

2016 FLORIDA LEGISLATIVE REAL PROPERTY SUMMARY

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The 2016 Florida Legislative Session was notable for the significant number of Bills carried over from the truncated 2015 Session, and new Bills introduced in the 2016 Session. This is a short summary, briefly identifying Bills that have become law with selected commentary. Practitioners should review the actual Bill text. The new laws are listed in order they were enacted into law¹:

ENVIRONMENTAL RESOURCES. Chapter 2016-1 (SB 552). Broad revisions to water regulations now require: a five year planning process for conservation programs; by July 1, 2017, public databases regarding public lands and recreational areas; plan grading of water impairment levels; and, pilot programs for alternative water supply development. Water management districts may preempt local plans, establishing minimum flow levels if not set by local governments. Concerning St. Lucie River watershed basin, a regular five year plan review shall occur in conjunction with stakeholders. The Florida Supreme Aquifer Protection Act is created to regulate onsite sewage disposal systems and assess water resources including annual progress reports.

SHOOTING. Chapter 2016 -12 (SB 130). The recreational discharge of a firearm outdoors in a residential neighborhood with density of one dwelling unit or more per acre is a misdemeanor with exceptions for: defending life; performing official duties; not posing a reasonably foreseeable risk to life safety or property; or, accidental discharge. Effective: upon becoming law.

DANGEROUS DOGS. Chapter 2016-16 (HB 0091). Dogs investigated because of allegedly causing a severe injury to a human may be immediately quarantined. Execution may occur after appeal. Effective: Upon becoming law, March 8, 2016.

PROPERTY TAXES. Chapter 2016-26 (HB 7023). Adds new deployment operations for those providing ad valorem tax exemptions for service of persons, allows for untimely filing, and creating a formula for calculating the exemption. Effective becoming law, March 8, 2016.

JUDGMENTS. Chapter 2016-33 (SB 1042). Uniform definitions are created concerning judgments and their execution, providing for a notice to appear for hearings to contest specified challenges. Proceedings supplementary pursuant to Chapter 726 Florida Statutes are initiated by a supplemental complaint in the same case as the underlying judgement, and may include discovery.

¹ All items are effect July 1, 2016 except as otherwise stated.
SB = Senate Bill; HB = House Bill

NON-RESIDENT COST BOND. Chapter 2016-43 (SB3 96). Repeals the non-resident cost bond requirement for civil actions.

DIGITAL ACCESS. Chapter 2016-46 (SB 494). The “Florida Fiduciary Access to Digital Access Act” specifies procedures for a principal to delegate the right of access to a principal’s digital records.

TITLE INSURANCE. Chapter 2016-57 (HB 695). Revises reserve requirements for title insurers.

RESIDENTIAL FACILITY SITING. Chapter 2016-74 (SB 1174). Regulates residential homes, prohibiting them to be within a radius of 1,200 feet of another existing community residential home and no other home of 6 or fewer residents within a residence of 1,000 feet.

AGRICULTURE. Chapter 2016-88 (HB 49). Extends conservation easements to include Silviculture, Forestry Management and Livestock Grazing if a current or historical use.

CDD DISTRICTS. Chapter 2016-94 (HB 0971). The minimum size of a CDD District is increased from 1,000 to 25,000 acres, generally, providing for merger agreements to including public hearing requirements.

CONSERVATION EASEMENT. Chapter 2016-110 (SB 190). Repealed the requirement for annual renewal of conservation easements until the property no longer complies with the easement requirements.

HOMESTEAD TAX EXEMPTION. Chapter 2016-121 (HB 2077). Provides for an ordinance to allow an additional exemption for homes with a just value of less than \$250,000.00 owned by a person 65 years of age or older, allowing for a retroactive application to the 2013 tax roll.

AD VALOREM TAXATION. Chapter 2016-128 (HB 499). Clarifying prerequisites for Ad Valorem Tax challenges, including timing for certification of tax rolls being June 1st, extended to December 1st because of volume of petitions starting with 2018 Tax Roll, requirement Notice of Intent to Lien providing 30 day notice, expanding who may represent a person before a tax adjustment board including those holding a Power of Attorney in a form as specified, requiring returns to be timely filed. Providing for multiple effective dates.

BUILDING CODE. Chapter 2016-129 (HB 535). Extensive Revisions to Building Code Requirements, including a compliance requirement to install minimum radio strength in high rise buildings and other life safety requirements and extending the homeowners construction recovery fund to include single family residences.

