



FAC
FLORIDA
ASSOCIATION OF
COUNTIES
All About Florida

2022

LEGISLATIVE SESSION
FINAL REPORT

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FAC EXECUTIVE COMMITTEE



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LEGISLATION REQUIRING BUSINESS IMPACT STATEMENTS ON LOCAL ORDINANCES PASSES IN SENATE, FAILS WITHOUT HOUSE FLOOR ACTION

SB 280/HB 403- *Local Ordinances* by Sen. Hutson and Rep. Giallombardo failed this session. While SB 280 passed on the Senate floor with a vote of 28-8, the House companion, HB 403 was never heard on the House floor after passing all committee stops. The bill allows challenges to local ordinances on grounds they are expressly preempted by state law, conflict with state law, or are arbitrary or unreasonable, and allows the courts to award attorney fees and costs to the prevailing complainant. An award of attorney fees or cost and damages cannot exceed \$50,000. Similar to challenges under current law that are brought against local ordinances on express preemption grounds, allows a complainant to recover damages against the local government that enacted the local ordinance.

The bill requires a board of county commissioners to prepare a business impact statement before the adoption of certain ordinances. It also requires the preparation of a business impact estimate that must be published on a county's or city's website at the same time as notice of a proposed ordinance is published. The business impact statement must include: a summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the county; the estimated economic effect of the ordinance on private for-profit businesses in the county; an estimate of direct compliance costs businesses may reasonably incur if the ordinance is adopted, if any; identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible, if any; and an estimate of the county's regulatory costs, including an estimate of revenues from many new charges or fees that will be imposed on businesses to cover such costs. Additionally, a good faith estimate of the number of businesses likely to be affected by said ordinance and any additional information the board determines necessary.

The following local ordinances are excluded from the business impact statement requirement:

- Part II of chapter 163;
- Section 553.73;

- Section 633.202;
- Sections 190.005 and 190.046;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances related to issuance or refinancing of debt;
- Ordinances related to the adoption of budgets or budget amendments;
- Ordinances required to implement a contract or an agreement; including but not limited to, any federal, state, local, or private grant or financial assistance accepted by a county government; or
- Emergency ordinances.

Additionally, a county must suspend enforcement of an ordinance that is subject of action if the legal action is filed no later than 90 days after the adoption of the ordinance, the complainant requests suspension in the initial complaint or petition, and the county that has been served with a copy of the complaint or petition. The bill only applies to ordinances adopted on or after October 1, 2022.

LOCAL WAGE MANDATE LEGISLATION FAILS

HB 943/SB 1124 - *Preemption of Local Wage Mandates* by Rep. Harding and Sen. Gruters failed this session. As filed, the bills substantially rewrote s. 218.077, F.S., to prohibit local governments from enacting any local wage mandate that established a minimum wage greater than the minimum wage established under Article X, §24, of the State Constitution (the Florida Minimum Wage Constitutional Amendment). The term "wage mandate" is defined as a requirement enacted (whether by charter, ordinance, purchase agreement, contract, regulation, rule, or regulation) by a political subdivision requiring an employer to pay any or all its employees a wage rate not otherwise required by state or federal law. The bill voids any wage mandate that conflicts with the bill's requirements. Additionally, the original bill removed certain exceptions in current law including: 1) allowing political subdivisions to set a higher minimum wage or require employment benefits when it contracts with an employer (including its subcontractors) to provide goods and services to the political subdivision; 2) allowing a political subdivision to specify a higher wage rate when it provides an employer with an a direct tax abatement or tax subsidy; and 3) excepted domestic violence or sexual abuse ordinances from the preemption in current law. The House bill, HB 943, was amended to delete the definition of "employer contracting to provide goods or services for the

political subdivision” and removed the statutory exception allowing local governments to require a different minimum wage for employees, or the employees of a subcontractor, of an employer who contracts to provide goods and services to the subdivision. The amendment also restored other exceptions (i.e., tax subsidy or abatement, and domestic violence or sexual abuse ordinances) deleted in the original bill, and does not limit, restrict, or expand a prevailing wage required under state law. Lastly, the amendment restored an exception under current law that allowed a subdivision to comply with the federal Davis-Bacon Act to allow receipt of federal funds. FAC spoke in opposition to the bills throughout session. HB 943 cleared two of three committees but stalled in House State Affairs. The Senate companion, SB 1124 passed one of three committees, failing to receive a hearing in Senate Commerce and Tourism.

VACATION RENTALS PREEMPTION FAILS

SB 512- *Vacation Rentals* by Sen. Burgess failed this legislative session, clearing two of three committees. SB 512 provides for a method of regulation and a registration program for local vacation rental registration programs. A local government may require vacation rentals to be registered. The registration fee may not exceed \$50 for an individual or \$100 for a collective vacation rental registration. A local government may impose a fine for failure to register a vacation rental. Additionally, the bill requires local governments to accept or deny a registration application within 15 days of receipt of an application.

Local laws, ordinances, or regulations adopted on or before June 1, 2011 (“grandfathered” regulations), may be amended to be less restrictive or to comply with local registration requirements. Vacation rental ordinances in jurisdictions located in an area of critical state concern are not affected by the bill. The bill preempts the regulation of advertising platforms to the state. In addition, the Division of Hotels and Restaurants (division) of the Department of Business and Professional Regulation (DBPR) may issue temporary licenses to permit the operation of the vacation rental while the license application is pending. The bill also authorizes the division to revoke or suspend state vacation rental licenses for violations of local registration requirements and violations of community association property restrictions. The bill requires advertising platforms to collect and remit taxes when guests use a payment through their platform.

Additionally, the bill authorizes the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to issue and deliver notice to cease and desist for certain violations. The Division may also revoke, refuse to issue

or renew, or suspend vacation rental licenses if the owner has code violations or fails to provide registration.

The House companion, HB 325- *Vacation Rentals* by Rep. Fischer was only heard in one committee, House Regulatory Reform Subcommittee.

BILL AMENDING RESTRICTIONS ON DANGEROUS DOGS TO NON-BREED SPECIFIC PASSES SENATE, FAILS THIS SESSION

SB 614/ HB 721-*Authorization of Restrictions Concerning Dangerous Dogs* by Rep. Buchanan and Sen. Garcia failed this session. While the bill passed in the Senate with a vote of (35-0), the bill stalled in the House in its third committee, House State Affairs. The bill allows public housing authorities to adopt ordinances, rules, or policies to address dangerous dogs, however, the rule or policy may not be breed specific. Additionally, the bill removes the grandfather provision in Florida statute, allowing for breed specific regulations, if the ordinance was adopted prior to October 1, 1990. This change would nullify Miami Dade County’s regulations and restrictions on owners of pit bulldogs.

OUTDOOR KITCHEN EQUIPMENT PREEMPTION PASSES HOUSE, FAILS SENATE

HB 667/SB 714- *Department of Business and Professional Regulation* by Rep. McClain and Sen. Hooper failed this session. The bills represented the legislative package from the Department of Business and Professional Regulation. Amongst other provisions, the bill contains a preemption that would preempt counties and local governments from prohibiting the use of outdoor kitchen equipment. The bill passed in the House with a vote of 114-2, but ultimately failed in Senate returning messages.

BILL CONTAINING TOWING PREEMPTION FAILS

SB 990- *Towing Vehicles* and HB 867- *Towing, Storage, and Release of Motor Vehicles* by Sen. Diaz and Rep. Rizo failed this session. SB 990 contained a preemption that stated a state regulation of claiming a lien for the recovery, removal, towing, or storage of a vehicle or vessel and supersedes any county or municipal ordinance, resolution, rule, or regulation. SB 990 cleared all three committee stops, but was never heard on the floor; while HB 867 cleared one of three committees.

BILL RESTRICTING AIRPORT & SEAPORT PICKUP FEE RATES FAILS

HB 445/SB 696- *Transportation Network Companies* by Rep. Botana and Sen. Perry failed this session. The bill specifies that airports or seaports cannot charge pickup fees that exceed \$2 per ride to transportation network companies for their use of an airport's or seaport's facilities and pick-up operations. Additionally, SB 696 prohibits certain airports and seaports from intentionally removing, degrading, or impeding certain services, benefits, or infrastructure, which includes staging lots, curb access, and driver rest facilities made available to a TNC before January 1, 2021. Both bills were never heard this session.

PET REGULATION BILL FAILS

SB 994- *Pet Protection* by Sen. Diaz failed this session. The bill creates the "Florida Pet Protection Act", requiring the licensure of retail pet stores and limiting the sources from which retail pet stores may acquire household pets. SB 994 requires the Department of Business and Professional Regulation to conduct periodic inspections of retail pet stores and to audit sales records. The department is required to deny a retail pet store license if they do not abide by specific standards including where animals may be acquired and how old they must be at sale. There are also standards for treatment of animals in the pet store, including cleaning and veterinary check-ups. However, a county or municipality may adopt an ordinance or a regulation on or after 7/1/22, which regulates, but does not prohibit, the operation of retail pet stores or the breeding, purchase, or sale of household pets. FAC opposed the bill.

The linked bill, SB 996- *Fees/Pet Store License* by Sen. Diaz also failed this session. The bill requires an initial or renewal pet store license application to be accompanied by a specified nonrefundable license fee, that shall not exceed \$25 per licensed location. An amendment was adopted to require that the collected fees be deposited into the Department of Business and Professional Regulation's Professional Regulation Trust Fund. SB 994 and SB 996 passed one of three committee stops, but ultimately stalled in Senate Community Affairs. The House companion bill, HB 849- *Pet Protection* by Rep. Fernandez-Barquin, was never heard this session.

HOME KITCHEN OPERATIONS PREEMPTION FAILS

HB 707/SB 1158- *Home Kitchen Operations* by Rep. Learned and Sen. Jones failed this session. The bill preempts the regulation of home kitchen operations to the state. A local law, ordinance, or regulation may not prohibit a home kitchen operation or regulate the preparation, processing, storage, or sale of home kitchen products by a home kitchen operation; however, a home kitchen operation must comply with the conditions for the operation of a home-based business under s. 559.955, F.S. Both HB 707 and SB 1158 cleared one of three committees.

BILL PROHIBITING PUBLIC FUNDS FOR LOBBYING BY LOCAL GOVERNMENTS FAILS

HB 501- *Prohibition of Public Funds for Lobbying* by Local Governments by Rep. Gregory was never heard this session and there was no Senate companion legislation. The bill was withdrawn prior to introduction. Among other things, the bill prohibits a local government from using public funds to retain a lobbyist to represent the local government before the legislative or executive branch, providing for disciplinary action. However, a full-time employee of the local government may register as a lobbyist and represent that local government before the legislative or executive branch.

PREEMPTIONS/MANDATES- PASSED

BILL ALLOWING BUSINESS CLAIMS AGAINST LOCAL GOVERNMENTS PASSES

SB 620- *Local Business Protection Act* by Sen. Hutson passed this session. The bill was substituted for HB 569- *Local Business Protection Act* by Rep. McClure. HB 569 passed (69-45) in the House and (22-14) in the Senate. The bill authorizes private, for-profit businesses to claim business damages from a county or municipality of the county or municipality that enacts or amends certain ordinances or charter provisions. A business conducting business in the jurisdiction for at least 3 years may claim business damages if a county or municipality enacts or amends an ordinance or a charter that causes a reduction of at least 15% of the business' profit.

Exempted ordinances from business damages include:

- Required to comply with state or federal law;
- Emergency ordinances, declarations, or orders under State Emergency Management Act;
- A temporary emergency ordinance in place no more than 90 days;
- Part II of Ch. 163 relating to growth policy, planning, and land development regulations, including zoning, development orders, and development permits;
- Florida Building Code (s.553.73);
- Florida Fire Prevention Code (s.633.202);
- Required to implement a contract or agreement, including federal, state, local grant;
- Relating to issuance or refinancing of debt;
- Relating to adoption of a budget or budget amendment, including revenue sources necessary to fund the budget;
- Relating to procurement;
- Intended to promote, enable, or facilitate economic competition.

Furthermore, the bill specifies procedures and methodologies for a business to recover business damages, attorney fees, and costs against a local government. Businesses must comply with a required 180-day pre-suit notice and settlement period. The business must provide copies of the business' records and potential additional data. A local government must accept, reject, or make a counteroffer within 120 days of receiving the offer, and may include an offer to grant a waiver to the application of the ordinance or charter provision.

A business must file an action within one year after the effective date of the relevant ordinance, ordinance amendment, or charter provision. A local government has the opportunity to cure by repealing the ordinance, amending the ordinance to the form before the business claim arose within 30 days, providing a waiver from enforcement of the ordinance to the business that asserted the claim for damages, or concerning county charters, providing notice of intent to repeal or amend, and voters repeal or amend the charter provision at an election within 90 days after publication of the notice.

If the business and local government do not agree on an award of fees and costs incurred during the pre-suit period, the business may file an action to recover fees and costs. The amount of business damages recovered is limited to the present value of the business's future lost profits for the lesser of seven years or the number of years the business has been in operation in the jurisdiction before the ordinance was enacted or amended. The court may award reasonable attorney fees and costs to the prevailing party. The bill applies only to county ordinances or charter provisions enacted or amended on or after the effective date of this act.

BILLS PREEMPTING COUNTIES FROM ESTABLISHING RULES AND RATES IN PRIVATE PARKING FACILITIES PASSES

SB 1380- *Real Property Rights* by Sen. Rodriguez (A) passed this session. The bill was substituted for HB 219- *Real Property Rights* by Rep. Tuck. The bill contains a preemption that would prohibit a county or municipality from enacting any ordinance or regulation restricting or prohibiting the owner or operator of a private parking facility from establishing rules and rates. The bill passed unanimously in both the House and Senate.

LEGISLATURE EMPOWERS LOCAL GOVERNMENTS TO REGULATE SMOKING IN PARKS AND BEACHES PASSES

HB 105 – *Regulation of Smoking by Counties and Municipalities* by Reps. Altman and Fine passed both chambers: 105-10 in the House, and 30-7 in the Senate. HB 105 was substituted for its Senate companion, SB 224 by Sen. Gruters. The bill would allow counties and municipalities to restrict smoking/vaping within the boundaries of any beaches or parks under their jurisdiction. The “Florida Clean Indoor Air Act” will be rebranded as the “Florida Clean Air Act” to reflect this change. Additionally, filterless cigars were made exempt from the regulations permitted by this bill.

BILL RAISING JUVENILE DETENTION LIMITS PASSES WITH POTENTIAL IMPLICATIONS FOR COUNTY COST SHARING

HB 7029- *Time Limitations for Preadjudicatory Juvenile Detention Care* by Rep. Brannan III extends the time limit for which a juvenile may be detained in a supervised release program from 21 days to 60 days and provides for electronic monitoring of juvenile offenders. Additionally, a hearing to show good cause to extend the detention period must be conducted every 21 days (current law specifies nine days) for both supervised release and secure detention of a juvenile. The bill was substituted for its Senate companion, SB 7040 by Senate Appropriations, and passed both chambers, 77-37 in the House and 27-10 in the Senate. This bill may have an indeterminate impact on the total number of detention days served. Moreover, this has implications for county cost sharing—as it stands, counties (excluding those which are fiscally constrained or provide their own detention infrastructure) are required to split the costs of detention with the Department of Juvenile Justice. In other words, the more total days spent by juveniles in detention, the greater the cost to counties.

SB 1236 – *County and Municipal Detention Facilities* by Sen. Jones passed with minimal resistance: 39-0 in the Senate and 109-0 in the House. SB 1236 was substituted for its House companion, HB 1561. The bill creates the Florida Model Jail Standards Working Group, a seven-member coalition between appointees by the Florida Association of Counties

and the Florida Sheriff’s Association. Specifically, the Florida Association of Counties is responsible for appointing a currently elected County Commissioner, an experienced county jail administrator, and an experienced correctional psychiatrist.

LAW ENFORCEMENT “TAKE-HOME VEHICLE” PROGRAM REGULATIONS PASS

SB 266 – *Motor Vehicle Insurance* by Sen. Diaz passed both chambers: in the Senate and 117-0 in the House, after being substituted for HB 139. The bill requires that any agency employing law enforcement officers and operating a “Vehicle Take-Home” Program provide motor vehicle insurance for travel to and from work, or any duties within the scope of their employment. The bills provide exemption for coverage if the law enforcement officer makes a distinct deviation from their route for a nonessential errand OR the law enforcement officer acts in bad faith or with malicious intent, or exhibits wanton or willful disregard for human rights, safety, or property.

PUBLIC RECORDS EXEMPTION FOR ARRESTED MINORS PASSES UNANIMOUSLY IN BOTH CHAMBERS

HB 197- *Public Records/Nonjudicial Arrest of a Minor* by Rep. Smith (D) passed unanimously this Session (115-0). The bill was substituted by the Senate Companion, SB 344 by Sen. Perry. The bill provides exemption from public records requirements for a nonjudicial record of arrest of a minor who has successfully completed a diversion program. Additionally, the bill provides retroactive application, future legislative review, and a statement of public necessity. The linked bill, HB 195/SB 342- *Juvenile Diversion Program Expunction*, also passed unanimously in both chambers. The bill requires the FDLE (Florida Department of Law Enforcement) to expunge nonjudicial arrest records of certain minors who successfully complete a diversion program for specified felony offenses, rather than only for misdemeanor offenses. Authorizes a minor who successfully completes a diversion program for any offense, rather than only for first-time misdemeanor offense, to lawfully deny or fail to acknowledge certain information.

LEGISLATION EXTENDING LIABILITY PROTECTIONS FOR HEALTH CARE PROVIDERS SIGNED BY GOVERNOR

SB 7014- *COVID-19-related Claims Against Health Care Providers* was approved by the Governor on February 24, 2022. The bill was substituted for HB 7021 - *Covid-19-related Claims Against Health Care Providers* by Rep. Burton and the House Health & Human Services Committee. The bill extends the timeframe of COVID-19-related claims brought against health care providers, passed last session, from March 29, 2022, to June 1, 2023.

Approved by: February 24, 2022; Chapter 2022-010;
Effective date: February 24, 2022

LEGISLATION PERMITTING RELIGIOUS SERVICES TO STAY OPEN DURING EMERGENCIES PASSES

SB 254- *Religious Institutions* by Sen. Brodeur passed this session. The bill was substituted for HB 215 by Rep. DiCeglie. The bill declares that an emergency order may not expressly prohibit religious services or activities, providing an exception that emergency orders would be permitted to restrict religious activities if such jurisdiction was part of a general provision which applied uniformly to all entities in an affected jurisdiction and the restriction served a compelling governmental interest, in the least restrictive way. The bill passed (31-3) in the Senate and (88-29) in the House.

HURRICANE LOSS MITIGATION PROGRAM EXTENSION PASSES

HB 837- *Hurricane Loss Mitigation Program* by Rep. Willhite passed this session. The bill was substituted for SB 578 by Sen. Hooper. The bill extends the Hurricane Loss Mitigation Program (HLMP) until June 30, 2032. The HLMP funds are used to improve wind resistance on residences and mobile homes, as well as public hurricane shelters. Current law has the HLMP is set to expire on June 30, 2022. The bill passed unanimously in the House and Senate.

CONTINUED EDUCATION FOR TELECOMMUNICATOR CARDIO PULMONARY RESUSCITATION PASSES

HB 593-*Telecommunicator Cardiopulmonary Resuscitation* by Reps. McClure and Trabulsy passed this session. The bill was substituted for SB 890 by Sen. Burgess. The bill requires certain 911 public safety telecommunicators to receive biennial telecommunicator cardiopulmonary resuscitation training. The bill passed unanimously in both chambers.

