



# **FINAL STATE LEGISLATIVE REPORT**

**2022 SESSION**

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## INTRODUCTION

This 2022 State Legislative Report summarizes legislation that passed and/or failed in the House and Senate during the 2022 Legislative Session that was of interest to Broward County. The Legislature adjourned Sine Die on Monday, March 14, after having to extend Session by three days to complete their work on the Fiscal Year 2022 budget. During the 2022 Session, 1,956 bills were filed in both Chambers, but only 285 bills passed both the House and Senate. Overall, the Legislature passed 10 more bills during the 2022 Session than it did in 2021.

The Intergovernmental Affairs/Boards Section worked with the Broward County State Legislative Delegation and managed the County's contract lobby teams in Tallahassee to pass County priority legislation and appropriations and lessen the impact of attempts at preemption and unfunded mandates.

Respectfully,

### **The Intergovernmental Affairs/Boards Section**

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## COMMISSION PRIORITY ISSUES

The bills in this section reflect the bills Intergovernmental Affairs/Boards Section tracked during session that passed and were priority policies adopted by the Board of County Commissioners under the 2022 State Legislative and Executive Program.

### AFFORDABLE HOUSING

SB 962 – RESIDENTIAL DEVELOPMENT PROJECTS FOR AFFORDABLE HOUSING, BY SEN. BRADLEY

*Passed House 112-0; Passed Senate 39-0. Approved by Governor, June 8, 2022; [Chapter No. 2022-176](#).*

[SB 962](#) authorizes a county or municipality, regardless of zoning ordinances or the locality's comprehensive plan, to approve the development of any residential development project, including a mixed-use residential development project, on any parcel zoned for commercial or industrial use if 10 percent of the project's units are reserved for affordable housing. Broward County met with the Senate bill sponsors to ensure a minimum threshold was included in the bill, the original bill had only specified a "portion of" the project be dedicated to affordable housing, which could have resulted in a mixed-use development project with only a single affordable housing unit. Broward County supported the legislation.

### CRIMINAL JUSTICE REFORM

HB 197 – NONJUDICIAL ARREST RECORD OF A MINOR, BY REP. SMITH (D)

*Passed House 115-0; Passed Senate 38-0. Approved by Governor, May 12, 2022; [Chapter No. 2022-112](#).*

[HB 197](#) applies to juveniles who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony. In Broward County, 92 percent of youth enrolled in the county's civil citation jail diversion program complete it successfully, 100 percent of the youth are assessed and referred to services, and 96 percent of the youth who complete the program do not reoffend within one year.

The bill also amends current law to permit a juvenile who completes a diversion program and who has been granted an expunction to lawfully deny or fail to acknowledge their participation in the program and such expunction of the nonjudicial arrest record. This bill expands current law, which only permits a juvenile who completes diversion for a first-time misdemeanor offense to lawfully deny or fail to acknowledge his or her participation in the program and the expunction.

The bill clarifies that only a minor who has completed a diversion program and who has been granted an expunction under [s. 943.0582, F.S.](#), may lawfully deny participation in the diversion program and such expunction. The bill passed off the [House Floor](#) unanimously (115-0) on Thursday.

[HB 195](#) ([Chapter No. 2022-111](#)) is linked to the passage of HB 197. This bill provides that a nonjudicial record of the arrest of a minor who has successfully completed a diversion program and is eligible for expunction is made confidential and exempt from public disclosure. Because this bill creates a public records exemption.

While the bill was vetoed after the 2021 Legislative Session, the concerning language regarding the expungement of forcible felonies was removed from the bill. Broward County supported the legislation.

### SEA LEVEL RISE, FLOODING AND COASTAL RESILIENCE

HB 7053 – STATEWIDE FLOODING AND SEA LEVEL RISE RESILIENCE, BY REP. BUSATTA CABRERA

*House Passed 114-1; Senate Passed 37-0. Approved by Governor, May 3, 2022; [Chapter No. 2022-089](#).*

[HB 7053](#) establishes the Statewide Office of Resilience within the Executive Office of the Governor. The bill provides that the office must be headed by a Chief Resilience Officer, who is appointed by the Governor.

Additionally, the bill requires the Department of Transportation (DOT) to develop a resilience action plan for the State Highway System. 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.

Additionally, the bill revises statewide resiliency funding and planning, including:

- Authorizing 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;
- Pushing 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; and
- Revising the \$100 million cap on funding to a minimum threshold of \$100 million.

Finally, the bill requires the Florida Flood Hub for Applied Research and Innovation to provide certain data to counties and municipalities for vulnerability assessments. Beginning January 1, 2023, the bill also directs surveyors and mappers to submit digital copies of the elevation certificates they complete to the Division of Emergency Management (DEM) as outlined on DEM’s website.

Broward County worked with stakeholders and the bill sponsors to ensure the valuable input by the county’s Resilience Environment Department was included in the final bill. Broward County supported the legislation.

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HB 513 – CENTRAL AND SOUTHERN FLORIDA PROJECT COMPREHENSIVE REVIEW STUDY, BY REP. BARTLEMAN

*House Passed 113-0; Senate Passed 38-0. Approved by Governor, May 26, 2022; Chapter. No. 2022-147.*

[HB 513](#) directs the South Florida Water Management District (SFWMD) to prepare and submit a consolidated annual report regarding the state of the study. Broward County and its Southeast Florida Regional Climate Change partners supported this legislation.

This legislation was a priority of Broward County this Session. Intergovernmental Affairs secured the bill sponsors and worked the House and Senate legislation through the process and worked with all stakeholders to garner unanimous bipartisan support for the bill.

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SB 518 – PRIVATE PROPERTY RIGHTS TO PRUNE, TRIM, AND REMOVE TREES, BY SEN. BRODEUR

*House Passed 114-1; Senate Passed 37-0. Approved by Governor, May 18, 2022; Chapter. No. 2022-121.*

[SB 518](#) amends [s. 163.045, F.S.](#) to provide that a local government may not burden a property owner’s rights to prune, trim, or remove trees on his or her own property if the tree “poses an unacceptable risk” to persons or property. Under the bill, a tree poses an “unacceptable risk” if removal is the only means of practically mitigating the risk below “moderate,” as defined by the tree risk assessment procedures in Best Management Practices—Tree Risk Assessment, Second Edition (2017). The bill also adds definitions for the terms “documentation” and “residential property.” The definition for “documentation” requires that an onsite assessment be made in a certain manner by a specified type of certified arborist or architect. The bill defines residential property as a single-family detached building located on a lot that is actively used for single-family residential purposes. The building may either be a conforming use or a legally recognized nonconforming use in accordance with the local jurisdiction’s land development regulations. Broward County has been working to amend this preemption since the 2019 law was passed and the County supported this legislation.

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HB 105 – REGULATION OF SMOKING BY COUNTIES AND MUNICIPALITIES, BY REP. FINE

*House Passed 105-10; Senate Passed 30-7. Approved by Governor, June 24, 2022; Chapter. No. 2022-213.*

The state preempts the regulation of smoking. [HB 105](#) amends the Florida Clean Indoor Air Act to allow counties and municipalities to restrict smoking within the boundaries of any public beach or park they own. The bill changes the title of the “Florida Clean Indoor Air Act” to the “Florida Clean Air Act” to account for the broader application of the act proposed in the bill. The bill exempts cities and counties from regulating the smoking of cigars that do not contain a filter or a plastic tip or the smoking of pipe tobacco in a pipe. Broward County supported this legislation.

## BILLS THAT PASSED BY DEPARTMENT

### ADMINISTRATION

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#### SB 4D – CONDOMINIUMS AND COOPERATIVE ASSOCIATIONS, BY SEN. BOYD

*Passed House 110-0; Passed Senate 38-0. Approved by Governor, May 26, 2022.*

[SB 4D - Condominiums and Cooperative Associations](#) requires milestone inspections for condominium and cooperative buildings that are three stories or taller. Such buildings within three miles of the coast must be inspected when they reach 25 years of age, and every 10 years thereafter; beyond three miles of the coast inspections would be required at 30 years of age, and every 10 years thereafter.

Inspections shall consist of two phases. The first phase is a physical inspection by a licensed architect or engineer to look for substantial structural deterioration. A phase two inspection, which may include destructive or nondestructive testing, is required if substantial structural deterioration is found in phase one. All reports must be filed with the local enforcement agency.

A board of county commissioners may adopt an ordinance requiring that a condominium or cooperative association schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report.

The bill also requires the completion of a study of structural integrity reserve funds for future major repairs by December 31, 2024. The amount of funds required by the structural integrity reserve study must be held in reserves. Such funds may not be used for any other purpose.

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#### HB 7 – INDIVIDUAL FREEDOM, BY SPEAKER AVILA

*Passed House 74-41; Passed Senate 24-15. Approved by Governor, April 22, 2022; Chapter No. 2022-072.*

[HB 7](#) seeks to bar public schools or workplaces from making people feel “discomfort” or “guilt” about their race during lessons or trainings focused on inequality. The bill states an individual, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex and an individual should not be made to feel discomfort, guilt, anguish, or any other form of psychological distress on account of their race.

