



ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS POLICY COUNCIL

Meeting Packet

**Thursday, March 25, 2010
11:15 A.M. – 12:30 P.M.
404 HOB**

LARRY CRETUL
Speaker

DAVE MURZIN
Chair

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Development & Community Affairs Policy Council

Start Date and Time: Thursday, March 25, 2010 11:15 am
End Date and Time: Thursday, March 25, 2010 12:30 pm
Location: 404 HOB
Duration: 1.25 hrs

Consideration of the following bill(s):

CS/HB 395 Direct-Support Organization for the Department of Military Affairs by Military & Local Affairs Policy Committee, Abruzzo
HB 7129 Military Support by Military & Local Affairs Policy Committee, Hukill, Murzin
HB 7151 Procurement by Governmental Affairs Policy Committee, Schenck
HB 7155 Claims for Collections Due the State by Governmental Affairs Policy Committee, Schenck
HB 7163 Review of the Department of Management Services under the Florida Government Accountability Act by Governmental Affairs Policy Committee, Schenck
HB 7169 State-owned Real Property by Governmental Affairs Policy Committee, Schenck

Consideration of the following proposed council substitute(s):

PCS for HB 1525 -- Nonbinding Statewide Referendum
PCS for HB 265 -- Property Taxation

Workshop on the following:

Proposal Relating to the Florida Infrastructure Fund by Enterprise Florida, Inc. and the Florida Opportunity Fund

Pursuant to rule 7.13, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 pm, Wednesday, March 24, 2010.

By request of the Chair, all Council members are asked to have amendments to bills on the agenda submitted to staff by 6:00 pm, Wednesday, March 24, 2010.

NOTICE FINALIZED on 03/23/2010 16:27 by ADEYEMO.MARTHA

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2005, the Legislature created the Family Readiness Program under the Department of Military Affairs.¹ The purpose of the program is to provide need-based assistance to families of members of the Florida National Guard on active duty serving in the Global War on Terrorism or Homeland Defense operations. The program is dependent on appropriation expressly provided for the program.² Program funds could be used in emergency situations to purchase critically needed services, including, but not limited to, reasonable living expenses, housing, vehicles, equipment or renovations necessary to meet disability needs and health care.³ Five million dollars was appropriated in 2005 and that amount has decreased each year to \$200,000 for fiscal year 2009.

The president of the Board of the Direct-Support Organization (DSO) is appointed by the Adjutant General. The board president is authorized to appoint up to 15 board members who serve terms of office of 3 years. Qualifications for appointment include Florida residents who are highly knowledgeable about the United States military, its service personnel, its mission, and consideration is given to the potential member's background in community service. The board is authorized to remove a member for cause and fill vacancies that occur.

Effect of Proposed Changes

The bill creates the Soldiers and Airmen Assistance Program. The program provides financial assistance and services to eligible servicemembers of the Florida National Guard and eligible members of their families.⁴ The program will be implemented through funding provided by the direct-support organization authorized under s. 250.115, F.S. The assistance available under the program includes: housing assistance, living expenses, vehicles, health care, and other services. The bill provides for procedures to request assistance, and for review and approval of such requests.

¹ Chapter 2005-51, L.O.F., codified at s. 250.5206, F.S.

² Section 250.5206(2), F.S.

³ Section 250.5206(3), F.S.

⁴ Eligible individuals include servicemembers who are members of the Florida National Guard who are: on active duty serving in the Global War on terrorism or Overseas Contingency Operation or request assistance within 120 days after the termination of orders for such service and return to home of record; deployed by the Federal Government and participating in state operations for homeland defense or request assistance within 120 days after the termination of orders for such service and return to home of record; beneficiaries of an eligible servicemember designated on the United States Department of Defense Form 93; and individuals demonstrating a financial need for authorized assistance who are dependents or family members of an eligible servicemember.

The bill adds a provision requiring the direct-support organization to operate under a written contract with the Department of Military Affairs. The written contract must provide for:

- Annual certification by the department that the DSO is complying with the terms for the contract and is doing so consistent with the goals and purposes of the department and in the best interests of the state.
- The reversion of moneys and property held by the DSO if the DSO is no longer approved to operate by the department; if the DSO ceases to exist; or if the department ceases to exist.
- The disclosure to donors of the material provisions of the contract and the distinction between the department and the DSO.

The financial committee of the direct-support organization must conduct quarterly reviews of the financial transactions of the program and may request the Office of Inspector General to conduct additional reviews.

The bill also revises the composition of the board of directors of the direct-support organization by removing the limitation on the number of members that may serve on the board as well as the terms of office and criteria for selecting members.

B. SECTION DIRECTORY:

Section 1: Amends s. 250.115, F.S., to authorize the direct-support organization of the Department of Military Affairs to administer the Soldiers and Airmen Assistance Program or similar programs and revises the composition of the board.

Section 2: Creates the Soldiers and Airmen Assistance Program.

Section 3: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None. The bill provides a privately funded alternative to a state funded program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a shared state tax or premium sales tax received by cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes the Department of Military Affairs to adopt rules to administer the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

A strike all amendment was adopted by the Military & Local Affairs Policy Committee on February 17, 2010, that requires the DSO to operate pursuant to a contract with the DMA and provides for reversion of funds to DMA if the DSO ceases operation; restates that the program will be administered by DMA instead of the Director of Financial Management of DMA; and changes a reference of "gasoline" to "motor vehicle fuel."

1 A bill to be entitled
 2 An act relating to the direct-support organization for the
 3 Department of Military Affairs; amending s. 250.115, F.S.;
 4 authorizing the direct-support organization to support the
 5 processing of requests for assistance from the Soldiers
 6 and Airmen Assistance Program or similar programs;
 7 authorizing the president of the direct-support
 8 organization to appoint all members of the board of
 9 directors; requiring the direct-support organization to
 10 operate pursuant to a contract with the Department of
 11 Military Affairs; requiring the direct-support
 12 organization to submit its annual budget and financial
 13 reports to the Department of Military Affairs; creating s.
 14 250.116, F.S.; creating the Soldiers and Airmen Assistance
 15 Program; authorizing the program to provide specified
 16 types of assistance to certain members of the Florida
 17 National Guard and their families; providing for the
 18 review of requests for assistance; requiring the financial
 19 committee of the board of directors of the direct-support
 20 organization for the Department of Military Affairs to
 21 review the financial transactions of the program
 22 quarterly; authorizing the financial committee of the
 23 board of directors to request additional reviews by the
 24 Office of Inspector General; authorizing the Department of
 25 Military Affairs to adopt rules to administer the Soldiers
 26 and Airmen Assistance Program; providing an effective
 27 date.
 28

29 Be It Enacted by the Legislature of the State of Florida:

30

31 Section 1. Section 250.115, Florida Statutes, is amended
32 to read:

33 250.115 Department of Military Affairs direct-support
34 organization.—

35 (1) DEFINITIONS.—As used in this section, the term:

36 (a) "Direct-support organization" means an organization
37 that is:

38 1. A Florida corporation not for profit, incorporated
39 under chapter 617, and approved by the Department of State.

40 2. Organized and operated exclusively to raise funds;
41 request and receive grants, gifts, and bequests of moneys;
42 acquire, receive, hold, invest, and administer in its own name
43 securities, funds, or property; support the processing of
44 requests for assistance from the Soldiers and Airmen Assistance
45 Program or similar programs as directed by the Adjutant General;
46 and make expenditures to or for the direct or indirect benefit
47 of the Department of Military Affairs or the Florida National
48 Guard.

49 3. Determined by the Department of Military Affairs to be
50 operating in a manner consistent with the goals of the
51 Department of Military Affairs and the Florida National Guard
52 and in the best interest of the state. Any organization that is
53 denied certification by the Adjutant General may not use the
54 name of the Florida National Guard or the Department of Military
55 Affairs in any part of its name or its publications.

56 (b) "Personal services" includes full-time or part-time

57 personnel as well as payroll processing.

58 (2) BOARD OF DIRECTORS.—The organization shall be governed
 59 by a board of directors. The Adjutant General, or his or her
 60 designee, shall appoint a president of the board. The board of
 61 directors shall ~~consist of up to 15 members appointed by the~~
 62 ~~president of the board. Up to 15 additional members may be~~
 63 appointed by the president of the board of directors. ~~The terms~~
 64 ~~of office of the members shall be 3 years. Members must be~~
 65 ~~residents of the state and highly knowledgeable about the United~~
 66 ~~States military, its service personnel, and its missions. In~~
 67 ~~making appointments, the board must consider a potential~~
 68 ~~member's background in community service. The board may remove~~
 69 ~~any member for cause and shall fill vacancies that occur.~~

70 (3) CONTRACT.—The direct-support organization shall
 71 operate under a written contract with the department. The
 72 written contract must provide for:

73 (a) Certification by the department that the direct-
 74 support organization is complying with the terms of the contract
 75 and is doing so consistent with the goals and purposes of the
 76 department and in the best interests of the state. This
 77 certification must be made annually and reported in the official
 78 minutes of a meeting of the direct-support organization.

79 (b) The reversion of moneys and property held by the
 80 direct-support organization:

81 1. To the department if the direct-support organization is
 82 no longer approved to operate for the department;

83 2. To the department if the direct-support organization
 84 ceases to exist; or

85 3. To the state if the department ceases to exist.

86 (c) The disclosure of the material provisions of the
 87 contract and the distinction between the department and the
 88 direct-support organization to donors of gifts, contributions,
 89 or bequests, including such disclosure on all promotional and
 90 fundraising publications.

91 (4)~~(3)~~ USE OF PROPERTY.—

92 (a) The Department of Military Affairs may permit the use
 93 of property, facilities, and personal services of the Department
 94 of Military Affairs by the direct-support organization, subject
 95 to the provisions of this section.

96 (b) The Department of Military Affairs may prescribe by
 97 rule any condition with which a direct-support organization
 98 organized under this section must comply in order to use
 99 property, facilities, or personal services of the Department of
 100 Military Affairs.

101 (c) The Department of Military Affairs may not permit the
 102 use of its property, facilities, or personal services by any
 103 direct-support organization organized under this section which
 104 does not provide equal employment opportunities to all persons
 105 regardless of race, color, national origin, gender, age, or
 106 religion.

107 (5)~~(4)~~ ACTIVITIES; RESTRICTIONS.—Any transaction or
 108 agreement between the direct-support organization organized
 109 pursuant to this section and another direct-support organization
 110 or center of technology innovation designated under s. 1004.77
 111 must be approved by the Department of Military Affairs.

112 (6)~~(5)~~ ANNUAL BUDGETS AND REPORTS.—The direct-support

113 organization shall submit to the Department of Military Affairs
 114 its annual budget and financial reports, its federal Internal
 115 Revenue Service Application for Recognition of Exemption form
 116 (Form 1023), and its federal Internal Revenue Service Return of
 117 Organization Exempt from Income Tax form (Form 990).

118 ~~(7)~~ ~~(6)~~ ANNUAL AUDIT.—The direct-support organization shall
 119 provide for an annual financial audit in accordance with s.
 120 215.981.

121 Section 2. Section 250.116, Florida Statutes, is created
 122 to read:

123 250.116 Soldiers and Airmen Assistance Program.—

124 (1) PROGRAM PURPOSE.—The purpose of the program is to
 125 provide financial assistance and services to eligible
 126 servicemembers of the Florida National Guard and eligible
 127 members of their families. The program shall be administered by
 128 the Department of Military Affairs. The department may be
 129 assisted in the processing of applications and the
 130 administration of the program by the direct-support organization
 131 authorized under s. 250.115.

132 (2) FUNDING.—The program shall be implemented through
 133 funding provided by the direct-support organization.

134 (3) AUTHORIZED ASSISTANCE.—The assistance available under
 135 the program may include:

136 (a) Housing.—The program may provide housing assistance.
 137 Housing assistance includes assistance with emergency repairs,
 138 renovations, or replacements that are needed for a
 139 servicemember's primary residential property in order to address
 140 health or safety issues or meet disability needs. Housing

141 assistance also includes assistance with lease deposits,
 142 mortgage payments, and rent payments.

143 (b) Living expenses.—The program may provide assistance
 144 for living expenses that are reasonable and necessary to meet
 145 basic needs for eligible members of the Florida National Guard
 146 and eligible members of their families. Living expenses include
 147 expenses for clothing, groceries, utility services, motor
 148 vehicle fuel and transportation, insurance, and child care that
 149 is necessary to obtain or maintain employment.

150 (c) Vehicles.—The program may provide assistance for
 151 repairs or short-term rentals required to maintain the primary
 152 vehicle of a servicemember's family in a safe operating
 153 condition. If a repair will not restore the primary vehicle to a
 154 safe operating condition or if there is no vehicle, assistance
 155 with the purchase of a vehicle may be provided if such a vehicle
 156 is necessary.

157 (d) Health care.—The program may provide assistance for
 158 services that are documented by a medical authority as necessary
 159 for the health and welfare of the individual. Assistance is not
 160 available for elective procedures or medical care that is
 161 covered by insurance.

162 (e) Other services.—The program may provide assistance for
 163 a service or expense that is not specifically enumerated in this
 164 subsection if the service or expense is reasonable under the
 165 circumstances.

166 (4) ELIGIBILITY.—Persons eligible for assistance from the
 167 program include:

168 (a) Servicemembers who are members of the Florida National

169 Guard who are:

170 1. On active duty serving in the Global War on Terrorism
 171 or Overseas Contingency Operation or request assistance within
 172 120 days after the termination of orders for such service and
 173 return to home of record.

174 2. Deployed by the Federal Government and participating in
 175 state operations for homeland defense or request assistance
 176 within 120 days after the termination of orders for such service
 177 and return to home of record.

178 (b)1. Beneficiaries of an eligible servicemember
 179 designated on the United States Department of Defense Form 93.

180 2. Individuals demonstrating a financial need for
 181 authorized assistance who are dependents or family members of an
 182 eligible servicemember.

183 (5) REQUESTS FOR ASSISTANCE; REVIEW; AWARDS.-

184 (a) A request for assistance shall be reviewed and
 185 processed at the local level by an official designated by the
 186 Adjutant General. During the initial review and processing of
 187 the request, the Department of Military Affairs may accept
 188 assistance from the direct-support organization. Final review
 189 and approval of requests for assistance shall be made by the
 190 Department of Military Affairs.

191 (b) Requests for assistance shall be reviewed and
 192 evaluated based on the following criteria:

193 1. The impact of a servicemember's absence and inability
 194 to assist in home and vehicle repairs or meet other family
 195 needs;

196 2. The economic impact of deployment;

- 197 3. The overall financial situation of the applicant;
 198 4. The assistance authorized under the program; and
 199 5. Other relevant information.

200 (6) QUARTERLY FINANCIAL REVIEW.—The financial committee of
 201 the board of directors of the direct-support organization shall
 202 review financial transactions of the program each quarter. This
 203 review shall be provided to the Department of Military Affairs
 204 in order to determine whether the direct-support organization is
 205 being operated in a manner that is consistent with the purposes
 206 of the Soldiers and Airmen Assistance Fund, and in the best
 207 interests of the department. The financial committee may request
 208 the Office of Inspector General to conduct additional reviews.

209 (7) RULES.—The Department of Military Affairs may adopt
 210 rules to administer this section.

211 Section 3. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7129 PCB MLA 10-07 Military Support
SPONSOR(S): Military & Local Affairs Policy Committee and Hukill and Murzin
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Military & Local Affairs Policy Committee	12 Y, 0 N	Fudge	Hoagland
1)	Economic Development & Community Affairs Policy Council		Fudge <i>GF</i>	Tinker <i>TBT</i>
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Military related activity has a significant positive impact on Florida's economy. In 2005, it represented an estimated \$52 billion in gross state product and more than 732,300 jobs and \$1 billion in state and local tax revenues. Florida has shown support for this military presence through numerous legislative actions, including requiring compatibility of land uses to minimize encroachment, prioritizing the purchase of state lands to serve as buffer areas, providing tax relief and financial benefits for military personnel and retirees, providing educational benefits and family support.

This proposed committee bill continues that commitment to the military presence in Florida. The proposed committee bill:

- Strengthens existing encroachment and compatibility provisions in the Growth Management Act
- Specifies the installations and local governments subject to the requirements to improve communication between the bases and the local governments, and provides criteria to address compatibility in the future land use
- Clarifies the factors to be considered in developing criteria
- Provides a process if local governments fail to meet the future land use element requirements by June 30, 2012, to require mediation and ultimately the potential for sanctions from the Administration Commission
- Expands notification of land use activities by requiring copies of applications for proposed development orders that request waivers from height and lighting restrictions and noise attenuation requirements to be submitted to the base commander upon request
- Clarifies that active duty members of the armed forces and their spouses may continue to receive a homestead exemption when the service member is deployed
- Authorizes the establishment of a second Assistant Adjutant General Army position at the state's National Guard Joint Forces Headquarters. The additional position is federally funded and, therefore, has no fiscal impact on state funds
- Creates a temporary professional license for spouses of active duty members of the Armed Forces of the United States who have been assigned to a duty station in Florida

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
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FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Military related activity has a significant positive impact on Florida's economy. In 2005, it represented an estimated \$52 billion in gross state product with more than 732,300 jobs and \$1 billion in state and local tax revenues. Florida has shown support for this military presence through numerous legislative actions, by requiring compatibility of land uses to minimize encroachment, prioritizing the purchase of state lands to serve as buffer areas, providing tax relief and financial benefits for military personnel and retirees, and providing educational benefits and family support.¹

Current Law Regarding Land Use Compatibility and Encroachment

In 2004, the Legislature passed provisions to address the interface between local government land use actions and military base encroachment concerns. Section 163.3175, F.S., requires the exchange of information between local communities and military installations when land use decisions may affect operations at an installation. Section 163.3175, F.S., also specifies issues that the installation's commanding officer may address in commenting on a proposed land use change and requires a local government to consider the commanding officer's comments. It also requires a representative of the military installation to be included as an ex-officio, nonvoting member of the affected local government's land planning or zoning board.

In addition, s. 163.3177(6)(a), F.S., requires a local government to amend the future land use plan element of its comprehensive plan to address the compatibility of future uses on lands adjacent or closely proximate to military installations and to include criteria to achieve that compatibility. In 2004, local governments were directed to amend their plans by June 30, 2006. This date was later changed to June 30, 2012.

In 2008, the Florida House of Representatives Committee on Military & Veterans' Affairs, conducted an interim project on military base encroachment.² The Survey of Local Governments distributed as part

¹ Florida Defense Industry Economic Impact Analysis, Dr. Rick Harper, Director of the University of West Florida Haas Center, November 4, 2009, presentation to the Florida House of Representatives Committee on Military & Local Affairs.

² The results of the 2008 Committee on Military & Veterans' Affairs interim project are found in "Military Encroachment: A White Paper" available at:
[http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteId=2345&Session=2008&DocumentType=Reports&FileName=Military Base Encroachment.pdf](http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteId=2345&Session=2008&DocumentType=Reports&FileName=Military%20Base%20Encroachment.pdf)

of this project asked whether each local government complied with statutory requirements to amend their comprehensive plan by June 30, 2006, to address military compatibility issues. According to the survey responses, 10 counties and 14 cities reported that they had not complied with the statutory requirement to update their comprehensive plans to include military compatibility criteria (8 counties and 7 cities had adopted updates by 2008). The DCA reports that “[a]bout 75% of the affected local governments have missed the June 30, 2006 due date, probably because there is no consequence to them of doing so.”

The 2008 Survey of Military Installations distributed as part of this project sought to determine whether local governments were complying with the statutory requirement of providing information to military installations regarding the adoption of comprehensive plans, amendments, or land use regulations. According to survey responses from the Air Force and Navy, the local governments appeared to generally comply with statutory requirements and consider the military’s comments during the planning process.

**MILITARY BASE COORDINATION AND COMPATIBILITY
LOCAL GOVERNMENT IMPLEMENTATION STATUS AS OF JANUARY 13, 2010³**

STATUS	LOCAL GOVERNMENTS	TOTAL
Completed Planning Board Appointment and Plan Amendment	Bradford County Brevard County Escambia County Gulf County Highlands County Homestead Jacksonville-Duval County Marion County Parker Santa Rosa County Satellite Beach (3175 coordination only; amendment not needed) Volusia County	12
Adopted Amendment Under Review	Clay County (NOI publication date 1/29/10)	1
Partially Completed	Okaloosa County (only coordination policies adopted) Tampa (only coordination policies adopted) Mexico Beach (does not address the entire city)	3
Amendment Proposed, but not yet adopted	Putnam County (proposed in 2007)	1
Joint Land Use Study Recently Completed, but Amendment Not Yet Submitted	Bay County Panama City Panama City Beach Cinco Bayou Crestview Destin	15

³ Department of Community Affairs

	Fort Walton Beach Laurel Hill Mary Esther Niceville Shalimar Valparaiso Walton County DeFuniak Springs Freeport	
Waiting for Joint Land Use Study to be Completed	Avon Park Frostproof Okeechobee County Osceola County Polk County Sebring	6
No Action	Key West Lake County Monroe County Miami-Dade County	4

Effect of Proposed Changes

This proposed committee bill strengthens existing encroachment and compatibility provisions in the Growth Management Act.

The bill replaces general definitions in s. 163.3175(7), F.S., regarding "affected local governments" as a municipality "adjacent to or in close proximity to..." a "military installation" by identifying specific installations and local governments which are required to disclosure certain information to improve communication between the bases and the local governments, and providing criteria to address compatibility in the future land use.

The proposed committee bill amends s. 165.3177(6)(a), F.S., relating to future land use elements to clarify the factors to be considered in developing criteria for compatibility.

A process for addressing non-compliance is provided which requires mediation, conducted by the regional planning council, to commence between the local governments, military installations, state land planning agency and other parties, including private land owners. The bill also provides that the state land planning agency may report the local government to the Administration Commission for failure to include criteria into its local government comprehensive plan by December 31, 2013. The Administration Commission is provided the authority to specify remedial action and impose sanctions including direction to state agencies not to provide funds for infrastructure projects, grant programs, and withholding revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, F.S. These changes to law are not intended to result in any of the local governments that have complied with the 2004 requirements to further amend their comprehensive plans prior to 2012.

The proposed committee bill further expands notification of land use activities by requiring copies of applications for development orders that request waivers from height and lighting restrictions and noise attenuation reduction requirements to be submitted to the base commander upon request.

Current Law Regarding Active Military Personnel Deployed Outside the State

Section 196.061, F.S., provides that rental of a dwelling previously claimed to be a homestead constitutes abandonment. However, this provision does not apply to a member of the Armed Forces

whose service is a result of a mandatory obligation imposed by the Selective Service Act or who volunteers for service as a member of the Armed Forces.⁴

Several property appraisers permit active duty members to rent their homesteads and retain their homestead exemption if they are transferred out of the area on orders and notify the property appraiser.⁵ However, there has been situations where the property is owned by one of the spouses prior to marriage. Once married, the other spouse is not added to the deed. The original owner (yet to be a spouse) would have applied and began receiving homestead prior to marriage. The concern is that when the spouse, who is not on the deed, is ordered overseas and the other spouse (original owner) goes with him or her may not be able to rent the property without losing the homestead exemption.

Effect of Proposed Change

The bill clarifies that the provision of s. 196.061, F.S., apply to military members and their spouses and that valid military orders deploying such member is sufficient to maintain permanent residence, for purposes of s. 196.015, F.S., for the member and his or her spouse.

Additional Assistant Adjutant General Army

Florida is one of 15 states that have undergone a restructuring of its Army National Guard Enhanced Infantry Brigade. The Enhanced Infantry Brigade is composed of approximately 3,500 soldiers and, until recently, has been commanded by an officer in the rank of Brigadier General. The new organizational structure replicates the active duty Army's Infantry Brigade Combat Team and will now be commanded by an officer with the rank of colonel.

States such as Florida have been allowed to transfer the former Infantry Brigade General Officer position to the state's National Guard Joint Forces Headquarters as an additional Assistant Adjutant General Army position. With more than 10,000 Florida Army National Guard soldiers currently serving, authorization for two Army officers serving in the grade of Brigadier General is consistent with authorizations in other states with similar forces.

Effect of Proposed Changes

The bill amends s. 250.10, F.S., to authorize the Adjutant General of the Florida National Guard to appoint a federally recognized officer to a second position of Assistant Adjutant General Army. Such appointment is subject to confirmation by the Senate. The appointee must have served in the Florida Army Guard for the preceding five years and have attained the rank of colonel or higher at the time of appointment.

Military Spouses/Professional Licensure

Section 455.02, F.S., applies to licensees who are members of the armed forces on active duty who are absent from the state and not practicing their profession in the private sector. This statute applies to numerous professions regulated by DBPR but not all professions.

The member/licensee is exempted from license renewal requirements for the duration of active duty while absent from the state of Florida, and for a period of six months after discharge or return to the state, and not practicing the profession.

⁴ In 1971, the Attorney General concluded that a service member is entitled to a homestead exemption even though he may be transferred elsewhere during his ownership, and rental of such property does not constitute abandonment. Op. Att'y Gen. Fla. 71-055 (1971).

⁵ For example, the Osceola County Property Appraiser states that "if you are a member of the armed forces on active military duty, you are permitted to rent your home, but you must notify the office in advance and provide your military orders."
<http://www.osceola.org/index.cfm?IsFuses=department/PropertyAppraiser/HomesteadExemption>, last visited on March 5, 2010.

Section 455.02(2), F.S., authorizes the Boards under the Division of Professions within the Department of Business and Professional Regulation to promulgate rules exempting spouses of members of the Armed Forces from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces.

In addition, many of the professions in Florida have an endorsement provision as a part of their licensing authority that allows for the acceptance of an active out-of-state practitioner in good standing to be qualified to be licensed in Florida based on the out-of-state license criteria, i.e. barbering. Similarly, many of the professions in Florida provide for "a reciprocal agreement" between professions in different states to allow licensure of out-of-state practitioners by reciprocity based on similar licensing qualifications, i.e. construction contracting.

However, there are no provisions allowing spouses of active duty military personnel, who are relocating to Florida, to practice their profession by using a temporary Florida license issued based on license qualification of the applicants' home state.

Effect of proposed changes

The bill creates a temporary professional license for spouses of active duty members of the Armed Forces of the United States who have been assigned to a duty station in Florida pursuant to his or her spouse's official active duty military orders. The spouse must hold a valid out-of-state license and submit to a criminal background check. The nonrenewable temporary license allows the spouse to work in his or her respective profession for six months from the date of issuance of the temporary license.

B. SECTION DIRECTORY:

Section 1: Amends s. 163.3175, F.S., identifying local governments and military installations subject to coordination and growth management provisions prescribing the information that must be provided to the commanding officer of the military installation upon request; requiring mediation and provides for sanctions.

Section 2: Amends s. 163.3177, F.S., by enumerating factors to consider in determining compatibility.

Section 3: Amends s. 196.061, F.S., to clarify that valid military orders transferring a member of the Armed Forces are sufficient to maintain permanent residency, for purposes of s. 196.015, F.S., for the member and his or her spouse.

Section 4: Amends s. 250.10, F.S., to authorize the Adjutant General of the Florida National Guard to appoint a federally recognized officer to a second position of Assistant Adjutant General Army.

Section 5: Amends s. 455.02, F.S., to create a temporary professional license classification for spouses of active duty members of the Armed Forces of the United States who have been assigned to a duty station in Florida.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Temporary Professional Licenses

The Florida Department of Law Enforcement will receive \$24 for each background check, which is deposited into the FDLE Operating Trust Fund.

2. Expenditures:

Temporary Professional Licenses

There is no fiscal impact associated with this provision.⁶

Additional Assistant Adjutant General Army

This position is federally funded and there is no additional cost to the state.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may be minor costs associated with transmission of certain applications for development orders.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that the military is a \$60 billion industry, the bill helps ensure the continued presence of the military by facilitating communication between military installations and local governments. Action taken to protect or increase the military presence in Florida will have a positive impact on the private sector. However, encroachment may negatively impact individual property owners.

The bill will ensure that active duty members of the Armed Forces and his or her spouse will not lose their homestead exemption when the member is deployed out of the state. The bill also allows the spouses of members of the Armed Forces who are on active duty in the state, to receive a temporary professional license. The fee for a background check is \$43.25, which is a cost to the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

⁶ Department of Business and Professional Regulation Substantive Bill Analysis for HB 713 dated February 2, 2010 (on file with the Full Appropriations Council on General Government & Health Care).

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 10, 2010, the Military & Local Affairs Policy Committee adopted three amendments. The amendments:

- corrected the list of local governments affected by military installations;
- corrected terminology relating to noise attenuation reduction; and
- clarified that only the servicemember receives military orders.

1 A bill to be entitled
 2 An act relating to military support; amending s. 163.3175,
 3 F.S.; providing applicability of provisions governing
 4 compatibility of land development with military
 5 installations under the Local Government Comprehensive
 6 Planning and Land Development Regulation Act to specified
 7 local governments and associated military installations;
 8 authorizing the Florida Council on Military Base and
 9 Mission Support to recommend changes to such military
 10 installations and local governments based on a base's
 11 potential for impacts from encroachment and incompatible
 12 land uses and development; requiring affected local
 13 governments to transmit to the commanding officer of a
 14 military installation information relating to certain
 15 proposed changes to comprehensive plans, plan amendments,
 16 and proposed changes to land development regulations;
 17 requiring local governments to transmit, at the request of
 18 a commanding officer, copies of applications for
 19 development orders requesting specified variances or
 20 waivers within a zone of influence of a military
 21 installation; requiring a local government, military
 22 installation, the state land planning agency, and other
 23 parties to enter into mediation if a local government does
 24 not adopt criteria and address compatibility issues
 25 relating to lands adjacent to or closely proximate to
 26 existing military installations in its future land use
 27 plan element of a comprehensive plan by a specified date;
 28 authorizing notification of the Administration Commission

29 if the local government comprehensive plan does not
 30 contain criteria addressing compatibility by a specified
 31 date; authorizing the imposition of sanctions by the
 32 Administration Commission; eliminating definitions;
 33 amending s. 163.3177, F.S.; specifying factors on which
 34 criteria used to achieve compatibility of lands adjacent
 35 to military installations in a future land use plan
 36 element of a comprehensive plan are to be based; amending
 37 s. 196.061, F.S.; providing that valid military orders
 38 transferring a military servicemember are sufficient to
 39 maintain permanent residence status of the servicemember
 40 and his or her spouse for purposes of such determination
 41 by a property appraiser; amending s. 455.02, F.S.;
 42 authorizing temporary professional licensure by the
 43 Department of Business and Professional Regulation of the
 44 spouses of certain active duty members of the Armed
 45 Forces; providing application requirements; requiring
 46 criminal history checks and fees; amending s. 250.10,
 47 F.S.; authorizing the Adjutant General to employ a second
 48 Assistant Adjutant General for Army; providing an
 49 effective date.

50
 51 Be It Enacted by the Legislature of the State of Florida:

52
 53 Section 1. Section 163.3175, Florida Statutes, is amended
 54 to read:

55 163.3175 Legislative findings on compatibility of
 56 development with military installations; exchange of information

57 between local governments and military installations.-

58 (1) The Legislature finds that incompatible development of
 59 land close to military installations can adversely affect the
 60 ability of such an installation to carry out its mission. The
 61 Legislature further finds that such development also threatens
 62 the public safety because of the possibility of accidents
 63 occurring within the areas surrounding a military installation.
 64 In addition, the economic vitality of a community is affected
 65 when military operations and missions must relocate because of
 66 incompatible urban encroachment. Therefore, the Legislature
 67 finds it desirable for the local governments in the state to
 68 cooperate with military installations to encourage compatible
 69 land use, help prevent incompatible encroachment, and facilitate
 70 the continued presence of major military installations in this
 71 state.

72 (2) Certain major military installations, due to their
 73 mission and activities, have a greater potential for
 74 experiencing compatibility and coordination issues than others.
 75 Consequently, this section and the provisions in s.
 76 163.3177(6) (a), relating to compatibility of land development
 77 with military installations, apply to specific affected local
 78 governments in proximity to and in association with specific
 79 military installations, as follows:

80 (a) Avon Park Air Force Range, associated with Highlands,
 81 Okeechobee, Osceola, and Polk Counties and Avon Park, Sebring,
 82 and Frostproof.

83 (b) Camp Blanding, associated with Clay, Bradford, and
 84 Putnam Counties.

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85 (c) Eglin Air Force Base and Hurlburt Field, associated
 86 with Gulf, Okaloosa, Santa Rosa, and Walton Counties and Cinco
 87 Bayou, Crestview, Destin, DeFuniak Springs, Fort Walton Beach,
 88 Freeport, Laurel Hill, Mary Esther, Niceville, Shalimar, and
 89 Valparaiso.

90 (d) Homestead Air Reserve Base, associated with Miami-Dade
 91 County and Homestead.

92 (e) Jacksonville Training Range Complex, associated with
 93 Lake, Marion, Putnam, and Volusia Counties.

94 (f) MacDill Air Force Base, associated with Tampa.

95 (g) Naval Air Station Jacksonville, Marine Corps Blount
 96 Island Command, and outlying landing field Whitehouse,
 97 associated with Jacksonville.

98 (h) Naval Air Station Key West, associated with Monroe
 99 County and Key West.

100 (i) Naval Support Activity Panama City, associated with
 101 Bay County, Panama City, and Panama City Beach.

102 (j) Naval Air Station Pensacola, associated with Escambia
 103 County.

104 (k) Naval Air Station Whiting Field and its outlying
 105 landing fields, associated with Santa Rosa and Escambia
 106 Counties.

107 (l) Naval Station Mayport, associated with Atlantic Beach
 108 and Jacksonville.

109 (m) Patrick Air Force Base and Cape Canaveral Air Force
 110 Station, associated with Brevard County and Satellite Beach.

111 (n) Tyndall Air Force Base, associated with Gulf and Bay
 112 Counties, and Mexico Beach and Parker.

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113 (3) The Florida Council on Military Base and Mission
 114 Support may recommend to the Legislature changes to the military
 115 installations and local governments specified in subsection (2)
 116 based on a military base's potential for impacts from
 117 encroachment, and incompatible land uses and development.

118 (4)-(2) Each affected local government county in which a
 119 military installation is either wholly or partially located and
 120 each affected local government must transmit to the commanding
 121 officer of the relevant associated that installation or
 122 installations information relating to proposed changes to
 123 comprehensive plans, plan amendments, and proposed changes to
 124 land development regulations which, if approved, would affect
 125 the intensity, density, or use of the land adjacent to or in
 126 close proximity to the military installation. At the request of
 127 the commanding officer, affected local governments must also
 128 transmit to the commanding officer copies of applications for
 129 development orders requesting a variance or waiver from height
 130 or lighting restrictions or noise attenuation reduction
 131 requirements within areas defined in the local government's
 132 comprehensive plan as being in a zone of influence of the
 133 military installation. Each county and affected local government
 134 shall provide the military installation an opportunity to review
 135 and comment on the proposed changes.

136 (5)-(3) The commanding officer or his or her designee may
 137 provide comments to the county or affected local government on
 138 the impact such proposed changes may have on the mission of the
 139 military installation. Such comments may include:

140 (a) If the installation has an airfield, whether such

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141 | proposed changes will be incompatible with the safety and noise
 142 | standards contained in the Air Installation Compatible Use Zone
 143 | (AICUZ) adopted by the military installation for that airfield;

144 | (b) Whether such changes are incompatible with the
 145 | Installation Environmental Noise Management Program (IENMP) of
 146 | the United States Army;

147 | (c) Whether such changes are incompatible with the
 148 | findings of a Joint Land Use Study (JLUS) for the area if one
 149 | has been completed; and

150 | (d) Whether the military installation's mission will be
 151 | adversely affected by the proposed actions of the county or
 152 | affected local government.

153 | (6)-(4) The ~~county or~~ affected local government shall take
 154 | into consideration any comments provided by the commanding
 155 | officer or his or her designee pursuant to subsection (4) ~~when~~
 156 | ~~making such decision regarding comprehensive planning or land~~
 157 | ~~development regulation.~~ The ~~county or~~ affected local government
 158 | shall forward a copy of any ~~such~~ comments regarding
 159 | comprehensive plan amendments to the state land planning agency.

160 | (7)-(5) To facilitate the exchange of information provided
 161 | for in this section, a representative of a military installation
 162 | acting on behalf of all military installations within that
 163 | jurisdiction shall be included as an ex officio, nonvoting
 164 | member of the county's or affected local government's land
 165 | planning or zoning board.

166 | (8)-(6) The commanding officer is encouraged to provide
 167 | information about any community planning assistance grants that
 168 | may be available to a county or affected local government

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169 through the federal Office of Economic Adjustment as an
 170 incentive for communities to participate in a joint planning
 171 process that would facilitate the compatibility of community
 172 planning and the activities and mission of the military
 173 installation.

174 (9) (7) If a local government, as required under s.
 175 163.3177(6) (a), does not adopt criteria and address
 176 compatibility of lands adjacent to or closely proximate to
 177 existing military installations in its future land use plan
 178 element by June 30, 2012, the local government, the military
 179 installation, the state land planning agency, and other parties
 180 as identified by the regional planning council, including, but
 181 not limited to, private landowner representatives, shall enter
 182 into mediation conducted pursuant to s. 186.509. If the local
 183 government comprehensive plan does not contain criteria
 184 addressing compatibility by December 31, 2013, the agency may
 185 notify the Administration Commission. The Administration
 186 Commission may impose sanctions pursuant to s. 163.3184(11).
 187 ~~As used in this section, the term:~~

188 ~~(a) "Affected local government" means a municipality~~
 189 ~~adjacent to or in close proximity to the military installation~~
 190 ~~as determined by the state land planning agency.~~

191 ~~(b) "Military installation" means a base, camp, post,~~
 192 ~~station, airfield, yard, center, home port facility for any~~
 193 ~~ship, or other land area under the jurisdiction of the~~
 194 ~~Department of Defense, including any leased facility. Such term~~
 195 ~~does not include any facility used primarily for civil works,~~
 196 ~~rivers and harbors projects, or flood control projects.~~

197 Section 2. Paragraph (a) of subsection (6) of section
 198 163.3177, Florida Statutes, is amended to read:

199 163.3177 Required and optional elements of comprehensive
 200 plan; studies and surveys.—

201 (6) In addition to the requirements of subsections (1)-(5)
 202 and (12), the comprehensive plan shall include the following
 203 elements:

204 (a) A future land use plan element designating proposed
 205 future general distribution, location, and extent of the uses of
 206 land for residential uses, commercial uses, industry,
 207 agriculture, recreation, conservation, education, public
 208 buildings and grounds, other public facilities, and other
 209 categories of the public and private uses of land. Counties are
 210 encouraged to designate rural land stewardship areas, pursuant
 211 to paragraph (11)(d), as overlays on the future land use map.
 212 Each future land use category must be defined in terms of uses
 213 included, and must include standards to be followed in the
 214 control and distribution of population densities and building
 215 and structure intensities. The proposed distribution, location,
 216 and extent of the various categories of land use shall be shown
 217 on a land use map or map series which shall be supplemented by
 218 goals, policies, and measurable objectives. The future land use
 219 plan shall be based upon surveys, studies, and data regarding
 220 the area, including the amount of land required to accommodate
 221 anticipated growth; the projected population of the area; the
 222 character of undeveloped land; the availability of water
 223 supplies, public facilities, and services; the need for
 224 redevelopment, including the renewal of blighted areas and the

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225 | elimination of nonconforming uses which are inconsistent with
 226 | the character of the community; the compatibility of uses on
 227 | lands adjacent to or closely proximate to military
 228 | installations; lands adjacent to an airport as defined in s.
 229 | 330.35 and consistent with s. 333.02; the discouragement of
 230 | urban sprawl; energy-efficient land use patterns accounting for
 231 | existing and future electric power generation and transmission
 232 | systems; greenhouse gas reduction strategies; and, in rural
 233 | communities, the need for job creation, capital investment, and
 234 | economic development that will strengthen and diversify the
 235 | community's economy. The future land use plan may designate
 236 | areas for future planned development use involving combinations
 237 | of types of uses for which special regulations may be necessary
 238 | to ensure development in accord with the principles and
 239 | standards of the comprehensive plan and this act. The future
 240 | land use plan element shall include criteria to be used to
 241 | achieve the compatibility of lands adjacent or closely proximate
 242 | to military installations, based on factors identified in s.
 243 | 163.3175(5), and lands adjacent to an airport as defined in s.
 244 | 330.35 and consistent with s. 333.02. In addition, for rural
 245 | communities, the amount of land designated for future planned
 246 | industrial use shall be based upon surveys and studies that
 247 | reflect the need for job creation, capital investment, and the
 248 | necessity to strengthen and diversify the local economies, and
 249 | may not be limited solely by the projected population of the
 250 | rural community. The future land use plan of a county may also
 251 | designate areas for possible future municipal incorporation. The
 252 | land use maps or map series shall generally identify and depict

253 historic district boundaries and shall designate historically
 254 significant properties meriting protection. For coastal
 255 counties, the future land use element must include, without
 256 limitation, regulatory incentives and criteria that encourage
 257 the preservation of recreational and commercial working
 258 waterfronts as defined in s. 342.07. The future land use element
 259 must clearly identify the land use categories in which public
 260 schools are an allowable use. When delineating the land use
 261 categories in which public schools are an allowable use, a local
 262 government shall include in the categories sufficient land
 263 proximate to residential development to meet the projected needs
 264 for schools in coordination with public school boards and may
 265 establish differing criteria for schools of different type or
 266 size. Each local government shall include lands contiguous to
 267 existing school sites, to the maximum extent possible, within
 268 the land use categories in which public schools are an allowable
 269 use. The failure by a local government to comply with these
 270 school siting requirements will result in the prohibition of the
 271 local government's ability to amend the local comprehensive
 272 plan, except for plan amendments described in s. 163.3187(1)(b),
 273 until the school siting requirements are met. Amendments
 274 proposed by a local government for purposes of identifying the
 275 land use categories in which public schools are an allowable use
 276 are exempt from the limitation on the frequency of plan
 277 amendments contained in s. 163.3187. The future land use element
 278 shall include criteria that encourage the location of schools
 279 proximate to urban residential areas to the extent possible and
 280 shall require that the local government seek to collocate public

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281 facilities, such as parks, libraries, and community centers,
 282 with schools to the extent possible and to encourage the use of
 283 elementary schools as focal points for neighborhoods. For
 284 schools serving predominantly rural counties, defined as a
 285 county with a population of 100,000 or fewer, an agricultural
 286 land use category is eligible for the location of public school
 287 facilities if the local comprehensive plan contains school
 288 siting criteria and the location is consistent with such
 289 criteria. Local governments required to update or amend their
 290 comprehensive plan to include criteria and address compatibility
 291 of lands adjacent or closely proximate to existing military
 292 installations, or lands adjacent to an airport as defined in s.
 293 330.35 and consistent with s. 333.02, in their future land use
 294 plan element shall transmit the update or amendment to the state
 295 land planning agency by June 30, 2012.

296 Section 3. Section 196.061, Florida Statutes, is amended
 297 to read:

298 196.061 Rental of homestead to constitute abandonment.—The
 299 rental of an entire dwelling previously claimed to be a
 300 homestead for tax purposes shall constitute the abandonment of
 301 said dwelling as a homestead, and said abandonment shall
 302 continue until such dwelling is physically occupied by the owner
 303 thereof. However, such abandonment of such homestead after
 304 January 1 of any year shall not affect the homestead exemption
 305 for tax purposes for that particular year so long as this
 306 provision is not used for 2 consecutive years. The provisions of
 307 this section shall not apply to a member of the Armed Forces of
 308 the United States whose service in such forces is the result of

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309 a mandatory obligation imposed by the federal Selective Service
 310 Act or who volunteers for service as a member of the Armed
 311 Forces of the United States. Moreover, valid military orders
 312 transferring such member shall be sufficient to maintain
 313 permanent residence, for the purpose of s. 196.015, for the
 314 member and his or her spouse.

315 Section 4. Section 455.02, Florida Statutes, is amended to
 316 read:

317 455.02 Licensure of members of the Armed Forces in good
 318 standing with administrative boards and their spouses.-

319 (1) Any member of the Armed Forces of the United States
 320 now or hereafter on active duty who, at the time of becoming
 321 such a member, was in good standing with any administrative
 322 board of the state and was entitled to practice or engage in his
 323 or her profession or vocation in the state shall be kept in good
 324 standing by such administrative board, without registering,
 325 paying dues or fees, or performing any other act on his or her
 326 part to be performed, as long as he or she is a member of the
 327 Armed Forces of the United States on active duty and for a
 328 period of 6 months after discharge from active duty as a member
 329 of the Armed Forces of the United States, if provided he or she
 330 is not engaged in his or her licensed profession or vocation in
 331 the private sector for profit.

332 (2) The boards listed in s. 20.165 shall adopt ~~promulgate~~
 333 rules that exempt ~~exempting~~ the spouse ~~spouses~~ of a member
 334 ~~members~~ of the Armed Forces of the United States from licensure
 335 renewal provisions, but only in cases of his or her absence from
 336 the state because of his or her spouse's ~~their spouses'~~ duties

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337 with the Armed Forces.

338 (3) (a) The department may issue a temporary professional
 339 license to the spouse of an active duty member of the Armed
 340 Forces of the United States if the spouse applies to the
 341 department in the format prescribed by the department. An
 342 application must include proof that:

343 1. The applicant is married to a member of the Armed
 344 Forces of the United States who is on active duty.

345 2. The applicant holds a valid license for the profession
 346 issued by another state, the District of Columbia, any
 347 possession or territory of the United States, or any foreign
 348 jurisdiction.

349 3. The applicant's spouse is assigned to a duty station in
 350 this state and that the applicant is also assigned to a duty
 351 station in this state pursuant to the member's official active
 352 duty military orders.

353 4.a. A complete set of the applicant's fingerprints has
 354 been submitted to the Department of Law Enforcement for a
 355 statewide criminal history check.

356 b. The Department of Law Enforcement shall forward the
 357 fingerprints submitted pursuant to sub-subparagraph a. to the
 358 Federal Bureau of Investigation for a national criminal history
 359 check. The department shall, and the board may, review the
 360 results of the criminal history checks according to the level 2
 361 screening standards in s. 435.04 and determine whether the
 362 applicant meets the licensure requirements. The costs of
 363 fingerprint processing shall be borne by the applicant. If the
 364 applicant's fingerprints are submitted through an authorized

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365 agency or vendor, the agency or vendor shall collect the
 366 required processing fees and remit the fees to the Department of
 367 Law Enforcement.

368 (b) An application must be accompanied by an application
 369 fee prescribed by the department that is sufficient to cover the
 370 cost of issuance of the temporary license.

371 (c) A temporary license expires 6 months after the date of
 372 issuance and is not renewable.

373 Section 5. Subsection (4) of section 250.10, Florida
 374 Statutes, is amended to read:

375 250.10 Appointment and duties of the Adjutant General.—

376 (4) (a) The Adjutant General shall, subject to confirmation
 377 by the Senate, employ a federally recognized officer of the
 378 Florida National Guard, who has served in the Florida Army Guard
 379 for the preceding 5 years and attained the rank of colonel or
 380 higher at the time of appointment, to be the Assistant Adjutant
 381 General for Army.

382 (b) The Adjutant General may, subject to confirmation by
 383 the Senate, employ an additional federally recognized officer of
 384 the Florida National Guard, who has served in the Florida Army
 385 Guard for the preceding 5 years and attained the rank of colonel
 386 or higher at the time of appointment, to be a second Assistant
 387 Adjutant General for Army.

388

389 ~~Each~~ The officer shall perform the duties required by the
 390 Adjutant General.

391 Section 6. This act shall take effect July 1, 2010.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7129 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Hukill offered the following:

4
5 **Amendment**

6 Remove lines 111-112 and insert:
7 (n) Tyndall Air Force Base, associated with Bay County, and
8 Mexico Beach and Parker.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7129 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Hukill offered the following:
4

5 **Amendment (with directory and title amendments)**

6 Between lines 390 and 391, insert:

7 (7) The Adjutant General shall develop an education
8 assistance program for members in good standing of the Florida
9 National Guard who enroll in an authorized course of study at a
10 public or nonpublic institution of higher learning in the state
11 which has been accredited by an accrediting body recognized by
12 the United States Department of Education or licensed by the
13 Florida Commission for Independent Education ~~the Commission on~~
14 ~~Colleges of the Southern Association of Colleges and Schools.~~
15 This program shall be known as the Educational Dollars for Duty
16 program (EDD).

17 (a) The program shall set forth application requirements,
18 including, but not limited to, requirements that the applicant:

- 19 1. Be 17 years of age or older.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7129 (2010)

Amendment No. 2

20 2. Be presently domiciled in the state.

21 3. Be an active drilling member and in good standing in
22 the Florida National Guard at the beginning of and throughout
23 the entire academic term for which benefits are received.

24 4. Maintain continuous satisfactory participation in the
25 Florida National Guard for any school term for which exemption
26 benefits are received.

27 5. Upon enrollment in the program, complete a memorandum
28 of agreement to comply with the rules of the program and serve
29 in the Florida National Guard for the period specified in the
30 member's enlistment or reenlistment contract.

31 (b) The program shall define those members of the Florida
32 National Guard who are ineligible to participate in the program
33 and those courses of study which are not authorized for the
34 program.

35 1. Ineligible members include, but are not limited to,
36 any member, commissioned officer, warrant officer, or enlisted
37 person who has obtained a master's degree using the program.

38 2. Courses not authorized include noncredit courses,
39 courses that do not meet degree requirements, courses that do
40 not meet requirements for completion of career training, or
41 other courses as determined by program definitions.

42 3. College-preparatory courses are authorized for the
43 program.

44 (c) The Adjutant General shall adopt rules for the overall
45 policy, guidance, administration, implementation, and proper use
46 of the program. Such rules must include, but not be limited to,
47 guidelines for certification by the Adjutant General of a guard

Amendment No. 2

48 member's eligibility, procedures for notification to an
49 institution of a guard member's termination of eligibility, and
50 procedures for restitution when a guard member fails to comply
51 with the penalties described in this section.

52 Note.—Former ss. 250.11, 250.12, 250.14, 250.15.

53

54

55

D I R E C T O R Y A M E N D M E N T

56

57 Remove lines 373-374 and insert:

58 Section 5. Subsections (4) and (7) of section 250.10, Florida 373

59 Statutes, are amended to read:

60

61

62

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

63

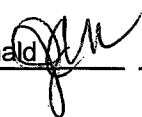
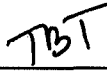
64 Remove line 48 and insert:

65 Assistant Adjutant General for Army; revising accreditation

66 standards for eligible institutions; providing an

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7151 PCB GAP 10-24 Procurement
SPONSOR(S): Governmental Affairs Policy Committee and Schenck
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Governmental Affairs Policy Committee	10 Y, 0 N	McDonald	Williamson
1)	Economic Development & Community Affairs Policy Council		McDonald 	Tinker 
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

The Department of Management Services (DMS) is responsible for overseeing state purchasing activity including professional and construction services as well as commodities needed to support agency activities. The Division of State Purchasing in DMS establishes statewide purchasing rules and negotiates contracts and purchasing agreements that are intended to leverage the state's buying power. Agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These include, but are not limited to, single source contracts, invitations to bid, requests for proposals, and invitations to negotiate. Purchasing categories with threshold amounts have been established in law to guide procedures for the procurement method to be used, type of review and evaluation required and method of contract award. Finally, many services that state agencies procure are exempted from competitive solicitation requirements.

The Council on Efficient Government is responsible for reviewing and issuing advisory reports on agency business cases to outsource and for developing standards for use by agencies in evaluating such business cases. Business case requirements for outsourcing and related contracts are provided in law. A business case may be submitted in the form prescribed in s. 216.023, F.S.

The bill addresses the state competitive solicitation and procurement system established under chapter 287, F.S., by doing the following:

- Clarifying procurement processes by rewording language to make it more reader friendly and by consolidating the following provisions into one section of law:
 - detailed substantive language included in definitions;
 - availability and content of a competitive solicitation; and
 - content and process requirements for each procurement method.
- Increasing the threshold limits for purchasing categories.
- Removing from competitive solicitation exemptions services provided to persons with mental or physical disabilities provided by specified corporations meeting specific requirements and for specified prevention services related to mental health offered by not-for-profit corporations; amending an exemption related to specified health services and one related to Medicaid services; and adding a limited exemption for renewal of a contract for an agency providing child protective services, providing certain requirements are met.
- Revising definitions.
- Repealing the Council on Efficient Government.
- Retaining requirements for business cases for outsourcing for projects exceeding \$10 million and requiring submission through the s. 216.023, F.S., process and retaining contract requirements but strengthening those requirements for intellectual property.
- Repealing outdated provisions.
- Requiring coordination of contract management for health and human services by specified agencies.

The bill has an indeterminate fiscal impact. See "Fiscal Comments".

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Department of Management Services -- Procurement

The Department of Management Services is responsible for overseeing state purchasing activity including professional and construction services as well as commodities needed to support agency activities, such as office supplies, vehicles, and information technology. In addition to overseeing the state's electronic procurement system, MyFloridaMarketPlace, the Division of State Purchasing in the department establishes statewide purchasing rules and negotiates contracts and purchasing agreements that are intended to leverage the state's buying power.¹

Agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors.

These include the following:

- "single source contracts," which are used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- "invitations to bid," which are used when an agency determines that standard services or goods will meet needs, wide competition is available, and the vendor's experience will not greatly influence the agency's results;
- "requests for proposal," which are used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- "invitations to negotiate," which are used when negotiations are determined to be necessary to obtain the best value and involve a request for high complexity, customized, mission-critical services, by an agency dealing with a limited number of vendors.²

Prior to using one of these methods, an agency might use a "request for information." This is used when an agency wants to solicit information from vendors for information concerning commodities or contractual services.

¹ Chapter 287, F.S., provides requirements for the procurement of personal property and services. Part I of that chapter pertains to commodities, insurance, and contractual services and Part II pertains to motor vehicles.

² See ss. 287.012 and 287.057, F.S.

Also, by using the procurement methods described above, state term contracts and state purchasing agreements are created and used when multiple purchases of standard commodities and services are anticipated.³

Purchasing categories with threshold amounts have been established in law to guide the procedures for the procurement method to be used, the type of review and evaluation required, and the method for the award of any contract. The categories, which have not been changed since 1999, are as follows:

- Category One: \$15,000.
- Category Two: \$25,000.
- Category Three: \$50,000.
- Category Four: \$150,000.
- Category Five: \$250,000.

The department has authority to adopt rules to adjust the amounts "based upon the rate of change of a nationally recognized price index."⁴ No rules have ever been adopted to adjust the levels.

Many services procured by state agencies are exempt from competitive solicitation requirements. Thirteen types of non-construction services are exempt from such requirements, regardless of whether the purchase exceeds the applicable cost threshold, including health, auditing, and legal services.⁵ Also, agencies are not required to use the competitive solicitation requirements when emergency situations exist that preclude the use of such required solicitation processes.⁶

Florida Efficient Government Act⁷

Council on Efficient Government⁸

The Council on Efficient Government (CEG or council) was created in 2006 to employ a standard process for reviewing agency business cases to outsource, review and issue advisory reports on such business cases, and develop standards for use by agencies in evaluating business cases to outsource in compliance with the "Florida Efficient Government Act." The council was created in reaction to various audits and reports that raised legislative concerns about agency attempts to outsource or privatize state functions.⁹ The council consists of seven members appointed by the Governor; the DMS secretary, who serves as chair; one cabinet member other than the Governor, or designee; two heads of executive branch agencies; and three members from the private sector subject to confirmation by the Senate and who, collectively, have experience with purchasing, increasing operational efficiency, and implementing complex projects in the private-sector business environment. In FY 2006-07, the council developed business case standards for agencies as defined in statute; evaluated 27 agency business cases totaling \$62 million; drafted the 2007 CEG Annual Report; and established Project Management Professional training for state agency purchasing staff.¹⁰ In FY 2008-09, council staff reviewed 23 business cases with a total value of approximately \$225 million and provided training on the development and submission of business cases.¹¹

Business Case to Outsource¹²

The Florida Efficient Government Act requires a business case to outsource a service or activity that has a projected cost of more than \$10 million in any fiscal year. The business case must provide

³ These purchases could include such things as office supplies, uniforms, vehicles, and consulting services.

⁴ The categories and thresholds as well as the authorization for rulemaking are found in s. 287.017, F.S.

⁵ See s. 287.057(5)(f), F.S.

⁶ See s. 287.057(5)(a), F.S.

⁷ See ss. 287.0571 - 287.0574, F.S.

⁸ See s. 287.0573, F.S.

⁹ For background on audit reports on agency outsourcing efforts through 2005, see Senate Staff Analysis by the General Government Appropriations Committee on CS/CS/SB 1146 from the 2005 Regular Session.

¹⁰ Department of Management Services' Sunset Review Report, p. 14.

¹¹ Council on Efficient Government, 2009 Annual Report, p. 5.

¹² See s. 287.0574, F.S.

certain information and specified information must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to the solicitation and prior to the execution of a contract. Requirements for business plans for other levels of outsourcing are delineated.¹³ Business cases for outsourcing at other levels of funding are delineated. The outsource business case for a state agency may be submitted in the form required by the budget instructions issued under s. 216.023(4)(a)7., F.S., augmented with additional information, if needed.

Procurement of Products with Recycled Content¹⁴

In 1988, requirements were placed in law for the Department of Management Services, in cooperation with the Department of Environmental Protection, to review and revise existing procurement procedures and specifications for the purchase of products and materials to eliminate procedures and specifications that explicitly discriminated against products and materials with recycled content unless they were needed to protect public health, safety, and welfare. The law created a price preference for a vendor who used recycled materials. When enacted, five positions were provided and annual funding of approximately \$600,000 was provided to conduct necessary research and bid specification review. The funding for the program was stopped approximately eight years ago and as a result the Department of Management Services stopped most activities associated with the provision in law. The testing lab that was established to handle the required testing is no longer in place at the Department of Agriculture and Consumer Services. The State Negotiated Agreement Price Schedule (SNAPS) program was implemented to achieve greater efficiencies in the recycled content program and to help meet the need for review. The SNAPS program assisted in the approval of approximately 600 agreements. According to the Department of Management Services, the majority of the agreements were never used. The SNAPS program was phased out in 2004.¹⁵

Effect of Proposed Changes

Department of Management Services -- Procurement

The bill amends definitions of the methods of procurement to relocate substantive, detailed provisions to a section pertaining to procurement processes. By doing this clarity is added to the law regarding these provisions. The definition of "commodity" is amended to remove an outdated exception to certain prescribed drugs, medical supplies, or devices. The definition of "artist" is deleted. Other definitions are clarified as to the meaning and to conform to other requirements in the provisions relating to procurement and to Administrative Procedure Act¹⁶ requirements. Also, the bill relocates the definition for "outsource" from the Florida Efficient Government Efficient Act.

The purchasing category threshold amounts are updated.¹⁷ The amounts are increased based upon changes in the Consumer Price Index from 1999 to present and then rounding the amounts to the nearest \$5,000. The bill also removes rulemaking authority for the department for updating the threshold amounts. It has never been used by the department.