BILL REWORKING COURT COST PAYMENT PROGRAMS PASSES UNANIMOUSLY

HB 397 – *Court Fiscal Administration* by Rep. Clemons passed both chambers unanimously, 115-0 in the House, and 38-0 in the Senate. The Senate substituted Clemens’ bill for its own version, SB 310 by Sen. Wright. The bill revises various provisions relating to court payment plans. Among the provisions is a limitation on payment plan costs for indigent defendants—specifically, that a monthly payment plan may not exceed 2% of the person’s annual income divided by 12, or \$25, whichever is greater. Additionally, it streamlines coordination between the Clerks of Court and the Department of Highway Safety and Motor Vehicles, to ensure more efficient reinstatement of driver’s licenses following payment of outstanding fees and costs.

EXPANSION OF THE FIREFIGHTER’S BILL OF RIGHTS PASSES

HB 31 - *Firefighter Inquiries and Investigations* by Rep. Busatta Cabrera passed unanimously (118-0). The bill was substituted for SB 264 by Sen. Hooper. The bill revises the Firefighters’ Bill of Rights to expand the rights of a firefighter during questioning under an informal inquiry when a firefighter is under investigation for alleged misconduct. Provides criteria for conducting informal inquiries including where the investigation will take place, the time, and duration, allowing the firefighter to rest. Furthermore, a firefighter may not be threatened with transfer, dismissal, or disciplinary action as an incentive to answer any questions.

BILL FOR FIRE INVESTIGATOR CANCER TREATMENT BENEFIT PASSES

SB 838- *Fire Investigator Cancer Treatment Benefits* by Sen. Wright passed (37-0). The bill was substituted for HB 557 by Rep. Salzman. The bill amends the definition of “firefighter” to include Florida-certified fire investigators, making fire investigators eligible for the special benefit package. The special benefit package provides that firefighters who are diagnosed with certain types of cancer are eligible for a \$25,000 payment and employer-sponsored health insurance, including repayment for any deductible, co-payment, or co-insurance amount the firefighter pays for the treatment of cancer. The firefighter must meet certain requirements. Twenty-one types of cancer are covered, and employment-sponsored health benefits must be made available for 10 years after the firefighter terminates employment, so long as the firefighter is not subsequently reemployed as a firefighter. If a firefighter becomes disabled or dies due to cancer, the employer must consider the cancer diagnosis as an injury or illness incurred in the line of duty. This makes the firefighter eligible for line-of-duty disability retirement benefits and makes surviving family members eligible for line-of-duty death benefits.

COPCN EXEMPTION STALLS IN BOTH CHAMBERS

SB 1144– *Advanced Life Support Nontransport Services and Medical Countermeasures* by Sen. Brodeur and its House companion, HB 1321 by Rep. Melo, both stalled early this cycle. Sen. Brodeur’s bill passed its first committee of reference, Senate Health Policy, while Rep. Melo’s version was never heard. The bill would have exempted first responders of eligible government fire rescue entities from Certificate of Public Convenience and Necessity (COPCN) requirements, with regard to licensure for advanced life support services. FAC was recorded as in opposition regarding concerns that it distorts the continuum of care and undermines the authority of a given county’s Common Medical Protocol. Moreover, one section of the bill prohibits counties from limiting, financially or otherwise, these government entities from providing advanced life support services. This could be interpreted to conflict with ordinances by certain counties requiring advanced life support services to carry insurance in excess of the coverage required by DOH.

PHOTOGRAPHIC SPEED LIMIT ENFORCEMENT STALLS IN BOTH CHAMBERS

HB 189 – *Photographic Enforcement of School Zone Speed Limits* by Rep. Duran never reached any of its committees of reference. Its Senate companion, SB 410 by Sen. A. Rodriguez, stalled on the floor on 2nd reading. A county or municipality may enforce school speed zones with a speed detection system and recording of photographs or videos for violations that are in excess of 10 miles per hour over the speed limit. The county or municipality may install, or contract with a vendor to install, a speed detection system within 1,000 feet of a school zone to enforce speed limits in school speed zones. A notification to the public must be made of the new speed detection system, adhering to the signage specified by the Department of Transportation. Furthermore, the bill requires specific rules for a county or municipality to abide by for the implementation of the new speed system, provides penalties assessed and collected by the county or municipality shall be paid to the Department of Revenue weekly, and finally, defines violations and penalties for drivers.

SHOPPABLE HEALTH CARE SERVICES MEASURE STALLS IN BOTH CHAMBERS

HB 1325 – *Health Care Cost Savings* by Rep. Fernandez-Barquin ultimately failed to be heard on the House floor this session, after moving favorably through each of its prior committee stops. Meanwhile, its Senate companion, SB 252 by Sen. Brodeur, stalled in its final committee of reference, Senate Appropriations. The bill would have expanded the classification of certain “shoppable” health care services.

REGULATIONS FOR FIREFIGHTING FOAM FAIL

HB 1257 and SB 1666- *Discharge and Use of Firefighting Foam* by Rep. Casello and Sen. Polsky failed. The House bill was not heard this Session, while the Senate bill stalled in its second committee, Governmental Oversight and Accountability. The bill states that a fire service provider may not discharge or otherwise use Class B firefighting foam that contains intentionally added PFAS chemicals unless such discharge or use occurs in fire prevention or in response to an emergency firefighting operation.

BILLS TO REPEAL CRIMINAL JUSTICE LEGISLATION FAIL

HB 857/ SB 1172- *Criminal Justice* by Rep. Nixon and Sen. Jones failed this Session, as both bills were not heard. The bill removes the following provisions from statute:

- allowing specified elected officials to file an appeal to the Administration Commission if the governing body of a municipality makes a specified reduction to the operating budget of the municipal law enforcement agency
- providing a municipality has duty to allow law enforcement agency to respond to riot or unlawful assembly in specified manner
- providing municipality is civilly liable for specified damages proximately caused by municipality’s breach of such duty
- reclassifying specified burglary offenses committed during riot or aggravated riot and facilitated by conditions arising from riot
- requiring a person arrested during a riot or aggravated riot to be held in custody until first appearance
- requiring criminal penalty for assault and battery committed in furtherance of riot or aggravated riot

DISABILITY CLAIMS COORDINATORS MEASURE STALLS

HB 671 – *Disability Claims Coordinators* by Rep. Busatta Cabrera and its Senate companion, SB 1014 by Sen. Burgess, both failed to gain any traction in any of their committees of reference. The bill would have created a new statute authorizing counties to request the local Department of Health to assign disability claims coordinators to their respective county health departments.

JUVENILE JUSTICE COST REFORM FAILS

SB 428 – *Elimination of Court-Related Financial Obligations for Juveniles* by Sen. Book never gained any traction in any of its committees of reference, nor did its House companion, HB 257 by Rep. Duran. The bill, as one might expect, would have eliminated certain court costs/fees for juvenile offenders.

MANDATORY MINIMUMS REEVALUATION FAILS TO GAIN TRACTION IN EITHER CHAMBER

SB 276 – *Sentencing* by Sen. Rouson passed its first committee before stalling out. Its House companion, HB 591 by Rep. Williams similarly failed to gain much traction. The bill would have retroactively applied the 2016 amendments to s. 775.087, F.S., the “10-20-Life” statute, removing aggravated assault and attempted aggravated assault charges from the “mandatory minimum” provisions under that statute. This includes allowing for resentencing of those already sentenced for these crimes under that statute.

BILL REPEALING OVER-THE-COUNTER PROPRIETY DRUGS AND COSMETICS PREEMPTION FAILS

HB 6019- *Preemption of Over-the-counter Drugs and Cosmetics* by Rep.Eskamani failed this session. The bill deletes a provision preempting the regulation of over-the-counter proprietary drugs and cosmetics to the state. The bill was never considered.

BILL REPEALING THE PREEMPTION OF REGULATION OF TOBACCO AND NICOTINE PRODUCTS FAILS

SB 1002/HB 6081- *Preemption of the Regulation of Tobacco and Nicotine Products* by Sen. Ausley and Rep. Hunschofsky failed this session. The bill repeals preemptions relating to tobacco and nicotine products, specifically, s.569.0025, F.S.

(the establishment of the minimum age for purchasing or possessing, and the regulation for the marketing, sale, or delivery of, tobacco products preempted to the state) and s.569.315, F.S. (the establishment of the minimum age for purchasing or possessing, and the regulation for the marketing, sale, or delivery of, nicotine products preempted to the state. Both bills were never considered.

BILL REPEALING FIREARMS AND AMMUNITION PREEMPTION FAILS

SB 496/HB 6049-*Preemption of Firearms and Ammunition* by Sen. Taddeo and Rep. Daley failed to receive a hearing this session. The bill specifies that local government entity is not preempted from regulating the sale of firearms or ammunition on property owned by that entity.

ALTERNATIVE MEETINGS DURING DECLARED EMERGENCIES LEGISLATION FAILS

SB 674-*Public Meetings During Declared States of Emergency* failed this session. The bill authorizes local or regional governing bodies under a state of emergency by the Governor to gather using communications media technology. A meeting conducted through communications media technology indicates a member’s presence and counts towards a quorum. If a meeting is conducted through communications media technology, a member is entitled to attend the meeting in person or via communications media technology. The bill did not receive a hearing this session

BILL ATTEMPTING TO REPEAL COVID-19 LAWS FAILS

SB 1230- *COVID-19 Mandates* by Sen. Pizzo failed to receive a hearing this session. The bill attempts to repeal the laws passed relating to COVID-19 mandates passed during the November 2021 special session. Particularly, the bill repeals provisions relating to a prohibition on public and private employee vaccination mandates, repeals the public records exemption for complaints and investigations regarding private employer COVID-19 vaccination mandate, repeals the prohibition on COVID-19 vaccination mandates for students, and deletes provisions on facial coverings and quarantine mandates in schools

LEGISLATION CREATING CITIZEN REVIEW BOARDS FAILS

SB 1176- *Citizen Review Boards* by Rep. Bracy failed this session. The bill creates and defines s.900.06, F.S. Citizen review board member participation in use of force investigations and s.900.061, F.S. Citizen review boards. The bill requires a county commission establish a citizen review board to provide “civilian oversight” of law enforcement agencies that investigates independently.

Members of the review board will be appointed by the county commission or other governing body within a county. By July 1, 2023 a county commission should establish a citizen review board to investigate law enforcement within a county.

Investigations of the board include, use of force, abuse of authority, discourtesy, and discriminatory language. Lastly, a creation of a standard procedure to deal with complaints is formed. The bill was never considered.

COMMUNITY AND URBAN AFFAIRS- PASSED

PRIVATE PROPERTY RIGHTS TO PRUNE, TRIM, AND REMOVE TREES PASSES

SB 518- *Private Property Rights to Prune, Trim, and Remove Trees* by Sen. Brodeur passed this session. The bill was substituted for HB 1555- *Private Property Rights to Prune, Trim, and Remove Trees* by Rep. McClain. FAC supported the bill throughout the process. The bill revises conditions under a local government’s authority to require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property.

A local government may not require a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on a residential property if the property owner possesses documentation from an arborist certified by the ISA (International Society of Arboriculture) or a Florida license landscape architect that the tree poses an unacceptable risk. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate as determined. The bill defines “documentation” as an onsite tree risk assessment performed with the tree risk assessment procedures as outlined in *Best Management Practices-Tree Risk Assessment, Second Edition (2017)*. The bill passed unanimously in the Senate and (116,1) in the House.

ELECTION BILL PASSES

SB 524-*Election Administration* by Sen. Hutson passed this session. Among many other things, the bill makes the following key changes to the Election Code:

- Creates the Office of Election Crimes and Security within the Department of State to conduct investigations related to election law violations or election irregularities;
- Increases the annual cap on fines up to \$50,000 from \$1,000, assessed against a third-party voter registration organization that does not timely deliver completed voter registration applications;
- Increases criminal penalties for ballot harvesting and crimes related to ballot petition signatures;
- Prohibits ranked-choice voting in the state of Florida for the nomination of any candidate to any local, state, or federal office. Any existing or future ordinances enacted by a local government allowing ranked-choice voting is void. *Ranked-choice voting is a method that allows voters to rank candidates for office in order of preference, following multiple rounds until a single candidate attains a majority;*
- Requires county commissioners elected in single-member districts to run for re-election following decennial redistricting, excludes Miami-Dade County, any noncharter county, charter counties with term limits, and any county in which voters have not voted to impose term limits, regardless of any judicial nullification.

The bill passed (24-14) and (76-41) in the Senate and House, respectively.

LEGISLATURE NARROWLY PASSES COUNTY GAG ORDER ON POLITICAL COMMUNICATIONS

HB 921 – *Campaign Financing* by Rep. Drake and Rep. Roach passed both chambers, 80-40 in the House and 22-16 in the Senate. HB 921 was substituted for its Senate companion, SB 1352 by Sen. Brodeur. Late in the cycle, the Senate proposed amendment language wholly restricting communications by a local government concerning an impending referendum, amendment, or ballot initiative, including those communications limited to “factual information.” This language was softened by a later substitute amendment that allowed local governments *limited* communication on these topics; however, the language still includes constraints on certain electronic communications, among other means, by counties. Limited communication includes reporting actions in an accurate, fair, and impartial manner, posting factual information on a government website or in printed materials, hosting and providing information at a public forum, providing factual information in response to an inquiry, or providing information as authorized or required by law.

LEGISLATION FOR BUILDING REGULATION PASSES UNANIMOUSLY

HB 423- *Building Regulation* by Rep. LaMarca passed unanimously (113-0). The bill was substituted for the Senate companion, SB 644 by Sen. Brodeur. The bill makes several changes to building regulations, including changes concerning internships and licensing of building inspectors and plans examiners, private providers, demolition building permits, and request for information by building departments regarding the review of applications for building permits.

In particular, with respect to building inspectors and plans examiners, the bill:

- Requires the Building Code Administrators and Inspectors Board (BCAIB) to create a rule allowing partial completion of an internship program to be transferred to any authorized internship among other jurisdictions, private providers, and private provider firms.
- Prohibits the BCAIB from placing any special condition or requirement on a provisional certificate that such certificate holder be employed by a municipality, county, or other local government agency.
- Allows a person to sit for the building inspector or plans examiner certification test by completing a 4-year internship with a private provider or a private provider’s firm that performs building code inspector or plans review services, while under the direct supervision of a licensed building official.

Relating to “demolition” building permits, the bill adds a new subsection (25) to s. 553.79, F.S., that:

- Provides that a local government may not prohibit or restrict a private property owner from obtaining a demolition permit for a single-family building located in a coastal high-hazard area, moderate flood zoned, or special flood hazard area according to a Flood Insurance Rate Map issued by FEMA for purposes of participating in the National Flood Insurance Program in certain flood elevations and if the flood zones and the permit complies with other provisions of the Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements and applicable local amendments.
- Limits the review process of an application for such demolition permit. Specifically, the permit application may only be reviewed administratively for compliance with the Florida Building Code, Florida Fire Prevention Code, and Life Safety Code requirements, local amendments, and other regulation applicable to similarly-situated parcel. The application of additional land development regulations or public hearing are prohibited. In addition, a property owner may be penalized for a demolition that was in compliance with the demolition permit.
- Prohibits a local government from imposing additional regulatory or building requirements on any new single-family residential structure constructed on the site of the demolished structure that would not be applicable to a similarly situated vacant parcel.
- Exempts certain historic buildings from such demolition permits.

The bill makes several changes private providers, including:

- Allowing a person holding a provisional certificate under Part XII of Chapter 468, to be a duly authorized representative for a private provider if under the direct supervision of a licensed building official.
- Defining the “reasonable administrative fee” that may be charged by a local jurisdiction when an owner or contractor retains a private provider for plans review or building code services.
- Requiring a local government, when an owner or contractor retains a private provider, to provide equal access to all permitting and inspection documents to the private provider, owner, and contractor, if access is provided using software that protects exempt records from disclosure.
- Increasing the amount of time from 2 to 10 business days, local building officials have to issue a certificate of occupancy or a notice of deficiencies for permits unrelated to single- or two-family dwellings.
- Providing that if a notice of deficiency is not issued within the required time-period (10 business days or 2 business days):

- A certificate of occupancy or certificate of completion is “automatically” granted, and “deemed” issued as of the next business day; and
- Local building officials must provide the applicant with a certificate of occupancy or certificate of completion within 10 days it is automatically granted and issued.

Lastly, the bill addresses the process of building permits applications under s.553.792. Specifically, a local government:

- May not request additional information more than three times from an applicant unless the applicant waives the limitation in writing. The local government must:
- First request: If the applicant provides the requested information within 30 days, the local government must review the information and take certain actions within 15 days after receiving the additional information;
- Second request: If the local government makes a second request for additional information to complete the application, the applicant provides such information within 30 days, the local government must review the information and take action within 10 days;
- Before making a third request for additional information, the local government must meet with the applicant to resolve any outstanding issues. If the local government makes a third request for additional information, and the applicant provides the information within 30 days, the local government must within 10 days, deem the application complete and either approve the application, approve the application with conditions, or deny the application; unless the application has waived the limitation in writing.
- If the applicant believes a request for additional information to be unauthorized, the local government must, at the applicant’s request, process the application and either approve the application, approve the application with conditions, or deny the application.

Finally, the bill authorizes an owner, builder with a valid permit issued by a local government for a fee, or an association of Florida owners and builders with building permits issued by local governments for a fee, to bring a civil action against the local government issuing the building permit to enforce the requirement the local government use excess funds generated by building code enforcement for the lawful purposes described in s. 553.80(7)(a)2, F.S.

LEGAL NOTICES PASSES

HB 7049 — *Legal Notices* by Reps. Fine and Grall passed (79-40) in the House and Senate (26-13). The bill allows a local governmental agency the option to publish legal notices on a publicly accessible website owned or designated by the county instead of in a print newspaper. The bill defines the terms “governmental agency” to mean a county, municipality,

school board, or other local government unit or political subdivision of the state; and also defines the term “publicly accessible website” to mean a county website or private website designated by the county for publication of legal notices. All advertisement on a publicly available website must be searchable and contain the date in which the advertisement was first published on the website. A governmental agency may use the publicly accessible website of a county in whose jurisdiction it lies if the costs of publishing the required advertisements or public notices is less than publishing in a newspaper. A governmental agency with at least 75 percent of its population located in a county with less than 160,000 may use the publicly accessible website of the county if the governmental agency, at a public hearing publicly noticed in a newspaper, determines residents have sufficient access to the internet by broadband service and publishing public notices on the county website will not unreasonably restrict public access.

A special district that spans the geographic boundaries of the county is authorized to publish its public notices on the public accessible website of the county it spans. Any governmental agency that published its advertisements and public notices on a publicly accessible website must once per year provide notice in a newspaper of general circulation, or another publication that is mailed or delivered to all residents and property owners throughout government’s jurisdiction indicating that residents may receive required advertisements or notices from the government by first-class mail or email after registering their name and address or email address with the government agency. The bill requires each government agency to maintain a registry of the property owners or residents that requested in writing to receive required advertisement or public notices by first-class mail or email. A link to all advertisements and public notices on the publicly accessible website must be conspicuously placed on the homepage or on a page accessible through a direct link from the homepage.

If a governmental agency has a governmental access channel, the agency may provide a summary of advertisements and public notices that are published on its publicly accessible website. In addition, public bid advertisements made on a publicly accessible website, must include a methods to accept electronic bids.

The bill reverts the criteria a newspaper must satisfy to be qualified to publish all legal notices back to the criteria in place before the passage of Chapter 2021-17, Laws of Florida, with the exception that newspapers qualified to publish legal notices are no longer required to be for sale. Finally, the bill eliminates the obligations of the Florida Press Association relating to equitable legal notice access by minority populations.