The bill specifies that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe certain specified divisive concepts constitutes unlawful discrimination. The bill defines individual freedoms based on the fundamental truth that all individuals are equal before the law and have inalienable rights. Accordingly, the bill requires that instruction, instructional materials, and professional development in public schools be consistent with principles of individual freedom. The bill will apply to educational institutions and workplaces. Broward County opposed this legislation.

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#### SB 1808 – IMMIGRATION ENFORCEMENT, BY REP. SNYDER BY SEN. BEAN

*Passed House 77-42; Passed Senate 24-15. Approved by the Governor, June 17, 2022; Chapter No. 2022-193.*

[SB 1808](#) amends the immigration enforcement laws that were enacted in 2019 pursuant to federal law. Specifically, the bill:

- Amends the definition of “sanctuary policy” to prohibit any policy adopted or allowed by a state or local government that impedes or prohibits a law enforcement agency from providing information to a state entity on the immigration status of an inmate or detainee in the custody of the law enforcement agency.
- Requires each law enforcement agency that operates a county detention facility to enter into a written agreement with ICE, by January 1, 2023, to participate in the 287(g) program, in which ICE trains local law enforcement officers to perform specified immigration enforcement functions.
- Prohibits a state, regional, or local governmental entity from entering into, amending, or renewing a contract, including a grant agreement or economic incentive program payment agreement, with a common carrier or contracted carrier if the carrier is willfully providing any service in furtherance of transporting a person into Florida

knowing that the person is an unauthorized alien, except to facilitate the detention of the person, or the removal or departure of the person from Florida or the United States.

- Requires any contract between a state, regional, or local governmental entity and a common carrier or contracted carrier which is executed, amended, or renewed on or after October 1, 2022, to require the common carrier or contracted carrier to attest, under penalty of perjury, that it will not willfully provide any service in furtherance of transporting a person into Florida during the contract term knowing that the person is an unauthorized alien, except to facilitate the detention of the person, or the removal or departure of the person from Florida or the United States, and a provision allowing for termination of the contract for cause if the common carrier or contracted carrier is found to be knowingly transporting an unauthorized alien into Florida.
- Requires an immigration check upon the filing of a criminal case or entry into a detention facility.

Broward County opposed this legislation.

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#### HB 7049 – LEGAL NOTICES, BY JUDICIARY COMMITTEE, REPS. FINE AND GRALL

*Passed House 79-40; Passed Senate 26-13. Approved by Governor, May 10, 2022; Chapter No. 2022-103.*

[HB 7049](#) allows local governments the option to publish its legal notices on the public website of the county in which it lies instead of a printed newspaper if doing so would cost less than publishing legal notices in a newspaper. The bill also reverts the criteria a newspaper must satisfy to publish legal notices back to the criteria in place before the passage of CS/HB 35 (2021); however, except for the requirement that a newspaper must be for sale. Additionally, the bill requires a governmental agency located in a county with a population of fewer than 160,000 to first hold a public hearing and determine that its residents have sufficient access to the Internet before publishing legally required advertisements and public notices on a publicly accessible website. Finally, the bill eliminates the FPA's obligations relating to equitable legal notice access by minority populations. The Senate added an amendment at the end of Session to include free newspapers as eligible newspapers should a local government prefer to print notices rather than publish them online.

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#### HB 7055 – CYBERSECURITY, BY REP. FISCHER

*Passed House 110-0; Passed Senate 38-0. Approved by Governor, June 24, 2022; Chapter No. 2022-220.*

[HB 7055](#) defines the severity level of a cybersecurity incident in accordance with the National Cyber Incident Response Plan. State agencies and local governments must report all ransomware incidents and high severity level cybersecurity incidents to the Cybersecurity Operations Center (CSOC) and the Cybercrime Office within the Florida Department of Law Enforcement as soon as possible but no later than a time certain. Local governments must also report to the sheriff. The bill requires state agencies to report low level cybersecurity incidents and provides that local governments may report such incidents. The bill also requires state agencies and local governments to submit after-action reports to Florida Digital Service following a cybersecurity or ransomware incident.

The bill requires state agency and local government employees to undergo certain cybersecurity training within 30 days of employment and annually thereafter. The bill requires local governments to adopt cybersecurity standards that safeguard the local government's data, information technology (IT), and IT resources. The bill prohibits state agencies and local governments from paying or otherwise complying with a ransomware demand.

The bill provides that a ransomware offense is punishable as a first-degree felony. The bill further provides that an employee or contractor of a government entity, with access to the government entity's network, who willfully and knowingly aids or abets another in the commission of a ransomware offense against the government entity commits a first-degree felony. In addition, the convicted person must pay a fine equal to twice the amount demanded in the ransomware offense, the proceeds of which will be deposited into the state's General Revenue Fund.

## AFFORDABLE HOUSING

SB 196 – FLORIDA HOUSING FINANCE CORPORATION REVENUE BONDS, BY SEN. RODRIGUEZ

*Passed House 110-0; Passed Senate 38-0. Approved by Governor, June 20, 2022; [Chapter No. 2022-194](#).*

[SB 196](#) designates the Florida Housing Finance Corporation (Florida Housing) as the state fiscal agency authorized to make constitutional determinations of fiscal sufficiency in connection with their issuance of bonds. Currently, such determinations must be made by the State Board of Administration (SBA). To complement this change, the bill also removes a reference to SBA rules in the statute governing Florida Housing's Guarantee Program.

The bill amends definitions and regulations related to the qualified contract process by which Florida Housing seeks a purchaser for an affordable housing development. Additionally, the bill proscribes what happens to the affordable housing development's extended use period if a qualified contract does not close. If the reason is generally due to actions by the owner, then the extended use period continues. If contract does not close for other reasons, and Florida Housing is unable to find another purchaser within a 1-year period, then the extended use period ends.

The bill also repeals provisions that limit Elderly Housing Community Loan program loans to \$750,000 per housing community and the requirements for such loans.

## ECONOMIC DEVELOPMENT

SB 434 – TOURISM MARKETING, BY SEN. HOOPER

*Passed House 98-17; Passed Senate 36-3. Approved by Governor, May 6, 2022; [Chapter No. 2022-092](#).*

[SB 434](#) extends the scheduled repeal date for VISIT FLORIDA and the Division of Tourism Marketing from October 1, 2023, to October 1, 2028. The Florida Tourism Industry Marketing Corporation, better known as VISIT FLORIDA, is a state-funded nonprofit corporation that serves as Florida's destination marketing organization, in conjunction with the Division of Tourism Marketing within Enterprise Florida, Inc.

VISIT FLORIDA is authorized by statute and requires an annual appropriation to support its operations. The current statutory authorization is scheduled for repeal on October 1, 2023, unless reviewed and saved from repeal by the Legislature.

SB 514 – SUBSTITUTION OF WORK EXPERIENCE FOR POSTSECONDARY EDUCATION, BY SEN. BURGESS

*Passed House 112-0; Passed Senate 38-0. Approved by Governor, June 9, 2022; [Chapter No. 2022-184](#).*

[SB 514](#) creates s. 112.219, F.S., to allow governmental agencies, during the employee hiring process, to substitute equivalent work experience as an alternative to a postsecondary education if the applicant is otherwise qualified for the position. The bill specifies that work experience may not be substituted for any required licensure, certification, or registration as established by the employing agency and indicated on the position description. The bill defines employing agencies to include any agency or unit of government of the state or any county, municipality, or political subdivision.

The bill requires employing agencies who opt to substitute work experience for postsecondary education, to include a notice in the advertisements for such position that substitution is authorized and a description of what education and work equivalencies apply. The implementation of the bill does not abridge state and federal laws and regulations governing equal opportunity.

## SB 524 – ELECTIONS, BY SEN. HUTSON

*Passed House 76-41; Passed Senate 24-14. Approved by Governor, April 25, 2022; Chapter No. 2022-073.*

SB 524 revises provisions governing elections.

*Related to investigations of election law violations, the bill:*

- Creates the Office of Election Crimes and Security within the Department of State to aid the Secretary of State in completion of his or her existing duties related to investigation of election law violations or election irregularities.
- Expands the governor's current authority to appoint special officers by requiring the governor to, in consultation with the executive director of the Florida Department of Law Enforcement, appoint special officers to investigate alleged violations of election laws.
- Requires the Department of State to annually report specified information regarding each received allegation of an election law violation or election irregularity.

*Related to penalties for election law violations, the bill:*

- Increases to \$50,000 from \$1,000 the annual cap on fines assessed against a third-party voter registration organization that does not timely deliver completed voter registration applications.
- Creates a new penalty that provides that if a person collecting applications on behalf of an organization is found guilty of altering an application without consent, the organization is subject to a fine of \$1,000 per altered application.
- Increases criminal penalties for ballot harvesting and crimes related to ballot petition signatures.
- Expands a criminal penalty for early disclosure of election results and requires authorized observers of vote-by-mail ballot duplication to sign an affidavit acknowledging they are subject to the penalty.