The procurement processes are clarified by adding substantive provisions that had previously been included in definitions with provisions relating to the availability and content of a competitive solicitation. The content and process requirements for each procurement method are combined with these other provisions to place all of the language in one comprehensive subsection of law. Finally, the provisions are made more reader friendly.

The bill removes two exemptions from competitive solicitation, amends two, and adds one. The exemption from competitive solicitation for services provided to persons with mental or physical disabilities provided by specified corporations meeting specific requirements and for specified

¹³ See s. 287.0574, F.S.

¹⁴ See s. 287.045, F.S.

¹⁵ Information obtained from a Department of Management Analysis of HB 59 in 2009, dated February 27, 2009.

¹⁶ Ch. 120, F.S.

¹⁷ According to the Department of Management Services, the thresholds were last updated in 1999 or 2000. Information received from staff of the Department of Management Services in a telephone call on March 12, 2010.

prevention services related to mental health offered by not-for-profit corporations are removed. The exemption relating to health services is amended to specify that the services must be offered to eligible individuals participating in a program that qualifies multiple providers and utilizes standard payment methodology. Administration is removed from inclusion as a health service. The exemption for Medicaid services delivered to Medicaid recipients is amended to provide that it applies unless the agency is directed otherwise in law. The bill provides for the renewal of a contract once for a term of 5 years for a community-based lead agency with which the Department of Children and Family Services contracts to provide child protective services. The renewal is contingent upon compliance with specified requirements and requires the department to make a determination that renewal without a competitive solicitation is in the best interest of persons served.

Florida Efficient Government Act

Council on Efficient Government

The Council on Efficient Government is repealed.

Business Case to Outsource

Provisions relating specifically to the requirements for business cases for outsourcing and for contracts are retained and moved to a revised s. 278.0571, F.S. The business case to outsource must be submitted when an outsourcing project is expected to cost in excess of \$10 million within a single fiscal year. It must be submitted as required in s. 216.023, F.S., the legislative budget review process.

The required provisions of the business case are the same as current law. The required additional contract provisions are identical with one exception. Provisions relating to protection of the state's interest regarding intellectual property are clarified and strengthened.

Coordination of Contracted Services¹⁸

The Department of Children and Family Services, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, the Florida Department of Veteran Affairs, and service providers under contract with those agencies are required to follow certain actions to coordinate contract management by specified times.

Contractors with health and human services contracts with multiple agencies are required to notify the state agencies with information regarding all of the contracts. State agency contract managers of the same provider of services are to choose a lead administrative coordinator. The lead administrative coordinator must establish coordinated administrative and fiscal monitoring, a unified schedule for updates of information, and maintain certain accessible information electronically.

This does not preclude an agency from conducting program performance monitoring or from responding to concerns regarding client health or safety.

Reports must be provided annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives to determine the effectiveness of the coordination in improving efficiency and reducing redundant monitoring activities of state agencies and their providers.

Procurement of Products with Recycled Content

The provisions of s. 287.045, F.S., are repealed.

¹⁸ This section of the bill is a new approach to coordination of administrative and fiscal monitoring of contracted health and human services providers

B. SECTION DIRECTORY:

Section 1. Amends s. 287.012, F.S., clarifying and updating certain definitions, deleting unnecessary definitions, and adding a definition for the term "outsource."

Section 2. Amends s. 287.017, F.S., increasing purchasing category thresholds and removing certain rulemaking authority.

Section 3. Repeals s. 287.045, F.S., relating to procurement of products and materials with recycled content.

Section 4. Amends s. 287.057, F.S., creating a new provision on procurement processes which combines other provisions of law relating to such processes; revising qualifications for certain services that are exempt from competitive-solicitation requirements; removing certain exempt status from certain services; and permitting renewal of contracts for community-based lead agency services without competitive-solicitation provided certain requirements are met.

Section 5. Amends s. 287.0571, F.S., changing the section to pertain to business case to outsource; retaining intent language; requiring a business case for projects in excess of \$10 million; requiring agency submission of a business case through the legislative budget request process; providing requirements for the business case; and delineating contract requirements for a proposed outsourcing.

Section 6. Repeals s. 287.05721, F.S., eliminating definitions.

Section 7. Creates s. 287.0575, F.S., relating to coordination of contracted services.

Section 8. Repeals s. 287.0573, F.S., relating to the creation, membership and duties of the Council on Efficient Government.

Section 9. Repeals s. 287.0574, F.S., relating to business cases to outsource.

Section 10. Amends s. 283.32, F.S., conforming language to the repeal of s. 287.045, F.S.

Section 11. Amends s. 403.7065, F.S., conforming language to the repeal of s. 287.045, F.S.

Sections 12 through 38. Corrects cross-references.

Section 39. Provides a July 1, 2010 effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See "Fiscal Comments."

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate.

D. FISCAL COMMENTS:

The repeal of the Council on Efficient Government will result in a decrease in expenditures related to staff of the council, expenses related to the operation of the council, and any expenses related to Members of the Council. The amount is not known at this time.

The coordination of contracted services fiscal and administrative monitoring as required in section 7 of the bill could have a positive impact on the state agencies listed by having one person designated as the lead administrative coordinator for all agencies when they have contracts with the same contract provider. There also could be some costs associated with the requirement to develop and maintain an accessible electronic file of up-to-date administrative and fiscal documents. There could be a positive impact on service providers through the reduction in redundant monitoring by state agencies and provision of duplicative information to multiple agencies.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require a county or municipality to spend funds or take an action requiring expenditures; reduce the authority that counties and municipalities had as of February 1, 1989, to raise revenues in the aggregate; or reduce the percentage of a state tax shared in the aggregate with counties and municipalities as of February 1, 1989.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Section 2 of the bill removes the authority of the Department of Management Services to adopt rules related to purchasing category thresholds.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to procurement; amending s. 287.012, F.S.;
 3 revising, eliminating, and providing definitions; amending
 4 s. 287.017, F.S.; revising the threshold amounts for state
 5 purchasing categories; eliminating a requirement that the
 6 Department of Management Services adopt rules to adjust
 7 the threshold amounts; repealing s. 287.045, F.S.,
 8 relating to procurement of products and materials with
 9 recycled content; amending s. 287.057, F.S.; revising and
 10 organizing provisions relating to the procurement of
 11 commodities and contractual services by the state;
 12 specifying authorized uses for competitive solicitation
 13 processes; providing procedures and requirements with
 14 respect to competitive solicitation; specifying types of
 15 procurements for which invitations to bid, requests for
 16 proposals, and invitations to negotiate are to be utilized
 17 and providing procedures and requirements with respect
 18 thereto; revising contractual services and commodities
 19 that are not subject to competitive-solicitation
 20 requirements; prohibiting an agency from dividing the
 21 solicitation of commodities or contractual services in
 22 order to avoid specified requirements; authorizing a
 23 renewal of contracts for community-based care lead agency
 24 services for a specified term under certain conditions;
 25 eliminating eligibility of persons who receive specified
 26 contracts that were not subject to competitive procurement
 27 to contract with an agency for any other contracts dealing
 28 with the specific subject matter of the original contract;

29 amending s. 287.0571, F.S.; revising applicability of ss.
 30 287.0571-287.0574, F.S.; specifying procurements and
 31 contracts to which s. 287.0571, F.S., relating to agency
 32 business cases for outsourcing of specified projects, does
 33 not apply; requiring an agency to complete a business case
 34 for any outsourcing project with an expected cost in
 35 excess of a specified amount within a single fiscal year;
 36 providing for the submission of the business case in
 37 accordance with provisions governing the submission of
 38 agency legislative budget requests; providing that a
 39 business case is not subject to challenge; providing
 40 required components of a business case; specifying
 41 required provisions for a contract for a proposed
 42 outsourcing; repealing s. 287.05721, F.S.; eliminating
 43 definitions; creating s. 287.0575, F.S.; establishing
 44 duties and responsibilities of the Department of Children
 45 and Family Services, the Agency for Persons with
 46 Disabilities, the Department of Health, the Department of
 47 Elderly Affairs, and the Florida Department of Veterans
 48 Affairs, and service providers under contract to those
 49 agencies, with respect to coordination of contracted
 50 services; requiring state agencies contracting for health
 51 and human services to notify their contract service
 52 providers of certain requirements by a specified date or
 53 upon entering into any new contract for health and human
 54 services; requiring service providers that have more than
 55 one contract with one or more state agencies to provide
 56 health and human services to provide each of their

57 contract managers with a comprehensive list of their
 58 health and human services contracts by a specified date;
 59 specifying information to be contained in the list;
 60 providing for assignment, by a specified date, of a single
 61 lead administrative coordinator for each service provider
 62 from among agencies having multiple health and human
 63 services contracts; requiring the lead administrative
 64 coordinator to provide notice of his or her designation to
 65 the service provider and to the agency contract managers
 66 for each affected contract; providing the method of
 67 selection of lead administrative coordinator; providing
 68 responsibilities of the designated lead administrative
 69 coordinator; providing duties of contract managers for
 70 agency contracts; providing nonapplicability; requiring
 71 annual performance evaluations of designated lead
 72 administrative coordinators by each agency contracting for
 73 health and human services; providing for a report;
 74 repealing s. 287.0573, F.S., which establishes the Council
 75 on Efficient Government and provides membership and duties
 76 thereof; repealing s. 287.0574, F.S.; eliminating
 77 provisions relating to business cases to outsource, review
 78 and analysis conducted thereunder, and requirements
 79 thereof that are relocated in other sections of Florida
 80 Statutes set forth in this act; amending ss. 283.32 and
 81 403.7065, F.S.; conforming provisions to the repeal of s.
 82 287.045, F.S.; relating to procurement of products and
 83 materials with recycled content; amending ss. 14.204,
 84 43.16, 61.1826, 112.3215, 255.25, 283.33, 286.0113,

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85 287.022, 287.058, 287.059, 295.187, 394.457, 394.47865,
 86 402.40, 402.7305, 408.045, 427.0135, 445.024, 481.205,
 87 570.07, 627.311, 627.351, 765.5155, 893.055, and 1013.38,
 88 F.S, s. 21, ch. 2009-55, Laws of Florida, and s. 31, ch.
 89 2009-223, Laws of Florida; conforming cross-references;
 90 providing an effective date.

91

92 Be It Enacted by the Legislature of the State of Florida:

93

94 Section 1. Section 287.012, Florida Statutes, is amended
 95 to read:

96 287.012 Definitions.—As used in this part, the term:

97 (1) "Agency" means any of the various state officers,
 98 departments, boards, commissions, divisions, bureaus, and
 99 councils and any other unit of organization, however designated,
 100 of the executive branch of state government. "Agency" does not
 101 include the university and college boards of trustees or the
 102 state universities and colleges.

103 (2) "Agency head" means, with respect to an agency headed
 104 by a collegial body, the executive director or chief
 105 administrative officer of the agency.

106 ~~(3) "Artist" means an individual or group of individuals~~
 107 ~~who profess and practice a demonstrated creative talent and~~
 108 ~~skill in the area of music, dance, drama, folk art, creative~~
 109 ~~writing, painting, sculpture, photography, graphic arts, craft~~
 110 ~~arts, industrial design, costume design, fashion design, motion~~
 111 ~~pictures, television, radio, or tape and sound recording or in~~
 112 ~~any other related field.~~

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113 (3)~~(4)~~ "Best value" means the highest overall value to the
 114 state based on objective factors that include, but are not
 115 limited to, price, quality, design, and workmanship.

116 (4)~~(5)~~ "Commodity" means any of the various supplies,
 117 materials, goods, merchandise, food, equipment, information
 118 technology, and other personal property, including a mobile
 119 home, trailer, or other portable structure with floor space of
 120 less than 5,000 square feet, purchased, leased, or otherwise
 121 contracted for by the state and its agencies. "Commodity" also
 122 includes interest on deferred-payment commodity contracts
 123 approved pursuant to s. 287.063 entered into by an agency for
 124 the purchase of other commodities. However, commodities
 125 purchased for resale are excluded from this definition. ~~Further,~~
 126 ~~a prescribed drug, medical supply, or device required by a~~
 127 ~~licensed health care provider as a part of providing health~~
 128 ~~services involving examination, diagnosis, treatment,~~
 129 ~~prevention, medical consultation, or administration for clients~~
 130 ~~at the time the service is provided is not considered to be a~~
 131 ~~"commodity."~~ Printing of publications shall be considered a
 132 commodity when let upon contract pursuant to s. 283.33, whether
 133 purchased for resale or not.

134 (5)~~(6)~~ "Competitive solicitation sealed bids,"
 135 ~~"competitive sealed proposals," or "competitive sealed replies"~~
 136 means the process of requesting and receiving two or more sealed
 137 bids, proposals, or replies submitted by responsive vendors in
 138 accordance with the terms of a competitive process, regardless
 139 of the method of procurement and includes bids, proposals, or
 140 ~~replies transmitted by electronic means in lieu of or in~~

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141 | ~~addition to written bids, proposals, or replies.~~

142 | ~~(7) "Competitive solicitation" or "solicitation" means an~~
 143 | ~~invitation to bid, a request for proposals, or an invitation to~~
 144 | ~~negotiate.~~

145 | (6)~~(8)~~ "Contractor" means a person who contracts to sell
 146 | commodities or contractual services to an agency.

147 | (7)~~(9)~~ "Contractual service" means the rendering by a
 148 | contractor of its time and effort rather than the furnishing of
 149 | specific commodities. The term applies only to those services
 150 | rendered by individuals and firms who are independent
 151 | contractors, and such services may include, but are not limited
 152 | to, evaluations; consultations; maintenance; accounting;
 153 | security; management systems; management consulting; educational
 154 | training programs; research and development studies or reports
 155 | on the findings of consultants engaged thereunder; and
 156 | professional, technical, and social services. "Contractual
 157 | service" does not include any contract for the furnishing of
 158 | labor or materials for the construction, renovation, repair,
 159 | modification, or demolition of any facility, building, portion
 160 | of building, utility, park, parking lot, or structure or other
 161 | improvement to real property entered into pursuant to chapter
 162 | 255 and rules adopted thereunder.

163 | (8)~~(10)~~ "Department" means the Department of Management
 164 | Services.

165 | (9)~~(11)~~ "Electronic posting" or "electronically post"
 166 | means the noticing ~~posting~~ of solicitations, agency decisions or
 167 | intended decisions, or other matters relating to procurement on
 168 | a centralized Internet website designated by the department for

169 this purpose.

170 (10)~~(12)~~ "Eligible user" means any person or entity
 171 authorized by the department pursuant to rule to purchase from
 172 state term contracts or to use the online procurement system.

173 (11)~~(13)~~ "Exceptional purchase" means any purchase of
 174 commodities or contractual services excepted by law or rule from
 175 the requirements for competitive solicitation, including, but
 176 not limited to, purchases from a single source; purchases upon
 177 receipt of less than two responsive bids, proposals, or replies;
 178 purchases made by an agency, after receiving approval from the
 179 department, from a contract procured, pursuant to s. 287.057(1),
 180 ~~(2), or (3),~~ or by another agency; and purchases made without
 181 advertisement in the manner required by s. 287.042(3)(b).

182 (12)~~(14)~~ "Extension" means an increase in the time allowed
 183 for the contract period due to circumstances which, without
 184 fault of either party, make performance impracticable or
 185 impossible, or which prevent a new contract from being executed,
 186 with or without a proportional increase in the total dollar
 187 amount, with any increase to be based on the method and rate
 188 previously established in the contract.

189 (13)~~(15)~~ "Information technology" has the meaning ascribed
 190 in s. 282.0041.

191 (14)~~(16)~~ "Invitation to bid" means a written or
 192 electronically posted solicitation for competitive sealed bids.
 193 ~~The invitation to bid is used when the agency is capable of~~
 194 ~~specifically defining the scope of work for which a contractual~~
 195 ~~service is required or when the agency is capable of~~
 196 ~~establishing precise specifications defining the actual~~

197 ~~commodity or group of commodities required. A written~~
 198 ~~solicitation includes a solicitation that is electronically~~
 199 ~~posted.~~

200 (15)~~(17)~~ "Invitation to negotiate" means a written or
 201 electronically posted solicitation for competitive sealed
 202 replies to select one or more vendors with which to commence
 203 negotiations for the procurement of commodities or contractual
 204 services. ~~The invitation to negotiate is used when the agency~~
 205 ~~determines that negotiations may be necessary for the state to~~
 206 ~~receive the best value. A written solicitation includes a~~
 207 ~~solicitation that is electronically posted.~~

208 (16)~~(18)~~ "Minority business enterprise" has the meaning
 209 ascribed in s. 288.703.

210 (17)~~(19)~~ "Office" means the Office of Supplier Diversity
 211 of the Department of Management Services.

212 (18) "Outsource" means the process of contracting with a
 213 vendor to provide a service as defined in s. 216.011(1)(f), in
 214 whole or in part, or an activity as defined in s.
 215 216.011(1)(rr), while a state agency retains the responsibility
 216 and accountability for the service or activity and there is a
 217 transfer of management responsibility for the delivery of
 218 resources and the performance of those resources.

219 (19)~~(20)~~ "Renewal" means contracting with the same
 220 contractor for an additional contract period after the initial
 221 contract period, only if pursuant to contract terms specifically
 222 providing for such renewal.

223 (20)~~(21)~~ "Request for information" means a written or
 224 electronically posted request made by an agency to vendors for

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225 information concerning commodities or contractual services.
 226 Responses to these requests are not offers and may not be
 227 accepted by the agency to form a binding contract.

228 (21)~~(22)~~ "Request for proposals" means a written or
 229 electronically posted solicitation for competitive sealed
 230 proposals. ~~The request for proposals is used when it is not~~
 231 ~~practicable for the agency to specifically define the scope of~~
 232 ~~work for which the commodity, group of commodities, or~~
 233 ~~contractual service is required and when the agency is~~
 234 ~~requesting that a responsible vendor propose a commodity, group~~
 235 ~~of commodities, or contractual service to meet the~~
 236 ~~specifications of the solicitation document. A written~~
 237 ~~solicitation includes a solicitation that is electronically~~
 238 ~~posted.~~

239 (22)~~(23)~~ "Request for a quote" means an oral or written
 240 request for written pricing or services information from a state
 241 term contract vendor for commodities or contractual services
 242 available on a state term contract from that vendor.

243 (23)~~(24)~~ "Responsible vendor" means a vendor who has the
 244 capability in all respects to fully perform the contract
 245 requirements and the integrity and reliability that will assure
 246 good faith performance.

247 (24)~~(25)~~ "Responsive bid," "responsive proposal," or
 248 "responsive reply" means a bid, or proposal, or reply submitted
 249 by a responsive and responsible vendor that conforms in all
 250 material respects to the solicitation.

251 (25)~~(26)~~ "Responsive vendor" means a vendor that has
 252 submitted a bid, proposal, or reply that conforms in all

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253 material respects to the solicitation.

254 ~~(26)-(27)~~ "State term contract" means a term contract that
 255 is competitively procured by the department pursuant to s.
 256 287.057 and that is used by agencies and eligible users pursuant
 257 to s. 287.056.

258 ~~(27)-(28)~~ "Term contract" means an indefinite quantity
 259 contract to furnish commodities or contractual services during a
 260 defined period.

261 Section 2. Section 287.017, Florida Statutes, is amended
 262 to read:

263 287.017 Purchasing categories, threshold amounts,
 264 ~~procedures for automatic adjustment by department.~~

265 ~~(1)~~ The following purchasing categories are hereby
 266 created:

267 ~~(1)(a)~~ CATEGORY ONE: \$20,000 ~~\$15,000~~.

268 ~~(2)(b)~~ CATEGORY TWO: \$35,000 ~~\$25,000~~.

269 ~~(3)(c)~~ CATEGORY THREE: \$65,000 ~~\$50,000~~.

270 ~~(4)(d)~~ CATEGORY FOUR: \$195,000 ~~\$150,000~~.

271 ~~(5)(e)~~ CATEGORY FIVE: \$325,000 ~~\$250,000~~.

272 ~~(2)~~ The department shall adopt rules to adjust the amounts
 273 provided in subsection (1) based upon the rate of change of a
 274 nationally recognized price index. Such rules shall include, but
 275 not be limited to, the following:

276 ~~(a)~~ Designation of the nationally recognized price index
 277 or component thereof used to calculate the proper adjustment
 278 authorized in this section.

279 ~~(b)~~ The procedure for rounding results.

280 ~~(c)~~ The effective date of each adjustment based upon the

281 ~~previous calendar year data.~~

282 Section 3. Section 287.045, Florida Statutes, is repealed.

283 Section 4. Section 287.057, Florida Statutes, is amended
284 to read:

285 287.057 Procurement of commodities or contractual
286 services.—

287 (1) PROCUREMENT PROCESSES.—The competitive solicitation
288 processes authorized in this section shall be used for
289 procurement of commodities or contractual services in excess of
290 the threshold amount provided for CATEGORY TWO in s. 287.017.
291 Any competitive solicitation shall be made available
292 simultaneously to all vendors, must include the time and date
293 for the receipt of bids, proposals, or replies and of the public
294 opening, and must include all contractual terms and conditions
295 applicable to the procurement, including the criteria to be used
296 in determining acceptability and relative merit of the bid,
297 proposal, or reply.

298 (a) Invitation to bid.—The invitation to bid shall be used
299 when the agency is capable of specifically defining the scope of
300 work for which a contractual service is required or when the
301 agency is capable of establishing precise specifications
302 defining the actual commodity or group of commodities required.

303 1. All invitations to bid must include:

304 a. A detailed description of the commodities or
305 contractual services sought; and

306 b. If the agency contemplates renewal of the contract, a
307 statement to that effect.

308 2. Bids submitted in response to an invitation to bid in

309 which the agency contemplates renewal of the contract must
 310 include the price for each year for which the contract may be
 311 renewed.

312 3. Evaluation of bids shall include consideration of the
 313 total cost for each year of the contract, including renewal
 314 years, as submitted by the vendor.

315 (b) Request for proposals.—An agency shall use a request
 316 for proposals when the purposes and uses for which the
 317 commodity, group of commodities, or contractual service being
 318 sought can be specifically defined and the agency is capable of
 319 identifying necessary deliverables. Various combinations or
 320 versions of commodities or contractual services may be proposed
 321 by a responsive vendor to meet the specifications of the
 322 solicitation document.

323 1. Before issuing a request for proposals, the agency must
 324 determine and specify in writing the reasons that procurement by
 325 invitation to bid is not practicable.

326 2. All requests for proposals must include:

327 a. A statement describing the commodities or contractual
 328 services sought;

329 b. The relative importance of price and other evaluation
 330 criteria; and

331 c. If the agency contemplates renewal of the contract, a
 332 statement to that effect.

333 3. Criteria that will be used for evaluation of proposals
 334 shall include, but are not limited to:

335 a. Price, which must be specified in the proposal;

336 b. If the agency contemplates renewal of the contract, the

337 price for each year for which the contract may be renewed; and

338 c. Consideration of the total cost for each year of the
 339 contract, including renewal years, as submitted by the vendor.

340 4. The contract shall be awarded by written notice to the
 341 responsible and responsive vendor whose proposal is determined
 342 in writing to be the most advantageous to the state, taking into
 343 consideration the price and other criteria set forth in the
 344 request for proposals. The contract file shall contain
 345 documentation supporting the basis on which the award is made.

346 (c) Invitation to negotiate.--The invitation to negotiate
 347 is a solicitation used by an agency intended to determine the
 348 best method for achieving a specific goal or solving a
 349 particular problem and that identifies one or more responsive
 350 vendors with which the agency may negotiate in order to receive
 351 the best value.

352 1. Before issuing an invitation to negotiate, the head of
 353 an agency must determine and specify in writing the reasons that
 354 procurement by either an invitation to bid or a request for
 355 proposal is not practicable.

356 2. The invitation to negotiate must describe the questions
 357 being explored, the facts being sought, and the specific goals
 358 or problems that are the subject of the solicitation.

359 3. The criteria that will be used for determining the
 360 acceptability of the reply and guiding the selection of the
 361 vendors with which the agency will negotiate must be specified.

362 4. The agency shall evaluate and rank responsive replies
 363 against all evaluation criteria set forth in the invitation to
 364 negotiate and shall, based on the ranking, select one or more

365 vendors with which to commence negotiations. After negotiations
 366 are conducted, the agency shall award the contract to the
 367 responsible and responsive vendor that the agency determines
 368 will provide the best value to the state.

369 5. The contract file for a vendor selected through an
 370 invitation to negotiate must contain a short plain statement
 371 that explains the basis for the selection of the vendor and that
 372 sets forth the vendor's deliverables and price, pursuant to the
 373 contract, with an explanation of how these deliverables and
 374 price provide the best value to the state.

375 ~~(1)(a) Unless otherwise authorized by law, all contracts~~
 376 ~~for the purchase of commodities or contractual services in~~
 377 ~~excess of the threshold amount provided in s. 287.017 for~~
 378 ~~CATEGORY TWO shall be awarded by competitive sealed bidding. An~~
 379 ~~invitation to bid shall be made available simultaneously to all~~
 380 ~~vendors and must include a detailed description of the~~
 381 ~~commodities or contractual services sought; the time and date~~
 382 ~~for the receipt of bids and of the public opening; and all~~
 383 ~~contractual terms and conditions applicable to the procurement,~~
 384 ~~including the criteria to be used in determining acceptability~~
 385 ~~of the bid. If the agency contemplates renewal of the contract,~~
 386 ~~that fact must be stated in the invitation to bid. The bid shall~~
 387 ~~include the price for each year for which the contract may be~~
 388 ~~renewed. Evaluation of bids shall include consideration of the~~
 389 ~~total cost for each year as submitted by the vendor. Criteria~~
 390 ~~that were not set forth in the invitation to bid may not be used~~
 391 ~~in determining acceptability of the bid.~~

392 ~~(b) The contract shall be awarded with reasonable~~

393 ~~promptness by written notice to the responsible and responsive~~
 394 ~~vendor that submits the lowest responsive bid. This bid must be~~
 395 ~~determined in writing to meet the requirements and criteria set~~
 396 ~~forth in the invitation to bid.~~

397 ~~(2)(a) If an agency determines in writing that the use of~~
 398 ~~an invitation to bid is not practicable, commodities or~~
 399 ~~contractual services shall be procured by competitive sealed~~
 400 ~~proposals. A request for proposals shall be made available~~
 401 ~~simultaneously to all vendors, and must include a statement of~~
 402 ~~the commodities or contractual services sought; the time and~~
 403 ~~date for the receipt of proposals and of the public opening; and~~
 404 ~~all contractual terms and conditions applicable to the~~
 405 ~~procurement, including the criteria, which shall include, but~~
 406 ~~need not be limited to, price, to be used in determining~~
 407 ~~acceptability of the proposal. The relative importance of price~~
 408 ~~and other evaluation criteria shall be indicated. If the agency~~
 409 ~~contemplates renewal of the commodities or contractual services~~
 410 ~~contract, that fact must be stated in the request for proposals.~~
 411 ~~The proposal shall include the price for each year for which the~~
 412 ~~contract may be renewed. Evaluation of proposals shall include~~
 413 ~~consideration of the total cost for each year as submitted by~~
 414 ~~the vendor.~~

415 ~~(b) The contract shall be awarded to the responsible and~~
 416 ~~responsive vendor whose proposal is determined in writing to be~~
 417 ~~the most advantageous to the state, taking into consideration~~
 418 ~~the price and the other criteria set forth in the request for~~
 419 ~~proposals. The contract file shall contain documentation~~
 420 ~~supporting the basis on which the award is made.~~

421 ~~(3) (a) If the agency determines in writing that the use of~~
 422 ~~an invitation to bid or a request for proposals will not result~~
 423 ~~in the best value to the state, the agency may procure~~
 424 ~~commodities and contractual services by competitive sealed~~
 425 ~~replies. The agency's written determination must specify reasons~~
 426 ~~that explain why negotiation may be necessary in order for the~~
 427 ~~state to achieve the best value and must be approved in writing~~
 428 ~~by the agency head or his or her designee prior to the~~
 429 ~~advertisement of an invitation to negotiate. An invitation to~~
 430 ~~negotiate shall be made available to all vendors simultaneously~~
 431 ~~and must include a statement of the commodities or contractual~~
 432 ~~services sought; the time and date for the receipt of replies~~
 433 ~~and of the public opening; and all terms and conditions~~
 434 ~~applicable to the procurement, including the criteria to be used~~
 435 ~~in determining the acceptability of the reply. If the agency~~
 436 ~~contemplates renewal of the contract, that fact must be stated~~
 437 ~~in the invitation to negotiate. The reply shall include the~~
 438 ~~price for each year for which the contract may be renewed.~~

439 ~~(b) The agency shall evaluate and rank responsive replies~~
 440 ~~against all evaluation criteria set forth in the invitation to~~
 441 ~~negotiate and shall select, based on the ranking, one or more~~
 442 ~~vendors with which to commence negotiations. After negotiations~~
 443 ~~are conducted, the agency shall award the contract to the~~
 444 ~~responsible and responsive vendor that the agency determines~~
 445 ~~will provide the best value to the state. The contract file must~~
 446 ~~contain a short plain statement that explains the basis for~~
 447 ~~vendor selection and that sets forth the vendor's deliverables~~
 448 ~~and price, pursuant to the contract, with an explanation of how~~

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449 ~~these deliverables and price provide the best value to the~~
 450 ~~state.~~

451 (2)~~(4)~~ Prior to the time for receipt of bids, proposals,
 452 or replies, an agency may conduct a conference or written
 453 question and answer period for purposes of assuring the vendor's
 454 full understanding of the solicitation requirements. The vendors
 455 shall be accorded fair and equal treatment.

456 (3)~~(5)~~ When the purchase price of commodities or
 457 contractual services exceeds the threshold amount provided in s.
 458 287.017 for CATEGORY TWO, no purchase of commodities or
 459 contractual services may be made without receiving competitive
 460 sealed bids, competitive sealed proposals, or competitive sealed
 461 replies unless:

462 (a) The agency head determines in writing that an
 463 immediate danger to the public health, safety, or welfare or
 464 other substantial loss to the state requires emergency action.
 465 After the agency head makes such a written determination, the
 466 agency may proceed with the procurement of commodities or
 467 contractual services necessitated by the immediate danger,
 468 without receiving competitive sealed bids, competitive sealed
 469 proposals, or competitive sealed replies. However, such
 470 emergency procurement shall be made by obtaining pricing
 471 information from at least two prospective vendors, which must be
 472 retained in the contract file, unless the agency determines in
 473 writing that the time required to obtain pricing information
 474 will increase the immediate danger to the public health, safety,
 475 or welfare or other substantial loss to the state. The agency
 476 shall furnish copies of all written determinations certified

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477 under oath and any other documents relating to the emergency
 478 action to the department. A copy of the statement shall be
 479 furnished to the Chief Financial Officer with the voucher
 480 authorizing payment. The individual purchase of personal
 481 clothing, shelter, or supplies which are needed on an emergency
 482 basis to avoid institutionalization or placement in a more
 483 restrictive setting is an emergency for the purposes of this
 484 paragraph, and the filing with the department of such statement
 485 is not required in such circumstances. In the case of the
 486 emergency purchase of insurance, the period of coverage of such
 487 insurance shall not exceed a period of 30 days, and all such
 488 emergency purchases shall be reported to the department.

489 (b) The purchase is made by an agency from a state term
 490 contract procured, pursuant to this section, by the department
 491 or by an agency, after receiving approval from the department,
 492 from a contract procured, pursuant to subsection (1), ~~subsection~~
 493 ~~(2), or subsection (3),~~ by another agency.

494 (c) Commodities or contractual services available only
 495 from a single source may be excepted from the competitive-
 496 solicitation requirements. When an agency believes that
 497 commodities or contractual services are available only from a
 498 single source, the agency shall electronically post a
 499 description of the commodities or contractual services sought
 500 for a period of at least 7 business days. The description must
 501 include a request that prospective vendors provide information
 502 regarding their ability to supply the commodities or contractual
 503 services described. If it is determined in writing by the
 504 agency, after reviewing any information received from

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505 prospective vendors, that the commodities or contractual
 506 services are available only from a single source, the agency
 507 shall:

508 1. Provide notice of its intended decision to enter a
 509 single-source purchase contract in the manner specified in s.
 510 120.57(3), if the amount of the contract does not exceed the
 511 threshold amount provided in s. 287.017 for CATEGORY FOUR.

512 2. Request approval from the department for the single-
 513 source purchase, if the amount of the contract exceeds the
 514 threshold amount provided in s. 287.017 for CATEGORY FOUR. The
 515 agency shall initiate its request for approval in a form
 516 prescribed by the department, which request may be
 517 electronically transmitted. The failure of the department to
 518 approve or disapprove the agency's request for approval within
 519 21 days after receiving such request shall constitute prior
 520 approval of the department. If the department approves the
 521 agency's request, the agency shall provide notice of its
 522 intended decision to enter a single-source contract in the
 523 manner specified in s. 120.57(3).

524 (d) When it is in the best interest of the state, the
 525 secretary of the department or his or her designee may authorize
 526 the Support Program to purchase insurance by negotiation, but
 527 such purchase shall be made only under conditions most favorable
 528 to the public interest.

529 (e) Prescriptive assistive devices for the purpose of
 530 medical, developmental, or vocational rehabilitation of clients
 531 are excepted from competitive-solicitation requirements and
 532 shall be procured pursuant to an established fee schedule or by

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533 any other method which ensures the best price for the state,
 534 taking into consideration the needs of the client. Prescriptive
 535 assistive devices include, but are not limited to, prosthetics,
 536 orthotics, and wheelchairs. For purchases made pursuant to this
 537 paragraph, state agencies shall annually file with the
 538 department a description of the purchases and methods of
 539 procurement.

540 (f) The following contractual services and commodities are
 541 not subject to the competitive-solicitation requirements of this
 542 section:

543 1. Artistic services. For the purposes of this subsection,
 544 the term "artistic services" does not include advertising. As
 545 used in this subparagraph, the term "advertising" means the
 546 making of a representation in any form in connection with a
 547 trade, business, craft, or profession in order to promote the
 548 supply of commodities or services by the person promoting the
 549 commodities or contractual services.

550 2. Academic program reviews.

551 3. Lectures by individuals.

552 4. Auditing services.

553 5. Legal services, including attorney, paralegal, expert
 554 witness, appraisal, or mediator services.

555 6. Health services involving examination, diagnosis,
 556 treatment, prevention, or medical consultation, when such
 557 services are offered to eligible individuals participating in a
 558 specific program that qualifies multiple providers and utilizes
 559 a standard payment methodology or administration.

560 ~~7. Services provided to persons with mental or physical~~

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561 ~~disabilities by not for profit corporations which have obtained~~
 562 ~~exemptions under the provisions of s. 501(c)(3) of the United~~
 563 ~~States Internal Revenue Code or when such services are governed~~
 564 ~~by the provisions of Office of Management and Budget Circular A-~~
 565 ~~122. However, in acquiring such services, the agency shall~~
 566 ~~consider the ability of the vendor, past performance,~~
 567 ~~willingness to meet time requirements, and price.~~

568 7.8. Medicaid services delivered to an eligible Medicaid
 569 recipient unless the agency is directed otherwise in law by a
 570 ~~health care provider who has not previously applied for and~~
 571 ~~received a Medicaid provider number from the Agency for Health~~
 572 ~~Care Administration. However, this exception shall be valid for~~
 573 ~~a period not to exceed 90 days after the date of delivery to the~~
 574 ~~Medicaid recipient and shall not be renewed by the agency.~~

575 8.9. Family placement services.

576 ~~10.~~ Prevention services related to mental health,
 577 including drug abuse prevention programs, child abuse prevention
 578 programs, and shelters for runaways, operated by not for profit
 579 corporations. However, in acquiring such services, the agency
 580 shall consider the ability of the vendor, past performance,
 581 willingness to meet time requirements, and price.

582 9.11. Training and education services provided to injured
 583 employees pursuant to s. 440.491(6).

584 10.12. Contracts entered into pursuant to s. 337.11.

585 11.13. Services or commodities provided by governmental
 586 agencies.

587 (g) Continuing education events or programs that are
 588 offered to the general public and for which fees have been

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589 collected that pay all expenses associated with the event or
 590 program are exempt from requirements for competitive
 591 solicitation.

592 (4)~~(6)~~ If less than two responsive bids, proposals, or
 593 replies for commodity or contractual services purchases are
 594 received, the department or other agency may negotiate on the
 595 best terms and conditions. The department or other agency shall
 596 document the reasons that such action is in the best interest of
 597 the state in lieu of resoliciting competitive sealed bids,
 598 proposals, or replies. Each agency shall report all such actions
 599 to the department on a quarterly basis, in a manner and form
 600 prescribed by the department.

601 (5)~~(7)~~ Upon issuance of any solicitation, an agency shall,
 602 upon request by the department, forward to the department one
 603 copy of each solicitation for all commodity and contractual
 604 services purchases in excess of the threshold amount provided in
 605 s. 287.017 for CATEGORY TWO. An agency shall also, upon request,
 606 furnish a copy of all competitive-solicitation tabulations. The
 607 Office of Supplier Diversity may also request from the agencies
 608 any information submitted to the department pursuant to this
 609 subsection.

610 (6)~~(8)~~(a) In order to strive to meet the minority business
 611 enterprise procurement goals set forth in s. 287.09451, an
 612 agency may reserve any contract for competitive solicitation
 613 only among certified minority business enterprises. Agencies
 614 shall review all their contracts each fiscal year and shall
 615 determine which contracts may be reserved for solicitation only
 616 among certified minority business enterprises. This reservation

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617 may only be used when it is determined, by reasonable and
 618 objective means, before the solicitation that there are capable,
 619 qualified certified minority business enterprises available to
 620 submit a bid, proposal, or reply on a contract to provide for
 621 effective competition. The Office of Supplier Diversity shall
 622 consult with any agency in reaching such determination when
 623 deemed appropriate.

624 (b) Before a contract may be reserved for solicitation
 625 only among certified minority business enterprises, the agency
 626 head must find that such a reservation is in the best interests
 627 of the state. All determinations shall be subject to s.
 628 287.09451(5). Once a decision has been made to reserve a
 629 contract, but before sealed bids, proposals, or replies are
 630 requested, the agency shall estimate what it expects the amount
 631 of the contract to be, based on the nature of the services or
 632 commodities involved and their value under prevailing market
 633 conditions. If all the sealed bids, proposals, or replies
 634 received are over this estimate, the agency may reject the bids,
 635 proposals, or replies and request new ones from certified
 636 minority business enterprises, or the agency may reject the
 637 bids, proposals, or replies and reopen the bidding to all
 638 eligible vendors.

639 (c) All agencies shall consider the use of price
 640 preferences of up to 10 percent, weighted preference formulas,
 641 or other preferences for vendors as determined appropriate
 642 pursuant to guidelines established in accordance with s.
 643 287.09451(4) to increase the participation of minority business
 644 enterprises.

645 (d) All agencies shall avoid any undue concentration of
 646 contracts or purchases in categories of commodities or
 647 contractual services in order to meet the minority business
 648 enterprise purchasing goals in s. 287.09451.

649 ~~(7)-(9)~~ An agency may reserve any contract for competitive
 650 solicitation only among vendors who agree to use certified
 651 minority business enterprises as subcontractors or subvendors.
 652 The percentage of funds, in terms of gross contract amount and
 653 revenues, which must be expended with the certified minority
 654 business enterprise subcontractors and subvendors shall be
 655 determined by the agency before such contracts may be reserved.
 656 In order to bid on a contract so reserved, the vendor shall
 657 identify those certified minority business enterprises which
 658 will be utilized as subcontractors or subvendors by sworn
 659 statement. At the time of performance or project completion, the
 660 contractor shall report by sworn statement the payments and
 661 completion of work for all certified minority business
 662 enterprises used in the contract.

663 ~~(8)-(10)~~ An agency shall not divide the solicitation
 664 ~~procurement~~ of commodities or contractual services so as to
 665 avoid the requirements of subsections (1)-(3) ~~(1) through (5)~~.

666 ~~(9)-(11)~~ A contract for commodities or contractual services
 667 may be awarded without competition if state or federal law
 668 prescribes with whom the agency must contract or if the rate of
 669 payment is established during the appropriations process.

670 ~~(10)-(12)~~ If two equal responses to a solicitation or a
 671 request for quote are received and one response is from a
 672 certified minority business enterprise, the agency shall enter

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673 into a contract with the certified minority business enterprise.

674 (11)~~(13)~~ Extension of a contract for contractual services
 675 shall be in writing for a period not to exceed 6 months and
 676 shall be subject to the same terms and conditions set forth in
 677 the initial contract. There shall be only one extension of a
 678 contract unless the failure to meet the criteria set forth in
 679 the contract for completion of the contract is due to events
 680 beyond the control of the contractor.

681 (12)~~(14)~~(a) Contracts for commodities or contractual
 682 services may be renewed for a period that may not exceed 3 years
 683 or the term of the original contract, whichever period is
 684 longer. Renewal of a contract for commodities or contractual
 685 services shall be in writing and shall be subject to the same
 686 terms and conditions set forth in the initial contract. If the
 687 commodity or contractual service is purchased as a result of the
 688 solicitation of bids, proposals, or replies, the price of the
 689 commodity or contractual service to be renewed shall be
 690 specified in the bid, proposal, or reply. A renewal contract may
 691 not include any compensation for costs associated with the
 692 renewal. Renewals shall be contingent upon satisfactory
 693 performance evaluations by the agency and subject to the
 694 availability of funds. Exceptional purchase contracts pursuant
 695 to paragraphs (3)~~(5)~~(a) and (c) may not be renewed. With the
 696 exception of subsection (11)~~(13)~~, if a contract amendment
 697 results in a longer contract term or increased payments, a state
 698 agency may not renew or amend a contract for the outsourcing of
 699 a service or activity that has an original term value exceeding
 700 the sum of \$10 million before submitting a written report

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701 concerning contract performance to the Governor, the President
 702 of the Senate, and the Speaker of the House of Representatives
 703 at least 90 days before execution of the renewal or amendment.

704 (b) The Department of Health shall enter into an
 705 agreement, not to exceed 20 years, with a private contractor to
 706 finance, design, and construct a hospital, of no more than 50
 707 beds, for the treatment of patients with active tuberculosis and
 708 to operate all aspects of daily operations within the facility.
 709 The contractor may sponsor the issuance of tax-exempt
 710 certificates of participation or other securities to finance the
 711 project, and the state may enter into a lease-purchase agreement
 712 for the facility. The department shall begin the implementation
 713 of this initiative by July 1, 2008. This paragraph expires July
 714 1, 2009.

715 (c) In addition to any renewal authorized under paragraph
 716 (a), contracts for community-based care lead agency services in
 717 accordance with s. 409.1671(1)(e) may be renewed once for a term
 718 not to exceed 5 years, provided that the lead agency currently
 719 under contract is in compliance with the performance, fiscal,
 720 and administrative standards established by the Department of
 721 Children and Family Services and the agency head determines that
 722 renewal of the contract without a competitive solicitation is in
 723 the best interests of the children and families served.

724 ~~(13)-(15)~~ For each contractual services contract, the
 725 agency shall designate an employee to function as contract
 726 manager who shall be responsible for enforcing performance of
 727 the contract terms and conditions and serve as a liaison with
 728 the contractor. The agency shall establish procedures to ensure

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729 that contractual services have been rendered in accordance with
 730 the contract terms prior to processing the invoice for payment.

731 (14)~~(16)~~ Each agency shall designate at least one employee
 732 who shall serve as a contract administrator responsible for
 733 maintaining a contract file and financial information on all
 734 contractual services contracts and who shall serve as a liaison
 735 with the contract managers and the department.

736 (15)~~(17)~~ For a contract in excess of the threshold amount
 737 provided in s. 287.017 for CATEGORY FOUR, the agency head shall
 738 appoint:

739 (a) At least three persons to evaluate proposals and
 740 replies who collectively have experience and knowledge in the
 741 program areas and service requirements for which commodities or
 742 contractual services are sought.

743 (b) At least three persons to conduct negotiations during
 744 a competitive sealed reply procurement who collectively have
 745 experience and knowledge in negotiating contracts, contract
 746 procurement, and the program areas and service requirements for
 747 which commodities or contractual services are sought. When the
 748 value of a contract is in excess of \$1 million in any fiscal
 749 year, at least one of the persons conducting negotiations must
 750 be certified as a contract negotiator based upon rules adopted
 751 by the Department of Management Services in order to ensure that
 752 certified contract negotiators are knowledgeable about effective
 753 negotiation strategies, capable of successfully implementing
 754 those strategies, and involved appropriately in the procurement
 755 process. At a minimum, the rules must address the qualifications
 756 required for certification, the method of certification, and the

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757 procedure for involving the certified negotiator. If the value
 758 of a contract is in excess of \$10 million in any fiscal year, at
 759 least one of the persons conducting negotiations must be a
 760 Project Management Professional, as certified by the Project
 761 Management Institute.

762 ~~(16)-(18)~~ A person who receives a contract that was not
 763 subject to competitive procurement ~~has not been procured~~
 764 ~~pursuant to subsections (1) through (5):~~

765 (a) To perform a feasibility study of the potential
 766 implementation of a subsequent contract;

767 (b) Who participates in the drafting of a solicitation;

768 (c) To develop a business case for any outsourcing
 769 project, as provided in s. 287.0571; or

770 (d) Who develops a program for future implementation;
 771

772 is not eligible to contract with the agency for any other
 773 contracts dealing with that specific subject matter. Moreover,
 774 ~~and~~ any firm in which such person has any interest is not
 775 eligible to receive such contract. However, this prohibition
 776 does not prevent a vendor who responds to a request for
 777 information from being eligible to contract with an agency.

778 ~~(17)-(19)~~ Each agency shall establish a review and approval
 779 process for all contractual services contracts costing more than
 780 the threshold amount provided for in s. 287.017 for CATEGORY
 781 THREE which shall include, but not be limited to, program,
 782 financial, and legal review and approval. Such reviews and
 783 approvals shall be obtained before the contract is executed.

784 ~~(18)-(20)~~ In any procurement that costs more than the

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785 threshold amount provided for in s. 287.017 for CATEGORY TWO and
 786 is accomplished without competition, the individuals taking part
 787 in the development or selection of criteria for evaluation, the
 788 evaluation process, and the award process shall attest in
 789 writing that they are independent of, and have no conflict of
 790 interest in, the entities evaluated and selected.

791 (19)~~(21)~~ Nothing in this section shall affect the validity
 792 or effect of any contract in existence on October 1, 1990.

793 (20)~~(22)~~ An agency may contract for services with any
 794 independent, nonprofit college or university which is located
 795 within the state and is accredited by the Southern Association
 796 of Colleges and Schools, on the same basis as it may contract
 797 with any state university and college.

798 (21)~~(23)~~ The department, in consultation with the Agency
 799 for Enterprise Information Technology and the Comptroller, shall
 800 develop a program for online procurement of commodities and
 801 contractual services. To enable the state to promote open
 802 competition and to leverage its buying power, agencies shall
 803 participate in the online procurement program, and eligible
 804 users may participate in the program. Only vendors prequalified
 805 as meeting mandatory requirements and qualifications criteria
 806 may participate in online procurement.

807 (a) The department, in consultation with the agency, may
 808 contract for equipment and services necessary to develop and
 809 implement online procurement.

810 (b) The department, in consultation with the agency, shall
 811 adopt rules, pursuant to ss. 120.536(1) and 120.54, to
 812 administer the program for online procurement. The rules shall

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813 include, but not be limited to:

814 1. Determining the requirements and qualification criteria
815 for prequalifying vendors.

816 2. Establishing the procedures for conducting online
817 procurement.

818 3. Establishing the criteria for eligible commodities and
819 contractual services.

820 4. Establishing the procedures for providing access to
821 online procurement.

822 5. Determining the criteria warranting any exceptions to
823 participation in the online procurement program.

824 (c) The department may impose and shall collect all fees
825 for the use of the online procurement systems.

826 1. The fees may be imposed on an individual transaction
827 basis or as a fixed percentage of the cost savings generated. At
828 a minimum, the fees must be set in an amount sufficient to cover
829 the projected costs of the services, including administrative
830 and project service costs in accordance with the policies of the
831 department.

832 2. If the department contracts with a provider for online
833 procurement, the department, pursuant to appropriation, shall
834 compensate the provider from the fees after the department has
835 satisfied all ongoing costs. The provider shall report
836 transaction data to the department each month so that the
837 department may determine the amount due and payable to the
838 department from each vendor.

839 3. All fees that are due and payable to the state on a
840 transactional basis or as a fixed percentage of the cost savings

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841 generated are subject to s. 215.31 and must be remitted within
 842 40 days after receipt of payment for which the fees are due. For
 843 fees that are not remitted within 40 days, the vendor shall pay
 844 interest at the rate established under s. 55.03(1) on the unpaid
 845 balance from the expiration of the 40-day period until the fees
 846 are remitted.

847 4. All fees and surcharges collected under this paragraph
 848 shall be deposited in the Operating Trust Fund as provided by
 849 law.

850 ~~(22)~~(24) Each solicitation for the procurement of
 851 commodities or contractual services shall include the following
 852 provision: "Respondents to this solicitation or persons acting
 853 on their behalf may not contact, between the release of the
 854 solicitation and the end of the 72-hour period following the
 855 agency posting the notice of intended award, excluding
 856 Saturdays, Sundays, and state holidays, any employee or officer
 857 of the executive or legislative branch concerning any aspect of
 858 this solicitation, except in writing to the procurement officer
 859 or as provided in the solicitation documents. Violation of this
 860 provision may be grounds for rejecting a response."

861 Section 5. Section 287.0571, Florida Statutes, is amended
 862 to read:

863 287.0571 Business case to outsource; applicability of ss.
 864 ~~287.0571-287.0574.-~~

865 ~~(1) Sections 287.0571-287.0574 may be cited as the~~
 866 ~~"Florida Efficient Government Act."~~

867 (1)~~(2)~~ It is the intent of the Legislature that each state
 868 agency focus on its core mission and deliver services

869 effectively and efficiently by leveraging resources and
 870 contracting with private sector vendors whenever vendors can
 871 more effectively and efficiently provide services and reduce the
 872 cost of government.

873 (2)~~(3)~~ It is further the intent of the Legislature that
 874 business cases to outsource be evaluated for feasibility, cost-
 875 effectiveness, and efficiency before a state agency proceeds
 876 with any outsourcing of services.

877 (3)~~(4)~~ This section does ~~Sections 287.0571-287.0574~~ ~~do~~ not
 878 apply to:

879 (a) A procurement of commodities and contractual services
 880 listed in s. 287.057(3)~~(5)~~~~(e)~~~~r~~ (f)~~r~~ and (g) and (20)~~(22)~~.

881 (b) A procurement of contractual services subject to s.
 882 287.055.

883 (c) A contract in support of the planning, development,
 884 implementation, operation, or maintenance of the road, bridge,
 885 and public transportation construction program of the Department
 886 of Transportation.

887 (d) A procurement of commodities or contractual services
 888 which does not constitute an outsourcing of services or
 889 activities.

890 (4) An agency shall complete a business case for any
 891 outsourcing project with an expected cost in excess of \$10
 892 million within a single fiscal year. The business case shall be
 893 submitted pursuant to s. 216.023. The business case shall be
 894 available as part of the solicitation but is not subject to
 895 challenge and shall include the following:

896 (a) A detailed description of the service or activity for

897 which the outsourcing is proposed.

898 (b) A description and analysis of the state agency's
 899 current performance, based on existing performance metrics if
 900 the state agency is currently performing the service or
 901 activity.

902 (c) The goals desired to be achieved through the proposed
 903 outsourcing and the rationale for such goals.

904 (d) A citation to the existing or proposed legal authority
 905 for outsourcing the service or activity.

906 (e) A description of available options for achieving the
 907 goals. If state employees are currently performing the service
 908 or activity, at least one option involving maintaining state
 909 provision of the service or activity shall be included.

910 (f) An analysis of the advantages and disadvantages of
 911 each option, including, at a minimum, potential performance
 912 improvements and risks.

913 (g) A description of the current market for the
 914 contractual services that are under consideration for
 915 outsourcing.

916 (h) A cost-benefit analysis documenting the direct and
 917 indirect specific baseline costs, savings, and qualitative and
 918 quantitative benefits involved in or resulting from the
 919 implementation of the recommended option or options. Such
 920 analysis must specify the schedule that, at a minimum, must be
 921 adhered to in order to achieve the estimated savings. All
 922 elements of cost must be clearly identified in the cost-benefit
 923 analysis, described in the business case, and supported by
 924 applicable records and reports. The state agency head shall

925 attest that, based on the data and information underlying the
 926 business case, to the best of his or her knowledge, all
 927 projected costs, savings, and benefits are valid and achievable.
 928 As used in this section, the term "cost" means the reasonable,
 929 relevant, and verifiable cost, which may include, but is not
 930 limited to, elements such as personnel, materials and supplies,
 931 services, equipment, capital depreciation, rent, maintenance and
 932 repairs, utilities, insurance, personnel travel, overhead, and
 933 interim and final payments. The appropriate elements shall
 934 depend on the nature of the specific initiative. As used in this
 935 section, the term "savings" means the difference between the
 936 direct and indirect actual annual baseline costs compared to the
 937 projected annual cost for the contracted functions or
 938 responsibilities in any succeeding state fiscal year during the
 939 term of the contract.

940 (i) A description of differences among current state
 941 agency policies and processes and, as appropriate, a discussion
 942 of options for or a plan to standardize, consolidate, or revise
 943 current policies and processes, if any, to reduce the
 944 customization of any proposed solution that would otherwise be
 945 required.

946 (j) A description of the specific performance standards
 947 that must, at a minimum, be met to ensure adequate performance.

948 (k) The projected timeframe for key events from the
 949 beginning of the procurement process through the expiration of a
 950 contract.

951 (l) A plan to ensure compliance with the public records
 952 law.

953 (m) A specific and feasible contingency plan addressing
 954 contractor nonperformance and a description of the tasks
 955 involved in and costs required for its implementation.

956 (n) A state agency's transition plan for addressing
 957 changes in the number of agency personnel, affected business
 958 processes, employee transition issues, and communication with
 959 affected stakeholders, such as agency clients and the public.
 960 The transition plan must contain a reemployment and retraining
 961 assistance plan for employees who are not retained by the state
 962 agency or employed by the contractor.

963 (o) A plan for ensuring access by persons with
 964 disabilities in compliance with applicable state and federal
 965 law.

966 (5) In addition to the contract requirements provided in
 967 s. 287.058, each contract for a proposed outsourcing, pursuant
 968 to this section, must include, but need not be limited to, the
 969 following contractual provisions:

970 (a) A scope-of-work provision that clearly specifies each
 971 service or deliverable to be provided, including a description
 972 of each deliverable or activity that is quantifiable,
 973 measurable, and verifiable. This provision must include a clause
 974 that states if a particular service or deliverable is
 975 inadvertently omitted or not clearly specified but determined to
 976 be operationally necessary and verified to have been performed
 977 by the agency within the 12 months before the execution of the
 978 contract, such service or deliverable will be provided by the
 979 contractor through the identified contract-amendment process.

980 (b) A service-level-agreement provision describing all

981 services to be provided under the terms of the agreement, the
 982 state agency's service requirements and performance objectives,
 983 specific responsibilities of the state agency and the
 984 contractor, and the process for amending any portion of the
 985 service-level agreement. Each service-level agreement must
 986 contain an exclusivity clause that allows the state agency to
 987 retain the right to perform the service or activity, directly or
 988 with another contractor, if service levels are not being
 989 achieved.

990 (c) A provision that identifies all associated costs,
 991 specific payment terms, and payment schedules, including
 992 provisions governing incentives and financial disincentives and
 993 criteria governing payment.

994 (d) A provision that identifies a clear and specific
 995 transition plan that will be implemented in order to complete
 996 all required activities needed to transfer the service or
 997 activity from the state agency to the contractor and operate the
 998 service or activity successfully.

999 (e) A performance-standards provision that identifies all
 1000 required performance standards, which must include, at a
 1001 minimum:

1002 1. Detailed and measurable acceptance criteria for each
 1003 deliverable and service to be provided to the state agency under
 1004 the terms of the contract which document the required
 1005 performance level.

1006 2. A method for monitoring and reporting progress in
 1007 achieving specified performance standards and levels.

1008 3. The sanctions or disincentives that shall be imposed

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1009 for nonperformance by the contractor or state agency.

1010 (f) A provision that requires the contractor and its
 1011 subcontractors to maintain adequate accounting records that
 1012 comply with all applicable federal and state laws and generally
 1013 accepted accounting principles.

1014 (g) A provision that authorizes the state agency to have
 1015 access to and to audit all records related to the contract and
 1016 subcontracts, or any responsibilities or functions under the
 1017 contract and subcontracts, for purposes of legislative
 1018 oversight, and a requirement for audits by a service
 1019 organization in accordance with professional auditing standards,
 1020 if appropriate.

1021 (h) A provision that requires the contractor to interview
 1022 and consider for employment with the contractor each displaced
 1023 state employee who is interested in such employment.

1024 (i) A contingency-plan provision that describes the
 1025 mechanism for continuing the operation of the service or
 1026 activity, including transferring the service or activity back to
 1027 the state agency or successor contractor if the contractor fails
 1028 to perform and comply with the performance standards and levels
 1029 of the contract and the contract is terminated.

1030 (j) A provision that requires the contractor and its
 1031 subcontractors to comply with public records laws, specifically
 1032 to:

1033 1. Keep and maintain the public records that ordinarily
 1034 and necessarily would be required by the state agency in order
 1035 to perform the service or activity.

1036 2. Provide the public with access to such public records

1037 on the same terms and conditions that the state agency would
 1038 provide the records and at a cost that does not exceed that
 1039 provided in chapter 119 or as otherwise provided by law.

1040 3. Ensure that records that are exempt or records that are
 1041 confidential and exempt are not disclosed except as authorized
 1042 by law.

1043 4. Meet all requirements for retaining records and
 1044 transfer to the state agency, at no cost, all public records in
 1045 possession of the contractor upon termination of the contract
 1046 and destroy any duplicate public records that are exempt or
 1047 confidential and exempt. All records stored electronically must
 1048 be provided to the state agency in a format that is compatible
 1049 with the information technology systems of the state agency.

1050 (k)1. A provision that provides that any copyrightable or
 1051 patentable intellectual property produced as a result of work or
 1052 services performed under the contract, or in any way connected
 1053 with the contract, shall be the property of the state, with only
 1054 such exceptions as are clearly expressed and reasonably valued
 1055 in the contract.

1056 2. A provision that provides that, if the primary purpose
 1057 of the contract is the creation of intellectual property, the
 1058 state shall retain an unencumbered right to use such property.

1059 (l) If applicable, a provision that allows the agency to
 1060 purchase from the contractor, at its depreciated value, assets
 1061 used by the contractor in the performance of the contract. If
 1062 assets have not depreciated, the agency shall retain the right
 1063 to negotiate to purchase at an agreed-upon cost.

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1064 Section 6. Section 287.05721, Florida Statutes, is
 1065 repealed.

1066 Section 7. Section 287.0575, Florida Statutes, is created
 1067 to read:

1068 287.0575 Coordination of contracted services.—The
 1069 following duties and responsibilities of the Department of
 1070 Children and Family Services, the Agency for Persons with
 1071 Disabilities, the Department of Health, the Department of
 1072 Elderly Affairs, and the Florida Department of Veterans Affairs,
 1073 and service providers under contract to those agencies, are
 1074 established:

1075 (1) No later than August 1, 2010, or upon entering into
 1076 any new contract for health and human services, state agencies
 1077 contracting for health and human services must notify their
 1078 contract service providers of the requirements of this section.