SCHOOL CONCURRENCY REVISIONS PASS

SB 706 — *School Concurrency* by Sen. Perry passed unanimously (38-0). The bill was substituted for HB 851 by Rep. McClain. The bill amends s. 163.3180(6)(h) to provide that school concurrency is deemed satisfied when a developer tenders a written, legally binding commitment, rather than an executed commitment, to provide mitigation proportionate to the demand created by a development. The district school board must notify the local government that capacity is available for the development within 30 days after receiving the developer's legally binding commitment. In the addition, the bill provides that any developer paid mitigation, rather than being directed toward a school capacity improvement in the district's 5-year education facilities plan, must be set aside and not spent until an improvement is identified that satisfies the demand created by the development.

LOCAL BILL AMENDS ALACHUA COUNTY HOME RULE CHARTER TO SINGLE MEMBER DISTRICT ELECTIONS, REFERENDUM TO BE VOTED ON BY ALACHUA COUNTY IN GENERAL ELECTION

A local bill, HB 1493- *Alachua County* by Rep. Clemons passed this session. The bill amends the Alachua County Home Rule Charter to require members of the county commission to be elected by the qualified electors of the district they represent. *This is a change from the current election process for county commissioners in Alachua County from at-large districts to single member districts.* The charter amendment is subject to approval by the electors of Alachua County voting in a referendum to be held on the general election, November 8, 2022. The bill passed unanimously in the Senate and with opposition in the House with a vote of 80-35.

LEGISLATION LIMITING CERTAIN CIVIL ACTIONS DURING AN EMERGENCY PASSES

SB 542- *Evidentiary Standards for Actions Arising During an Emergency* by Sen. Rodriguez (A) passed this session. The bill was substituted for HB 411 by Rep. Melo. The bill provides that specified actions taken by a business during a declared emergency, may not be used as evidence in certain civil cause of action. The bill applies to civil actions relating to workers' compensation, retaliatory personnel actions, state minimum wage, labor pool violations, devices used in payment for labor, and unclaimed wages. Additionally, the bill applies to civil actions to recover lost wages, salary, employment benefits, or other compensation. The bill passed (115-2) in the House and (39-0) in the Senate.

MIXED-USE RESIDENTIAL DEVELOPMENT FOR AFFORDABLE HOUSING PROJECTS PASSES

SB 962-*Residential Development Projects for Affordable Housing* by Sen. Bradley passed this session. The bill was substituted for HB 981- Residential Development Projects for Affordable Housing by Rep. Payne. The bill authorizes a county or municipality, regardless of zoning ordinances or the locality's comprehensive plan, to approve mixed-use residential development projects on any parcel zoned for residential, commercial, or industrial use if 10% of the project is for affordable housing. The bill provides that approval of such projects is self-executing and does not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process. The bill passed unanimously.

SOVEREIGN IMMUNITY GOES FAR THIS SESSION, BUT ULTIMATELY FAILS

SB 974- *Sovereign Immunity* by Sen. Gruters and HB 985-*Sovereign Immunity* by Rep. Beltran and SB 974 failed this session. Throughout session, both bills were amended quite a few times. HB 985 cleared all its committees and was placed on second reading but was never heard on the House floor.

In its last committee, House Judiciary, a PCS was adopted that caps the sovereign immunity damages against state and local government entities to \$400,000 per person and \$600,000 per incident. Additionally, the bill allows a subdivision of the state to settle a claim and pay the settled amount without the need for a claim bill; however, it does not provide for a state government entity to pay a claim above the statutory cap amount without a claim bill. HB 985 eliminates any statute of limitations for filing a claim against the state or a local government entity for sexual battery actions involving a victim who was younger than 16 years old at the time of the incident. However, the bill does not resuscitate any such claim which would have been time-barred as of July 1, 2010. HB 985 provides for a three-month general pre-suit statutory time period for a government entity to review and dispose of a claim. Lastly, the bill applies to claims accruing on or after October 1, 2023.

The Senate counterpart, SB 974 passed three committees, but stalled in its fourth and last committee, Senate Appropriations. SB 974 differs from its House companion by creating a sovereign immunity tier system. The bill outlines the following tier system:

- For a county or municipality with less than a population of 50,000, a state university, public college, subdivision of the state, or any other entity covered by sovereign immunity, the limit is capped at \$200,000 per person injured and \$300,000 per incident.
- For a county or municipality with a population between 50,000 and 250,000, including the constitutional officers of such county, the limits are increased to \$300,000 per person injured and \$400,000 per incident.
- For the state, a state agency, a county or municipality with a population in excess of 250,000, including the constitutional officers of such county, the limits are increased to \$400,000 per person injured and \$600,000 per incident.

Additionally, if multiple sovereign entities are liable, the total liability for all of the entities may not exceed the amount for

the entity with the highest liability limit. The bill provides that a claim, other than the one against the state or a state agency, may be voluntarily paid by an entity in excess of the limits without the need for a claims bill. SB 974 effective date is October 1, 2022, and applies to any claim accruing on or after that date.

TRANSPORTATION BILL FAILS, MOBILITY FEE PROVISION NEUTRALIZED

HB 157 – *Transportation* by Rep. Andrade passed the House (114-1) but stalled in Senate messages. At one point, HB 157 contained language that would require local governments to provide mobility fee credits for capital improvements by residential developers, as determined necessary by the Department of Transportation. FAC opposed this language and was successful in getting it removed from the bill.

LEGISLATION ADDRESSING SURFSIDE TRAGEDY AND BUILDING SAFETY FAILS THE LAST WEEK OF SESSION

HB 7069- *Condominium and Cooperative Associations* by Reps. Perez and Toledo failed this session. The bill was substituted for SB 1702 by Sen. Bradley. In the wake of the Champlain Tower South collapse on June 24, 2021, in Surfside, Florida, in which 98 persons died, both chambers of the Legislature spent significant time developing legislation to require inspection of older condominium and cooperative buildings. However, the chambers failed reach agreement of reserve-related changes to be maintained by condominium and cooperative associations, and ultimately, could not reach agreement on the final provisions to pass the legislation on the last day of the session.

As amended and passed by the Senate on March 10, 2022, the bill required condominium and cooperative buildings three stories or taller to have “milestone” inspections by December 31 upon reaching 30 years of age, and then every 10 years thereafter. For such buildings located within 3 miles of the coastline, the milestone inspection must be conducted when the building reaches 25 years of age, and then every 10 years thereafter. Milestone inspection were required to be conducted in two phases. The first phase must be conducted a licensed engineer or architect with an experienced level specified in the bill. A phase two inspection is required if

substantial structural deterioration is identified during the milestone inspection.

The bill required a report of each inspection to be delivered to the condominium or cooperative association, and local building officials where the building is located. The bill specifies the report criteria that must be met. The association must distribute a copy of the report and summary prepared by the engineer or architect performing the inspection to each unit owner, and the report must be posted on the association's website. The bill authorized local enforcement agencies to prescribe timelines and penalties for compliance, and authorized the board of county commissioners to establish, by ordinance, timelines for commencing repairs for substantial structural deterioration but no later than 365 days after receiving the inspection report. The bill further required the Florida Building Commission to review the requirements for milestone inspection under the bill and consult with the State Fire Marshall regarding structural and life safety standards for maintaining and inspecting all types of buildings three stories or more in height, and to make recommendations to the Legislature. The commission was required to provide a written report to the Governor, the President of the Senate, and the Speaker of the House by December 31, 2022. The bill died in returning messages to the House of Representatives.

RECALL OF COUNTY COMMISSIONER LEGISLATION FAILS

HJR 663- *Recall of County Officers and Commissioners* and HB 1399-*Recall of County Commissioners* by Rep. Williamson passed only two committees this year, one more than last year. HJR 663, the joint resolution, proposes an amendment to the State Constitution to authorize the Legislature to provide to general law for the recall of county officers and commissioners. HB 1399, the implementing bill, provides that any member of a non-charter county may be removed from office by the electors of the non-charter county. FAC recorded its opposition to the bills. The Senate companion, SJR 1004-*Recall of County Officers and Commissioners* and SB 1938-*Recall of County Officials* by Sen. Gruters never received a hearing this session.

"FLORIDA HOMETOWN HERO PROGRAM" FUNDED IN BUDGET WITH NO SPECIFICATIONS ON PROGRAM

SB 788- *Florida Hometown Hero Housing Program* by Sen. Hooper despite failing as a bill and dying in its last committee, Senate Appropriations, funds for a program called "Hometown Hero Housing Program" were established within the budget. Funds will be allocated from the SAIL program (State Housing

Trust Fund), \$100,000,000 of nonrecurring fund to be used by the Florida Housing Finance Corporation to establish a Florida Hometown Hero Housing Program. The "Florida Hometown Hero Housing Program," is a down payment and closing cost assistance program within the Florida Housing Finance Corporation (FHFC).

The failed bill, SB 788 included a list of eligible homebuyers within the program. Please note this list of eligibility was not included within the budget. Eligible homebuyers are those seeking first mortgages, of limited family income, and employed as any of the following:

- A sworn law enforcement officer;
- A correctional officer or correctional probation officer;
- A 911 public safety telecommunicator;
- A firefighter;
- An educator;
- A paramedic or emergency medical technician;
- A licensed health care practitioner;
- A physician assistant or medical assistant; or
- A home health aide.

LEGISLATION RELATING TO CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS, PRIVILEGES, OR IMMUNITIES FAILS

HB 829- *Civil Actions for Deprivation of Rights, Privileges, or Immunities* by Rep. Byrd failed this session. HB 829 passed one of four committees. The bill creates a state equivalent to a section 1983 civil cause of action with respect to some of the provisions within the State Constitution. Specifically, the bill provides that it is unlawful for a person to, under color of law, including any statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten: Promulgate or cause to be enforced any statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy, whether written or unwritten, that deprives any resident of the state or other person within the state's jurisdiction of any rights, privileges, or immunities secured by article I, sections 3, 4, 5, or 8 of the State Constitution; or otherwise cause any state resident or other person within the state's jurisdiction to be subjected to the deprivation of any rights, privileges, or immunities secured by article I, sections 3, 4, 5, or 8 of the State Constitution.

A person who violates the bill's provisions is liable to the injured party in a civil action, but injunctive relief may not be granted in an action brought against a judicial officer for an act or omission taken in such officer's judicial capacity unless a declaratory decree is violated or declaratory relief is unavailable. The bill waives sovereign immunity for the state

and its agencies and political subdivisions for causes of action brought under the bill.

The Senate companion, SB 1342- *Civil Actions for Deprivation of Rights, Privileges, or Immunities* by Sen. Diaz, was never considered.

BILL PROVIDING FOR AFFORDABLE HOUSING TAX CREDITS FAILS

HB 1089/SB 1924- *Affordable Housing* by Rep. Woodson and Sen. Rodriguez (A) failed this session. The bill provides tax credits to college students & recent college graduates. The bill specifies maximum amount of tax credit available in any one year, prohibits landlords from transferring tax credits except under specified conditions, authorizes DOR to adopt rules & coordinate with Shimberg Center for Affordable Housing, and requires Shimberg Center for Affordable Housing to determine certain affordable housing rental needs for certain purposes. Both bills were never heard.

CONSTRUCTION DEFECT CLAIM LEGISLATION FAILS

HB 583/ SB 736- *Construction Defect Claims* by Rep. Yarborough and Sen. Hutson failed this session. SB 736 passed in the Senate (26-13) and in the House (86-24) with an amendment adopted, but failed in returning messages back to the Senate. In the delete-all amendment adopted by the House, the bill provides a general 7-year repose period for bringing a construction defect action based on a latent defect and also provides exceptions which result in longer repose periods for defects to the common elements and common areas of a homeowners' association, condominium association, and cooperative associations; fraudulently concealed defects; and material violations of the building code. The House amendment does not limit actions for a building code violation to material violations of the code, as the Senate bill does. Further, the House amendment provides for the repeal of chapter 558, F.S., effective July 1, 2025. This chapter provides alternative dispute resolution procedures for construction defects. Due to the differences, the bill failed the last week of session.

BILL REQUIRING US PRODUCED IRON AND STEEL IN PUBLIC WORKS PROJECTS MAKES GAINS IN HOUSE, FAILS IN SENATE

HB 619/SB 1336- *United States-produced Iron and Steel in Public Works Projects* by Rep. Rodriguez (Ant.) and Sen. Boyd failed this session. HB 619 passed all committees, but was never heard on the House floor, while the Senate counterpart was never heard in committee. The bill provides that a government entity entering into a contract for a public works project or for the purchase of materials for a public works project must include in the contract a requirement that any iron or steel product used in or purchased for the project be produced in the U.S, with exceptions.

LOCAL GOVERNMENT LAND DEVELOPMENT LEGISLATION FAILS TO GAIN TRACTION

HB 739/SB 1248- *Local Government Land Development Actions* by Rep. Borrero and Sen. Gruters failed this session. The bill specifies the deficiencies a county or municipality may provide comments on regarding applications for development permits or development orders; requires local governments to adopt residential infill development standards; provides guidelines for local governments in developing residential infill development standards; requires local governments to adopt regulations to be used by applicants seeking designations as residential infill development; prohibits local government from denying applications if applicant has generally complied with regulations; requires local governments to amend their development regulations & comprehensive plans to incorporate residential infill developments as zoning classifications; specifies deficiencies over which local government may provide comments or request information on regarding applications for building permits. HB 739 passed one of three committees; SB 1248 was never heard.

LEGISLATION REVISING THE FLORIDA BUILDING CODE FAILS

SB 626- *Standards for Buildings and Firesafety* by Sen. Wright and HB 659- *Florida Building Code and Florida Fire Prevention Code Rules* by Rep. Harding were never considered this session. The bill provides updates to the Florida Building Code. The Florida Fire Prevention Code may take effect no sooner than 6 months after the latest occurrences of the publication of the updated Florida Building Code pursuant to s.553.73, F.S. and approval by the Building Commission of energy rating software, or the publication of the updated Florida Fire Prevention Code.

VACATION AND TIMESHARE PLANS LEGISLATION FAILS

HB 575/SB 1216- *Vacation and Timeshare Plans* by Rep. McClain and Sen. Hutson failed this session. HB 575 passed two of three committees; while SB 1216 passed one of three committees. The bill revises provisions relating to vacation & timeshare plans, including the creation of timeshare estates; public offering statements; delivery methods, including electronically; incidental benefits; cancellation rights of purchaser; termination of timeshare plans, termination trustees, & disputes relating to distribution of funds after termination; electronic meetings; emergency powers of managing entity or board of administration for owners' association; multisite timeshare plans; and trustee foreclosures of assessment & mortgage liens.

BILL CREATING COMMUNITY ASSOCIATION DATABASES FAILS

HB 329- *Community Association Databases* by Rep. Duran and SB 642-*Community Associations* by Sen. Rodriguez (A) was never heard this session. The bill directs the Division of Florida Condominiums, Timeshares, and Mobile Homes to create, maintain, and annually update a condominium association database by January 1, 2023. Additionally, directs the Division of Florida Condominiums, Timeshares, and Mobile Homes to create, maintain, and annually update a homeowners' association database by January 1, 2025. Both databases must include: the name, email address, and phone number of each board member, community association manager or community association management company; and a copy of the association's governing documents, annual budget, reserve study, and inspection report. SB 642 directs a condominium association database by January 1, 2024, and a homeowners' association database by January 1, 2026. Also, includes an indication of whether or not the association is self-managed.

FLORIDA BUILDING COMMISSION LEGISLATION FAILS

HB 771/SB 1604 - *Powers of the Florida Building Commission* by Rep. Andrade and Sen. Perry failed this session. The bill requires the Commission to develop uniform standards for the maintenance and periodic inspection of existing building structures and facilities across the state. The standards must be based on the Florida Building Code. Lastly, the commission may provide by rule for local maintenance and inspection programs that deviate from the statewide standards. Neither bill was heard this session.

AEROSPACE LEGISLATION FAILS

HB 65/SB 1466- *Aerospace Commerce* by Rep. Sirois and Sen. Wright were never considered this session. The bill exempts a spaceport user approved for the Zero G, Zero Fee program from any fees or charges that apply to cargo while transporting a space vehicle, launch equipment, or recovery equipment. The bill creates the Zero G, Zero Fee program for the purpose of granting tax exemptions for the sale, rental, storage, use, or consumption of certain aerospace materials and consumables by spaceport users and outlines how Space Florida will determine the eligibility of the program. Lastly, the bill requires the Secretary of Business and Professional Regulation to recommend to the Legislature elimination of certain aerospace industry rules or regulations that are detrimental to the commercial aerospace industry.

LEGISLATION REPEALING RENT CONTROL MEASURES FAILS

SB 580/HB 6017- *Rent Control Measures* by Sen. Torres, Jr. and Rep. Eskamani failed. The bill deletes requirements for the termination, expiration, extension, and renewal of local governmental rent control measures. Additionally, the bill deletes the provision that any ordinance that imposes a rent control will terminate and expire within one year and cannot be extended or renewed unless a new measure is adopted. Neither bill was heard.

WATER AND ENVIRONMENTAL SUSTAINABILITY – PASSED

BILLS TO IMPROVE VESSEL ANCHORING PASS

SB 1432 - *Vessel Anchoring* by Sen. Rodriguez (A) passed unanimously (38-0). The bill was substituted with HB 1065 by Rep. Mooney, Jr. The bill specifies that approved and permitted moorings or mooring fields in Monroe County have a 10-year limit on general tenancies and that a sovereign submerged land or other proprietary lease may not prohibit a vessel from an approved and permitted mooring or mooring field or limit the tenancy of a vessel because it is an established domicile or primary residence. SB 1432 clarifies requirements related to the designation of Monroe County as an anchoring limitation area and requires each vessel anchored on state waters within 10 nautical miles of a public mooring field or a designated anchoring area to pull anchor, move from its location using its propulsion system, and re-anchor in a new location no less than once every 90 days. The bill specifies that these requirements do not apply to vessels moored to approved and permitted moorings. Additionally, until at least 100 new moorings are available for public use within one mile of Key West Bight City Dock, these requirements do not apply to live-aboard vessels on state waters within Monroe County. Requires certain vessels within Monroe County on state waters that are equipped with a marine sanitation device to maintain a record of the date and location of each pump-out of the device, which must occur every 30 days.

GOLF COURSE BEST MANAGEMENT PRACTICES CERTIFICATION PASSES

HB 967- *Golf Course Best Management Practices Certification* by Rep. Truenow passed nearly unanimously (112-1). The bill was substituted for SB 1556- *Golf Course Best Management Practices Certification* by Sen. Gruters. The bill directs the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) in coordination with the Department of Environmental Protection (DEP) to administer a golf course BMPs certification to ensure compliance with fertilizer BMPs. The bill requires the UF/IFAS, in cooperation with the DEP, to provide training and testing certification programs. The bill requires an applicant for certification to submit a copy of the training certificate. Recertification is available when the certificate expires, for which the bill requires eight classroom hours of continuing education. The bill exempts a person certified in golf course BMPs from additional local training and local ordinances relating to water and fertilizer use blackout periods and

restrictions, unless a state of emergency is declared. Those certified under the program must continue to coordinate with the local government to ensure the BMPs adhere to local rules.

