s. 218.39 requiring each  
1118 program administrator to report whether it offers a program  
1119 authorized pursuant to s. 163.081 or s. 163.082, and other  
1120 pertinent information. Each program administrator and, if  
1121 applicable, third-party administrator, must post the most recent  
1122 report on its website.

1123       Section 9. A current contract, agreement, authorization,  
1124 or interlocal agreement between a county or municipality and a  
1125 program administrator entered into before July 1, 2024, shall  
1126 continue without additional action by the county or  
1127 municipality. However, the program administrator must comply  
1128 with this act, and any contract, agreement, authorization, or  
1129 interlocal agreement must be amended to comply with this act.

1130       Section 10. This act shall take effect July 1, 2024.