COMPREHENSIVE PLAN. Chapter 2016-148 (HB 1361). Management permitting joint meeting between governing bodies. Comprehensive plan and plan amendment procedures including alternative dispute resolution processes and processes for denial of change requests allowing local governments to approve reductions in density and heights if consistent with the comprehensive plan in effect when the development was originally approved, allowing exchanges of approved land uses for a built out project, subject to no net increase and impacts,

and, transportation impact exempting newly acquired lands if equal or less than 10% of the total acreage.

PARTNERS. Chapter 2016-153 (SB 124). Creating the Public/Private Partnership Guidelines Taskforce, rescinding the partnership for public facilities and infrastructure act guidelines task force, providing for review of unsolicited projects, and providing for confidential information.

MOBILE HOMES. Chapter 2016-169 (SB 826). Mobile home association directors are required to undertake the certification education program administered by the Department of Business and Professional Regulations. Non-Ad Valorem Assessments may be passed through, subject to a disclosure requirement. Lot rent increases shall have a ninety day advance renewal notice. A purchaser of a mobile home if not approved by the park owner five days before the closing may rescind. Concerning voting, each lot is entitled to one vote, a majority is defined, and secret ballots are permitted. Exempt from recording requirements are meetings between the board and park owner. Effective October 1, 2016, except director compliance extended to October 11, 2017.

SERVICE OF PROCESS: FINANCIAL INSTITUTIONS. Chapter 2016-180 (SB 1104). Financial institutions may designate a registered agent. Service is authorized on an officer, director or business agent at its principal place of business or other branch officer at the place of business within the state. Effective January 1, 2017.

COHABITATION. Chapter 2016-188 (SB 498). Repeals cohabitation prohibition while retaining prohibition on open and gross lewdness and lascivious behavior. Effective on becoming law, April 6, 2016.

ESTATES. Chapter 2016-189 (SB 540). Estate and trust issues are generally clarified. An elective share decision shall not result in less than what the spouse would have otherwise received, permitting the use of Trust assets concerning claims regarding the Trust but requiring notice to qualified Beneficiaries.

SINKHOLE COVERAGE INSURANCE. Chapter 2016-197 (SB 1274) Specifying reserve limits for underwriters providing sinkhole coverage, allowing for unlimited sinkhole coverage insurance to exclude for contents and additional living insurance, prohibiting Citizens Property Insurance Corporation from issuing the coverage, allowing unregulated deductibles and providing that payments are to be as recommended by the insurers professional engineer, unless the insured has a lower estimate.

SERVICE OF PROCESS. Chapter 2016-207(SB 4132). Permits service on a “virtual office,” “executive office,” “mini suite,” and “receptionist.”

AIRPORT ZONING. Chapter 2016-209 (HB 1508). Revises definitions, clarifying that FAA approvals of proposed obstructions are not controlling for local approval purposes, addressing non-compatible land uses in relation to noise contours, restricting new compatible uses providing considerations for permitting of airport structure and review processes, providing for a transition time period.

ELEVATORS. Chapter 2016-211 (SB 1602). Adds mandatory clearance requirements for elevator doors.

TAXATION: AD VALOREM. Chapter 2016-220 (HB7009). Expansion of economic development zone ad valorem tax 100% exemption if approved by the local governing body by December 31, 2015, and the property is not in a brownfield. Data centers and equipment eligible for up to a twenty year exception.

WATER. Chapter 2016-233 (HB 1075). Authorizes the creation of protection zones for springs, clarification and process for acquisitions of property, appraisal requirements including review by departmental of environment protection with purchase limits, alternative to fee simple acquisition for recreational use providing for retention of rights, review of goals for state land management, surplus land determination, and placement of certain successor rights in the acquisition and restoration counsel with certain exceptions, repeal of notice of riparian land sales to local governmental entities, and swap provisions for contiguous property estate of lands. Provides for an inventory of conservation lands by January 1, 2018, and for conservation and easement acquisition procedures, waiver of requirements, appraisal and offer requirements.

SERVICE PERSONNEL RENTALS. Chapter 2016-242 (SB 184). Landlords and community associations must approve or reject a serviceperson's rental application within seven days after submission, or if denied, must provide within that seven day period the reason for denial. Failure to timely respond constitutes an approval.

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