BILL TO PROMOTE FLOATING SOLAR FACILITIES PASSES UNANIMOUSLY

HB 1411 - *Floating Solar Facilities* by Rep. Avila passed unanimously (112-0) this Session. The bill was substituted for its Senate companion, SB 1338 by Sen. Diaz, which also passed unanimously (39-0). The bill promotes the use of floating solar facilities by requiring each local government to allow these facilities as a permitted use under certain conditions and amend its land development regulations to promote the use of floating solar. Under the bill, counties and municipalities may adopt ordinances specifying buffer and landscaping requirements for floating solar facilities, however, such requirements may not exceed the requirements for similar uses involving the construction of other solar facilities that are permitted uses in agricultural land use categories and zoning districts. The bill states that a floating solar facility may not be constructed in an Everglades Agricultural Area reservoir project if the local governments involved with the project determine that the facility will have a negative impact on that project. Under the bill, the Office of Energy within the Department of Agriculture and Consumer Services is tasked with submitting recommendations to the Legislature to provide a regulatory framework to private and public sector entities that implement floating solar facilities.

LEGISLATION FOR CRITICAL WETLANDS PASSES

SB 882 - *Inventories of Critical Wetlands* by Sen. Brodeur passed unanimously (38-0). The bill was substituted for HB 761 by Rep. Truenow. The bill requires each water management district governing board, in cooperation with local governments, to develop a list of critical wetlands for acquisition using funds from Land Acquisition Trust Fund. The board shall consider the following criteria in designating a wetland for inclusion on the list: The ecological value of the wetland, the effects of water quality and flood mitigation, the ecosystem restoration value, and the inherent susceptibility of the wetland to development.

PFAS TASK FORCE PASSES

HB 1475 - *Cleanup of Perfluoroalkyl and Polyfluoroalkyl Substances* by Rep. McClure passed unanimously (111-0). The bill was substituted for SB 7012 by Environment and Natural Resources Committee. The bill directs DEP to adopt by rule statewide cleanup levels for PFAS in drinking water, groundwater, and soil using criteria set forth in s. 376.30701, if the EPA does not finalize standards for PFAS in drinking water, groundwater, and soil by January 1, 2025. The rules for statewide cleanup target levels will not take effect until ratified by the Legislature. The bill specifies that a *governmental entity or private water supplier* may not be subject to any administrative or judicial action under chapter 376 until the department's rule for a particular PFAS constituent is ratified by the Legislature. A comparable bill, HB 1151 by Rep. Sirois was not heard this session. SB 1418 by Senator Albritton also contained similar provisions.

LEGISLATION FOR PRIVATE PROVIDER INSPECTIONS PASSES WITH WIDE SUPPORT

SB 856 - *Private Provider Inspections of Onsite Sewage Treatment and Disposal Systems* by Sen. Brodeur passed unanimously (37-0). The bill was substituted for HB 309 by Rep. Fetterhoff. The bill authorizes private provider inspections of onsite sewage treatment and disposal systems under certain conditions. The bill prohibits the Department of Environmental Protection from charging certain inspection and permit fees. It specifies requirements for private providers and onsite sewage treatment and disposal system owners and authorized contractors. Further, the bill revises the list of authorized providers to perform onsite sewage treatment and disposal system evaluations. It authorizes the department to audit the performance of inspections. Additionally, it amends the acknowledgment form from the owner, such that the owner also acknowledges that in the event the onsite sewage treatment and disposal system (OSTDS) does not comply with applicable rules and law, the owner will be responsible for remediating the system in accordance with existing law. Lastly, it provides that the department may audit up to 25 percent of private providers each year to ensure the accurate performance of OSTDSs.

FISH AND WILDLIFE CONSERVATION COMMISSION REVISIONS PASS

SB 494 - *Fish and Wildlife Conservation Commission* by Sen. Hutson passed unanimously (116-0). The bill was amended several times throughout committee stops and is substituted for HB 323 by Rep. Sirois. The bill revises laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities. The bill amends the Florida Forever Act to require each lead land managing agency, in

consultation with FWC, to consider the feasibility of using a portion of state lands as a gopher tortoise recipient site for all state lands under the management of the agency that are greater than 40 contiguous acres. The bill directs FWC to improve the public and private gopher tortoise recipient site application review process by December 31, 2022. It directs FWC to encourage the establishment of new recipient sites and update its permitting systems by October 31, 2023. The bill requires FWC to submit a report to the President of the Senate and the Speaker of the House of Representatives regarding gopher tortoise recipient sites by February 1, 2023. The bill specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure. The bill specifies the circumstances in which law enforcement may destroy or dispose of a vessel and places liability for costs of vessel removal, storage, destruction, and disposition on the owner or responsible party after notice is given. The bill specifies that a certificate of title may not be issued for a public nuisance vessel. It adds public nuisance vessels to the definition of abandoned property. The bill authorizes operation of human-powered vessels in the marked channel of the Florida Intracoastal Waterway for specified reasons. It specifies that a local government cannot create a public bathing beach or swim area in the marked channel of the Florida Intracoastal Waterway or within 100 feet of the marked channel. Lastly, the bill authorizes FWC law enforcement officers to use drones to manage and eradicate invasive plants or animals on public lands and to suppress and mitigate wildfire threats.

RESTRICTIONS FOR TEMPORARY UNDERGROUND POWER PANELS PASSES

HB 481 - *Temporary Underground Power Panels* by Rep. Duggan passed unanimously (115-0). The bill was substituted for SB 1332 by Sen. Wright. The bill prohibits counties and municipalities from enacting ordinances, regulations, or policies that prevent certain electric utilities from installing temporary underground power panels if the panel meets the requirements of Article 590 of the National Electrical Code (2020). Additionally, it prevents counties and municipalities from requiring permanent inspections after a temporary inspection has been conducted.

WATER QUALITY ENHANCEMENT BILLS PASS

HB 965 - *Environmental Management* by Rep. Truenow passed unanimously (107-0). The bill was substituted for SB 1426 by Sen. Burgess. The bill authorizes the creation of water quality enhancement areas (WQEAs). In addition, it requires the construction, operation, management, and maintenance of a WQEA be approved through the ERP permitting process

and requires a WQEA to address the contributions of pollutants or constituents within a specific area determined by DEP that does not meet state water quality criteria. To obtain a WQEA permit, the bill requires an applicant to provide certain reasonable assurances about the proposed WQEA and to propose a performance and success criteria monitoring and verification plan. The bill also requires that the WQEA permit provide for the assessment, valuation, and award of credits based on units of pollutants removed. The bill specifies that a WQEA may only provide enhancement credits in an enhancement service area determined by DEP and specifies that enhancement credits may only be sold to governmental entities. The bill requires DEP or the water management districts to authorize the sale and use of enhancement credits to address adverse water quality impacts of permitted activities or to assist governmental entities seeking to meet certain required reductions assigned in a BMAP or Reasonable Assurance Plan. The bill specifies that whether or not a dwelling is owner occupied is not an eligibility criterion for a developer or homebuilder to receive density or intensity bonuses for implementing graywater technologies.

BILLS TO IMPROVE STATE RESILIENCY PASS

HB 7053- *Statewide Flooding and Sea Level Rise Resilience* by the Environment, Agriculture, & Flooding Subcommittee passed (114-1). The bill was substituted for SB 1940 by Rep. Brodeur. FAC waived in support of the bill throughout the committee meetings.

The bill establishes the Statewide Office of Resilience within the Executive Office of the Governor, providing the appointment of a Chief Resilience Officer. The bill requires the Department of Transportation (DOT) to develop a resilience action plan for the State Highway System. Additionally, the bill identifies goals of the action plan and requires it to include certain components. It also requires DOT to submit the action plan to the Governor and the Legislature by June 20, 2023, and a status report every third year on June 30 thereafter. The bill requires the Florida Flood Hub for Applied Research and Innovation to provide certain data to counties and municipalities for vulnerability assessments. Additionally, the bill:

- Authorizes the use of Resilient Florida Grant Program funds to fund preconstruction activities for Statewide Flooding and Sea-Level Rise Resilience Plan (Plan) projects in municipalities and counties meeting certain population thresholds, but not for projects that adapt critical assets to flooding and sea-level rise
- Pushes back by one year (to 2023 and 2024, respectively) the dates by which the Comprehensive Statewide Flood Vulnerability and Sea-Level Rise Data Set and the Assessment must be completed

- Revises the \$100 million cap on funding proposed for each year of the Plan to a minimum threshold of \$100 million.
- The bill establishes the responsibilities of the state Chief Resilience Officer, including:
- To work with federal, state, regional, and local governmental entities, and nongovernmental entities to align flood resilience and mitigation priorities.
- Collaborate with the Florida Flood Hub for Applied Research and Innovation and other appropriate entities to provide technical guidance to state agencies, as well as local and regional governmental entities, to incorporate future standards and projections regarding flooding, including sea level rise projections, into future state projects, plans, and programs.
- Engage with state agencies and water management districts to innovate processes, programs, decision frameworks, and reporting mechanisms intended to bolster flood resilience and mitigation activities.
- All state and local governmental entities are authorized and directed to assist the Chief Resilience Officer to the extent such assistance is consistent with law and budgetary constraints.

WASTE-TO-ENERGY GRANT PROGRAM PASSES

SB 1764- *Municipal Solid Waste-to-Energy Program* by Sen. Albritton passed. The bill was substituted for HB 1419 by Rep. Mariano (110-8.) The bill creates the Municipal Solid Waste-to-Energy Program, within the Department of Agriculture and Consumer Services, (DACs) comprised of a financial assistance grant program and an incentive grant program, subject to appropriation. The purpose of the program is to provide financial assistance grants and incentive grants to municipal solid waste-to-energy (MSWE) facilities to incentivize the production and sale of energy and reduce waste in landfills. The bill establishes the rate for DACs to distribute funds at a rate of 2cents/kw/hour. The bill appropriates \$159,816 from the General Revenue Fund to the DACs to implement and administer the grant program. The bill prohibits funds awarded under the grant program from being used to promote, establish, or convert a residential collection system that does not provide for the separate collection of residential solid waste from recovered materials that have recycling potential, such as metal, paper, glass, plastic, textile, or rubber materials.

LEGISLATION FOR RENEWABLE ENERGY GOALS FAILS

HB 81 / SB 366- *State Renewable Energy Goals* by Rep. Eskamani and Sen. Berman were not heard this session. The bill prohibits drilling or exploration for, or production of, oil, gas, or other petroleum products and permitting and construction of certain related structures. The bill requires statewide renewable energy electricity and carbon emission reductions by specified dates. Directs the Office of Energy within DACS to develop a unified statewide plan. Additionally, the bill requires state and public entities to cooperate as requested and provides plan requirements. Requires the Office to submit plan and updates to Governor and Legislature. Creates Renewable Energy Advisory Committee within Office of Energy and directs Commissioner of Agriculture to submit specified annual report to Legislature.

ENERGY CREDIT LEGISLATION FAILS

HB 491/SB 548 – *Energy* by Rep. Skidmore and Sen. Polsky were not heard this session. The bill establishes a tax credit for electricity produced from a renewable energy source located on an operational farm in Florida. Authorizes the Board of Trustees of the Internal Improvement Trust Fund to lease manmade stormwater management systems for floating solar energy systems. Requires the Public Service Commission, in consultation with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to adopt rules for a renewable and energy efficiency portfolio standard. Establishes the Residential Energy Efficiency Upgrades Program within the Department of Agriculture and Consumer Services for a specified purpose. The sum of \$250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Office of Energy within the Department of Agriculture and Consumer Services.

LEGISLATION FOR THE PACE PROGRAM FAILS IN BOTH CHAMBERS

HB 101-*Improvements to Real Property* by Rep. Fine passed three committees, but stalled in its last, House Commerce. The bill refers to the creation of the Resiliency Energy Environment Florida program, otherwise known as property assessed clean energy (PACE) programs. Authorizes certain notices of lien to be recorded in public records of specified counties. The

bill revises types of items which local government or program administrator must reasonably determine before entering into assessment financing agreements with residential and nonresidential real property owners. The bill provides additional requirements to be met by program administrators when administering REEF program for qualifying improvements on residential real properties. The bill provides general, marketing, and communications guidelines to be used by program administrators dealing with certain contractors. The bill prohibits contractors from taking certain actions related to pricing of qualifying improvements. Lastly, the bill requires program administrators to appropriately develop and implement procedures to handle complaints and monitor contractors. The language of the bill adds more transparency and consumer protections. A comparable bill, SB 228 - Resiliency Energy Environment Florida Program by Sen. Rodriguez (A), cleared all of its committees, and was placed on second reading but never heard on the Senate floor. The bill substantially amends the Property Assessed Clean Energy program, which allows property owners to make qualifying improvements to real property and finance the cost through annual non-ad valorem tax assessments. Qualifying improvements are those that enhance energy efficiency, renewable energy, and wind resistance. The bill names the program the Resiliency Energy Environment Florida program and enhances protections for consumers entering into PACE contracts. The bill further allows governmental leased property to qualify for the program. Allows the use of third parties to determine the fair market value of real property for the purpose of establishing REEF loan limits.

RENEWABLE ENERGY EFFORTS FAIL

SB 182- *Renewable Energy* by Sen. Brandes was not heard this session. The bill authorizes owners of commercial, industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device. The device can be on or about the structure in which the business operates or on a property that the business owns or leases. The bill authorizes owners or contracted third parties to sell electricity generated from the device to certain businesses regardless of whether the device is in a utility's service territory. The sale of electricity produced by such devices from regulation is exempted. Customers can challenge any cost recovered and receive refunds if successful. The Florida Public Service Commission is assigned to adopt rules.

WATER RESOURCES MANAGEMENT BILLS FAIL

SB 198 – *Water Resources Management* by Sen. Rodriguez (A) passed its first committee, Environment & Natural Resources, however, stalled in Senate Community Affairs. The bill authorizes the Board of Trustees of the Internal Improvement Trust Fund to establish seagrass mitigation banks under certain conditions. Ensures the preservation and regeneration of seagrass and offsets the unavoidable impacts of projects when seagrass mitigation banks meet the public interest criteria. An amendment was adopted, directing DEP to adopt and modify rules to ensure that required financial assurances are equivalent and sufficient to provide for the long-term management of mitigation. The bill also revises existing law to require only a one-time registration of certain floating vessel platforms to ensure compliance with listed exemption criteria or with local electrical or plumbing codes that are no more stringent than the exemption criteria. A comparable bill, HB 349 – *Water Resources Management* by Rep. Sirois was also stalled in its second committee, Agriculture & Natural Resources Appropriations. The bill authorizes Board of Trustees of Internal Improvement Trust Fund to grant easements on sovereignty submerged lands for specified mitigation banks. The bill directs DEP (Department of Environmental Protection) to create and modify specified rules, exempting certain docks on recorded easements from certain permit and verification requirements. It grants certain docks authorization to use submerged lands upon approval of board.

SANITARY SEWER INSPECTION PROGRAMS STALL IN THE SENATE AND FAIL IN THE HOUSE

HB 303/ SB 608 - *Sanitary Sewer Lateral Inspection Programs* by Rep. Truenow and Sen. Brodeur failed this session. The House version was not heard, however, the Senate bill cleared two committees before stalling in House Appropriations. The bill authorizes counties and municipalities to access sanitary sewer laterals within their jurisdiction for specified purposes. The bill requires counties and municipalities to notify private property owners within 14 days if county or municipality intends to access owner's sanitary sewer lateral. Counties and municipalities that establish programs are legally and financially responsible for all work done, including repair work. It provides requirements for any repair work done to a sanitary sewer lateral. The bill requires counties and municipalities that establish programs to consider economical methods for counties and municipalities. The bill authorizes programs established by county or municipality to use state or local funds allocated for environmental preservation or protection of water quality. Lastly, the bill defines the term "continuous monolithic pipe system" as a pipe system with no

joints or seams, including all points where it connects to the structure, the mainline, and the cleanout.

BILLS TO EXPAND PUBLIC HEALTH ADVISORIES FAIL

HB 393- *Public Bathing Places* by Rep. Hinson was not heard this Session. SB 604 - *The Safe Waterways Act* by Sen. Berman was heard once but stalled at its second committee, Senate Community Affairs. The bill revises the definition of term "public bathing place." The bill requires the Department of Health (DOH) to adopt and enforce certain rules and to issue health advisories under certain circumstances. DOH must notify a municipality or county if a health advisory is issued against swimming in public bathing places based on elevated bacteria levels. DOH shall monitor and arrange for certain signage to be posted around public bathing that have elevated levels of specified bacteria. The bill authorizes DOH to coordinate with DEP & FWCC to implement signage requirements.

BILLS TO ADDRESS CLEANUP OF WATER BODIES FAIL

HB 421/SB 834- *Long-term Cleanup of Water Bodies/ Long-term Cleanup of Harmful Algal Blooms* by Rep. Truenow and Sen. Brodeur failed. The House bill cleared two committees and stalled in House State Affairs. The Senate bill stalled in the Appropriations Subcommittee on Agriculture, Environment, and General Government. The bills, known as the "Implementation of Long-term Solutions for Cleaning Florida's Water Bodies Act", require the Department of Environmental Protection to acquire innovative technologies to physically remove harmful algal blooms, toxins, algae, and nutrients from water across the state through pilot programs.

BILLS TO LIMIT GREENHOUSE GAS EMISSIONS FAIL

HB 463/ SB 380 - *Greenhouse Gas Emissions* by Rep. Rodriguez (A) and Sen. Melo were not heard this session. The bill defines the term "greenhouse gas" as carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbon, and perfluorocarbon. The bill prohibits the adoption or enforcement of certain state and regional programs to regulate greenhouse gas emissions without specific legislative authorization.

BILLS TO IMPLEMENT BOTTLED WATER EXCISE TAXES FAIL

HB 473/ SB 798-*Bottled Water Excise Tax* by Rep. Casello and Sen. Taddeo were not heard this session. The bill imposes an excise tax on bottled water operators, specifying the tax rate and trust fund for tax proceeds. Additionally, the bill specifies procedures for bottled water operators related to tax payments. Authorizes Department of Revenue (DOR) to settle or compromise taxes. The bill explains DOR's authority to inspect books, records, and papers, as well as issue subpoenas and apply for certain judicial orders. The bill provides procedures for conducting audits and claiming refunds. Additionally, the bill states that taxes due remain lien on certain property and requires that suits brought by DOR for violations be brought in circuit court. The bill requires local governments to cooperate with the department and furnish information without cost to the DOR.

LEGISLATION FOR MUNICIPAL WATER AND SEWER UTILITY RATES FAILS

HB 515/ SB 886 - *Municipal Water and Sewer Utility Rates* by Rep. Robinson and Sen. Jones were not heard. The bill requires a municipality to charge customers receiving its utility services in another municipality the same rates, fees, and charges as it charges consumers within its municipal boundaries under certain circumstances.

LEGISLATION FOR THE BLUE-GREEN ALGAE TASK FORCE FAILS

HB 561/ SB 832- *Implementation of the Recommendations of the Blue-Green Algae Task Force* by Rep. Goff-Marcil and Sen. Stewart failed. The House bill was not heard this Session. The Senate bill made it to its last Committee, Senate Appropriations, and then stalled. The bill implements the remaining recommendations received from the Blue-Green Algae Task Force created by Governor Ron DeSantis in 2019. The bill requires owners of onsite sewage treatment and disposal systems to have the systems periodically inspected every 5 years by the Department of Environmental Protection (Effective: July 1, 2025). The department will assess certain projects and implement program standards, procedures, and requirements. The bill requires new or revised basin management action plans to include a list that identifies and prioritizes certain spatially focused projects.

BILLS TO EXPAND SALTWATER INTRUSION VULNERABILITY ASSESSMENTS FAIL

HB 1019/SB 1238- *Saltwater Intrusion Vulnerability Assessments* by Rep. Duggan and Sen. Polsky failed. The bill was not heard in the House. SB 1238 cleared its first committee and stalled in the Governmental Oversight and Accountability Committee.