*Related to maintenance of voter registration information, the bill:*

- Increases the frequency with which list maintenance must be conducted.
- Revises options supervisors of elections may use for identifying change-of-address information.
- Specifies voter addresses a supervisor of election must use in conducting list maintenance activities.
- Requires a supervisor of elections to send an address confirmation final notice to a voter if certain conditions are met.
- Requires an inactive voter to confirm his or her current address of legal residence before being restored to active status.
- Creates additional requirements for information other governmental entities must report to the Department of State.

*Related to citizens' initiatives, the bill:*

- Authorizes amendment review processes to be halted if the validity of signatures for an initiative petition have expired.
- Revises retention, maintenance, and website-posting requirements for petition signature forms.

*The bill also:*

- Expands the prohibition against the use of private donations for election-related expenses to apply to any kind of expense, including but not limited to the costs of related litigation.
- Conforms the mailing and canvassing timeframes for all-mail-ballot elections to those for vote-by-mail ballots in regular elections.
- Revises the date by which supervised voting must be requested.
- Prohibits the use of ranked choice voting in any election in the state and preempts any conflicting local ordinances.
- Deletes a requirement that vote targets on ballots must be in the shape of an oval.
- Revises "drop box" terminology to "secure ballot intake station."
- Clarifies the meaning of "permanent branch office of the supervisor" for purposes of placement of secure ballot intake stations.

- Transfers the disclaimer regarding third-party voter registration organizations to the required contents of the uniform statewide voter registration application.
- Requires certain county commissioners of single-member districts to run for election after each decennial redistricting.
- Requires the Department of State to submit a plan to use identifying numbers to confirm the identity of each voter returning a vote-by-mail ballot.

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#### HB 777 – LOCAL TAX REFERENDA REQUIREMENTS, BY REP. ROBINSON

*Passed House 111-2; Passed Senate 39-0. Approved by Governor, June 24, 2022; [Chapter No. 2022-214](#).*

[HB 777](#) requires referenda authorizing certain optional local taxes to be held at a general election. The affected taxes are:

- Tourist Development Tax
- 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 mileages

Presently, the referenda approving the above local taxes are held at elections called by the applicable local governing body. Such elections may be special elections or may be held in conjunction with other local elections, primary elections, or general elections. The bill was amended in its last committee stop to move the bill’s effective date from July 1, 2022, to October 1, 2022, as a compromise to local governments that may have a last referendum during the upcoming primary elections.

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#### SB 1078 – SOIL AND WATER CONSERVATION DISTRICTS, BY SEN. HUTSON

*Senate passed 21-16; House passed 77-39. Approved by Governor, June 15, 2022; [Chapter No. 2022-191](#).*

The bill contains procedures for subdivision of new soil and water conservation districts (SWCDs). The bill allows one SWCD supervisor to be elected from each subdivision and provides for staggered terms. The bill requires SWCD supervisors to be eligible voters who reside within the district and who are actively engaged, or retired after ten years of being engaged in, agriculture; are employed by an agricultural producer; or own, lease, or are actively employed on agricultural land. Candidates will be required to file a statement affirming they meet the qualifications to serve as a supervisor. The bill requires all five supervisors of the governing body of each district meet at least once a year in a public meeting. The bill provides for automatic dissolution of districts if they should fail to meet as required. The bill dissolves the Baker and Martin SWCDs. The bill provides that each supervisor shall be elected at the 2022 general election. It provides that by January 1, 2023, an SWCD in existence on July 1, 2022 must be subdivided in the manner provided by the bill. The bill contains election procedures for existing SWCDs.

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#### HB 921 – LIMITATIONS ON POLITICAL CONTRIBUTIONS, BY REP. DRAKE

*Passed House 80-40; Passed Senate 22-16. Approved by Governor, April 6, 2022; [Chapter No. 2022-56](#).*

[HB 921](#) defines the term “foreign national” and prohibits a foreign national from making or offering to make a contribution or expenditure, directly or indirectly, in connection with any election held in the state. The bill also narrows application of the contribution limit for political committees that are the sponsors of or in opposition to citizens’ initiatives by specifying that the contribution limit applies only to persons who are not residents of the state and to political committees that have not registered an office using a street address located within the state.

Additionally, a Senate amendment was adopted on the Floor that Broward County opposed, which prohibits the use of public funds by local governments for initiating communications pertaining to an issue, referendum, or amendment, including any state question. The prohibition does not preclude a local government or a person acting on behalf of a local government from:

- Reporting on official actions of the local government’s governing body 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 otherwise authorized or required by law.

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HB 7001 – IMPLEMENTATION OF THE CONSTITUTIONAL PROHIBITION AGAINST LOBBYING BY A PUBLIC OFFICER, BY PUBLIC INTEGRITY AND ELECTIONS COMMITTEE

*Passed House 110-0; Passed Senate 38-0. Approved by Governor, May 25, 2022; Chapter No. 2022-140.*

[HB 7001](#) implements the public officer lobbying prohibitions by providing definitions of terms that have no clear constitutional definition.

The bill provides that the prohibitions apply to persons in public office on or after December 31, 2022. It authorizes the Commission on Ethics (Commission) to investigate and determine violations of the new prohibitions. The bill provides a range of penalties for violations and directs the Commission to report post-service lobbying violations and recommended punishment to the Governor for imposition of penalties. Finally, it authorizes the Chief Financial Officer and Attorney General independently to collect monetary penalties imposed.

HEALTH AND HUMAN SERVICES

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HB 5 – REDUCING FETAL AND INFANT MORTALITY, BY REP. GRALL

*Passed House 78-39; Passed Senate 23-15. Approved by Governor, April 14, 2022; Chapter No. 2022-069.*

[HB 5](#) would ban abortions after 15 weeks in Florida. The bill seeks to shorten the state’s legal window to seek out and receive an abortion, as well as defining and codifying different types of recognized abortions. Currently, a woman can seek an abortion up to 24 weeks in gestation. Under the current bill, the state would add definitions for a “medical abortion” to mean abortions caused by a pharmaceutical drug, as well as the more commonly referenced surgical abortion.

The bill also does not provide protections for abortion for victims of rape and incest, it only allows for an exception if the mother’s life is at risk, as in the case of a fatal fetal abnormality. HB 5 is similar to a Mississippi law that was recently upheld by the U.S. Supreme Court in the case *Dobbs v. Jackson Women’s Health Organization* which overruled *Roe v. Wade*.

Democrats filed amendments at every stop but all failed, including an effort to amend the bill to provide an exception for pregnancies related to rape, incest, and human trafficking.

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SB 282 – MENTAL HEALTH AND SUBSTANCE USE DISORDERS, BY SEN. ROUSON

*Passed House 114-0; Passed Senate 37-0. Approved by Governor, March 10, 2022; Chapter No. 2022-13.*

[SB 282](#) promotes the use of peer specialists to assist an individual’s recovery from substance use disorder (SUD) or mental illness. Peer specialists are persons who have recovered from a SUD or mental illness who support a person with a current SUD or mental illness. Specifically, the bill:

- Adds the use of peer specialists as an essential element of a coordinated system of care;
- Provides legislative findings and intent related to the use of peer specialists in the provision of behavioral health care;
- Requires the Department of Children and Families (the DCF) to develop a training program for peer specialists, giving preference to trainers who are certified peer specialists;
- Requires the DCF to certify peer specialists, directly or through the use of a third-party credentialing entity;
- Revises background screening requirements and codifies existing training and certification requirements for peer specialists;
- Adds offenses for which individuals seeking certification as a peer specialist may seek an exemption from eligibility disqualification;
- Allows peer specialists to work with adults with mental health disorders, in addition to SUDs and co-occurring disorders, while a request for an exemption from a background check disqualification is pending;
- Expands the statutory limit for the number of days during which a service provider can work while a request for exemption from a background check disqualification is pending to 180 days from the current 90 days;

- Allows for recovery support services to be reimbursed as a recovery service through the DCF, a behavioral health managing entity, or the Medicaid program.

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SB 704 – SUBSTANCE ABUSE SERVICE PROVIDERS, BY SEN. HARRELL

*House passed 113-0; Senate passed 37-0. Approved by Governor, April 6, 2022; Chapter No. 2022-031.*

[SB 704](#) makes several changes to provisions governing the licensure and regulation of substance abuse treatment programs and providers, including recovery residences and recovery residence administrators. The bill requires applicants for substance abuse service provider licensure to include the names and locations of recovery residences the applicant plans to refer patients to or accept patients from in their licensure application. By July 1, 2022, the bill requires licensed substance abuse service providers to record the names and locations of recovery residences to which the applicant has referred patients, or from which the applicant has accepted patients, in the Provider Licensure and Designations System (PLADS) maintained by the Department of Children and Families (the DCF). Providers must update PLADS with the names and locations of any new recovery residences to which patients have been referred, or from which patients have been received, within 30 business days of referring or receiving patients. Providers are subject to a \$1,000 administrative fine for non-compliance beginning on July 1, 2022.

The bill prohibits certified recovery residence administrators from managing more than 50 patients at once without approval from a certification credentialing entity and prohibits management of more than 100 patients without exception. The bill also removes a cap on the number of recovery residences a certified recovery residence administrator can manage at any given time.