1079 (2) No later than October 1, 2010, contract service
 1080 providers that have more than one contract with one or more
 1081 state agencies to provide health and human services must provide
 1082 to each of their contract managers a comprehensive list of their
 1083 health and human services contracts. The list must include the
 1084 following information:

1085 (a) The name of each contracting state agency and the
 1086 applicable office or program issuing the contract.

1087 (b) The identifying name and number of each contract.

1088 (c) The starting and ending date of each contract.

1089 (d) The amount of each contract.

1090 (e) A brief description of the purpose of the contract and
 1091 the types of services provided under each contract.

1092 (f) The name and contact information of the contract
 1093 manager.

1094 (3) With respect to contracts entered into after August 1,
 1095 2010, effective November 1, 2010, or 30 days after receiving the
 1096 list provided under subsection (2), a single lead administrative
 1097 coordinator for each contract service provider shall be
 1098 designated as provided in this subsection from among the
 1099 agencies having multiple contracts as provided in subsection
 1100 (2). On or before the date such responsibilities are assumed,
 1101 the designated lead administrative coordinator shall provide
 1102 notice of his or her designation to the contract service
 1103 provider and to the agency contract managers for each affected
 1104 contract. Unless another lead administrative coordinator is
 1105 selected by agreement of all affected contract managers, the
 1106 designated lead administrative coordinator shall be the agency
 1107 contract manager of the contract with the highest dollar value
 1108 over the term of the contract, provided the term of the contract
 1109 remaining at the time of designation exceeds 24 months. If the
 1110 remaining terms of all contracts are 24 months or less, the
 1111 designated lead administrative coordinator shall be the contract
 1112 manager of the contract with the latest end date. A designated
 1113 lead administrative coordinator, or his or her successor as
 1114 contract manager, shall continue as lead administrative
 1115 coordinator until another lead administrative coordinator is
 1116 selected by agreement of all affected contract managers or until
 1117 the end date of the contract for which the designated lead
 1118 administrative coordinator serves as contract manager, at which

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1119 time a new lead administrative coordinator shall be designated
 1120 pursuant to this subsection if applicable.

1121 (4) The designated lead administrative coordinator shall
 1122 be responsible for:

1123 (a) Establishing a coordinated schedule for administrative
 1124 and fiscal monitoring;

1125 (b) Consulting with other case managers to establish a
 1126 single unified set of required administrative and fiscal
 1127 documentation;

1128 (c) Consulting with other case managers to establish a
 1129 single unified schedule for periodic updates of administrative
 1130 and fiscal information; and

1131 (d) Maintaining an accessible electronic file of up-to-
 1132 date administrative and fiscal documents, including, but not
 1133 limited to, corporate documents, membership records, audits, and
 1134 monitoring reports.

1135 (5) Contract managers for agency contracts other than the
 1136 designated lead administrative coordinator must conduct
 1137 administrative and fiscal monitoring activities in accordance
 1138 with the coordinated schedule and must obtain any necessary
 1139 administrative and fiscal documents from the designated lead
 1140 administrative coordinator's electronic file.

1141 (6) This section does not apply to routine program
 1142 performance monitoring or prohibit a contracting agency from
 1143 directly and immediately contacting the service provider when
 1144 the health or safety of clients is at risk.

1145 (7) Annually, each agency contracting for health and human
 1146 services shall evaluate the performance of its designated lead

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1147 administrative coordinator in establishing coordinated systems,
 1148 improving efficiency, and reducing redundant monitoring
 1149 activities for state agencies and their service providers. The
 1150 report shall be submitted to the Governor, the President of the
 1151 Senate and the Speaker of the House of Representatives.

1152 Section 8. Section 287.0573, Florida Statutes, is
 1153 repealed.

1154 Section 9. Section 287.0574, Florida Statutes, is
 1155 repealed.

1156 Section 10. Subsections (2) and (3) of section 283.32,
 1157 Florida Statutes, are amended to read:

1158 283.32 Recycled paper to be used by each agency; printing
 1159 bids certifying use of recycled paper; percentage preference in
 1160 awarding contracts.—

1161 (2) Each agency shall require a vendor that submits a bid
 1162 for a contract for printing ~~and that wishes to be considered for~~
 1163 ~~the price preference described in s. 287.045~~ to certify in
 1164 writing the percentage of recycled content of the material used
 1165 for such printing. Such vendor may certify that the material
 1166 contains no recycled content.

1167 (3) Upon evaluation of bids for each printing contract,
 1168 the agency shall identify the lowest responsive bid and any
 1169 other responsive bids in which it has been certified that the
 1170 materials used in printing contain at least the minimum
 1171 percentage of recycled content that is set forth by the
 1172 department. ~~In awarding a contract for printing, the agency may~~
 1173 ~~allow up to a 10 percent price preference, as provided in s.~~
 1174 ~~287.045, to a responsible and responsive vendor that has~~

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1175 ~~certified that the materials used in printing contain at least~~
 1176 ~~the minimum percentage of recycled content established by the~~
 1177 ~~department.~~ If no vendors offer materials for printing that
 1178 contain the minimum prescribed recycled content, the contract
 1179 shall be awarded to the responsible vendor that submits the
 1180 lowest responsive bid.

1181 Section 11. Subsection (1) of section 403.7065, Florida
 1182 Statutes, is amended to read:

1183 403.7065 Procurement of products or materials with
 1184 recycled content.—

1185 (1) ~~Except as provided in s. 287.045,~~ Any state agency or
 1186 agency of a political subdivision of the state which is using
 1187 state funds, or any person contracting with any such agency with
 1188 respect to work performed under contract, is required to procure
 1189 products or materials with recycled content when the Department
 1190 of Management Services determines that those products or
 1191 materials are available. A decision not to procure such items
 1192 must be based on the Department of Management Services'
 1193 determination that such procurement is not reasonably available
 1194 within an acceptable period of time, fails to meet the
 1195 performance standards set forth in the applicable
 1196 specifications, or fails to meet the performance standards of
 1197 the agency. ~~When the requirements of s. 287.045 are met,~~
 1198 ~~agencies shall be subject to the procurement requirements of~~
 1199 ~~that section for procuring products or materials with recycled~~
 1200 ~~content.~~

1201 Section 12. Paragraph (d) of subsection (4) of section
 1202 14.204, Florida Statutes, is amended to read:

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1203 14.204 Agency for Enterprise Information Technology.—The
 1204 Agency for Enterprise Information Technology is created within
 1205 the Executive Office of the Governor.

1206 (4) The agency shall have the following duties and
 1207 responsibilities:

1208 (d) Plan and establish policies for managing proposed
 1209 statutorily authorized enterprise information technology
 1210 services, which includes:

- 1211 1. Developing business cases that, when applicable,
- 1212 include the components identified in s. 287.0571 ~~287.0574~~;
- 1213 2. Establishing and coordinating project-management teams;
- 1214 3. Establishing formal risk-assessment and mitigation
- 1215 processes; and
- 1216 4. Providing for independent monitoring of projects for
- 1217 recommended corrective actions.

1218 Section 13. Subsection (1) of section 43.16, Florida
 1219 Statutes, is amended to read:

1220 43.16 Justice Administrative Commission; membership,
 1221 powers and duties.—

1222 (1) There is hereby created a Justice Administrative
 1223 Commission, with headquarters located in the state capital. The
 1224 necessary office space for use of the commission shall be
 1225 furnished by the proper state agency in charge of state
 1226 buildings. For purposes of the fees imposed on agencies pursuant
 1227 to s. 287.057(21)~~(23)~~, the Justice Administrative Commission
 1228 shall be exempt from such fees.

1229 Section 14. Paragraph (e) of subsection (1) of section
 1230 61.1826, Florida Statutes, is amended to read:

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1231 61.1826 Procurement of services for State Disbursement
 1232 Unit and the non-Title IV-D component of the State Case
 1233 Registry; contracts and cooperative agreements; penalties;
 1234 withholding payment.-

1235 (1) LEGISLATIVE FINDINGS.-The Legislature finds that the
 1236 clerks of court play a vital role, as essential participants in
 1237 the establishment, modification, collection, and enforcement of
 1238 child support, in securing the health, safety, and welfare of
 1239 the children of this state. The Legislature further finds and
 1240 declares that:

1241 (e) The potential loss of substantial federal funds poses
 1242 a direct and immediate threat to the health, safety, and welfare
 1243 of the children and citizens of the state and constitutes an
 1244 emergency for purposes of s. 287.057(3)-~~5~~(a).

1245
 1246 For these reasons, the Legislature hereby directs the Department
 1247 of Revenue, subject to the provisions of subsection (5), to
 1248 contract with the Florida Association of Court Clerks and each
 1249 depository to perform duties with respect to the operation and
 1250 maintenance of a State Disbursement Unit and the non-Title IV-D
 1251 component of the State Case Registry as further provided by this
 1252 section.

1253 Section 15. Paragraph (h) of subsection (1) of section
 1254 112.3215, Florida Statutes, is amended to read:

1255 112.3215 Lobbying before the executive branch or the
 1256 Constitution Revision Commission; registration and reporting;
 1257 investigation by commission.-

1258 (1) For the purposes of this section:

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1259 (h) "Lobbyist" means a person who is employed and receives
 1260 payment, or who contracts for economic consideration, for the
 1261 purpose of lobbying, or a person who is principally employed for
 1262 governmental affairs by another person or governmental entity to
 1263 lobby on behalf of that other person or governmental entity.

1264 "Lobbyist" does not include a person who is:

1265 1. An attorney, or any person, who represents a client in
 1266 a judicial proceeding or in a formal administrative proceeding
 1267 conducted pursuant to chapter 120 or any other formal hearing
 1268 before an agency, board, commission, or authority of this state.

1269 2. An employee of an agency or of a legislative or
 1270 judicial branch entity acting in the normal course of his or her
 1271 duties.

1272 3. A confidential informant who is providing, or wishes to
 1273 provide, confidential information to be used for law enforcement
 1274 purposes.

1275 4. A person who lobbies to procure a contract pursuant to
 1276 chapter 287 which contract is less than the threshold for
 1277 CATEGORY ONE as provided in s. 287.017~~(1)(a)~~.

1278 Section 16. Paragraph (h) of subsection (3) of section
 1279 255.25, Florida Statutes, is amended to read:

1280 255.25 Approval required prior to construction or lease of
 1281 buildings.-

1282 (3)

1283 (h) The Department of Management Services may, pursuant to
 1284 s. 287.042(2)(a), procure a term contract for real estate
 1285 consulting and brokerage services. A state agency may not
 1286 purchase services from the contract unless the contract has been

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1287 procured under s. 287.057(1), ~~(2), or (3)~~ after March 1, 2007,
 1288 and contains the following provisions or requirements:

1289 1. Awarded brokers must maintain an office or presence in
 1290 the market served. In awarding the contract, preference must be
 1291 given to brokers that are licensed in this state under chapter
 1292 475 and that have 3 or more years of experience in the market
 1293 served. The contract may be made with up to three tenant brokers
 1294 in order to serve the marketplace in the north, central, and
 1295 south areas of the state.

1296 2. Each contracted tenant broker shall work under the
 1297 direction, supervision, and authority of the state agency,
 1298 subject to the rules governing lease procurements.

1299 3. The department shall provide training for the awarded
 1300 tenant brokers concerning the rules governing the procurement of
 1301 leases.

1302 4. Tenant brokers must comply with all applicable
 1303 provisions of s. 475.278.

1304 5. Real estate consultants and tenant brokers shall be
 1305 compensated by the state agency, subject to the provisions of
 1306 the term contract, and such compensation is subject to
 1307 appropriation by the Legislature. A real estate consultant or
 1308 tenant broker may not receive compensation directly from a
 1309 lessor for services that are rendered under the term contract.
 1310 Moneys paid to a real estate consultant or tenant broker are
 1311 exempt from any charge imposed under s. 287.1345. Moneys paid by
 1312 a lessor to the state agency under a facility leasing
 1313 arrangement are not subject to the charges imposed under s.
 1314 215.20. All terms relating to the compensation of the real

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1315 | estate consultant or tenant broker shall be specified in the
 1316 | term contract and may not be supplemented or modified by the
 1317 | state agency using the contract.

1318 | 6. The department shall conduct periodic customer-
 1319 | satisfaction surveys.

1320 | 7. Each state agency shall report the following
 1321 | information to the department:

1322 | a. The number of leases that adhere to the goal of the
 1323 | workspace-management initiative of 180 square feet per FTE.

1324 | b. The quality of space leased and the adequacy of tenant-
 1325 | improvement funds.

1326 | c. The timeliness of lease procurement, measured from the
 1327 | date of the agency's request to the finalization of the lease.

1328 | d. Whether cost-benefit analyses were performed before
 1329 | execution of the lease in order to ensure that the lease is in
 1330 | the best interest of the state.

1331 | e. The lease costs compared to market rates for similar
 1332 | types and classifications of space according to the official
 1333 | classifications of the Building Owners and Managers Association.

1334 | Section 17. Subsection (1) of section 283.33, Florida
 1335 | Statutes, is amended to read:

1336 | 283.33 Printing of publications; lowest bidder awards.—

1337 | (1) Publications may be printed and prepared in-house, by
 1338 | another agency or the Legislature, or purchased on bid,
 1339 | whichever is more economical and practicable as determined by
 1340 | the agency. An agency may contract for binding separately when
 1341 | more economical or practicable, whether or not the remainder of
 1342 | the printing is done in-house. A vendor may subcontract for

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1343 binding and still be considered a responsible vendor,
 1344 notwithstanding s. 287.012 (23) ~~(24)~~.

1345 Section 18. Paragraph (a) of subsection (2) of section
 1346 286.0113, Florida Statutes, is amended to read:

1347 286.0113 General exemptions from public meetings.—

1348 (2) (a) A meeting at which a negotiation with a vendor is
 1349 conducted pursuant to s. 287.057 (1) ~~(3)~~ is exempt from s. 286.011
 1350 and s. 24(b), Art. I of the State Constitution.

1351 Section 19. Subsection (1) of section 287.022, Florida
 1352 Statutes, is amended to read:

1353 287.022 Purchase of insurance.—

1354 (1) Insurance, while not a commodity, nevertheless shall
 1355 be purchased for all agencies by the department, except that
 1356 agencies may purchase title insurance for land acquisition and
 1357 may make emergency purchases of insurance pursuant to s.
 1358 287.057 (3) ~~(5)~~ (a). The procedures for purchasing insurance,
 1359 whether the purchase is made by the department or by the
 1360 agencies, shall be the same as those set forth herein for the
 1361 purchase of commodities.

1362 Section 20. Paragraph (f) of subsection (1) and subsection
 1363 (5) of section 287.058, Florida Statutes, are amended to read:

1364 287.058 Contract document.—

1365 (1) Every procurement of contractual services in excess of
 1366 the threshold amount provided in s. 287.017 for CATEGORY TWO,
 1367 except for the providing of health and mental health services or
 1368 drugs in the examination, diagnosis, or treatment of sick or
 1369 injured state employees or the providing of other benefits as
 1370 required by the provisions of chapter 440, shall be evidenced by

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1371 a written agreement embodying all provisions and conditions of
 1372 the procurement of such services, which provisions and
 1373 conditions shall, where applicable, include, but shall not be
 1374 limited to:

1375 (f) A provision specifying that the contract may be
 1376 renewed for a period that may not exceed 3 years or the term of
 1377 the original contract, whichever period is longer, specifying
 1378 the renewal price for the contractual service as set forth in
 1379 the bid, proposal, or reply, specifying that costs for the
 1380 renewal may not be charged, and specifying that renewals shall
 1381 be contingent upon satisfactory performance evaluations by the
 1382 agency and subject to the availability of funds. Exceptional
 1383 purchase contracts pursuant to s. 287.057 (3) ~~(5)~~ (a) and (c) may
 1384 not be renewed.

1385
 1386 In lieu of a written agreement, the department may authorize the
 1387 use of a purchase order for classes of contractual services, if
 1388 the provisions of paragraphs (a)-(f) are included in the
 1389 purchase order or solicitation. The purchase order must include,
 1390 but need not be limited to, an adequate description of the
 1391 services, the contract period, and the method of payment. In
 1392 lieu of printing the provisions of paragraphs (a)-(f) in the
 1393 contract document or purchase order, agencies may incorporate
 1394 the requirements of paragraphs (a)-(f) by reference.

1395 (5) Unless otherwise provided in the General
 1396 Appropriations Act or the substantive bill implementing the
 1397 General Appropriations Act, the Chief Financial Officer may
 1398 waive the requirements of this section for services which are

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1399 included in s. 287.057 (3) ~~(5)~~ (f).

1400 Section 21. Subsection (14) of section 287.059, Florida
1401 Statutes, is amended to read:

1402 287.059 Private attorney services.—

1403 (14) The office of the Attorney General is authorized to
1404 competitively bid and contract with one or more court reporting
1405 services, on a circuitwide basis, on behalf of all state
1406 agencies in accordance with s. 287.057 ~~(2)~~. The office of the
1407 Attorney General shall develop requests for proposal for court
1408 reporter services in consultation with the Florida Court
1409 Reporters Association. All agencies shall utilize the contracts
1410 for court reporting services entered into by the office of the
1411 Attorney General where in force, unless otherwise ordered by a
1412 court or unless an agency has a contract for court reporting
1413 services executed prior to May 5, 1993.

1414 Section 22. Paragraph (b) of subsection (4) of section
1415 295.187, Florida Statutes, is amended to read:

1416 295.187 Florida Service-Disabled Veteran Business
1417 Enterprise Opportunity Act.—

1418 (4) VENDOR PREFERENCE.—

1419 (b) Notwithstanding s. 287.057 (10) ~~(12)~~, if a service-
1420 disabled veteran business enterprise entitled to the vendor
1421 preference under this section and one or more businesses
1422 entitled to this preference or another vendor preference
1423 provided by law submit bids, proposals, or replies for
1424 procurement of commodities or contractual services that are
1425 equal with respect to all relevant considerations, including
1426 price, quality, and service, then the state agency shall award

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1427 the procurement or contract to the business having the smallest
 1428 net worth.

1429 Section 23. Subsection (3) of section 394.457, Florida
 1430 Statutes, is amended to read:

1431 394.457 Operation and administration.—

1432 (3) POWER TO CONTRACT.—The department may contract to
 1433 provide, and be provided with, services and facilities in order
 1434 to carry out its responsibilities under this part with the
 1435 following agencies: public and private hospitals; receiving and
 1436 treatment facilities; clinics; laboratories; departments,
 1437 divisions, and other units of state government; the state
 1438 colleges and universities; the community colleges; private
 1439 colleges and universities; counties, municipalities, and any
 1440 other governmental unit, including facilities of the United
 1441 States Government; and any other public or private entity which
 1442 provides or needs facilities or services. Baker Act funds for
 1443 community inpatient, crisis stabilization, short-term
 1444 residential treatment, and screening services must be allocated
 1445 to each county pursuant to the department's funding allocation
 1446 methodology. Notwithstanding the provisions of s.

1447 287.057 (3) ~~(5)~~ (f), contracts for community-based Baker Act
 1448 services for inpatient, crisis stabilization, short-term
 1449 residential treatment, and screening provided under this part,
 1450 other than those with other units of government, to be provided
 1451 for the department must be awarded using competitive sealed bids
 1452 when the county commission of the county receiving the services
 1453 makes a request to the department's district office by January
 1454 15 of the contracting year. The district shall not enter into a

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1455 competitively bid contract under this provision if such action
 1456 will result in increases of state or local expenditures for
 1457 Baker Act services within the district. Contracts for these
 1458 Baker Act services using competitive sealed bids will be
 1459 effective for 3 years. The department shall adopt rules
 1460 establishing minimum standards for such contracted services and
 1461 facilities and shall make periodic audits and inspections to
 1462 assure that the contracted services are provided and meet the
 1463 standards of the department.

1464 Section 24. Paragraph (a) of subsection (1) of section
 1465 394.47865, Florida Statutes, is amended to read:

1466 394.47865 South Florida State Hospital; privatization.—

1467 (1) The Department of Children and Family Services shall,
 1468 through a request for proposals, privatize South Florida State
 1469 Hospital. The department shall plan to begin implementation of
 1470 this privatization initiative by July 1, 1998.

1471 (a) Notwithstanding s. 287.057 (12) ~~(14)~~, the department may
 1472 enter into agreements, not to exceed 20 years, with a private
 1473 provider, a coalition of providers, or another agency to
 1474 finance, design, and construct a treatment facility having up to
 1475 350 beds and to operate all aspects of daily operations within
 1476 the facility. The department may subcontract any or all
 1477 components of this procurement to a statutorily established
 1478 state governmental entity that has successfully contracted with
 1479 private companies for designing, financing, acquiring, leasing,
 1480 constructing, and operating major privatized state facilities.

1481 Section 25. Paragraph (c) of subsection (5) and subsection
 1482 (8) of section 402.40, Florida Statutes, are amended to read:

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1483 402.40 Child welfare training.—

1484 (5) CORE COMPETENCIES.—

1485 (c) Notwithstanding s. 287.057 (3) ~~(5)~~ and (20) ~~(22)~~, the
 1486 department shall competitively solicit and contract for the
 1487 development, validation, and periodic evaluation of the training
 1488 curricula for the established single integrated curriculum. No
 1489 more than one training curriculum may be developed for each
 1490 specific subset of the core competencies.

1491 (8) ESTABLISHMENT OF TRAINING ACADEMIES.—The department
 1492 shall establish child welfare training academies as part of a
 1493 comprehensive system of child welfare training. In establishing
 1494 a program of training, the department may contract for the
 1495 operation of one or more training academies to perform one or
 1496 more of the following: to offer one or more of the training
 1497 curricula developed under subsection (5); to administer the
 1498 certification process; to develop, validate, and periodically
 1499 evaluate additional training curricula determined to be
 1500 necessary, including advanced training that is specific to a
 1501 region or contractor, or that meets a particular training need;
 1502 or to offer the additional training curricula. The number,
 1503 location, and timeframe for establishment of training academies
 1504 shall be approved by the Secretary of Children and Family
 1505 Services who shall ensure that the goals for the core
 1506 competencies and the single integrated curriculum, the
 1507 certification process, the trainer qualifications, and the
 1508 additional training needs are addressed. Notwithstanding s.
 1509 287.057 (3) ~~(5)~~ and (20) ~~(22)~~, the department shall competitively
 1510 solicit all training academy contracts.

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1511 Section 26. Paragraphs (a) and (b) of subsection (2) and
 1512 subsection (3) of section 402.7305, Florida Statutes, are
 1513 amended to read:

1514 402.7305 Department of Children and Family Services;
 1515 procurement of contractual services; contract management.-

1516 (2) PROCUREMENT OF COMMODITIES AND CONTRACTUAL SERVICES.-

1517 (a) Notwithstanding s. 287.057(3)(f)11. ~~s.~~
 1518 ~~287.057(5)(f)13.~~, whenever the department intends to contract
 1519 with a public postsecondary institution to provide a service,
 1520 the department must allow all public postsecondary institutions
 1521 in this state that are accredited by the Southern Association of
 1522 Colleges and Schools to bid on the contract. Thereafter,
 1523 notwithstanding any other provision to the contrary, if a public
 1524 postsecondary institution intends to subcontract for any service
 1525 awarded in the contract, the subcontracted service must be
 1526 procured by competitive procedures.

1527 (b) When it is in the best interest of a defined segment
 1528 of its consumer population, the department may competitively
 1529 procure and contract for systems of treatment or service that
 1530 involve multiple providers, rather than procuring and
 1531 contracting for treatment or services separately from each
 1532 participating provider. The department must ensure that all
 1533 providers that participate in the treatment or service system
 1534 meet all applicable statutory, regulatory, service quality, and
 1535 cost control requirements. If other governmental entities or
 1536 units of special purpose government contribute matching funds to
 1537 the support of a given system of treatment or service, the
 1538 department shall formally request information from those funding

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1539 entities in the procurement process and may take the information
 1540 received into account in the selection process. If a local
 1541 government contributes matching funds to support the system of
 1542 treatment or contracted service and if the match constitutes at
 1543 least 25 percent of the value of the contract, the department
 1544 shall afford the governmental match contributor an opportunity
 1545 to name an employee as one of the persons required by s.
 1546 287.057 (15) ~~(17)~~ to evaluate or negotiate certain contracts,
 1547 unless the department sets forth in writing the reason why the
 1548 inclusion would be contrary to the best interest of the state.
 1549 Any employee so named by the governmental match contributor
 1550 shall qualify as one of the persons required by s.
 1551 287.057 (15) ~~(17)~~. A governmental entity or unit of special
 1552 purpose government may not name an employee as one of the
 1553 persons required by s. 287.057 (15) ~~(17)~~ if it, or any of its
 1554 political subdivisions, executive agencies, or special
 1555 districts, intends to compete for the contract to be awarded.
 1556 The governmental funding entity or contributor of matching funds
 1557 must comply with all procurement procedures set forth in s.
 1558 287.057 when appropriate and required.

1559 (3) CONTRACT MANAGEMENT REQUIREMENTS AND PROCESS.—The
 1560 Department of Children and Family Services shall review the time
 1561 period for which the department executes contracts and shall
 1562 execute multiyear contracts to make the most efficient use of
 1563 the resources devoted to contract processing and execution.
 1564 Whenever the department chooses not to use a multiyear contract,
 1565 a justification for that decision must be contained in the
 1566 contract. Notwithstanding s. 287.057 (13) ~~(15)~~, the department is

1567 responsible for establishing a contract management process that
 1568 requires a member of the department's Senior Management or
 1569 Selected Exempt Service to assign in writing the responsibility
 1570 of a contract to a contract manager. The department shall
 1571 maintain a set of procedures describing its contract management
 1572 process which must minimally include the following requirements:

1573 (a) The contract manager shall maintain the official
 1574 contract file throughout the duration of the contract and for a
 1575 period not less than 6 years after the termination of the
 1576 contract.

1577 (b) The contract manager shall review all invoices for
 1578 compliance with the criteria and payment schedule provided for
 1579 in the contract and shall approve payment of all invoices before
 1580 their transmission to the Department of Financial Services for
 1581 payment.

1582 (c) The contract manager shall maintain a schedule of
 1583 payments and total amounts disbursed and shall periodically
 1584 reconcile the records with the state's official accounting
 1585 records.

1586 (d) For contracts involving the provision of direct client
 1587 services, the contract manager shall periodically visit the
 1588 physical location where the services are delivered and speak
 1589 directly to clients receiving the services and the staff
 1590 responsible for delivering the services.

1591 (e) The contract manager shall meet at least once a month
 1592 directly with the contractor's representative and maintain
 1593 records of such meetings.

1594 (f) The contract manager shall periodically document any

1595 differences between the required performance measures and the
 1596 actual performance measures. If a contractor fails to meet and
 1597 comply with the performance measures established in the
 1598 contract, the department may allow a reasonable period for the
 1599 contractor to correct performance deficiencies. If performance
 1600 deficiencies are not resolved to the satisfaction of the
 1601 department within the prescribed time, and if no extenuating
 1602 circumstances can be documented by the contractor to the
 1603 department's satisfaction, the department must terminate the
 1604 contract. The department may not enter into a new contract with
 1605 that same contractor for the services for which the contract was
 1606 previously terminated for a period of at least 24 months after
 1607 the date of termination. The contract manager shall obtain and
 1608 enforce corrective action plans, if appropriate, and maintain
 1609 records regarding the completion or failure to complete
 1610 corrective action items.

1611 (g) The contract manager shall document any contract
 1612 modifications, which shall include recording any contract
 1613 amendments as provided for in this section.

1614 (h) The contract manager shall be properly trained before
 1615 being assigned responsibility for any contract.

1616 Section 27. Subsection (2) of section 408.045, Florida
 1617 Statutes, is amended to read:

1618 408.045. Certificate of need; competitive sealed
 1619 proposals.-

1620 (2) The agency shall make a decision regarding the
 1621 issuance of the certificate of need in accordance with the
 1622 provisions of s. 287.057 (15) ~~(17)~~, rules adopted by the agency

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1623 relating to intermediate care facilities for the developmentally
 1624 disabled, and the criteria in s. 408.035, as further defined by
 1625 rule.

1626 Section 28. Subsection (3) of section 427.0135, Florida
 1627 Statutes, is amended to read:

1628 427.0135 Purchasing agencies; duties and
 1629 responsibilities.—Each purchasing agency, in carrying out the
 1630 policies and procedures of the commission, shall:

1631 (3) Not procure transportation disadvantaged services
 1632 without initially negotiating with the commission, as provided
 1633 in s. 287.057(3)(f)11. ~~s. 287.057(5)(f)13.~~, or unless otherwise
 1634 authorized by statute. If the purchasing agency, after
 1635 consultation with the commission, determines that it cannot
 1636 reach mutually acceptable contract terms with the commission,
 1637 the purchasing agency may contract for the same transportation
 1638 services provided in a more cost-effective manner and of
 1639 comparable or higher quality and standards. The Medicaid agency
 1640 shall implement this subsection in a manner consistent with s.
 1641 409.908(18) and as otherwise limited or directed by the General
 1642 Appropriations Act.

1643 Section 29. Paragraph (c) of subsection (5) of section
 1644 445.024, Florida Statutes, is amended to read:

1645 445.024 Work requirements.—

1646 (5) USE OF CONTRACTS.—Regional workforce boards shall
 1647 provide work activities, training, and other services, as
 1648 appropriate, through contracts. In contracting for work
 1649 activities, training, or services, the following applies:

1650 (c) Notwithstanding the exemption from the competitive

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1651 sealed bid requirements provided in s. 287.057~~(3)~~(5)(f) for
 1652 certain contractual services, each contract awarded under this
 1653 chapter must be awarded on the basis of a competitive sealed
 1654 bid, except for a contract with a governmental entity as
 1655 determined by the regional workforce board.

1656 Section 30. Paragraph (b) of subsection (3) of section
 1657 481.205, Florida Statutes, is amended to read:

1658 481.205 Board of Architecture and Interior Design.—

1659 (3)

1660 (b) The board shall contract with a corporation or other
 1661 business entity pursuant to s. 287.057~~(3)~~ to provide
 1662 investigative, legal, prosecutorial, and other services
 1663 necessary to perform its duties.

1664 Section 31. Subsection (41) of section 570.07, Florida
 1665 Statutes, is amended to read:

1666 570.07 Department of Agriculture and Consumer Services;
 1667 functions, powers, and duties.—The department shall have and
 1668 exercise the following functions, powers, and duties:

1669 (41) Notwithstanding the provisions of s. 287.057~~(21)~~(21)~~(23)~~
 1670 that require all agencies to use the online procurement system
 1671 developed by the Department of Management Services, the
 1672 department may continue to use its own online system. However,
 1673 vendors utilizing such system shall be prequalified as meeting
 1674 mandatory requirements and qualifications and shall remit fees
 1675 pursuant to s. 287.057~~(21)~~(21)~~(23)~~, and any rules implementing s.
 1676 287.057.

1677 Section 32. Paragraph (c) of subsection (5) of section
 1678 627.311, Florida Statutes, is amended to read:

1679 627.311 Joint underwriters and joint reinsurers; public
1680 records and public meetings exemptions.-

1681 (5)

1682 (c) The operation of the plan shall be governed by a plan
1683 of operation that is prepared at the direction of the board of
1684 governors and approved by order of the office. The plan is
1685 subject to continuous review by the office. The office may, by
1686 order, withdraw approval of all or part of a plan if the office
1687 determines that conditions have changed since approval was
1688 granted and that the purposes of the plan require changes in the
1689 plan. The plan of operation shall:

1690 1. Authorize the board to engage in the activities
1691 necessary to implement this subsection, including, but not
1692 limited to, borrowing money.

1693 2. Develop criteria for eligibility for coverage by the
1694 plan, including, but not limited to, documented rejection by at
1695 least two insurers which reasonably assures that insureds
1696 covered under the plan are unable to acquire coverage in the
1697 voluntary market.

1698 3. Require notice from the agent to the insured at the
1699 time of the application for coverage that the application is for
1700 coverage with the plan and that coverage may be available
1701 through an insurer, group self-insurers' fund, commercial self-
1702 insurance fund, or assessable mutual insurer through another
1703 agent at a lower cost.

1704 4. Establish programs to encourage insurers to provide
1705 coverage to applicants of the plan in the voluntary market and
1706 to insureds of the plan, including, but not limited to:

1707 a. Establishing procedures for an insurer to use in
 1708 notifying the plan of the insurer's desire to provide coverage
 1709 to applicants to the plan or existing insureds of the plan and
 1710 in describing the types of risks in which the insurer is
 1711 interested. The description of the desired risks must be on a
 1712 form developed by the plan.

1713 b. Developing forms and procedures that provide an insurer
 1714 with the information necessary to determine whether the insurer
 1715 wants to write particular applicants to the plan or insureds of
 1716 the plan.

1717 c. Developing procedures for notice to the plan and the
 1718 applicant to the plan or insured of the plan that an insurer
 1719 will insure the applicant or the insured of the plan, and notice
 1720 of the cost of the coverage offered; and developing procedures
 1721 for the selection of an insuring entity by the applicant or
 1722 insured of the plan.

1723 d. Provide for a market-assistance plan to assist in the
 1724 placement of employers. All applications for coverage in the
 1725 plan received 45 days before the effective date for coverage
 1726 shall be processed through the market-assistance plan. A market-
 1727 assistance plan specifically designed to serve the needs of
 1728 small, good policyholders as defined by the board must be
 1729 reviewed and updated periodically.

1730 5. Provide for policy and claims services to the insureds
 1731 of the plan of the nature and quality provided for insureds in
 1732 the voluntary market.

1733 6. Provide for the review of applications for coverage
 1734 with the plan for reasonableness and accuracy, using any

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1735 available historic information regarding the insured.

1736 7. Provide for procedures for auditing insureds of the
 1737 plan which are based on reasonable business judgment and are
 1738 designed to maximize the likelihood that the plan will collect
 1739 the appropriate premiums.

1740 8. Authorize the plan to terminate the coverage of and
 1741 refuse future coverage for any insured that submits a fraudulent
 1742 application to the plan or provides fraudulent or grossly
 1743 erroneous records to the plan or to any service provider of the
 1744 plan in conjunction with the activities of the plan.

1745 9. Establish service standards for agents who submit
 1746 business to the plan.

1747 10. Establish criteria and procedures to prohibit any
 1748 agent who does not adhere to the established service standards
 1749 from placing business with the plan or receiving, directly or
 1750 indirectly, any commissions for business placed with the plan.

1751 11. Provide for the establishment of reasonable safety
 1752 programs for all insureds in the plan. All insureds of the plan
 1753 must participate in the safety program.

1754 12. Authorize the plan to terminate the coverage of and
 1755 refuse future coverage to any insured who fails to pay premiums
 1756 or surcharges when due; who, at the time of application, is
 1757 delinquent in payments of workers' compensation or employer's
 1758 liability insurance premiums or surcharges owed to an insurer,
 1759 group self-insurers' fund, commercial self-insurance fund, or
 1760 assessable mutual insurer licensed to write such coverage in
 1761 this state; or who refuses to substantially comply with any
 1762 safety programs recommended by the plan.

1763 13. Authorize the board of governors to provide the goods
 1764 and services required by the plan through staff employed by the
 1765 plan, through reasonably compensated service providers who
 1766 contract with the plan to provide services as specified by the
 1767 board of governors, or through a combination of employees and
 1768 service providers.

1769 a. Purchases that equal or exceed \$2,500 but are less than
 1770 or equal to \$25,000, shall be made by receipt of written quotes,
 1771 telephone quotes, or informal bids, whenever practical. The
 1772 procurement of goods or services valued over \$25,000 is subject
 1773 to competitive solicitation, except in situations in which the
 1774 goods or services are provided by a sole source or are deemed an
 1775 emergency purchase, or the services are exempted from
 1776 competitive-solicitation requirements under s. 287.057 (3) ~~(5)~~ (f).
 1777 Justification for the sole-sourcing or emergency procurement
 1778 must be documented. Contracts for goods or services valued at or
 1779 over \$100,000 are subject to board approval.

1780 b. The board shall determine whether it is more cost-
 1781 effective and in the best interests of the plan to use legal
 1782 services provided by in-house attorneys employed by the plan
 1783 rather than contracting with outside counsel. In making such
 1784 determination, the board shall document its findings and shall
 1785 consider the expertise needed; whether time commitments exceed
 1786 in-house staff resources; whether local representation is
 1787 needed; the travel, lodging, and other costs associated with in-
 1788 house representation; and such other factors that the board
 1789 determines are relevant.

1790 14. Provide for service standards for service providers,

1791 methods of determining adherence to those service standards,
 1792 incentives and disincentives for service, and procedures for
 1793 terminating contracts for service providers that fail to adhere
 1794 to service standards.

1795 15. Provide procedures for selecting service providers and
 1796 standards for qualification as a service provider that
 1797 reasonably assure that any service provider selected will
 1798 continue to operate as an ongoing concern and is capable of
 1799 providing the specified services in the manner required.

1800 16. Provide for reasonable accounting and data-reporting
 1801 practices.

1802 17. Provide for annual review of costs associated with the
 1803 administration and servicing of the policies issued by the plan
 1804 to determine alternatives by which costs can be reduced.

1805 18. Authorize the acquisition of such excess insurance or
 1806 reinsurance as is consistent with the purposes of the plan.

1807 19. Provide for an annual report to the office on a date
 1808 specified by the office and containing such information as the
 1809 office reasonably requires.

1810 20. Establish multiple rating plans for various
 1811 classifications of risk which reflect risk of loss, hazard
 1812 grade, actual losses, size of premium, and compliance with loss
 1813 control. At least one of such plans must be a preferred-rating
 1814 plan to accommodate small-premium policyholders with good
 1815 experience as defined in sub-subparagraph 22.a.

1816 21. Establish agent commission schedules.

1817 22. For employers otherwise eligible for coverage under
 1818 the plan, establish three tiers of employers meeting the

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1819 criteria and subject to the rate limitations specified in this
 1820 subparagraph.

1821 a. Tier One.—

1822 (I) Criteria; rated employers.—An employer that has an
 1823 experience modification rating shall be included in Tier One if
 1824 the employer meets all of the following:

1825 (A) The experience modification is below 1.00.

1826 (B) The employer had no lost-time claims subsequent to the
 1827 applicable experience modification rating period.

1828 (C) The total of the employer's medical-only claims
 1829 subsequent to the applicable experience modification rating
 1830 period did not exceed 20 percent of premium.

1831 (II) Criteria; non-rated employers.—An employer that does
 1832 not have an experience modification rating shall be included in
 1833 Tier One if the employer meets all of the following:

1834 (A) The employer had no lost-time claims for the 3-year
 1835 period immediately preceding the inception date or renewal date
 1836 of the employer's coverage under the plan.

1837 (B) The total of the employer's medical-only claims for
 1838 the 3-year period immediately preceding the inception date or
 1839 renewal date of the employer's coverage under the plan did not
 1840 exceed 20 percent of premium.

1841 (C) The employer has secured workers' compensation
 1842 coverage for the entire 3-year period immediately preceding the
 1843 inception date or renewal date of the employer's coverage under
 1844 the plan.

1845 (D) The employer is able to provide the plan with a loss
 1846 history generated by the employer's prior workers' compensation

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1847 insurer, except if the employer is not able to produce a loss
 1848 history due to the insolvency of an insurer, the receiver shall
 1849 provide to the plan, upon the request of the employer or the
 1850 employer's agent, a copy of the employer's loss history from the
 1851 records of the insolvent insurer if the loss history is
 1852 contained in records of the insurer which are in the possession
 1853 of the receiver. If the receiver is unable to produce the loss
 1854 history, the employer may, in lieu of the loss history, submit
 1855 an affidavit from the employer and the employer's insurance
 1856 agent setting forth the loss history.

1857 (E) The employer is not a new business.

1858 (III) Premiums.—The premiums for Tier One insureds shall
 1859 be set at a premium level 25 percent above the comparable
 1860 voluntary market premiums until the plan has sufficient
 1861 experience as determined by the board to establish an
 1862 actuarially sound rate for Tier One, at which point the board
 1863 shall, subject to paragraph (e), adjust the rates, if necessary,
 1864 to produce actuarially sound rates, provided such rate
 1865 adjustment shall not take effect prior to January 1, 2007.

1866 b. Tier Two.—

1867 (I) Criteria; rated employers.—An employer that has an
 1868 experience modification rating shall be included in Tier Two if
 1869 the employer meets all of the following:

1870 (A) The experience modification is equal to or greater
 1871 than 1.00 but not greater than 1.10.

1872 (B) The employer had no lost-time claims subsequent to the
 1873 applicable experience modification rating period.

1874 (C) The total of the employer's medical-only claims

1875 subsequent to the applicable experience modification rating
 1876 period did not exceed 20 percent of premium.

1877 (II) Criteria; non-rated employers.—An employer that does
 1878 not have any experience modification rating shall be included in
 1879 Tier Two if the employer is a new business. An employer shall be
 1880 included in Tier Two if the employer has less than 3 years of
 1881 loss experience in the 3-year period immediately preceding the
 1882 inception date or renewal date of the employer's coverage under
 1883 the plan and the employer meets all of the following:

1884 (A) The employer had no lost-time claims for the 3-year
 1885 period immediately preceding the inception date or renewal date
 1886 of the employer's coverage under the plan.

1887 (B) The total of the employer's medical-only claims for
 1888 the 3-year period immediately preceding the inception date or
 1889 renewal date of the employer's coverage under the plan did not
 1890 exceed 20 percent of premium.

1891 (C) The employer is able to provide the plan with a loss
 1892 history generated by the workers' compensation insurer that
 1893 provided coverage for the portion or portions of such period
 1894 during which the employer had secured workers' compensation
 1895 coverage, except if the employer is not able to produce a loss
 1896 history due to the insolvency of an insurer, the receiver shall
 1897 provide to the plan, upon the request of the employer or the
 1898 employer's agent, a copy of the employer's loss history from the
 1899 records of the insolvent insurer if the loss history is
 1900 contained in records of the insurer which are in the possession
 1901 of the receiver. If the receiver is unable to produce the loss
 1902 history, the employer may, in lieu of the loss history, submit

1903 | an affidavit from the employer and the employer's insurance
1904 | agent setting forth the loss history.

1905 | (III) Premiums.—The premiums for Tier Two insureds shall
1906 | be set at a rate level 50 percent above the comparable voluntary
1907 | market premiums until the plan has sufficient experience as
1908 | determined by the board to establish an actuarially sound rate
1909 | for Tier Two, at which point the board shall, subject to
1910 | paragraph (e), adjust the rates, if necessary, to produce
1911 | actuarially sound rates, provided such rate adjustment shall not
1912 | take effect prior to January 1, 2007.

1913 | c. Tier Three.—

1914 | (I) Eligibility.—An employer shall be included in Tier
1915 | Three if the employer does not meet the criteria for Tier One or
1916 | Tier Two.

1917 | (II) Rates.—The board shall establish, subject to
1918 | paragraph (e), and the plan shall charge, actuarially sound
1919 | rates for Tier Three insureds.

1920 | 23. For Tier One or Tier Two employers which employ no
1921 | nonexempt employees or which report payroll which is less than
1922 | the minimum wage hourly rate for one full-time employee for 1
1923 | year at 40 hours per week, the plan shall establish actuarially
1924 | sound premiums, provided, however, that the premiums may not
1925 | exceed \$2,500. These premiums shall be in addition to the fee
1926 | specified in subparagraph 26. When the plan establishes
1927 | actuarially sound rates for all employers in Tier One and Tier
1928 | Two, the premiums for employers referred to in this paragraph
1929 | are no longer subject to the \$2,500 cap.

1930 | 24. Provide for a depopulation program to reduce the

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1931 number of insureds in the plan. If an employer insured through
 1932 the plan is offered coverage from a voluntary market carrier:
 1933 a. During the first 30 days of coverage under the plan;
 1934 b. Before a policy is issued under the plan;
 1935 c. By issuance of a policy upon expiration or cancellation
 1936 of the policy under the plan; or
 1937 d. By assumption of the plan's obligation with respect to
 1938 an in-force policy,
 1939
 1940 that employer is no longer eligible for coverage through the
 1941 plan. The premium for risks assumed by the voluntary market
 1942 carrier must be no greater than the premium the insured would
 1943 have paid under the plan, and shall be adjusted upon renewal to
 1944 reflect changes in the plan rates and the tier for which the
 1945 insured would qualify as of the time of renewal. The insured may
 1946 be charged such premiums only for the first 3 years of coverage
 1947 in the voluntary market. A premium under this subparagraph is
 1948 deemed approved and is not an excess premium for purposes of s.
 1949 627.171.
 1950 25. Require that policies issued and applications must
 1951 include a notice that the policy could be replaced by a policy
 1952 issued from a voluntary market carrier and that, if an offer of
 1953 coverage is obtained from a voluntary market carrier, the
 1954 policyholder is no longer eligible for coverage through the
 1955 plan. The notice must also specify that acceptance of coverage
 1956 under the plan creates a conclusive presumption that the
 1957 applicant or policyholder is aware of this potential.
 1958 26. Require that each application for coverage and each

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1959 renewal premium be accompanied by a nonrefundable fee of \$475 to
 1960 cover costs of administration and fraud prevention. The board
 1961 may, with the prior approval of the office, increase the amount
 1962 of the fee pursuant to a rate filing to reflect increased costs
 1963 of administration and fraud prevention. The fee is not subject
 1964 to commission and is fully earned upon commencement of coverage.

1965 Section 33. Paragraph (e) of subsection (6) of section
 1966 627.351, Florida Statutes, is amended to read:

1967 627.351 Insurance risk apportionment plans.—

1968 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

1969 (e) Purchases that equal or exceed \$2,500, but are less
 1970 than \$25,000, shall be made by receipt of written quotes,
 1971 written record of telephone quotes, or informal bids, whenever
 1972 practical. The procurement of goods or services valued at or
 1973 over \$25,000 shall be subject to competitive solicitation,
 1974 except in situations where the goods or services are provided by
 1975 a sole source or are deemed an emergency purchase; the services
 1976 are exempted from competitive solicitation requirements under s.
 1977 287.057 ~~(3)~~ ~~(5)~~ (f); or the procurement of services is subject to
 1978 s. 627.3513. Justification for the sole-sourcing or emergency
 1979 procurement must be documented. Contracts for goods or services
 1980 valued at or over \$100,000 are subject to approval by the board.

1981 Section 34. Subsection (2) of section 765.5155, Florida
 1982 Statutes, is amended to read:

1983 765.5155 Donor registry; education program.—

1984 (2) The agency and the department shall jointly contract
 1985 for the operation of a donor registry and education program. The
 1986 contractor shall be procured by competitive solicitation

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1987 pursuant to chapter 287, notwithstanding any exemption in s.
 1988 287.057 (3) ~~(5)~~ (f). When awarding the contract, priority shall be
 1989 given to existing nonprofit groups that are based within the
 1990 state, have expertise working with procurement organizations,
 1991 have expertise in conducting statewide organ and tissue donor
 1992 public education campaigns, and represent the needs of the organ
 1993 and tissue donation community in the state.

1994 Section 35. Subsection (10) of section 893.055, Florida
 1995 Statutes, is amended to read:

1996 893.055 Prescription drug monitoring program.—

1997 (10) All costs incurred by the department in administering
 1998 the prescription drug monitoring program shall be funded through
 1999 federal grants or private funding applied for or received by the
 2000 state. The department may not commit funds for the monitoring
 2001 program without ensuring funding is available. The prescription
 2002 drug monitoring program and the implementation thereof are
 2003 contingent upon receipt of the nonstate funding. The department
 2004 and state government shall cooperate with the direct-support
 2005 organization established pursuant to subsection (11) in seeking
 2006 federal grant funds, other nonstate grant funds, gifts,
 2007 donations, or other private moneys for the department so long as
 2008 the costs of doing so are not considered material. Nonmaterial
 2009 costs for this purpose include, but are not limited to, the
 2010 costs of mailing and personnel assigned to research or apply for
 2011 a grant. Notwithstanding the exemptions to competitive-
 2012 solicitation requirements under s. 287.057 (3) ~~(5)~~ (f), the
 2013 department shall comply with the competitive-solicitation
 2014 requirements under s. 287.057 for the procurement of any goods

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2015 or services required by this section.

2016 Section 36. Subsection (3) of section 1013.38, Florida
 2017 Statutes, is amended to read:

2018 1013.38 Boards to ensure that facilities comply with
 2019 building codes and life safety codes.—

2020 (3) The Department of Management Services may, upon
 2021 request, provide facilities services for the Florida School for
 2022 the Deaf and the Blind, the Division of Blind Services, and
 2023 public broadcasting. As used in this section, the term
 2024 "facilities services" means project management, code and design
 2025 plan review, and code compliance inspection for projects as
 2026 defined in s. 287.017(5)~~(1)~~~~(e)~~.

2027 Section 37. Section 21 of chapter 2009-55, 2009 Laws of
 2028 Florida, is amended to read:

2029 Section 21. The Agency for Health Care Administration
 2030 shall develop and implement a home health agency monitoring
 2031 pilot project in Miami-Dade County by January 1, 2010. The
 2032 agency shall contract with a vendor to verify the utilization
 2033 and the delivery of home health services and provide an
 2034 electronic billing interface for such services. The contract
 2035 must require the creation of a program to submit claims for the
 2036 home health services electronically. The program must verify
 2037 visits for the delivery of home health services telephonically
 2038 using voice biometrics. The agency may seek amendments to the
 2039 Medicaid state plan and waivers of federal law, as necessary, to
 2040 implement the pilot project. Notwithstanding s.
 2041 287.057(3)~~(5)~~(f), Florida Statutes, the agency must award the
 2042 contract through the competitive solicitation process. The

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2043 agency shall submit a report to the Governor, the President of
 2044 the Senate, and the Speaker of the House of Representatives
 2045 evaluating the pilot project by February 1, 2011.

2046 Section 38. Section 31 of chapter 2009-223, Laws of
 2047 Florida, is amended to read:

2048 Section 31. Pilot project to monitor home health
 2049 services.—The Agency for Health Care Administration shall
 2050 develop and implement a home health agency monitoring pilot
 2051 project in Miami-Dade County by January 1, 2010. The agency
 2052 shall contract with a vendor to verify the utilization and
 2053 delivery of home health services and provide an electronic
 2054 billing interface for home health services. The contract must
 2055 require the creation of a program to submit claims
 2056 electronically for the delivery of home health services. The
 2057 program must verify telephonically visits for the delivery of
 2058 home health services using voice biometrics. The agency may seek
 2059 amendments to the Medicaid state plan and waivers of federal
 2060 laws, as necessary, to implement the pilot project.
 2061 Notwithstanding s. 287.057(3)~~(5)~~(f), Florida Statutes, the
 2062 agency must award the contract through the competitive
 2063 solicitation process. The agency shall submit a report to the
 2064 Governor, the President of the Senate, and the Speaker of the
 2065 House of Representatives evaluating the pilot project by
 2066 February 1, 2011.

2067 Section 39. This act shall take effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Most state agencies collect revenues in the form of fees, fines or taxes on behalf of the state. In general, it is not clear how many accounts go uncollected. Typically, revenues owed to the state are submitted voluntarily. There are few statewide standards relating to revenue collection, compliance and enforcement and many agencies have separate authority to enforce collections or waive delinquent accounts.

Currently, under s. 17.20, F.S., the Chief Financial Officer is responsible for directing the state attorneys to collect on all delinquent accounts. The Chief Financial Officer also has the ability to contract with a collection agent for the collection of delinquent accounts.

To implement this statute, the Department of Financial Services established by rule a requirement that all agencies, excluding those with independent statutory direction for collection, submit accounts to the contracted collection agent no more than 6 months after the time the account becomes delinquent. Under the rule, agencies are allowed to ask for consideration not to pursue collection of the delinquent account through a written request to the Chief Financial Officer.¹ As of August 2009, a total of \$292 million of uncollected accounts were referred to the collection agent by state agencies.

Auditor General Reports from the past four years identify a number of operational shortcomings related to internal agency controls and delinquent accounts, including instances where agencies failed to record accounts receivable in FLAIR and failed to report delinquent accounts to the Department of Financial Services for collection.

Effect of Bill

The bill authorizes the Chief Financial Officer to contract with multiple collection agents.

The bill declares that each agency is responsible for exercising due diligence to secure full payment of all accounts receivable and other claims due to the state. It also requires agencies to submit delinquent accounts to the contracted collection agent within 120 days from the time the account becomes delinquent—exempting those agencies that currently have separate statutory authority to pursue

¹ Rule 69I-21.003, Procedure for Processing Delinquent Accounts Receivable.
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DATE: 3/22/2010

delinquent accounts through their own collection process. Agencies may request in writing for a different time period for the transfer of the accounts to the collection agent.

The bill requires each agency to submit an annual report to the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer that includes: a list and total of all accounts referred for collection and their current status; a list and total of all delinquent accounts not referred to a collection agency, the reasons for not referring the accounts, and the actions taken by the agency to collect; a list, total, and description of all accounts or claims that were written off or waived by the agency during the prior fiscal year, the reason for the write off, and whether collection of those accounts continue to be pursued. The report is due October 1, 2010 and each October 1 thereafter.

The bill requires the Chief Financial Officer to submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that outlines the following information for any contracted collection agent: the amount of claims referred; the number of accounts by age and amount; a listing of agencies that failed to report known claims in a timely manner; and the total amount of claims uncollected. The report is due December 1, 2010 and each December 1 thereafter.

B. SECTION DIRECTORY:

Section 1: Amends s. 17.20, F.S., relating to claims for collections.

Section 2: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There may be an increased number of delinquent accounts referred to a collection agent.

D. FISCAL COMMENTS:

This bill may have a positive effect on state revenues if it leads to a higher collection rate of delinquent accounts. As a general rule, the earlier delinquent accounts are pursued for collection, the more likely the funds will be collected. Older accounts have a lower collection rate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to claims for collections due the state;
 3 amending s. 17.20, F.S.; providing that each agency is
 4 responsible for exercising due diligence in securing
 5 payment for all accounts receivable and other claims due
 6 the state; creating requirements for agencies for purposes
 7 of reporting delinquent accounts receivable; requiring
 8 agencies to report annually to the Legislature and Chief
 9 Financial Officer on accounts receivable and other claims
 10 due the state; requiring the Chief Financial Officer to
 11 report annually to the Governor and Legislature on claims
 12 for collections due the state; providing an effective
 13 date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 17.20, Florida Statutes, is amended to
 18 read:

19 17.20 Assignment of claims for collection.-

20 (1) The Chief Financial Officer shall charge the state
 21 attorneys with the collection of all claims that are placed in
 22 their hands for collection of money or property for the state or
 23 any county or special district, or that it otherwise requires
 24 them to collect. The charges are evidence of indebtedness of a
 25 state attorney against whom any charge is made for the full
 26 amount of the claim, until the charges have been collected and
 27 paid into the treasury of the state or of the county or special
 28 district or the legal remedies of the state have been exhausted,

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29 or until the state attorney demonstrates to the Chief Financial
 30 Officer that the failure to collect the charges is not due to
 31 negligence and the Chief Financial Officer has made a proper
 32 entry of satisfaction of the charge against the state attorney.

33 (2) The Chief Financial Officer may assign the collection
 34 of any claim to a collection agent or agents who are ~~is~~
 35 registered and in good standing pursuant to chapter 559, if the
 36 Chief Financial Officer determines the assignation to be cost-
 37 effective. The Chief Financial Officer may ~~pay an agent from any~~
 38 ~~amount collected under the claim a fee that the Chief Financial~~
 39 ~~Officer and the agent have agreed upon;~~ may authorize the agent
 40 ~~to deduct the fee from the amount collected;~~ may require the
 41 ~~appropriate state agency, county, or special district to pay the~~
 42 ~~agent the fee from any amount collected by the agent on its~~
 43 ~~behalf;~~ or may authorize the agent or agents to add a ~~the~~ fee to
 44 the amount to be collected.

45 (3) Each agency shall be responsible for exercising due
 46 diligence in securing full payment of all accounts receivable
 47 and other claims due the state.

48 (a) No later than 120 days after the date on which the
 49 account or other claim was due and payable, unless another
 50 period is approved by the Chief Financial Officer, and after
 51 exhausting other lawful measures available to the agency, each
 52 agency shall report the delinquent accounts receivable as
 53 directed by the Chief Financial Officer to the appropriate
 54 collection agent for further action, excluding those agencies
 55 that collect delinquent accounts with independent statutory
 56 authority.

57 (b) An agency that has delinquent accounts receivable,
 58 which the agency considers to be of a nature that assignment to
 59 a collection agency would be inappropriate, may request in
 60 writing for an exemption for those accounts. The request shall
 61 fully explain the nature of the delinquent accounts receivable
 62 and the reasons the agency believes such accounts would be
 63 precluded from being assigned to a collection agency. The Chief
 64 Financial Officer shall disapprove the request in writing unless
 65 the agency shows that a demonstrative harm to the state will
 66 occur as a result of assignment to a collection agency.

67 (c) Agencies that have delinquent accounts receivable,
 68 which accounts are of such a nature that it would not be
 69 appropriate to transfer collection of those delinquent accounts
 70 to the Chief Financial Officer within 120 days after the date
 71 they are due and payable, may request in writing a different
 72 period of time for transfer of collection of such accounts. The
 73 request shall fully explain the nature of the delinquent
 74 accounts receivable and include a recommendation as to an
 75 appropriate period.

76 (4) Beginning October 1, 2010, and each October 1
 77 thereafter, each agency shall submit a report to the President
 78 of the Senate, the Speaker of the House of Representatives, and
 79 the Chief Financial Officer that shall include:

80 (a) A detailed list and total of all accounts that were
 81 referred for collection and the status of such accounts,
 82 including the date referred, any amounts collected, and the
 83 total that remains uncollected.

84 (b) A list and total of all delinquent accounts that were

85 not referred to a collection agency, the reasons for not
 86 referring those accounts, and the actions taken by the agency to
 87 collect.

88 (c) A list of all accounts or claims, including a
 89 description and the total amount of each account or claim, that
 90 were written off or waived by the agency for any reason during
 91 the prior fiscal year, the reason for being written off, and
 92 whether any of those accounts continue to be pursued by a
 93 collection agent.

94 (5) Beginning December 1, 2010, and each December 1
 95 thereafter, the Chief Financial Officer shall provide to the
 96 Governor, the President of the Senate, and the Speaker of the
 97 House of Representatives a report that details the following
 98 information for any contracted collection agent:

99 (a) The amount of claims referred for collection by each
 100 agency, cumulatively and annually.

101 (b) The number of accounts by age and amount.

102 (c) A listing of those agencies that failed to report
 103 known claims to the Chief Financial Officer in a timely manner
 104 as prescribed in subsection (3).

105 (d) The total amount of claims collected, cumulatively and
 106 annually.

