

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

26 record of the residential property to apply to the
 27 program administrator to finance a qualifying
 28 improvement; requiring the program administrator to
 29 make certain findings before entering into a financing
 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 financing agreement does not utilize a negative
411 amortization schedule, a balloon payment, or prepayment fees or
412 finances other than nominal administrative costs. Capitalized
413 interest included in the original balance of the assessment
414 financing agreement does not constitute negative amortization.

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

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

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

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

430 8. The property owner is current on all mortgage debt on
431 the residential property.

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

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

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

446 12. The total estimated annual payment amount for all
447 financing agreements entered into under this section on the
448 residential property does not exceed 10 percent of the property

449 owner's annual household income. Income must be confirmed using
450 reasonable evidence and not solely by a property owner's
451 statement.

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

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

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

474 (d) If the qualifying improvement is estimated to cost
475 \$10,000 or more, before entering into a financing agreement the
476 program administrator must advise the property owner in writing
477 that the best practice is to obtain estimates from more than one
478 unaffiliated, registered qualifying improvement contractor for
479 the qualifying improvement and notify the property owner in
480 writing of the advertising and solicitation requirements of s.
481 163.085.

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

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

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

506 (4) DISCLOSURES.—

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

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

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

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

520 4. The interest charged and estimated annual percentage
 521 rate;

522 5. A description of the qualifying improvement;

523 6. The total estimated annual costs that will be required
524 to be paid under the assessment contract, including program
525 fees;

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

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

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

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

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

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

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

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

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

560 (5) NOTICE TO LIENHOLDERS AND SERVICERS.-At least 5
561 business days before entering into a financing agreement, the
562 property owner must provide to the holders or loan servicers of
563 any existing mortgages encumbering or otherwise secured by the
564 residential property a written notice of the owner's intent to
565 enter into a financing agreement together with the maximum
566 amount to be financed, including the amount of any fees and
567 interest, and the maximum annual assessment necessary to repay
568 the total. A verified copy or other proof of such notice must be
569 provided to the program administrator. A provision in any
570 agreement between a mortgagor or other lienholder and a property

571 owner, or otherwise now or hereafter binding upon a property
572 owner, which allows for acceleration of payment of the mortgage,
573 note, or lien or other unilateral modification solely as a
574 result of entering into a financing agreement as provided for in
575 this section is unenforceable. This subsection does not limit
576 the authority of the holder or loan servicer to increase the
577 required monthly escrow by an amount necessary to pay the annual
578 assessment.

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

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

596 nondelinquent unpaid balance under the assessment financing
 597 agreement.

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

605
 606 QUALIFYING IMPROVEMENTS.—The property being purchased
 607 is subject to an assessment on the property pursuant
 608 to s. 163.081, Florida Statutes. The assessment is for
 609 a qualifying improvement to the property and is not
 610 based on the value of the property. You are encouraged
 611 to contact the property appraiser's office to learn
 612 more about this and other assessments that may be
 613 provided by law.

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

621 certificate of occupancy or similar evidence of substantial
622 completion of construction or improvement has been issued.

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

627 Section 3. Section 163.082, Florida Statutes, is created
628 to read:

629 163.082 Financing qualifying improvements to commercial
630 property.—

631 (1) COMMERCIAL PROPERTY PROGRAM AUTHORIZATION.—

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

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

646 within the jurisdiction of the counties or municipalities that
647 are party to the agreement.

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

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

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

671 appraiser, tax collector, and program administrator agree. The
672 program administrator shall only compensate the tax collector
673 for the actual cost of collecting non-ad valorem assessments,
674 not to exceed 2 percent of the amount collected and remitted.

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

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

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

692 (4) FINANCING AGREEMENTS.—

693 (a) A program administrator offering a program for
694 financing qualifying improvements to commercial property must
695 maintain underwriting criteria sufficient to determine the

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

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

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

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

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

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

717 6. The property owner is current on all mortgage debt on
718 the commercial property.

719 7. The term of the financing agreement does not exceed the
720 weighted average useful life of the qualified improvements to

721 which the greatest portion of funds disbursed under the
722 assessment contract is attributable, not to exceed 30 years. The
723 program administrator shall determine the useful life of a
724 qualifying improvement using established standards, including
725 certification criteria from government agencies or nationally
726 recognized standards and testing organizations.

727 8. The property owner is not currently the subject of a
728 bankruptcy proceeding.