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HB 1557 – PARENTAL RIGHTS IN EDUCATION, BY REP. HARDING

*Passed House 69-47; Passed Senate 22-17. Approved by Governor, March 28, 2022; Chapter No. 2022-022.*

[HB 1557](#) specifies how a parent’s fundamental right to make decisions regarding the care and upbringing of his or her child must be addressed in the public school setting. The bill requires that school districts adopt procedures for notifying parents if there is a change in their student’s services or monitoring related to a student’s mental, emotional, or physical health or well-being. All procedures adopted under the bill must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage students to discuss issues related to his or her well-being with his or her parent. The bill prohibits school districts from maintaining procedures that withhold information, or encourage students to withhold information, related to a student’s mental, emotional, or physical health or well-being from parents. A school district may only withhold information if a prudent person would reasonably believe that disclosure would subject the student to abuse, abandonment, or neglect.

The bill prohibits instruction on sexual orientation or gender identity in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students. At the beginning of each school year, a school district must notify parents of all health care services offered at their student’s school and provide the parent the opportunity to individually consent to, or decline, each service. Additionally, schools may not administer a questionnaire or health screening form to a student in kindergarten through grade 3 without first receiving consent from the student’s parent. All school district student support services training must adhere to guidelines, standards, and frameworks established by the Department of Education (DOE). By June 30, 2023, the DOE must review and update, as necessary, all relevant guidelines, standards, and frameworks for compliance with this bill. Broward County opposed this bill and is opposed to any policy that impedes diversity, equity, and inclusion for any person regardless of their race, ethnicity, sexual orientation, or gender.



## JUSTICE SERVICES

### HB 7029 – TIME LIMITATIONS FOR PREADJUDICATORY JUVENILE DETENTION CARE – BY HOUSE CRIMINAL JUSTICE AND PUBLIC SAFETY SUBCOMMITTEE AND SENATE APPROPRIATIONS

*Passed House 113-0; Passed Senate 37-0. Approved by Governor, June 8, 2022; Chapter No. 2022-181.*

[HB 7029](#) amends s. 985.24 and 985.26, F.S., to revise the time limitations and hearing requirements related to pre-adjudicatory juvenile detention care by:

- Authorizing a court to place a child alleged to be dependent in secure detention care if he or she is also alleged to have committed a delinquent act or violation of law.
- Authorizing a court to place a child on supervised release detention care for any time period until an adjudicatory hearing is completed and requiring a court to conduct a hearing to determine the need for continued supervised release detention care if a child remains on supervised release for 60 days or more.
- Limiting a court from placing a child into secure detention care for more than 21 days unless he or she is charged with a specified offense and the court conducts a hearing at which it makes written findings that the totality of the circumstances warrant an extension of secure detention care, in which case, the court may extend secure detention in up to 21-day increments. If a child remains in secure detention for 60 days, the court must prioritize the disposition of his or her case.
- Revising the offenses a child must be alleged to have committed to be eligible for an extension of secure detention to also include any second-degree felony and a third-degree felony involving violence against a person.
- Authorizing, but not requiring, a law enforcement agency to supervise any court-ordered electronic monitoring of a child on supervised release detention care.

### SB 1012 – VICTIMS OF CRIMES, BY SEN. BURGESS

*Passed House 113-0; Passed Senate 37-0. Approved by Governor, May 12, 2022; Chapter No. 2022-106.*

[SB 1012](#) requires a law enforcement agency to inform a victim of the right to employ private counsel. The bill also encourages the Florida Bar to develop a registry of attorneys who are willing to provide legal counsel to victims *pro bono*. The bill further requires the state attorney and public defender in each circuit to gather specified information relating to victim services, victims' rights, and the criminal justice system within their jurisdiction including:

- The availability of crime victim compensation;
- Crisis intervention services, supportive or bereavement counseling, social service support referrals, and community-based victim treatment programs;
- The role of the victim in the criminal or juvenile justice process;
- The stages in the criminal or juvenile justice process which are of significance to the victim;
- The right of a victim to be informed, to be present, to be heard at all crucial stages of a criminal or juvenile proceeding, and a prompt and timely disposition of the case; and
- In the case of incarcerated victims, the right to be informed and to submit written statements at all crucial stages of the criminal proceedings, parole proceedings, or juvenile proceedings.

## OFFICE OF MANAGEMENT AND BUDGET/FINANCE AND ADMINISTRATIVE SERVICES

### HJR 1 – ADDITIONAL HOMESTEAD PROPERTY TAX EXEMPTION FOR SPECIFIED CRITICAL PUBLIC SERVICE WORKFORCE, BY REP. TOMKOW

*Passed House 115-0; Passed Senate 37-1. Signed by Officers and filed with Secretary of State, March 23, 2022; Proposed Constitutional Amendment.*

[HJR 1](#) is a joint resolution that proposes an amendment to the Florida Constitution to authorize the Legislature to provide by general law, and subject to conditions specified therein, an additional homestead exemption of \$50,000 on the assessed value between \$100,000 and \$150,000 for all taxes other than school district taxes for specified critical public service employees. These employees include law enforcement officers, correctional officers, classroom teachers, active-duty military, firefighters, members of the Florida National Guard, and social workers.

The joint resolution is subject to approval by 60 percent of voters during the 2022 general election or earlier special election. The amendment proposed in the joint resolution will take effect on January 1, 2023. Additionally, the joint resolution is not subject to the governor's veto powers.

The Revenue Estimating Conference states that if the voters approve the constitutional amendment, this bill has a recurring negative impact on non-school local government revenues in Fiscal Year (FY) 2022-23 of \$80.9 million, growing to \$93.6 million in FY 2026-27. The Florida Association of Counties registered opposition of the bill at every committee. However, it had near unanimous and bipartisan support.

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### HB 3 – LAW ENFORCEMENT, BY REP. LEEK

*Passed House 114-3; Passed Senate 34-0. Approved by Governor, April 1, 2022; Chapter No. 2022-023.*

[HB 3](#) is priority legislation of House Speaker Sprowls. The bill provides law enforcement agencies with additional tools to bolster the recruitment and retention of qualified officers by providing financial incentives, enhanced training, expanded educational opportunities, and recognition that honors law enforcement officers' service to the state of Florida.

The sheriffs' amendment that was originally filed to HB 963/SB 1452, ended up being added into HB 3 on the Senate Floor in the last week of Session. The amendment allows a sheriff discretion to transfer funds between fund and functional categories and object and sub-object code levels after the board of county commissioners or budget commission has approved his or her budget. Sen. Brandes called a point of order on adding the language to the bill, as it was not within the bill's scope and required a title change to move forward. However, the point of order was not well taken. Additionally, Sen. Brandes offered a substitute amendment that was proffered by the Florida Association of Counties, which would have allowed sheriff's discretion over their budgets, but retained county oversight, but that was voted down in a bipartisan manner. Broward County was strongly opposed to the amendment and urged its delegation members to vote against it. However, it passed on a voice vote with bipartisan support.

The underlying bill does the following:

- Creates the Florida Law Enforcement Recruitment Bonus Program to provide one-time bonus payments of up to \$5,000 to newly employed law enforcement officers in Florida;
- Creates the Florida Law Enforcement Academy Scholarship Program to cover tuition, fees, and up to \$1,000 of eligible education expenses for trainees enrolled in a law enforcement officer basic recruit training program;
- Creates a reimbursement program to pay for up to \$1,000 of equivalency training costs for certified law enforcement officers who relocate to Florida or members of the special operations forces who become full-time law enforcement officers;
- Provides law enforcement officers who adopt a child from within the state child welfare system with a \$25,000 benefit for adopting a child with special needs or a \$10,000 benefit for adopting a child without special needs;
- Makes dependent children of law enforcement officers eligible to receive a Family Empowerment Scholarship to attend a private school;
- Increases the base salary for each county sheriff by \$5,000;
- Exempts veterans and applicants with an associate degree or higher from taking the basic skills test as a prerequisite to entering a law enforcement officer basic recruit training program;
- Requires that law enforcement officers receive training in health and wellness principles as part of their initial certification training and continued employment training;
- Allows law enforcement officers or former law enforcement officers to receive postsecondary credit at Florida public postsecondary educational institutions for training and experience acquired while serving;
- Encourages each district school board to establish public safety telecommunication training programs and law enforcement explorer programs in public schools; and
- Designates May 1 of each year as "Law Enforcement Appreciation Day."

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HB 963 – FUNDING FOR SHERIFFS, BY REP. HUNSCHOFSKY

*House Passed 114-1; Senate Passed 37-0. Approved by Governor, April 6, 2022; Chapter No. 2022-58.*

[HB 963](#) permits a sheriff, who is under contract with Department of Children and Families (DCF) to conduct child protective investigations, to carry forward unused state funding from one fiscal year to the next. The bill caps the carry forward of unexpended funding to eight percent of the total contract amount or grant award agreement. Any unused funding in excess of the eight percent cap is to be returned to DCF. This legislation will benefit the Broward County Sheriff's Office.

HB 963 limits the use of carry forward funding, such that it:

- Cannot be used to increase a recurring obligation;
- Cannot be used for a program or service that is not authorized by the existing contract with DCF; and
- Must be reported to the department separately from other funding. The bill further specifies that all unexpended funding is to be returned to DCF should a sheriff's office no longer provide child protective investigations.