The bill requires coastal counties to conduct vulnerability assessments, analyzing the effects of saltwater intrusion on their water supplies and their preparedness to respond to threats, including water utility infrastructure, wellfield protection, and freshwater supply management. Each coastal county will work with their respective water management districts to submit projects and assessments to the Department of Environmental Protection. Coastal counties with populations of 200,000 or less will receive 50 percent cost-share funding (up to \$250,000) from the Department for each vulnerability assessment. A county with a population of 50,000 or less is not required to contribute to the cost share. The Department shall make all vulnerability assessments accessible on their website.

LEGISLATION CONDUCTING STUDIES TO ESTABLISH RECYCLING GOALS FAILS

SB 1156 - *Study to Establish a Statewide Long-term Recycling Goal* by Sen. Stewart was heard in two committees, however, stalled in Senate Appropriations. HB 935 by Rep. Morales was not heard this Session. The bill directs the Department of Environmental Protection to conduct a study on the establishment of a new long-term recycling goal for state and local governmental entities, private companies and organizations, and the general public to achieve by the year 2030. The study must include updates on the progress that was made in reaching the previous goal from 2020. Upon completion of the study, the department shall submit a report of the results of the study and any policy recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

BILL FOR CERTIFIED PILE BURNING FAILS

HB 6027 - *Certified Pile Burning* by Rep. Sabatini was not heard. The bill removes provision specifying origin of debris authorized for certified pile burning. The debris no longer needs to be onsite to burn.

HEARTLAND HEADWATERS PROTECTION BILLS FAIL

HB 603/SB 1400 - *Land Acquisition Trust Fund* by Rep. Bell and Sen. Burgess did not pass. The House bill cleared its first committee, however, stalled in its second, Environment, Agriculture, & Flooding Subcommittee. The Senate bill stalled in its last committee, Appropriations. The bill provides an annual appropriation of \$20 million to the Department of Environmental Protection to implement the Heartland Headwaters Protection and Sustainability Act. The bill requires the funds to be used and distributed to finance the cost of designing or constructing projects that protect, restore, or enhance the headwaters of the river systems located in Heartland Region of Central Florida.

LEGISLATION FOR AT-RISK STRUCTURES AND INFRASTRUCTURE FAILS

HB 1077/SB 1434 - *Public Financing of Potentially At-risk Structures and Infrastructure* by Rep. Hunschofsky and Sen. Rodriguez (A) did not pass. The House bill cleared all of its committees, however, stalled after 2nd reading. The Senate bill stalled its last committee, Appropriations. The bill expands the requirement for public entities to conduct a SLIP study before commencing construction of certain state-financed coastal structures to apply the requirement to certain structures that are within any area that is at risk due to sea level rise, not just coastal areas. The structures subject to this requirement are any "potentially at-risk structures or infrastructure," which are defined as any major structures or infrastructure, including all infrastructure critical to public health, life, or safety, that are within an area at risk due to sea level rise.

BILLS TO REGULATE SINGLE-USE PLASTIC FAIL

HB 1145/SB 1580 - *Regulation of Single-use Plastic Products/Management of Single-use Plastic Products* by Rep. Mooney, Jr. And Sen. Rodriguez (A) were not heard. The bill authorizes coastal communities to establish pilot programs and adopt ordinances to regulate single-use plastic products within the community's jurisdiction. The bill defines a coastal community as a municipality with a population of less than 100,000 that abuts or borders the Gulf of Mexico; the Atlantic Ocean; or a saltwater bay, sound, strait, inlet, lagoon, salt marsh, coastal wetland, or other saltwater body immediately adjacent to the Gulf of Mexico or the Atlantic Ocean. The bill provides requirements and restrictions for the ordinances implemented. Requires the Department of Environmental Protection to submit updated retail bag reports with conclusions and recommendations to Legislature beginning in 2026.

LOCAL GOVERNMENT WASTE AND RECYCLING SERVICES LEGISLATION FAILS

HB 1241 / SB 1944- *Local Government Solid Waste and Recycling Collection Services* by Rep. Hawkins and Sen. Baxley failed. The bill was not heard in the Senate. The House bill cleared two committees, however, stalled in its last committee, House State Affairs. FAC spoke in opposition to this bill.

The bill amends the current statute on local government solid waste responsibilities and provides that no local government may seek liquidated damages, administrative fees, or other similar charges against a public or private solid waste management or recycling entity for any action or inaction of the entity when a local, state, or federal emergency is in effect and materially affects the ability of the solid waste management or recycling entity to provide residential municipal solid waste or recycling services. Specifically, the bill provides that a local government may not assess liquidated damages or impose administrative penalties for missed collections pursuant to a solid waste or recyclable materials collection contract if:

- The person collecting solid waste or recyclable materials for the local government fails to provide timely collection service to a residential customer as a direct result of a declared local, state, or federal emergency that is in effect within the local government's jurisdiction;
- The person notifies the local government that its failure was due to the emergency; and;
- The person provides the necessary collection service within 36 hours after the time when the service should have been provided.

Lastly, the bill specifies how a person facing liquidated damages or penalties for missed collections may obtain relief.

FLORIDA FOREVER BONDING EXTENSION FAILS

HB 1377/SB 1816 - *Land Acquisition Trust Fund* by Rep. Roth and Sen. Stewart failed this Session. The Senate bill cleared one committee, Environment and Natural Resources, but stalled in the Appropriations Subcommittee on Agriculture, Environment, and General Government. The bill extends the retirement date of Land Acquisition Trust Fund (LATF) bonds issued to fund the Florida Forever Act. The bill appropriates \$100 million from the LATF to the Florida Forever Trust Fund. The bill also provides that LATF funds may not be used for costs associated with certain budget entities of departments.

SOLAR PHOTOVOLTAIC FACILITY DEVELOPMENT BILLS FAIL

HB 745/SB 1562 - *Solar Photovoltaic Facility Development* by Rep. Alexander and Sen. Ausley did not pass. The House bill was not heard this session, while the Senate bill stalled in its last committee, Appropriations. The bill, cited as the "Brownfields to Brightfields Act," directs the Department of Environmental Protection, in coordination with the Office of Energy within the Department of Agriculture and Consumer Services, to conduct a study of brownfield sites and closed landfill sites to determine viable locations for redevelopment as solar photovoltaic facilities. The bill cites what must be included in the study. The bill directs DEP to submit a report on the findings and recommendations of the study to the Governor, the Legislature, the Florida Public Service Commission, and the chairs of each regional planning council by August 1, 2023.

ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEM INSPECTIONS FAIL

HB 1125 - *Onsite Sewage Treatment and Disposal System Inspections* by Rep. Caruso was not heard. The bill repeals s.381.00651, F.S. The bill directs the Department of Environmental Protection to administer onsite sewage treatment and the disposal system inspection program, adopt rules in consultation with OSTDS technical advisory committee, and submit reports to the Governor and Legislature. The bill requires owners of sewage systems to have periodic inspections if the onsite sewage treatment and disposal system meets certain conditions, requiring them to pay specified costs. The owner may not request a partial inspection or the omission of inspection portions. Provides program requirements and exemptions. The bill requires an advisory committee to determine criteria for advanced nutrient removal systems. The bill authorizes local governments to create grant programs for replacement costs.

LEGISLATION FOR PHOSPHOGYPSUM STACKS FAILS

HB 1339/ SB 1744 - *Phosphogypsum Stacks* by Rep. Diamond and Sen. Brandes were not heard this session. The bill requires the Department of Environmental Protection to submit annual reports of imminent hazards, abatement actions, and material violations for phosphogypsum stacks to the Governor, Legislature, the Division of Emergency Management, and each board of county commissioners. The department shall create, maintain, and update the database of reports and inspections on its website.

REGULATION FOR VESSELS FAILS

HB 1265 - *Local Regulation of Vessels* by Rep. Caruso was not heard this session. The bill authorizes local governments to regulate the anchoring of certain vessels as defined in s.327.40, F.S.

REPEAL OF STATE REGULATION OF RECYCLABLE AND POLYSTYRENE MATERIALS FAILS

SB 320/ HB 6063- *Preemption of Recyclable and Polystyrene Materials* by Sen. Stewart and Rep. Grieco failed this session. The bill deletes the state preemption of the regulation of disposable plastic bags including auxiliary containers and wrappings and repeals the state preemption of the use or sale of polystyrene products to FDACS. Neither bill received a hearing this session.

REPEAL OF LEGAL RIGHTS OF NATURAL ENVIRONMENT FAILS

HB 6003- *Legal Rights of Natural Environment* by Rep. Eskamani was never heard this session. The bill repeals provisions that prohibit local government from recognizing or granting legal rights to the natural environment or granting these rights to a citizen or political subdivision. There was no Senate companion.

EXPANSIVE CYBERSECURITY BILLS PASS

HB 7055- *Cybersecurity* by State Administration & Technology Appropriations Subcommittee passed unanimously (110-0). The bill was substituted for SB 1670 by Sen. Hutson.

The bill requires state agencies and local government entities to report cybersecurity and ransomware incidents to the Cybersecurity Operations Center (CSOC) and the Cybercrime office of the Department of Law Enforcement. The bill prohibits a state agency or local government/ experiencing a ransomware incident from paying or otherwise complying with the demanded ransom. The bill defines the level of severity of a cybersecurity incident in accordance with the U.S. Department of Homeland Security's National Cyber Incident Response Plan. Additionally, the bill requires the advanced cybersecurity training offered to specified state agency and local government employees to include training on the cybersecurity incident severity levels. The bill differentiates reporting requirements based on the level of severity of a cybersecurity incident. The bill requires the Legislature to only be notified of high severity level cybersecurity incidents.

Local government entities are required to adopt cybersecurity standards that align with the National Institute for Standards and Technology and to provide notification to the Florida Digital Service when such standards are adopted. Counties with a population of 75,000 or more must adopt the standards by January 1, 2024. Counties with a population less than 75,000 must adopt the standards by January 1, 2025. The bill requires each local government to notify FLDS when it has adopted the standards.

The bill requires FLDS to develop a basic and advanced cybersecurity training curriculum. All local government employees with access to the local government's network must complete the basic training curriculum, and local government technology professionals and employees with access to highly sensitive information must complete the advanced training curriculum. The trainings must be completed by employees within 30 days of commencing employment and on an annual basis thereafter. The bill authorizes FLDS to provide the cybersecurity trainings in collaboration with the Cybercrime Office, a private sector entity, or an institution of the State

University System. The bill requires the advanced cybersecurity training curriculum provided to certain state and local government employees to include training on the identification of each cybersecurity incident severity level.

The bill expands the purpose of the Cybersecurity Advisory Council (CAC) to include advising local governments on cybersecurity and requires the CAC to examine reported cybersecurity and ransomware incidents to develop best practice recommendations. The bill requires the CAC to submit an annual comprehensive report regarding ransomware to the Governor and Legislature. Lastly, the bill establishes penalties and fines for certain ransomware offenses against a government entity.

The linked bill, HB 7057, also passed unanimously (111-0) in the House. The bill provides a public records exemption related to cybersecurity. Specifically, the bill makes confidential and exempt from public record requirements:

- Cybersecurity insurance coverage limits and deductible self-insurance amounts;
- Information related to critical infrastructure; and
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.

The bill also provides that any portion of a meeting that might reveal such information is exempt from public meeting requirements.

“CRITICAL INFRASTRUCTURE” BILLS FAIL

HB 1147/ SB 828 - *Critical Infrastructure* by Rep. Giallombardo/ Hutson failed. The Senate bill stalled in its second committee, Military and Veterans Affairs, Space, and Domestic Security, while the House Bill was not heard. Cited as the “Critical Infrastructure Standards and Procedures Act”; the bill requires that, beginning on July 1, 2024, asset owners ensure that the operation and maintenance of operational technology comply with specified standards and practices. The bill requires that certain contracts for critical infrastructure meet ISA/IEC 62443 series of standards as referenced by the NIST (National Institute of Standards and Technology) 130 Cybersecurity Framework. The bill authorizes the Department of Law Enforcement to institute appropriate legal proceedings against a business, a service provider, or another person or entity that violates the act.

BROADBAND TASK FORCE FAILS

SB 1726- *Broadband* by Sen. Ausley was not heard. The bill establishes the Broadband Deployment Task Force within the Department of Economic Opportunity for the deployment of broadband Internet service throughout the state. The bill provides requirements for the composition of the Task force to include 16 members appointed by 9/1/22, including a designated member from the Florida Association of Counties. The bill requires the task force to submit annual reports to the Governor and the Legislature by 12/30/23. Provides that certain information provided to the department from broadband service providers retains its confidentiality and exemption from public disclosure requirements. The bill revises the grant application written challenge requirements. The bill establishes seven full-time positions within the Office of Broadband to implement grant programs, maintain information systems, and provide administrative support to the Task Force.

BILLS TO AUTHORIZE SMART REGION ZONES FAIL

HB 835/ SB 1098 - *Smart Region Zones* by Rep. Duggan and Sen. Brodeur were not heard this session. The bill authorizes contiguous groups of four or more counties to apply to Enterprise Florida, Inc., to receive designation as smart region zone. The bill provides requirements for such designation. These zones aim to improve knowledge transfer

across the state by tracking measurable impacts for pilot projects. Smart region zone centers are required to submit reports to the Governor, the Legislature, and Enterprise Florida, Inc.

TRANSPORTATION RESEARCH LED BY UF FAILS

HB 1031/SB 1160 - *Transportation Research* by Rep. Andrade and Sen. Perry failed. The Senate bill stalled in its last committee, Rules, while the House bill stalled in the Higher Education Appropriations Subcommittee. The bill establishes the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida. The research shall focus on intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research. The research findings shall be provided by July 1, 2023, and each July 1 thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. An advisory board shall consist of nine members in transportation-related areas who will oversee all research.

BILLS INITIATING CHANGE FOR ELECTRIC VEHICLES FAIL

SB 918 – *Electric Vehicle Charging Infrastructure* and SB 908 - *Fees/Electric Vehicles and Plug-in Hybrid Electric Vehicles* by Sen. Brandes was not heard. The bill creates an additional fee/license tax (\$135) for all electric vehicles weighing under 10,000 pounds on top of current fee, the fee will increase to \$150 in 2025. The bill creates an additional fee/license tax (\$235) for all electric vehicles weighing over 10,000 pounds on top of current fee, the fee will increase to \$250 in 2025. Of the additional flat fees, 64% will be allocated to the State Transportation Trust Fund and 36% will be allocated to the county where the vehicle was registered. For the next three years, until June 30, 2024, the funds allocated to the county will be used for electric vehicle infrastructure and equipment by the County Commission. Beginning July 1, 2024, the funds allocated to a county will be transferred to the Department of Revenue and then distributed to the County Commission and municipalities within the county in proportion to the previous month’s distribution of the 1 to 6 cent local option fuel taxes, to use for transportation expenditures. Creates fee schedule for plug-in hybrid electric vehicles; provides for CPI (Consumer Price Index) adjustments to tax/fee; exempts

certain electric vehicles from flat fee. The linked bill, SB 918 - *Electric Vehicle Charging Infrastructure* requires the Department of Transportation to include innovative technologies such as electric vehicles in their infrastructure goals. Establishes the Electric Vehicle Infrastructure Grant Program to provide financial assistance and encourage the installation of electric vehicle charging infrastructure. Beginning in fiscal year 2024-2025, all increased revenues from the State Transportation Trust Fund must be used to fund the EV (Electric Vehicle) Infrastructure Grant Program created by s. 339.286 (Expires on 12/31/31). The bill provides requirements for this grant to be awarded. The bill requires the Department of Transportation to seek programmatic federal approval for the issuance of permits and for the accommodation as a utility of the installation of electric vehicle charging stations in highway rights-of-way. By October 1, 2023, the department shall submit a program for approval including, if necessary, any revisions to the utility accommodation policy.

BROADBAND POLE REPLACEMENT BILLS FAIL

HB 1543/SB 1800 - *Broadband Infrastructure* by Rep. Tomkow and Sen. Boyd failed. The House bill died on the floor while the Senate bill died in messages. The bill creates the Broadband Pole Replacement Program, to be administered by the Office of Broadband (Office) within the Department of Economic Opportunity (Department). The Program will reimburse eligible broadband Internet service providers for their costs incurred for the removal and replacement of existing utility poles in areas of Florida that are unserved by broadband Internet service. Reimbursements under the program are limited to 50 percent of the broadband Internet service provider's eligible pole replacement costs, or \$5,000—whichever is less, in addition to their administrative costs related to the preparation and submission of the application for reimbursement. FAC expressed several concerns for the language in the bill throughout several committee stops that DEO should complete its strategic plan for broadband and submit additional grant plans prior to moving forward with this program.

The linked bills, HB 1545/SB 1802-*Trust Funds/Broadband Pole Replacement Trust Fund/DEO/ Broadband Pole Replacement Trust Fund* by Rep. Tomkow and Sen. Boyd also failed. The bill creates the Broadband Pole Replacement Trust Fund within DEO and provides that the trust fund is established as a depository for funds appropriated by the Legislature, federal funds received from the federal Coronavirus Capital Projects Fund, funds transferred by DEO, interest earnings, and grants, gifts, and other contributions made directly to the fund. In accordance with

article III, section 19(f)(2) of the Florida Constitution, the trust fund terminates four years after the effective date of the bill. Before its scheduled termination, the trust fund must be reviewed pursuant to state law.

AIR MOBILITY BILLS NEARLY PASS, YET DIE TOWARDS END OF SESSION

HB 1005/SB 728- *Advanced Air Mobility* made it quite far before failing this session. The House Bill cleared every committee, however, stalled after its second reading. The Senate bill passed (37-0) but died in messages. The bill creates the Advanced Air Mobility Study Task Force adjunct to the Department of Transportation (DOT). The bill specifies composition of task force members, including a designated member from the Florida Association of Counties. Members must serve without compensation but allow for per diem and travel expenses. The bill specifies duties of task force, including coordinating with local governments to evaluate potential integration of advanced air mobility into transportation plans. Requires a report to the Governor & Legislature by October 1, 2023 and task force will disassemble by December 1, 2023.

AGRITOURISM BILL PASSES UNANIMOUSLY

SB 1186 – *Agritourism* by Sen. Albritton passed unanimously (38-0). The bill was substituted for HB 717 by Rep. Buchanan. The bill revises legislative intent regarding the promotion of agritourism by removing the term “secondary” to classify streams of revenue, prohibits denial or revocation of a property’s agricultural classification based on the conduct of agritourism activity on a bona fide farm, and specifies the criteria for land to be considered agricultural in nature, which shall be assessed by a property appraiser.

NEW POLLUTION CONTROL STANDARDS AND LIABILITY PROTECTIONS PASS

HB 909- *Pollution Control Standards and Liability* by Rep. Payne passed (98-16). The bill was substituted for SB 1210 by Sen. Albritton. The bill provides that the application of pesticides as part of agricultural operations is lawful, unless

a discharge exists, and is presumed not to be a recognized environmental condition pursuant to 40 C.F.R. part 312. The bill requires the Department of Environmental Protection to investigate claims and provide appropriate remedies for verifiable pesticide impacts. The bill provides that agricultural land that meets certain requirements is exempt from further regulation by the department. Additionally, the bill authorizes property owners to voluntarily apply for brownfield site rehabilitation activities. The bill adds a statute which assigns exclusive jurisdiction to the Secretary of Environmental Protection for all matters related to evaluating environmental conditions and assessing potential liability for the presence of contaminants on agricultural land. The secretary may not delegate the authority to a county, a municipality, or another unit of local government through a local pollution control program.