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

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

743 (d) A property owner and the program administrator may
744 agree to include in the financing agreement provisions for
745 allowing change orders necessary to complete the qualifying

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

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

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

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

771 (b) The estimated annual non-ad valorem assessment;
 772 (c) The term of the financing agreement and the schedule
 773 for the non-ad valorem assessments;
 774 (d) The interest charged and estimated annual percentage
 775 rate;
 776 (e) A description of the qualifying improvement;
 777 (f) The total estimated annual costs that will be required
 778 to be paid under the assessment contract, including program
 779 fees;
 780 (g) The estimated due date of the first payment that
 781 includes the non-ad valorem assessment; and
 782 (h) A disclosure of any prepayment penalties, fees, or
 783 finances as set forth in the financing agreement.
 784 (6) RECORDING.—Any financing agreement executed pursuant
 785 to this section or a summary memorandum of such agreement must
 786 be submitted for recording in the public records of the county
 787 within which the commercial property is located by the program
 788 administrator within 10 business days after execution of the
 789 agreement. The recorded agreement must provide constructive
 790 notice that the non-ad valorem assessment to be levied on the
 791 property constitutes a lien of equal dignity to county taxes and
 792 assessments from the date of recordation. A notice of lien for
 793 the full amount of the financing may be recorded in the public
 794 records of the county where the property is located. Such lien
 795 is not enforceable in a manner that results in the acceleration

796 of the remaining nondelinquent unpaid balance under the
797 assessment financing agreement.

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

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

814
815 (8) COMPLETION CERTIFICATE.—Upon disbursement of all
816 financing and completion of installation of qualifying
817 improvements financed, the program administrator shall retain a
818 certificate that the qualifying improvements have been installed
819 and are in good working order.

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

824 Section 4. Section 163.083, Florida Statutes, is created
 825 to read:

826 163.083 Qualifying improvement contractors.—

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

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

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

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

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

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

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

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

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

869 Section 5. Section 163.084, Florida Statutes, is created
870 to read:

871 163.084 Third-party administrator for financing qualifying
872 improvements programs.—

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

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

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

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

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

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

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

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

917 (b) Impose any fines or sanctions.

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

920 (d) Terminate the agreement with the third-party
 921 administrator.

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

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

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

939 (c) Any officer, director, manager or managing member, or
 940 control person of the third-party administrator has been
 941 convicted of, or has entered a plea of guilty or nolo contendere
 942 to, regardless of whether adjudication has been withheld, a

943 crime related to administration of a program authorized of the
944 provisions of ss. 163.081-163.086 or a similar program in
945 another jurisdiction within the last 10 years.

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

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

953 Section 6. Section 163.085, Florida Statutes, is created
954 to read:

955 163.085 Advertisement and solicitation for financing
956 qualifying improvements programs under s. 163.081 or s.
957 163.082.-

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

961 (a) Suggest or imply:

962 1. That a non-ad valorem assessment authorized under s.
963 163.081 or s. 163.082 is a government assistance program;

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

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

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

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

982 (3) A qualifying improvement contractor may not advertise
983 the availability of financing agreements for, or solicit program
984 participation on behalf of, the program administrator unless the
985 contractor is registered by the program administrator to
986 participate in the program and is in good standing with the
987 program administrator.

988 (4) A program administrator or third-party administrator
989 may not provide any payment, fee, or kickback to a qualifying
990 improvement contractor for referring property owners to the
991 program administrator or third-party administrator. However, a
992 program administrator or third-party administrator may provide

993 information to a qualifying improvement contractor to facilitate
 994 the installation of a qualifying improvement for a property
 995 owner.

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

999 (6) A qualifying improvement contractor may not provide a
 1000 different price for a qualifying improvement financed under s.
 1001 163.081 than the price that the qualifying improvement
 1002 contractor would otherwise provide if the qualifying improvement
 1003 was not being financed through a financing agreement. Any
 1004 contract between a property owner and a qualifying improvement
 1005 contractor must clearly state all pricing and cost provisions,
 1006 including any process for change orders which meet the
 1007 requirements of s. 163.081(3)(d).

1008 (7) A program administrator, qualifying improvement
 1009 contractor, or third-party administrator may not provide any
 1010 direct cash payment or other thing of material value to a
 1011 property owner which is explicitly conditioned upon the property
 1012 owner entering into a financing agreement. However, a program
 1013 administrator or third-party administrator may offer programs or
 1014 promotions on a nondiscriminatory basis that provide reduced
 1015 fees or interest rates if the reduced fees or interest rates are
 1016 reflected in the financing agreements and are not provided to
 1017 the property owner as cash consideration.

1018 Section 7. Section 163.086, Florida Statutes, is created
 1019 to read:

1020 163.086 Unenforceable financing agreements for qualifying
 1021 improvements programs under s. 163.081 or s. 163.082;
 1022 attachment; fraud.-

1023 (1) A recorded financing agreement may not be removed from
 1024 attachment to a residential property or commercial property if
 1025 the property owner fraudulently obtained funding pursuant to s.
 1026 163.081 or s. 163.082.

1027 (2) A financing agreement may not be enforced, and a
 1028 recorded financing agreement may be removed from attachment to a
 1029 residential property or commercial property and deemed null and
 1030 void, if:

1031 (a) The property owner applied for, accepted, and canceled
 1032 a financing agreement within the 3-business-day period pursuant
 1033 to s. 163.081(6). A qualifying improvement contractor may not
 1034 begin work under a canceled contract.