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HB 7071 – TAXATION, BY REP. PAYNE

*Passed House 107 -0; Passed Senate 33-0. Approved by Governor, May 6, 2022; Chapter No. 2022-097.*

[HB 7071](#) is the annual "tax package" relating to tax reductions and other tax-related modifications.

Several provisions related to sales tax are included in the bill:

- 14-day "back-to-school" tax holiday in July and August 2022 clothing, school supplies, learning aids and puzzles, and personal computers.
- 14-day "disaster preparedness" holiday in May and June of 2022 for specified disaster preparedness supplies for families and their pets.
- 7-day "Freedom Week" tax holiday in July for specified recreational items and activities.
- 7-day tax holiday in September for tools and equipment needed in skilled trades.
- Temporary exemptions including a two-year exemption for impact-resistant windows, doors, and garage doors for residential properties; a one-year exemption for babies and children's clothing, shoes, and diapers; a six-month exemption from certain ENERGY STAR certified refrigerators, refrigerator/freezer combinations, water heaters, and clothes washers and dryers.
- A reduction in the sales tax for new mobile homes from 6% to 3%.
- An exemption from the sales tax on admissions to Formula One Grand Prix races.
- An exemption for machinery and equipment used in the production of green energy.
- An exemption for baby and toddler clothes and children's diapers, for one year.
- An exemption for children's books, for three months to encourage summer reading.

*For fuel taxes, the bill:*

- Provides a \$200 million, 30-day fuel tax holiday, beginning October 1. The bill includes a \$7.9 million allocation to offset the reduction in the county fuel tax (state shared penny), which would provide approximately \$550,000 to Broward County. The bill also stipulates the fuel tax reduction is contingent upon received the American Rescue Plan Act federal funding.

*For property taxes, the bill:*

- Provides property tax relief for homestead property rendered uninhabitable for 30 days or more due to a catastrophic event in 2023 or thereafter and provides relief from all assessments to owners affected by the sudden and unforeseen collapse of a residential building in 2021.
- Provides retroactive property tax relief for owners of Champlain Towers South Tower properties in Surfside.
- Exempts loans from the federal government made in response to a state of emergency from the documentary stamp tax.
- Increases the value of property exempt from ad valorem taxation for residents who are widows, widowers, blind, or totally and permanently disabled from \$500 to \$5,000.
- Modifies the assessment methodology for land used in the production of aquaculture products.
- Updates the qualifying operations for the deployed service member tax exemption.

For corporate income tax, the bill:

- Adopts the Internal Revenue Code in effect on January 1, 2022, to maintain conformity with federal provisions.
- Adds flexibility in the timing of the New Worlds Reading Initiative and Strong Families Tax Credit programs and increases the annual cap of the Strong Families Tax Credit to \$10 million.
- Provides an additional \$14.5 million annually for the Community Contribution Tax Credit program.
- Creates a tax credit for investment in short line railroads.

The bill also allows for an exemption from documentary stamp taxes for certain loans related to emergencies.

## RESILIENT ENVIRONMENT DEPARTMENT

### SB 352 – CONSTRUCTION LIENS, BY SEN. HOOPER

*House Passed 113-0; Senate Passed 37-0. Approved by Governor, May 18, 2022; [Chapter No. 2022-120](#).*

[SB 352](#) requires a notice of commencement to signify that a construction project is beginning. The notice will also determine construction lien priority, provides details necessary for those not in direct contract (“privity”) with the property owner to secure their lien rights by serving a notice to owner, and helps protect property owners who make proper payments from having to pay twice for the same work or materials. Current law exempts from the notice of commencement requirement a direct contract valued at \$5,000 or less and a direct contract for the repair or replacement of an existing heating or air-conditioning system (“HVAC system”) in an amount less than \$7,500. The HVAC system exception was first adopted in 1999 and applied to contracts valued at less than \$5,000. In 2006, the HVAC exception’s limit was increased to \$7,500, but has not been modified since.

The bill increases the HVAC exception limit from \$7,500 to \$12,500. The exception would not apply to subcontractors on a larger project that includes HVAC system repair or replacement or where the project involves the installation of a new HVAC system.

### HB 423 – BUILDING INSPECTION SERVICES, BY REP. LAMARCA

*House Passed 113-0; Senate Passed 38-0. Approved by Governor, May 25, 2022; [Chapter No. 2022-136](#).*

HB 423 was approved by the Governor and signed into law on May 26<sup>th</sup>, 2022. The bill provides that if a person uses a private provider, which was further clarified under the bill in the amendment, the local government must provide equal access to all permitting and inspection documents and reports to the private provider, the owner, and the contractor. It also defines “reasonable administrative fee” and provides that if a notice of deficiency is not issued within two business days of receiving a request for a certificate of occupancy (COO) from a private provider:

- A certificate is “automatically” granted, instead of “deemed” granted;
- The building permit is closed; and
- Local building officials must provide the permit applicant with a written COO within 10 days.

Under the bill, a building official may rescind a certificate of occupancy or certificate of completion within 30 days after issuance for failure to comply, and must provide written notice to the applicant, private provider, and the fee owner. The notice must include reasons for rescinding the certificate and detail how the certificate can be reinstated. A private provider must have the opportunity to cure any deficiencies and resubmit the application.

Broward County worked with the bill sponsor and stakeholders to address the Building Code Division’s concerns with the original bill regarding the issuing of automatic certificates of occupancy. The amendment county staff worked on added compromise language that read “and after the completion of the local building official’s review of all compliance documents and the payment of all outstanding fees.” Under the amended bill, the clock for issuance of the certificate of occupancy does not start until after this action has taken place. In other words, if the building official has yet to review the documents, the CO will not issue automatically, it will only issue automatically if the building official reviewed the documents and did not advise the contractor/owner or issue the CO within a respective two-day or 10-day timeframe.

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HB 481 – TEMPORARY UNDERGROUND POWER PANELS, BY REP. DUGGAN

*House Passed 115-0; Senate Passed 36-0. Approved by Governor, April 27, 2022; [Chapter No. 2022-082](#).*

[HB 481](#) passed unanimously in the House and the Senate and was signed into law by Governor DeSantis on April 27, 2022. The bill provides that neither counties nor municipalities may enact any ordinance, regulation, or policy that prevents, or has the effect of preventing, an electric utility from installing a temporary underground power panel, so long as the temporary underground power panel meets the requirements of Article 590 of the NEC, 2020 edition. The bill defines the term “temporary underground power panel” and provides that a county or municipality that has conducted an inspection of a TUG power panel may not require a subsequent inspection of the panel as a condition of issuance of a Certificate of Occupancy.

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SB 494 – FISH AND WILDLIFE CONSERVATION COMMISSION, BY SEN. HUTSON

*House Passed 116-0; Senate Passed 37-0. Approved by Governor, May 26, 2022; [Chapter No. 2022-142](#).*

[SB 494](#) revises laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities. As it pertains to the county, Section 6 of the bill amends [s. 327.46, F.S.](#), to clarify that when municipalities and counties establish public bathing beach or swim areas as vessel-exclusion zones, they may not establish them within the marked channel of the Florida Intracoastal Waterway or within 100 feet of any portion of the marked channel.

The bill also:

- Amends the Florida Forever Act to require each lead land managing agency, in consultation with the FWC, to consider in the management plan the feasibility of creating a gopher tortoise recipient site for state lands under its management that are larger than 40 contiguous acres.
- Specifies that a vessel is at risk of becoming derelict if it is tied to an unlawful or unpermitted mooring or other structure.
- Specifies the circumstances in which law enforcement may destroy or dispose of a vessel.
- Reorganizes provisions authorizing the FWC to establish a program to provide grants to local governments for the removal, storage, destruction, and disposal of derelict vessels.
- Allows operation of human-powered vessels in the marked channel of the Florida Intracoastal Waterway for specified reasons.
- Specifies that a certificate of title may not be issued for a public nuisance vessel.
- Adds public nuisance vessels to the definition of abandoned property.
- Requires that public bathing beach or swim areas may not be established in whole or in part within the marked channel of the Florida Intracoastal Waterway or within 100 feet of any portion of the marked channel.

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HB 706 – SCHOOL CONCURRENCY, BY SEN. PERRY

*House Passed 113-0; Senate Passed 38-0. Approved by Governor, May 18, 2022; [Chapter No. 2022-122](#).*

Currently, when local governments apply school concurrency specific elements, they must be included in the interlocal agreements, including level of service standards and methodology for determining proportionate-share mitigation. Local governments that elect to apply school concurrency are encouraged, but not required, to do so on a districtwide basis. However, developers may bypass the requirements of school concurrency if they execute a legally binding commitment to provide proportionate-share mitigation, which will be directed by the school board to a school capacity improvement included in the five-year school district educational facilities plan.

[SB 706](#) requires developers to tender, rather than execute, a written, legally binding commitment to provide proportionate-share mitigation. The bill further requires the local government to issue a final decision on the developer’s tendered commitment within 60 days from the date of receipt. If the local government fails to issue a final decision within 60 days, the tendered commitment will be deemed approved. Lastly, the bill requires a school board to set aside and not spend any proportionate-share mitigation if there is no school capacity improvement identified in the five-year school board educational facilities plan until such time as such an improvement has been identified.