107 (6)~~(3)~~ Notwithstanding any other provision of law, in any
 108 contract providing for the location or collection of unclaimed
 109 property, the Chief Financial Officer may authorize the
 110 contractor to deduct its fees and expenses for services provided
 111 under the contract from the unclaimed property that the
 112 contractor has recovered or collected under the contract. The

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113 Chief Financial Officer shall annually report to the Governor,
 114 President of the Senate, and the Speaker of the House of
 115 Representatives the total amount collected or recovered by each
 116 contractor during the previous fiscal year and the total fees
 117 and expenses deducted by each contractor.

118 Section 2. This act shall take effect July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Department of Management Services

Currently, the secretary of the department is appointed by the Governor and confirmed by the Senate.¹ The bill places the Department of Management Services under the Governor and Cabinet with the authority to appoint an executive director, upon confirmation by the Senate.

Florida State Employee Wellness Council

In 2006, the Florida State Employee Wellness Council was created to advise DMS on health care education for employees and to assist in developing minimum benefits for all health care providers when providing age- and gender-based wellness benefits. The council is composed of nine members appointed by the Governor.

As part of the Department of Management Services Sunset Review, the Office of Program Policy Analysis and Government Accountability recommended abolishing the council because the council does not appear to be fulfilling its statutory mission.² Additionally, council duties related to wellness programs have been assigned to other state entities. For example, the Department of Health is required to collaborate with other state agencies to promote healthy lifestyles of state employees, and the Governor's Council on Physical Fitness was established in 2007 with the goal of developing a state plan of action to increase the physical activity of Floridians.

The bill repeals the Florida State Employee Wellness Council.

Electronic Filing and Service at Division of Administrative Hearings

The Division of Administrative Hearings (DOAH) is made up of the Office of Administrative Law Judges (ALJs) and the Office of the Judges of Compensation Claims (OJCCs). ALJs hear administrative disputes under ss. 120.56 and 120.57, F.S. JCCs mediate workers compensation disputes pursuant to s. 440.192, F.S.

Both the OJCCs and the ALJs currently allow electronic filing and traditional paper and fax filing. The number of electronically filed documents has grown steadily since the implementation of electronic filing. The ALJs received 18,230 electronically filed documents, and the JCCs received 430,548

¹ See s. 20.22, F.S.

² Department of Management Services Advisory Committees Assessment, Office of Program Policy Analysis and Government Accountability, Report No. 08-S11, December 2008.

electronically filed documents in fiscal year 2008-09.³ All documents received by DOAH are stored in an electronic database; and paper documents received by DOAH are scanned by employees and uploaded to the database.⁴

Internal policy at the Adjudication of Disputes Program dictates that only parties who specifically have signed up for the electronic filing program will be served documents electronically. As a result, a relatively low number of documents (approximately 26 percent) are e-served by the ALJs. Conversely, approximately 99 percent of documents are e-served by the OJCC because this program electronically serves to any party who has provided an e-mail address to the judge's staff.

Under s. 120.53(1)(a)2.b., F.S., agencies must maintain and make available for the public an index of all final orders and agency rules. As an alternative, the statute allows agencies to electronically transmit those documents to DOAH for indexing on its electronic database. The Department of Agriculture and Consumer Services and the Department of Environmental Protection currently use DOAH to comply with mandates of s. 120.53(1)(a)2.b., F.S.

The bill creates section 120.585, F.S., to require any document filed with DOAH by an attorney to be submitted through electronic means. Any party not represented by an attorney is encouraged to file any document through the division's website. The bill amends ss. 57.111, 120.54, 120.56, 120.569, 120.57, 440.192, 440.25, 440.29, 440.45, 552.40, 553.73, and 961.03, F.S., to provide for electronic procedures in administrative proceedings. There is no charge to register for DOAH's electronic filing service.

Statewide Wireless Communication Utilization

Chapter 2009-15, L.O.F., directed the Office of Program Policy Analysis and Government Accountability (OPPAGA), in consultation with the Department of Management Services (DMS), to develop recommendations regarding the prudent issuance of state-owned wireless communication devices, including telephones, personal digital assistants, and other electronic devices. OPPAGA found that there was no single-source of information regarding state-owned wireless devices and, after interviewing executive agencies, found that agencies currently have more than 40,000 wireless devices and spend approximately \$17 million annually for their operation.⁵

DMS has established state term contracts for the purchase of wireless devices and services, as well as an alternative source contract with a different provider. The state term contract enables agencies to take advantage of free cellular phones and pay only for the minutes used. The alternative source contract provides an across the board discount of 25 percent for wireless services. OPPAGA found that state agencies with the highest cellular telephone expenditures were making limited purchases using DMS cellular phone contracts.⁶

OPPAGA made several recommendations to ensure prudent management of wireless communication devices including recommending that the Legislature:

- Establish statewide policies to limit the use of wireless devices to employees with job responsibilities that match device capabilities.
- Require agencies to monitor employee use and obtain cost effective services plans.
- Ensure procurement practices use the most cost effective service.
- Direct agencies to report wireless device costs via agency legislative budget requests.

This bill requires agencies to limit assignment of wireless communication devices to only those employees who, as part of their job responsibility, must:

- Be immediately available to citizens, supervisors, or subordinates;
- Be available to respond to emergency situations;

³ Division of Administrative Hearings, *Thirty-Sixth Annual Report*, p.7 (Feb. 1, 2010).

⁴ *Ibid.*

⁵ Options for Reducing State Agency Costs for Cellular Telephones and Other Wireless Devices, Office of Program Policy Analysis and Government Accountability, March 3, 2009.

⁶ *Ibid.*

- Be available to receive calls outside of regular working hours;
- Have access to the technology in order to productively perform job duties in the field; or
- Have limited or no access to a standard phone, or have no ability to use a personal cell phone if needed.

The bill provides that procurement for devices and services must be through a state term contract or SUNCOM services, unless otherwise approved by DMS. Agencies that wish to procure services through an alternative method must provide a cost benefit analysis and reason for deviating from the state term contract and submit the analysis to DMS for approval.

The bill requires agencies to audit wireless communication devices for personal use and requires reimbursement from employees. It also requires agencies to submit as part of the legislative budget request an annual inventory of wireless communication devices and expenditures, a list of job classifications assigned a wireless device, and the steps the agency has taken to contain costs.

Centralized Fleet of State-owned Motor Vehicles

Each state agency operates an individual pool of state-owned motor vehicles. The majority of these vehicles remain in an agency pool that is available for general use by agency employees. Section 287.17, F.S., provides for agency heads to assign state-owned vehicles to employees who are projected to drive a minimum of 10,000 miles annually for official business.

Data from the Department of Management Services' Equipment Management Information System for calendar year 2009 showed that agencies own approximately 18,237 cars and light trucks. Of these, approximately 30 percent were used for law enforcement purposes—leaving 12,687 vehicles operated for general agency use. A review of these vehicles by OPPAGA showed that 63 percent of these vehicles were driven less than 10,000 miles during the year. In addition, 2,939 of these vehicles were assigned to an individual, but nearly 45 percent of assigned vehicles were not driven the statutorily required 10,000 miles.⁷ In contrast, 654 employees were reimbursed for driving personal vehicles more than 10,000 miles on state business during fiscal year 2008-09.⁸

Several states have implemented a centralized fleet of state-owned motor vehicles in an effort to provide cost savings through efficiencies and disposal of surplus vehicles. This bill directs DMS to create, administer, and maintain a centralized fleet of motor vehicles and requires the department to prepare a plan to centralize state-owned motor vehicles. The plan must include information related to: a method for assigning and administering vehicles to state agencies and employees, a method for managing a pool of vehicles for short-term use, a method for charging state agencies for use, a method for purchasing necessary vehicles, a method for repairing and maintaining vehicles, a method for monitoring the use of vehicles, a method for maintaining records, and a method for determining when it is cost-efficient to use a third party vehicle rather than a state-owned car. In developing the plan, the department is required to compare the costs and benefits of contracting with a third party vendor for the operation of a centralized fleet. The report is due to the President of the Senate, the Speaker of the House of Representatives, and the Governor and the Cabinet by November 1, 2010.

B. SECTION DIRECTORY:

Section 1. Amends section 20.22, F.S., to establish the Governor and the Cabinet as the head of the Department of Management Services.

Section 2. Amends section 57.111, F.S., to provide for electronic procedures in administrative proceedings.

Section 3. Repeals section 110.123(13), F.S., relating to the creation and duties of the Florida State Employee Wellness Council.

⁷ Vehicle Use by State Agency, Office of Program Policy Analysis and Government Accountability, March 11, 2010.

⁸ Ibid.

Section 4. Amends section 120.54, F.S., to provide for electronic procedures in administrative proceedings.

Section 5. Amends section 120.56, F.S., to provide for electronic procedures in administrative proceedings.

Section 6. Amends section 120.569, F.S., to provide for electronic procedures in administrative proceedings.

Section 7. Amends section 120.57, F.S., to provide for electronic procedures in administrative proceedings.

Section 8. Creates section 120.585, F.S., to provide for electronic procedures in administrative proceedings.

Section 9. Amends section 216.023, F.S., to require agencies to submit certain information in the Legislative Budget Request.

Section 10. Creates section 282.712, F.S., to establish statewide wireless device utilization standards.

Section 11. Requires the Department of Management Services to create a centralized motor vehicle fleet.

Section 12. Amends section 440.192, F.S., to provide for electronic procedures in administrative proceedings.

Section 13. Amends section 440.25, F.S., to provide for electronic procedures in administrative proceedings.

Section 14. Amends section 440.29, F.S., to provide for electronic procedures in administrative proceedings.

Section 15. Amends section 440.45, F.S., to provide for electronic procedures in administrative proceedings.

Section 16. Amends section 552.40, F.S., to provide for electronic procedures in administrative proceedings.

Section 17. Amends section 553.73, F.S., to provide for electronic procedures in administrative proceedings.

Section 18. Amends section 961.03, F.S., to provide for electronic procedures in administrative proceedings.

Section 19. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill implements several policies that have the potential of generating revenue savings for the state.

DOAH estimates it will save at least \$9,500 per year on electronic services of documents. DOAH also notes that electronic receipt and service of documents will save incalculable processing and filing time.

Statewide policies for the utilization of wireless communication devices may reduce individual agency costs associated with these services.

Centralization of state-owned vehicles will provide the opportunity for cost savings resulting from more efficient use and disposal of motor vehicles, as well as decreased agency administrative costs within each agency.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to review of the Department of Management
3 Services under the Florida Government Accountability Act;
4 amending s. 20.22, F.S.; revising the governance of the
5 Department of Management Services; amending ss. 57.111,
6 120.56, 120.569, 120.57, 552.40, 553.73, and 961.03, F.S.;
7 providing for electronic filing and transmission
8 procedures for certain actions, proceedings, and
9 petitions; conforming provisions to changes made by the
10 act; repealing s. 110.123(13), F.S., relating to creation
11 and duties of the Florida State Employee Wellness Council;
12 amending s. 120.54, F.S.; requiring a petitioner
13 requesting an administrative hearing to include the
14 petitioner's e-mail address; requiring the request for
15 administrative hearing by a respondent to include the e-
16 mail address of the party's counsel or qualified
17 representative; creating s. 120.585, F.S.; requiring an
18 attorney to use electronic means when filing a document
19 with the Division of Administrative Hearings; encouraging
20 a party not represented by an attorney to file documents
21 whenever possible by electronic means through the
22 division's website; amending s. 216.023, F.S.; requiring
23 each agency head to provide an annual inventory of all
24 wireless devices and expenditures containing specified
25 information; creating s. 282.712, F.S.; providing
26 legislative intent; providing requirements for the use of
27 wireless communication devices by agency employees;
28 providing requirements for the procurement of wireless

29 communication devices and services by agencies; requiring
 30 the agency to conduct an audit of wireless communication
 31 device expenditures; requiring reimbursement of costs
 32 associated with certain personal use of wireless
 33 communication devices by employees; requiring the
 34 department to create, administer, and maintain a
 35 centralized fleet of state-owned motor vehicles; requiring
 36 the department to prepare a plan to centralize the fleet;
 37 requiring the department to submit the plan to the
 38 Governor and the Legislature by a specified date; amending
 39 ss. 440.192 and 440.25, F.S.; providing and revising
 40 procedures for filing petitions for benefits and other
 41 documents in workers' compensation benefits proceedings to
 42 provide for electronic filing and transmission under
 43 certain circumstances; amending ss. 440.29 and 440.45,
 44 F.S.; authorizing the Office of the Judges of Compensation
 45 Claims to adopt rules for certain purposes; providing an
 46 effective date.

47

48 Be It Enacted by the Legislature of the State of Florida:

49

50 Section 1. Subsection (1) of section 20.22, Florida
 51 Statutes, is amended to read:

52 20.22 Department of Management Services.—There is created
 53 a Department of Management Services.

54 (1) The head of the Department of Management Services is
 55 the Governor and Cabinet. The executive director of the
 56 department ~~Secretary of Management Services, who~~ shall be

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57 appointed by the Governor with the approval of each member of
 58 the Cabinet and, subject to confirmation by the Senate, and
 59 shall serve at the pleasure of the Governor and Cabinet.

60 Section 2. Paragraph (b) of subsection (4) of section
 61 57.111, Florida Statutes, is amended to read:

62 57.111 Civil actions and administrative proceedings
 63 initiated by state agencies; attorneys' fees and costs.—

64 (4)

65 (b)1. To apply for an award under this section, the
 66 attorney for the prevailing small business party must submit an
 67 itemized affidavit to the court which first conducted the
 68 adversarial proceeding in the underlying action, or by
 69 electronic means through the division's website to the Division
 70 of Administrative Hearings, which shall assign an administrative
 71 law judge, in the case of a proceeding pursuant to chapter 120,
 72 which affidavit shall reveal the nature and extent of the
 73 services rendered by the attorney as well as the costs incurred
 74 in preparations, motions, hearings, and appeals in the
 75 proceeding.

76 2. The application for an award of attorney's fees must be
 77 made within 60 days after the date that the small business party
 78 becomes a prevailing small business party.

79 Section 3. Subsection (13) of section 110.123, Florida
 80 Statutes, is repealed.

81 Section 4. Paragraph (b) of subsection (5) of section
 82 120.54, Florida Statutes, is amended to read:

83 120.54 Rulemaking.—

84 (5) UNIFORM RULES.—

85 (b) The uniform rules of procedure adopted by the
 86 commission pursuant to this subsection shall include, but are
 87 not limited to:

88 1. Uniform rules for the scheduling of public meetings,
 89 hearings, and workshops.

90 2. Uniform rules for use by each state agency that provide
 91 procedures for conducting public meetings, hearings, and
 92 workshops, and for taking evidence, testimony, and argument at
 93 such public meetings, hearings, and workshops, in person and by
 94 means of communications media technology. The rules shall
 95 provide that all evidence, testimony, and argument presented
 96 shall be afforded equal consideration, regardless of the method
 97 of communication. If a public meeting, hearing, or workshop is
 98 to be conducted by means of communications media technology, or
 99 if attendance may be provided by such means, the notice shall so
 100 state. The notice for public meetings, hearings, and workshops
 101 utilizing communications media technology shall state how
 102 persons interested in attending may do so and shall name
 103 locations, if any, where communications media technology
 104 facilities will be available. Nothing in this paragraph shall be
 105 construed to diminish the right to inspect public records under
 106 chapter 119. Limiting points of access to public meetings,
 107 hearings, and workshops subject to the provisions of s. 286.011
 108 to places not normally open to the public shall be presumed to
 109 violate the right of access of the public, and any official
 110 action taken under such circumstances is void and of no effect.
 111 Other laws relating to public meetings, hearings, and workshops,
 112 including penal and remedial provisions, shall apply to public

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113 meetings, hearings, and workshops conducted by means of
 114 communications media technology, and shall be liberally
 115 construed in their application to such public meetings,
 116 hearings, and workshops. As used in this subparagraph,
 117 "communications media technology" means the electronic
 118 transmission of printed matter, audio, full-motion video,
 119 freeze-frame video, compressed video, and digital video by any
 120 method available.

121 3. Uniform rules of procedure for the filing of notice of
 122 protests and formal written protests. The Administration
 123 Commission may prescribe the form and substantive provisions of
 124 a required bond.

125 4. Uniform rules of procedure for the filing of petitions
 126 for administrative hearings pursuant to s. 120.569 or s. 120.57.
 127 Such rules shall require the petition to include:

128 a. The identification of the petitioner, including the
 129 petitioner's e-mail address, if any, for the transmittal of
 130 subsequent documents by electronic means.

131 b. A statement of when and how the petitioner received
 132 notice of the agency's action or proposed action.

133 c. An explanation of how the petitioner's substantial
 134 interests are or will be affected by the action or proposed
 135 action.

136 d. A statement of all material facts disputed by the
 137 petitioner or a statement that there are no disputed facts.

138 e. A statement of the ultimate facts alleged, including a
 139 statement of the specific facts the petitioner contends warrant
 140 reversal or modification of the agency's proposed action.

141 f. A statement of the specific rules or statutes that the
 142 petitioner contends require reversal or modification of the
 143 agency's proposed action, including an explanation of how the
 144 alleged facts relate to the specific rules or statutes.

145 g. A statement of the relief sought by the petitioner,
 146 stating precisely the action petitioner wishes the agency to
 147 take with respect to the proposed action.

148 5. Uniform rules for the filing of request for
 149 administrative hearing by a respondent in agency enforcement and
 150 disciplinary actions. Such rules shall require a request to
 151 include:

152 a. The name, address, e-mail address, and telephone number
 153 of the party making the request and the name, address, e-mail
 154 address, and telephone number of the party's counsel or
 155 qualified representative upon whom service of pleadings and
 156 other papers shall be made;

157 b. A statement that the respondent is requesting an
 158 administrative hearing and disputes the material facts alleged
 159 by the petitioner, in which case the respondent shall identify
 160 those material facts that are in dispute, or that the respondent
 161 is requesting an administrative hearing and does not dispute the
 162 material facts alleged by the petitioner; and

163 c. A reference by file number to the administrative
 164 complaint that the party has received from the agency and the
 165 date on which the agency pleading was received.

166
 167 The agency may provide an election-of-rights form for the
 168 respondent's use in requesting a hearing, so long as any form

169 provided by the agency calls for the information in sub-
 170 subparagraphs a. through c. and does not impose any additional
 171 requirements on a respondent in order to request a hearing,
 172 unless such requirements are specifically authorized by law.

173 6. Uniform rules of procedure for the filing and prompt
 174 disposition of petitions for declaratory statements. The rules
 175 shall also describe the contents of the notices that must be
 176 published in the Florida Administrative Weekly under s. 120.565,
 177 including any applicable time limit for the filing of petitions
 178 to intervene or petitions for administrative hearing by persons
 179 whose substantial interests may be affected.

180 7. Provision of a method by which each agency head shall
 181 provide a description of the agency's organization and general
 182 course of its operations. The rules shall require that the
 183 statement concerning the agency's organization and operations be
 184 published on the agency's website.

185 8. Uniform rules establishing procedures for granting or
 186 denying petitions for variances and waivers pursuant to s.
 187 120.542.

188 Section 5. Paragraphs (c) and (d) of subsection (1) of
 189 section 120.56, Florida Statutes, are amended to read:

190 120.56 Challenges to rules.—

191 (1) GENERAL PROCEDURES FOR CHALLENGING THE VALIDITY OF A
 192 RULE OR A PROPOSED RULE.—

193 (c) The petition shall be filed by electronic means with
 194 the division, which shall, immediately upon filing, forward by
 195 electronic means copies to the agency whose rule is challenged,
 196 the Department of State, and the committee. Within 10 days after

197 receiving the petition, the division director shall, if the
 198 petition complies with the requirements of paragraph (b), assign
 199 an administrative law judge who shall conduct a hearing within
 200 30 days thereafter, unless the petition is withdrawn or a
 201 continuance is granted by agreement of the parties or for good
 202 cause shown. Evidence of good cause includes, but is not limited
 203 to, written notice of an agency's decision to modify or withdraw
 204 the proposed rule or a written notice from the chair of the
 205 committee stating that the committee will consider an objection
 206 to the rule at its next scheduled meeting. The failure of an
 207 agency to follow the applicable rulemaking procedures or
 208 requirements set forth in this chapter shall be presumed to be
 209 material; however, the agency may rebut this presumption by
 210 showing that the substantial interests of the petitioner and the
 211 fairness of the proceedings have not been impaired.

212 (d) Within 30 days after the hearing, the administrative
 213 law judge shall render a decision and state the reasons therefor
 214 in writing. The division shall forthwith transmit by electronic
 215 means copies of the administrative law judge's decision to the
 216 agency, the Department of State, and the committee.

217 Section 6. Paragraph (a) of subsection (2) of section
 218 120.569, Florida Statutes, is amended to read:

219 120.569 Decisions which affect substantial interests.—

220 (2) (a) Except for any proceeding conducted as prescribed
 221 in s. 120.56, a petition or request for a hearing under this
 222 section shall be filed with the agency. If the agency requests
 223 an administrative law judge from the division, it shall so
 224 notify the division by electronic means through the division's

225 website within 15 days after receipt of the petition or request.
 226 A request for a hearing shall be granted or denied within 15
 227 days after receipt. On the request of any agency, the division
 228 shall assign an administrative law judge with due regard to the
 229 expertise required for the particular matter. The referring
 230 agency shall take no further action with respect to a proceeding
 231 under s. 120.57(1), except as a party litigant, as long as the
 232 division has jurisdiction over the proceeding under s.
 233 120.57(1). Any party may request the disqualification of the
 234 administrative law judge by filing an affidavit with the
 235 division prior to the taking of evidence at a hearing, stating
 236 the grounds with particularity.

237 Section 7. Paragraph (d) of subsection (3) of section
 238 120.57, Florida Statutes, is amended to read:

239 120.57 Additional procedures for particular cases.—

240 (3) ADDITIONAL PROCEDURES APPLICABLE TO PROTESTS TO
 241 CONTRACT SOLICITATION OR AWARD.—Agencies subject to this chapter
 242 shall use the uniform rules of procedure, which provide
 243 procedures for the resolution of protests arising from the
 244 contract solicitation or award process. Such rules shall at
 245 least provide that:

246 (d)1. The agency shall provide an opportunity to resolve
 247 the protest by mutual agreement between the parties within 7
 248 days, excluding Saturdays, Sundays, and state holidays, after
 249 receipt of a formal written protest.

250 2. If the subject of a protest is not resolved by mutual
 251 agreement within 7 days, excluding Saturdays, Sundays, and state
 252 holidays, after receipt of the formal written protest, and if

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253 there is no disputed issue of material fact, an informal
 254 proceeding shall be conducted pursuant to subsection (2) and
 255 applicable agency rules before a person whose qualifications
 256 have been prescribed by rules of the agency.

257 3. If the subject of a protest is not resolved by mutual
 258 agreement within 7 days, excluding Saturdays, Sundays, and state
 259 holidays, after receipt of the formal written protest, and if
 260 there is a disputed issue of material fact, the agency shall
 261 refer the protest to the division by electronic means through
 262 the division's website for proceedings under subsection (1).

263 Section 8. Section 120.585, Florida Statutes, is created
 264 to read:

265 120.585 Electronic filing.—Any document filed with the
 266 division by a party represented by an attorney must be filed by
 267 electronic means through the division's website. Any document
 268 filed with the division by a party who is not represented by an
 269 attorney shall, whenever possible, be filed by electronic means
 270 through the division's website.

271 Section 9. Subsections (6) through (9) of section 216.023,
 272 Florida Statutes, are renumbered as subsections (7) through
 273 (10), respectively, and a new subsection (6) is added to that
 274 section to read:

275 216.023 Legislative budget requests to be furnished to
 276 Legislature by agencies.—

277 (6) As part of the legislative budget request, the head of
 278 each agency shall include an annual inventory of all wireless
 279 devices and expenditures, including the number of wireless
 280 devices by type, expenditures by type of device, total

281 expenditures, a list of job classifications assigned a wireless
 282 device, and the steps taken to contain costs.

283 Section 10. Section 282.712, Florida Statutes, is created
 284 to read:

285 282.712 Statewide wireless communication utilization.-

286 (1) It is the intent of the Legislature that the
 287 expenditure of public funds on wireless communication devices
 288 shall be prohibited except as provided in this section.

289 (2) Agencies shall limit assignment and use of cellular
 290 telephones, personal digital assistants, and other wireless
 291 communication devices to only those employees who, as part of
 292 their official assigned duties, routinely must:

293 (a) Be immediately available to citizens, supervisors, or
 294 subordinates;

295 (b) Be available to respond to emergency situations;

296 (c) Be available to receive calls outside of regular
 297 working hours;

298 (d) Have access to the technology in order to productively
 299 perform job duties in the field; or

300 (e) Have limited or no access to a standard phone, or have
 301 no ability to use a personal cell phone, if needed.

302 (3) Agencies shall procure wireless communication devices
 303 and services using a state term contract or Suncom services
 304 unless otherwise approved by the Department of Management
 305 Services. In seeking approval to use another procurement method,
 306 agencies shall provide a side-by-side comparison of costs for
 307 the state term contract, the mechanisms otherwise requested to
 308 be used by the agency, and the reasons for deviating from the

309 state term contract or Suncom services. The department shall
 310 approve such requests only upon a finding that the cost-benefit
 311 analysis supports the use of another procurement method.

312 (4) Agencies shall audit wireless communication device
 313 expenditures to confirm that costs are associated with business
 314 purposes. Any costs associated with personal use of a wireless
 315 communication device by an employee shall be reimbursed to the
 316 agency by that employee.

317 Section 11. Centralized fleet management.—

318 (1) The Department of Management Services is directed to
 319 create, administer, and maintain a centralized fleet of state-
 320 owned motor vehicles.

321 (2) The department shall prepare a plan to centralize all
 322 state-owned motor vehicles that provides a method for:

323 (a) Assigning and administering motor vehicles to state
 324 agencies and employees.

325 (b) Managing a fleet of motor vehicles for short-term use.

326 (c) Charging state agencies for the use of a motor
 327 vehicle, including costs associated with vehicle replacement and
 328 operating costs.

329 (d) Purchasing motor vehicles necessary for the operation
 330 of the centralized fleet.

331 (e) Repairing and maintaining motor vehicles.

332 (f) Monitoring the use of motor vehicles and enforcing
 333 regulations regarding proper use.

334 (g) Maintaining records related to the operation and
 335 maintenance of motor vehicles and the administration of the
 336 fleet.

337 (h) Disposing of motor vehicles that are no longer
 338 necessary to maintain the fleet or for vehicles that are not
 339 used effectively as to establish motor cost savings.

340 (i) Determining when it would be cost-efficient to lease a
 341 motor vehicle from a third-party vendor instead of using a
 342 state-owned vehicle.

343 (2) In developing the plan, the department shall evaluate
 344 the costs and benefits of operating a centralized motor vehicle
 345 fleet compared to the costs and benefits of contracting with a
 346 third-party vendor for the operation of a centralized motor
 347 vehicle fleet.

348 (3) By November 1, 2010, the department shall submit the
 349 plan to the President of the Senate, the Speaker of the House of
 350 Representatives, and the Governor and Cabinet.

351 Section 12. Subsections (1) and (8) of section 440.192,
 352 Florida Statutes, are amended to read:

353 440.192 Procedure for resolving benefit disputes.—

354 (1) Any employee may, for any benefit that is ripe, due,
 355 and owing, ~~file by certified mail, or by electronic means~~
 356 ~~approved by the Deputy Chief Judge,~~ with the Office of the
 357 Judges of Compensation Claims a petition for benefits which
 358 meets the requirements of this section and the definition of
 359 specificity in s. 440.02. An employee represented by an attorney
 360 shall file by electronic means approved by the Deputy Chief
 361 Judge. An employee not represented by an attorney may file by
 362 certified mail or by electronic means approved by the Deputy
 363 Chief Judge. The department shall inform employees of the
 364 location of the Office of the Judges of Compensation Claims and

365 the office's website address for purposes of filing a petition
 366 for benefits. The employee shall also serve copies of the
 367 petition for benefits by certified mail, or by electronic means
 368 approved by the Deputy Chief Judge, upon the employer and the
 369 employer's carrier. The Deputy Chief Judge shall refer the
 370 petitions to the judges of compensation claims.

371 (8) Within 14 days after receipt of a petition for
 372 benefits by certified mail or by approved electronic means, the
 373 carrier must either pay the requested benefits without prejudice
 374 to its right to deny within 120 days from receipt of the
 375 petition or file a response to petition with the Office of the
 376 Judges of Compensation Claims. The response shall be filed by
 377 electronic means approved by the Deputy Chief Judge. The carrier
 378 must list all benefits requested but not paid and explain its
 379 justification for nonpayment in the response to petition. A
 380 carrier that does not deny compensability in accordance with s.
 381 440.20(4) is deemed to have accepted the employee's injuries as
 382 compensable, unless it can establish material facts relevant to
 383 the issue of compensability that could not have been discovered
 384 through reasonable investigation within the 120-day period. The
 385 carrier shall provide copies of the response to the filing
 386 party, employer, and claimant by certified mail or by electronic
 387 means approved by the Deputy Chief Judge.

388 Section 13. Subsection (1) and paragraphs (a), (c), and
 389 (e) of subsection (4) of section 440.25, Florida Statutes, are
 390 amended to read:

391 440.25 Procedures for mediation and hearings.—

392 (1) Forty days after a petition for benefits is filed

393 | under s. 440.192, the judge of compensation claims shall notify
 394 | the interested parties by order that a mediation conference
 395 | concerning such petition has been scheduled unless the parties
 396 | have notified the judge of compensation claims that a private
 397 | mediation has been held or is scheduled to be held. A mediation,
 398 | whether private or public, shall be held within 130 days after
 399 | the filing of the petition. Such order must give the date the
 400 | mediation conference is to be held. Such order may be served
 401 | personally upon the interested parties or may be sent to the
 402 | interested parties by mail or by electronic means approved by
 403 | the Deputy Chief Judge. If multiple petitions are pending, or if
 404 | additional petitions are filed after the scheduling of a
 405 | mediation, the judge of compensation claims shall consolidate
 406 | all petitions into one mediation. The claimant or the adjuster
 407 | of the employer or carrier may, at the mediator's discretion,
 408 | attend the mediation conference by telephone or, if agreed to by
 409 | the parties, other electronic means. A continuance may be
 410 | granted upon the agreement of the parties or if the requesting
 411 | party demonstrates to the judge of compensation claims that the
 412 | reason for requesting the continuance arises from circumstances
 413 | beyond the party's control. Any order granting a continuance
 414 | must set forth the date of the rescheduled mediation conference.
 415 | A mediation conference may not be used solely for the purpose of
 416 | mediating attorney's fees.

417 | (4)(a) If the parties fail to agree to written submission
 418 | of pretrial stipulations, the judge of compensation claims shall
 419 | conduct a live pretrial hearing. The judge of compensation
 420 | claims shall give the interested parties at least 14 days'

421 advance notice of the pretrial hearing by mail or by electronic
 422 means approved by the Deputy Chief Judge.

423 (c) The judge of compensation claims shall give the
 424 interested parties at least 14 days' advance notice of the final
 425 hearing, served upon the interested parties by mail or by
 426 electronic means approved by the Deputy Chief Judge.

427 (e) The order making an award or rejecting the claim,
 428 referred to in this chapter as a "compensation order," shall set
 429 forth the findings of ultimate facts and the mandate; and the
 430 order need not include any other reason or justification for
 431 such mandate. The compensation order shall be filed in the
 432 Office of the Judges of Compensation Claims at Tallahassee. A
 433 copy of such compensation order shall be sent by mail or by
 434 electronic means approved by the Deputy Chief Judge to the
 435 ~~parties and~~ attorneys of record and any parties not represented
 436 by an attorney at the last known address of each, with the date
 437 of mailing noted thereon.

438 Section 14. Subsection (3) of section 440.29, Florida
 439 Statutes, is amended to read:

440 440.29 Procedure before the judge of compensation claims.—

441 (3) The practice and procedure before the judges of
 442 compensation claims shall be governed by rules adopted by the
 443 Office of the Judges of Compensation Claims ~~Supreme Court~~,
 444 except to the extent that such rules conflict with the
 445 provisions of this chapter.

446 Section 15. Subsection (4) of section 440.45, Florida
 447 Statutes, is amended to read:

448 440.45 Office of the Judges of Compensation Claims.—

449 (4) The Office of the Judges of Compensation Claims shall
 450 adopt rules to effectuate ~~effect~~ the purposes of this section.
 451 Such rules shall include procedural rules applicable to workers'
 452 compensation claim resolution, including rules requiring
 453 electronic filing and service where deemed appropriate by the
 454 Deputy Chief Judge, and uniform criteria for measuring the
 455 performance of the office, including, but not limited to, the
 456 number of cases assigned and resolved ~~disposed~~, the age of
 457 pending and resolved ~~disposed~~ cases, timeliness of decisions
 458 ~~decisionmaking~~, extraordinary fee awards, and other data
 459 necessary for the judicial nominating commission to review the
 460 performance of judges as required in paragraph (2) (c). ~~The~~
 461 ~~workers' compensation rules of procedure approved by the Supreme~~
 462 ~~Court apply until the rules adopted by the Office of the Judges~~
 463 ~~of Compensation Claims pursuant to this section become~~
 464 ~~effective.~~

465 Section 16. Subsection (1) of section 552.40, Florida
 466 Statutes, is amended to read:

467 552.40 Administrative remedy for alleged damage due to the
 468 use of explosives in connection with construction materials
 469 mining activities.—

470 (1) A person may initiate an administrative proceeding to
 471 recover damages resulting from the use of explosives in
 472 connection with construction materials mining activities by
 473 filing a petition with the Division of Administrative Hearings
 474 by electronic means through the division's website on a form
 475 provided by it and accompanied by a filing fee of \$100 within
 476 180 days after the occurrence of the alleged damage. If the

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477 petitioner submits an affidavit stating that the petitioner's
 478 annual income is less than 150 percent of the applicable federal
 479 poverty guideline published in the Federal Register by the
 480 United States Department of Health and Human Services, the \$100
 481 filing fee must be waived.

482 Section 17. Paragraph (b) of subsection (4) of section
 483 553.73, Florida Statutes, is amended to read:

484 553.73 Florida Building Code.—

485 (4)

486 (b) Local governments may, subject to the limitations of
 487 this section, adopt amendments to the technical provisions of
 488 the Florida Building Code which apply solely within the
 489 jurisdiction of such government and which provide for more
 490 stringent requirements than those specified in the Florida
 491 Building Code, not more than once every 6 months. A local
 492 government may adopt technical amendments that address local
 493 needs if:

494 1. The local governing body determines, following a public
 495 hearing which has been advertised in a newspaper of general
 496 circulation at least 10 days before the hearing, that there is a
 497 need to strengthen the requirements of the Florida Building
 498 Code. The determination must be based upon a review of local
 499 conditions by the local governing body, which review
 500 demonstrates by evidence or data that the geographical
 501 jurisdiction governed by the local governing body exhibits a
 502 local need to strengthen the Florida Building Code beyond the
 503 needs or regional variation addressed by the Florida Building
 504 Code, that the local need is addressed by the proposed local

505 amendment, and that the amendment is no more stringent than
 506 necessary to address the local need.

507 2. Such additional requirements are not discriminatory
 508 against materials, products, or construction techniques of
 509 demonstrated capabilities.

510 3. Such additional requirements may not introduce a new
 511 subject not addressed in the Florida Building Code.

512 4. The enforcing agency shall make readily available, in a
 513 usable format, all amendments adopted pursuant to this section.

514 5. Any amendment to the Florida Building Code shall be
 515 transmitted within 30 days by the adopting local government to
 516 the commission. The commission shall maintain copies of all such
 517 amendments in a format that is usable and obtainable by the
 518 public. Local technical amendments shall not become effective
 519 until 30 days after the amendment has been received and
 520 published by the commission.

521 6. Any amendment to the Florida Building Code adopted by a
 522 local government pursuant to this paragraph shall be effective
 523 only until the adoption by the commission of the new edition of
 524 the Florida Building Code every third year. At such time, the
 525 commission shall review such amendment for consistency with the
 526 criteria in paragraph (8)(a) and adopt such amendment as part of
 527 the Florida Building Code or rescind the amendment. The
 528 commission shall immediately notify the respective local
 529 government of the rescission of any amendment. After receiving
 530 such notice, the respective local government may readopt the
 531 rescinded amendment pursuant to the provisions of this
 532 paragraph.

533 7. Each county and municipality desiring to make local
 534 technical amendments to the Florida Building Code shall by
 535 interlocal agreement establish a countywide compliance review
 536 board to review any amendment to the Florida Building Code,
 537 adopted by a local government within the county pursuant to this
 538 paragraph, that is challenged by any substantially affected
 539 party for purposes of determining the amendment's compliance
 540 with this paragraph. If challenged, the local technical
 541 amendments shall not become effective until time for filing an
 542 appeal pursuant to subparagraph 8. has expired or, if there is
 543 an appeal, until the commission issues its final order
 544 determining the adopted amendment is in compliance with this
 545 subsection.

546 8. If the compliance review board determines such
 547 amendment is not in compliance with this paragraph, the
 548 compliance review board shall notify such local government of
 549 the noncompliance and that the amendment is invalid and
 550 unenforceable until the local government corrects the amendment
 551 to bring it into compliance. The local government may appeal the
 552 decision of the compliance review board to the commission. If
 553 the compliance review board determines such amendment to be in
 554 compliance with this paragraph, any substantially affected party
 555 may appeal such determination to the commission. Any such appeal
 556 shall be filed with the commission within 14 days of the board's
 557 written determination. The commission shall promptly refer the
 558 appeal to the Division of Administrative Hearings by electronic
 559 means through the division's website for the assignment of an
 560 administrative law judge. The administrative law judge shall

561 | conduct the required hearing within 30 days, and shall enter a
 562 | recommended order within 30 days of the conclusion of such
 563 | hearing. The commission shall enter a final order within 30 days
 564 | thereafter. The provisions of chapter 120 and the uniform rules
 565 | of procedure shall apply to such proceedings. The local
 566 | government adopting the amendment that is subject to challenge
 567 | has the burden of proving that the amendment complies with this
 568 | paragraph in proceedings before the compliance review board and
 569 | the commission, as applicable. Actions of the commission are
 570 | subject to judicial review pursuant to s. 120.68. The compliance
 571 | review board shall determine whether its decisions apply to a
 572 | respective local jurisdiction or apply countywide.

573 | 9. An amendment adopted under this paragraph shall include
 574 | a fiscal impact statement which documents the costs and benefits
 575 | of the proposed amendment. Criteria for the fiscal impact
 576 | statement shall include the impact to local government relative
 577 | to enforcement, the impact to property and building owners, as
 578 | well as to industry, relative to the cost of compliance. The
 579 | fiscal impact statement may not be used as a basis for
 580 | challenging the amendment for compliance.

581 | 10. In addition to subparagraphs 7. and 9., the commission
 582 | may review any amendments adopted pursuant to this subsection
 583 | and make nonbinding recommendations related to compliance of
 584 | such amendments with this subsection.

585 | Section 18. Paragraph (b) of subsection (4) of section
 586 | 961.03, Florida Statutes, is amended to read:

587 | 961.03 Determination of status as a wrongfully
 588 | incarcerated person; determination of eligibility for

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589 compensation.—

590 (4)

591 (b) If the prosecuting authority responds as set forth in
 592 paragraph (2) (b), and the court determines that the petitioner
 593 is eligible under the provisions of s. 961.04, but the
 594 prosecuting authority contests the nature, significance or
 595 effect of the evidence of actual innocence, or the facts related
 596 to the petitioner's alleged wrongful incarceration, the court
 597 shall set forth its findings and transfer the petition by
 598 electronic means through the division's website to the division
 599 for findings of fact and a recommended determination of whether
 600 the petitioner has established that he or she is a wrongfully
 601 incarcerated person who is eligible for compensation under this
 602 act.

603 Section 19. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7169 PCB GAP 10-30 State-owned Real Property
SPONSOR(S): Governmental Affairs Policy Committee and Schenck
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Governmental Affairs Policy Committee	11 Y, 0 N	Tait	Williamson
1)	Economic Development & Community Affairs Policy Council		Tait <i>MT</i>	Tinker <i>TBT</i>
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

During the regular 2009 session, the Florida Legislature directed the Department of Management Services (DMS) to create, administer and maintain a comprehensive database of all state-owned real property and directed the agency to create a plan to compile the information necessary.

Through its research, DMS found that independent legislation over the last three decades has led to disparate public land databases—creating redundancy, as well as gaps in information. In February 2010, DMS and the Department of Environmental Protection (DEP) recommended to the Legislature that leveraging an existing DEP property database, the Land Information Tracking System, would provide the best option for creating a comprehensive database of all state-owned real property.

To implement a comprehensive database of state-owned real property, the bill makes several changes in consideration of the proposal submitted by DMS, DEP and the Department of Revenue (DOR). The bill requires DEP to maintain a comprehensive database of all state-owned real property and to ensure the database is available to the public in an electronic format. The bill creates new requirements for DMS and DOR to supply data to the comprehensive database.

The bill eliminates the requirement for DEP to maintain two current databases: the Public Lands Inventory and the Florida Statewide Public Lands Inventory. Both of these databases contain information that will be available in the comprehensive database.

The Department of Environmental Protection estimates that the creation of a comprehensive database will save approximately \$100,000 annually through the elimination of redundant databases. Additional revenues could be realized in the future through any surplus sales. DEP and DMS plan to share in costs associated with design and development of the comprehensive database through current fiscal resources. The total estimated cost to consolidate systems is estimated at \$643,500.

There may be minimal administrative costs associated with a new annual requirement for local governments to provide annual property information to local property appraisers. In addition, property appraisers will see an increase in workload due to changes in this bill that require a physical inspection of state-owned property at the request of the owner.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

During the regular 2009 session, the Florida Legislature directed the Department of Management Services (DMS or department) to create, administer and maintain a comprehensive database of all state-owned real property and directed the agency to create a plan to compile the information necessary.¹ The agency submitted the plan to the House, Senate and Governor in January 2010, with a subsequent addendum in February 2010.

Through its research, the department found that independent legislation over the last three decades has led to disparate public land databases—creating redundancy, as well as gaps in information. There are several statewide databases for state-owned land including:

- The Department of Environmental Protection (DEP) Public Lands Inventory – a database of all public lands containing more than 67,000 state-owned parcels.
- The DEP Florida Statewide Public Lands Inventory – a database of all public lands captured directly from county property appraisers.
- The DEP Board of Trustees Land Document System – a listing of state-owned lands owned by the Board of Trustees.
- The DEP Lands Information Tracking System (LITS) – currently under development, this database will contain funding, data, and mapping information related to lands acquired from Florida Preservation 2000 or Florida Forever.
- The Department of Revenue Tax Rolls – an inventory of all private and public lands provided by county property appraisers to ensure counties meet minimum assessment standards.
- The DMS State Facilities Inventory – includes condition information on more than 3,800 state-owned buildings.
- The Department of Financial Services Risk Management Database – includes more than 20,000 state-owned buildings and structures for insurance assessments.²

In its final report to the Legislature, the Department of Management Services outlined three options for meeting the requirements outlined by the 2009 Florida Legislature:

- 1) Outsource the implementation and management of the state-owned real property database;

¹ Chapter 2009-77, L.O.F. (SB 1804)

² Senate Bill 1804: Final Report to the Legislature, Plan for a Comprehensive Database for State-owned Real Property, Department of Management Services, January, 4, 2010.

- 2) Develop a new database in DMS that meets requirements set forth in law; or
- 3) Create a new database in DMS or DEP that consolidates existing databases to meet the requirements in law.

In February 2010, DMS and DEP recommended to the Legislature that leveraging an existing DEP property database, LITS, would provide the best option for creating a database of all state-owned real property. The comprehensive database would provide the opportunity to retire two existing DEP systems in the near future and could be accomplished within currently allocated resources.

Effect of Bill

To implement a comprehensive database of state-owned real property, the bill makes several changes in consideration of the proposal from DMS, DEP and the Department of Revenue.

The bill requires DEP to maintain a comprehensive database of all state-owned real property and ensure the database is available to the public in an electronic format. The database must be completed by March 31, 2011.

The bill requires DMS to maintain certain facility inventory data: including valuations, operating costs, building use, full-time equivalency occupancy, known restrictions or historic designations, and leases or subleases and associated revenues. The bill instructs DMS to use the facility data to conduct strategic analyses, including candidates for surplus sale. The bill requires owning or operating agencies to submit the proscribed information to the department beginning July 1, 2011 and each July 1 thereafter. The bill directs DMS to provide facility data and analysis for the comprehensive database.

The bill authorizes the Department of Revenue to share confidential tax roll data with DEP. The information will be used to assist in the identification and confirmation of publicly-held lands. Any lands held by the state, a state agency, or a water management district, that are not deemed essential or necessary for conservation purposes, must be considered for review for surplus sale.

The bill modifies the deadline for the Board of Trustees to provide a list of real property owned to each state agency, local government, or other public entity from December 31 to November 30 each year. The bill modifies the deadline for each agency or public entity to notify the local property appraiser of any corrections to the list received by the Board of Trustees from March 31 to January 31 each year. These changes will ensure the database is current and up-to-date at the beginning of each Legislative Session.

The bill eliminates the requirement for DEP to maintain two current databases—the Public Lands Inventory and the Florida Statewide Public Lands Inventory. Both of these databases contain information that will be available in the comprehensive database.

The bill creates a new requirement for property appraisers to physically inspect any state-owned land at the request of the owner.

B. SECTION DIRECTORY:

Section 1. Makes legislative findings.

Section 2. Amends section 193.023, F.S., to require property appraisers to inspect any parcel of state-owned real property on request of the owner.

Section 3. Amends section 193.085, F.S., to clarify that local governments shall annually notify property appraisers of any and all real property.

Section 4. Amends section 213.053, F.S., to provide the Department of Revenue with the ability to share confidential information with DEP.

Section 5. Amends section 216.0152, F.S., to require DMS to maintain certain inventory data.

Section 6. Amends section 253.03, F.S., to require DEP to maintain a comprehensive database of all state-owned real property.

Section 7. Amends section 253.034, F.S., to eliminate duplicative databases.

Section 8. Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

After the comprehensive database is realized, the Department of Environmental Protection estimates it will save approximately \$100,000 annually through the elimination of redundant databases. Additional revenues could be realized in the future through any surplus sales.

2. Expenditures:

The Department of Environmental Protection and the Department of Management Services plan to share in costs associated with design and development of the comprehensive database through current fiscal resources. The total estimated cost to consolidate systems is estimated at \$643,500.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may be minimal administrative costs associated with a new annual requirement for local governments to provide annual property information to local property appraisers. In addition, property appraisers will see an increase in workload due to changes in this bill that require a physical inspection of state-owned property at the request of the owner.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandate provision appears to apply because the bill requires counties or municipalities to take an action requiring the expenditure of funds; however, an exemption applies because the mandate would have an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

None.

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29 local lands; deleting inventory requirements; providing an
 30 effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. The Legislature finds that the management of
 35 state-owned real property requires a comprehensive integrated
 36 inventory system to support decisionmaking processes, including,
 37 but not limited to, dispositions. This comprehensive database
 38 will serve as the authoritative inventory repository for state-
 39 owned facilities and publicly owned lands data that is collected
 40 through various agency operations in disparate systems. The
 41 comprehensive database must provide agencies owning property,
 42 the public, and state policy makers with ready access to an
 43 integrated view of collected information and, wherever
 44 operationally feasible and cost effective, replace any
 45 duplicative state property databases. The initial objective for
 46 the database is establishing an integrated inventory of the
 47 state-owned real property data from the Department of
 48 Environmental Protection, the Department of Management Services,
 49 and the Department of Revenue and to collect operating costs and
 50 occupancy data from state agencies, while considering future
 51 developments to include leased lands and facilities data used by
 52 the Department of Financial Services and the Department of
 53 Management Services. The new database must optimize the use of
 54 existing data collection processes and minimize imposing new
 55 collection and reporting requirements where adequate existing
 56 data sources are available and must incorporate interfaces for

57 tax roll data collected under statutory authorities by the
 58 Department of Revenue from the county property appraisers and
 59 other sources. The Legislature therefore intends to promote the
 60 development, maintenance, and use of the database through a
 61 coordinated interagency effort that leverages existing resources
 62 and processes to minimize costs and impacts on agencies owning
 63 property and county property appraisers.

64 Section 2. Subsection (2) of section 193.023, Florida
 65 Statutes, is amended to read:

66 193.023 Duties of the property appraiser in making
 67 assessments.—

68 (2) In making his or her assessment of the value of real
 69 property, the property appraiser is required to physically
 70 inspect the property at least once every 5 years. Where
 71 geographically suitable, and at the discretion of the property
 72 appraiser, the property appraiser may use image technology in
 73 lieu of physical inspection to ensure that the tax roll meets
 74 all the requirements of law. The Department of Revenue shall
 75 establish minimum standards for the use of image technology
 76 consistent with standards developed by professionally recognized
 77 sources for mass appraisal of real property. However, the
 78 property appraiser shall physically inspect any parcel of
 79 taxable or state-owned real property upon the request of the
 80 taxpayer or owner.

81 Section 3. Paragraph (a) of subsection (3) of section
 82 193.085, Florida Statutes, is amended to read:

83 193.085 Listing all property.—

84 (3) (a) ~~The department will coordinate with all other~~

85 ~~departments of state government to ensure that the several~~
 86 ~~property appraisers are properly notified annually of state~~
 87 ~~ownership of real property. The department shall promulgate~~
 88 ~~regulations to ensure that~~ All forms of local government,
 89 special taxing districts, multicounty districts, and
 90 municipalities must provide each year written notification to
 91 ~~properly notify annually the several~~ property appraisers of any
 92 and all real property owned by any of them so that ownership of
 93 all such property will be properly listed.

94 Section 4. Paragraph (z) is added to subsection (8) of
 95 section 213.053, Florida Statutes, to read:

96 213.053 Confidentiality and information sharing.-

97 (8) Notwithstanding any other provision of this section,
 98 the department may provide:

99 (z) Information relative to ss. 253.03(8) and 253.0325 to
 100 the Department of Environmental Protection in the conduct of its
 101 official business.

102
 103 Disclosure of information under this subsection shall be
 104 pursuant to a written agreement between the executive director
 105 and the agency. Such agencies, governmental or nongovernmental,
 106 shall be bound by the same requirements of confidentiality as
 107 the Department of Revenue. Breach of confidentiality is a
 108 misdemeanor of the first degree, punishable as provided by s.
 109 775.082 or s. 775.083.

110 Section 5. Subsections (1) and (2) of section 216.0152,
 111 Florida Statutes, are amended to read:

112 216.0152 Inventory of state-owned facilities or state-

113 occupied facilities.-

114 . (1) The Department of Management Services shall develop
 115 and maintain an automated inventory of all facilities owned,
 116 leased, rented, or otherwise occupied or maintained by any
 117 agency of the state or by the judicial branch, ~~except those with~~
 118 ~~less than 3,000 square feet.~~ The inventory data shall be
 119 provided by the owning or operating agency and shall include the
 120 location, occupying agency, ownership, size, condition
 121 assessment, valuations, operating costs, maintenance record,
 122 age, parking and employee facilities, building use, full-time
 123 equivalent occupancy, known restrictions or historic
 124 designations including conservation land status, leases or
 125 subleases and associated revenues, and other information as
 126 required by the department. The department shall use such data
 127 for determining maintenance needs, conducting strategic
 128 analyses, including, but not limited to, candidates for surplus,
 129 and life-cycle cost evaluations of the facility. Beginning July
 130 1, 2011, and each July 1 thereafter, inventory information shall
 131 be provided to the department by the owning or operating agency
 132 in a format prescribed by the department. The inventory need not
 133 include a condition assessment or maintenance record of
 134 facilities not owned by a state agency or by the judicial
 135 branch. The term "facility," as used in this section, means
 136 buildings, structures, and building systems, but does not
 137 include transportation facilities of the state transportation
 138 system. The Department of Transportation shall develop and
 139 maintain an inventory of transportation facilities of the state
 140 transportation system. The Board of Governors of the State

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141 University System and the Department of Education, respectively,
 142 shall develop and maintain an inventory, in the manner
 143 prescribed by the Department of Management Services, of all
 144 state university and community college facilities and shall make
 145 the data available in a format acceptable to the Department of
 146 Management Services.

147 (2) For purposes of assessing needed repairs and
 148 renovations of facilities, the Department of Management Services
 149 shall update its inventory with condition information for
 150 facilities of 3,000 square feet or more and cause to be updated
 151 the other inventories required by subsection (1) at least once
 152 every 5 years, but the inventories shall record acquisitions of
 153 new facilities and significant changes in existing facilities as
 154 they occur. The Department of Management Services shall provide
 155 each agency and the judicial branch with the most recent
 156 inventory applicable to that agency or to the judicial branch.
 157 Each agency and the judicial branch shall, in the manner
 158 prescribed by the Department of Management Services, report
 159 significant changes in the inventory as they occur. Items
 160 relating to the condition and life-cycle cost of a facility
 161 shall be updated at least every 5 years.

162 Section 6. Subsection (8) of section 253.03, Florida
 163 Statutes, is amended to read:

164 253.03 Board of trustees to administer state lands; lands
 165 enumerated.—

166 (8) (a) The Board of Trustees of the Internal Improvement
 167 Trust Fund shall prepare, using tax roll data provided by the
 168 Department of Revenue as supplied by the counties, an annual

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169 inventory of all publicly owned lands within the state. Such
 170 inventory shall include all lands owned by any unit of state
 171 government or local government; by the Federal Government, to
 172 the greatest extent possible; and by any other public entity.
 173 ~~The board shall submit a summary report of the inventory and a~~
 174 ~~list of major discrepancies between the inventory and the tax~~
 175 ~~roll data to the President of the Senate and the Speaker of the~~
 176 ~~House of Representatives on or before March 1 of each year.~~

177 (b) The Department of Environmental Protection shall
 178 maintain a comprehensive database of all state-owned real
 179 property. The database shall be available to the public in an
 180 electronic format and be complete and operational by March 31,
 181 2011. The database shall be used by agencies when analyzing
 182 candidates for real property acquisition, use consolidation, or
 183 disposition. The Department of Management Services shall direct
 184 agency entries of facility data and analysis as identified in s.
 185 216.0152(1) for the statewide database.

186 (c)~~(b)~~ In addition to any other parcel data available, the
 187 inventory shall include a legal description or proper reference
 188 thereto, the number of acres or square feet within the
 189 boundaries, and the assessed value of all publicly owned
 190 uplands. To the greatest extent practicable, the legal
 191 description or proper reference thereto and the number of acres
 192 or square feet shall be determined for all publicly owned
 193 submerged lands. For the purposes of this subsection, the term
 194 "submerged lands" means publicly owned lands below the ordinary
 195 high-water mark of fresh waters and below the mean high-water
 196 line of salt waters extending seaward to the outer jurisdiction

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197 of the state. ~~By October 31 of each year, the Department of~~
 198 ~~Revenue shall furnish, in machine-readable form, annual, current~~
 199 ~~tax roll data for public lands to the board to be used in~~
 200 ~~compiling the inventory.~~

201 (d) 1. (e) Beginning September 30, 2011, and each September
 202 30 thereafter, the Department of Revenue shall furnish to the
 203 board, in electronic form, current tax roll data for public
 204 lands to be used in compiling the inventory.

205 2. By November 30 ~~By December 31~~ of each year, the board
 206 shall prepare and provide to each state agency and local
 207 government and any other public entity which holds title to real
 208 property, including any water management district, drainage
 209 district, navigation district, or special taxing district, a
 210 list of the real property owned by such entity, required to be
 211 listed on county assessment rolls, using tax roll data provided
 212 by the Department of Revenue.

213 3. By January ~~March~~ 31 of the following year, each such
 214 entity shall review its list and inform the appropriate property
 215 appraiser of any corrections to the list. The appropriate county
 216 property appraiser ~~Department of Revenue~~ shall provide for
 217 entering such corrections on the appropriate county tax roll.

218 (e) The board shall use tax roll data, which shall be
 219 provided by the Department of Revenue, to assist in the
 220 identification and confirmation of publicly held lands. Lands
 221 held by the state or a water management district and lands
 222 purchased by the state, a state agency, or a water management
 223 district deemed not essential or unnecessary for conservation
 224 purposes shall be subject to review by the board for surplus

225 sale. New data requirements may not be imposed upon property
 226 appraisers solely for the comprehensive database.

227 (f)-(d) Whenever real property is listed on the real
 228 property assessment rolls of the respective counties in the name
 229 of the State of Florida or any of its agencies, the listing
 230 shall not be changed in the absence of a recorded deed executed
 231 by the State of Florida or the state agency in whose name the
 232 property is listed. If, in preparing the assessment rolls, the
 233 ~~several~~ property appraisers within the state become aware of the
 234 existence of a recorded deed not executed by the state and
 235 purporting to convey real property listed on the assessment
 236 rolls as state-owned, the property appraiser shall immediately
 237 forward a copy of the recorded deed to the state agency in whose
 238 name the property is listed.

239 (g) Wherever operationally feasible and cost effective,
 240 when the comprehensive database is available, agencies shall
 241 retire any duplicative state property databases.

242 Section 7. Subsection (8) of section 253.034, Florida
 243 Statutes, is amended to read:

244 253.034 State-owned lands; uses.—

245 (8) (a) ~~Notwithstanding other provisions of this section,~~
 246 ~~the Division of State Lands is directed to prepare a state~~
 247 ~~inventory of all federal lands and all lands titled in the name~~
 248 ~~of the state, a state agency, a water management district, or a~~
 249 ~~local government on a county by county basis. To facilitate the~~
 250 ~~development of the state inventory, each county shall direct the~~
 251 ~~appropriate county office with authority over the information to~~
 252 ~~provide the division with a county inventory of all lands~~

253 ~~identified as federal lands and lands titled in the name of the~~
 254 ~~state, a state agency, a water management district, or a local~~
 255 ~~government.~~ The Legislature recognizes the value of the state's
 256 conservation lands as water recharge areas and air filters and,
 257 in an effort to better understand the scientific underpinnings
 258 of carbon sequestration, carbon capture, and greenhouse gas
 259 mitigation, to inform policymakers and decisionmakers, and to
 260 provide the infrastructure for landowners, the Division of State
 261 Lands shall contract with an organization experienced and
 262 specialized in carbon sinks and emission budgets to conduct an
 263 inventory of all lands that were acquired pursuant to
 264 Preservation 2000 and Florida Forever and that were titled in
 265 the name of the Board of Trustees of the Internal Improvement
 266 Trust Fund. The inventory shall determine the value of carbon
 267 capture and carbon sequestration. Such inventory shall consider
 268 potential carbon offset values of changes in land management
 269 practices, including, but not limited to, replanting of trees,
 270 routine prescribed burns, and land use conversion. Such an
 271 inventory shall be completed and presented to the board of
 272 trustees by July 1, 2009.