1035 (b) A person other than the property owner obtained the
 1036 recorded financing agreement. The court may enter an order which
 1037 holds that person or persons personally liable for the debt.

1038 (c) The program administrator, third-party administrator,
 1039 or qualifying improvement contractor approved or obtained
 1040 funding through fraudulent means and in violation of ss.
 1041 163.081-163.085, or this section for qualifying improvements on
 1042 the residential property or commercial property.

1043 (3) If a qualifying improvement contractor has initiated
 1044 work on residential property or commercial property under a
 1045 contract deemed unenforceable under this section, the qualifying
 1046 improvement contractor:

1047 (a) May not receive compensation for that work under the
 1048 financing agreement.

1049 (b) Must restore the residential property or commercial
 1050 property to its original condition at no cost to the property
 1051 owner.

1052 (c) Must immediately return any funds, property, and other
 1053 consideration given by the property owner. If the property owner
 1054 provided any property and the qualifying improvement contractor
 1055 does not or cannot return it, the qualifying improvement
 1056 contractor must immediately return the fair market value of the
 1057 property or its value as designated in the contract, whichever
 1058 is greater.

1059 (4) If the qualifying improvement contractor has delivered
 1060 chattel or fixtures to residential property or commercial
 1061 property pursuant to a contract deemed unenforceable under this
 1062 section, the qualifying improvement contractor has 90 days after
 1063 the date on which the contract was executed to retrieve the
 1064 chattel or fixtures, provided that:

1065 (a) The qualifying improvement contractor has fulfilled
 1066 the requirements of paragraphs (3)(a) and (b).

1067 (b) The chattel and fixtures can be removed at the
1068 qualifying improvement contractor's expense without damaging the
1069 residential property or commercial property.

1070 (5) If a qualifying improvement contractor fails to comply
1071 with this section, the property owner may retain any chattel or
1072 fixtures provided pursuant to a contract deemed unenforceable
1073 under this section.

1074 (6) A contract that is otherwise unenforceable under this
1075 section remains enforceable if the property owner waives his or
1076 her right to cancel the contract or cancels the financing
1077 agreement pursuant to s. 163.081(6) but allows the qualifying
1078 improvement contractor to proceed with the installation of the
1079 qualifying improvement.

1080 Section 8. Section 163.087, Florida Statutes, is created
1081 to read:

1082 163.087 Reporting for financing qualifying improvements
1083 programs under s. 163.081 or s. 163.082.—

1084 (1) Each program administrator that is authorized to
1085 administer a program for financing qualifying improvements to
1086 residential property or commercial property under s. 163.081 or
1087 s. 163.082 shall post on its website an annual report within 45
1088 days after the end of its fiscal year containing the following
1089 information from the previous year for each program authorized
1090 under s. 163.081 or s. 163.082:

1091 (a) The number and types of qualifying improvements
 1092 funded.

1093 (b) The aggregate, average, and median dollar amounts of
 1094 annual non-ad valorem assessments and the total number of non-ad
 1095 valorem assessments collected pursuant to financing agreements
 1096 for qualifying improvements.

1097 (c) The total number of defaulted non-ad valorem
 1098 assessments, including the total defaulted amount, the number
 1099 and dates of missed payments, and the total number of parcels in
 1100 default and the length of time in default.

1101 (d) A summary of all reported complaints received by the
 1102 program administrator related to the program, including the
 1103 names of the third-party administrator, if applicable, and
 1104 qualifying improvement contractors and the resolution of each
 1105 complaint.

1106 (2) The Auditor General must conduct an operational audit
 1107 of each program administrator authorized under s. 163.081 or s.
 1108 163.082, including any third-party administrators, for
 1109 compliance with the provisions of ss. 163.08-163.086 and any
 1110 adopted ordinance at least once every 3 years. The Auditor
 1111 General may stagger evaluations; however, every program must be
 1112 evaluated at least once by September 1, 2028. The Auditor
 1113 General shall adopt rules pursuant to s. 218.39 requiring each
 1114 program administrator to report whether it offers a program
 1115 authorized pursuant to s. 163.081 or s. 163.082, and other

1116 pertinent information. Each program administrator and, if
1117 applicable, third-party administrator, must post the most recent
1118 report on its website.

1119 Section 9. A current contract, agreement, authorization,
1120 or interlocal agreement between a county or municipality and a
1121 program administrator entered into before July 1, 2024, shall
1122 continue without additional action by the county or
1123 municipality. However, the program administrator must comply
1124 with this act, and any contract, agreement, authorization, or
1125 interlocal agreement must be amended to comply with this act.

1126 Section 10. This act shall take effect July 1, 2024.