The original bill would have applied school concurrency on a countywide basis, which Broward County opposed. However, the County met with the bill sponsors to address concerns and the language was amended out after the first committee stop. The County was neutral on the bill as amended.

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HB 909 – POLLUTION CONTROL STANDARDS AND LIABILITY, BY REP. PAYNE

*House Passed 114-1; Senate Passed 37-0. Approved by Governor, May 18, 2022; Chapter No. 2022-127.*

[HB 909](#) specifies that the Secretary of the Department of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural and is being converted to a nonagricultural use.

The bill prohibits the Secretary from delegating such authority to a city, a county, or another unit of local government through a local pollution control program but specifies that it does not preempt the enforcement authority of a city, a county, or another unit of local government through a local pollution control program. Broward County worked with the sponsors and stakeholders of the legislation to amend the bill throughout the committee process. The County was neutral on the final version of the legislation.

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HB 965 – ENVIRONMENTAL MANAGEMENT, BY REP. TRUENOW

*House Passed 107-0; Senate Passed 39-0. Approved by Governor, June 24, 2022; Chapter No. 2022-215.*

[HB 965](#) creates the concept of water quality enhancement areas (WQEAs). A WQEA is a natural system that is constructed, operated, managed, and maintained pursuant to a permit to provide offsite, compensatory, regional treatment within an identified enhancement service area and enhancement credits. The bill will help governmental entities comply with requirements in BMAP's and the new stormwater rule currently under development by the Department of Environmental Protection.

Specifically, the bill:

- Makes clear that, prior to being able to access any water quality credits at an enhancement area, the governmental entity implementing a project must satisfy all the current on-site stormwater management requirements.
- Clarifies that the proposed WQEAs must be used only to address pollution abatement in the watershed or basin in which they are located.
- Sets for the data and process by which the DEP will establish the amount of water quality enhancement credits that will be made available by one of the projects.
- Requires the performance of a WQEA be verified and monitored on a continuous basis and in perpetuity. This would allow the state to confirm that these systems are performing as expected and that the water quality benefits are in fact, being realized.

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HB 967 – GOLF COURSE BEST MANAGEMENT PRACTICES CERTIFICATION, BY REP. TRUENOW

*House Passed 112-1; Senate Passed 38-0. Approved by Governor, June 20, 2022; Chapter No. 2022-202.*

The Florida golf course industry is the largest of any state. As of 2019, there were 1,306 golf courses and 986 golf facilities in Florida. Site placement and management of golf courses can create environmental harms, but best management practices (BMPs) can help mitigate such impacts. Golf course BMPs attempt to curb excessive and unnecessary fertilization to prevent water pollution due to nutrient runoff or leaching from saturated or compacted soils.

[HB 967](#) requires 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 certification program for golf course BMPs to ensure compliance with fertilizer BMPs. The bill requires UF/IFAS to provide training and testing certification programs and to issue certificates demonstrating satisfactory completion of such programs. The bill provides that certification expires four years after the date of issuance, and recertification is available if an applicant completes eight classroom hours of continuing education. The bill exempts a person certified in golf course BMPs from additional local testing and from local ordinances relating to water and fertilizer use, blackout periods, or restrictions, unless a state of emergency is declared. The bill encourages UF/IFAS to create a registry of persons certified on its website.

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SB 1380 – REAL PROPERTY RIGHTS, BY SEN. RODRIGUEZ (A)

*House Passed 113-0; Senate Passed 37-0. Approved by Governor, June 7, 2022; Chapter No. 2022-171.*

[SB 1380](#) amends laws regarding restrictions on the use of real property. Of concern to Broward County, the bill provides that the owner or operator of a private property used for motor vehicle parking may establish rules, rates, and fines that govern private persons parking motor vehicles on such private property. A county or municipality may not enact an ordinance or a regulation restricting or prohibiting a right of a private property owner or operator to establish rules, rates, and fines governing parking on the private property. The bill requires any private invoice for rates or fines issued for parking on private land to include the following statement in uppercase type:

THIS INVOICE IS PRIVATELY ISSUED, IS NOT ISSUED BY A GOVERNMENTAL AUTHORITY,  
AND IS NOT SUBJECT TO CRIMINAL PENALTIES.

Broward County worked with both the House and Senate sponsors and all stakeholders to amend the bill to ensure that the above statement was included on all fines issued for parking in private lots.

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HB 1475 – CLEANUP OF PERFLUORALKYL AND POLYFLUOROALKYL SUBSTANCE, BY REP. MCCLURE

*House Passed 111-0; Senate Passed 38-0. Approved by Governor, June 20, 2022; Chapter No. 2022-203.*

[HB 1475](#) requires the Department of Environmental Protection (DEP) to adopt by rule statewide cleanup target levels for PFAS in soil and groundwater using specified statutory criteria, with priority given to PFOA and PFOS by January 1, 2023. The bill requires the rules to be ratified by the Legislature to take effect. The bill specifies that until DEP's rule has been ratified by the Legislature, a person may not be subject to any administrative or judicial action brought by any state or local governmental entity to compel or enjoin site rehabilitation, to require payment for the cost of rehabilitation of environmental contamination, or to require payment of any fines or penalties regarding rehabilitation based on the presence of that particular PFAS constituent. Broward County supported this legislation.

SOLID WASTE AND RECYCLING SERVICES

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SB 1764 – FINANCIAL ASSISTANCE FOR MUNICIPAL SOLID WASTE-TO-ENERGY FACILITIES, BY SEN. ALBRITTON

*House Passed 110-8; Senate Passed 38-0. Approved by Governor, June 20, 2022; Chapter No. 2022-203.*

[SB 1764](#) creates section 377.814, Florida Statutes, to establish 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. The stated purpose of the program is to provide financial assistance grants and incentive grants to municipal solid waste-to-energy (MSWE) facilities in order to incentivize the production and sale of energy and reduce waste disposed of in landfills. The bill appropriates \$100 million in recurring funds from the General Revenue Fund to the DACs for the 2022-2023 fiscal year to fund the grant program. The bill appropriates \$159,816 from the General Revenue Fund to the DACs to implement and administer the grant program.

WATER AND WASTEWATER SERVICES

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SB 856 – PRIVATE PROVIDER INSPECTIONS OF ONSITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS, BY SEN. BRODEUER

*House Passed 116-0; Senate Passed 37-0. Approved by Governor, June 20, 2022; Chapter No. 2022-199.*

The Department of Environmental Protection (DEP) is responsible for conducting inspections associated with the construction, installation, maintenance, modification, abandonment, operation, use, or repair of onsite sewage treatment and disposal systems (OSTDS) for residences and certain other establishments. [SB 856](#) authorizes the owner of an OSTDS or a contractor upon the owner's written authorization to hire a private provider to perform an inspection of the OSTDS. The bill specifies that OSTDS inspections may only be performed by certain qualified private providers or an authorized representative of a private provider and prohibits the private provider or authorized representative from inspecting an OSTDS

that the private provider or authorized representative installed. The bill authorizes DEP to audit 25 percent of private providers each year to ensure the accurate performance of OSTDS inspections.

By October 1, 2023, the bill requires DEP to submit a report to the President of the Senate and the Speaker of the House of Representatives on the use of private providers for OSTDS inspections.

## REDISTRICTING

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SJR 100 – JOINT RESOLUTION OF APPORTIONMENT, BY SEN. RODRIGUES (R)

*Passed House 110-0; Passed Senate 34-3. Signed by Officers and Sent to Secretary of State, February 16, 2022. [Laws of Florida 2022.](#)*

The House selected [House Redistricting Plan H000H8013](#) to reapportion the resident population of Florida into 120 State House districts, as required by state and federal law.

Boundaries for the 120-member House create 71 districts carried by former President Trump in the last election, compared to 49 that went for President Biden, despite registered voters in Florida being close to equally divided among Democrats, Republicans and those with no party affiliation. Currently, there are 78 Republicans and 42 Democrats in the lower chamber.

Meanwhile, the Senate chose [Redistricting Plan S027S8058](#), which places some incumbent South Florida Democrats into the same districts. Additionally, some Democrats are concerned that the congressional map will be legally challenged over the failure to increase from four the number of Hispanic districts, particularly in Central Florida.

The Legislature is required to draw the maps based on tier one and tier two standards. Tier one redistricting requirements, in part, include a prohibition on drawing lines with the intent of favoring or disfavoring a political party or an incumbent. Tier two includes standards such as districts being nearly equal in population, remaining compact and, where possible, following boundaries of such things as counties and cities.

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SB 2C – ESTABLISHING THE CONGRESSIONAL DISTRICTS OF THE STATE, BY SEN. RODRIGUES (R)

*Passed House 68-38; Passed Senate 24-15. Approved by Governor, April 22, 2022.*

The governor's staff drew [SB 2C](#) to create the congressional districts of the state through adoption of the U.S. Census of 2020 for use in redistricting for Special Session C, which was convened after the governor vetoed the Legislature's preferred Congressional maps. Special Session C was held between Tuesday, April 19 through Thursday, April 21.