273 ~~(b) The state inventory must distinguish between lands~~
 274 ~~purchased by the state or a water management district as part of~~
 275 ~~a core parcel or within original project boundaries, as those~~
 276 ~~terms are used to meet the surplus requirements of subsection~~
 277 ~~(6), and lands purchased by the state, a state agency, or a~~
 278 ~~water management district which are not essential or necessary~~
 279 ~~for conservation purposes.~~

280 ~~(c) In any county having a population of 75,000 or fewer,~~

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281 ~~or a county having a population of 100,000 or fewer which is~~
 282 ~~contiguous to a county having a population of 75,000 or fewer,~~
 283 ~~in which more than 50 percent of the lands within the county~~
 284 ~~boundary are federal lands and lands titled in the name of the~~
 285 ~~state, a state agency, a water management district, or a local~~
 286 ~~government, those lands titled in the name of the state or a~~
 287 ~~state agency which are not essential or necessary to meet~~
 288 ~~conservation purposes may, upon request of a public or private~~
 289 ~~entity, be made available for purchase through the state's~~
 290 ~~surplusing process. Rights of way for existing, proposed, or~~
 291 ~~anticipated transportation facilities are exempt from the~~
 292 ~~requirements of this paragraph. Priority consideration shall be~~
 293 ~~given to buyers, public or private, willing to return the~~
 294 ~~property to productive use so long as the property can be~~
 295 ~~reentered onto the county ad valorem tax roll. Property acquired~~
 296 ~~with matching funds from a local government shall not be made~~
 297 ~~available for purchase without the consent of the local~~
 298 ~~government.~~

299 (b)~~(d)~~ If state-owned lands are subject to annexation
 300 procedures, the Division of State Lands must notify the county
 301 legislative delegation of the county in which the land is
 302 located.

303 Section 8. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 265 Property Taxation
SPONSOR(S): Economic Development & Community Affairs Policy Council
TIED BILLS: IDEN./SIM. BILLS: CS/CS/SB 664

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Economic Development & Community Affairs Policy Council		Fudge <i>FF</i>	Tinker <i>TBT</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Chapter 197, F.S., governs tax collections, sales, and liens.

The bill clarifies that the economic development ad valorem tax exemption authorized by s. 196.1995, F.S., may be renewed for additional 10-year periods upon approval by referendum. The bill also revises ch. 197, F.S., by removing archaic language, removing reference to outdated laws, combining certain sections for consistency, and clarifying definitions. The bill provides specific guidelines for the approval of a homestead tax deferral.

The bill also authorizes the tax collector to establish branch offices to conduct state business or, if authorized to do so by resolution of the county governing body pursuant to s. 1(k), Art. VIII of the State Constitution, conduct county business.

The bill decreases the amount of the opening bid in a tax deed sale of homestead property from one-half of the assessed value to the amount required to redeem the applicant's tax certificate and all other costs and fees paid by the applicant, plus all tax certificates sold subsequent to the filing of the tax deed application and omitted taxes, if any. The bill provides that code enforcement liens survive only as to the amount expended by the governmental entity to correct the code deficiency and the amount of the surviving lien may not include interest, penalties, fines, or attorney's fees.

The bill also increases the minimum amount of a tax certificate from \$100 to \$250; authorizes a 5% interest rate for refunds requested after the 15 day time period; and increases the highest bidder deposit from \$200 to 5% of the bid.

The bill provides legislative intent that property tax collection should be free from the influence or the appearance of influence of the local governments who levy property taxes and receive property tax revenues.

The bill is effective July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Economic Development Ad Valorem Tax Exemption

The board of county commissioners of any county or the governing authority of any municipality may call a referendum to determine whether its respective jurisdiction may grant an economic development tax exemption under s. 3, Art. VII of the State Constitution.¹ Upon a majority favorable vote in a referendum, the governing body of the county or municipality may exempt up to 100 percent of the assessed value of all improvements to real property made by or for the use of a new business and all tangible personal property of such new business, or up to 100 percent of the added improvements to real property and net increases in tangible personal property of an expanding business. Property acquired to replace existing property is not considered a business expansion. The exemption applies only to the taxes levied by the unit of government granting the exemption, and does not apply to taxes levied for the payment of bonds. The exemption remains in effect for up to 10 years for any particular facility, regardless of any change in the authority of the county or municipality to grant the exemption. The authority to grant an exemption expires 10 years after the date it was approved in an election, but such authority may be renewed for another 10-year period by a referendum.

Tax Collections, Sales, and Liens

Chapter 197, F.S., governs tax collections, sales, and liens. Property taxes are due and payable on November 1 of each year or when the certified tax roll is received by the tax collector. Taxes are considered delinquent if they are not paid by April 1 following the year in which they are assessed.² On April 30, the tax collector sends an additional tax notice to taxpayers, whose payment has not been received, notifying the taxpayer that a tax certificate on the property will be sold for delinquent taxes that are not paid in full.³

Tax certificates on property with delinquent taxes are considered up for sale on or before June 1 or 60 days after the date of delinquency.⁴ Unsold tax certificates are issued to the county at the maximum

¹ Section 196.1995, F.S.

² Section 197.333, F.S.

³ Section 197.343, F.S.

⁴ Section 197.432(5), F.S.

interest rate (18%). The Tax certificate acts as a first lien on the property superior to all other liens, but does not convey any property rights.⁵

A tax certificate can be redeemed anytime before a tax deed is issued or the property is placed on the list of lands available for sale either by redeeming a tax certificate from the investor or by purchasing a county held tax certificate. The person redeeming or purchasing the tax certificate is required to pay the investor or county "all taxes, interest, costs, charges, and [any] omitted taxes" and a \$6.25 fee to the tax collector."⁶

A tax certificate holder may apply for a tax deed on the property two years after the tax certificate is issued by filing the certificate with the county tax collector and paying all amounts required to redeem or purchase the certificate, plus interest and any taxes currently due. The property is then placed on the list of lands available for sale and sold to the highest bidder at a public auction held by the clerk of the circuit court.⁷ If property placed on the list of lands available for sale is not sold three years after the public auction, the land escheats to the county in which the property is located free and clear of all liens.⁸ Tax certificates that are not redeemed or for which a tax deed has not been applied for after a period of seven years is considered to be null and void.⁹

Effect of Proposed Changes

Economic Development Ad Valorem Tax Exemption

The bill clarifies that the economic development ad valorem tax exemption authorized by s. 196.1995, F.S., may be renewed for additional 10-year periods if approved by referendum.

Tax Collections, Sales, and Liens

The bill also revises ch. 197, F.S., by removing archaic language, removing reference to outdated laws, combining certain sections for consistency, and clarifying definitions. Some of the noteworthy changes in the bill are:

Mistake of Fact

Current Law

If a material mistake of fact relating to an essential condition of a property is discovered, it is within the property appraiser's discretion whether that mistake is corrected.¹⁰

Proposed Changes

The bill requires the property appraiser to correct the material mistake of fact. The bill clarifies that tax payments also include the payment of interest, fees and any costs due. The sale or conveyance of real property that is being sold for nonpayment of taxes may be held invalid if it was redeemed before the clerk of court received full payment for a tax deed, including all recording fees and documentary stamps.

Uncollectible Personal Property Taxes

Current Law

Current law does not provide procedures when delinquent personal property tax accounts are determined to be uncollectible.

⁵ Section 197.122, F.S., *see also* s. 197.432, F.S.

⁶ Section 197.472, F.S.

⁷ Section 197.542, F.S.,

⁸ Section 197.502(8), F.S.

⁹ Section 197.482, F.S.

¹⁰ § 197.122(3), F.S.

Effect of Proposed Changes

The bill authorizes the tax collector, who determines that a tangible personal property account is uncollectible, to issue a certificate of correction for the current tax roll and any prior tax rolls. The bill also requires the tax collector to notify the property appraiser that an account is invalid when the account is determined to be uncollectible, and the assessment may not be certified for a future tax roll. An uncollectible account includes, but is not limited to: an account on property that was originally assessed but cannot be found to seize and sell for the payment of taxes, and other personal property of the owner for which a tax warrant may be issued.

Corrections resulting in refunds

Current Law

When a correction results in a refund of more than \$400, the tax collector must submit a claim for refund with the department.

Effect of Proposed Changes

The bill increases the threshold amount to \$2,500 before the tax collector must seek approval from the department. The bill also shortens the time a demand for reimbursement can be made because of an erroneous payment, from 24 to 12 months. The minimum amount of refund for overpayment increases from \$5 to \$10 and limits the time period from 4 years to 12 months. Any refund issued after 15 business days bears an interest rate of 5 percent.

Property Tax Deferrals

Current Law

Property tax deferrals for homestead¹¹, recreational and commercial working waterfront¹² and affordable rental housing¹³ properties are contained within separate sections of ch. 197, F.S.

Effect of Proposed Changes

Section 197.2421, F.S., is created and combines the tax deferral provisions for homestead, recreational and commercial working waterfront and affordable rental housing properties. Section 197.2423, F.S., is also created to prescribe the process for determining the approval or denial of a property tax deferral by the tax collector. Section 14 of the bill also provides specific guidelines for the approval of a homestead tax deferral.

Appeal of Denied Tax Deferral

Current Law

Section 197.253, F.S., prescribes the procedure for applying for a homestead tax deferral. The application must be on a form prescribed by the department. The tax collector must consider the application for homestead tax deferral within 30 days of the application. A denial of the tax deferral can be appealed to the value adjustment board. The decision of the value adjustment board may be appealed to the circuit court by a petition for a declaratory judgment or other appropriate proceeding.

Effect of Proposed Changes

The bill moves the application procedure to s. 197.2423, F.S., and provides new time requirements for the process. If the tax collector disapproves a tax deferral he must send notice of the disapproval within 45 days after the application is filed. Section 197.253, F.S., is renumbered to s. 197.2425, F.S., and prescribes the appeal process. The time for appeal increases from 20 days to 30 days after the notice of disapproval is sent to the applicant. An appeal of the value adjustment board decision is by a de novo proceeding for a declaratory judgment or other appropriate proceeding in circuit court.

Deferred Payment Tax Certificates

¹¹ § 197.252, F.S.

¹² § 197.304, F.S.

¹³ § 197.307, F.S.

Current Law

Section 197.262, F.S., requires tax collectors to notify each local governing body of the amount of taxes and non ad-valorem assessments deferred which would otherwise have been collected by the governing body. The interest rate on tax certificates held by counties shall not exceed 9.5 percent.

Effect of Proposed Changes

The bill removes the required notice to local governing bodies and provides that the maximum interest rate on certificates may not exceed 7 percent.

Notice to Taxpayers of Tax Bill

Current Law

The tax collector is required to send by mail to each taxpayer a tax notice stating the amount of current taxes due.

Effect of Proposed Changes

The bill authorizes the tax collector to send such notices electronically, with the express consent of the property owner, or by mail. However, if a notice sent electronically is returned as undeliverable, a second notice may be sent by mail but the original electronic notice is the official mailing. The bill also provides that other notices may be by electronic means and deletes requirements that certain information be provided or stored in the form prescribed by the Department of Revenue.

Branch Offices

Current Law

Article VIII, section 1(k), of the Florida Constitution, requires a resolution of the governing body of the county to establish a branch office for the conduct of county business outside of the county seat.

Effect of Proposed Changes

The bill authorizes the tax collector to establish branch offices to conduct state business or, if authorized to do so by resolution of the county governing body pursuant to s. 1(k), Art. VIII of the State Constitution, conduct county business.

The bill also authorizes the tax collector to perform collection duties through the use of contracted services or products or by electronic means.

Installment Payment Program

Current Law

The tax collector may implement an installment payment program for the payment of delinquent personal property taxes. If implemented, the program must be available to each delinquent personal property taxpayer whose delinquent personal property taxes exceed \$1,000.

Effect of Proposed Changes

The bill deletes the mandatory availability of the program to taxpayers whose delinquent personal property taxes exceed \$1,000 and makes the program available to all delinquent personal property taxpayers.

Tax Certificates on Homestead Property

Current Law

A tax certificate of less than \$100 in delinquent taxes on homestead property cannot be sold at public auction, but must be issued to the county and bear a maximum interest of 18%.¹⁴

Effect of Proposed Changes

¹⁴ § 197.172, F.S.

The bill increases the certificate amount to \$250 and reduces the maximum interest rate to the maximum rate allowed under s. 197.252(4), F.S., which is currently 7%. The bill authorizes the use of proxy bidding for tax certificate sales and the use of a random number generator to determine a winner. This would generally be used for electronic bidding, so that a winning bidder's bid amount would be increased to the next lowest bid amount.

Opening Bid on Homestead Property

Current Law

An opening bid on homestead property must include an amount equal to one-half of the latest assessed value of the homestead. The "assessed value" of homestead property is the fair market value, or "just value," as limited by Save Our Homes.¹⁵

Effect of Proposed Changes

The bill removes the distinction between homestead and nonhomestead property so that the opening bid on all individual certificates is the amount required to redeem the applicant's tax certificate and all other costs and fees paid by the applicant, plus all tax certificates sold subsequent to the filing of the tax deed application and omitted taxes, if any.

Tax Certificates

Current Law

Once a tax deed is issued no right, interest, restriction, or covenant survives except for liens held by municipal or county governmental unit, special district, or community development district.

Effect of Proposed Changes

The bill specifies that only certain described liens survive the issuance of a tax deed. Those include tax certificates not incorporated in the tax deed application, code enforcement liens only to the amount expended by the governmental entity to correct the code deficiency and cannot include interest, penalties, fines, or attorney's fees. However, those liens surviving the issuance of a tax deed cannot provide a basis for foreclosure against the interest of the tax deed owner unless the owner is reimbursed for the price of acquiring the tax deed, including recording fees and documentary stamps. If a foreclosure sale results in insufficient funds to satisfy a surviving lien and reimburse the tax deed owner, the proceeds of the foreclosure sale are distributed pro rata.

Sale at Public Auction

Effect of Proposed Changes

The bill deletes outdated language regarding sale at public outcry. The bill requires all delinquent tax amounts accrued after filing an application for tax deed to be included in the minimum bid. The highest bidder deposit is increased from \$200 to 5% of the bid to be consistent with foreclosure sales. The tax deed applicant has the option of placing the property on list of lands available for taxes in lieu of paying any additional sums due as a result of the increased minimum bid, documentary stamps, or recording fees. The bill also prohibits the cancellation of a tax deed sale without the consent of the tax deed applicant unless the tax deed application has been redeemed, collection has been stayed by the filing of a bankruptcy petition, an error has been discovered in the assessment record, or an error has been demonstrated in the process. The sale process must be repeated until the property is sold and the clerk receives full payment or the clerk does not receive any bids other than that of the certificateholder.

Notice to Owner when application for tax deed is made

Current Law

When an application for a tax deed is made, the clerk of the circuit court must notify, by certified mail or registered mail, the persons listed in the tax collector's statement.

¹⁵ § 192.001(2), F.S.

Effect of Proposed Changes

In addition to the notice provided by the clerk of the circuit court, the sheriff must serve notice to the legal titleholder of homestead property that a tax certificate is outstanding on the property. All notices must also state that affected property will be sold at public auction unless back taxes are paid, notwithstanding its classification as homestead property.

Legislative Intent

The bill provides legislative intent that property tax collection should be free from the influence or the appearance of influence of the local governments who levy property taxes and receive property tax revenues.

Repealed Acts

- Section 197.202, F.S., dealing with destruction of 20-year-old tax receipts is repealed as obsolete.
- Section 197.242, F.S., providing short title "Homestead Property Tax Deferral Act" is repealed.
- Section 197.3042, F.S., dealing with notices to local governments regarding tax deferrals for recreational and commercial working waterfronts and s. 197.3072, F.S., dealing with notices to local governments regarding tax deferral for affordable rental housing properties are repealed.
- Section 197.307, F.S., dealing with procedures for adopting ordinance for tax deferrals for affordable rental housing is moved to s. 197.2524, F.S.
- Sections 197.304 and 197.3041, F.S. dealing with applying for tax deferral for recreational and commercial working waterfronts; and ss. 197.3072 and 197.3073, F.S., applying for tax deferral for affordable rental housing property are now contained within s. 197.2423, F.S.
- Sections 197.3043 and 197.3075, F.S., governing change in use or ownership of property is now covered by 197.263, F.S.
- Sections 197.3044 and 197.3076, F.S., governing prepayment of deferred taxes and non-ad valorem assessments is now governed by 197.272, F.S.
- Sections 197.3045 and 197.3077, F.S., governing distribution of payments is now governed by 197.282, F.S.
- Sections 197.3046 and 197.3088, F.S., providing for construction of the section dealing with the collection of personal property taxes is provided for in 197.292, F.S.
- Sections 197.3047 and 197.3079, F.S., providing for penalties is provided for in s. 197.301, F.S.
- Section 197.433, F.S., relating to duplicate tax certificates if the original is lost or destroyed is repealed.

B. SECTION DIRECTORY:

Section 1: Creates paragraph (h) in s. 95.051(1), F.S., to toll the statute of limitations for proceedings related to tax lien certificates or tax deeds under chapter 197, F.S., by the period of an intervening bankruptcy.

Section 2: Amends s. 196.1995, F.S., to clarify that an economic development ad valorem tax exemption may be renewed for additional 10-year periods, upon approval by a referendum.

Section 3: Amends s. 197.102, F.S., providing definitions related to electronic auction.

Section 4: Amends s. 197.122, F.S., regarding liens.

Section 5: Amends s. 197.123, F.S., requiring the tax collector to notify the property appraiser if a taxpayer has filed an erroneous or incomplete personal property statement or has failed to disclose all of the property subject to taxation.

Section 6: Creates s. 197.146, F.S., providing for correction of tax roll and procedure for uncollectable personal property taxes.

Section 7: Amends s. 197.162, F.S., revising language and clarifies that discount will apply only to payments made before delinquency.

Section 8: Amends s. 197.172, F.S., changing the title of the section and specifies that discounts will apply only to payments made before delinquency.

Section 9: Amends s. 197.182, F.S., renumbers section, makes grammatical changes, increases the minimum amount of a refund for overpayment to \$10, and shortens the time a demand for reimbursement can be made for reimbursement can be because of a payment made in error from 24 to 12 months.

Section 10: Amends s. 197.222, F.S., removes reference to Department of Revenue forms and requires the tax collector to send quarterly statements to those participating in the prepayment installment plan.

Section 11: Amends s. 197.2301, F.S., increases minimum amount of bill or refund for underpayment or overpayment to \$10.

Section 12: Creates s. 197.2421, F.S., combines all tax deferral statutes.

Section 13: Creates s. 197.2423, F.S., providing procedure for approval or denial of tax deferral.

Section 14: Renumbers s. 197.253, F.S., as s. 197.2425, F.S., and provides procedure for appeal of denial of tax deferral.

Section 15: Amends s. 197.243, F.S., removing "Act" from title.

Section 16: Amends s. 197.252, governing procedures for tax deferrals.

Section 17: Renumbers s. 197.303 as s. 197.2524, F.S., dealing with tax deferrals for recreational and commercial working waterfront properties and includes provisions for tax deferral of affordable rental housing property.

Section 18: Renumbers s. 197.3071, F.S., as s. 197.2526, F.S., and provides for tax deferral eligibility of affordable rental housing property.

Section 19: Amends s. 197.254, F.S., removing back of envelope notice requirements.

Section 20: Amends s. 197.262, F.S., removes requirement that tax collector notify local governing body of taxes that are deferred and reduces amount of interest on tax certificates from 9.5 to 7 percent.

Section 21: Amends s. 197.263, F.S., clarifying sections and provides that if there is a change in ownership to a surviving spouse the spouse may maintain the tax deferral if the spouse is eligible.

Section 22: Amends s. 197.272, F.S., removing section allowing prepayment by certain individuals.

Section 23: Amends s. 197.282, F.S., making minor rewording changes.

Section 24: Amends s. 197.292, F.S., making minor rewording and numbering changes.

Section 25: Amends s. 197.301, F.S., to include deferred taxes and non-ad valorem assessments subject to penalties.

Section 26: Amends s. 197.312, F.S., making minor rewording changes.

Section 27: Amends s. 197.322, F.S., authorizing tax collector to send notice of taxes electronically or by mail.

Section 28: Amends s. 197.332, F.S., authorizing tax collector to establish branch offices.

Section 29: Amends s. 197.343, F.S., authorizing tax collector to send additional notice of taxes electronically or by mail. Removing duplicate notices to condominium and homeowner associations.

Section 30: Amends s. 197.344, F.S., making minor rewording changes and authorizing notice to be sent electronically or by mail.

Section 31: Amends s. 197.3635, F.S., removes requirement for partition between ad valorem taxes and non ad-valorem assessments.

Section 32: Amends s. 197.373, F.S., changes the 15 day notice requirement to 45 days.

Section 33: Amends s. 197.402, F.S., provides additional day if deadline falls on weekend or legal holiday.

Section 34: Amends s. 197.403, F.S., makes minor rewording changes and removes form provided by Department of Revenue.

Section 35: Amends s. 197.413, F.S., increases fee to delinquent taxpayer for notices.

Section 36: Amends s. 197.414, F.S., removes requirement that record be kept in a form prescribed by the Department of Revenue.

Section 37: Amends s. 197.4155, F.S., requires that delinquent personal property tax program be available to all taxpayers if a payment program is implemented.

Section 38: Amends s. 197.416, F.S., removes requirement that tax collector maintain action to collect delinquent taxes for seven years.

Section 39: Amends s. 197.417, F.S., authorizing notice to be posted on the Internet.

Section 40: Amends s. 197.432, F.S., increases minimum amount of tax certificate from \$100 to \$250 and authorizes use of proxy bidding and random number generators.

Section 41: Amends s. 197.4325, F.S., making minor rewording changes. Repeals requirement that tax collector retain copy of the cancelled tax receipt and dishonored check and that tax collector retain bidder's forfeited deposit and resell the certificate.

Section 42: Amends s. 197.442, F.S., making minor rewording changes.

Section 43: Amends s. 197.443, F.S., authorizes tax collector to make tax certificate corrections or cancellations without order from the Department of Revenue.

Section 44: Amends s. 197.462, F.S., making minor rewording changes and repealing requirement that tax collector endorse tax certificate.

Section 45: Amends s. 197.472, F.S., requires certificate redeemer to pay all interest, costs, and charges.

Section 46: Creates s. 197.4725, F.S., provides for the purchase of county-held tax certificates.

Section 47: Amends. s. 197.473, F.S., revises procedure for unclaimed redemption money.

Section 48: Amends s. 197.482, F.S., removes reference to Act of 1973 Legislature.

Section 49: Amends s. 197.492, F.S., allowing electronic submission of report.

Section 50: Amends s. 197.502, F.S., allows clerk to seek reimbursement for costs associated with electronic tax deed applications. Provides timelines and procedures for tax deed applications. The number of years a property shall be offered for sale before it escheats to the county is increased from 3 to 7 years.

Section 51: Amends s. 197.542, F.S., revises requirements for sale at public auction.

Section 52: Amends s. 197.522, F.S. by requiring the sheriff to serve notice the legal titleholder of homestead property that a tax certificate is outstanding on the property.

Section 53: Amends s. 197.552, F.S., to describe which liens survive tax deeds and provides for pro rata distribution of proceeds from foreclosure sale if funds insufficient.

Section 54: Amends s. 197.582, F.S., requires tax collector to distribute funds to pay taxes.

Section 55: Amends s. 197.602, F.S., requiring reimbursement in challenges to the validity of a tax deed.

Section 56: Amends s. 192.0105, F.S., to correct cross-reference and change "mailed" to "sent".

Section 57: Amends s. 194.011, F.S., to correct cross-reference.

Section 58: Amends s. 194.013, F.S., to correct cross-reference.

Section 59: Amends s. 196.011, F.S., to correct cross-reference.

Section 60: Creates s. 197.603, F.S., to provide legislative intent.

Section 61: Repeals various sections of ch. 197, F.S.

Section 62: Provides an effective date of July 1, 2010.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Tax collectors will be able to charge a fee to cover the costs of electronic tax deeds.

2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Taxpayers may receive their tax notices sooner and may also receive refunds under \$2,500 without having to wait for approval by the Department of Revenue.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The Department of Revenue may repeal some rules implementing certain forms no longer required.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

29 relating to applications for tax deeds; providing notice
 30 requirements; providing payment requirements; authorizing
 31 the tax collector to charge a fee to cover the costs to
 32 the tax collector for electronic tax deed programs or
 33 services; authorizing the tax collector to charge the
 34 county a fee for tax deed applications; deleting opening
 35 bid requirements for the sale of tax deeds on homestead
 36 property when the applicant is holder of a tax
 37 certificate; revising conditions for the escheat of
 38 property to a county; amending s. 197.542, F.S.; deleting
 39 bid requirements relating to the purchase of homestead
 40 property at public auction; limiting the circumstances
 41 under which a tax deed sale may be canceled; amending s.
 42 197.522, F.S.; providing notice requirements for the sale
 43 of homestead property due to nonpayment of taxes; creating
 44 s. 197.146, F.S.; authorizing tax collectors to issue
 45 certificates of correction to tax rolls and outstanding
 46 delinquent taxes for uncollectable personal property
 47 accounts; requiring the tax collector to notify the
 48 property appraiser; providing construction; creating ss.
 49 197.2421 and 197.2423, F.S., transferring, renumbering,
 50 and amending ss. 197.253, 197.303, and 197.3071, F.S., and
 51 amending ss. 197.243, 197.252, 197.254, 197.262, 197.263,
 52 197.272, 197.282, 197.292, 197.301, and 197.312, F.S.;
 53 revising, updating, and consolidating provisions of ch.
 54 197, F.S., relating to deferral of tax payments for real
 55 property, homestead property, recreational and commercial
 56 working waterfront property, and affordable rental

57 | property; creating s. 197.4725, F.S.; providing
58 | authorization and requirements for purchase of county-held
59 | tax certificates; specifying required amounts to be paid;
60 | providing for fees; providing for electronic services;
61 | amending s. 192.0105, F.S.; providing conditions under
62 | which a taxpayer is deemed to have waived a right to know;
63 | providing that the right to a discount for the early
64 | payment of taxes does not apply to certain partial
65 | payments of taxes; clarifying a taxpayer's right to redeem
66 | real property and tax certificates; clarifying that a
67 | property owner may not be contacted by the holder of a tax
68 | certificate for 2 years following the date the certificate
69 | is issued; providing that s. 197.122, F.S., applies in
70 | certain circumstances; providing for the obligation of the
71 | property owner to obtain certain information; correcting
72 | cross-references; amending ss. 194.011, 194.013, and
73 | 196.011, F.S.; correcting cross-references; creating s.
74 | 197.603, F.S.; providing legislative intent; repealing s.
75 | 197.202, F.S., relating to destruction of 20-year-old tax
76 | receipts; repealing s. 197.242, F.S., relating to a short
77 | title; repealing ss. 197.304, 197.3041, 197.3042,
78 | 197.3043, 197.3044, 197.3045, 197.3046, 197.3047, 197.307,
79 | 197.3072, 197.3073, 197.3074, 197.3075, 197.3076,
80 | 197.3077, 197.3078, and 197.3079, F.S., relating to
81 | deferrals of tax payments; providing an effective date.

82 |
83 | Be It Enacted by the Legislature of the State of Florida:
84 |

85 Section 1. Section 95.051, Florida Statutes, is amended to
 86 read:

87 95.051 When limitations tolled.—

88 (1) The running of the time under any statute of
 89 limitations except ss. 95.281, 95.35, and 95.36 is tolled by:

90 (a) Absence from the state of the person to be sued.

91 (b) Use by the person to be sued of a false name that is
 92 unknown to the person entitled to sue so that process cannot be
 93 served on the person to be sued.

94 (c) Concealment in the state of the person to be sued so
 95 that process cannot be served on him or her.

96 (d) The adjudicated incapacity, before the cause of action
 97 accrued, of the person entitled to sue. In any event, the action
 98 must be begun within 7 years after the act, event, or occurrence
 99 giving rise to the cause of action.

100 (e) Voluntary payments by the alleged father of the child
 101 in paternity actions during the time of the payments.

102 (f) The payment of any part of the principal or interest
 103 of any obligation or liability founded on a written instrument.

104 (g) The pendency of any arbitral proceeding pertaining to
 105 a dispute that is the subject of the action.

106 (h) The period of an intervening bankruptcy in a
 107 proceeding or process under chapter 197.

108 (i)~~(h)~~ The minority or previously adjudicated incapacity
 109 of the person entitled to sue during any period of time in which
 110 a parent, guardian, or guardian ad litem does not exist, has an
 111 interest adverse to the minor or incapacitated person, or is
 112 adjudicated to be incapacitated to sue; except with respect to

113 the statute of limitations for a claim for medical malpractice
 114 as provided in s. 95.11. In any event, the action must be begun
 115 within 7 years after the act, event, or occurrence giving rise
 116 to the cause of action.

117
 118 Paragraphs (a)-(c) shall not apply if service of process or
 119 service by publication can be made in a manner sufficient to
 120 confer jurisdiction to grant the relief sought. This section
 121 shall not be construed to limit the ability of any person to
 122 initiate an action within 30 days of the lifting of an automatic
 123 stay issued in a bankruptcy action as is provided in 11 U.S.C.
 124 s. 108(c).

125 (2) No disability or other reason shall toll the running
 126 of any statute of limitations except those specified in this
 127 section, s. 95.091, the Florida Probate Code, or the Florida
 128 Guardianship Law.

129 Section 2. Subsection (7) of section 196.1995, Florida
 130 Statutes, is amended to read:

131 196.1995 Economic development ad valorem tax exemption.—

132 (7) The authority to grant exemptions under this section
 133 ~~expires will expire~~ 10 years after the date such authority was
 134 approved in an election, but such authority may be renewed for
 135 subsequent another 10-year periods if each 10-year renewal is
 136 approved ~~period~~ in a referendum called and held pursuant to this
 137 section.

138 Section 3. Section 197.102, Florida Statutes, is amended
 139 to read:

140 197.102 Definitions.—

141 (1) As used in this chapter, the following definitions
 142 apply, unless the context clearly requires otherwise:

143 (a) "Awarded" means the time when the tax collector or a
 144 designee determines and announces verbally or through the
 145 closing of the bid process in an electronic auction that a buyer
 146 has placed the winning bid at a tax certificate sale.

147 (b)~~(1)~~ "Department," unless otherwise specified, means the
 148 Department of Revenue.

149 (c)~~(2)~~ "Omitted taxes" means those taxes which have not
 150 been extended on the tax roll against a parcel of property after
 151 the property has been placed upon the list of lands available
 152 for taxes pursuant to s. 197.502.

153 (d) "Proxy bidding" means a method of bidding by which a
 154 bidder authorizes an agent, whether an individual or an
 155 electronic agent, to place bids on his or her behalf.

156 (e) "Random number generator" means a computational device
 157 that generates a sequence of numbers that lack any pattern and
 158 is used to resolve a tie when multiple bidders have bid the same
 159 lowest amount by assigning a number to each of the tied bidders
 160 and randomly determining which one of those numbers is the
 161 winner.

162 (f)~~(3)~~ "Tax certificate" means a paper or electronic legal
 163 document, representing unpaid delinquent real property taxes,
 164 non-ad valorem assessments, including special assessments,
 165 interest, and related costs and charges, issued in accordance
 166 with this chapter against a specific parcel of real property and
 167 becoming a first lien thereon, superior to all other liens,
 168 except as provided by s. 197.573(2).

169 (g)~~(4)~~ "Tax notice" means the paper or electronic tax bill
 170 sent to taxpayers for payment of any taxes or special
 171 assessments collected pursuant to this chapter, or the bill sent
 172 to taxpayers for payment of the total of ad valorem taxes and
 173 non-ad valorem assessments collected pursuant to s. 197.3632.

174 (h)~~(5)~~ "Tax receipt" means the paid tax notice.

175 (i)~~(6)~~ "Tax rolls" and "assessment rolls" are synonymous
 176 and mean the rolls prepared by the property appraiser pursuant
 177 to chapter 193 and certified pursuant to s. 193.122.

178 (2)~~(7)~~ If when a local government uses the method set
 179 forth in s. 197.3632 to levy, collect, or enforce a non-ad
 180 valorem assessment, the following definitions shall apply:

181 (a) "Ad valorem tax roll" means the roll prepared by the
 182 property appraiser and certified to the tax collector for
 183 collection.

184 (b) "Non-ad valorem assessment roll" means a roll prepared
 185 by a local government and certified to the tax collector for
 186 collection.

187 Section 4. Section 197.122, Florida Statutes, is amended
 188 to read:

189 197.122 Lien of taxes; ~~dates;~~ application.—

190 (1) All taxes imposed pursuant to the State Constitution
 191 and laws of this state shall be a first lien, superior to all
 192 other liens, on any property against which the taxes have been
 193 assessed and shall continue in full force from January 1 of the
 194 year the taxes were levied until discharged by payment or until
 195 barred under chapter 95. If All personal property tax liens, to
 196 the extent that the property to which the lien applies cannot be

197 | located in the county or ~~to the extent that~~ the sale of the
 198 | property is insufficient to pay all delinquent taxes, interest,
 199 | fees, and costs due, a personal property tax lien shall apply ~~be~~
 200 | ~~liens~~ against all other personal property of the taxpayer in the
 201 | county. However, a lien ~~such liens~~ against other personal
 202 | property does ~~shall~~ not apply against ~~such~~ property that ~~which~~
 203 | has been sold, and is ~~such liens~~ against other personal property
 204 | ~~shall be~~ subordinate to any valid prior or subsequent liens
 205 | against such other property. An ~~No~~ act of omission or commission
 206 | on the part of a ~~any~~ property appraiser, tax collector, board of
 207 | county commissioners, clerk of the circuit court, or county
 208 | comptroller, or their deputies or assistants, or newspaper in
 209 | which an ~~any~~ advertisement of sale may be published does not
 210 | ~~shall operate to~~ defeat the payment of taxes, interest, fees,
 211 | and costs due and; ~~but any acts of omission or commission~~ may be
 212 | corrected at any time by the ~~officer or~~ party responsible ~~for~~
 213 | ~~them~~ in the same ~~like~~ manner as provided by law for performing
 214 | acts in the first place. Amounts, ~~and when~~ so corrected ~~they~~
 215 | shall be considered ~~construed~~ as valid ab initio and do not
 216 | ~~shall in no way~~ affect ~~any process by law for the enforcement of~~
 217 | the collection of the ~~any~~ tax. All owners of property are ~~shall~~
 218 | ~~be~~ held to know that taxes are due and payable annually and are
 219 | responsible for ~~charged with the duty of~~ ascertaining the amount
 220 | of current and delinquent taxes and paying them before April 1
 221 | of the year following the year in which taxes are assessed. A ~~No~~
 222 | sale or conveyance of real or personal property for nonpayment
 223 | of taxes may not ~~shall~~ be held invalid except upon proof that:
 224 | (a) The property was not subject to taxation;

225 (b) The taxes were ~~had been~~ paid before the sale of
 226 personal property; or

227 (c) The real property was ~~had been~~ redeemed before receipt
 228 by the clerk of the court of full payment for the execution and
 229 ~~delivery of~~ a deed based upon a certificate issued for
 230 nonpayment of taxes, including all recording fees and
 231 documentary stamps.

232 (2) A lien created through the sale of a tax certificate
 233 may not be foreclosed or enforced in any manner except as
 234 prescribed in this chapter.

235 (3) A property appraiser shall ~~may also~~ correct a material
 236 mistake of fact relating to an essential condition of the
 237 subject property to reduce an assessment that ~~if to do so~~
 238 requires only the exercise of judgment as to the effect of the
 239 mistake of fact on the assessed or taxable value ~~of that mistake~~
 240 ~~of fact.~~

241 (a) As used in this subsection, the term "an essential
 242 condition of the subject property" includes ~~means~~ a
 243 ~~characteristic of the subject parcel, including only:~~

244 1. Environmental restrictions, zoning restrictions, or
 245 restrictions on permissible use;

246 2. Acreage;

247 3. Wetlands or other environmental lands that are or have
 248 been restricted in use because of ~~such~~ environmental features;

249 4. Access to usable land;

250 5. Any characteristic of the subject parcel which
 251 ~~characteristic,~~ in the property appraiser's opinion, caused the
 252 appraisal to be clearly erroneous; or

253 6. Depreciation of the property that was based on a latent
 254 defect of the property which existed but was not readily
 255 discernible by inspection on January 1, but not depreciation
 256 ~~resulting~~ from any other cause.

257 (b) The material mistake of fact must ~~may~~ be corrected by
 258 the property appraiser, in the same ~~like~~ manner as provided by
 259 law for performing the act in the first place, only within 1
 260 year after the approval of the tax roll pursuant to s. 193.1142.
 261 ~~If, and, when so~~ corrected, the tax roll ~~act~~ becomes valid ab
 262 initio and does not affect ~~in no way affects any process by law~~
 263 ~~for the enforcement of~~ the collection of the any tax. If the
 264 ~~such a~~ correction results in a refund of taxes paid on the basis
 265 of an erroneous assessment included ~~contained~~ on the current
 266 year's tax roll ~~for years beginning January 1, 1999, or later,~~
 267 the property appraiser, ~~at his or her option,~~ may request that
 268 the department to pass upon the refund request pursuant to s.
 269 197.182 or may submit the correction and refund order directly
 270 to the tax collector ~~for action~~ in accordance with the notice
 271 provisions of s. 197.182(2). Corrections to tax rolls for
 272 previous ~~prior~~ years which would result in refunds must be made
 273 pursuant to s. 197.182.

274 Section 5. Section 197.123, Florida Statutes, is amended
 275 to read:

276 197.123 ~~Correcting~~ Erroneous returns; notification of
 277 property appraiser.-If a any tax collector has reason to believe
 278 that a any taxpayer has filed an erroneous or incomplete
 279 statement of her or his personal property or has not disclosed
 280 ~~returned the full amount of all~~ of her or his property subject

281 to taxation, the collector must ~~shall~~ notify the property
282 appraiser of the erroneous or incomplete statement.

283 Section 6. Section 197.146, Florida Statutes, is created
284 to read:

285 197.146 Uncollectable personal property taxes; correction
286 of tax roll.—A tax collector who determines that a tangible
287 personal property account is uncollectable may issue a
288 certificate of correction for the current tax roll and any prior
289 tax rolls. The tax collector shall notify the property appraiser
290 that the account is invalid, and the assessment may not be
291 certified for a future tax roll. An uncollectable account
292 includes, but is not limited to, an account on property that was
293 originally assessed but cannot be found to seize and sell for
294 the payment of taxes and includes other personal property of the
295 owner as identified pursuant to s. 197.413(8) and (9).

296 Section 7. Section 197.162, Florida Statutes, is amended
297 to read:

298 197.162 Tax discount payment periods ~~Discounts; amount and~~
299 ~~time.—~~

300 (1) For ~~On~~ all taxes assessed on the county tax rolls and
301 collected by the county tax collector, discounts for payments
302 made before delinquency ~~early payment thereof~~ shall be at the
303 rate of 4 percent in the month of November or at any time within
304 30 days after the sending ~~mailing~~ of the original tax notice; 3
305 percent in the following month of December; 2 percent in the
306 following month of January; 1 percent in the following month of
307 February; and zero percent in the following month of March or
308 within 30 days prior to the date of delinquency if the date of

309 delinquency is after April 1.

310 (2) ~~If~~ When a taxpayer makes a request to have the
 311 original tax notice corrected, the discount rate for early
 312 payment applicable at the time of the request ~~for correction is~~
 313 ~~made~~ shall apply for 30 days after the sending mailing of the
 314 corrected tax notice.

315 (3) A discount rate ~~shall apply at the rate of 4 percent~~
 316 applies for 30 days after the sending mailing of a tax notice
 317 resulting from the action of a value adjustment board.
 318 Thereafter, the regular discount periods shall apply.

319 (4) ~~If the~~ For the purposes of this section, when a
 320 discount period ends on a Saturday, Sunday, or legal holiday,
 321 the discount period, including the zero percent period, shall be
 322 extended to the next working day, if payment is delivered to the
 323 a designated collection office of the tax collector.

324 Section 8. Subsections (2) and (4) of section 197.172,
 325 Florida Statutes, are amended to read:

326 197.172 Interest rate; calculation and minimum.—

327 (2) The maximum rate of interest on a tax certificate is
 328 ~~shall be~~ 18 percent per year. ~~†~~ However, a tax certificate may
 329 ~~shall not bear interest and nor shall~~ the mandatory interest
 330 ~~charge~~ as provided by s. 197.472(2) may not be levied during the
 331 60-day period following ~~of time from~~ the date of delinquency,
 332 except for the 3 percent mandatory interest charged ~~charge~~ under
 333 subsection (1). ~~No tax certificate sold before March 23, 1992,~~
 334 ~~shall bear interest nor shall the mandatory charge as provided~~
 335 ~~by s. 197.472(2) be levied in excess of the interest or charge~~
 336 ~~provided herein, except as to those tax certificates upon which~~

337 ~~the mandatory charge as provided by s. 197.472(2) shall have~~
 338 ~~been collected and paid.~~

339 (4) Interest shall be calculated ~~Except as provided in s.~~
 340 ~~197.262 with regard to deferred payment tax certificates,~~
 341 ~~interest to be accrued pursuant to this chapter shall be~~
 342 ~~calculated monthly~~ from the first day of each month.

343 Section 9. Subsections (1), (2), and (3) of section
 344 197.182, Florida Statutes, are amended to read:

345 197.182 Department of Revenue to pass upon and order
 346 refunds.—

347 (1)(a) Except as provided in paragraphs ~~paragraph~~ (b),
 348 (c), and (d), the department shall pass upon and order refunds
 349 if when payment of taxes assessed on the county tax rolls has
 350 been made voluntarily or involuntarily under any of the
 351 following circumstances:

- 352 1. ~~When~~ An overpayment has been made.
- 353 2. ~~When~~ A payment has been made when no tax was due.
- 354 3. ~~When~~ A bona fide controversy exists between the tax
 355 collector and the taxpayer as to the liability of the taxpayer
 356 for the payment of the tax claimed to be due, the taxpayer pays
 357 the amount claimed by the tax collector to be due, and it is
 358 finally adjudged by a court of competent jurisdiction that the
 359 taxpayer was not liable for the payment of the tax or any part
 360 thereof.

- 361 4. ~~When~~ A payment for a delinquent tax has been made in
 362 error by a taxpayer to the tax collector due to application of
 363 payment to an erroneous parcel or misinformation provided by the
 364 property appraiser or tax collector and, if, within 12 24 months

365 ~~after~~ of the date of the erroneous payment and before ~~prior to~~
 366 any transfer of the assessed property to a third party for
 367 consideration, the party seeking a refund makes demand for
 368 reimbursement of the erroneous payment upon the owner of the
 369 property on which the taxes were erroneously paid and
 370 reimbursement of the erroneous payment is not received within 45
 371 days after such demand. The demand for reimbursement must ~~shall~~
 372 be sent by certified mail, return receipt requested, and a copy
 373 of the demand must ~~thereof shall~~ be sent to the tax collector.
 374 If the payment was made in error by the taxpayer because of an
 375 error in the tax notice sent to the taxpayer, refund must be
 376 made as provided in paragraph (d) ~~subparagraph (b)2~~.

377 5. A payment for a tax that has not become delinquent, has
 378 been made in error by a taxpayer to the tax collector due to the
 379 application of the payment to an erroneous parcel or
 380 misinformation provided by the property appraiser or tax
 381 collector, and within 18 months after the date of the erroneous
 382 payment and before any transfer of the assessed property to a
 383 third party for consideration, the party seeking a refund makes
 384 a demand for reimbursement of the erroneous payment upon the
 385 owner of the property on which the taxes were erroneously paid
 386 and reimbursement of the erroneous payment is not received
 387 within 45 days after such demand. The demand for reimbursement
 388 must be sent by certified mail, return receipt requested, and a
 389 copy of the demand must be sent to the tax collector. If the
 390 payment was made in error by the taxpayer because of an error in
 391 the tax notice sent to the taxpayer, refund must be made as
 392 provided in paragraph (d).

393 6.5. ~~A~~ ~~When any payment is has been~~ made for a tax
 394 certificate ~~certificates~~ that is ~~is~~ are subsequently corrected or
 395 amended or is ~~are~~ subsequently determined to be void under s.
 396 197.443.

397 (b) ~~1.~~ These Refunds that have been ordered by a court and
 398 ~~these~~ refunds that do not result from changes made in the
 399 assessed value on a tax roll certified to the tax collector
 400 shall be made directly by the tax collector without order from
 401 the department and shall be made from undistributed funds
 402 without approval of the various taxing authorities.

403 (c) Overpayments in the amount of \$10 ~~\$5~~ or less may be
 404 retained by the tax collector unless a written claim for a
 405 refund is received from the taxpayer. Overpayments of more than
 406 \$10 ~~over \$5~~ resulting from taxpayer error, if identified
 407 determined within 12 months ~~the 4-year period of limitation,~~
 408 shall ~~are to~~ be automatically refunded to the taxpayer. Such
 409 refunds do not require approval from the department.

410 (d) ~~2.~~ If ~~When~~ a payment has been made in error by a
 411 taxpayer ~~to the tax collector~~ because of an error in the tax
 412 notice sent to the taxpayer, refund must be made directly by the
 413 tax collector and does not require approval from the department.
 414 At the request of the taxpayer, the amount paid in error may be
 415 applied by the tax collector to the taxes for which the taxpayer
 416 is actually liable.

417 (e) ~~(e)~~ Claims for refunds shall be made in accordance with
 418 the rules of the department. A ~~No~~ refund may not ~~shall~~ be
 419 granted unless a claim for the refund is made ~~therefor~~ within 4
 420 years after ~~of~~ January 1 of the tax year for which the taxes

421 were paid.

422 (f)~~(d)~~ Upon receipt of the department's written denial of
 423 a ~~the~~ refund, the tax collector shall issue the denial in
 424 writing to the taxpayer.

425 (g)~~(e)~~ If funds are available from current receipts ~~and,~~
 426 subject to subsection (3) and, if a refund is approved, the
 427 taxpayer shall ~~is entitled to~~ receive a refund within 100 days
 428 after a claim for refund is made, unless the tax collector,
 429 property appraiser, or department states good cause for
 430 remitting the refund after that date. The time periods ~~times~~
 431 stated in this paragraph and paragraphs (i) ~~(f)~~ through (l) ~~(j)~~
 432 are directory and may be extended by a maximum of an additional
 433 60 days if good cause is stated.

434 (h)~~(f)~~ If the taxpayer contacts the property appraiser
 435 first, the property appraiser shall refer the taxpayer to the
 436 tax collector.

437 (i)~~(g)~~ If a correction to the roll by the property
 438 appraiser is required as a condition for the refund, the tax
 439 collector shall, within 30 days, advise the property appraiser
 440 of the taxpayer's application for a refund and forward the
 441 application to the property appraiser.

442 (j)~~(h)~~ The property appraiser has 30 days after receipt of
 443 the form from the tax collector to correct the roll if a
 444 correction is permissible by law. Within ~~After~~ the 30-day period
 445 ~~30 days,~~ the property appraiser shall ~~immediately~~ advise the tax
 446 collector in writing of whether ~~or not~~ the roll has been
 447 corrected and state, ~~stating~~ the reasons why the roll was
 448 corrected or not corrected.

449 (k)-(i) If the refund requires ~~is not one that can be~~
 450 ~~directly acted upon by the tax collector, for which an order~~
 451 ~~from the department is required,~~ the tax collector shall forward
 452 the claim for refund to the department upon receipt of the
 453 correction from the property appraiser or 30 days after the
 454 claim for refund, whichever occurs first. This provision does
 455 not apply to corrections resulting in refunds of less than
 456 \$2,500 ~~\$400~~, which the tax collector shall make directly,
 457 without order from the department, ~~and from undistributed funds,~~
 458 ~~and may make~~ without approval of the various taxing authorities.

459 (1)-(j) The department shall approve or deny a claim for a
 460 refund ~~all refunds~~ within 30 days after receiving the ~~from the~~
 461 ~~tax collector the claim from the tax collector for refund,~~
 462 unless good cause is stated for delaying the approval or denial
 463 beyond that date.

464 (m)-(k) Subject to and after meeting the requirements of s.
 465 194.171 and this section, an action to contest a denial of
 466 refund must ~~may not~~ be brought within ~~later than~~ 60 days after
 467 the date the tax collector sends ~~issues~~ the denial to the
 468 taxpayer, ~~which notice must be sent by certified mail, or 4~~
 469 ~~years after January 1 of the year for which the taxes were paid,~~
 470 ~~whichever is later.~~ The tax collector may send notice of the
 471 denial electronically or by postal mail. Electronic transmission
 472 may be used only with the express consent of the property owner.
 473 If the notice of denial is sent electronically and is returned
 474 as undeliverable, a second notice must be sent by postal mail.
 475 However, the original electronic transmission is the official
 476 mailing for purpose of this section.

477 (n)~~(1)~~ In computing any time period under this section, if
 478 ~~when~~ the last day of the period is a Saturday, Sunday, or legal
 479 holiday, the period is ~~to be~~ extended to the next working day.

480 (2)~~(a)~~ If ~~When~~ the department orders a refund, the
 481 department ~~it~~ shall forward a copy of its order to the tax
 482 collector who shall ~~then~~ determine the pro rata share due by
 483 each taxing authority. The tax collector shall make the refund
 484 from undistributed funds held for that taxing authority and
 485 shall identify such refund as a reduction in the next
 486 distribution. If the undistributed funds are not sufficient for
 487 the refund, the tax collector shall notify the taxing authority
 488 of the shortfall. The taxing authority shall: ~~and certify to the~~
 489 ~~county, the district school board, each municipality, and the~~
 490 ~~governing body of each taxing district, their pro rata shares of~~
 491 ~~such refund, the reason for the refund, and the date the refund~~
 492 ~~was ordered by the department.~~

493 ~~(b) The board of county commissioners, the district school~~
 494 ~~board, each municipality, and the governing body of each taxing~~
 495 ~~district shall comply with the order of the department in the~~
 496 ~~following manner:~~

497 ~~1. Authorize the tax collector to make refund from~~
 498 ~~undistributed funds held for that taxing authority by the tax~~
 499 ~~collector;~~

500 (a)2. Authorize the tax collector to make refund and
 501 forward to the tax collector its pro rata share of the refund
 502 from currently budgeted funds, if available; or

503 (b)3. Notify the tax collector that the taxing authority
 504 does not have funds currently available and provide for the

505 payment of the refund in its budget for the next ensuing year
 506 ~~funds for the payment of the refund.~~

507 (3) A refund ordered by the department pursuant to this
 508 section shall be made by the tax collector in one aggregate
 509 amount composed of all the pro rata shares of the several taxing
 510 authorities concerned, except that a partial refund is allowed
 511 if ~~when~~ one or more of the taxing authorities concerned do not
 512 have funds currently available to pay their pro rata shares of
 513 the refund and this would cause an unreasonable delay in the
 514 total refund. A statement by the tax collector explaining the
 515 refund shall accompany the refund payment. If ~~When~~ taxes become
 516 delinquent as a result of a refund pursuant to subparagraph
 517 (1)(a)5. ~~subparagraph (1)(a)4.~~ or paragraph (1)(d) ~~subparagraph~~
 518 ~~(1)(b)2.~~, the tax collector shall notify the property owner that
 519 the taxes have become delinquent and that a tax certificate will
 520 be sold if the taxes are not paid within 30 days after the date
 521 of delinquency.

522 Section 10. Subsections (1), (3), and (5) of section
 523 197.222, Florida Statutes, are amended to read:

524 197.222 Prepayment of estimated tax by installment
 525 method.—

526 (1) Taxes collected pursuant to this chapter may be
 527 prepaid in installments as provided in this section. A taxpayer
 528 may elect to prepay by installments for each tax notice for ~~with~~
 529 taxes estimated to be more than \$100. A taxpayer who elects to
 530 prepay ~~taxes~~ shall make payments based upon an estimated tax
 531 equal to the actual taxes levied upon the subject property in
 532 the prior year. To prepay by installments, the ~~Such~~ taxpayer

533 ~~must shall~~ complete and file an application for each tax notice
 534 ~~to prepay such taxes by installment~~ with the tax collector on or
 535 before April 30 ~~prior to May 1~~ of the year in which the taxpayer
 536 elects to prepay the taxes in installments pursuant to this
 537 section. ~~The application shall be made on forms supplied by the~~
 538 ~~department and provided to the taxpayer by the tax collector.~~
 539 After submission of an initial application, a taxpayer is shall
 540 not ~~be~~ required to submit additional annual applications as long
 541 as he or she continues to elect to prepay taxes in installments
 542 ~~pursuant to this section~~. However, if in any year the taxpayer
 543 does not so elect, reapplication is shall ~~be~~ required for a
 544 subsequent election ~~to do so~~. Installment payments shall be made
 545 according to the following schedule:

546 (a) The first payment of one-quarter of the total amount
 547 of estimated taxes due must shall be made by ~~not later than~~ June
 548 30 of the year in which the taxes are assessed. A 6-percent
 549 discount applied against the amount of the installment shall be
 550 granted for such payment. The tax collector may accept a late
 551 payment of the first installment through July 31, and the ~~under~~
 552 ~~this paragraph within 30 days after June 30;~~ such late payment
 553 must be accompanied by a penalty of 5 percent of the amount of
 554 the installment due.

555 (b) The second payment of one-quarter of the total amount
 556 of estimated taxes must due shall be made by ~~not later than~~
 557 September 30 of the year in which the taxes are assessed. A 4.5-
 558 percent discount applied against the amount of the installment
 559 shall be granted for such payment.

560 (c) The third payment of one-quarter of the total amount

561 of estimated taxes due, plus one-half of any adjustment made
 562 pursuant to a determination of actual tax liability, must ~~shall~~
 563 be made ~~by not later than~~ December 31 of the year in which taxes
 564 are assessed. A 3 percent ~~3 percent~~ discount applied against the
 565 amount of the installment shall be granted for such payment.

566 (d) The fourth payment of one-quarter of the total amount
 567 of estimated taxes due, plus one-half of any adjustment made
 568 pursuant to a determination of actual tax liability, must ~~shall~~
 569 be made ~~by not later than~~ March 31 following the year in which
 570 taxes are assessed. A ~~No~~ discount may not ~~shall~~ be granted for
 571 such payment.

572 (e) ~~If For purposes of this section,~~ when an installment
 573 due date falls on a Saturday, Sunday, or legal holiday, the due
 574 date for the installment is ~~shall be~~ the next working day, if
 575 the installment payment is delivered to a designated collection
 576 office of the tax collector. Taxpayers making such payment shall
 577 be entitled to the applicable discount rate authorized in this
 578 section.

579 (3) Upon receiving a taxpayer's application for
 580 participation in the prepayment installment plan, and ~~the tax~~
 581 ~~collector shall mail to the taxpayer a statement of the~~
 582 ~~taxpayer's estimated tax liability which shall be equal to the~~
 583 ~~actual taxes levied on the subject property in the preceding~~
 584 ~~year; such statement shall indicate the amount of each quarterly~~
 585 ~~installment after application of the discount rates provided in~~
 586 ~~this section, and a payment schedule, based upon the schedule~~
 587 ~~provided in this section and furnished by the department. for~~
 588 those taxpayers who participated in the prepayment installment

589 plan ~~for~~ the previous year and who are not required to reapply,
 590 the tax collector shall send a quarterly tax notice with the
 591 discount rates provided in this section according to the payment
 592 schedule provided by the department ~~the statement shall be~~
 593 ~~mailed by June 1. During the first month that the tax roll is~~
 594 ~~open for payment of taxes, the tax collector shall mail to the~~
 595 ~~taxpayer a statement which shows the amount of the remaining~~
 596 ~~installment payments to be made after application of the~~
 597 ~~discount rates provided in this section.~~ The postage or cost of
 598 electronic mailing shall be paid out of the general fund of the
 599 county, upon statement of the costs ~~thereof~~ by the tax
 600 collector.

601 (5) Notice of the right to prepay taxes pursuant to this
 602 section shall be provided with the notice of taxes. The ~~Such~~
 603 notice shall inform the taxpayer of the right to prepay taxes in
 604 installments, ~~and~~ that application forms can be obtained from
 605 the tax collector, and ~~shall state~~ that reapplication is not
 606 necessary if the taxpayer participated in the prepayment
 607 installment plan for the previous year. The application forms
 608 shall be provided ~~by the department and shall be mailed~~ by the
 609 tax collector to those taxpayers requesting an application.

610 Section 11. Subsections (3) and (9) of section 197.2301,
 611 Florida Statutes, are amended to read:

612 197.2301 Payment of taxes prior to certified roll
 613 procedure.—

614 (3) Immediately upon receipt of the property appraiser's
 615 certification under subsection (2), the tax collector shall
 616 publish a notice ~~cause to be published~~ in a newspaper of general

617 circulation in the county and ~~shall prominently post at the~~
 618 ~~courthouse door a notice~~ that the tax roll will not be certified
 619 for collection before ~~prior to~~ January 1 and that payments of
 620 estimated taxes may be made ~~will be allowed~~ by those taxpayers
 621 who submit tender ~~pay~~ payment to the collector on or before December
 622 31.

623 (9) After the discount has been applied to the estimated
 624 taxes paid and it is determined that an underpayment or
 625 overpayment has occurred, ~~the following shall apply:~~

626 (a) If the amount of underpayment ~~or overpayment~~ is \$10 ~~\$5~~
 627 or less, ~~then~~ no additional billing ~~or refund~~ is required except
 628 as determined by the tax collector.

629 (b) If the amount of overpayment is more than \$10 ~~\$5~~, the
 630 tax collector shall immediately refund to the person who paid
 631 the estimated tax the amount of overpayment. Department of
 632 Revenue approval is ~~shall~~ not be required for such ~~the~~ refund of
 633 ~~overpayment made pursuant to this subsection.~~

634 Section 12. Section 197.2421, Florida Statutes, is created
 635 to read:

636 197.2421 Property tax deferral.-

637 (1) If a property owner applies for a property tax
 638 deferral and meets the criteria established in this chapter, the
 639 tax collector shall approve the deferral of such ad valorem
 640 taxes and non-ad valorem assessments.

641 (2) Authorized property tax deferral programs are:

642 (a) Homestead tax deferral.

643 (b) Recreational and commercial working waterfront
 644 deferral.

645 (c) Affordable rental housing deferral.
 646 (3) Ad valorem taxes, non-ad valorem assessments, and
 647 interest deferred pursuant to this chapter shall constitute a
 648 priority lien and shall attach to the property in the same
 649 manner as other tax liens. Deferred taxes, assessments, and
 650 interest, however, shall be due, payable, and delinquent as
 651 provided in this chapter.

652 Section 13. Section 197.2423, Florida Statutes, is created
 653 to read:

654 197.2423 Application for property tax deferral;
 655 determination of approval or denial by tax collector.-

656 (1) A property owner is responsible for submitting an
 657 annual application for tax deferral with the county tax
 658 collector on or before March 31 following the year in which the
 659 taxes and non-ad valorem assessments are assessed.

660 (2) Each applicant shall demonstrate compliance with the
 661 requirements for tax deferral.

662 (3) The application for deferral shall be made upon a form
 663 provided by the tax collector. The tax collector may require the
 664 applicant to submit other evidence and documentation deemed
 665 necessary in considering the application. The application form
 666 shall advise the applicant:

667 (a) Of the manner in which interest is computed.

668 (b) Of the conditions which must be met to qualify for
 669 approval.

670 (c) Of the conditions under which deferred taxes,
 671 assessments, and interest become due, payable, and delinquent.

672 (d) That all tax deferrals pursuant to this section

673 constitute a lien on the applicant's property.