AGRICULTURE AND RURAL AFFAIRS – FAILED

RURAL DEVELOPMENT BILLS FAIL

HB 685- *Rural Development* by Rep. Drake cleared every committee, however, stalled after the 2nd reading. FAC waived in support of the bill.

The bill reduces the required non-state match amount for the Regional Rural Development Grants Program from 25 percent to 15 percent and allows in-kind contributions to count toward this threshold. The bill removes the requirement that repaid funds from the Rural Community Development Revolving Loan Fund be matched to be retained to fund future loans. Additionally, the bill revises the uses of the Rural Infrastructure Fund to remove the requirement that grants be linked to financing specific projects. The bill increases the proportion of an infrastructure project that may be covered by the grant from 50 percent to 75 percent and increases the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects. The bill removes the local match requirement for surveys, feasibility studies, and other activities related to the identification and preclearance review of land, which is suitable for preclearance review, and removes the requirement that a grant for an employment project create a minimum number of jobs.

The comparable bill, SB 800- *Economic Development* by Sen. Albritton, cleared its second committee, stalling in Senate Appropriations. FAC waived in support of the bill. The bill authorizes municipalities to exempt the public service tax of electrical energy purchases, starting on 7/1/23. Additionally, it exempts building materials from taxes imposed on the rehabilitation of real property. Electrical energy used in an opportunity zone of a municipality shall receive a municipal utility tax exemption equal to 50% for any qualified business. The bill revises the Rural Tax Credit program by removing the requirement that a new eligible business in a qualified area has at least 10 qualified employees. A tax credit of \$2,500 would be received for each employee, an increase of \$1,000. Lastly, it requires the Department of Economic Opportunity (DEO) to allocate 10% of the funds in the Florida Job Growth Grant Fund to projects within rural areas of opportunity. An amendment was adopted that gives more flexibility in the infrastructure fund relating to grants and fiscally constrained counties, which was offered by the Department of Economic Opportunity.

HEALTHY FOOD INITIATIVES FAIL

HB 1311 / SB 1450 - *Healthy Food Financing Initiative Program* by Rep. Mariano and Sen. Jones failed this session. The House bill stalled in its last committee, State Affairs, and the Senate Companion also stalled in its last committee, Appropriations. FAC waived in support of the bill. The bill expands the functions of the Healthy Food Financing Initiative program from the Department of Agriculture and Consumer Services (DACS). It directs DACS to provide grants and loans for the construction of independent grocery stores, supermarkets, community facilities, or other retail outlets to increase access to affordable fresh produce and other nutritious food in underserved communities. The bill requires a qualified non-profit to be able to demonstrate certain criteria to enter into a contract with DACS to carry out the program and requires any third-party administrator that contracts with DACS to provide quarterly updates to DACS.

The bill requires DACS to give preference to Florida-based grocers, local business owners with experience in grocery stores, and grocers and business owners with a business plan that includes opportunities to purchase from farmers and growers in the state before seeking out-of-state purchases. The bill specifies that for a project to be eligible for funding under the program, it must be located in an underserved community and provide for the construction of independent grocery stores or supermarkets; provide renovation, expansion, and infrastructure upgrades to stores and community facilities that improve the availability and quality of fresh produce and other healthy foods; or provide other projects that create or improve access to affordable fresh produce that meet the intent of the program. The bill requires the program to fund at least three eligible projects each year.

LEGISLATURE GREENLIGHTS TAX PACKAGE

The conference report for HB 7071 – *Taxation*, originally a committee bill developed by Rep. Payne’s Ways and Means committee, passed the House 107-0 and the Senate 33-0. The issue of greatest concern for FAC is an open-ended tax abatement for residential property rendered uninhabitable by a catastrophic event. FAC spoke about these concerns to the House Ways and Means and Appropriations committees. Under current law, tax abatements are granted on a case-by-case basis by the Legislature, rather than being given as a blanket policy for any event rendering a residence uninhabitable for 30+ days. The concern is that an extreme event (e.g. a hurricane, a dirty bomb) affecting a densely populated area would result in significant abatement payments at the same time the tax base is diminished, and service demands are increased due to the event. Other highlights of the tax package include:

Motor Fuel Tax Holiday - Creates the Florida Motor Fuel Tax Relief Act of 2022

- Provides for the reduction of total fuel taxes by 25.3 cents per gallon from October 1, 2022, to October 31, 2022.
- Suspends implementation of the following levies:
 - 1 cent County Fuel Tax
 - 1 cent Municipal Fuel Tax
 - 15 cent State Fuel Sales Tax
 - 8.3 cent State Comprehensive Enhanced Transportation System Levy
- The bill also provides for \$200 million in General Revenue, contingent upon the Department of Financial Services receiving the second distribution of the state’s allocation from the federal Coronavirus State Fiscal Recovery Fund
- Includes \$7.9 million to be transferred to offset the impact to the County Fuel Tax

Additional Ad valorem provisions included:

- An abatement for sudden building collapse events in response and limited to the Surfside tragedy
- An increased ad valorem property tax exemption for widows, widowers, and blind or permanently disabled homeowners from \$500 to \$5000,
- Assessment of land used in the production of aquaculture
- Clarification of the treatment of homestead parcels where a portion of the property is used for agricultural purposes
- Identification of additional missions that qualify for the deployed service member exemption

- Revision of the date that determines when an affordable housing property may meet the 15-year requirement to qualify for the exemption provided by Section 196.1978(2)

Nine sales tax holidays:

- Back to School Holiday July 25 to August 7
- Disaster Preparedness Holiday May 28 to June 10
- Energy Star Appliances Holiday September 1 to February 28
- Freedom Week Holiday July 1 to July 7
- Tools Used by Skilled Trade Workers Holiday September 3 to September 9
- Diaper Holiday July 1, 2022, to June 30, 2023
- Baby and Toddler Clothing Holiday – July 1, 2022, to June 30, 2023
- Children’s Books Holiday May 14 to August 14
- Impact resistant Windows and Doors Holiday July 1, 2022, to June 30, 2024

Other Provisions:

- Doc Stamp exemption for any federal loan related to a state of emergency declared by the Governor pursuant to s.252.36
- Sales Tax Exemption for admissions to World Cup matches
- Reduction in the sales tax rate for new mobile homes from 6% to 3%
- Allows for the purchase of school buses with the School Capital Outlay Sales Surtax authorized in section 212.055(6).
- Total sales tax exemption for all farm trailers. Previously only the first \$20,000 of sale price was exempt for trailers weighing 12,000 pounds or less
- Sales tax exemption for hog wire and barbed wire fencing, including gates and materials used to construct and repair such fencing, used in agricultural production on land classified as agricultural lands under 193.461
- Sales tax exemption for Machinery and equipment necessary in the production of electrical or steam energy resulting from the burning of hydrogen
- Increase in the amount of tax credits available from the Community Contribution Tax Credit Program from 14 million to \$19 million
- Sales tax exemption on the purchase of machinery and equipment used in the production of green hydrogen, ammonia derived from green hydrogen, or fuel cell development of energy from green hydrogen.

LAW ENFORCEMENT OFFICER BENEFITS PACKAGE PASSES ALONG WITH UNPRECEDENTED SHERIFF BUDGET PROVISION

HB 3 - *Law Enforcement* by Rep. Leek passed both chambers, 114-3 in the House and 34-0 in the Senate. The bill, purportedly in response to understaffing and recruiting challenges faced by state law enforcement, provides for a series of benefits, financial incentives, educational and training opportunities, and service recognition for state of Florida law enforcement bodies. These include:

- The Florida Law Enforcement Recruitment Bonus Program, which provides for a one-time signing bonus of up to \$5,000 for newly employed law enforcement officers
- The Florida Law Enforcement Academy Scholarship Program, which covers up to \$1,000 in tuition and fees for enrollment in any basic recruit training program
- A \$25,000 benefit for law enforcement officers who adopt a special needs child from within the State's child welfare system, or \$10,000 for law enforcement officers who similarly adopt a child without special needs
- Scholarship opportunities for dependent children of a law enforcement officer to attend private school.
- Base salary increases for each county sheriff of \$5,000
- Exemption from the basic skills test for veterans and applicants with an associate degree or higher
- A requirement that law enforcement officers receive training in health and wellness principles, both upon initial certification training and for continued employment training
- Designation of May 1 of each year as "Law Enforcement Appreciation Day"

Most notably for county government, some late amendment language was added to the bill that would allow a Sheriff to move budgeted funds across all budget levels, without review or approval by the Board of County Commissioners/Budget Commission. Under the status quo, the Florida Supreme Court issued a decision in *Alachua County v. Watson* that a Sheriff, or any other county constitutional officer, seeking to amend their budget would have to follow the budgetary amendment process laid out in Chapter 129 of Florida statute. FAC has concerns that, in addition to undermining the Florida Supreme Court decision, the language has dangerous implications for transparency and local checks and balances.

CRITICAL WORKFORCE HOMESTEAD EXEMPTION PASSES WITH MINIMAL RESISTANCE

HJR 1 – *Additional Homestead Property Tax Exemption for Specified Critical Public Sector Workforce and its implementing bill, HB 1563*, by Rep. Tomkow passed both chambers, 115-0 in the House and 37-1 in the Senate. The bills were substituted in the Senate for their counterparts, SB's 1746/1748 by Sen. Brodeur. The joint resolution would amend the state Constitution, authorizing the legislature to grant an additional homestead property tax exemption on \$50,000 of the assessed property value of homestead property owned by the following "critical" members of the public sector workforce:

- Classroom Teachers
- Law Enforcement Officers
- Correctional Officers
- Firefighters
- Emergency Medical Technicians
- Paramedics
- Child Welfare Services Professionals
- Active-Duty Military
- Members of the Florida National Guard

The implementing bill would provide the conditions and process by which these qualified workforce members may receive the additional homestead property tax exemption, as well as punitive measures a Property Appraiser may take in response to improper claims. The bill also provides for a distribution to eligible "fiscally constrained" counties to offset the impacts the measure would have on their tax base. The distribution would begin in 2023-24.

FAC opposed the measure throughout each committee stop, citing concerns about the shifting tax burden to renters and non-qualified professional groups, as well as the burgeoning bureaucracy needed to process claims of exemption.

The proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election in November 2022.

NEW EMERGENCY FUNDS FOR THE GOVERNOR APPROVED BY THE GOVERNOR

SB 96- *Emergency Preparedness and Response Fund* by Sen. Burgess was passed and signed by the Governor. The bill authorizes the Legislative Budget Commission to convene to transfer or appropriate certain funds to the Emergency Preparedness and Response Fund. Additionally, the bill authorizes the Governor to transfer and expend money from the Emergency Preparedness and Response Fund. The Governor may request that additional funds be transferred or appropriated to the Emergency Preparedness and Response

Fund as a budget amendment, subject to approval by the Legislative Budget Commission. An amendment was adopted to reduce the available emergency funds from \$1 billion to \$500 million.

SB 98- *Emergency Preparedness and Response Fund* by Sen. Burgess was passed and signed by the Governor. The bill creates the Emergency Preparedness and Response Fund within the Executive Office of the Governor, providing for the deposit, use of funds, and termination of the fund.

The House Companions, HB 7025 and HB 7023, were respectively substituted and passed.

LOCAL REFERENDA REFORM PASSES, SPARKS TIMELINE CONCERNS FROM FAC

HB 777 – *Local Tax Referenda Requirements* by Rep. W. Robinson passed both chambers, 111-2 in the House and 39-0 in the Senate. Rep. Robinson’s bill was substituted for Sen. Boyd’s Senate version, SB 1194. The bill will require referendum elections to coincide with a general election for the following taxes:

- Tourist development tax
- Areas of critical state concerning tourist impact tax
- Children’s services independent special district tax
- **County temporary excess ad valorem millage**
- Municipal temporary excess ad valorem millage
- County transportation motor fuel tax
- Local option fuel taxes
- School district millage
- Other local government voted millage

FAC spoke in opposition to the bill regarding concerns around the timeline for implementing constitutionally authorized excess millage, often viewed as “emergency millage.” Specifically, any referenda held in concurrence with a general election (in November) would occur after the tax bill has been issued, and the millage could not be levied until the following year. This could potentially have dangerous implications for fiscally constrained counties seeking to resolve time-sensitive community issues.

VISIT FLORIDA PROGRAM RECEIVES EXTENSION FROM LEGISLATURE

SB 434 – *Florida Tourism Marketing* by Sen. Hooper passed both chambers, having been substituted for its House companion, HB 489. The bill would extend the statutory provisions of the VISIT FLORIDA state tourism program, currently set to repeal in 2023. There was considerable deliberation between the two chambers regarding the length of the extension—however, they ultimately settled on October 1, 2028 as the new repeal date.

LEGISLATURE APPROVES BILL CONCERNING SWIMMING POOL CONTRACTORS

SB 222 – *Swimming Pool Specialty Contracting Services* by Sen. Gruters passed both chambers: 36-0 in the Senate and 112-0 in the House. SB 222 was substituted in the house for HB 267. The bill authorizes certain persons under the supervision of specified licensed contractors to perform construction, remodeling, repair, or improvement services for commercial or residential swimming pools, interactive water features, hot tubs, and spas. Such supervision does not require a direct contract between the contractor certified and the person performing the work, or for the person performing the work to be an employee of the contractor.

CHARTER SCHOOL BILL PASSES, INCLUDES LANGUAGE ON SCHOOL IMPACT FEES

SB 758 – *Education* by Sen. Diaz passed both chambers this session and now awaits the Governor’s approval. SB 758 was substituted for its House companion, HB 865 – *Charter Schools* by Rep. Hawkins and Rep. Rizo, before being amended by the House and passed 86-28. The Senate concurred with the House amendment and ultimately passed the bill 27-11. The measure seeks to enforce greater equity between charter schools and non-charter public schools. Rep. Rizo’s amendment language reworks existing statutory language to provide for “a proportionate share of costs per student station,” as it pertains to educational impact fees for charter schools specifically created to mitigate the education impact of new residential development. It also expands the class of facilities eligible to provide space for charter school operations. Lastly, the amendment language provides that any entity that contributes toward construction of charter school facilities shall receive a credit towards any impact fees or exactions imposed for public educational facilities to the extent that the entity has not received a credit for such contribution pursuant to s. 163.3180 (6)(h).

BILL REQUIRING RETENTION OF PREEMPLOYMENT PHYSICAL RECORDS FOR CERTAIN PUBLIC SAFETY OFFICERS PASSES.

CS/HB 453 *Records of Physical Examinations of Officers* by Rep. Byrd and Rep. Dugan requires the employing agency of a law enforcement, correctional, or correctional probation officer to maintain records of an employee's pre-employment physical examination for at least 5 years after the officer separates from the employing agency. The 5-year records retention requirement also applies to firefighters who took a pre-employment physical upon employment with the employing fire service provider. If the employing agency fails to maintain a record of the pre-employment physical, the officer or firefighter is entitled to the presumption that his or her disability due to tuberculosis, heart disease, or hypertension is compensable as an occupational disease under workers' compensation law. For firefighters who did not undergo a pre-employment physical for the current employer, the firefighter may support a claim for benefits by using the medical exam required to enroll in training and become certified as a firefighter and may be eligible for the presumption so long as the medical exam failed to reveal any evidence of tuberculosis, heart disease, or hypertension. CS/HB 453 passed the House 115-0 and the Senate 38-0. The bill was substituted for CS/SB 1736 by Sen. Hooper.

BILL TO LIMIT SCOPE OF CONSTITUTIONAL AMENDMENTS FAILS

HJR 1127/ SB 1412 - *Limiting Subject of Constitutional Amendments Proposed by Citizen Initiative/ Revisions or Amendments of the State Constitution by Citizen Initiative* by Rep. Beltran and Sen. Brodeur failed. The House Joint Resolution cleared all its committees, however, stalled at the 2nd reading. The Senate bill stalled in its second committee, Rules. The bill proposes an amendment to Section 3 of Article XI of State Constitution. Limits revisions or amendments of the State Constitution by citizen initiative to matters relating to procedural subjects or to the structure of government or of State Constitution.

CHANGES TO FINANCIAL DISCLOSURES FOR ELECTED LOCAL OFFICIALS FAIL

HB 301/SB 510- *Financial Disclosures for Elected Local Officers* by Rep. Roach and Sen. Brodeur failed this session. The bill requires certain locally elected officials file full financial disclosure including mayors, city commissioners, elected members of a city council, town council, village council, or other governing body of a city, town, or village. It requires city, county, town, and village managers also to file full financial disclosure. Conforms the definition of "local officers" in s.112.3145, F.S., to remove such elected officers from the requirement to file a statement of financial interests and clients represented before agencies; and removes the positions of mayor, county, or city managers from the definition. SB 510 passed (30-7) in the Senate, however, an amendment was adopted, and the bill died in House messages.

HEAVY EQUIPMENT RENTAL TAX EXEMPTION STALLS ON HOUSE FLOOR

HB 751 – *Ad Valorem Taxation of Construction Equipment* by Rep. Clemons stalled on 2nd reading, after passing its two committees of reference. The bill would have reclassified construction equipment, owned by a heavy equipment rental dealer for sale or short-term lease, as "inventory," exempt from ad valorem taxation. This exemption applies to only non-school levies—no other property held as inventory is subject to an ownership test or distinct treatment for school and non-school levies. FAC opposed this bill across both committee stops.

RENTAL OF HOMESTEAD MEASURE FAILS

HB 1345 – *Homestead Tax Exemptions* by Rep. McFarland stalled in its second committee of reference. Its Senate companion, SB 1056 by Sen. Hutson, met a similar fate this session. The bill would have removed restrictions of renting homestead property, revised the interest rate formula for back taxes due to improperly claimed homesteads, and lessened the penalty applied to property owners who unlawfully claimed a homestead tax exemption. FAC had concerns that the measure would pull previously ineligible properties (due to partial rental/commercial status) into tax exempt homestead status.

CONSTITUTIONAL AMENDMENT INDEXING THE HOMESTEAD EXEMPTION FAILS IN BOTH CHAMBERS

HJR 923 – *Ad Valorem Tax Exemption* and its implementing bill, HB 1523, both by Rep. Fischer, stalled in their second committee of reference, House Ways and Means. The Senate companions, SJR 1266 and SB 1264, similarly failed to pass. The joint resolution proposed an amendment to the State Constitution authorizing the legislature to periodically increase the current \$25,000 ad valorem tax exemption on a homestead property's assessed value that is greater than \$50,000. The implementing bills would have provided a method and index for calculating the additional tax exemption increase year over year.

LOW-INCOME SENIOR HOMESTEAD EXEMPTION FAILS

HJR 973 - *Homestead Property Tax Assessment Limitations and Tax Exemptions for Certain Low-income Elderly Persons* and its implementing bill, HB 975, both by Rep. Borrero, failed to pass this session. The joint resolution's Senate companion and its implementing bill, SB 1278 and SB 1280, respectively, failed to be considered in its first committee of reference. The measures would have amended the state Constitution to authorize the Legislature to prohibit increases in the assessed value of homestead property owned by an eligible low-income senior.

HOUSING ASSISTANCE BILLS FAIL

HB 1553/SB 1170- *State Housing Assistance Programs* by Rep. Plakon and Sen. Brandes failed this Session, as both bills were not heard. The bill removes powers of the Florida Housing Finance Corporation to develop and administer the State Apartment Incentive Loan Program. Renames the State Housing Initiatives Partnership Program to the State Housing Initiatives Partnership Block Grant Program. Removes municipalities from eligibility under the Grant Program. Authorizes participating counties to make subgrants to their municipalities according to interlocal agreements. Provides that the Florida Housing Finance Corporation shall distribute moneys appropriated by the Legislature for the program, rather than distribute moneys in the Local Government Housing Trust Fund. Revises eligible counties and distribution calculations under the State Housing Initiatives Partnership Block Grant Program. Revises the guaranteed amount for each state fiscal year to \$500,000.