Based on the 2020 United States Census, Florida was apportioned one additional seat in the United States House of Representatives (total of 28) for elections starting in 2022. The ideal population for each congressional district is 769,221. Florida's total population increased by 14.6 percent between the 2010 Census and the 2020 Census. Population growth was not even across the state.



## GOVERNOR'S VETOES

SB 102 - ESTABLISHING THE CONGRESSIONAL DISTRICTS OF THE STATE, BY SEN. RODRIGUES (R)

*House Passed 64-47; Senate Passed 24-15. Governor vetoed March 29, 2022; [Veto Transmittal Letter](#).*

The governor vetoed [SB 102](#), which would have reapportioned the state into 28 congressional districts (plan H000C8019) as required by state and federal law. In a [memorandum](#) prepared by Governor DeSantis' General Counsel, Ryan Newman, the governor's office argued that Congressional District 5 in both maps approved by the Legislature both violate the U.S. Constitution, specifically the Equal Protection Clause of the Fourteenth Amendment. The governor issued a call to the Legislature to convene a Special Session the week of April 18, 2022.

SB 620 – LOCAL BUSINESS PROTECTION ACT, BY SEN. HUTSON

*Passed House 69-45; Passed Senate 22-14. Governor vetoed June 24, 2022; [Veto Transmittal Letter](#).*

The governor vetoed [SB 620](#), which would have created a cause of action for an established business to recover loss of business damages from a county or municipality whose regulatory action has caused a 15% or greater loss of profit as applied on a per location basis of a business operating within the jurisdiction. The business would have been required to have been in operation for at least 3 years in the jurisdiction to qualify.

Under the bill, a local government had the opportunity to cure within a 120-day timeframe by amending or repealing the local government actions causing business damages; by publishing notice of its intent to repeal or amend the ordinance; or providing a waiver to a business that would effectively exempt it for the ordinance. A business would have been required to file an action for business damages within one year after the effective date of the relevant ordinance, ordinance amendment, or charter provision. The bill also would have provided that a court may award reasonable attorney fees and costs to the prevailing party.

The bill also stipulated that a local government is not liable for business damages caused by an ordinance or charter provision related to:

- Compliance with state and/or federal law;
- Emergency ordinances adopted pursuant to state order;
- Temporary emergency ordinances effective for less than 90 days;
- An ordinance or charter provision enacted to implement Part II of Chapter 163 related to growth management, planning and land development regulation including zoning, development orders, and development permits;
- The Florida Building Code;
- The Florida Fire Prevention Code;
- The implementation of a contract or agreement;
- The issuance or refinancing of debt;
- Adoption of a budget or budget amendment;
- Procurement; or
- The facilitation of economic competition.

According to [Florida TaxWatch](#), the bill could have conservatively cost local governments a combined \$900 million in increased exposure to liability. As an unfunded mandate, the bill should have been required to pass by two-thirds majority vote; however, it passed by less than that out of both chambers. Broward County submitted a veto request letter to Governor DeSantis.

*Passed House 83-31; Passed Senate 24-15. Governor vetoed April 27, 2022; Veto Transmittal Letter.*

[HB 741](#) would have established a revised net metering program that credits excess energy delivered to an investor-owned electric utility's (IOU) system by customer-owned renewable generation in accordance with a graduated schedule as described below. Broward County opposed this bill in every committee, alongside a multitude of solar industry advocates.

The bill provides that, effective January 1, 2024, IOU net metering programs must provide the following terms:

- IOU net metering programs must continue to provide that all electricity used by a customer exceeding the generation supplied by the customer's owned or leased renewable generation is billed by the IOU under normal billing practices.
- Excess electricity produced by customer-owned or leased renewable generation delivered to the IOU's electric grid during the customer's regular billing cycle must be credited to the customer's energy consumption for the next month's billing cycle as follows:
  - For energy credits produced from customer-owned or leased renewable generation for which a net metering application is approved between January 1, 2024, and December 31, 2025, the customer's energy usage shall be offset by 75 percent of the amount credited.
  - For energy credits produced from customer-owned or leased renewable generation for which a net metering application is approved between January 1, 2026, and December 31, 2026, the customer's energy usage shall be offset by 60 percent of the amount credited.
  - For energy credits produced from customer-owned or leased renewable generation for which a net metering application is approved between January 1, 2027, and December 31, 2028, the customer's energy usage shall be offset by 50 percent of the amount credited.

In summary, the value of credit owed to a customer for excess generation delivered to the grid from the customer's renewable generation is determined by the date the net metering application for the customer's renewable generation is approved, and such credits will be netted monthly.

Under the bill, customers who own or lease renewable generation for which a net metering application is approved before January 1, 2029, pursuant to a standard interconnection agreement with an IOU, will be granted 20 years to continue to use the net metering design and rates that applied at the time the net metering application was approved for the renewable generation. The bill provided that the 20-year period applies to customers who purchase or lease real property upon which customer-owned or leased renewable generation is installed for all or part of that 20-year period.

The bill provided that after the new net metering programs become effective on January 1, 2024, an IOU may petition the PSC for approval to impose any combination of fixed charges, including base facilities charges, electric grid access fees, or monthly minimum bills to ensure that the IOU recovers the fixed costs of serving customers who own or lease renewable generation and that the general body of ratepayers does not subsidize customer-owned or leased generation. Within 180 days, the PSC must issue a final order on any such petition filed by an IOU.

The bill required the PSC to adopt new rules to establish a new program design to become effective January 1, 2029, for customers who own or lease renewable generation for which a net metering application is approved after that date. The new program design must ensure that:

- IOU customers who own or lease renewable generation pay their full cost of electric service and are not cross subsidized by the general body of ratepayers;
- All energy delivered by the IOU is purchased at its applicable retail rate; and
- All energy delivered by the customer-owned or leased renewable generation to the IOU is credited to the customer at the IOU's full avoided costs.

The bill provided that if the PSC finds that the penetration rate of customer-owned or leased renewable generation in an IOU's service territory exceeds 6.5 percent within the succeeding 12 months, the PSC, upon petition or its own motion, must initiate rulemaking to adopt a program design that complies with the program requirements for customer-owned or leased renewable generation after January 1, 2029. The new program design would become effective 60 days after rule adoption or 60 days after the date the commission determines the actual penetration rate has reached 6.5 percent. The bill states that the penetration rate shall be calculated by dividing the total summer peak demand of all IOUs in the state by the aggregate gross power rating (alternating current) of all in-service customer-owned or leased renewable generation in the IOU's service territory.

The bill states that the program requirements are minimum requirements for IOU net metering programs, and that an IOU may petition the PSC at any time for approval to offer a net metering program that is not less favorable to customers who own or lease renewable generation.

The bill permitted an IOU to petition the PSC for recovery, through the IOU's fuel and purchased power cost recovery charge, lost revenue resulting from the incremental addition of residential customer owned or leased solar photovoltaic generation within the IOU's service territory between July 1, 2022, and December 31, 2023. To do so, this additional customer-owned or leased solar photovoltaic generation must be above the level that such generation was estimated to be installed within the IOU's service territory during the same period. The bill required an IOU seeking recovery of lost revenues to demonstrate that the relief requested does not cause the IOU to exceed the rate of return on equity authorized by the PSC in the IOU's most recent rate proceeding.

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SB 2508 – ENVIRONMENTAL RESOURCES, BY SEN. ALBRITTON

*House Passed 99-8; Senate Passed 33-0. Governor vetoed June 8, 2022; [Veto Transmittal Letter](#).*

[SB 2508](#) is a budget conforming bill that would require the South Florida Water Management District (SFWMD) to make recommendations to the U.S. Army Corps of Engineers, the federal agency that controls releases from Lake Okeechobee that do not reduce the amount of water available to “existing legal users.” The bill further required the SFWMD to certify to the Legislature that it is providing recommendations to the federal government that are consistent with current district programs and plans. The bill also clarified that funds for the Everglades Agricultural Area Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Reservoir Project, and the Indian-River Lagoon South projects are not contingent on the certification requirements outlined in the bill.

## APPROPRIATIONS

### GENERAL APPROPRIATIONS ACT 2022 HIGHLIGHTS

#### HB 5001 – GENERAL APPROPRIATIONS ACT, BY HOUSE APPROPRIATIONS COMMITTEE

*House Passed 105-3; Senate Passed 33-0. Approved by Governor, June 2, 2022; Chapter No. 2022-156; Line Item Veto List*

The total budget for FY 2022-23 is **\$109 billion** after the governor vetoed over \$3 billion in specific appropriations projects.

The complete summary of the FY 2022-23 General Appropriations Act can be found [here](#). The below budget summary reflects the priorities of the Broward County Board of County Commissioners that were included in the final budget for FY 22-23. None of the County’s priority projects were vetoed. The budget summary includes the combined state and federal stimulus money allocated to Florida from the American Rescue Plan Act.