674 (4) Each application shall include a list of all
 675 outstanding liens on the property and the current value of each
 676 lien.

677 (5) Each applicant shall furnish proof of fire and
 678 extended coverage insurance in an amount at least equal to the
 679 total of all outstanding liens, including a lien for deferred
 680 taxes, non-ad valorem assessments, and interest with a loss
 681 payable clause to the tax collector.

682 (6) The tax collector shall consider each annual
 683 application for a tax deferral within 45 days after the
 684 application is filed or as soon as practicable thereafter. The
 685 tax collector shall exercise reasonable discretion based upon
 686 applicable information available under this section. A tax
 687 collector who finds that the applicant is entitled to the tax
 688 deferral shall approve the application and maintain the deferral
 689 records until the tax lien is satisfied.

690 (7) For approved deferrals, the date of receipt by the tax
 691 collector of the application for tax deferral shall be used in
 692 calculating taxes due and payable net of discounts for early
 693 payment as provided in s. 197.162.

694 (8) The tax collector shall notify the property appraiser
 695 in writing of those parcels for which taxes have been deferred.

696 (9) A tax deferral may not be granted if:

697 (a) The total amount of deferred taxes, non-ad valorem
 698 assessments, and interest, plus the total amount of all other
 699 unsatisfied liens on the property, exceeds 85 percent of the
 700 just value of the property; or

701 (b) The primary mortgage financing on the property is for
 702 an amount that exceeds 70 percent of the just value of the
 703 property.

704 (10) A tax collector who finds that the applicant is not
 705 entitled to the deferral shall send a notice of disapproval
 706 within 45 days after the date the application is filed, citing
 707 the reason for disapproval. The original notice of disapproval
 708 shall be sent to the applicant and shall advise the applicant of
 709 the right to appeal the decision to the value adjustment board
 710 and shall inform the applicant of the procedure for filing such
 711 an appeal.

712 Section 14. Section 197.253, Florida Statutes, is
 713 transferred, renumbered as section 197.2425, Florida Statutes,
 714 and amended to read:

715 197.2425 ~~197.253~~ Appeal of denied Homestead tax deferral
 716 application.—An appeal of a denied tax deferral must be made by
 717 the property owner

718 ~~(1) The application for deferral shall be made upon a form~~
 719 ~~prescribed by the department and furnished by the county tax~~
 720 ~~collector. The application form shall be signed upon oath by the~~
 721 ~~applicant before an officer authorized by the state to~~
 722 ~~administer oaths. The tax collector may, in his or her~~
 723 ~~discretion, require the applicant to submit such other evidence~~
 724 ~~and documentation as deemed necessary by the tax collector in~~
 725 ~~considering the application. The application form shall advise~~
 726 ~~the applicant of the manner in which interest is computed. Each~~
 727 ~~application form shall contain an explanation of the conditions~~
 728 ~~to be met for approval and the conditions under which deferred~~

729 ~~taxes and interest become due, payable, and delinquent. Each~~
 730 ~~application shall clearly state that all deferrals pursuant to~~
 731 ~~this act shall constitute a lien on the applicant's homestead.~~

732 ~~(2) (a) The tax collector shall consider each annual~~
 733 ~~application for homestead tax deferral within 30 days of the day~~
 734 ~~the application is filed or as soon as practicable thereafter. A~~
 735 ~~tax collector who finds that the applicant is entitled to the~~
 736 ~~tax deferral shall approve the application and file the~~
 737 ~~application in the permanent records. A tax collector who finds~~
 738 ~~the applicant is not entitled to the deferral shall send a~~
 739 ~~notice of disapproval within 30 days of the filing of the~~
 740 ~~application, giving reasons therefor to the applicant, either by~~
 741 ~~personal delivery or by registered mail to the mailing address~~
 742 ~~given by the applicant and shall make return in the manner in~~
 743 ~~which such notice was served upon the applicant upon the~~
 744 ~~original notice thereof and file among the permanent records of~~
 745 ~~the tax collector's office. The original notice of disapproval~~
 746 ~~sent to the applicant shall advise the applicant of the right to~~
 747 ~~appeal the decision of the tax collector to the value adjustment~~
 748 ~~board and shall inform the applicant of the procedure for filing~~
 749 ~~such an appeal.~~

750 ~~(b) Appeals of the decision of the tax collector to the~~
 751 ~~value adjustment board shall be in writing on a form prescribed~~
 752 ~~by the department and furnished by the tax collector. The Such~~
 753 ~~appeal must shall be filed with the value adjustment board~~
 754 ~~within 30 ~~20~~ days after the notice of disapproval is sent to the~~
 755 ~~applicant's receipt of the notice of disapproval. The value~~
 756 ~~adjustment board shall review the application and the evidence~~

757 presented to the tax collector ~~upon which the applicant based~~
 758 ~~his or her claim for tax deferral~~ and, at the election of the
 759 applicant, shall hear the applicant in person, or by agent on
 760 the applicant's behalf, on his or her right to ~~homestead tax~~
 761 ~~deferral~~. The value adjustment board shall reverse the decision
 762 of the tax collector and grant a homestead tax deferral to the
 763 ~~applicant~~, if in its judgment the applicant is entitled to the
 764 tax deferral thereto, or shall affirm the decision of the tax
 765 collector. An ~~Such~~ action by ~~of~~ the value adjustment board is
 766 ~~shall be~~ final unless the applicant or tax collector files a de
 767 novo proceeding for a declaratory judgment or other appropriate
 768 proceeding in the circuit court of the county in which the
 769 property is located ~~or other lienholder~~, within 15 days after
 770 ~~from~~ the date of the decision ~~disapproval of the application by~~
 771 ~~the board~~, ~~files in the circuit court of the county in which the~~
 772 ~~property is located~~, a proceeding for a declaratory judgment or
 773 other appropriate proceeding.

774 ~~(3) Each application shall contain a list of, and the~~
 775 ~~current value of, all outstanding liens on the applicant's~~
 776 ~~homestead.~~

777 ~~(4) For approved applications, the date of receipt by the~~
 778 ~~tax collector of the application for tax deferral shall be used~~
 779 ~~in calculating taxes due and payable net of discounts for early~~
 780 ~~payment as provided for by s. 197.162.~~

781 ~~(5) If such proof has not been furnished with a prior~~
 782 ~~application, each applicant shall furnish proof of fire and~~
 783 ~~extended coverage insurance in an amount which is in excess of~~
 784 ~~the sum of all outstanding liens and deferred taxes and interest~~

785 ~~with a loss payable clause to the county tax collector.~~

786 ~~(6) The tax collector shall notify the property appraiser~~
 787 ~~in writing of those parcels for which taxes have been deferred.~~

788 ~~(7) The property appraiser shall promptly notify the tax~~
 789 ~~collector of denials of homestead application and changes in~~
 790 ~~ownership of properties that have been granted a tax deferral.~~

791 Section 15. Section 197.243, Florida Statutes, is amended
 792 to read:

793 197.243 Definitions relating to homestead property tax
 794 deferral Act.—

795 (1) "Household" means a person or group of persons living
 796 together in a room or group of rooms as a housing unit, but the
 797 term does not include persons boarding in or renting a portion
 798 of the dwelling.

799 (2) "Income" means the "adjusted gross income," as defined
 800 in s. 62 of the United States Internal Revenue Code, of all
 801 members of a household.

802 Section 16. Section 197.252, Florida Statutes, is amended
 803 to read:

804 197.252 Homestead tax deferral.—

805 (1) Any person who is entitled to claim homestead tax
 806 exemption under ~~the provisions of s. 196.031(1) may~~ apply elect
 807 to defer payment of a portion of the combined total of the ad
 808 valorem taxes, and any non-ad valorem assessments, and interest
 809 ~~which would be covered by a tax certificate sold under this~~
 810 ~~chapter levied on that person's homestead by filing an annual~~
 811 ~~application for tax deferral with the county tax collector on or~~
 812 ~~before January 31 following the year in which the taxes and non-~~

813 ~~ad valorem assessments are assessed.~~ Any applicant who is
 814 entitled to receive the homestead tax exemption but has waived
 815 it for any reason shall furnish, ~~with the application for tax~~
 816 ~~deferral,~~ a certificate of eligibility to receive the exemption.
 817 Such certificate shall be prepared by the county property
 818 appraiser upon request of the taxpayer. ~~It shall be the burden~~
 819 ~~of each applicant to affirmatively demonstrate compliance with~~
 820 ~~the requirements of this section.~~

821 (2)(a) Approval of an application for homestead tax
 822 deferral shall defer ~~that portion of~~ the combined total of ad
 823 valorem taxes and ~~any~~ non-ad valorem assessments:

824 1. That which would be covered by a tax certificate sold
 825 under this chapter otherwise due and payable on the applicant's
 826 homestead pursuant to s. 197.333 which exceeds 5 percent of the
 827 applicant's household household's income for the prior calendar
 828 year if the applicant is younger than 65 years old;

829 2. That exceeds 3 percent of the applicant's household
 830 income for the prior calendar year if the applicant is 65 years
 831 old or older; or

832 3. In its entirety if the applicant's household income:

833 a. For the previous calendar year is less than \$10,000; or

834 b. Is less than the designated amount for the additional
 835 homestead exemption under s. 196.075 and the applicant is 65
 836 years old or older. ~~If any such applicant's household income for~~
 837 ~~the prior calendar year is less than \$10,000, approval of such~~
 838 ~~application shall defer such ad valorem taxes plus non-ad~~
 839 ~~valorem assessments in their entirety.~~

840 ~~(b) If the applicant is 65 years of age or older, approval~~

841 ~~of the application shall defer that portion of the ad valorem~~
 842 ~~taxes plus non-ad valorem assessments which exceeds 3 percent of~~
 843 ~~the applicant's household income for the prior calendar year. If~~
 844 ~~any applicant's household income for the prior calendar year is~~
 845 ~~less than \$10,000, or is less than the amount of the household~~
 846 ~~income designated for the additional homestead exemption~~
 847 ~~pursuant to s. 196.075, and the applicant is 65 years of age or~~
 848 ~~elder, approval of the application shall defer the ad valorem~~
 849 ~~taxes plus non-ad valorem assessments in their entirety.~~

850 (b) ~~(e)~~ The household income of an applicant who applies
 851 for a tax deferral before the end of the calendar year in which
 852 the taxes and non-ad valorem assessments are assessed shall be
 853 for the current year, adjusted to reflect estimated income for
 854 the full calendar year period. The estimate of a full year's
 855 household income shall be made by multiplying the household
 856 income received to the date of application by a fraction, the
 857 numerator being 365 and the denominator being the number of days
 858 expired in the calendar year to the date of application.

859 (3) The property appraiser shall promptly notify the tax
 860 collector if there is a change in ownership or the homestead
 861 exemption has been denied on property that has been granted a
 862 tax deferral. No tax deferral shall be granted:

863 ~~(a) If the total amount of deferred taxes, non-ad valorem~~
 864 ~~assessments, and interest plus the total amount of all other~~
 865 ~~unsatisfied liens on the homestead exceeds 85 percent of the~~
 866 ~~assessed value of the homestead, or~~

867 ~~(b) If the primary mortgage financing on the homestead is~~
 868 ~~for an amount which exceeds 70 percent of the assessed value of~~

869 ~~the homestead.~~

870 ~~(4) The amount of taxes, non ad valorem assessments, and~~
 871 ~~interest deferred under this act shall accrue interest at a rate~~
 872 ~~equal to the semiannually compounded rate of one half of 1~~
 873 ~~percent plus the average yield to maturity of the long term~~
 874 ~~fixed income portion of the Florida Retirement System~~
 875 ~~investments as of the end of the quarter preceding the date of~~
 876 ~~the sale of the deferred payment tax certificates; however, the~~
 877 ~~interest rate may not exceed 7 percent.~~

878 ~~(5) The taxes, non ad valorem assessments, and interest~~
 879 ~~deferred pursuant to this act shall constitute a prior lien and~~
 880 ~~shall attach as of the date and in the same manner and be~~
 881 ~~collected as other liens for taxes, as provided for under this~~
 882 ~~chapter, but such deferred taxes, non ad valorem assessments,~~
 883 ~~and interest shall only be due, payable, and delinquent as~~
 884 ~~provided in this act.~~

885 Section 17. Section 197.303, Florida Statutes, is
 886 transferred, renumbered as section 197.2524, Florida Statutes,
 887 and amended to read:

888 197.2524 ~~197.303~~ Ad valorem Tax deferral for recreational
 889 and commercial working waterfront properties and affordable
 890 rental housing property.-

891 (1) This section applies to: ~~The board of county~~
 892 ~~commissioners of any county or the governing authority of any~~
 893 ~~municipality may adopt an ordinance to allow for ad valorem tax~~
 894 ~~deferrals for~~

895 (a) Recreational and commercial working waterfront
 896 properties if the owners are engaging in the operation,

897 rehabilitation, or renovation of such properties in accordance
 898 with guidelines established in this section.

899 (b) Affordable rental housing, if the owners are engaging
 900 in the operation, rehabilitation, or renovation of such
 901 properties in accordance with the guidelines provided in part VI
 902 of chapter 420.

903 (2) The board of county commissioners of any county or the
 904 governing authority of a the municipality may adopt an by
 905 ordinance to may authorize the deferral of ad valorem taxes
 906 ~~taxation~~ and non-ad valorem assessments for ~~recreational and~~
 907 ~~commercial working waterfront~~ properties described in subsection
 908 (1).

909 (3) The ordinance shall designate the percentage or amount
 910 of the deferral and the type and location of the working
 911 ~~waterfront property and, including the type of public lodging~~
 912 ~~establishments, for which deferrals may be granted, which may~~
 913 ~~include any property meeting the provisions of s. 342.07(2),~~
 914 ~~which property may require the property be further required to~~
 915 be located within a particular geographic area or areas of the
 916 county or municipality. For property defined in s. 342.07(2) as
 917 "recreational and commercial working waterfront," the ordinance
 918 may specify the type of public lodging establishments that
 919 qualify.

920 (4) The ordinance must specify that such deferrals apply
 921 only to taxes or assessments levied by the unit of government
 922 granting the deferral. However, a deferral may not be granted
 923 for the deferrals do not apply, however, to taxes or non-ad
 924 ~~valorem assessments defined in s. 197.3632(1)(d) levied for the~~

925 payment of bonds or for ~~to~~ taxes authorized by a vote of the
 926 electors pursuant to s. 9(b) or s. 12, Art. VII of the State
 927 Constitution.

928 (5) The ordinance must specify that any deferral granted
 929 remains in effect regardless of any change in the authority of
 930 the county or municipality to grant the deferral. In order to
 931 retain the deferral, ~~however,~~ the use and ownership of the
 932 property ~~as a working waterfront~~ must remain as it was when the
 933 deferral was granted for ~~be maintained over~~ the period in ~~for~~
 934 which the deferral remains ~~is~~ granted.

935 (6) (a) If an application for deferral is granted on
 936 property that is located in a community redevelopment area, the
 937 amount of taxes eligible for deferral shall be limited ~~reduced~~,
 938 as provided for in paragraph (b), if:

939 1. The community redevelopment agency has previously
 940 issued instruments of indebtedness that are secured by increment
 941 revenues on deposit in the community redevelopment trust fund;
 942 and

943 2. Those instruments of indebtedness are associated with
 944 the real property applying for the deferral.

945 (b) If ~~the provisions of~~ paragraph (a) applies ~~apply~~, the
 946 ~~tax~~ deferral may ~~shall not~~ apply only to the ~~an~~ amount of taxes
 947 in excess of ~~equal to~~ the amount that must be deposited into the
 948 community redevelopment trust fund by the entity granting the
 949 deferral based upon the taxable value of the property upon which
 950 the deferral is being granted. Once all instruments of
 951 indebtedness that existed at the time the deferral was
 952 originally granted are no longer outstanding or have otherwise

953 | been defeased, ~~the provisions of~~ this paragraph shall no longer
 954 | apply.

955 | (c) If a portion of the taxes on a property were not
 956 | eligible for deferral under ~~because of the provisions of~~
 957 | paragraph (b), the community redevelopment agency shall notify
 958 | the property owner and the tax collector 1 year before the debt
 959 | instruments that prevented said taxes from being deferred are no
 960 | longer outstanding or otherwise defeased.

961 | (d) The tax collector shall notify a community
 962 | redevelopment agency of any tax deferral that has been granted
 963 | on property located within the community redevelopment area of
 964 | that agency.

965 | (e) Issuance of debt obligation after the date a deferral
 966 | has been granted shall not reduce the amount of taxes eligible
 967 | for deferral.

968 | Section 18. Section 197.3071, Florida Statutes, is
 969 | transferred, renumbered as section 197.2526, Florida Statutes,
 970 | and amended to read:

971 | 197.2526 ~~197.3071~~ Eligibility for tax deferral for
 972 | affordable rental housing property.—The tax deferral authorized
 973 | by s. 197.2524 ~~this section~~ is applicable only on a pro rata
 974 | basis to the ad valorem taxes levied on residential units within
 975 | a property which meet the following conditions:

976 | (1) Units for which the monthly rent along with taxes,
 977 | insurance, and utilities does not exceed 30 percent of the
 978 | median adjusted gross annual income as defined in s. 420.0004
 979 | for the households described in subsection (2).

980 | (2) Units that are occupied by extremely-low-income

981 persons, very-low-income persons, low-income persons, or
982 moderate-income persons as these terms are defined in s.
983 420.0004.

984 Section 19. Section 197.254, Florida Statutes, is amended
985 to read:

986 197.254 Annual notification to taxpayer.—

987 (1) The tax collector shall notify the taxpayer of each
988 parcel appearing on the real property assessment roll of the
989 right to defer payment of taxes and non-ad valorem assessments
990 and interest on homestead property pursuant to s. 197.252.
991 ~~pursuant to ss. 197.242-197.312. Such notice shall be printed on~~
992 ~~the back of envelopes used for mailing the notice of taxes~~
993 ~~provided for by s. 197.322(3). Such notice of the right to defer~~
994 ~~payment of taxes and non-ad valorem assessments shall read:~~

995
996 NOTICE TO TAXPAYERS ENTITLED
997 TO HOMESTEAD EXEMPTION
998

999 ~~"If your income is low enough to meet certain conditions,~~
1000 ~~you may qualify for a deferred tax payment plan on homestead~~
1001 ~~property. An application to determine eligibility is available~~
1002 ~~in the county tax collector's office."~~

1003 (2) On or before November 1 of each year, the tax
1004 collector shall notify each taxpayer to whom a tax deferral has
1005 been previously granted of the accumulated sum of deferred
1006 taxes, non-ad valorem assessments, and interest outstanding.

1007 Section 20. Section 197.262, Florida Statutes, is amended
1008 to read:

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1009 197.262 Deferred payment tax certificates.-
 1010 (1) ~~The tax collector shall notify each local governing~~
 1011 ~~body of the amount of taxes and non-ad valorem assessments~~
 1012 ~~deferred which would otherwise have been collected for such~~
 1013 ~~governing body. The county shall then, At a the time of the tax~~
 1014 ~~certificate sale held pursuant to s. 197.432, the tax collector~~
 1015 shall strike to the county each certificate on property for
 1016 which taxes have been deferred off to the county. Certificates
 1017 issued pursuant to this section are exempt from the public sale
 1018 of tax certificates held pursuant to s. 197.432 or s. 197.4725.

1019 (2) The certificates so held by the county shall bear
 1020 interest at a rate equal to the semiannually compounded rate of
 1021 0.5 percent plus the average yield to maturity of the long-term
 1022 fixed-income portion of the Florida Retirement System
 1023 investments as of the end of the quarter preceding the date of
 1024 the sale of the deferred payment tax certificates. ~~‡~~ However, the
 1025 interest rate may not exceed 7 9.5 percent.

1026 Section 21. Section 197.263, Florida Statutes, is amended
 1027 to read:

1028 197.263 Change in ownership or use of property.-

1029 (1) If ~~In the event that~~ there is a change in use or
 1030 ownership of tax-deferred property such that the owner is no
 1031 longer eligible for the tax deferral granted ~~entitled to claim~~
 1032 ~~homestead exemption for such property pursuant to s. 196.031(1),~~
 1033 or the owner such person fails to maintain the required fire and
 1034 extended insurance coverage, the total amount of deferred taxes
 1035 and interest for all ~~previous~~ years shall be due and payable
 1036 November 1 of the year in which the change ~~in use~~ occurs or on

1037 the date failure to maintain insurance occurs. Payment and shall
 1038 be delinquent on April 1 of the year following the year in which
 1039 the change in use or failure to maintain insurance occurs.
 1040 However, if the change in ownership is to a surviving spouse and
 1041 the spouse is eligible to maintain the tax deferral on such
 1042 property, the surviving spouse may continue the deferment of
 1043 previously deferred taxes and interest pursuant to this chapter.

1044 ~~(2) In the event that there is a change in ownership of~~
 1045 ~~tax-deferred property, the total amount of deferred taxes and~~
 1046 ~~interest for all previous years shall be due and payable on the~~
 1047 ~~date the change in ownership takes place and shall be delinquent~~
 1048 ~~on April 1 following said date. When, however, the change in~~
 1049 ~~ownership is to a surviving spouse and such spouse is eligible~~
 1050 ~~to claim homestead exemption on such property pursuant to s.~~
 1051 ~~196.031(1), such surviving spouse may continue the deferment of~~
 1052 ~~previously deferred taxes and interest pursuant to the~~
 1053 ~~provisions of this act.~~

1054 (2)~~(3)~~ Whenever the property appraiser discovers that
 1055 there has been a change in the ownership or use of property
 1056 which has been granted a tax deferral, the property appraiser
 1057 shall notify the tax collector in writing of the date such
 1058 change occurs, and the tax collector shall collect any taxes,
 1059 assessments, and interest due ~~or delinquent.~~

1060 (3)~~(4)~~ During any year in which the total amount of
 1061 deferred taxes, interest, assessments, and all other unsatisfied
 1062 liens on the homestead exceeds 85 percent of the just assessed
 1063 value of the homestead, the tax collector shall ~~immediately~~
 1064 notify the owner ~~of the property on which taxes and interest~~

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1065 ~~have been deferred~~ that the portion of taxes, and interest, and
 1066 assessments which exceeds 85 percent of the just assessed value
 1067 of the homestead ~~is shall be~~ due and payable within 30 days
 1068 ~~after of receipt of~~ the notice is sent. Failure to pay the
 1069 amount due causes ~~shall cause~~ the total amount of deferred
 1070 taxes, and interest, and assessments to become delinquent.

1071 ~~(4)-(5)~~ Each year, upon notification, each owner of
 1072 property on which taxes, and interest, and assessments have been
 1073 deferred shall submit to the tax collector a list of, and the
 1074 current value of, all outstanding liens on the owner's
 1075 homestead. Failure to respond to this notification within 30
 1076 days shall cause the total amount of deferred taxes, and
 1077 interest, and assessments to become payable within 30 days.

1078 ~~(5)-(6)~~ If in the event deferred taxes, interest, and
 1079 assessments become delinquent ~~under this chapter, then on or~~
 1080 ~~before June 1 following the date the taxes become delinquent,~~
 1081 the tax collector shall sell a tax certificate for the
 1082 delinquent taxes, and interest, and assessments in the manner
 1083 provided by s. 197.432.

1084 Section 22. Section 197.272, Florida Statutes, is amended
 1085 to read:

1086 197.272 Prepayment of deferred taxes.-

1087 ~~(1)~~ All or part of the deferred taxes and accrued interest
 1088 may at any time be paid to the tax collector. by:

1089 ~~(a) The owner of the property or the spouse of the owner.~~

1090 ~~(b) The next of kin of the owner, heir of the owner, child~~
 1091 ~~of the owner, or any person having or claiming a legal or~~
 1092 ~~equitable interest in the property, provided no objection is~~

1093 ~~made by the owner within 30 days after the tax collector~~
 1094 ~~notifies the owner of the fact that such payment has been~~
 1095 ~~tendered.~~

1096 ~~(2) Any partial payment that is less than the total amount~~
 1097 ~~due must be equal to the amount of the deferred taxes, interest,~~
 1098 ~~assessments, and for 1 or more full years made pursuant to this~~
 1099 ~~section shall be applied first to accrued interest.~~

1100 Section 23. Section 197.282, Florida Statutes, is amended
 1101 to read:

1102 197.282 Distribution of payments.—When any deferred taxes,
 1103 assessments, or interest is collected, the tax collector shall
 1104 maintain a record of the payment, ~~setting forth a description of~~
 1105 ~~the property and the amount of taxes or interest collected for~~
 1106 ~~such property.~~ The tax collector shall distribute payments
 1107 received in accordance with the procedures for distribution of
 1108 ad valorem taxes, non-ad valorem assessments, or redemption
 1109 moneys as prescribed in this chapter.

1110 Section 24. Section 197.292, Florida Statutes, is amended
 1111 to read:

1112 197.292 Construction.—~~Nothing in This~~ chapter does not
 1113 prohibit: ~~act shall be construed to prevent~~

1114 (1) The collection of personal property taxes that ~~which~~
 1115 become a lien against tax-deferred property;;

1116 (2) Defer payment of special assessments to benefited
 1117 property other than those specifically allowed to be deferred;;
 1118 or

1119 (3) Affect any provision of any mortgage or other
 1120 instrument relating to property requiring a person to pay ad

1121 | valorem taxes or non-ad valorem assessments.

1122 | Section 25. Section 197.301, Florida Statutes, is amended
1123 | to read:

1124 | 197.301 Penalties.—

1125 | (1) The following penalties shall be imposed on any person
1126 | who willfully files incorrect information for a tax deferral
1127 | ~~required under s. 197.252 or s. 197.263 which is incorrect:~~

1128 | (a) The ~~Such~~ person shall pay the total amount of deferred
1129 | taxes, non-ad valorem assessments subject to collection pursuant
1130 | to the uniform method of collection set forth in s. 197.3632,
1131 | ~~and interest deferred,~~ which amount shall immediately become
1132 | due.

1133 | (b) The ~~Such~~ person shall be disqualified from filing a
1134 | ~~homestead~~ tax deferral application for the next 3 years. ~~and~~

1135 | (c) The ~~Such~~ person shall pay a penalty of 25 percent of
1136 | the total amount of deferred taxes, non-ad valorem assessments
1137 | subject to collection pursuant to the uniform method of
1138 | collection set forth in s. 197.3632, and interest deferred.

1139 | (2) Any person against whom the penalties prescribed in
1140 | this section have been imposed may appeal the penalties imposed
1141 | to the value adjustment board within 30 days after said
1142 | penalties are imposed.

1143 | Section 26. Section 197.312, Florida Statutes, is amended
1144 | to read:

1145 | 197.312 Payment by mortgagee.—If any mortgagee elects
1146 | ~~shall elect~~ to pay the taxes when an applicant qualifies for tax
1147 | deferral, ~~then~~ such election does ~~shall~~ not give the mortgagee
1148 | the right to foreclose.

1149 Section 27. Section 197.322, Florida Statutes, is amended
 1150 to read:

1151 197.322 Delivery of ad valorem tax and non-ad valorem
 1152 assessment rolls; notice of taxes; publication and mail.—

1153 (1) The property appraiser shall deliver to the tax
 1154 collector the certified assessment roll along with his or her
 1155 warrant and recapitulation sheet.

1156 (2) The tax collector shall on November 1, or as soon as
 1157 the assessment roll is open for collection, publish a notice in
 1158 a local newspaper that the tax roll is open for collection.

1159 (3) Within 20 working days after receipt of the certified
 1160 ad valorem tax roll and the non-ad valorem assessment rolls, the
 1161 tax collector shall send mail to each taxpayer appearing on such
 1162 said rolls, whose ~~post office~~ address is known to him or her, a
 1163 tax notice stating the amount of current taxes due, ~~from the~~
 1164 ~~taxpayer and, if applicable, the fact that back taxes remain~~
 1165 ~~unpaid and advising the taxpayer of the discounts allowed for~~
 1166 ~~early payment, and that delinquent taxes are outstanding, if~~
 1167 applicable. Pursuant to s. 197.3632, the form of the notice of
 1168 non-ad valorem assessments and notice of ad valorem taxes shall
 1169 be in the form specified as provided in s. 197.3635 and ~~no other~~
 1170 ~~form shall be used, notwithstanding the provisions of s.~~
 1171 195.022. The tax collector may send such notice electronically
 1172 or by postal mail. Electronic transmission may be used only with
 1173 the express consent of the property owner. Electronic
 1174 transmission of tax notices may be sent earlier but may not be
 1175 sent later than the postal mailing of the notices. If the notice
 1176 of taxes is sent electronically and is returned as

1177 undeliverable, a second notice shall be sent by postal mail.
 1178 However, the original electronic transmission is the official
 1179 mailing for purpose of this section. A discount period may not
 1180 be extended due to a tax bill being returned as undeliverable
 1181 electronically or by postal mail. The postage for mailing or the
 1182 cost of electronic transmission shall be paid out of the general
 1183 fund of each local governing board, upon statement of the amount
 1184 ~~thereof~~ by the tax collector.

1185 Section 28. Section 197.332, Florida Statutes, is amended
 1186 to read:

1187 197.332 Duties of tax collectors; branch offices.—

1188 (1) The tax collector has the authority and obligation to
 1189 collect all taxes as shown on the tax roll by the date of
 1190 delinquency or to collect delinquent taxes, interest, and costs,
 1191 by sale of tax certificates on real property and by seizure and
 1192 sale of personal property. The tax collector may perform such
 1193 duties by use of contracted services or products or by
 1194 electronic means. The use of contracted services, products, or
 1195 vendors does not diminish the responsibility or liability of the
 1196 tax collector to perform such duties pursuant to law. The tax
 1197 collector may ~~shall be allowed to~~ collect the cost of contracted
 1198 services and reasonable attorney's fees and court costs in
 1199 actions on proceedings to recover delinquent taxes, interest,
 1200 and costs.

1201 (2) A county tax collector may establish one or more
 1202 branch offices by acquiring title to real property or by lease
 1203 agreement. The tax collector may staff and equip such branch
 1204 offices to conduct state business, or if authorized to do so by

1205 resolution of the county governing body conduct county business
 1206 pursuant to s. (1)(k), Art. VIII the State Constitution. The
 1207 department shall rely on the tax collector's determination that
 1208 a branch office is necessary and shall base its approval of the
 1209 tax collector's budget in accordance with the procedures of s.
 1210 195.087(2).

1211 Section 29. Section 197.343, Florida Statutes, is amended
 1212 to read:

1213 197.343 Tax notices; additional notice required.—

1214 (1) An additional tax notice shall be sent, electronically
 1215 or by postal mail, mailed by April 30 to each taxpayer whose
 1216 payment has not been received. Electronic transmission of the
 1217 additional tax notice may be used only with the express consent
 1218 of the property owner. If the electronic transmission is
 1219 returned as undeliverable, a second notice must be sent by
 1220 postal mail. However, the original electronic transmission is
 1221 the official notice for the purposes of this subsection. The
 1222 notice shall include a description of the property and a
 1223 statement that if the taxes are not paid:

1224 (a) For real property, a tax certificate may be sold; and

1225 (b) For tangible personal property, the property may be
 1226 sold the following statement: If the taxes for ... (year) ... on
 1227 your property are not paid in full, a tax certificate will be
 1228 sold for the delinquent taxes, and your property may be sold at
 1229 a future date. Contact the tax collector's office at once.

1230 ~~(2) A duplicate of the additional tax notice required by~~
 1231 ~~subsection (1) shall be mailed to a condominium unit owner's~~
 1232 ~~condominium association or to a mobile home owner's homeowners'~~

1233 ~~association as defined in s. 723.075 if the association has~~
 1234 ~~filed with the tax collector a written request and included a~~
 1235 ~~description of the land. The tax collector is authorized to~~
 1236 ~~charge a reasonable fee for the cost of this service.~~

1237 (2)~~(3)~~ When the taxes under s. 193.481 on subsurface
 1238 rights ~~have~~ become delinquent and a tax certificate is to be
 1239 sold under this chapter, a notice of the delinquency shall be
 1240 sent given by first-class mail to the owner of the fee to which
 1241 these subsurface rights are attached. The additional notice may
 1242 be transmitted electronically only with the express consent of
 1243 the fee owner. If the electronic transmission is returned as
 1244 undeliverable, a second notice must be sent by postal mail.
 1245 However, the original electronic transmission is the official
 1246 notice for the purposes of this subsection. On the day of the
 1247 tax sale, the fee owner shall have the right to purchase the tax
 1248 certificate at the maximum rate of interest provided by law
 1249 before bids are accepted for the sale of such certificate.

1250 (3)~~(4)~~ The tax collector shall send mail such additional
 1251 notices as he or she considers proper and necessary or as may be
 1252 required by reasonable rules of the department. An additional
 1253 notice may be transmitted electronically only with the express
 1254 consent of the property owner. If the notice of taxes is sent
 1255 electronically and is returned as undeliverable, a second notice
 1256 shall be sent by postal mail. However, the original electronic
 1257 transmission is the official mailing for purpose of this
 1258 section.

1259 Section 30. Subsections (1) and (2) of section 197.344,
 1260 Florida Statutes, are amended to read:

1261 197.344 Lienholders; receipt of notices and delinquent
 1262 taxes.—

1263 (1) When requested in writing, a tax notice shall be sent
 1264 ~~mailed~~ according to the following procedures:

1265 (a) Upon request by any taxpayer who is aged 60 years old
 1266 or older ~~over~~, the tax collector shall send ~~mail~~ the tax notice
 1267 to a third party designated by the taxpayer. A duplicate copy of
 1268 the notice shall be sent ~~mailed~~ to the taxpayer.

1269 (b) Upon request by a mortgagee stating that the mortgagee
 1270 is the trustee of an escrow account for ad valorem taxes due on
 1271 the property, the tax notice shall be sent ~~mailed~~ to such
 1272 trustee. When the original tax notice is sent ~~mailed~~ to such
 1273 trustee, the tax collector shall send ~~mail~~ a duplicate notice to
 1274 the owner of the property with the additional statement that the
 1275 original has been sent to the trustee.

1276 (c) Upon request by a vendee of an unrecorded or recorded
 1277 contract for deed, the tax collector shall send ~~mail~~ a duplicate
 1278 notice to such vendee.

1279
 1280 The tax collector may establish cutoff dates, periods for
 1281 updating the list, and any other reasonable requirements to
 1282 ensure that the tax notices are sent ~~mailed~~ to the proper party
 1283 on time. Notices shall be sent electronically or by postal mail.
 1284 However, electronic transmission may be used only with the
 1285 express consent of the person making the request. If the
 1286 electronic transmission is returned as undeliverable, a second
 1287 notice shall be sent by postal mail. However, the original
 1288 electronic transmission is the official notice for the purpose

1289 of this subsection.

1290 (2) On or before May 1 of each year, the holder or
 1291 mortgagee of an unsatisfied mortgage, lienholder, or vendee
 1292 under a contract for deed, upon filing with the tax collector a
 1293 description of property ~~land~~ so encumbered and paying a service
 1294 charge of \$2, may request and receive information concerning any
 1295 delinquent taxes appearing on the current tax roll and
 1296 certificates issued on the described property ~~land~~. Upon receipt
 1297 of such request, the tax collector shall furnish the following
 1298 information within 60 days following the tax certificate sale:

- 1299 (a) The description of property on which certificates were
 1300 sold.
- 1301 (b) The number of each certificate issued and to whom.
- 1302 (c) The face amount of each certificate.
- 1303 (d) The cost for redemption of each certificate.

1304 Section 31. Section 197.3635, Florida Statutes, is amended
 1305 to read:

1306 197.3635 Combined notice of ad valorem taxes and non-ad
 1307 valorem assessments; requirements.—A form for the combined
 1308 notice of ad valorem taxes and non-ad valorem assessments shall
 1309 be produced and paid for by the tax collector. The form shall
 1310 meet the requirements of this section and department rules and
 1311 shall be subject to approval by the department. By rule, the
 1312 department shall provide a format for the form of such combined
 1313 notice. The form shall ~~meet the following requirements:~~

- 1314 (1) ~~It shall~~ Contain the title "Notice of Ad Valorem Taxes
 1315 and Non-ad Valorem Assessments." The form ~~It~~ shall also contain
 1316 a receipt part that can be returned along with the payment to

1317 the tax collector.

1318 ~~(2) It shall provide a clear partition between ad valorem~~
 1319 ~~taxes and non-ad valorem assessments. Such partition shall be a~~
 1320 ~~bold horizontal line approximately 1/8 inch thick.~~

1321 ~~(2)(3) Within the ad valorem part, it shall~~ Contain the
 1322 heading "Ad Valorem Taxes." within the ad valorem part and
 1323 ~~Within the non-ad valorem assessment part, it shall contain the~~
 1324 heading "Non-ad Valorem Assessments." within the non-ad valorem
 1325 assessment part.

1326 ~~(3)(4) It shall~~ Contain the county name, the assessment
 1327 year, the mailing address of the tax collector, the mailing
 1328 address of one property owner, the legal description of the
 1329 property to at least 25 characters, and the unique parcel or tax
 1330 identification number of the property.

1331 ~~(4)(5) It shall~~ Provide for the labeled disclosure of the
 1332 total amount of combined levies and the total discounted amount
 1333 due each month when paid in advance.

1334 ~~(5)(6) It shall~~ Provide a field or portion on the front of
 1335 the notice for official use for data to reflect codes useful to
 1336 the tax collector.

1337 ~~(6)(7) Provide for the combined notice to shall~~ be set in
 1338 type that ~~which~~ is 8 points or larger.

1339 ~~(7)(8) The ad valorem part shall~~ Contain within the ad
 1340 valorem part ~~the following:~~

1341 (a) A schedule of the assessed value, exempted value, and
 1342 taxable value of the property.

1343 (b) Subheadings for columns listing taxing authorities,
 1344 corresponding millage rates expressed in dollars and cents per

1345 \$1,000 of taxable value, and the associated tax.

1346 (c) A listing of taxing authorities ~~listed~~ in the same
 1347 sequence and manner as listed on the notice required by s.
 1348 200.069(4)(a), with the exception that independent special
 1349 districts, municipal service taxing districts, and voted debt
 1350 service millages for each taxing authority shall be listed
 1351 separately. If a county has too many municipal service taxing
 1352 units to list separately, it shall combine them to disclose the
 1353 total number of such units and the amount of taxes levied.

1354 ~~(8)(9)~~ Contain within the non-ad valorem assessment part,
 1355 ~~it shall contain the following:~~

1356 (a) Subheadings for columns listing the levying
 1357 authorities, corresponding assessment rates expressed in dollars
 1358 and cents per unit of assessment, and the associated assessment
 1359 amount.

1360 (b) The purpose of the assessment, if the purpose is not
 1361 clearly indicated by the name of the levying authority.

1362 (c) A listing of the levying authorities in the same order
 1363 as in the ad valorem part to the extent practicable. If a county
 1364 has too many municipal service benefit units to list separately,
 1365 it shall combine them by function.

1366 ~~(9)(10)~~ ~~It shall~~ Provide instructions and useful
 1367 information to the taxpayer. Such information and instructions
 1368 shall be nontechnical to minimize confusion. The information and
 1369 instructions required by this section shall be provided by
 1370 department rule and shall include:

1371 (a) Procedures to be followed when the property has been
 1372 sold or conveyed.

1373 (b) Instruction as to mailing the remittance and receipt
 1374 along with a brief disclosure of the availability of discounts.

1375 (c) Notification about delinquency and interest for
 1376 delinquent payment.

1377 (d) Notification that failure to pay the amounts due will
 1378 result in a tax certificate being issued against the property.

1379 (e) A brief statement outlining the responsibility of the
 1380 tax collector, the property appraiser, and the taxing
 1381 authorities. This statement shall be accompanied by directions
 1382 as to which office to contact for particular questions or
 1383 problems.

1384 Section 32. Subsections (2) and (4) of section 197.373,
 1385 Florida Statutes, are amended to read:

1386 197.373 Payment of portion of taxes.—

1387 (2) The request must be made at least 45 ~~15~~ days before
 1388 ~~prior to~~ the tax certificate sale.

1389 (4) This section does not apply to assessments and
 1390 collections relating to fee timeshare real property made
 1391 pursuant to ~~the provisions of~~ s. 192.037.

1392 Section 33. Subsections (1) and (3) of section 197.402,
 1393 Florida Statutes, are amended to read:

1394 197.402 Advertisement of real or personal property with
 1395 delinquent taxes.—

1396 (1) If ~~Whenever~~ legal advertisements are required, the
 1397 board of county commissioners shall select the newspaper as
 1398 provided in chapter 50. The ~~office of the~~ tax collector shall
 1399 pay all newspaper charges, and the proportionate cost of the
 1400 advertisements shall be added to the delinquent taxes ~~when they~~

1401 are collected.

1402 (3) Except as provided in s. 197.432(4), on or before June
 1403 1 or the 60th day after the date of delinquency, whichever is
 1404 later, the tax collector shall advertise once each week for 3
 1405 weeks and shall sell tax certificates on all real property
 1406 having with delinquent taxes. If the deadline falls on a
 1407 Saturday, Sunday, or legal holiday, it is extended to the next
 1408 working day. The tax collector shall make a list of such
 1409 properties in the same order in which the property was lands
 1410 were assessed, specifying the amount due on each parcel,
 1411 including interest at the rate of 18 percent per year from the
 1412 date of delinquency to the date of sale; the cost of
 1413 advertising; and the expense of sale. For sales that commence on
 1414 or before June 1, all certificates shall be issued effective as
 1415 of the date of the first day of the sale and the interest to be
 1416 paid to the certificateholder shall include the month of June.

1417 Section 34. Section 197.403, Florida Statutes, is amended
 1418 to read:

1419 197.403 ~~Publisher to furnish copy of advertisement to tax~~
 1420 ~~collector; Proof of publication; fees.~~ The newspaper publishing
 1421 the notice of a tax sale shall furnish ~~transmit by mail~~ a copy
 1422 of the paper containing each notice to the tax collector within
 1423 10 days after the last required publication. When the
 1424 publication of the tax sale notice is completed ~~as provided by~~
 1425 ~~law,~~ the publisher shall make an affidavit, ~~in the form~~
 1426 ~~prescribed by the department,~~ which shall be delivered to the
 1427 tax collector and annexed to the report of certificates sold for
 1428 taxes as provided by s. 197.432(9) ~~s. 197.432(8).~~

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1429 Section 35. Subsections (5) and (10) of section 197.413,
 1430 Florida Statutes, are amended to read:

1431 197.413 Delinquent personal property taxes; warrants;
 1432 court order for levy and seizure of personal property; seizure;
 1433 fees of tax collectors.—

1434 (5) Upon the filing of the ~~such~~ petition, the clerk of the
 1435 court shall notify each delinquent taxpayer listed in the
 1436 petition that a petition has been filed and that, upon
 1437 ratification and confirmation of the petition, the tax collector
 1438 is ~~will be~~ authorized to issue warrants and levy upon, seize,
 1439 and sell so much of the personal property as to satisfy the
 1440 delinquent taxes, plus costs, interest, attorney's fees, and
 1441 other charges. The ~~Such~~ notice shall be given by certified mail,
 1442 return receipt requested. If the clerk of court and the tax
 1443 collector agree, the tax collector may provide the notice.

1444 (10) The tax collector is entitled to a fee of \$10 ~~\$2~~ from
 1445 each delinquent taxpayer at the time delinquent taxes are
 1446 collected. ~~The tax collector is entitled to receive an~~
 1447 ~~additional \$8 for each warrant issued.~~

1448 Section 36. Section 197.414, Florida Statutes, is amended
 1449 to read:

1450 197.414 ~~Tax collector to keep~~ Record of warrants and
 1451 levies on tangible personal property.—The tax collector shall
 1452 keep a record of all warrants and levies made under this chapter
 1453 and shall note on such record the date of payment, the amount of
 1454 money, if any, received, and the disposition thereof made by him
 1455 or her. Such record shall be known as "the tangible personal
 1456 property tax warrant register." ~~and the form thereof shall be~~

1457 ~~prescribed by the Department of Revenue. The warrant register~~
 1458 may be maintained in paper or electronic form.

1459 Section 37. Subsections (1) and (2) of section 197.4155,
 1460 Florida Statutes, are amended to read:

1461 197.4155 Delinquent personal property taxes; ~~installment~~
 1462 payment program.—

1463 (1) A county tax collector may implement a ~~an installment~~
 1464 payment program for the payment of delinquent personal property
 1465 taxes. If implemented, the ~~program must be available, upon~~
 1466 ~~application to the tax collector, to each delinquent personal~~
 1467 ~~property taxpayer whose delinquent personal property taxes~~
 1468 ~~exceed \$1,000. The tax collector shall require each taxpayer who~~
 1469 requests to participate in the program to submit an application
 1470 on a form prescribed by the tax collector which, at a minimum,
 1471 must include the name, address, a description of the property
 1472 subject to personal property taxes, and the amount of the
 1473 personal property taxes owed by the taxpayer.

1474 (2) Within 10 days after a taxpayer who owes delinquent
 1475 personal property taxes submits the required application, the
 1476 tax collector may ~~shall~~ prescribe a ~~an installment~~ payment plan
 1477 for the full payment of the ~~taxpayer's~~ delinquent ~~personal~~
 1478 ~~property~~ taxes, including any delinquency charges, interest, and
 1479 costs allowed by this chapter. The plan must be in writing and
 1480 must be delivered to the taxpayer after it is prescribed. When
 1481 ~~At the time~~ the plan is developed, the tax collector may
 1482 consider a taxpayer's current and anticipated future ability to
 1483 pay over the time period of a potential ~~installment~~ payment
 1484 plan. The plan must provide that if the taxpayer does not follow

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1485 | the payment terms or fails to timely file returns or pay current
 1486 | obligations after the date of the payment plan, the taxpayer is
 1487 | ~~will be considered delinquent under the terms of the plan,~~ and
 1488 | any unpaid balance of tax, penalty, or interest scheduled in the
 1489 | payment plan will be due and payable immediately. The plan must
 1490 | also provide that unpaid tax amounts bear interest as provided
 1491 | by law. In prescribing a ~~such an installment~~ payment plan, the
 1492 | tax collector may exercise flexibility as to the dates, amounts,
 1493 | and number of payments required to collect all delinquent
 1494 | personal property taxes owed ~~by the taxpayer,~~ except that the
 1495 | plan must provide for the full satisfaction of all amounts owed
 1496 | by the taxpayer within ~~by no later than~~ 3 years after the due
 1497 | date of the first payment under the plan.

1498 | Section 38. Section 197.416, Florida Statutes, is amended
 1499 | to read:

1500 | 197.416 Continuing duty of the tax collector to collect
 1501 | delinquent tax warrants; limitation of actions.—It is ~~shall be~~
 1502 | the duty of the tax collector issuing a tax warrant for the
 1503 | collection of delinquent tangible personal property taxes to
 1504 | continue ~~from time to time his or her efforts~~ to collect such
 1505 | taxes for ~~a period of~~ 7 years after ~~from~~ the date of the
 1506 | ratification ~~issuance~~ of the warrant. After the expiration of 7
 1507 | years, the warrant is ~~will be~~ barred by this statute of
 1508 | limitation, ~~and no action may be maintained in any court.~~ A tax
 1509 | collector or his or her successor is ~~shall~~ not be relieved of
 1510 | accountability for collection of any taxes assessed on tangible
 1511 | personal property until he or she has completely performed every
 1512 | duty devolving upon the tax collector as required by law.

1513 Section 39. Subsection (1) of section 197.417, Florida
 1514 Statutes, is amended to read:

1515 197.417 Sale of personal property after seizure.—

1516 (1) When personal property is levied upon for delinquent
 1517 taxes as provided for in s. 197.413, at least 7 ~~15~~ days before
 1518 the sale the tax collector shall give public notice by
 1519 advertisement of the time and place of sale of the property to
 1520 be sold. The notice shall be posted in at least two ~~three~~ public
 1521 places in the county, ~~one of which shall be at the courthouse,~~
 1522 and the property shall be sold at public auction at the location
 1523 noted in the advertisement. Notice posted on the Internet
 1524 qualifies as one location. The property sold shall be present if
 1525 practical. If the sale is conducted electronically, a
 1526 description of the property and a photograph, when practical,
 1527 shall be available. At any time before the sale the owner or
 1528 claimant of the property may release the property by the payment
 1529 of the taxes, plus delinquent charges, interest, and costs, for
 1530 which the property was liable to be sold. ~~In all cases,~~
 1531 ~~immediate payment for the property shall be required.~~ In case
 1532 such a sale is made, the tax collector shall be entitled to the
 1533 same fees and charges as are allowed sheriffs upon execution
 1534 sales.

1535 Section 40. Section 197.432, Florida Statutes, is amended
 1536 to read:

1537 197.432 Sale of tax certificates for unpaid taxes.—

1538 (1) On the day and approximately at the time designated in
 1539 the notice of the sale, the tax collector shall commence the
 1540 sale of tax certificates on the real property ~~these lands~~ on

1541 which taxes have not been paid. ~~The tax collector, and he or she~~
 1542 shall continue the sale from day to day until each certificate
 1543 is sold to pay the taxes, interest, costs, and charges on the
 1544 parcel described in the certificate. ~~In case there are no~~
 1545 ~~bidders, the certificate shall be issued to the county.~~ The tax
 1546 collector shall offer all certificates on the property lands as
 1547 they are listed on the tax roll assessed. The tax collector may
 1548 conduct the sale of tax certificates for unpaid taxes pursuant
 1549 to this section by electronic means, which may allow for proxy
 1550 bidding. Such electronic means must comply with the procedures
 1551 provided in this chapter. A tax collector who chooses to conduct
 1552 such electronic sales may receive electronic deposits and
 1553 payments related to the tax certificate sale.

1554 (2) A lien created through the sale of a tax certificate
 1555 may not be enforced in any manner except as prescribed in this
 1556 chapter.

1557 (3) If the Delinquent real property taxes on a real
 1558 property and all interest, costs, and charges are paid before a
 1559 tax certificate is awarded to a buyer or struck to the county
 1560 the tax collector may not issue the tax certificate of all
 1561 governmental units due on a parcel of land in any one year shall
 1562 be combined into one certificate. After a tax certificate is
 1563 awarded to a buyer or struck to the county, the delinquent
 1564 taxes, interest, costs, and charges are paid by the redemption
 1565 of the tax certificate.

1566 (4) A tax certificate representing less than \$250 ~~\$100~~ in
 1567 delinquent taxes on property that has been granted a homestead
 1568 exemption for the year in which the delinquent taxes were

1569 assessed may not be sold at public auction or by electronic sale
 1570 as provided in subsection (1) ~~(16)~~ but must ~~shall~~ be issued by
 1571 the tax collector to the county at the maximum rate of interest
 1572 allowed ~~by this chapter~~. The provisions of s. 197.4725 or s.
 1573 197.502(3) may ~~shall~~ not be invoked if ~~as long as~~ the homestead
 1574 exemption is granted to the person who received the homestead
 1575 exemption for the year in which the tax certificate was issued.
 1576 However, if ~~when~~ all such tax certificates and accrued interest
 1577 ~~thereon~~ represent an amount of \$250 ~~\$100~~ or more, the provisions
 1578 of s. 197.502(3) shall be invoked.

1579 (5) A tax certificate that has not been sold on property
 1580 for which a tax deed application is pending shall be struck to
 1581 the county.

1582 (6) ~~(5)~~ Each certificate shall be awarded ~~struck off~~ to the
 1583 person who will pay the taxes, interest, costs, and charges and
 1584 will demand the lowest rate of interest, not in excess of the
 1585 maximum rate of interest allowed by this chapter. The tax
 1586 collector shall accept bids in even increments and in fractional
 1587 interest rate bids of one-quarter of 1 percent only. Proxy
 1588 bidding is valid if authorized or accepted by the potential
 1589 buyer of the certificate. If multiple bidders offer the same
 1590 lowest rate of interest, the tax collector shall determine the
 1591 method of selecting the bidder to whom the certificate will be
 1592 awarded. Acceptable methods include the bid received first or
 1593 use of a random number generator. If a certificate is not
 1594 purchased there is no buyer, the certificate shall be struck
 1595 issued to the county at the maximum rate of interest allowed by
 1596 this chapter.

1597 (7)~~(6)~~ The tax collector may ~~shall~~ require immediate
 1598 payment of a reasonable deposit from any person who wishes to
 1599 bid for a tax certificate. A person who fails or refuses to pay
 1600 any bid made by, or on behalf of, such person ~~him or her~~ is not
 1601 entitled to bid or have any other bid accepted or enforced
 1602 except as authorized by the tax collector ~~until a new deposit of~~
 1603 ~~100 percent of the amount of estimated purchases has been paid~~
 1604 ~~to the tax collector. When tax certificates are ready for~~
 1605 ~~issuance,~~ The tax collector shall provide written or electronic
 1606 notice when certificates are ~~notify each person to whom a~~
 1607 ~~certificate was struck off that the certificate is ready for~~
 1608 issuance. and Payment must be made within 48 hours after ~~from~~
 1609 the transmission of the electronic notice by the tax collector
 1610 or receipt of the written notice by the certificate buyer
 1611 ~~mailing of such notice or,~~ at the tax collector's discretion,
 1612 all or any portion of the deposit placed by the bidder may be
 1613 ~~the deposit shall be forfeited and the bid canceled. In any~~
 1614 ~~event,~~ Payment must ~~shall~~ be made before the issuance ~~delivery~~
 1615 of the certificate by the tax collector. If the tax collector
 1616 determines that payment has been requested in error, the tax
 1617 collector shall issue a refund within 15 business days after
 1618 such payment. Any refund issued after 15 business days shall be
 1619 issued with interest at the rate of 5 percent per annum.

1620 (8)~~(7)~~ ~~The form of the certificate shall be as prescribed~~
 1621 ~~by the department. Upon the cancellation of a any bid,~~ the tax
 1622 collector shall ~~resell that certificate the following day or as~~
 1623 ~~soon thereafter as possible, provided the certificate is sold~~
 1624 ~~within 10 days after cancellation of such bid.~~

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1625 (a) If the sale has not been adjourned, the tax collector
 1626 shall reoffer the certificate for sale.

1627 (b) If the sale has been adjourned, the tax collector
 1628 shall reoffer the certificate at a subsequent sale. Before the
 1629 subsequent sale, the parcels must be readvertised pursuant to s.
 1630 197.402(3).

1631 (9)~~(8)~~ The tax collector shall maintain records ~~make a~~
 1632 ~~list~~ of all the certificates sold for taxes, showing the date of
 1633 the sale, the number of each certificate, the name of the owner
 1634 as returned, a description of the property ~~land~~ within the
 1635 certificate, the name of the purchaser, the interest rate bid,
 1636 and the amount for which sale was made. Such records may be
 1637 maintained electronically and shall ~~This list shall~~ be cited
 1638 ~~known~~ as the "list of tax certificates sold." ~~The tax collector~~
 1639 ~~shall append to the list a certificate setting forth the fact~~
 1640 ~~that the sale was made in accordance with this chapter.~~

1641 (10)~~(9)~~ A certificate may not be sold on, and a ~~nor is any~~
 1642 lien is not created in, property owned by any governmental unit
 1643 ~~the property of~~ which has become subject to taxation due to
 1644 lease of the property to a nongovernmental lessee. The
 1645 delinquent taxes shall be enforced and collected in the manner
 1646 provided in s. 196.199(8). However, the ad valorem real property
 1647 taxes levied on a leasehold that is taxed as real property under
 1648 s. 196.199(2)(b), and for which no rental payments are due under
 1649 the agreement that created the leasehold or for which payments
 1650 required under the original leasehold agreement have been waived
 1651 or prohibited by law before January 1, 1993, must be paid by the
 1652 lessee. If the taxes are unpaid, the delinquent taxes become a

1653 lien on the leasehold and may be collected and enforced under
 1654 this chapter.

1655 ~~(11)(10)~~ Any tax certificates that ~~issued pursuant to this~~
 1656 ~~section after January 1, 1977,~~ which are void due to an error of
 1657 the property appraiser, the tax collector, or the taxing or
 1658 levying authority any other county official, or any municipal
 1659 ~~official~~ and ~~which~~ are subsequently canceled, or ~~which~~ are
 1660 corrected or amended, pursuant to this chapter or chapter 196,
 1661 ~~shall~~ earn interest at the rate of 8 percent per year, simple
 1662 interest, or the rate of interest bid at the tax certificate
 1663 sale, whichever is less, calculated monthly from the date the
 1664 certificate was purchased until the date the tax collector
 1665 issues the refund ~~is ordered~~. Refunds made on tax certificates
 1666 that are corrected or void shall be processed in accordance with
 1667 the procedure set forth in s. 197.182, except that the 4-year
 1668 time period provided for in s. 197.182(1)(e) ~~s. 197.182(1)(e)~~
 1669 does not apply to or bar refunds resulting from correction or
 1670 cancellation of certificates and release of tax deeds as
 1671 authorized herein.

1672 ~~(12)(11)~~ ~~When tax certificates are advertised for sale,~~
 1673 The tax collector is ~~shall be~~ entitled to a commission of 5
 1674 percent on the amount of the delinquent taxes and interest when
 1675 a tax certificate is sold ~~actual sale is made~~. The commission
 1676 must be included on the face value of the certificate. However,
 1677 the tax collector is ~~shall~~ not be entitled to a any commission
 1678 for a certificate that is struck ~~the sale of certificates made~~
 1679 to the county until the certificate is redeemed or purchased
 1680 ~~commission is paid upon the redemption or sale of the tax~~

1681 certificates. If When a tax deed is issued to the county, the
 1682 tax collector may ~~shall~~ not receive his or her commission ~~for~~
 1683 ~~the certificates~~ until after the property is sold and conveyed
 1684 by the county.

1685 ~~(12) All tax certificates issued to the county shall be~~
 1686 ~~held by the tax collector of the county where the lands covered~~
 1687 ~~by the certificates are located.~~

1688 ~~(13) Delinquent taxes on real property may be paid after~~
 1689 ~~the date of delinquency but prior to the sale of a tax~~
 1690 ~~certificate by paying all costs, advertising charges, and~~
 1691 ~~interest.~~

1692 (13)~~(14)~~ The holder of a tax certificate may not directly,
 1693 through an agent, or otherwise initiate contact with the owner
 1694 of property upon which he or she holds a tax certificate to
 1695 encourage or demand payment until 2 years after ~~have elapsed~~
 1696 ~~since~~ April 1 of the year of issuance of the tax certificate.

1697 (14)~~(15)~~ Any holder of a tax certificate who, prior to the
 1698 date 2 years after April 1 of the year of issuance of the tax
 1699 certificate, initiates, or whose agent initiates, contact with
 1700 the property owner upon which he or she holds a certificate
 1701 encouraging or demanding payment may be barred by the tax
 1702 collector from bidding at a tax certificate sale. Unfair or
 1703 deceptive contact by the holder of a tax certificate to a
 1704 property owner to obtain payment is an unfair and deceptive
 1705 trade practice, as referenced in s. 501.204(1), regardless of
 1706 whether the tax certificate is redeemed. Such unfair or
 1707 deceptive contact is actionable under ss. 501.2075-501.211. If
 1708 the property owner later redeems the certificate in reliance on

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1709 the deceptive or unfair practice, the unfair or deceptive
 1710 contact is actionable under applicable laws prohibiting fraud.