BILL REVISING PROPERTY APPRAISER APPEAL THRESHOLDS FAILS

HB 417 – *Property Appraisers* by Rep. Fernandez-Barquin stalled in its final committee of reference, House State Affairs. The senate companion, SB 572 by Sen. Garcia, failed to be heard by any committees of reference. The bill would have raised the thresholds in valuation differences for property appraisers to appeal a valuation. FAC also worked to remove early language redefining “highest and best use” that was ultimately amended out in the House Ways and Means committee.

TOURIST DEVELOPMENT TAX MEASURE FAILS

HB 673 – *Tourist Development Taxes* by Rep. Shoaf advanced through its first two committees, before stalling in its final committee stop, House Commerce. Its Senate companion, SB 1542 by Sen. Gainer, failed to pass its first committee. The bill allows a county that is located adjacent to the Gulf of Mexico or Atlantic Ocean and is designated as a fiscally constrained county, as defined by current law, to use up to 10 percent of TDT revenue received to reimburse expenses for public safety services that are needed to address impacts related to increased tourism and visitors to an area. The bill provides that counties and municipalities who opt to use 10 percent of TDT revenues to reimburse for expenses incurred for public safety services may not use this money to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff’s office, or a police department. Under the bill, qualifying counties may utilize the 10 percent of TDT revenue to reimburse for expenses for public safety services even if they do not meet the following requirements currently in statute: generating

\$10 million in annual TDT proceeds; having at least 3 municipalities; and having a population less than 225,000.

PRE-DELINQUENCY TAX DISCOUNT NEVER HEARD

HB 839 – *Tax Discount Percentage Rates* by Rep. Fischer, and its Senate companion, SB 1152 by Sen. A. Rodriguez both stalled in their first committees. The bill would have raised the discount rates for county tax payments made before delinquency.

AIRCRAFT SALES AND LEASES TAX EXEMPTION FAILS

HB 6051/ SB 786- *Aircraft Sales and Lease Tax* by Rep. Overdorf and Sen. Hutson/Overdorf failed this Session. The House bill was not heard, while the Senate bill stalled in its last committee, Appropriations. The bill exempts all aircraft sales and leases, rather than the sales and leases of certain aircraft, from the sales and use tax.

COUNTY ATTORNEY’S RECORDS EXEMPTION FAILS

SB 1420- *Public Records/County and City Attorneys* by Sen. Burgess failed this session, passing two of three committee stops, but stalling in Senate Rules. The bill provides an exemption from public records requirements to protect the personal identifying and location information of current and former county attorneys, deputy county attorneys, assistant county attorneys, city attorneys, deputy city attorneys, and assistant city attorneys, including the names and personal identifying and location information of the spouses and children of these attorneys. FAC supports this public records exemption. The bill stands repealed on October 2, 2024, unless reviewed and saved through reenactment by Legislature. The House companion measure, HB 1213 - *Pub. Rec./ Current or Former County and City Attorneys* by Rep. Arrington, was never considered.

PUBLIC WORKS SALES TAX EXEMPTION STALLS EARLY, DIES

HB 589 – *Sales Tax Exemptions for Public Works* by Rep. Harding was not considered by its first committee of reference. Its identical Senate companion, SB 930 by Sen. Hooper, also stalled in its first committee of reference. The bill would have revised statute regarding tax exemptions for public works projects.

FIDUCIARY STANDARDS BILL

FAILS TO MOVE

SB 508 - *Fiduciary Duty of Care for Appointed Public Officials and Executive Officers* by Sen. Diaz failed to pass its first committee of reference. No House counterpart was filed this session. The legislation would have set standards for a public officer's fiduciary duties.

HOMESTEAD ASSESSMENTS

FOLLOWING PROPERTY

TRANSFERS DIES

Neither HB 283 – *Homestead Assessments Following a Change in Ownership* by Rep. Duran nor its Senate companion, SB 460 by Sen. A. Rodriguez, were heard by any of their committees of reference. The bill would have allowed for exception from assessment of homestead property at just value upon transfer of property if property is transferred to child or grandchild of the deceased owner.

SMALL BUSINESS SALES TAX

HOLIDAY FAILS

HB 439 – *Small Business Saturday Sales Tax Holiday* by Rep. C. Smith failed to gain any traction in any committees of reference. Its Senate companion, SB 712 by Sen. Taddeo, met a similar fate. The bill would have provided that the sales and use tax levied under Chapter 212 may not be collected on November 27, 2022.

LIENS AND BONDS REFORM

MEASURE FAILS ON FLOOR

HB 345 – *Liens and Bonds* by Rep. Overdorf cruised through its committees of reference, before stalling on 2nd reading on the House floor. Its Senate companion, SB 1272 by Sen. Bradley, passed its first committee of reference before stalling in the Senate Judiciary committee. The bill would revise the regulations surrounding claims of construction liens.

BILL AMENDING PUBLIC RECORDS

EXEMPTION HELD BY A LOCAL

GOVERNMENT SECURITY FAILS

HB 1287- *Pub. Rec./Local Government Security* by Reps. Botana and Yarborough and SB 1740- *Pub. Records and Public Meetings/Certain Information Held by a Utility* by Sen. Wright failed this session. The bill amends the public record exemption for information held by a local government to include:

- Information related to insurance or other risk mitigation products or coverages for the protection of IT and

operational technology systems and data, including deductible or self-insurance amounts, coverage limits, and policy terms and conditions;

- Critical energy infrastructure information;
- Records which contain network schematics, hardware and software configurations, or encryption, identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of data or information, whether physical or virtual, or information technology resources.

Additionally, the bill provides for future legislative review and repeal of exemption. Provides a statement of public necessity for the bill, which intends on maintaining the sensitivity of information shared from increased connectivity. HB 1287 cleared two of three committees; SB 1740 was never heard.

REBATE PROGRAM ENCOURAGING FLORIDA ENTERTAINMENT FAILS

HB 217- *Film Television, and Digital Media Project Rebate Program* by Rep. Trabulsy and SB 946-*Entertainment Industry* by Sen. Gruters failed this session. The bill creates the Targeted High Wage Production Program within the Department of Economic Opportunity (DEO) under the supervision of the Commissioner of Film and Entertainment. The bill authorizes applicants to receive rebates up to 23% of qualified expenditures, or \$2 million, whichever is less with the requirement to make a good faith effort to use existing providers of infrastructure or equipment, employ at least 60% of Florida residents, spend at least 70% of their production time in Florida, and additional guidelines. The Florida Film and Entertainment Advisory council must determine the score for each qualified project. The Targeted High Wage Production Program will expire June 30, 2026. FAC supported the bill as it aligns with FAC's guiding principle to support state and local policies, programs, and funding mechanisms that not only preserve, but enhance, the Florida tourism and film industries. SB 946 passed one of three committee stops; while HB 217 was never considered.

CONSTITUTIONAL AMENDMENT

THRESHOLD CHANGE FAILS

HJR 177/SJR 950- *Requiring Broader Public Support for Constitutional Amendments or Revisions* by Rep. Roth and Sen. Rodriguez (A) failed this session. The bill proposes amendment to State Constitution to increase percentage of elector votes required to approve amendment to or revision of State Constitution from 60 percent to 66 & 2/3 percent. However, the repeal of an amendment or revision may be

approved by the same percentage of elector votes as was required at the time of passage of the amendment or revision. Both bills were never heard.

SUPERMAJORITY VOTE FOR PRE-EMPTION LEGISLATION FAILS

SJR 152- *Supermajority Vote for Legislative Preemption* by Sen. Farmer, Jr. was never heard this session. The joint resolution proposes amendments to the State Constitution to require a supermajority (two-thirds) of each House to approve a general law preempting legislation to the state. There was no House companion resolution.

BILLS REPEALING NUMEROUS PREEMPTIONS FAIL

SB 1900- *Preemption to the State* by Sen. Torres, Jr. The bill removes provisions preempting counties, municipalities, and other local governmental entities from enacting or adopting any limitation or restriction involving certain contributions and expenditures, or establishing contribution limits different than those established in the Florida Election Code. Among many other things, the bill removes provisions that require counties and entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities, removes provisions which require municipalities and other entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities.

HB 6113- *Preemption to the State* by Rep. Eskamani failed this session. The bill removes and repeals provisions preempting certain authority to the state, including but not limited to, provisions relating to rent control, affordable housing incentives, ad valorem taxes or fees on certain telecommunication facilities, pruning, trimming, or removal of trees on residential property, solar facility approval process, etc.

HB 6109 - *Campaign Finance* by Rep. Eskamani failed this session. The bill removes provisions that preempt counties and other local governmental entities from enacting or adopting limitations & restrictions involving certain contributions & expenditures or establishing contribution limits different than those established in Florida Election Code.

SB 1900, HB 6113, and HB 6109 were never considered.

BILL REVISING LEGISLATIVE REVIEW OF PROPOSED REGULATION FAILS

SB 1276/HB 1185- *Legislative Review of Proposed Regulation of Unregulated Functions* by Sen. Diaz and Rep. Plakon failed this session. The bill provides that certain requirement must be

met before adopting the regulation of an unregulated profession or occupation or the substantial expansion of regulation of a regulated profession or occupation. The bill requires the proponents of legislation that proposes such regulation to provide certain information to the state agency that would have jurisdiction over the proposed regulation and to the Legislature at least 30 days before the regular session. Additionally, requires the state agency to provide certain information to the Legislature within 25 days after the proponents of the Legislation submit the draft legislation to the state agency. HB 1185 passed three of four committees; SB 1276 was never heard.

LOCAL GOVERNMENT COMMUNICATION LEGISLATION FAILS

HB 6043- *Local Government Communications Services* by Rep. Eskamani failed this session. The bill removes provisions that require counties and entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities. The bill removes provisions that require municipalities and other entities of local government to pay ad valorem taxes or fees under specified conditions on certain telecommunications facilities. Additionally, the bill deletes provisions relating to certain tax exemptions for property and the use of two-way telecommunications services. It removes provisions that identify procedures that must be followed by governmental entities before providing communications services. The bill was never heard.

Additionally, HB 6045- *Communication Services* by Rep. Eskamani failed this session. The bill deletes provisions limiting authority of, and prohibiting, municipalities and counties from functions related to communications service providers. Furthermore, the bill deletes references to, and administration and provisions of Advanced Wireless Infrastructure Deployment Act. The bill was never considered.

CAMPAIGN FINANCE BILL FAILS

HB 6109 - *Campaign Finance* by Rep. Eskamani failed this session. The bill removes provisions that preempt counties and other local governmental entities from enacting or adopting limitations & restrictions involving certain contributions & expenditures or establishing contribution limits different than those established in Florida Election Code. The bill was never considered this session.

LEGISLATURE SELECTS FLORIDA HOUSE AND SENATE MAPS

SJR 100- *Apportionment* by Sen Rodrigues (R) passed this session. A joint resolution that provides for the apportionment of the House of Representatives and the Senate. The bill adopts the United States Decennial Census of 2020 for use in such apportionment, provides for the inclusion of omitted areas, clarifies that the apportioned districts constitute the legislative districts of the state and members of the Legislature will be elected for these representative and senatorial districts. Electronic maps will serve as the official maps of the legislative districts of the state. The Resolution includes House and Senate Map: H000H8013 and S027S8058.

CONGRESSIONAL MAPS HEAD TO GOVERNOR FOR APPROVAL

SB 102- *Establishing the Congressional Districts of the State* by Sen. Rodrigues (R) passed this session. The bill adopts the United States Decennial Census of 2020 as the official census of the state for the purpose of redistricting the state's

congressional districts. Provides for the inclusion of unlisted territory in contiguous districts in accordance with figures from the United States Decennial Census of 2020. Electronic maps will serve as the official maps of the congressional districts of the state and requires the maps to be made available to the public by the Office of Economic and Demographic Research within 10 days after the effective date of the act.

The bill includes a primary and secondary Congressional plan: H000C8019 and H000C8015.

- Plan H000C8019, the "primary" plan, apportions the state into 28 single-member congressional districts. This plan will serve as the map for elections beginning in 2022.
- Plan H000C8015, the "secondary" plan, apportions the state into 28 single-member congressional districts. Plan H000C8015 will take immediate effect and serve as Florida's congressional districts for elections beginning in 2022 and thereafter, if the "primary" plan above is not approved.

NOVEMBER SPECIAL SESSION: LEGISLATION SIGNED INTO LAW

BILL PROHIBITING VACCINE MANDATES IN PUBLIC AND PRIVATE INSTITUTIONS SIGNED INTO LAW

HB 1B- *COVID-19 Mandates* by Reps. Grall and Massullo, Jr. (SB 2B by Sen. Burgess) passed this special session. The bill prohibits a governmental entity or educational institution from imposing a COVID-19 vaccination mandate on any full-time, part-time, or contract employee. If a violation occurs by a government entity, the Department of Health may impose a fine not to exceed \$5,000 per violation. If a public employee is terminated based on the employee's noncompliance with a COVID-19 vaccine mandate, the terminated employee may be eligible for reemployment assistance. The bill also prohibits private employers from imposing a COVID-19 vaccine mandate without providing the ability to "opt-out." The following opt-out exemptions include: medical reasons, including pregnancy or anticipated pregnancy, religious reasons for those with a "sincerely held religious belief", COVID-19 immunity, periodic testing, or use of employer-provided personal protection equipment. Such exemptions must be submitted to the employer on forms adopted by the Department of Health (DOH). If a violation occurs (such as an improper termination) by a private employer, the Attorney General must impose administrative fines of \$10,000 for employers with fewer than 100 employees or \$50,000 for employers with 100 or more employees. Additionally, the bill prohibits school boards and local officials from requiring students to wear a face mask or covering without a parental exemption. These provisions sunset on June 1, 2023.

Approved by Governor: November, 18, 2022; Chapter 2022-272; Effective date: Upon becoming a law.

BILL PROVIDING A PUBLIC RECORDS EXEMPTION ON EMPLOYEE COMPLAINTS RELATED TO COVID-19 VACCINATION POLICIES SIGNED INTO LAW

HB 3B- *Public Records/Employer COVID-19 Vaccination Policies* by Reps. Grall and Massullo Jr. (SB 4B- By Sen. Burgess) passed this special session. The bill, linked to HB 1B, provides an exemption from public records requirements for employee complaints alleging a private employer COVID-19 vaccination policies or practices.

After an investigation is completed or ceases to be active, information relating to the investigation remains confidential

and exempt from public records requirements if disclosure of that information would:

- jeopardize the integrity of another active investigation;
- reveal medical information about an employee; or
- reveal information regarding an employee's religious beliefs.

The public records exemption expires on October 2, 2023.

Approved by Governor: November, 18, 2022; Chapter 2022-273; Effective date: Upon becoming a law.

LEGISLATION PROPOSING TO WITHDRAW FROM THE OSHA SIGNED INTO LAW

HB 5B- *Florida Occupational Safety and Health State Plan* by Rep. Zika (SB 6B by Sen. Hutson) passed this special session. The bill proposes to withdraw from the federal Occupational Safety and Health Administration (OSHA) and establishes the Florida Occupational Safety and Health State Plan. Specifically, the Executive Office of the Governor (EOG) will develop a proposal for a state plan by January 17, 2022, to assert state jurisdiction over occupational safety and health issues for both government and private employees. Additionally, the bill appropriates \$1 million to the EOG to implement the plan. Currently, 22 states have an OSHA approved state program, and 5 states and the U.S. Virgin Islands have OSHA approved state plans that only cover public sector employers. Approved by Governor: November, 18, 2022; Chapter 2022-274; Effective date: Upon becoming a law.

BILL REMOVING VACCINATION POWERS FROM THE STATE HEALTH OFFICER AUTHORITY SIGNED INTO LAW

HB 7B- *Vaccinations During Public Health Emergencies* by Rep. Andrade (SB 8 by Sen. Bean) passed this special session. The bill removes the authority from existing law that allowed the State Health Officer to order vaccinations on individuals during a public health emergency. However, the bill keeps intact the ability of the State Health Officer to order an individual to be examined, tested, treated, isolated, or quarantined when a communicable disease presents a severe danger to public health.

Approved by Governor: November, 18, 2022; Chapter 2022-275; Effective date: Upon becoming a law.

SFY 2022-23 HOUSE & SENATE BUDGET –

On March 14th 2021, the Florida House of Representatives and the Florida Senate agreed to the budget for the State Fiscal Year (SFY) 2022-2023. The budget is the culmination of many rounds of budget negotiations throughout the legislative session. The Florida Legislature is constitutionally required to pass a state budget, officially titled as the General Appropriations Act, or HB 5001, during the annual regular session. The Legislature extended the regular session to complete the budget during “overtime” with Sine Die

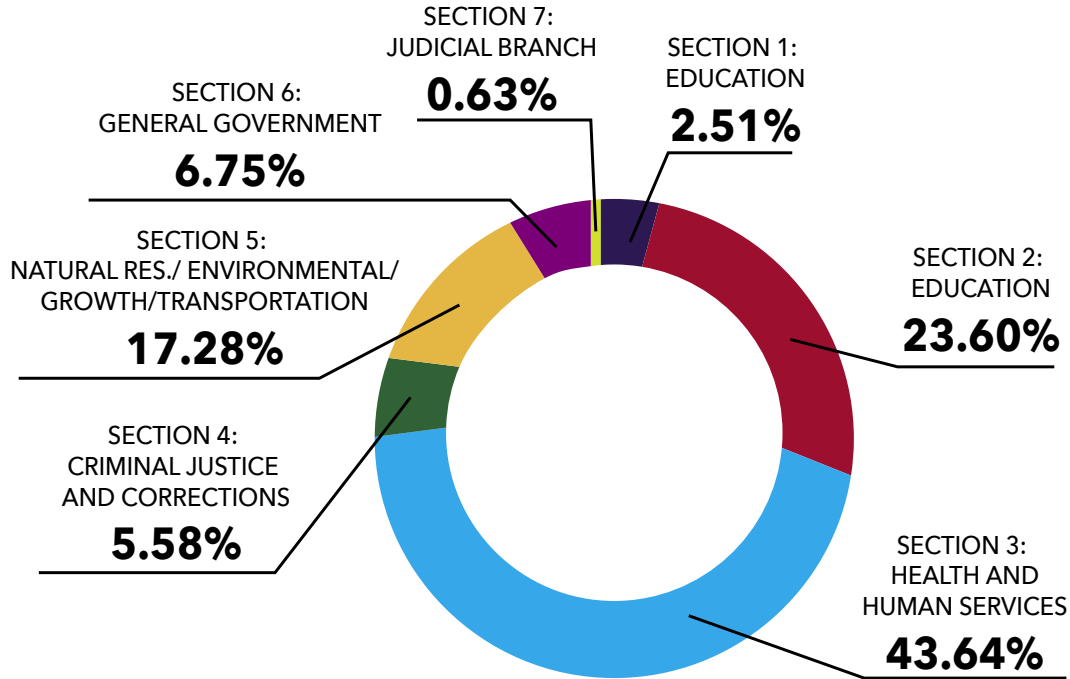
occurring three days later than expected. HB 5001 passed the House and Senate, 105-3 and 33-0 respectively. The House and Senate’s budget for State Fiscal Year 2022-2023 totals approximately \$112.1 billion, and represents a 10.37% increase from the previous SFY 2021-2022 General Appropriations Act. The chart below summarizes a comparison of this year’s SFY 2022-2023 budget and the budget approved from SFY 2021-2022.

Budget Comparison by Section	FY 2022 GAA	FY 2023 GAA	\$ Difference SFY 22 vs. SFY 2023	% Difference SFY 22 vs. SFY 2023	% of Total
Section 1. Education	\$ 2,409,443,736	\$ 2,817,456,263	\$408,012,527	16.93%	2.51%
Section 2. Education	\$ 27,695,500,142	\$26,450,922,960	\$(1,244,577,182)	-4.49%	23.60%
Section 3. Health and Human Services	\$44,570,570,233	\$48,909,546,871	\$4,338,976,638	9.74%	43.64%
Section 4. Criminal Justice and Corrections	\$5,218,482,465	\$6,257,148,587	\$1,038,666,122	19.90%	5.58%
Section 5. Natural Resources/Environment/Growth/Transportation	\$14,682,882,904	\$19,367,675,516	\$4,684,792,612	31.91%	17.28%
Section 6. General Government	\$ 6,299,539,128	\$7,565,508,833	\$1,265,969,705	20.10%	6.75%
Section 7: Judicial Branch	\$ 667,223,975	\$702,774,972	\$ 35,550,997	5.33%	0.63%
Total Budget	\$101,543,642,583	\$112,071,034,002	\$ 10,527,391,419	10.37%	100%

Health and Human Services received the largest portion of funding for the budget in SFY 2022-2023, totaling approximately \$48.9 billion. This represents a 9.74% increase in appropriation from the current year. All educational programs and services combined received the second largest amount of funding, totaling approximately \$29.3 billion. This represents a decrease of approximately 3% from the current fiscal year.

Finally, Natural Resources, Environmental Issues, Growth Management and Transportation Expenditures represent the third largest portion of the budget in SFY 2022-2023 with funding equaling approximately \$19.4 billion. This represents an increase of approximately 31.91% from the current fiscal year.

SFY 2023 GENERAL APPROPRIATIONS ACT: % OF TOTAL BUDGET



General Revenue expenditures for the SFY 2022-2023 budget equals approximately \$43.7 billion, while trust fund expenditures total approximately \$68.4 billion. The chart

below compares expenditures between the SFY 2022-2023 budget and the previous year's budget for SFY 2021-2022 by fund type.

Budget Comparison by Fund Type	FY 2022 GAA	FY 2023 GAA	\$ Difference SFY 22 vs. SFY 2023	% Difference SFY 22 vs. SFY 2023
General Revenue	\$ 36,343,570,215	\$ 43,717,505,227	\$ 7,373,935,012	20.29%
Trust Funds	\$ 65,200,072,368	\$ 68,353,528,775	\$ 3,153,456,407	4.84%
All Funds	\$ 101,543,642,583	\$ 112,071,034,002	\$ 10,527,391,419	10.37%

COUNTY FUNDING HIGHLIGHTS

HEALTH AND HUMAN SERVICES

Shared County/State Juvenile Detention: The SFY 2022-2023 budget estimates the counties' portion of total Shared County/State Juvenile Detention to be \$62,601,560. This represents an estimated increase of about \$833,213 from the current year budget, or approximately 1%.

Community Substance Abuse and Mental Health Services: Funded at approximately \$1.108 billion in the budget, which represents a \$56.5 million increase from the previous fiscal year.

Community Action Treatment (CAT) Teams: The SFY 2022-2023 budget allocates \$30.75 million, directed to DCF to contract with providers throughout the state for operation of CAT teams, which provide community-based services for children (aged 11 to 21) with mental health and/or substance abuse diagnoses, this is the same budget as the previous fiscal year.

Public Safety, Mental Health, and Substance Abuse Local Matching Grant Program: The SFY 2022-2023 budget allocates \$9 million for the program, which supports county programs that serve adults or youth who are in behavioral crisis and at risk of entering the criminal justice system. This represents the same budget year funding as the previous fiscal year.

Crime Labs: The SFY 2022-2023 budget allocates slightly over \$63 million in grants and aids to local governments for criminal investigations, which represents a 3% increase over the previous fiscal year.

Homeless Programs Challenge Grants: The SFY 2022-2023 budget allocates approximately \$3.2 million respectively, to DCF for challenge grants, which are awarded to lead agencies of homeless assistance continuums of care. This represents the same budget year funding as the previous fiscal year.

AGRICULTURAL & ENVIRONMENT

Water Quality Highlights:

- **Septic-to-Sewer/Stormwater Improvements:** The SFY 2022-2023 budget allocates \$125 million from the Water Protection and Sustainability Program Trust Fund are provided for the wastewater grant program as established in section 403.0673, Florida Statutes. \$10

million is provided for the Septic Upgrade Incentive Program to incentivize homeowners in Priority Focus Areas to upgrade their septic system to include nitrogen reducing enhancements.

- **Wastewater Treatment Facility Construction:** \$264.8 million
- **Water Quality Enhancement and Accountability:** The budget allocates \$10.8 million for increased water quality monitoring, creation of a water quality public information portal, and for the establishment of the Blue-Green Algae Task Force. Funds may be used for administration and planning costs. The task force will support key funding and restoration initiatives to expedite nutrient reduction in Lake Okeechobee and the St. Lucie and Caloosahatchee estuaries. The task force will identify priority projects for funding that are based on scientific data and build upon Basin Management Action Plans (BMAPs) to provide the largest and most meaningful nutrient reductions in key waterbodies, as well as make recommendations for regulatory changes. \$4 million of those funds are provided to the DEP will continue to expand statewide water quality analytics for the nutrient over-enrichment analytics assessment and water quality information portal to include a comprehensive statewide flood vulnerability and sea level rise data set.
- **Total Maximum Daily Loads:** The SFY 2022-23 budget allocates \$50 million for Total Maximum Daily Loads, which represents a \$5 million increase over the previous fiscal year. The allocation may include innovative water treatment projects that demonstrate the ability to most rapidly achieve department verified phosphorous and/or nitrogen load reductions consistent with the nutrient load reduction goals and total maximum daily loads established by the department. The department may also provide cost-share funding for innovative nutrient removal projects.
- **Harmful Algal Blooms:** The SFY 2022-23 budget allocates \$15.6 million for the purpose of supporting the evaluation and implementation of innovative technologies and short-term solutions to combat or clean up harmful algal blooms and nutrient enrichment of Florida's fresh waterbodies, including lakes, rivers, estuaries and canals. Funds may be used for the Department's red tide emergency grant program to support local governments in cleaning beaches and coastal areas to minimize the impacts of red tide to residents and visitors. Funds may also be used to implement water quality treatment technologies,

identified by the Department, near water control structures in Lake Okeechobee.

- **Springs Restoration:** The SFY 2022-23 budget allocates \$75 million for land acquisition to protect springs and for capital projects that protect the quality and quantity of water that flows from springs.
- **Alternative Water Supply:** The SFY 2022-23 budget allocates \$50 million, all of which is contingent ARPA funds, to the water supply and water resource development grant program to help communities plan for and implement conservation, reuse and other water supply and water resource development projects.

Everglades Restoration: Approximately \$875.9 million total; \$350 million is specifically appropriated to achieve the greatest reductions in harmful discharges to the Caloosahatchee and St. Lucie Estuaries as identified in the Comprehensive Everglades Restoration Plan.

Florida Forever Programs and Land Acquisition:
\$168.7 million

Florida Recreation Development Assistance Grants:
\$10.7 million.

Beach Management Funding Assistance Program:
The SFY 2022-23 budget allocates \$50 million to the Department of Environmental Protection in Fixed Capital Outlay for distribution to beach and inlet management projects.

Resilient Florida Trust Fund and programs:

The SFY 2022-23 budget allocates \$504.2 million

- \$270.9 million provided to the Department of Environmental Protection for the Statewide Flooding and Sea Level Rise Resilience Plan, years one through three, as submitted on 12/1/2021. In the event that projects included in the plan are unable to continue, the department may include a revised list of projects in its Statewide Flooding and Sea Level Rise Resilience Plan submission on December 1, 2022.
- \$2 million is appropriated to regional resilience coalitions.
- \$2.9 million upgrading the Sea Level Impact Projection (SLIP) Study Tool, regional living shoreline restoration suitability modeling, and sea level rise modeling.
- \$7.1 million for data collection and analysis for the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Assessment.
- \$20 million for Resilient Florida Planning Grants as specified in HB 7053 passed this session.
- \$1.3 million for grants and aids to local governments for the Florida Coastal Zone Management Program for priority areas including Resilient Communities, Coastal

Resource Stewardship, Access to Coastal Resources, and Working Waterfronts.

- Section 197 of the GAA provides \$200 million from the Resilient Florida Trust Fund is appropriated in Fixed Capital Outlay and placed in reserve for the Resilient Florida Program pursuant to section 380.093, Florida Statutes. The department is authorized to submit budget amendments to request the release of funds pursuant to chapter 216, Florida Statutes. Up to \$20,000,000 may be used to provide grants for the Resilient Florida Grant Program. The remaining funds are provided for projects included in the Statewide Flooding and Sea Level Rise Resilience Plan to be submitted on December 1, 2022.

Mosquito control programs: The SFY 2022-23 budget allocates \$2.66 million

PFAS Testing: The SFY 2022-23 budget allocates \$32.86 million is provided for grants and aids to local governments for testing and remediation of any pollutant that is a perfluoroalkyl or polyfluoroalkyl substance (PFAS) or any pollutant identified by the Environmental Protection Agency Administrator as a contaminant of emerging concern.

TRANSPORTATION AND ECONOMIC DEVELOPMENT

Affordable Housing:

- State Housing Initiatives Partnership (SHIP) program: The SFY 2022-2023 budget allocates approximately \$209.48 million for the State Housing Initiatives Partnership (SHIP).
- State Apartment Incentive Loan Program (SAIL): The SFY 2022-2023 budget allocates \$153.25 million for the State Apartment Incentive Loan Program (SAIL), including a \$100 million allocation for a Florida Hometown Hero Housing Program. While SB 788 by Senator Hooper established a Hometown Hero program with eligibility criteria, that bill did not pass and was withdrawn from consideration. The proviso to line item 2289 in the General Appropriations Act provides that \$100,000,000 of nonrecurring funds from the State Housing Trust Fund, traditionally used for State Apartment Incentive Loan (SAIL) Program, shall be used by the Florida Housing Finance Corporation to establish a Florida Hometown Hero Housing Program to provide down payment and closing cost assistance. No other legislation passed providing any direction on this new program or how eligibility will be determined.

Job Growth Grant Fund: The SFY 2022-2023 budget allocates \$50 million.

Visit Florida: The SFY 2022-23 budget allocates \$50 million

Small County Outreach Program (SCOP): The SFY 2022-23 budget allocates \$114.9 million

Small County Road Assistance Program (SCRAP): The SFY 2022-23 budget allocates \$47.7 million

Transportation Disadvantaged Grants and Aids: The SFY 2022-23 budget allocates approximately \$60.4 million.

Broadband Opportunity Program: Section 197 of the GAA provides \$400 million from the General Revenue Fund is appropriated to the Department of Economic Opportunity in Fixed Capital Outlay to expand broadband Internet service to unserved areas of the state. Funds are provided for the Broadband Opportunity Program to award grants for the installation or deployment of infrastructure that supports the provision of broadband Internet service as provided in section 288.9962, Florida Statutes.

Rural Economic Development

- **Rural Infrastructure Fund:** The SFY 2022-23 budget allocates \$31.6 million to support local rural infrastructure projects such as broadband, roads, storm and wastewater systems, and telecommunications facilities. The eligible uses of these funds include roads or other remedies to transportation impediments; storm water systems; water or wastewater facilities; and telecommunications facilities and broadband facilities. Of this appropriation, \$5 million is specifically appropriated to the Hurricane Michael impacted counties. \$25 million is appropriated from the federal Coronavirus State Fiscal Recovery Fund.
- **Rural Community Development Revolving Loan Program:** The SFY 2022-23 budget allocates \$1.17 million to provide local governments with access to financial assistance to further promote the economic viability of Florida's rural communities.
- **Small County Wastewater Grants:** The SFY 2022-23 budget allocates \$12 million
- **Small and Disadvantaged Communities Water Infrastructure Improvements:** The SFY 2022-23 budget allocates \$34.7 million

GENERAL GOVERNMENT

Library Grants and Library Cooperatives: The SFY 2022-23 budget allocates \$23.45 million

Fiscally Constrained County Funding: The SFY 2022-23 budget allocates \$38.8 million, to offset the impacts of previously approved constitutional amendments.

Emergency Distributions: The SFY 2022-23 budget allocates \$31.1 million in emergency distributions revenue sharing for small counties.

Cybersecurity Technical Assistance: The SFY 2022-23 budget allocates \$35.4 million for local government cybersecurity technical assistance grants. The Department of Management Services shall administer the competitive grant program, and the State Chief Information Security Officer shall develop the criteria and process for awarding such assistance funds to municipalities and counties.

Cybersecurity Employee Training Standards: The SFY 2022-23 budget allocates \$30 million for to the Florida Center for Cybersecurity at the University of South Florida to conduct cybersecurity training for state and local government executive, managerial, technical, and general staff. Training standards are stipulated in HB 7055 passed this session.

BACK OF THE BUDGET

Citrus Canker Litigation Payments: Section 105 of the GAA provides for \$76.9 million for the Department of Agricultural and Consumer Services to make full and final payments on all amounts due under the Class action Settlement agreement dated January 10-11, 2022.

Emergency Distribution: Section 150 of the GAA provides for \$5.2 M from the Local Government Half cent Trust Fund to be distributed to counties during fiscal year 2021-22.

Fiscally Constrained Counties: Section 151 of the GAA provides \$4.4 M from General Revenue for the purpose of mitigating deficits in the Fiscally Constrained Counties and Fiscally Constrained Counties Conservation Lands Distributions as determined by the January 18, 2022, Revenue Estimating Conference.

Coronavirus State Fiscal Recovery Funds: Section 197 of the GAA outlines certain authorized appropriations for the 2021-22 fiscal year and provides for a reappropriation for 2022-23 if funds are not expended in 2021-22. Please note some of these amounts are included in the write-ups above:

- \$400 million for the Broadband Opportunity Program (included in the amounts above);
- \$300 million for Land Acquisition;
- \$205 million for Local Support Grants – the process for which will be established by July 15, 2022, and awards made by September 15, 2022. No more than \$125 million shall be used for grants to local governments for one time recognition payments of up to \$1000 per first responder;
- \$200 million to offset revenue losses associated with the Florida Motor Fuel Tax Relief Act of 2022;

- \$200 million for Resilient Florida Grant Program (included in the amounts above);
- \$30 million for Small County Outreach Program (included in the amounts above);
- \$20 million for Small County Road Assistance Program (included in the amounts above);
- \$50 million for the Florida Job Growth Fund (included in the amounts above);
- \$25 million for the Rural Infrastructure Fund (included in the amounts above);

IMPLEMENTING BILL

HB 5003 – Implementing the General Appropriations Act

Juvenile Detention Costs

The Implementing bill provides in section 34 that the Department of Juvenile Justice is required to review county juvenile detention payments to ensure that counties fulfill their financial responsibilities required in s. 985.6865, Florida Statutes. If the Department of Juvenile Justice determines that a county has not met its obligations, the department shall direct the Department of Revenue to deduct the amount owed to the Department of Juvenile Justice from the funds provided to the county under s. 218.23, Florida Statutes. The Department of Revenue shall transfer the funds withheld to the Shared County/State Juvenile Detention Trust Fund.

Affordable Housing – State Apartment Incentive Loan Program and Hometown Hero Program

Section 78 of HB 5003 provides that for 2022-23, funds may be used as provided in the General Appropriations Act, which directs \$100 million in proviso for line 2289 toward a Hometown Hero program for down payment assistance and closing costs established by the Florida Housing Finance Corporation. No substantive language providing for criteria for this new program was passed in any legislation during the 2022 session.

Florida State Guard

Section 80 of HB 5003 implements line items 3024 through 3033A of the General Appropriations Act, which provides \$10 million funding for the Florida State Guard. Section 80 creates section 251.001, F.S. the Florida State Guard Act, which creates a Florida State Guard that operates at the direction of the Governor, and which may have a maximum number of 400 members. The act is only approved for 2022-23 State Fiscal Year.

Financial Interest Disclosure Requirements Modified for 2022-23

Section 91 of HB 5003 delays the date where all Financial Disclosures must be provided electronically from January 1, 2022, to January 1, 2023. It also delays the time when a federal tax return may no longer be used for the purpose of

reporting income from January 1, 2022, to January 1, 2023. Section 93 of HB 5003 provides that all full and public disclosures filed electronically before the effective date of the implementing act are deemed filed. Also requires that Commission on Ethics to post a notice on their website that no additional electronic filings will be accepted from the effective date of this act through December 31, 2022.

Prohibition on Agreements or Grants from the Russian Federation

Section 96 of HB 5003 amends Section 288.860, F.S. to provide that for the 2022-23 fiscal year, a state agency, political subdivision, public school, state college, or state university may not enter into any agreement with or accept any grant from the Russian Federation. This subsection expires July 1, 2023.

CONFORMING BILLS

SB 2512 Aircraft (and drones)

- Provides for executive aircraft pool for state officials
- Creates new security standards for governmental agency use of drones to include:
- Provides definition for “Foreign country of concern” for China, Russia, Iran, North Korea, Cuba, Venezuela, or any other entity under the control of these foreign countries of concern
- Allows the Department of Management Services to update the approved manufacturers list and model numbers that meet security requirements for drone use
- Allows Department of Management Services to grant waivers to governmental agencies (including counties) so long as the public’s interest is protected. The department shall establish the process for waivers by rule.

HB 5007: Florida Retirement System

The conforming bill for the Florida Retirement System raised employer contribution rates into the fund. The legislature ultimately adopted the House’s contribution figures over the Senate’s, matching the Governor’s request.

Employer normal contribution rates for each membership class of Florida Retirement System (For both the Defined Benefit and Defined Investment plans) are amended as follows:

CONTRIBUTION RATES

CLASS	FY 2021-22	FY 2022-23
	Regular	4.91%
Special Risk	15.27%	16.44%
Special Risk Administrative	9.73%	10.77%
Elected Officers (Legislators)	8.49%	9.31%
Elected Officers (Judges)	13.38%	14.41%
Elected Officers (County Officers)	10.28%	11.30%
Senior Management	6.49%	7.70%
DROP	7.23%	7.79%

To address the unfunded actuarial liabilities (UAL) of the Florida Retirement System, the bill amends the current

contribution rates for each membership class as follows:

UNFUNDED ACTUARIAL LIABILITY

CLASS	FY 2021-22	FY 2022-23
	Regular	4.19%
Special Risk	8.90%	9.67%
Special Risk Administrative	26.31%	26.16%
Elected Officers (Legislators)	53.52%	56.76%
Elected Officers (Judges)	25.81%	27.64%
Elected Officers (County Officers)	39.42%	43.98%
Senior Management	20.80%	22.15%
DROP	9.45%	9.15%

In addition to adopting the contribution rates, HB 5007 increased the percent of total contribution to those employees in the defined contribution or investment retirement plan by 3% of gross compensation for each employment class. The above contribution rates reflect this additional amount allocated to the participants of the investment plan.

HB 5011 Inflation Fund

- Creates the Inflation Fund within the Executive Office of the Governor
- Established as the primary funding source to offset budget amendments by an agency or the judicial branch which are necessary to counter increased inflation that exceeds funds appropriated in the General Appropriations Act.

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