1711 ~~(16) The county tax collector may conduct the sale of tax~~
 1712 ~~certificates for unpaid taxes pursuant to this section by~~
 1713 ~~electronic means. Such electronic sales shall comply with the~~
 1714 ~~procedures provided in this chapter. The tax collector shall~~
 1715 ~~provide access to such electronic sale by computer terminals~~
 1716 ~~open to the public at a designated location. A tax collector who~~
 1717 ~~chooses to conduct such electronic sales may receive electronic~~
 1718 ~~deposits and payments related to the tax certificate sale.~~

1719 Section 41. Section 197.4325, Florida Statutes, is amended
 1720 to read:

1721 197.4325 Procedure when ~~checks received for~~ payment of
 1722 taxes or tax certificates is ~~are~~ dishonored.—

1723 (1) ~~(a)~~ Within 10 days after a payment for taxes ~~check~~
 1724 ~~received by the tax collector for payment of taxes is~~
 1725 ~~dishonored, the tax collector shall notify the payor maker of~~
 1726 ~~the check that the payment check has been dishonored. If the~~
 1727 official receipt is canceled for nonpayment, the tax collector
 1728 ~~shall cancel the official receipt issued for the dishonored~~
 1729 ~~check and shall~~ make an entry on the tax roll that the receipt
 1730 was canceled because of a dishonored payment ~~check~~. ~~Where~~
 1731 ~~practicable,~~ The tax collector may ~~shall~~ make a reasonable
 1732 effort to collect the moneys due before canceling the receipt.

1733 ~~(b) The tax collector shall retain a copy of the canceled~~
 1734 ~~tax receipt and the dishonored check for the period of time~~
 1735 ~~required by law.~~

1736 (2) ~~(a)~~ If ~~When~~ a payment ~~check~~ received by the tax

1737 collector for the purchase of a tax certificate is dishonored
 1738 and: ~~the certificate has not been delivered to the bidder, the~~
 1739 ~~tax collector shall retain the deposit and resell the tax~~
 1740 ~~certificate. If the certificate has been delivered to the~~
 1741 ~~bidder, the tax collector shall notify the department, and, upon~~
 1742 ~~approval by the department, the certificate shall be canceled~~
 1743 ~~and resold.~~

1744 ~~(b) When a bidder's deposit is forfeited, the tax~~
 1745 ~~collector shall retain the deposit and resell the tax~~
 1746 ~~certificate.~~

1747 (a)1. ~~If~~ The tax certificate sale has been adjourned, the
 1748 tax collector shall readvertise the tax certificate to be
 1749 resold. If ~~When~~ the bidder's deposit is forfeited and the
 1750 certificate is readvertised, the deposit shall be used to pay
 1751 the advertising fees before other costs or charges are imposed.
 1752 Any portion of the bidder's forfeit deposit that remains after
 1753 advertising and other costs or charges have been paid shall be
 1754 deposited by the tax collector into his or her official office
 1755 account. If the tax collector fails to require a deposit and tax
 1756 certificates are resold, the advertising charges required for
 1757 the second sale may ~~shall~~ not be added to the face value of the
 1758 tax certificate.

1759 (b)2. ~~If~~ The tax certificate sale has not been adjourned,
 1760 the tax collector shall cancel the previous bid pursuant to s.
 1761 197.432(8)(a) and reoffer the certificate for sale ~~add the~~
 1762 ~~certificates to be resold to the sale list and continue the sale~~
 1763 ~~until all tax certificates are sold.~~

1764 Section 42. Subsection (2) of section 197.442, Florida

1765 Statutes, is amended to read:

1766 197.442 Tax collector not to sell certificates on land on
 1767 which taxes have been paid; penalty.—

1768 (2) The office of the tax collector shall be responsible
 1769 ~~to the publisher~~ for costs of advertising property lands on
 1770 which the taxes have been paid, and the office of the property
 1771 appraiser shall be responsible ~~to the publisher~~ for the costs of
 1772 advertising property lands doubly assessed or assessed in error.

1773 Section 43. Section 197.443, Florida Statutes, is amended
 1774 to read:

1775 197.443 Cancellation of ~~void~~ tax certificates; correction
 1776 of tax certificates; ~~procedure~~.—

1777 (1) The tax collector shall forward a certificate of error
 1778 to the department and enter a memorandum of error upon the list
 1779 of certificates sold for taxes if ~~When a tax certificate on~~
 1780 ~~lands has been sold for unpaid taxes and:~~

1781 (a) The tax certificate evidencing the sale is void
 1782 because the taxes on the property lands have been paid;

1783 (b) The property was ~~lands were~~ not subject to taxation at
 1784 the time of the assessment on which they were sold;

1785 (c) The description of the property in the tax certificate
 1786 is void or has been corrected or amended;

1787 (d) An error of commission or omission has occurred which
 1788 invalidates the sale;

1789 (e) The circuit court has voided the tax certificate by a
 1790 suit to cancel the tax certificate by the holder;

1791 (f) The tax certificate is void for any other reason; or

1792 (g) An error in assessed value has occurred for which the

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1793 tax certificate may be corrected.7

1794

1795 ~~the tax collector shall forward a certificate of such error to~~
 1796 ~~the department and enter upon the list of certificates sold for~~
 1797 ~~taxes a memorandum of such error.~~

1798 (2) The department, upon receipt of the such certificate
 1799 of error, if satisfied of the correctness of the certificate ~~of~~
 1800 ~~error~~ or upon receipt of a court order, shall notify the tax
 1801 collector, who shall cancel or correct the certificate. A tax
 1802 certificate correction or cancellation that has been ordered by
 1803 a court or requested by the tax certificateholder and that does
 1804 not result from a change made in the assessed value on a tax
 1805 roll certified to the tax collector shall be made by the tax
 1806 collector without order from the department.

1807 (3)~~(2)~~ The holder of a tax certificate who pays, redeems,
 1808 or causes to be corrected or to be canceled and surrendered by
 1809 any other tax certificates, or who pays any subsequent and
 1810 omitted taxes or costs, in connection with the foreclosure of a
 1811 tax certificate or tax deed that is, ~~and when such other~~
 1812 ~~certificates or such subsequent and omitted taxes are void or~~
 1813 ~~corrected for any reason, the person paying, redeeming, or~~
 1814 ~~causing to be corrected or to be canceled and surrendered the~~
 1815 ~~other tax certificates or paying the other subsequent and~~
 1816 ~~omitted taxes~~ is entitled to a refund ~~obtain the return~~ of the
 1817 amount paid together with interest calculated monthly from the
 1818 date of payment through the day of issuance of the refund at the
 1819 rate specified in s. 197.432(11) therefor.

1820 (a) The county officer or taxing or levying authority

1821 ~~that, as the case may be, which~~ causes an error that results in
 1822 the voiding issuance of a ~~void~~ tax certificate shall be charged
 1823 for the costs of advertising incurred in the sale of a new ~~the~~
 1824 tax certificate.

1825 (b) If ~~When~~ the owner of a tax certificate requests that
 1826 the certificate be canceled for any reason, or that the amount
 1827 of the certificate be amended as a result of payments received
 1828 due to an intervening bankruptcy or receivership, but does not
 1829 seek a refund, the tax collector shall cancel or amend the tax
 1830 certificate and a refund shall not be processed. The tax
 1831 collector shall require the owner of the tax certificate to
 1832 execute a written statement that he or she is the holder of the
 1833 tax certificate, that he or she wishes the certificate to be
 1834 canceled or amended, and that a refund is not expected and is
 1835 not to be made.

1836 ~~(4)-(3)~~ If ~~When~~ the tax certificate or a tax deed based
 1837 upon the certificate is held by an individual, the collector
 1838 shall ~~at once~~ notify the original purchaser of the certificate
 1839 or tax deed or the subsequent holder ~~thereof,~~ if known, that
 1840 upon the voluntary surrender of the certificate or deed of
 1841 release of any ~~his or her~~ rights under the tax deed, a refund
 1842 will be made of the amount received by the governmental units
 1843 for the certificate or deed, plus \$1 for the deed of release.

1844 ~~(5)-(4)~~ The refund shall be made in accordance with the
 1845 procedure set forth in s. 197.182, except that the 4-year time
 1846 period provided for in s. 197.182(1)(e) ~~s. 197.182(1)(e)~~ does
 1847 not apply to or bar refunds resulting from correction or
 1848 cancellation of certificates and release of tax deeds as

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1849 authorized in this section herein.

1850 Section 44. Section 197.462, Florida Statutes, is amended
1851 to read:

1852 197.462 Transfer of tax certificates held by individuals.-

1853 (1) All tax certificates issued to an individual may be
1854 transferred ~~by endorsement~~ at any time before they are redeemed
1855 or a tax deed is executed thereunder.

1856 ~~(2) The official endorsement of a tax certificate by the~~
1857 ~~tax collector with the date and the amount received and its~~
1858 ~~entry on the record of tax certificates sold shall be sufficient~~
1859 ~~evidence of the assignment of it.~~

1860 (2)~~(3)~~ The tax collector shall record the transfer on the
1861 record of tax certificates sold.

1862 (3)~~(4)~~ The tax collector shall receive \$2.25 as a service
1863 charge for each transfer endorsement.

1864 Section 45. Section 197.472, Florida Statutes, is amended
1865 to read:

1866 197.472 Redemption of tax certificates.-

1867 (1) Any person may redeem a tax certificate ~~or purchase a~~
1868 ~~county-held certificate~~ at any time after the certificate is
1869 issued and before a tax deed is issued or the property is placed
1870 on the list of lands available for sale. The person redeeming ~~or~~
1871 ~~purchasing~~ a tax certificate shall pay ~~to~~ the tax collector ~~in~~
1872 ~~the county where the land is situated~~ the face amount plus all
1873 interest, costs, and charges. ~~of the certificate or the part~~
1874 ~~thereof that the part or interest purchased or redeemed bears to~~
1875 ~~the whole.~~ Upon purchase or redemption being made, the person
1876 shall pay all taxes, interest, costs, charges, and omitted

1877 ~~taxes, if any, as provided by law upon the part or parts of the~~
 1878 ~~certificate so purchased or redeemed.~~

1879 (2) When a tax certificate is redeemed and the interest
 1880 earned on the tax certificate is less than 5 percent of the face
 1881 amount of the certificate, a mandatory minimum interest charge
 1882 of an absolute 5 percent shall be levied upon the face value of
 1883 the tax certificate. The person redeeming the tax certificate
 1884 shall pay the interest rate due on the certificate or the 5
 1885 percent ~~5-percent~~ mandatory minimum interest charge, whichever
 1886 is greater. This subsection applies to all county-held tax
 1887 certificates and all individual tax certificates except those
 1888 with an interest rate bid of zero percent.

1889 (3) After an application for a tax deed is filed but
 1890 before a tax deed is issued, a person who wishes to redeem the
 1891 tax certificates issued against a property must pay all
 1892 principle, fees, and interest that would constitute the minimum
 1893 bid under s. 197.542 were the tax deed sale held the date of
 1894 redemption.

1895 ~~(4)(3)~~ The tax collector shall receive a fee of \$6.25 for
 1896 each tax certificate ~~purchased or~~ redeemed.

1897 ~~(5)(4)~~ ~~When only~~ A portion of a certificate may be ~~is~~
 1898 ~~being redeemed only if~~ or purchased and such portion can be
 1899 ascertained by legal description and the portion to be redeemed
 1900 is evidenced by a contract for sale or recorded deed. The tax
 1901 collector shall make a written request for apportionment to the
 1902 property appraiser and within 15 days ~~after such request,~~ the
 1903 property appraiser shall furnish the tax collector a certificate
 1904 apportioning the value to that portion sought to be redeemed and

1905 to the remaining land covered by the certificate.

1906 ~~(5) When a tax certificate is purchased or redeemed, the~~
 1907 ~~tax collector shall give to the person a receipt and certificate~~
 1908 ~~showing the amount paid for the purchase or redemption, a~~
 1909 ~~description of the land, and the date, number, and amount of the~~
 1910 ~~certificate, certificates, or part of certificate which is~~
 1911 ~~purchased or redeemed, which shall be in the form prescribed by~~
 1912 ~~the department. If a tax certificate is redeemed in full, the~~
 1913 ~~certificate shall be surrendered to the tax collector by the~~
 1914 ~~original purchaser and canceled by the tax collector. If only a~~
 1915 ~~part is purchased or redeemed, the portion and description of~~
 1916 ~~land, with date of purchase or redemption, shall be endorsed on~~
 1917 ~~the certificate by the tax collector. The certificate shall be~~
 1918 ~~retained by the owner, or the tax collector if the certificate~~
 1919 ~~is a county-held certificate, subject to the endorsement. The~~
 1920 ~~purchase or redemption shall be entered by the tax collector on~~
 1921 ~~the record of tax certificates sold.~~

1922 (6) After ~~When~~ a tax certificate is ~~has been~~ purchased or
 1923 redeemed, the tax collector shall pay to the owner of the tax
 1924 certificate the amount received by the tax collector less the
 1925 redemption fee within 15 business days after the date of receipt
 1926 of the redemption. If the payment to the tax certificate owner
 1927 is not issued within 15 business days, the tax collector shall
 1928 pay interest at the rate of 5 percent per annum to the
 1929 certificate owner service charges. Along with the payment, the
 1930 tax collector shall identify the certificates redeemed and the
 1931 amount paid for each certificate. However, if the tax collector
 1932 pays the certificateholder electronically, the certificates

1933 | redeemed and the amounts paid for each certificate shall be
 1934 | provided electronically by facsimile or electronic mail within
 1935 | 24 hours after payment.

1936 | (7) Nothing in this section shall be deemed to deny any
 1937 | person the right to ~~purchase or~~ redeem any outstanding tax
 1938 | certificate in accordance with the law ~~in force when it was~~
 1939 | ~~issued. However, the provisions of s. 197.573 relating to~~
 1940 | ~~survival of restrictions and covenants after the issuance of a~~
 1941 | ~~tax deed are not repealed by this chapter and apply regardless~~
 1942 | ~~of the manner in which the tax deed was issued.~~

1943 | (8) The provisions of subsection (5) ~~(4)~~ do not apply to
 1944 | collections relating to fee timeshare real property made
 1945 | pursuant to the provisions of s. 192.037.

1946 | Section 46. Section 197.4725, Florida Statutes, is created
 1947 | to read:

1948 | 197.4725 Purchase of county-held tax certificates.-

1949 | (1) Any person may purchase a county-held tax certificate
 1950 | at any time after the tax certificate is issued and before a tax
 1951 | deed application is made. The person purchasing a county-held
 1952 | tax certificate shall pay to the tax collector the face amount
 1953 | plus all interest, costs, and charges or, subject to s.
 1954 | 197.472(4), the part described in the tax certificate.

1955 | (2) If a county-held tax certificate is purchased, the
 1956 | interest earned shall be calculated at 1.5 percent per month, or
 1957 | a fraction thereof, to the date of purchase.

1958 | (3) The tax collector shall receive a fee of \$6.25 for
 1959 | each county-held tax certificate purchased.

1960 | (4) This section does not apply to collections relating to

1961 fee timeshare real property made pursuant to s. 192.037.

1962 (5) The tax collector may use electronic means to make
 1963 known county-held tax certificates that are available for
 1964 purchase and to complete the purchase. The tax collector may
 1965 charge a reasonable fee for costs incurred in providing such
 1966 electronic services.

1967 (6) The purchaser of a county-held tax certificate shall
 1968 be issued a new tax certificate with a face value that includes
 1969 all sums paid to acquire the certificate from the county,
 1970 including accrued interest and charges paid under to this
 1971 section. The date the county-held certificate was issued shall
 1972 be the date used to determine the date on which an application
 1973 for tax deed may be made. The date that the new certificate is
 1974 purchased is the date that must be used to calculate the
 1975 interest or minimum charge due if the certificate is redeemed.

1976 Section 47. Section 197.473, Florida Statutes, is amended
 1977 to read:

1978 197.473 Disposition of unclaimed redemption moneys.-

1979 ~~(1) After~~ Money paid to the tax collector for the
 1980 redemption of a tax certificate or a tax deed application that
 1981 ~~certificates has been held for 90 days, which money is payable~~
 1982 to the holder of a redeemed tax certificate but for which no
 1983 claim has been made, or which fails to be presented for payment,
 1984 is considered unclaimed as defined in s. 717.113 and shall be
 1985 remitted to the state pursuant to s. 717.117, on the first day
 1986 ~~of the following quarter the tax collector shall remit such~~
 1987 ~~unclaimed moneys to the board of county commissioners, less the~~
 1988 ~~sum of \$5 on each \$100 or fraction thereof which shall be~~

1989 | ~~retained by the tax collector as service charges.~~

1990 | ~~(2) Two years after the date the unclaimed redemption~~
 1991 | ~~moneys were remitted to the board of county commissioners, all~~
 1992 | ~~claims to such moneys are forever barred, and such moneys become~~
 1993 | ~~the property of the county.~~

1994 | Section 48. Section 197.482, Florida Statutes, is amended
 1995 | to read:

1996 | 197.482 Expiration Limitation ~~upon lien~~ of tax
 1997 | certificate.-

1998 | ~~(1) Seven~~ After the expiration of 7 years after from the
 1999 | date of issuance of a tax certificate, which is the date of the
 2000 | first day of the tax certificate sale as advertised under s.
 2001 | 197.432, ~~of a tax certificate~~, if a tax deed has not been
 2002 | applied for ~~on the property covered by the certificate~~, and no
 2003 | other administrative or legal proceeding, including a
 2004 | bankruptcy, has existed of record, the tax certificate is null
 2005 | and void, ~~and the tax collector shall~~ be canceled. The tax
 2006 | collector shall note cancel the tax certificate, noting the date
 2007 | of the cancellation ~~of the tax certificate~~ upon all appropriate
 2008 | records in his or her office. ~~The tax collector shall complete~~
 2009 | ~~the cancellation by entering opposite the record of the 7-year-~~
 2010 | ~~old tax certificate a notation in substantially the following~~
 2011 | ~~form: "Canceled by Act of 1973 Florida Legislature." All~~
 2012 | ~~certificates outstanding July 1, 1973, shall have a life of 20~~
 2013 | ~~years from the date of issue. This subsection does not apply to~~
 2014 | ~~deferred payment tax certificates.~~

2015 | ~~(2) The provisions and limitations herein prescribed for~~
 2016 | ~~tax certificates do not apply to tax certificates which were~~

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2017 ~~sold under the provisions of chapter 18296, Laws of Florida,~~
 2018 ~~1937, commonly known as the "Murphy Act."~~

2019 Section 49. Section 197.492, Florida Statutes, is amended
 2020 to read:

2021 197.492 Errors and insolvencies report list.—On or before
 2022 the 60th day after the tax certificate sale is adjourned, the
 2023 tax collector shall certify ~~make out a report~~ to the board of
 2024 county commissioners a report ~~separately~~ showing the discounts,
 2025 errors, double assessments, and insolvencies relating to tax
 2026 collections for which credit is to be given, including in every
 2027 case except discounts, the names of the parties on whose account
 2028 the credit is to be allowed. The report may be submitted in an
 2029 electronic format. ~~The board of county commissioners, upon~~
 2030 ~~receiving the report, shall examine it; make such investigations~~
 2031 ~~as may be necessary; and, if the board discovers that the tax~~
 2032 ~~collector has taken credit as an insolvent item any personal~~
 2033 ~~property tax due by a solvent taxpayer, charge the amount of~~
 2034 ~~taxes represented by such item to the tax collector and not~~
 2035 ~~approve the report until the tax collector strikes such item~~
 2036 ~~from the record.~~

2037 Section 50. Section 197.502, Florida Statutes, is amended
 2038 to read:

2039 197.502 Application for obtaining tax deed by holder of
 2040 tax sale certificate; fees.—

2041 (1) The holder of a ~~any~~ tax certificate, other than the
 2042 county, at any time after 2 years have elapsed since April 1 of
 2043 the year of issuance of the tax certificate and before the
 2044 cancellation expiration of the certificate ~~7 years from the date~~

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2045 ~~of issuance, may file the certificate and an application for a~~
 2046 ~~tax deed with the tax collector of the county where the property~~
 2047 ~~lands described in the certificate is are located. The~~
 2048 ~~application may be made on the entire parcel of property or any~~
 2049 ~~part thereof which is capable of being readily separated from~~
 2050 ~~the whole. The tax collector may charge shall be allowed a tax~~
 2051 ~~deed application fee of \$75, plus reimbursement for any fee~~
 2052 ~~charged to the tax collector by a vendor for providing an~~
 2053 ~~electronic tax deed application program or service.~~

2054 (2) A certificateholder, other than the county, may notify
 2055 the tax collector at any time of the certificateholder's intent
 2056 to make application for tax deed. However, if the tax deed
 2057 application will be filed within the month of the earliest date
 2058 allowed pursuant to subsection (1), the certificateholder must
 2059 provide the tax collector with a notice of intent to make
 2060 application no later than 30 days before the date of
 2061 application. The tax collector shall notify the
 2062 certificateholder of the total amount due or the estimated
 2063 amount due, which must include the amount due for redemption or
 2064 purchase of all other outstanding tax certificates, plus
 2065 interest; any omitted taxes, plus interest; any delinquent
 2066 taxes, plus interest; any costs of an electronic tax deed sale;
 2067 and current taxes, if due, which cover the land. The tax
 2068 collector shall provide this notice at the earliest possible
 2069 date but no later than 30 days following the tax collector's
 2070 receipt of the certificateholder's notice of intent to make
 2071 application. The certificateholder shall pay the total amount
 2072 due or the estimated amount due at the time of application. If

2073 the tax collector estimates the costs to redeem the outstanding
 2074 certificates, the tax collector must provide a final statement
 2075 of the costs within 60 days after receipt of the application.
 2076 The applicant shall pay any additional amounts due within 10
 2077 days after receipt of a final statement. The tax collector shall
 2078 refund any overpayments with interest at the rate of 5 percent
 2079 per annum compounded annually within 10 days after providing the
 2080 final statement. Any certificateholder, other than the county,
 2081 ~~who makes application for a tax deed shall pay the tax collector~~
 2082 ~~at the time of application all amounts required for redemption~~
 2083 ~~or purchase of all other outstanding tax certificates, plus~~
 2084 ~~interest, any omitted taxes, plus interest, any delinquent~~
 2085 ~~taxes, plus interest, and current taxes, if due, covering the~~
 2086 ~~land.~~

2087 (3) The county in which where the property lands described
 2088 in the certificate ~~is~~ are located shall apply ~~make application~~
 2089 for a tax deed on all county-held certificates on property
 2090 valued at \$5,000 or more on the property appraiser's most recent
 2091 assessment roll, except deferred payment tax certificates, and
 2092 may apply for tax deeds ~~make application~~ on these certificates
 2093 on property valued at less than \$5,000 on the property
 2094 appraiser's most recent assessment roll. ~~The~~ Such application
 2095 shall be made 2 years after April 1 of the year of issuance of
 2096 the certificates or as soon thereafter as is reasonable. Upon
 2097 application ~~for a tax deed~~, the county shall deposit with the
 2098 tax collector all applicable costs and fees, but may ~~shall~~ not
 2099 deposit any money to cover the redemption of other outstanding
 2100 certificates covering the property land. The tax collector may

2101 | charge a tax deed application fee of \$75, plus reimbursement for
 2102 | any fee charged to the tax collector by a vendor for providing
 2103 | an electronic tax deed application program or service.

2104 | (4) The tax collector shall deliver to the clerk of the
 2105 | circuit court a statement that payment has been made for all
 2106 | outstanding certificates or, if the certificate is held by the
 2107 | county, that all appropriate fees have been deposited, and
 2108 | stating that the following persons are to be notified prior to
 2109 | the sale of the property:

2110 | (a) Any legal titleholder of record if the address of the
 2111 | owner appears on the record of conveyance of the property lands
 2112 | to the owner. However, if the legal titleholder of record is the
 2113 | same as the person to whom the property was assessed on the tax
 2114 | roll for the year in which the property was last assessed, then
 2115 | the notice may ~~only~~ be mailed to the address of the legal
 2116 | titleholder as it appears on the latest assessment roll.

2117 | (b) Any lienholder of record who has recorded a lien
 2118 | against the property described in the tax certificate if an
 2119 | address appears on the recorded lien.

2120 | (c) Any mortgagee of record if an address appears on the
 2121 | recorded mortgage.

2122 | (d) Any vendee of a recorded contract for deed if an
 2123 | address appears on the recorded contract or, if the contract is
 2124 | not recorded, any vendee who has applied to receive notice
 2125 | pursuant to s. 197.344(1)(c).

2126 | (e) Any other lienholder who has applied to the tax
 2127 | collector to receive notice if an address is supplied to the
 2128 | collector ~~by such lienholder.~~

2129 (f) Any person to whom the property was assessed on the
 2130 tax roll for the year in which the property was last assessed.

2131 (g) Any lienholder of record who has recorded a lien
 2132 against a mobile home located on the property described in the
 2133 tax certificate if an address appears on the recorded lien and
 2134 if the lien is recorded with the clerk of the circuit court in
 2135 the county where the mobile home is located.

2136 (h) Any legal titleholder of record of property that is
 2137 contiguous to the property described in the tax certificate, if
 2138 ~~when~~ the property described is ~~either~~ submerged land or common
 2139 elements of a subdivision, if the address of the titleholder of
 2140 contiguous property appears on the record of conveyance of the
 2141 property ~~land~~ to the ~~that~~ legal titleholder. However, if the
 2142 legal titleholder of property contiguous to the property
 2143 ~~described in the tax certificate~~ is the same as the person to
 2144 whom the property described in the tax certificate was assessed
 2145 on the tax roll for the year in which the property was last
 2146 assessed, the notice may be mailed ~~only~~ to the address of the
 2147 legal titleholder as it appears on the latest assessment roll.
 2148 As used in this chapter, the term "contiguous" means touching,
 2149 meeting, or joining at the surface or border, other than at a
 2150 corner or a single point, and not separated by submerged lands.
 2151 Submerged lands lying below the ordinary high-water mark which
 2152 are sovereignty lands are not part of the upland contiguous
 2153 property for purposes of notification.

2154
 2155 The statement must be signed by the tax collector or the tax
 2156 collector's designee, ~~with the tax collector's seal affixed~~. The

2157 tax collector may purchase a reasonable bond for errors and
 2158 omissions of his or her office in making such statement. The
 2159 search of the official records must be made by a direct and
 2160 inverse search. "Direct" means the index in straight and
 2161 continuous alphabetic order by grantor, and "inverse" means the
 2162 index in straight and continuous alphabetic order by grantee.

2163 (5) (a) The tax collector may contract with a title company
 2164 or an abstract company ~~at a reasonable fee~~ to provide the
 2165 minimum information required in subsection (4), consistent with
 2166 rules adopted by the department. If additional information is
 2167 required, the tax collector must make a written request to the
 2168 title or abstract company stating the additional requirements.
 2169 The tax collector may select any title or abstract company,
 2170 regardless of its location, as long as the fee is reasonable,
 2171 the minimum information is submitted, and the title or abstract
 2172 company is authorized to do business in this state. The tax
 2173 collector may advertise and accept bids for the title or
 2174 abstract company if he or she considers it appropriate to do so.

2175 1. The ownership and encumbrance report must include the
 2176 ~~be printed or typed on stationery or other paper showing a~~
 2177 letterhead of the person, firm, or company that makes the
 2178 search, and the signature of the individual ~~person~~ who makes the
 2179 search or of an officer of the firm ~~must be attached~~. The tax
 2180 collector is not liable for payment to the firm unless these
 2181 requirements are met. The report may be submitted to the tax
 2182 collector in an electronic format.

2183 2. The tax collector may not accept or pay for any title
 2184 search or abstract if ~~no~~ financial responsibility is not assumed

2185 for the search. However, reasonable restrictions as to the
 2186 liability or responsibility of the title or abstract company are
 2187 acceptable. Notwithstanding s. 627.7843(3), the tax collector
 2188 may contract for higher maximum liability limits.

2189 3. In order to establish uniform prices for ownership and
 2190 encumbrance reports within the county, the tax collector must
 2191 ~~shall~~ ensure that the contract for ownership and encumbrance
 2192 reports include all requests for title searches or abstracts for
 2193 a given period of time.

2194 (b) Any fee paid for a ~~any~~ title search or abstract must
 2195 be collected at the time of application under subsection (1),
 2196 and the amount of the fee must be added to the opening bid.

2197 (c) The clerk shall advertise and administer the sale and
 2198 receive such fees for the issuance of the deed and sale of the
 2199 property as ~~are~~ provided in s. 28.24.

2200 (6) ~~(a)~~ The opening bid:

2201 (a) On county-held certificates ~~on nonhomestead property~~
 2202 shall be the sum of the value of all outstanding certificates
 2203 against the property land, plus omitted years' taxes, delinquent
 2204 taxes, interest, and all costs and fees paid by the county.

2205 (b) ~~The opening bid~~ On an individual certificate ~~on~~
 2206 ~~nonhomestead property shall include~~, in addition to the amount
 2207 of money paid to the tax collector by the certificateholder at
 2208 the time of application, must include the amount required to
 2209 redeem the applicant's tax certificate and all other costs and
 2210 fees paid by the applicant, plus all tax certificates that were
 2211 sold subsequent to the filing of the tax deed application and
 2212 omitted taxes, if any.

2213 ~~(c) The opening bid on property assessed on the latest tax~~
 2214 ~~roll as homestead property shall include, in addition to the~~
 2215 ~~amount of money required for an opening bid on nonhomestead~~
 2216 ~~property, an amount equal to one half of the latest assessed~~
 2217 ~~value of the homestead. Payment of one half of the assessed~~
 2218 ~~value of the homestead property shall not be required if the tax~~
 2219 ~~certificate to which the application relates was sold prior to~~
 2220 ~~January 1, 1982.~~

2221 (7) On county-held certificates for which there are no
 2222 bidders at the public sale, the clerk shall enter the land on a
 2223 list entitled "lands available for taxes" and shall immediately
 2224 notify the county commission and all other persons holding
 2225 certificates against the property land that the property land is
 2226 available. During the first 90 days after the property land is
 2227 placed on the list ~~of lands available for taxes~~, the county may
 2228 purchase the land for the opening bid or may waive its rights to
 2229 purchase the property. Thereafter, any person, the county, or
 2230 any other governmental unit may purchase the property land from
 2231 the clerk, without further notice or advertising, for the
 2232 opening bid, except that if ~~when~~ the county or other
 2233 governmental unit is the purchaser for its own use, the board of
 2234 county commissioners may cancel omitted years' taxes, as
 2235 provided under s. 197.447. If the county does not elect to
 2236 purchase the property land, the county must notify each legal
 2237 titleholder of property contiguous to the property land
 2238 available for taxes, as provided in paragraph (4) (h), before
 2239 expiration of the 90-day period. Interest on the opening bid
 2240 continues to accrue through the month of sale as prescribed by

2241 s. 197.542.

2242 (8) Taxes may ~~shall~~ not be extended against parcels listed
 2243 as lands available for taxes, but in each year the taxes that
 2244 would have been due shall be treated as omitted years and added
 2245 to the required minimum bid. If any tax certificates exist or if
 2246 an application for a tax deed by a person other than the county
 2247 is not filed within 7 ~~Three~~ years after the day the land was
 2248 offered for public sale, the land shall escheat to the county in
 2249 which it is located, free and clear. If the property was placed
 2250 on the list of lands available for taxes as a result of a tax
 2251 deed application filed by the county and a tax certificate,
 2252 owned by a person other than the county, does not exist on the
 2253 property, the property shall escheat 3 years after the day the
 2254 property was offered for private sale, free and clear. All tax
 2255 certificates, accrued taxes, and liens of any nature against the
 2256 property shall be deemed canceled as a matter of law and of no
 2257 further legal force and effect, and the clerk shall execute an
 2258 escheatment tax deed vesting title in the board of county
 2259 commissioners of the county in which the land is located.

2260 (a) When a property escheats to the county under this
 2261 subsection, the county is not subject to any liability imposed
 2262 by chapter 376 or chapter 403 for preexisting soil or
 2263 groundwater contamination due solely to its ownership. However,
 2264 this subsection does not affect the rights or liabilities of any
 2265 past or future owners of the escheated property and does not
 2266 affect the liability of any governmental entity for the results
 2267 of its actions that create or exacerbate a pollution source.

2268 (b) The county and the Department of Environmental

2269 Protection may enter into a written agreement for the
 2270 performance, funding, and reimbursement of the investigative and
 2271 remedial acts necessary for a property that escheats to the
 2272 county.

2273 (9) Consolidated applications on more than one tax
 2274 certificate are allowed, but a separate statement shall be
 2275 issued pursuant to subsection (4), and a separate tax deed shall
 2276 be issued pursuant to s. 197.552, for each parcel of property
 2277 shown on the tax certificate.

2278 (10) Any fees collected pursuant to this section shall be
 2279 refunded to the certificateholder in the event that the tax deed
 2280 sale is canceled for any reason.

2281 (11) For any property acquired under this section by the
 2282 county for the express purpose of providing infill housing, the
 2283 board of county commissioners may, in accordance with s.
 2284 197.447, cancel county-held tax certificates and omitted years'
 2285 taxes on such properties. Furthermore, the county may not
 2286 transfer a property acquired under this section specifically for
 2287 infill housing back to a taxpayer who failed to pay the
 2288 delinquent taxes or charges that led to the issuance of the tax
 2289 certificate or lien. For purposes of this subsection only, the
 2290 term "taxpayer" includes the taxpayer's family or any entity in
 2291 which the taxpayer or taxpayer's family has any interest.

2292 Section 51. Section 197.542, Florida Statutes, is amended
 2293 to read:

2294 197.542 Sale at public auction.—

2295 (1) Real property ~~The lands~~ advertised for sale to the
 2296 highest bidder as a result of an application filed under s.

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2297 | 197.502 shall be sold at public auction by the clerk of the
 2298 | circuit court, or his or her deputy, of the county where the
 2299 | property is ~~lands are~~ located on the date, at the time, and at
 2300 | the location as set forth in the published notice, which must
 2301 | ~~shall~~ be during the regular hours the clerk's office is open. ~~At~~
 2302 | ~~the time and place, the clerk shall read the notice of sale and~~
 2303 | ~~shall offer the lands described in the notice for sale to the~~
 2304 | ~~highest bidder for cash at public outcry.~~ The amount required to
 2305 | redeem the tax certificate, plus the amounts paid by the holder
 2306 | to the clerk ~~of the circuit court~~ in charges for costs of sale,
 2307 | redemption of other tax certificates on the same property lands,
 2308 | and all other costs to the applicant for tax deed, plus interest
 2309 | ~~thereon~~ at the rate of 1.5 percent per month for the period
 2310 | running from the month after the date of application for the
 2311 | deed through the month of sale and costs incurred for the
 2312 | service of notice provided for in s. 197.522(2), shall be
 2313 | ~~considered~~ the bid of the certificateholder for the property. If
 2314 | tax certificates exist or if delinquent taxes accrued subsequent
 2315 | to the filing of the tax deed application, the amount required
 2316 | to redeem such tax certificates or pay such delinquent taxes
 2317 | shall be included in the minimum bid. ~~However, if the land to be~~
 2318 | ~~sold is assessed on the latest tax roll as homestead property,~~
 2319 | ~~the bid of the certificateholder shall be increased to include~~
 2320 | ~~an amount equal to one-half of the assessed value of the~~
 2321 | ~~homestead property as required by s. 197.502.~~ If there are no
 2322 | higher bids, the property land shall be struck off and sold to
 2323 | the certificateholder, who shall ~~forthwith~~ pay to the clerk any
 2324 | amounts included in the minimum bid, the documentary stamp tax,

2325 and recording fees due. Upon payment, ~~and~~ a tax deed shall
 2326 ~~thereupon~~ be issued and recorded by the clerk. The tax deed
 2327 applicant shall have the option of placing the property on the
 2328 list of lands available for taxes in lieu of paying any
 2329 additional sums due as a result of the increased minimum bid,
 2330 documentary stamps, or recording fees.

2331 (2) ~~If there are other bids,~~ The certificateholder has
 2332 ~~shall have~~ the right to bid as others present may bid, and the
 2333 property shall be struck off and sold to the highest bidder. The
 2334 high bidder shall post with the clerk a nonrefundable ~~cash~~
 2335 deposit of 5 percent of the bid ~~\$200~~ at the time of the sale, to
 2336 be applied to the sale price at the time of full payment. Notice
 2337 of the ~~this~~ deposit requirement must ~~shall~~ be posted at the
 2338 auction site, and the clerk may require ~~that~~ bidders to show
 2339 their willingness and ability to post the ~~cost~~ deposit. If full
 2340 payment of the final bid and of documentary stamp tax and
 2341 recording fees is not made within 24 hours, excluding weekends
 2342 and legal holidays, the clerk shall cancel all bids, readvertise
 2343 the sale as provided in this section, and pay all costs of the
 2344 sale from the deposit. Any remaining funds must be applied
 2345 toward the opening bid. The clerk may refuse to recognize the
 2346 bid of any person who has previously bid and refused, for any
 2347 reason, to honor such bid.

2348 (3) If the sale is canceled for any reason, or the buyer
 2349 fails to make full payment within the time required, the clerk
 2350 shall immediately readvertise the sale to be held within ~~no~~
 2351 ~~later than~~ 30 days after the date the sale was canceled. Only
 2352 one advertisement is necessary. ~~No further notice is required.~~

2353 | The amount of the opening ~~statutory~~ ~~(opening)~~ bid shall be
 2354 | increased by the cost of advertising, additional clerk's fees as
 2355 | provided for in s. 28.24(21), and interest as provided for in
 2356 | subsection (1). This process must be repeated until the property
 2357 | is sold and the clerk receives full payment or the clerk does
 2358 | not receive any bids other than the bid of the
 2359 | certificateholder. The clerk must ~~shall~~ receive full payment
 2360 | before ~~prior to~~ the issuance of the tax deed.

2361 | (4) A tax deed sale may not be canceled without the
 2362 | consent of the tax deed applicant for any reason in law or
 2363 | equity other than that the tax deed application has been
 2364 | redeemed, collection has been stayed by the filing of a
 2365 | bankruptcy petition, an error has been discovered in the
 2366 | assessment record, or an error has been demonstrated in the
 2367 | procedure or process used in processing the tax deed application
 2368 | or setting the sale.

2369 | (5) ~~(4)~~ (a) A clerk may conduct electronic tax deed sales in
 2370 | lieu of public outcry. The clerk must comply with the procedures
 2371 | provided in this chapter, except that electronic proxy bidding
 2372 | shall be allowed and the clerk may require bidders to advance
 2373 | sufficient funds to pay the deposit required by subsection (2).
 2374 | The clerk shall provide access to the electronic sale by
 2375 | computer terminals open to the public at a designated location.
 2376 | A clerk who conducts such electronic sales may receive
 2377 | electronic deposits and payments related to the sale. The
 2378 | portion of an advance deposit from a winning bidder required by
 2379 | subsection (2) shall, upon acceptance of the winning bid, be
 2380 | subject to the fee under s. 28.24(10).

2381 (b) ~~Nothing in~~ This subsection does not ~~shall be construed~~
 2382 ~~to~~ restrict or limit the authority of a charter county to
 2383 conduct ~~from conducting~~ electronic tax deed sales. In a charter
 2384 county where the clerk of the circuit court does not conduct all
 2385 electronic sales, the charter county shall be permitted to
 2386 receive electronic deposits and payments related to sales it
 2387 conducts, as well as to subject the winning bidder to a fee,
 2388 consistent with the schedule in s. 28.24(10).

2389 (c) The costs of electronic tax deed sales shall be added
 2390 to the charges for the costs of sale under subsection (1) and
 2391 paid by the certificateholder when filing an application for a
 2392 tax deed.

2393 Section 52. Section 197.522, Florida Statutes, is amended
 2394 to read:

2395 197.522 Notice to owner when application for tax deed is
 2396 made.—

2397 (1)(a) Except as provided in this section, the clerk of
 2398 the circuit court shall notify, by certified mail with return
 2399 receipt requested or by registered mail if the notice is to be
 2400 sent outside the continental United States, the persons listed
 2401 in the tax collector's statement pursuant to s. 197.502(4) that
 2402 an application for a tax deed has been made. Such notice shall
 2403 be mailed at least 20 days before ~~prior to~~ the date of sale. If
 2404 an ~~an~~ address is not listed in the tax collector's statement,
 2405 then a ~~a~~ notice is not ~~shall be~~ required.

2406 (b) The clerk shall enclose with every copy mailed a
 2407 statement as follows:

2408 WARNING: There are unpaid taxes on property which you own

2409 or in which you have a legal interest. Such property will be
 2410 sold at public auction notwithstanding its classification as
 2411 homestead property, if applicable. The property will be sold at
 2412 public auction on ...(date)... unless the back taxes are paid.
 2413 To make payment, or to receive further information, contact the
 2414 clerk of court immediately at ...(address)..., ...(telephone
 2415 number)....

2416 (c) The clerk shall complete and attach to the affidavit
 2417 of the publisher a certificate containing the names and
 2418 addresses of those persons notified and the date the notice was
 2419 mailed. The certificate shall be signed by the clerk and the
 2420 clerk's official seal affixed. The certificate shall be prima
 2421 facie evidence of the fact that the notice was mailed. If an ~~no~~
 2422 address is not listed on the tax collector's certification, the
 2423 clerk shall execute a certificate to that effect.

2424 (d) The failure of anyone to receive notice as provided
 2425 herein shall not affect the validity of the tax deed issued
 2426 pursuant to the notice.

2427 (e) A printed copy of the notice as published in the
 2428 newspaper, accompanied by the warning statement described in
 2429 paragraph (b), shall be deemed sufficient notice.

2430 (2)(a) In addition to the notice provided in subsection
 2431 (1), for property that was not classified as homestead property
 2432 on the most recent assessment roll prior to the tax deed
 2433 application, the sheriff of the county in which the legal
 2434 titleholder resides shall, at least 20 days prior to the date of
 2435 sale, notify the legal titleholder of record of the property on
 2436 which the tax certificate is outstanding. The original notice

2437 and sufficient copies shall be prepared by the clerk and
 2438 provided to the sheriff. Such notice shall be served as
 2439 specified in chapter 48; if the sheriff is unable to make
 2440 service, he or she shall post a copy of the notice in a
 2441 conspicuous place at the legal titleholder's last known address.
 2442 The inability of the sheriff to serve notice on the legal
 2443 titleholder shall not affect the validity of the tax deed issued
 2444 pursuant to the notice. A legal titleholder of record who
 2445 resides outside the state may be notified by the clerk as
 2446 provided in subsection (1). The notice shall be in substantially
 2447 the following form:

2448 WARNING

2449
 2450 There are unpaid taxes on the property which you own.
 2451 Such property will be sold at public auction
 2452 notwithstanding its classification as homestead
 2453 property, if applicable. The property will be sold at
 2454 public auction on ...(date)... unless the back taxes
 2455 are paid. To make arrangements for payment, or to
 2456 receive further information, contact the clerk of
 2457 court at ...(address)..., ...(telephone number)....

2458
 2459 In addition, if the legal titleholder does not reside in the
 2460 county in which the property to be sold is located, a copy of
 2461 such notice shall be posted in a conspicuous place on the
 2462 property by the sheriff of the county in which the property is
 2463 located. However, no posting of notice shall be required if the
 2464 property to be sold is classified for assessment purposes,

2493 court immediately at ...(address)..., ...(telephone
 2494 number)....
 2495 (c)~~(b)~~ In addition to the notice provided in subsection
 2496 (1), the clerk shall notify by certified mail with return
 2497 receipt requested, or by registered mail if the notice is to be
 2498 sent outside the continental United States, the persons listed
 2499 in the tax collector's statement pursuant to s. 197.502(4)(h)
 2500 and to the tax deed applicant that application for a tax deed
 2501 has been made. Such notice shall be mailed at least 20 days
 2502 prior to the date of sale. If an ~~no~~ address is not listed in the
 2503 tax collector's statement, a ~~then no~~ notice is not ~~shall be~~
 2504 required. Enclosed with the copy of the notice shall be a
 2505 statement in substantially the following form:

2506 WARNING

2507
 2508 There are unpaid taxes on property contiguous to your
 2509 property. The property with the unpaid taxes will be
 2510 sold at auction on ...(date)... unless the back taxes
 2511 are paid. To make payment, or to receive further
 2512 information about the purchase of the property,
 2513 contact the clerk of court immediately at
 2514 ...(address)..., ...(telephone number)....

2515
 2516 Neither the failure of the tax collector to include the list of
 2517 contiguous property owners pursuant to s. 197.502(4)(h) in his
 2518 or her statement to the clerk nor the failure of the clerk to
 2519 mail this notice to any or all of the persons listed in the tax
 2520 collector's statement pursuant to s. 197.502(4)(h) shall be a

2521 | basis to challenge the validity of the tax deed issued pursuant
 2522 | to any notice under this section.

2523 | (3) ~~Nothing in~~ This chapter does not prohibit a shall be
 2524 | ~~construed to prevent the~~ tax collector, or any other public
 2525 | official, in his or her discretion from giving additional notice
 2526 | in any form concerning tax certificates and tax sales beyond the
 2527 | minimum requirements of this chapter.

2528 | Section 53. Section 197.552, Florida Statutes, is amended
 2529 | to read:

2530 | 197.552 Tax deeds.—

2531 | (1) All tax deeds shall be issued in the name of a county
 2532 | and must ~~shall~~ be signed by the clerk of the county. The deed
 2533 | shall be witnessed by two witnesses, the official seal shall be
 2534 | attached ~~thereto~~, and the deed shall be acknowledged or proven
 2535 | as other deeds. The charges by the clerk shall be as provided in
 2536 | s. 28.24. Tax deeds issued to a purchaser of property for
 2537 | delinquent taxes must be in the form prescribed by the
 2538 | department. All deeds issued pursuant to this section are prima
 2539 | facie evidence of the regularity of all proceedings from the
 2540 | valuation of the property to the issuance of the deed,
 2541 | inclusive.

2542 | (2) (a) Except as specifically provided in this chapter, a
 2543 | ~~ne~~ right, interest, restriction, or other covenant does not
 2544 | ~~shall~~ survive the issuance of a tax deed.7

2545 | (b)1. Liens that survive the issuance of a tax deed
 2546 | include ~~except that~~ a lien of record held by a municipal or
 2547 | county governmental unit or~~7~~ special district, or community
 2548 | development district. These surviving liens include tax

2549 certificates that were not incorporated in the tax deed
 2550 application, if, when such liens were lien is not satisfied from
 2551 as of the disbursement of proceeds of sale under the provisions
 2552 of s. 197.582, shall survive the issuance of a tax deed.

2553 2. A code enforcement lien survives only as to the amount
 2554 expended by the governmental entity to correct the code
 2555 deficiency and the amount of the surviving lien may not include
 2556 interest, penalties, fines, or attorney's fees.

2557 (3) A lien surviving the issuance of a tax deed may not
 2558 provide a basis to foreclose against the interest of the tax
 2559 deed owner unless the owner is reimbursed for the price of
 2560 acquiring the tax deed, including recording fees and documentary
 2561 stamps, by the holder of the surviving lien or at the time of a
 2562 foreclosure sale. If a foreclosure sale results in insufficient
 2563 funds to satisfy a surviving lien and reimburse the tax deed
 2564 owner, the proceeds of the foreclosure sale shall be distributed
 2565 pro rata in recognition of the equal dignity of lien and the tax
 2566 deed. The charges by the clerk shall be as provided in s. 28.24.
 2567 Tax deeds issued to a purchaser of land for delinquent taxes
 2568 shall be in the form prescribed by the department. All deeds
 2569 issued pursuant to this section shall be prima facie evidence of
 2570 the regularity of all proceedings from the valuation of the
 2571 lands to the issuance of the deed, inclusive.

2572 Section 54. Subsection (2) of section 197.582, Florida
 2573 Statutes, is amended to read:

2574 197.582 Disbursement of proceeds of sale.—

2575 (2) If the property is purchased for an amount in excess
 2576 of the statutory bid of the certificateholder, the excess shall

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2577 | be paid over and disbursed by the clerk. ~~If the property~~
 2578 | ~~purchased is homestead property and the statutory bid includes~~
 2579 | ~~an amount equal to at least one-half of the assessed value of~~
 2580 | ~~the homestead, that amount shall be treated as excess and~~
 2581 | ~~distributed in the same manner.~~ The clerk shall distribute the
 2582 | excess to the governmental units for the payment of any lien of
 2583 | record held by a governmental unit against the property,
 2584 | including any tax certificates not incorporated in the tax deed
 2585 | application and omitted taxes, if any. ~~If In the event~~ the
 2586 | excess is not sufficient to pay all of such liens in full, the
 2587 | excess shall ~~then~~ be paid to each governmental unit pro rata.
 2588 | If, after all liens ~~of record of the~~ governmental units ~~upon the~~
 2589 | ~~property~~ are paid in full, there remains a balance of
 2590 | undistributed funds, the balance ~~of the purchase price~~ shall be
 2591 | retained by the clerk for the benefit of ~~the~~ persons described
 2592 | in s. 197.522(1)(a), except those persons described in s.
 2593 | 197.502(4)(h), as their interests may appear. The clerk shall
 2594 | mail notices to such persons notifying them of the funds held
 2595 | for their benefit. Any service charges, at the ~~same~~ rate as
 2596 | prescribed in s. 28.24(10), and costs of mailing notices shall
 2597 | be paid out of the excess balance held by the clerk. Excess
 2598 | proceeds shall be held and disbursed in the same manner as
 2599 | unclaimed redemption moneys in s. 197.473. ~~If In the event~~
 2600 | excess proceeds are not sufficient to cover the service charges
 2601 | and mailing costs, the clerk shall receive the total amount of
 2602 | excess proceeds as a service charge.

2603 | Section 55. Section 197.602, Florida Statutes, is amended
 2604 | to read:

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2605 197.602 Reimbursement required in challenges to the
 2606 validity of a tax deed ~~Party recovering land must refund taxes~~
 2607 ~~paid and interest.-~~

2608 (1) If a party successfully challenges the validity of a
 2609 tax deed in an action at law or equity, but the taxes for which
 2610 the tax deed was sold were not paid before the tax deed was
 2611 issued, the party shall pay to the party against whom the
 2612 judgment or decree is entered:

2613 (a) The amount paid for the tax deed and all taxes paid
 2614 upon the land, together with 12 percent interest thereon per
 2615 year from the date of the issuance of the tax deed;

2616 (b) All legal expenses in obtaining the tax deed,
 2617 including publication of notice and clerk's fees for issuing and
 2618 recording the tax deed; and

2619 (c) The fair cash value of all maintenance and permanent
 2620 improvements made upon the land by the holders under the tax
 2621 deed. If, in an action at law or in equity involving the
 2622 ~~validity of any tax deed, the court holds that the tax deed was~~
 2623 ~~invalid at the time of its issuance and that title to the land~~
 2624 ~~therein described did not vest in the tax deed holder, then, if~~
 2625 ~~the taxes for which the land was sold and upon which the tax~~
 2626 ~~deed was issued had not been paid prior to issuance of the deed,~~
 2627 ~~the party in whose favor the judgment or decree in the suit is~~
 2628 ~~entered shall pay to the party against whom the judgment or~~
 2629 ~~decree is entered the amount paid for the tax deed and all taxes~~
 2630 ~~paid upon the land, together with 12 percent interest thereon~~
 2631 ~~per year from the date of the issuance of the tax deed and all~~
 2632 ~~legal expenses in obtaining the tax deed, including publication~~

2633 ~~of notice and clerk's fees for issuing and recording the tax~~
 2634 ~~deed, and also the fair cash value of all permanent improvements~~
 2635 ~~made upon the land by the holders under the tax deed.~~

2636 (2) In an action to challenge the validity of a tax deed,
 2637 the prevailing party is entitled to all reasonable litigation
 2638 expenses including attorney's fees.

2639 (3) The court shall determine the amount of the expenses
 2640 for which a party shall be reimbursed. ~~and the fair cash value~~
 2641 ~~of improvements shall be ascertained and found upon the trial of~~
 2642 ~~the action, and~~ The tax deed holder or anyone holding under the
 2643 tax deed has thereunder shall have a prior lien on upon the land
 2644 for the payment of the expenses that must be reimbursed to such
 2645 persons ~~sums.~~

2646 Section 56. Section 192.0105, Florida Statutes, is amended
 2647 to read

2648 192.0105 Taxpayer rights.—There is created a Florida
 2649 Taxpayer's Bill of Rights for property taxes and assessments to
 2650 guarantee that the rights, privacy, and property of the
 2651 taxpayers of this state are adequately safeguarded and protected
 2652 during tax levy, assessment, collection, and enforcement
 2653 processes administered under the revenue laws of this state. The
 2654 Taxpayer's Bill of Rights compiles, in one document, brief but
 2655 comprehensive statements that summarize the rights and
 2656 obligations of the property appraisers, tax collectors, clerks
 2657 of the court, local governing boards, the Department of Revenue,
 2658 and taxpayers. Additional rights afforded to payors of taxes and
 2659 assessments imposed under the revenue laws of this state are
 2660 provided in s. 213.015. The rights afforded taxpayers to assure

2661 that their privacy and property are safeguarded and protected
 2662 during tax levy, assessment, and collection are available only
 2663 insofar as they are implemented in other parts of the Florida
 2664 Statutes or rules of the Department of Revenue. The rights so
 2665 guaranteed to state taxpayers in the Florida Statutes and the
 2666 departmental rules include:

2667 (1) THE RIGHT TO KNOW.—

2668 (a) The right to be sent a mailed notice of proposed
 2669 property taxes and proposed or adopted non-ad valorem
 2670 assessments (see ss. 194.011(1), 200.065(2)(b) and (d) and
 2671 (13)(a), and 200.069). The notice must also inform the taxpayer
 2672 that the final tax bill may contain additional non-ad valorem
 2673 assessments (see s. 200.069(10)).

2674 (b) The right to notification of a public hearing on each
 2675 taxing authority's tentative budget and proposed millage rate
 2676 and advertisement of a public hearing to finalize the budget and
 2677 adopt a millage rate (see s. 200.065(2)(c) and (d)).

2678 (c) The right to advertised notice of the amount by which
 2679 the tentatively adopted millage rate results in taxes that
 2680 exceed the previous year's taxes (see s. 200.065(2)(d) and (3)).
 2681 The right to notification ~~by first-class mail~~ of a comparison of
 2682 the amount of the taxes to be levied from the proposed millage
 2683 rate under the tentative budget change, compared to the previous
 2684 year's taxes, and also compared to the taxes that would be
 2685 levied if no budget change is made (see ss. 200.065(2)(b) and
 2686 200.069(2), (3), (4), and (8)).

2687 (d) The right that the adopted millage rate will not
 2688 exceed the tentatively adopted millage rate. If the tentative

2689 rate exceeds the proposed rate, each taxpayer shall be mailed
 2690 notice comparing his or her taxes under the tentatively adopted
 2691 millage rate to the taxes under the previously proposed rate,
 2692 before a hearing to finalize the budget and adopt millage (see
 2693 s. 200.065(2)(d)).

2694 (e) The right to be sent notice by first-class mail of a
 2695 non-ad valorem assessment hearing at least 20 days before the
 2696 hearing with pertinent information, including the total amount
 2697 to be levied against each parcel. All affected property owners
 2698 have the right to appear at the hearing and to file written
 2699 objections with the local governing board (see s. 197.3632(4)(b)
 2700 and (c) and (10)(b)2.b.).

2701 (f) The right of an exemption recipient to be sent a
 2702 renewal application for that exemption, the right to a receipt
 2703 for homestead exemption claim when filed, and the right to
 2704 notice of denial of the exemption (see ss. 196.011(6),
 2705 196.131(1), 196.151, and 196.193(1)(c) and (5)).

2706 (g) The right, on property determined not to have been
 2707 entitled to homestead exemption in a prior year, to notice of
 2708 intent from the property appraiser to record notice of tax lien
 2709 and the right to pay tax, penalty, and interest before a tax
 2710 lien is recorded for any prior year (see s. 196.161(1)(b)).

2711 (h) The right to be informed during the tax collection
 2712 process, including: notice of tax due; notice of back taxes;
 2713 notice of late taxes and assessments and consequences of
 2714 nonpayment; opportunity to pay estimated taxes and non-ad
 2715 valorem assessments when the tax roll will not be certified in
 2716 time; notice when interest begins to accrue on delinquent

2717 provisional taxes; notice of the right to prepay estimated taxes
 2718 by installment; a statement of the taxpayer's estimated tax
 2719 liability for use in making installment payments; and notice of
 2720 right to defer taxes and non-ad valorem assessments on homestead
 2721 property (see ss. 197.322(3), 197.3635, 197.343, 197.363(2)(c),
 2722 197.222(3) and (5), 197.2301(3), 197.3632(8)(a),
 2723 193.1145(10)(a), and 197.254(1)). However, a taxpayer is deemed
 2724 to have waived the right to know if the taxpayer fails to
 2725 provide current contact information to the county property
 2726 appraiser and tax collector.

2727 (i) The right to an advertisement in a newspaper listing
 2728 names of taxpayers who are delinquent in paying tangible
 2729 personal property taxes, with amounts due, and giving notice
 2730 that interest is accruing at 18 percent and that, unless taxes
 2731 are paid, warrants will be issued, prior to petition made with
 2732 the circuit court for an order to seize and sell property (see
 2733 s. 197.402(2)).

2734 (j) The right to be sent a mailed notice when a petition
 2735 has been filed with the court for an order to seize and sell
 2736 property and the right to be mailed notice, and to be served
 2737 notice by the sheriff, before the date of sale, that application
 2738 for tax deed has been made and property will be sold unless back
 2739 taxes are paid (see ss. 197.413(5), 197.502(4)(a), and
 2740 197.522(1)(a) and (2)).

2741 (k) The right to have certain taxes and special
 2742 assessments levied by special districts individually stated on
 2743 the "Notice of Proposed Property Taxes and Proposed or Adopted
 2744 Non-Ad Valorem Assessments" (see s. 200.069).

2745
 2746 Notwithstanding the right to information contained in this
 2747 subsection, under s. 197.122 property owners are held to know
 2748 that property taxes are due and payable annually and charges
 2749 property owners with a duty to ascertain the amount of current
 2750 and delinquent taxes to obtain the necessary information from
 2751 the applicable governmental officials.

2752 (2) THE RIGHT TO DUE PROCESS.—

2753 (a) The right to an informal conference with the property
 2754 appraiser to present facts the taxpayer considers to support
 2755 changing the assessment and to have the property appraiser
 2756 present facts supportive of the assessment upon proper request
 2757 of any taxpayer who objects to the assessment placed on his or
 2758 her property (see s. 194.011(2)).

2759 (b) The right to petition the value adjustment board over
 2760 objections to assessments, denial of exemption, denial of
 2761 agricultural classification, denial of historic classification,
 2762 denial of high-water recharge classification, disapproval of tax
 2763 deferral, and any penalties on deferred taxes imposed for
 2764 incorrect information willfully filed. Payment of estimated
 2765 taxes does not preclude the right of the taxpayer to challenge
 2766 his or her assessment (see ss. 194.011(3), 196.011(6) and
 2767 (9)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7),
 2768 193.625(2), 197.2425 ~~197.253(2)~~, 197.301(2), and 197.2301(11)).

2769 (c) The right to file a petition for exemption or
 2770 agricultural classification with the value adjustment board when
 2771 an application deadline is missed, upon demonstration of
 2772 particular extenuating circumstances for filing late (see ss.

2773 193.461(3)(a) and 196.011(1), (7), (8), and (9)(e)).

2774 (d) The right to prior notice of the value adjustment

2775 board's hearing date and the right to the hearing within 4 hours

2776 of scheduled time (see s. 194.032(2)).

2777 (e) The right to notice of date of certification of tax

2778 rolls and receipt of property record card if requested (see ss.

2779 193.122(2) and (3) and 194.032(2)).

2780 (f) The right, in value adjustment board proceedings, to

2781 have all evidence presented and considered at a public hearing

2782 at the scheduled time, to be represented by an attorney or

2783 agent, to have witnesses sworn and cross-examined, and to

2784 examine property appraisers or evaluators employed by the board

2785 who present testimony (see ss. 194.034(1)(a) and (c) and (4),

2786 and 194.035(2)).

2787 (g) The right to be sent ~~mailed~~ a timely written decision

2788 by the value adjustment board containing findings of fact and

2789 conclusions of law and reasons for upholding or overturning the

2790 determination of the property appraiser, and the right to

2791 advertised notice of all board actions, including appropriate

2792 narrative and column descriptions, in brief and nontechnical

2793 language (see ss. 194.034(2) and 194.037(3)).

2794 (h) The right at a public hearing on non-ad valorem

2795 assessments or municipal special assessments to provide written

2796 objections and to provide testimony to the local governing board

2797 (see ss. 197.3632(4)(c) and 170.08).

2798 (i) The right to bring action in circuit court to contest

2799 a tax assessment or appeal value adjustment board decisions to

2800 disapprove exemption or deny tax deferral (see ss. 194.036(1)(c))

2801 and (2), 194.171, 196.151, and 197.2425 ~~197.253(2)~~).

2802 (3) THE RIGHT TO REDRESS.—

2803 (a) The right to discounts for early payment on all taxes
 2804 and non-ad valorem assessments collected by the tax collector,
 2805 except for partial payments as defined in 197.374, the right to
 2806 pay installment payments with discounts, and the right to pay
 2807 delinquent personal property taxes under a ~~an installment~~
 2808 payment program when implemented by the county tax collector
 2809 (see ss. 197.162, 197.3632(8) and (10)(b)3., 197.222(1), and
 2810 197.4155).

2811 (b) The right, upon filing a challenge in circuit court
 2812 and paying taxes admitted in good faith to be owing, to be
 2813 issued a receipt and have suspended all procedures for the
 2814 collection of taxes until the final disposition of the action
 2815 (see s. 194.171(3)).

2816 (c) The right to have penalties reduced or waived upon a
 2817 showing of good cause when a return is not intentionally filed
 2818 late, and the right to pay interest at a reduced rate if the
 2819 court finds that the amount of tax owed by the taxpayer is
 2820 greater than the amount the taxpayer has in good faith admitted
 2821 and paid (see ss. 193.072(4) and 194.192(2)).

2822 (d) The right to a refund when overpayment of taxes has
 2823 been made under specified circumstances (see ss. 193.1145(8)(e)
 2824 and 197.182(1)).

2825 (e) The right to an extension to file a tangible personal
 2826 property tax return upon making proper and timely request (see
 2827 s. 193.063).

2828 (f) The right to redeem real property and redeem tax

2829 certificates at any time before full payment for a tax deed is
 2830 made to the clerk of the court, including documentary stamps and
 2831 recording fees issued, and the right to have tax certificates
 2832 canceled if sold where taxes had been paid or if other error
 2833 makes it void or correctable. Property owners have the right to
 2834 be free from contact by a certificateholder for 2 years after
 2835 April 1 of the year the tax certificate is issued (see ss.
 2836 197.432(13) and (14) ~~(14)~~ and ~~(15)~~, 197.442(1), 197.443, and
 2837 197.472(1) and (7)).

2838 (g) The right of the taxpayer, property appraiser, tax
 2839 collector, or the department, as the prevailing party in a
 2840 judicial or administrative action brought or maintained without
 2841 the support of justiciable issues of fact or law, to recover all
 2842 costs of the administrative or judicial action, including
 2843 reasonable attorney's fees, and of the department and the
 2844 taxpayer to settle such claims through negotiations (see ss.
 2845 57.105 and 57.111).

2846 (4) THE RIGHT TO CONFIDENTIALITY.—

2847 (a) The right to have information kept confidential,
 2848 including federal tax information, ad valorem tax returns,
 2849 social security numbers, all financial records produced by the
 2850 taxpayer, Form DR-219 returns for documentary stamp tax
 2851 information, and sworn statements of gross income, copies of
 2852 federal income tax returns for the prior year, wage and earnings
 2853 statements (W-2 forms), and other documents (see ss. 192.105,
 2854 193.074, 193.114(5), 195.027(3) and (6), and 196.101(4)(c)).

2855 (b) The right to limiting access to a taxpayer's records by a
 2856 property appraiser, the Department of Revenue, and the Auditor

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2857 | General only to those instances in which it is determined that
 2858 | such records are necessary to determine either the
 2859 | classification or the value of taxable nonhomestead property
 2860 | (see s. 195.027(3)).

2861 | Section 57. Paragraph (d) of subsection (3) of section
 2862 | 194.011, Florida Statutes, is amended to read:

2863 | 194.011 Assessment notice; objections to assessments.—

2864 | (3) A petition to the value adjustment board must be in
 2865 | substantially the form prescribed by the department.

2866 | Notwithstanding s. 195.022, a county officer may not refuse to
 2867 | accept a form provided by the department for this purpose if the
 2868 | taxpayer chooses to use it. A petition to the value adjustment
 2869 | board shall describe the property by parcel number and shall be
 2870 | filed as follows:

2871 | (d) The petition may be filed, as to valuation issues, at
 2872 | any time during the taxable year on or before the 25th day
 2873 | following the mailing of notice by the property appraiser as
 2874 | provided in subsection (1). With respect to an issue involving
 2875 | the denial of an exemption, an agricultural or high-water
 2876 | recharge classification application, an application for
 2877 | classification as historic property used for commercial or
 2878 | certain nonprofit purposes, or a deferral, the petition must be
 2879 | filed at any time during the taxable year on or before the 30th
 2880 | day following the mailing of the notice by the property
 2881 | appraiser under s. 193.461, s. 193.503, s. 193.625, or s.
 2882 | 196.193 or notice by the tax collector under s. 197.2425
 2883 | ~~197.253~~.

2884 | Section 58. Subsection (1) of section 194.013, Florida

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2885 Statutes, is amended to read:

2886 194.013 Filing fees for petitions; disposition; waiver.—

2887 (1) If so required by resolution of the value adjustment
 2888 board, a petition filed pursuant to s. 194.011 shall be
 2889 accompanied by a filing fee to be paid to the clerk of the value
 2890 adjustment board in an amount determined by the board not to
 2891 exceed \$15 for each separate parcel of property, real or
 2892 personal, covered by the petition and subject to appeal.
 2893 However, no such filing fee may be required with respect to an
 2894 appeal from the disapproval of homestead exemption under s.
 2895 196.151 or from the denial of tax deferral under s. 197.2425
 2896 ~~197.253~~. Only a single filing fee shall be charged under this
 2897 section as to any particular parcel of property despite the
 2898 existence of multiple issues and hearings pertaining to such
 2899 parcel. For joint petitions filed pursuant to s. 194.011(3)(e)
 2900 or (f), a single filing fee shall be charged. Such fee shall be
 2901 calculated as the cost of the special magistrate for the time
 2902 involved in hearing the joint petition and shall not exceed \$5
 2903 per parcel. Said fee is to be proportionately paid by affected
 2904 parcel owners.

2905 Section 59. Subsection (12) of section 196.011, Florida
 2906 Statutes, is amended to read:

2907 196.011 Annual application required for exemption.—

2908 (12) Notwithstanding subsection (1), if ~~when~~ the owner of
 2909 property otherwise entitled to a religious exemption from ad
 2910 valorem taxation fails to timely file an application for
 2911 exemption, and because of a misidentification of property
 2912 ownership on the property tax roll the owner is not properly

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2913 notified of the tax obligation by the property appraiser and the
 2914 tax collector, the owner of the property may file an application
 2915 for exemption with the property appraiser. The property
 2916 appraiser must consider the application, and if he or she
 2917 determines the owner of the property would have been entitled to
 2918 the exemption had the property owner timely applied, the
 2919 property appraiser must grant the exemption. Any taxes assessed
 2920 on such property shall be canceled, and if paid, refunded. Any
 2921 tax certificates outstanding on such property shall be canceled
 2922 and refund made pursuant to s. 197.432(11) ~~s. 197.432(10)~~.

2923 Section 60. Section 197.603, Florida Statutes, is created
 2924 to read:

2925 197.603 Declaration of legislative findings and intent.-

2926 The Legislature finds that the state has a strong interest in
 2927 ensuring due process and public confidence in a uniform, fair,
 2928 efficient, and accountable collection of property taxes by
 2929 county tax collectors. Therefore, tax collectors shall be
 2930 supervised by the Department of Revenue pursuant to s.
 2931 195.002(1). Moreover, the Legislature intends that the property
 2932 tax collection authorized by this chapter under s. 9(a), Art.
 2933 VII of the State Constitution be free from the influence or the
 2934 appearance of influence of the local governments who levy
 2935 property taxes and receive property tax revenues.

2936 Section 61. Sections 197.202, 197.242, 197.304, 197.3041,
 2937 197.3042, 197.3043, 197.3044, 197.3045, 197.3046, 197.3047,
 2938 197.307, 197.3072, 197.3073, 197.3074, 197.3075, 197.3076,
 2939 197.3077, 197.3078, and 197.3079, Florida Statutes, are
 2940 repealed.

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2941

Section 62. This act shall take effect July 1, 2010.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 1525 Nonbinding Statewide Referendum
SPONSOR(S): Economic Development & Community Affairs Policy Council
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Economic Development & Community Affairs Policy Council		Tait <i>MCC</i>	Tinker <i>TBT</i>
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

Assuming current law and policies remain the same, the Congressional Budget Office estimates that the federal budget deficit will be approximately \$1.3 trillion for fiscal year 2010. As a result of increasing federal deficits, the federal debt held by the public is expected to increase significantly, from an estimated \$8.1 trillion today to \$15 trillion by the end of 2020.

The bill provides for a nonbinding statewide advisory referendum to be placed on the 2010 general election ballot asking voters if the United States Constitution should be amended to require a balanced federal budget without raising taxes.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Methods of Proposing Amendments to U.S. Constitution

There are two means to propose amendments to the United States Constitution. The first method allows Congress, with the agreement of two-thirds of both the Senate and the House of Representatives, to propose an amendment itself. The second method requires Congress to "call a Convention for proposing Amendments" after application from legislatures in two-thirds of the states.¹ In either method, Congress is authorized to specify whether the amendment must be ratified by the legislatures of three-fourths of the states or by conventions in three-fourths of the states.²

History of Calls for Constitutional Convention on Balanced Federal Budget

Starting in the mid-1970s, 32 states adopted measures, of varying forms, urging Congress to convene a constitutional convention to address federal budget deficits.³ Depending upon the manner of tallying applications, that count was two short of the 34 state applications necessary under article V of the U.S. Constitution.

Florida's 1976 Convention Application

Florida participated in the movement in 1976, when the Legislature adopted Senate Memorial 234. In that memorial, the Legislature made "application to the Congress of the United States ... to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto."⁴

The Legislature also adopted House Memorial 2801 that same year. In the House memorial, the Legislature made application to Congress for a convention to consider an amendment to the U.S. Constitution requiring a balanced federal budget. Unlike Senate Memorial 234, House Memorial 2801

¹ U.S. CONST. art. V. By comparison, the Florida Constitution provides the following methods for proposing amendments to the document: by joint resolution agreed to by three-fifths of the membership of each house of the Legislature (FLA. CONST. art. XI, s. 1); by constitutional revision commission (FLA. CONST. art. XI, s. 2); by citizen initiative (FLA. CONST. art. XI, s. 3); by a constitutional convention to consider revision to the entire document called by the people of the state (FLA. CONST. art. XI, s. 4); and by a taxation and budget reform commission (FLA. CONST. art. XI, s. 6). Regardless of the method by which an amendment to the Florida Constitution is proposed, the amendment must be approved by at least 60 percent of the electors voting on the measure (FLA. CONST. art. XI, s. 5(e)).

² U.S. CONST. art. V.

³ E. Donald Elliott, *Constitutional Conventions and the Deficit*, 1985 DUKE L.J. 1077, 1078 (1985).

⁴ Senate Memorial 234 (Reg. Sess. 1976).

prescribed the precise language of the proposed constitutional amendment. Among other provisions, the proposed amendment stated:

[T]he Congress shall make no appropriation for any fiscal year if the resulting total of appropriations for such fiscal year would exceed the total revenues of the United States for such fiscal year. ... There shall be no increase in the national debt, and the existing debt, as it exists on the date which this amendment is ratified, shall be repaid during the one hundred-year period following the date of such ratification.

The proposed constitutional language also authorized Congress to suspend the requirement for a balanced budget in times of national emergency, as identified by a concurrent resolution of three-fourths of the membership of the U.S. Senate and the U.S. House of Representatives.

House Memorial 2801 further specified that “the purview of any convention called by the Congress pursuant to this resolution [shall] be strictly limited to the consideration” of a balanced-budget amendment. In addition, the Legislature resolved that the 1976 application for a constitutional convention “constitutes a continuing application ... until such time as two-thirds of the Legislatures of the several states have made similar application, and the convention herein applied for is convened.”⁵

Florida’s 1988 Request to Congress

In 1988, the Legislature adopted a measure urging congressional action related to the federal budget deficit. Adopted by both chambers, Senate Memorial 302 urged Congress to use its own power to propose an amendment to the U.S. Constitution requiring the federal budget to be in balance except under specified emergencies.

The memorial specified that it superseded “all previous memorials applying to the Congress of the United States to call a convention to propose an amendment to the Constitution of the United States to require a balanced federal budget,” including the two memorials passed in 1976. The 1988 memorial further specified that the previous memorials were “revoked and withdrawn.”⁶

State Balanced-Budget Requirements

Although there is not agreement on what is meant by a “balanced budget,” the National Conference of State Legislatures reported in 2004 that 49 states “have at least a limited statutory or constitutional requirement of a balanced budget.”⁷ Florida’s requirement is prescribed in article VII, section 1 of the Florida Constitution. The constitution requires that “[p]rovision shall be made by law for raising sufficient revenue to defray the expenses of the state for each fiscal period.”⁸ Among other elements, the implementing statute, s. 216.221, F.S., provides that all appropriations shall be maximum appropriations, based on the collection of sufficient revenue. In addition, “[i]t is the duty of the Governor, as chief budget officer, to ensure that revenues collected will be sufficient to meet the appropriations and that no deficit occurs in any state fund.”⁹

Section 215.98, F.S., provides that the “Legislature shall not authorize the issuance of additional state tax-supported debt if such authorization would cause the designated benchmark debt ratio of debt service to revenues available to pay debt service to exceed 7 percent unless” it finds that the additional debt is necessary to address a critical state emergency.¹⁰

⁵ House Memorial 2801 (Reg. Sess. 1976).

⁶ Senate Memorial 302 (Reg. Sess. 1988).

⁷ Nat’l Conference of State Legislatures, *State Balanced Budget Requirements: Provisions and Practice* (updated 2004), <http://www.ncsl.org/IssuesResearch/BudgetTax/StateBalancedBudgetRequirementsProvisionsand/tabid/12651/Default.aspx>. Last visited March 19, 2010.

⁸ FLA. CONST. art VII, s. 1(d).

⁹ Section 216.221(1), F.S.

¹⁰ Section 215.98(1), F.S.

Federal Budget Deficit and National Debt

Assuming current law and policies remain the same, the Congressional Budget Office (CBO) estimates that the federal budget deficit will be approximately \$1.3 trillion for fiscal year 2010.¹¹ This is a slight reduction of the deficit in 2009, \$1.4 trillion.¹² The CBO explained that the 2009 and 2010 deficits were a result of:

an imbalance between revenues and spending that predates the recession and turmoil in financial markets, sharply lower revenues and elevated spending associated with those economic conditions, and the costs of various federal policies implemented in response to those conditions.¹³

The office projects average deficits of approximately \$600 billion per year over the 2011-2020 period.¹⁴

As a result of increasing federal deficits, federal debt held by the public is expected to increase significantly. Currently, the debt held by the public is estimated to be \$8.1 trillion.¹⁵ The CBO projects that the figure will increase to \$15 trillion by the end of 2020.¹⁶

Ballot Referenda

When a public measure is submitted to the voters, the substance of the measure must be printed in clear and unambiguous language on the ballot, followed by the words "yes" and "no." In addition, Florida law requires that the ballot must be written so that a "yes" vote indicates approval of the proposal, and a "no" vote indicates rejection.¹⁷

Effect of Proposed Changes

This bill provides for a nonbinding statewide advisory referendum on the 2010 general election ballot, on the question of whether the U.S. Constitution should be amended to require a balanced federal budget. An advisory referendum has been described as a method for voters to make their views known without binding a legislature to act. The bill requires the following question to be printed on the ballot, followed by the word "yes" and the word "no":

In order to stop the uncontrolled growth of our national debt and prevent excessive borrowing by the Federal Government, which threatens jobs, robs America and our children of their opportunity for success, and threatens our national security, should the United States Constitution be amended to require a balanced federal budget?

The bill takes effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Requires a nonbinding statewide advisory referendum to be placed on the 2010 general election ballot, relating to the federal budget.

Section 2: Provides an effective date of upon becoming a law.

¹¹ Congressional Budget Office, Congress of the United States, *The Budget and Economic Outlook: Fiscal Years 2010 to 2020, Summary* (Jan. 2010), <http://www.cbo.gov/ftpdocs/108xx/doc10871/01-26-Outlook.pdf>. Last visited March 19, 2010.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ TreasuryDirect, *The Debt to the Penny and Who Holds It*, <http://www.treasurydirect.gov/NP/BPDLogin?application=np>. Last visited March 19, 2010. TreasuryDirect is a financial services website through which a person may purchase and redeem securities directly from the U.S. Department of the Treasury in paperless electronic form. TreasuryDirect is a service of the U.S. Department of the Treasury Bureau of the Public Debt. See TreasuryDirect, *About TreasuryDirect*, <http://www.treasurydirect.gov/about.htm>. Last visited March 19, 2010.

¹⁶ Congressional Budget Office, *supra* note 12.

¹⁷ Section 101.161(1), F.S.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

According to the Department of State, there is no fiscal cost to the agency.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There is an indeterminate, but likely insignificant, cost to the counties depending on whether the amendment will require printing of additional pages.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill may require local governments to spend funds by requiring a specific question on the 2010 general election ballot. However, it appears to be exempt from the State Constitution's provisions restricting local mandates because the bill applies to election law and also because the fiscal impact appears to be insignificant.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
An act relating to a nonbinding statewide advisory referendum; requiring that a question regarding a balanced federal budget be printed on the ballot and submitted to the voters in the 2010 general election; providing an effective date.

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

Section 1. Nonbinding statewide advisory referendum.—At the 2010 general election, the following question shall be printed on the ballot and submitted to the voters:

BALANCING THE FEDERAL BUDGET

A NONBINDING REFERENDUM CALLING FOR AN AMENDMENT TO THE UNITED STATES CONSTITUTION

In order to stop the uncontrolled growth of our national debt and prevent excessive borrowing by the Federal Government, which threatens jobs, robs America and our children of their opportunity for success, and threatens our national security, should the United States Constitution be amended to require a balanced federal budget without raising taxes?

YES NO

Section 2. This act shall take effect upon becoming a law.

FLORIDA OPPORTUNITY FUND

A Not-for-Profit investment corporation authorized by Florida Legislature in 2007

(Section 288.9621 – 288.9626, Florida Statutes; Proposed addition of Sections 288.9627 – 288.9628)

I. Background: In 2007, the Florida legislature authorized the creation of The Florida Opportunity Fund, Inc. (FOF) for the purpose of encouraging an increase in the amount of venture capital funding available to Florida businesses. The FOF's mandate was expanded in 2009 to make direct investments in individual businesses and infrastructure projects that will benefit Florida.

II. Proposed Legislation: The attached legislation would authorize the creation of the FOF Infrastructure Fund Partnership, a \$350M Florida-focused infrastructure investment program for the FOF (the "program"). The FOF would raise \$350M of investment capital from private capital sources to fund the program. The legislation would also authorize the issuance of future contingent tax credits to guaranty the return of investment capital from the program to the program's investors. These year 2023 contingent tax credits would only be used to guarantee the principal investment to program investors, but not any profit. Currently, public entities receive grants, borrowed capital or issued bonds to pay for public infrastructure projects. Thus, the cost of the project to the public includes the amount of the grants and any interest paid on borrowings or bonds. Under this proposal, the principal and return would first be paid from the FOF's investment returns, rather than by the State. Infrastructure projects (such as roads, bridges, railways, ports, power stations, utilities, water, wastewater, solar, etc.) are lower risk and less volatile investments than many other investment alternatives, and they provide clear and absolute tangible benefit to Floridians. Assuming the program merely generates industry average investment returns, none of these contingent tax credits would be used. Although the credits are transferable and refundable, only in a downside scenario would the contingent tax credits be partially utilized in year 2023 or afterwards. Regardless of the return scenario, the program will yield substantial and sustainable infrastructure projects, with value that are multiples of the amount contingently guaranteed by the State's tax credits.

III. Implementation: The FOF will establish the Infrastructure Fund Partnership and serve as the general/managing partner of the program. The FOF is governed by an independent board and is administrated by Enterprise Florida (EFI) and independent investment managers. A separate independent trust would be established by EFI to issue and administer the future contingent tax credits in cooperation with the Department of Revenue. The trust will be governed by an independent board (comprised of members of OTTED and EFI) and administered by EFI.

IV. Benefits to Florida: Based on an initial survey of potential infrastructure projects in Florida, the investable opportunity set over the next three to five years vastly exceeds the size of the proposed program. The creation of a \$350M FOF infrastructure fund focused on Florida infrastructure opportunities would provide immediate and dramatic benefits to Florida's economy. This program could:

- Attract up to \$4 Billion of private capital to Florida from co-investors and project lenders;
- Create thousands of jobs in Florida via the infrastructure projects supported by the fund;
- Create permanent infrastructure assets in Florida;
- Alleviate budget pressure, by leveraging private capital to solve government needs. The current cash budget will not be impacted as the tax credits would be termed in year 2023 and may never be utilized;
- Generate results with potentially with no costs to the State. If the Fund is simply able to return the original investment capital to its investors, the tax credits will not be used. The State will only incur program costs in the event that the infrastructure fund does not return the original investment capital, and even those costs would not be incurred until 2023;
- Accelerate the deployment of infrastructure funds and speed the recovery of the Florida economy

Infrastructure Program Comparison

Program Options	Government Financed Infrastructure	Florida Infrastructure Opportunity Fund
Program Capital	\$350 Million	\$350 Million
Additional Investment Capital	None	\$1.4 Billion (equity participation)
Additional Project Capital	None	\$2.25 Billion (assuming < 60% project debt)
Total Infrastructure Capital	\$350 Million	\$4 Billion
Costs to Government	\$350 Million plus Interest Costs & Fees	NO short-term costs and potentially NO long-term costs
Project Selection and Operation	Government-run	Privately-managed
Job Creation	3,500 (assuming 10 jobs for \$1M)	40,000 (same assumption)
Current budget effect	\$350 Million outflow	NO short-term cost

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to Florida Infrastructure Fund
 3 Partnership; amending s. 288.9622, F.S.; providing for
 4 later stage venture funding and infrastructure funding;
 5 amending s. 288.9623, F.S.; providing definitions;
 6 amending s. 288.9626, F.S.; providing an expansion of a
 7 public record exemption; creating s. 288.9627, F.S.;
 8 creating the Florida Infrastructure Fund Partnership;
 9 providing duties; creating s. 288.9628, F.S.; creating the
 10 Florida Infrastructure Investment Trust; providing duties;
 11 allowing for the issuance of tax certificates and tax
 12 credits; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 288.9622, Florida Statutes, is amended
 17 to read:

18 288.9622 Findings and intent.—

19 (1) The Legislature finds and declares that there is a
 20 need to increase the availability of seed capital, and early and
 21 later stage venture equity capital and infrastructure funding
 22 for businesses or projects ~~emerging companies~~ in the state,
 23 including, without limitation, enterprises in life sciences,
 24 information technology, advanced manufacturing processes,
 25 aviation and aerospace, infrastructure, and homeland security
 26 and defense, as well as other strategic technologies.

27 (2) It is the intent of the Legislature that ss. 288.9621-
 28 288.9628 ~~288.9625~~ serve to mobilize private investment in a

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29 | broad variety of venture capital partnerships in diversified
 30 | industries and geographies; retain private sector investment
 31 | criteria focused on rate of return; use the services of highly
 32 | qualified managers in the venture capital industry regardless of
 33 | location; facilitate the organization of the Florida Opportunity
 34 | Fund as an investor in seed, and early and later stage
 35 | businesses, infrastructure projects, venture capital funds,
 36 | infrastructure funds, and angel funds; and precipitate capital
 37 | investment and extensions of credit to and in the Florida
 38 | Opportunity Fund.

39 | (3) It is the intent of the Legislature to mobilize
 40 | venture equity capital for investment in such a manner as to
 41 | result in a significant potential to create new businesses and
 42 | jobs in this state that are based on high growth potential
 43 | technologies, products, or services and that will further
 44 | diversify the economy of this state.

45 | (4) It is the intent of the Legislature that an institute
 46 | be created to mentor, market, and attract capital to such
 47 | commercialization ventures throughout the state.

48 | Section 2. Section 288.9623, Florida Statutes, is amended
 49 | to read:

50 | 288.9623 Definitions.— As used in ss. 288.9621-288.9628
 51 | ~~288.9625~~:

52 | (1) "Board" means the board of directors of the Florida
 53 | Opportunity Fund.

54 | (2) "Certificate" means a contract between the trust and a
 55 | designated investor pursuant to which a tax credit is available
 56 | and issued to the designated investor.

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57 | (3) "Commitment agreement" means a contract between the
 58 | partnership and a designated investor pursuant to which such
 59 | designated investor commits to provide a specified amount of
 60 | investment capital in exchange for an ownership interest of the
 61 | partnership.

62 | (4) "Designated investor" means a person, other than the
 63 | partnership, fund or trust, who purchases an ownership interest
 64 | in the partnership or is a transferee of a certificate or tax
 65 | credit.

66 | (5) (2) "Fund" means the Florida Opportunity Fund.

67 | (6) "Partnership" means the Florida Infrastructure Fund
 68 | Partnership.

69 | (7) "Tax credit" means a contingent tax credit issued
 70 | pursuant to section 288.9628.

71 | (8) "Trust" means the Florida Infrastructure Investment
 72 | Trust.

73 | Section 3. Paragraph (a) of subsection (1) and subsection
 74 | (6) of section 288.9626, Florida Statutes, is amended to read:

75 | 288.9626 Exemptions from public records and public
 76 | meetings requirements; Florida Opportunity Fund and the
 77 | Institute for the Commercialization of Public Research.—

78 | (1) DEFINITIONS.—As used in this section, the term:

79 | (a) "Alternative investment" means an investment by the
 80 | Florida Opportunity Fund in a private equity fund, venture
 81 | capital fund, infrastructure fund or angel fund or a direct
 82 | investment in a portfolio company or infrastructure project, or
 83 | investment ~~through a distribution of securities to its partners~~
 84 | ~~or shareholders~~ by an alternative investment vehicle.

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85 (6) OPEN GOVERNMENT SUNSET REVIEW.--This section is
 86 subject to the Open Government Sunset Review Act in accordance
 87 with s. 119.15 and shall stand repealed on October 2, 2023 ~~2012~~,
 88 unless reviewed and saved from repeal through reenactment by the
 89 Legislature.

90 Section 4. Section 288.9627, Florida Statutes, is created
 91 to read:

92 288.9627 Florida Infrastructure Fund Partnership; creation;
 93 duties.-

94 (1) The fund shall facilitate the creation of the Florida
 95 Infrastructure Fund Partnership, a private, for-profit limited
 96 or limited liability partnership organized and operated under
 97 chapter 620. The partnership is not an instrumentality of the
 98 state. The partnership shall manage its business affairs and
 99 conduct business consistent with its organizational documents
 100 and the purposes set forth in this section.

101 (2) The primary purpose of the partnership shall be making
 102 investments in infrastructure projects located in Florida that
 103 will further foster economic development in this state. For
 104 purposes of this section, the term "infrastructure" means the
 105 assets a society utilizes to facilitate the operation of its
 106 economy or provide an economic or social benefit to a community,
 107 city, state or other political subdivision; including, without
 108 limitation, roads, water and wastewater systems, communications
 109 facilities, power systems, transportation systems, communication
 110 systems, bridges, railways, ports, airports, tunnels, renewable
 111 energy facilities, ancillary or support systems of the foregoing
 112 and other strategic infrastructure needs of the state.

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113 (3) The fund, as general partner, is authorized and
 114 responsible for managing the business affairs of the
 115 partnership, including without limitation, the engagement of its
 116 investment manager or managers to assist with the management of
 117 the partnership; soliciting and negotiating the terms of,
 118 contracting for, and receiving investment capital with the
 119 assistance of its investment manager or other service providers;
 120 receiving investment returns; paying investors; approving
 121 investments in order to provide financial returns, together with
 122 strategic returns designed to result in a significant potential
 123 to create or retain jobs in this state and further diversify the
 124 economy of this state; and such other activities necessary to
 125 operate the partnership. The fund is hereby authorized to loan
 126 funds in an amount of no more than \$350,000 to the partnership
 127 for use in paying initial expenses incurred in the organization
 128 of the partnership and the solicitation of investors.

129 (4) The partnership will raise funds from designated
 130 investors for making investments in Florida infrastructure
 131 projects by entering into commitment agreements with such
 132 designated investors on terms approved by the fund's board.

133 (5) Pursuant to section 288.9628, contemporaneously with a
 134 commitment agreement from a designated investor to the
 135 partnership, the trust shall issue certificates that may be
 136 redeemable for contingent tax credits to provide incentives or
 137 guarantees to such designated investor for making a commitment
 138 to the partnership.

139 (6) The partnership shall provide a copy of each
 140 commitment agreement to the trust as designated pursuant to

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141 subsection (4) upon the execution of the commitment agreement by
 142 all parties to the agreement.

143 (7) The partnership shall be authorized to enter into
 144 commitment agreements with designated investors beginning July
 145 1, 2010. The total principal investment payable to the
 146 Partnership under all commitment agreements with designated
 147 investors and the total amount of contingent tax certificates to
 148 be issued by the Department of Revenue pursuant to this section
 149 shall not exceed \$350,000,000.

150 (8) The partnership shall invest only in infrastructure
 151 projects that have raised equity or debt capital from other
 152 sources so that the total amount invested in such infrastructure
 153 projects is at least twice the amount invested by the
 154 partnership. Notwithstanding the forgoing, the partnership
 155 shall not invest more than 20 percent of its total funds
 156 available for investment in any single infrastructure project.

157 (9) The partnership must make investments in
 158 infrastructure projects to be located in this state based on an
 159 evaluation of the following factors:

160 (a) The written business plan for the project, including
 161 all expected revenue sources.

162 (b) The likelihood of the project in attracting operating
 163 capital from investors, grants, or other lenders.

164 (c) The management team for the proposed project.

165 (d) The project's job creation potential in this state.

166 (e) The financial resources of the company proposing the
 167 project.

168 (f) The presence of reasonable safeguards for the project

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169 to provide continued benefit to Florida residents.

170 (g) Any other factors deemed by the partnership to be
 171 relevant to the likelihood of the success of the project and not
 172 inconsistent with this section.

173 (10) Beginning December 1, 2010, and each December 1
 174 thereafter, the partnership shall issue an annual report
 175 concerning its activities to the Governor, the President of the
 176 Senate, and the Speaker of the House of Representatives. The
 177 annual report, at a minimum, must include:

178 (a) An accounting of the amount of investments disbursed
 179 by the partnership and the progress of the partnership,
 180 including the progress of infrastructure projects that have been
 181 provided direct investment by the partnership.

182 (b) A description of the benefits to this state resulting
 183 from the partnership, including the number of businesses and
 184 associated industries positively affected, the number of jobs
 185 maintained or created, and the positive impact on Florida's
 186 economy.

187 (c) Independently audited financial statements, including
 188 statements that show receipts and expenditures during the
 189 preceding fiscal year for the operational costs of the
 190 partnership.

191 (11) Neither the partnership nor the fund has any power to
 192 pledge the credit or taxing power of the state or any political
 193 subdivision of the state, or to make its debts payable out of
 194 any moneys or resources except those of the partnership or the
 195 Fund. Any obligations of the partnership and the fund are not
 196 obligations of the state or any political subdivision of the

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197 state but are obligations of the partnership or the fund payable
 198 solely and only from the partnership's or fund's resources.

199 (12) The partnership shall not accept any investment from
 200 or make any investment in any infrastructure project with a
 201 financial institution or company identified in s. 215.472 or any
 202 scrutinized company as that term is defined in s. 215.473. The
 203 entity that owns the infrastructure project provided investment
 204 by the partnership shall provide reasonable assurances to the
 205 partnership that it shall not provide an ownership interest in
 206 such infrastructure project to a financial institution or
 207 company identified in section 215.472 or a scrutinized company.

208 Section 5. Section 288.9628, Florida Statutes, is created
 209 to read:

210 288.9628 Florida Infrastructure Investment Trust; creation;
 211 duties; issuance of certificates and contingent tax credits.-

212 (1) There is created the Florida Infrastructure Investment
 213 Trust, a state beneficiary public trust to be administered by a
 214 board of trustees. The exercise by the board of trustees of
 215 powers conferred by this section shall be deemed and held to be
 216 the performance of essential public purposes.

217 (2) The board of trustees shall consist of the Executive
 218 Director of the Office of Trade, Tourism and Economic
 219 Development, the vice chair of Enterprise Florida, Inc., and the
 220 chief executive officer of Enterprise Florida, Inc., or their
 221 respective designees. An administrative officer shall be
 222 authorized to act on the behalf of the trust under the direction
 223 of the board of trustees.

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224 (3) Members of the board of trustees shall serve without
 225 compensation, but members, the administrative officer of the
 226 board of trustees, and other board employees may be reimbursed
 227 for all reasonable, necessary, and actual expenses as determined
 228 and approved by the board pursuant to s. 112.061. Members shall
 229 not have an interest in any person to whom a tax credit is
 230 allocated and issued by the trust. The trust may seek
 231 reimbursement of its reasonable costs and expenses from the
 232 partnership by charging a fee for the issuance of certificates
 233 to designated investors of up to 0.25 percent of the aggregate
 234 investment capital committed to the Partnership by designated
 235 investors that received a certificate.

236 (4) The trust shall have the power to engage consultants,
 237 retain professional services, issue certificates and contingent
 238 tax credits, sell tax credits in accordance with subsection
 239 (8)(d), expend funds, invest funds, contract, bond or insure
 240 against loss, or perform any other act necessary to carry out
 241 its purpose.

242 (5) Pursuant to the provisions of this section, the trust
 243 shall issue certificates that may be redeemable for tax credits
 244 to provide incentives to designated investors to make equity
 245 investments in the partnership. All certificates issued by the
 246 trust and related tax credits issued in accordance with such
 247 certificates, shall not exceed a total aggregate of \$350,000,000
 248 of tax credits. The certificates shall be issued
 249 contemporaneously with an investment commitment by a designated
 250 investor. A certificate issued by the trust shall have a
 251 specific calendar year maturity date designated by the trust of

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252 | not less than twelve years after the date of issuance. A
 253 | certificate and the related tax credit shall be transferable, in
 254 | whole or in part, by the designated investor. A tax credit shall
 255 | not be claimed or redeemed except by a designated investor or
 256 | transferee in accordance with the terms of a certificate from
 257 | the trust.

258 | (6) No more than 30 days after entering into a commitment
 259 | agreement with a designated investor, the trust shall submit to
 260 | the Department of Revenue an application for the issuance of a
 261 | contingent tax credit to the designated investor in the name of
 262 | the trust for the benefit of the designated investor. The
 263 | contingent tax credits shall be issued by the Department of
 264 | Revenue, which shall be on terms consistent with the terms of
 265 | the respective certificates issued by the partnership to the
 266 | designated investors. No more than 60 days after receipt of such
 267 | application, the Department of Revenue shall issue the
 268 | contingent tax credits to the trust for the benefit of the
 269 | designated investor. At the request of the trust, the Department
 270 | of Revenue shall provide additional reasonable assurances to a
 271 | designated investor that it shall be entitled to a tax credit in
 272 | accordance with the terms of this section and the certificates.

273 | (7) The trust shall include in each certificate the
 274 | maximum amount of a tax credit which could be issued to a
 275 | designated investor and identify the specific calendar year the
 276 | certificate may be redeemed pursuant to this section. The
 277 | "initial maximum amount" shall be the total amount of investment
 278 | capital committed to the partnership by the designated investor.
 279 | However, subject only to subsection (8)(e), the amount of the

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280 tax credit issued to a designated investor under a certificate
 281 shall be limited to such designated investor's "net capital
 282 investment", which shall be an amount equivalent to any
 283 difference between (a) the total investment capital actually
 284 advanced by the designated investor to the partnership and (b)
 285 an amount that is no less than the aggregate actual
 286 distributions received by the designated investor and any
 287 predecessor in interest of the certificate. The trust shall
 288 clearly indicate on the certificate the amount of committed
 289 investment, the amount of equity interest of the partnership
 290 issued to the designated investor, and the calculation formula
 291 for determining the amount of the tax credit that may be
 292 claimed. Once funds are invested by a designated investor, the
 293 certificate shall be binding on the trust and the Department of
 294 Revenue and shall not be modified, terminated, or rescinded.

295 (8) If on the maturity date of the certificates, the total
 296 net capital investment provided to the partnership from the
 297 designated investors holding such certificates is greater than
 298 zero as of such date, the partnership shall provide written
 299 notification of this circumstance to each designated investor in
 300 the partnership.

301 (a) In the notification to each designated investor
 302 required under this subsection, the partnership must provide
 303 certification of the following: a good faith estimate of the
 304 fair market value of the partnership's assets as of the date of
 305 the notice; the total capital investment of all designated
 306 investors as of the date of the notice; the total amount of
 307 distributions received by the designated investors; the amount

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308 of the tax credit available to the designated investor, if any,
 309 if elected by that designated investor; and any schedule for the
 310 amount of tax credit that can be claimed by the designated
 311 investor in a given year pursuant to the terms of subsection
 312 (8)(e). A copy of each investor notice shall be provided
 313 contemporaneously to the trust holding the designated investor's
 314 contingent tax certificate and to the Department of Revenue.

315 (b) Upon receipt of notice from the partnership, each
 316 affected designated investor shall have the option to elect one
 317 of the following:

318 1. having a tax credit certificate issued to it in
 319 an amount equal to the amount of the tax credit available
 320 to the designated investor in accordance with the terms of
 321 this section and the certificate;

322 2. having tax credits sold by the trust on behalf of
 323 the designated investor with the proceeds of the sale to be
 324 paid by the trust to the designated investor; or,

325 3. maintaining its investment in the partnership.

326 The designated investor shall provide written notification to
 327 the partnership and the trust of its election no later than 30
 328 days after the designated investor's receipt of notification
 329 from the partnership. If the designated investor fails to
 330 provide notice within 30 days the designated investor shall be
 331 deemed to have elected option set forth in subsection (8)(b)3.

332 (c) If the designated investor elects to have a tax credit
 333 issued to itself, the trust shall advise the Department of
 334 Revenue of this election and apply on the designated investor's
 335 behalf to the Department of Revenue for the issuance of a tax

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336 credit certificate in the name of the designated investor. In
 337 order to receive the tax credit certificate, the designated
 338 investor must agree in writing to transfer its limited
 339 partnership interest in the partnership to the fund. The
 340 application for the tax credit shall include with it the
 341 original contingent tax credit certificate held by the trust for
 342 the designated investor, a copy of the notice provided to the
 343 designated investor by the partnership, a copy of the designated
 344 investor's written notice to the trust and the partnership of
 345 its election to have the tax credit issued to it and a copy of
 346 the designated investor's written agreement to transfer its
 347 limited partnership interest in the partnership to the fund.
 348 The trust's application to the Department of Revenue for the
 349 issuance of the tax credit certificate to the designated
 350 investor shall be submitted by the trust within 30 days after
 351 the trust's receipt of the designated investor's election;
 352 provided, however, that the trust's failure to timely submit the
 353 application shall not prevent the designated investor from being
 354 eligible to receive the tax credit certificate so long as the
 355 designated investor submits an application for the tax credit
 356 certificate not later than 90 days after the submission of its
 357 election notice to the trust. The Department of Revenue shall
 358 issue the tax credit certificate applied for no later than 30
 359 days from its receipt of a timely and complete application. Any
 360 tax credit issued pursuant to this section may be transferred in
 361 whole, or in part, by its holder pursuant to subsection (8)(g).
 362 (d) If the designated investor elects to sell the tax
 363 credits held by the trust, the trust shall exercise its best

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364 efforts to sell the tax credits. The trust shall be authorized
 365 to sell tax credits in amounts no more than the lesser of (1)
 366 the initial maximum amount of the contingent tax credit issued
 367 to the designated investor or (2) such amount as is necessary to
 368 yield proceeds to the designated investor equal to its net
 369 capital investment as of the date of the partnership's notice;
 370 provided that for subsection (d)(2) the aggregate amount of tax
 371 credits sold shall not exceed an amount that is 7 percent above
 372 the designated investor's net capital investment. In order to
 373 receive the proceeds of the trust's sale of tax credits, the
 374 designated investor must agree in writing to transfer its
 375 limited partnership interest in the partnership to the fund. No
 376 later than 30 days following the trust's sale of the tax
 377 credits, the trust shall notify the designated investor and the
 378 partnership and apply to the Department of Revenue for the
 379 issuance of a tax credit certificate or certificates in the name
 380 of the person or persons who purchased the credits. Any such
 381 application shall include with it the original contingent tax
 382 credit certificate held by the trust for the designated
 383 investor, a copy of the notice provided to the designated
 384 investor by the partnership, a copy of the designated investor's
 385 written notice to the trust and the partnership of its election
 386 to have the credit issued to it, a copy of the purchase
 387 agreement or agreements executed by the purchaser or purchasers
 388 and a copy of the designated investor's written agreement to
 389 transfer its limited partnership interest in the partnership to
 390 the fund. The Department of Revenue shall issue the tax credit
 391 certificate or certificates applied for no later than 30 days

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392 after its receipt of a timely and complete application. If the
 393 designated investor's tax credits have been sold by the trust to
 394 more than one person, the Department of Revenue shall issue tax
 395 credit certificates to such persons in such amounts as
 396 designated by the trust in the application. If the trust is
 397 unable to sell the designated investor's tax credits within 90
 398 days from the date of the designated investor's election, the
 399 designated investor shall have the continuing option after that
 400 date to revoke or modify its prior election and then elect to
 401 have a tax credit certificate issued to it directly for the
 402 amount of any unsold credit. No later than 30 days following
 403 such an election by the designated investor, the trust shall
 404 notify the partnership and apply to the Department of Revenue
 405 for the issuance of a tax credit certificate or certificates in
 406 the name of the designated investor in the amount of any unsold
 407 credit and in the name of the person or persons who purchased
 408 any portion of the credit. Payment by the purchaser for the tax
 409 credit, or any increment thereof, shall be made either to the
 410 trust on behalf of the designated investor or directly to the
 411 designated investor as elected by the designated investor.

412 (e) Any tax credit allowed under a tax credit issued by
 413 the Department of Revenue as provided in this section can be
 414 used by the owner as an offset against any taxes owed to the
 415 state pursuant to any of the sections listed in section
 416 72.011(1)(a). The offset can be applied by the owner on any
 417 return for an eligible tax due on or after the date on which the
 418 tax credit certificate was issued by the Department of Revenue
 419 but no more than 7 years after the tax credit certificate was

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420 issued. The owner of the tax credit can elect to have all or
 421 any portion of the amount authorized in the tax credit
 422 certificate paid to it by the state or be claimed as a
 423 refundable credit rather than applied as an offset against
 424 eligible taxes provided that any such election must be made no
 425 later than 7 years after the tax credit certificate was issued;
 426 provided that in such event, the amount elected to be paid in
 427 any calendar year shall be no greater than 25 percent of the
 428 "initial maximum amount" of the related certificate and any
 429 balance shall be available the following year for payment or
 430 offset. If the designated investor does not file a return in the
 431 state and elects to claim the tax credit as a refundable credit,
 432 such designated investor may request the trustee to seek the
 433 refundable credit on its behalf.

434 (f) To the extent that any tax credit provided for in this
 435 section is utilized by its owner either as a credit against
 436 taxes due or to obtain payment from the state, such amount shall
 437 become an obligation of the partnership to the state secured
 438 solely by the limited partnership interest transferred to the
 439 fund by the designated investor whose investment generated the
 440 utilized credit. In such case, the state's recovery shall be
 441 limited to such forfeited limited partnership interest. The
 442 Department of Revenue shall account for tax credits used or paid
 443 under this section and make such information available to the
 444 partnership. The fund as general partner shall have no
 445 liability to the state for repayment of the utilized tax credits
 446 from the fund's separate assets unrelated to its interest in the
 447 partnership.

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448 (g) Any certificate and related tax credit issued under
 449 this section is transferrable in whole or in part by its owner;
 450 provided that any such transfer cannot extend the time within
 451 which the credit must be exercised by either the owner or any
 452 transferee. Any owner of a tax credit certificate who transfers
 453 the tax credit or any portion thereof to any other person must
 454 notify the trust and Department of Revenue in writing of such
 455 transfer including notification of the amount of tax credit
 456 transferred and the person to whom the credit was transferred.

457 (10) The Department of Revenue shall by rule work with the
 458 partnership and the trust to establish the procedures to be
 459 followed in utilizing the tax credits provided for herein
 460 consistent with the provisions of this section.

461 (11) The trust shall, in conjunction with the Department of
 462 Revenue, develop a system for registration of any certificate
 463 and related tax credit issued or transferred pursuant to this
 464 section and a system that permits verification that any tax
 465 credit claimed upon a tax return is valid and that any transfers
 466 of the certificate and related tax credit are made in accordance
 467 with the requirements of this section.

468 Section 6. This act shall take effect July 1, 2010.

1 A bill to be entitled
 2 An act relating to the City of Fort Lauderdale, Broward
 3 County; extending and enlarging the corporate limits of
 4 the City of Fort Lauderdale to include specified
 5 unincorporated lands within such corporate limits;
 6 providing for an effective date of annexation; providing
 7 for an interlocal agreement, land use and zoning
 8 governance, and residency qualification for candidacies
 9 for municipal office; providing applicability to existing
 10 contracts; providing for transfer of public roads and
 11 rights-of-way; providing an effective date.

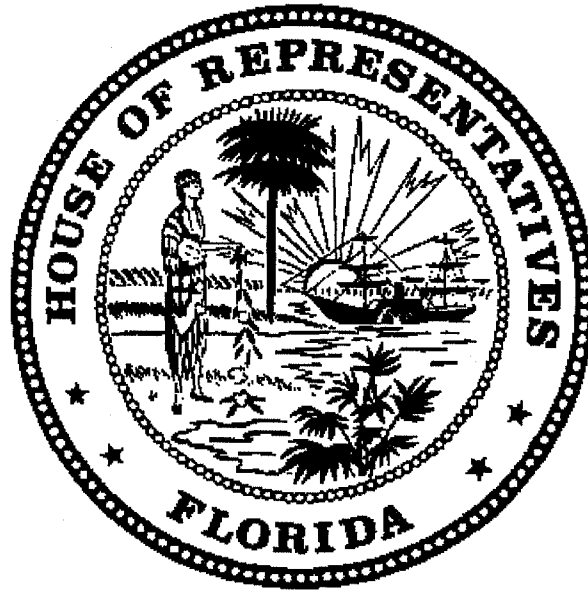
12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. The following areas shall be annexed into the
 16 City of Fort Lauderdale subject to the provisions of this act:

17
 18 CYPRESS CREEK ROAD - A

19
 20 That portion of Section 11 Township 49 South, Range 42
 21 East, Broward County, Florida, described as follows:

22
 23 BEGIN at the Northwest corner of HARRAH PLAT,
 24 according to the plat thereof, as recorded in Plat
 25 Book 100, Page 25, of the Public Records of Broward
 26 County, Florida said point also being on the South
 27 right of way line of Cypress Creek Road and the



ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS POLICY COUNCIL

Amendment Packet

**Thursday, March 25, 2010
11:15 A.M. – 12:30 P.M.
404 HOB**

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7129 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Hukill offered the following:

4

5 **Amendment**

6 Remove lines 111-112 and insert:

7 (n) Tyndall Air Force Base, associated with Bay County, and
8 Mexico Beach and Parker.

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Hukill offered the following:

Amendment (with directory and title amendments)

Between lines 390 and 391, insert:

7 (7) The Adjutant General shall develop an education
8 assistance program for members in good standing of the Florida
9 National Guard who enroll in an authorized course of study at a
10 public or nonpublic institution of higher learning in the state
11 which has been accredited by an accrediting body recognized by
12 the United States Department of Education or licensed by the
13 Florida Commission for Independent Education ~~the Commission on~~
14 ~~Colleges of the Southern Association of Colleges and Schools.~~
15 This program shall be known as the Educational Dollars for Duty
16 program (EDD).

17 (a) The program shall set forth application requirements,
18 including, but not limited to, requirements that the applicant:

- 19 1. Be 17 years of age or older.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7129 (2010)

Amendment No. 2

20 2. Be presently domiciled in the state.

21 3. Be an active drilling member and in good standing in
22 the Florida National Guard at the beginning of and throughout
23 the entire academic term for which benefits are received.

24 4. Maintain continuous satisfactory participation in the
25 Florida National Guard for any school term for which exemption
26 benefits are received.

27 5. Upon enrollment in the program, complete a memorandum
28 of agreement to comply with the rules of the program and serve
29 in the Florida National Guard for the period specified in the
30 member's enlistment or reenlistment contract.

31 (b) The program shall define those members of the Florida
32 National Guard who are ineligible to participate in the program
33 and those courses of study which are not authorized for the
34 program.

35 1. Ineligible members include, but are not limited to,
36 any member, commissioned officer, warrant officer, or enlisted
37 person who has obtained a master's degree using the program.

38 2. Courses not authorized include noncredit courses,
39 courses that do not meet degree requirements, courses that do
40 not meet requirements for completion of career training, or
41 other courses as determined by program definitions.

42 3. College-preparatory courses are authorized for the
43 program.

44 (c) The Adjutant General shall adopt rules for the overall
45 policy, guidance, administration, implementation, and proper use
46 of the program. Such rules must include, but not be limited to,
47 guidelines for certification by the Adjutant General of a guard

Amendment No. 2

48 member's eligibility, procedures for notification to an
49 institution of a guard member's termination of eligibility, and
50 procedures for restitution when a guard member fails to comply
51 with the penalties described in this section.

52 Note.—Former ss. 250.11, 250.12, 250.14, 250.15.

53

54

55

56

D I R E C T O R Y A M E N D M E N T

57

Remove lines 373-374 and insert:

58

Section 5. Subsections (4) and (7) of section 250.10, Florida

59

Statutes, are amended to read:

60

61

62

63

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

64

Remove line 48 and insert:

65

Assistant Adjutant General for Army; revising accreditation

66

standards for eligible institutions; providing an

**HB 7151
Amendments (4)**

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative Schenck offered the following:
4

5 **Amendment**

6 Remove lines 106-112 and insert:

7 (3) "Artistic services" means the rendering by a
8 contractor of its time and effort to create or perform an
9 artistic work in the following fields: music, dance, drama,
10 folk art, creative writing, painting, sculpture, photography,
11 graphic arts, craft arts, industrial design, costume design,
12 fashion design, motion pictures, television, radio, or tape and
13 sound recording. "Artist" ~~means an individual or group of~~
14 ~~individuals who profess and practice a demonstrated creative~~
15 ~~talent and skill in the area of music, dance, drama, folk art,~~
16 ~~creative writing, painting, sculpture, photography, graphic~~
17 ~~arts, craft arts, industrial design, costume design, fashion~~
18 ~~design, motion pictures, television, radio, or tape and sound~~
19 ~~recording or in any other related field.~~

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7151 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Schenck offered the following:
4

5 **Amendment**

6 Remove lines 362-368 and insert:

7 4. The agency shall evaluate replies against all
8 evaluation criteria set forth in the invitation to negotiate, in
9 order to establish a competitive range of replies reasonably
10 susceptible of award. The agency may select one or more vendors
11 within the competitive range with which to commence
12 negotiations. After negotiations are conducted, the agency shall
13 award the contract to the responsible and responsive vendor that
14 the agency determines will provide the best value to the state,
15 based on the selection criteria.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7151 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative Schenck offered the following:
4

5 **Amendment**

6 Remove line 544 and insert:
7 the term "artistic services" does not include advertising or
8 typesetting. As

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7151 (2010)

Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative Schenck offered the following:

4
5 **Amendment**

6 Remove lines 762-777 and insert:

7 (16)-(18) Each agency must avoid, neutralize, or mitigate
8 significant potential organizational conflicts of interests
9 before contract award. If the agency elects to mitigate the
10 significant potential organizational conflict of interest an
11 adequate mitigation plan including, organizational, physical,
12 and electronic barriers shall be developed. If a conflict
13 cannot be avoided or mitigated, an agency is authorized to waive
14 the conflict and proceed with award if the agency head certifies
15 that the award is in the best interests of the state. The
16 agency head must specify in writing the basis for the
17 certification. The agency head shall not waive a conflict of
18 interest that is based upon the vendor gaining an unfair

Amendment No. 4

19 competitive advantage. An unfair competitive advantage exists
20 where the vendor competing for award of a contract obtained:

21 (a) Access to information that is not available to the
22 public and would assist the vendor in obtaining the contract.

23 (b) Source selection information that is relevant to the
24 contract but is not available to all competitors, and such
25 information would assist the vendor in obtaining the contract.

26
27 An unfair competitive advantage does not exist as a result of
28 the vendor acquiring expertise and having access to publicly
29 available information as a result of performing the incumbent
30 contract or another similar contract. ~~A person who receives a~~
31 ~~contract that has not been procured pursuant to subsections (1)~~
32 ~~through (5) to perform a feasibility study of the potential~~
33 ~~implementation of a subsequent contract, who participates in the~~
34 ~~drafting of a solicitation or who develops a program for future~~
35 ~~implementation, is not eligible to contract with the agency for~~
36 ~~any other contracts dealing with that specific subject matter~~
37 ~~and any firm in which such person has any interest is not~~
38 ~~eligible to receive such contract. However, this prohibition~~
39 ~~does not prevent a vendor who responds to a request for~~
40 ~~information from being eligible to contract with an agency.~~

HB 7163
Amendment (1)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Schenck offered the following:
4

5 **Amendment**

6 Remove lines 302-311 and insert:

7 (3) Agencies shall procure wireless communication devices
8 and services using SUNCOM Network Services unless otherwise
9 approved by the Department of Management Services. Agencies
10 shall obtain an exemption from the use of SUNCOM Network
11 Services prior to seeking approval to use a state term contract,
12 an alternate source contract, or other procurement method. In
13 seeking approval for an exemption, agencies shall provide a side
14 by side comparison of costs and benefits and the reasons for
15 deviating from SUNCOM Network Services. The department shall
16 approve such requests only upon a finding that an exemption from
17 the use of SUNCOM Network Services has been obtained pursuant to
18 Section 282.703(3) and upon a finding that the cost benefit

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7163 (2010)

Amendment No. 1

19 analysis or agency justification supports the use of another
20 procurement method.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 265 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Ambler offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 128 and 129, insert:

7 Section 2. Subsection (2) of section 193.023, Florida
8 Statutes, is amended to read:

9 193.023 Duties of the property appraiser in making
10 assessments.—

11 (2) In making his or her assessment of the value of real
12 property, the property appraiser is required to physically
13 inspect the property at least once every 5 years. Where
14 geographically suitable, and at the discretion of the property
15 appraiser, the property appraiser may use image technology in
16 lieu of physical inspection to ensure that the tax roll meets
17 all the requirements of law. The Department of Revenue shall
18 establish minimum standards for the use of image technology
19 consistent with standards developed by professionally recognized

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 265 (2010)

Amendment No. 1

20 sources for mass appraisal of real property. However, the
21 property appraiser shall physically inspect any parcel of
22 taxable real property upon the request of the taxpayer,
23 certificateholder, or owner.

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25

26

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

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28

Remove line 6 and insert:

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193.023, F.S.; requiring inspection of taxable property by

30

property appraiser upon request of certificateholder; 196.1995,

31

F.S.; providing that the authority of the

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 265 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Ambler offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 2201-2220 and insert:

7 (a) On county-held certificates on nonhomestead property
8 shall be the sum of the value of all outstanding certificates
9 against the property land, plus omitted years' taxes, delinquent
10 taxes, interest, and all costs and fees paid by the county.

11 (b) The opening bid on an individual certificate on
12 nonhomestead property shall include, in addition to the amount
13 of money paid to the tax collector by the certificateholder at
14 the time of application, the amount required to redeem the
15 applicant's tax certificate and all other costs and fees paid by
16 the applicant, plus all tax certificates that were sold
17 subsequent to the filing of the tax deed application and omitted
18 taxes, if any.

Amendment No. 2

19 (c) The opening bid on property assessed on the latest tax
20 roll as homestead property shall include, in addition to the
21 amount of money required for an opening bid on nonhomestead
22 property, an amount equal to one-half of the latest just
23 ~~assessed~~ value of the homestead. Payment of one-half of the just
24 ~~assessed~~ value of the homestead property shall not be required
25 if the tax certificate to which the application relates was sold
26 prior to January 1, 1982.

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

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32

Remove lines 34-37 and insert:

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county a fee for tax deed applications; revising conditions for
34 the escheat of

35

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 265 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Ambler offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 2317-2321 and insert:

7 shall be included in the minimum bid. However, if the land
8 to be sold is assessed on the latest tax roll as homestead
9 property, the bid of the certificateholder shall be increased to
10 include an amount equal to one-half of the just assessed value
11 of the homestead property as required by s. 197.502. If there
12 are no
13
14

15 -----
16 **T I T L E A M E N D M E N T**

17 Remove lines 38-40 and insert:

18 property to a county; amending s. 197.542, F.S.; limiting the
19 circumstances

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCS for HB 265 (2010)

Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Economic Development &
2 Community Affairs Policy Council
3 Representative(s) Ambler offered the following:
4

5 **Amendment**

6 Remove lines 2577-2581 and insert:

7 be paid over and disbursed by the clerk. If the property
8 purchased is homestead property and the statutory bid includes
9 an amount equal to at least one-half of the just assessed value
10 of the homestead, that amount shall be treated as excess and
11 distributed in the same manner. The clerk shall distribute the