### BROWARD COUNTY APPROPRIATIONS IN THE FY 2022 BUDGET

#### LOCAL FUNDING INITIATIVES REQUESTED BY BROWARD COUNTY

Central and Southern Florida Flood Resilience Study (HB 513 by Rep. Bartleman).....	\$2,000,000
Nancy J. Cotterman Center Advocacy Program (HB 2751 by Rep. LaMarca).....	\$306,000
Broward Behavioral Health Coalition – Jail Diversion Project (HB 4089 by Rep. Gottlieb).....	\$510,400
Marine Research Lab of South Florida (HB 2597 by Rep. LaMarca).....	\$300,000

#### ADDITIONAL FUNDING FOR BROWARD COUNTY

ChildNet.....	\$61,526,340*
Aging and Disability Resource Center of Broward County.....	\$681,080
Areawide Council on Aging of Broward County.....	\$167,292
Urban League of Broward County.....	\$3,179,247

*\*Full funding of ChildNet, the Community Based Care (CBC) lead agency in Broward and Palm Beach Counties, was in jeopardy during budget conference; however, full funding was restored in the final budget.*

To view a complete listing of funding allocated to entities in Broward County, please see the [County by County Allocations Report](#).

### FY 2022 TRANSPORTATION & ECONOMIC DEVELOPMENT BUDGET

#### AFFORDABLE HOUSING

Program	FY 2022-23	FY 2021-22
State Apartment Incentive Loan (SAIL)	\$ 53,250,000	\$ 62,500,000
State Housing Initiatives Partnership (SHIP)	\$ 209,475,000	\$ 146,700,000
Hometown Hero Housing Program*	\$ 100,000,000	\$ 0
<b>TOTAL SHIP/SAIL</b>	<b>\$ 362,725,000</b>	<b>\$ 209,200,000</b>

*\*The FY 2022-23 budget provides the \$100 million for the Hometown Hero Housing Program to assist frontline emergency workers, certain medical and health care personnel, and educators in purchasing a home as their primary residence. Under the bill filed ([SB 788](#)), which did not pass the Legislature, the program would reduce the amount of the down payment and closing costs by a maximum of 5 percent of the first mortgage loan or \$25,000, whichever is less.*

## ECONOMIC DEVELOPMENT

<b>Program</b>	<b>FY 2022-23</b>	<b>FY 2021-22</b>
Job Growth Grant Fund	\$ 50,000,000	\$ 75,000,000
VISIT Florida	\$ 50,000,000	\$ 50,000,000

## TRANSPORTATION

<b>Program</b>	<b>FY 2022-23</b>	<b>FY 2021-22</b>
FDOT Work Program	\$ 11,600,000,000	\$ 9,200,000,000
Seaport – Economic Development	\$ 15,000,000	\$ 15,000,000
Seaport – Access Program	\$ 10,000,000	\$ 10,000,000
Seaport Grants	\$ 100,863,800	\$ 75,557,585
Seaport Investment	\$ 10,000,000	\$ 10,000,000
Rail Development Grants	\$ 56,071,775	\$ 129,000,000
Intermodal Development Grants	\$ 105,595,775	\$ 53,000,000
Aviation Development/Grants	\$ 314,536,592	\$ 325,000,000
Public Transit Development/Grants	\$ 525,906,290	\$ 431,000,000

## CULTURAL AFFAIRS & LIBRARIES

<b>Program</b>	<b>FY 2022-23</b>	<b>FY 2021-22</b>
Cultural and Museum Grants	\$ 46,010,129	\$ 32,598,000
Library Grants	\$ 21,544,000	\$ 18,500,000

## FY 2022 ENVIRONMENT AND NATURAL RESOURCES BUDGET

<b>Program</b>	<b>FY 2022-23</b>	<b>FY 2021-22</b>
Resilience Florida Trust Fund	\$ 470,900,000	\$ 600,000,000
Central and Southern Florida Resilience Study	\$ 2,000,000	\$ 0
Everglades Restoration	\$ 885,900,000	\$ 780,000,000
Florida Forever/Land Acquisition	\$ 100,000,000	\$ 400,000,000
Springs Restoration	\$ 75,000,000	\$ 75,000,000
Beach Management Program	\$ 50,000,000	\$ 100,000,000
Alternative Water Supply Grants	\$ 50,000,000	\$ 40,000,000
Water Quality Improvements/Septic-to-Sewer	\$ 125,000,000	\$ 114,000,000
Florida Resilient Coastal Initiative	\$ 20,000,000	\$ 10,000,000
Reef Protection and Tire Abatement	\$ 3,000,000	\$ 2,500,000
Inland Protection Trust Fund Petroleum Cleanup	\$ 180,000,000	\$ 100,000,000

## FY 2022 HEALTH AND HUMAN SERVICES

<b>Program</b>	<b>FY 2022-23</b>	<b>FY 2021-22</b>
Homeless Challenge Grant	\$ 3,181,500	\$ 3,181,500
Federal Emergency Shelter Grant	\$ 7,211,973	\$ 7,211,973
Homeless Housing Assistance Grants	\$ 3,000,000	\$ 3,000,000
CAT TEAMS/FIT TEAMS/FACT*	\$ 126,258,238	\$ 28,550,000
Community Care for the Elderly	\$ 91,722,756	\$ 82,722,756
Home Care for Disabled Adults	\$ 1,987,544	\$ 1,987,544
Alzheimer's Respite Care	\$ 52,297,179	\$ 39,273,224
State Opioid Response**	\$ 90,130,714	\$ 90,130,714
Community Substance Abuse & Mental Health	\$1,108,004,253	\$ 828,037,239

*\*Fund are provided for the expansion of behavioral health services throughout the state. The Department of Children and Families shall prioritize the allocation of these funds to expand community-based supports through a team approach using*

*Children's Community Action Treatment (CAT) teams, Family Intensive Treatment (FIT) teams, Florida Assertive Community Teams (FACT), and mobile response teams. Each team's allocation shall be based on reducing waitlists and ensuring statewide coverage.*

*The balance of funds shall then be distributed to the Managing Entities, pursuant to s. 394.9082, Florida Statutes to fund prevention, treatment and recovery services to enhance coordinated systems of care pursuant to sections 394.4573 and 394.495, Florida Statutes. The department shall consider the following needs when determining the allocations for Managing Entities: 1) access to care coordination; 2) increasing residential capacity for all populations served; 3) reducing waitlists through multi-disciplinary teams; and 4) investing in the provider workforce to increase stabilization. Any administrative cost increase shall be based upon no more than 2.5 percent of a Managing Entity's total allocation from this appropriation.*

*\*\*Funds were allocated from the federal State Opioid Response (SOR) grant awarded to the Department of Children and Families (DCF) in FY 2021-22. The unexpended balance of funds provided to DCF shall revert and is appropriated to DCF for FY 2022-23 for the same purpose.*

## COMMISSION PRIORITY BILLS THAT FAILED

*The bills in this section reflect the bills Intergovernmental Affairs/Boards Section tracked during session that failed, but were priority policies adopted by the Board of County Commissioners under the 2022 State and Executive Legislative Program.*

### AFFORDABLE HOUSING

#### SB 788 – FLORIDA HOMETOWN HERO HOUSING PROGRAM, BY SEN. HOOPER

[SB 788](#) would have created the “Florida Hometown Hero Housing Program,” a new down payment assistance program within the Florida Housing Finance Corporation (FHFC). Under the program, eligible homebuyers will have access to loans, which reduce payments and closing costs. Loans must be repaid when the property is sold, refinanced, rented, or transferred, unless otherwise approved by FHFC. Eligible homebuyers are those seeking first mortgages of limited family income, and employed as any of the following:

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

This program would have supplemented and functioned alongside existing down payment assistance programs currently administered by FHFC. While the bill did not become a law, the FY 2022-23 General Appropriations Act provided \$100 million to implement the program for one year. No House companion bill was filed.

#### SB 1150/HB 495 – AFFORDABLE HOUSING TAXATION, BY SEN. RODRIGUEZ (A) AND REP. RODRIGUEZ (ANT)

***SB 1150 died in Senate Committee on Appropriations. HB 495 died in House Local Administration and Veterans Affairs Subcommittee.***

[SB 1150](#) /[HB 495](#) would have provided that a county or municipality may adopt an ordinance to grant a partial ad valorem tax exemption for property used to provide affordable housing in a multifamily project with at least 50 dwelling units based on serving a charitable purpose. The bill limited the exemption value to 75 percent of the assessed value for each dwelling unit used for affordable housing where at least 10 percent of the multifamily project’s total units are used for providing affordable housing. Up to 100 percent of the assessed value of the property may have been exempted where 100 percent of the multifamily project’s total units are used for affordable housing. The bill detailed certain requirements for the ordinance authorizing such an exemption as well as administration of the exemption.

Broward County supported this legislation. The Senate bill was heard in two out of three committees of reference; however, the House companion was not heard.

### ECONOMIC DEVELOPMENT

#### SB 946/HB 217 – ENTERTAINMENT INDUSTRY, BY SEN. GRUTERS AND REP. TRABUSLY

***SB 946 died in Senate Committee on Finance and Tax. HB 217 died in House Tourism, Infrastructure and Energy Subcommittee.***

[SB 946](#)/[HB 217](#) would have created the Targeted High Wage Production Program (program) within the Department of Economic Opportunity (DEO) to broaden the entertainment industry’s impact, enhance tourism, and encourage more family-friendly productions to be produced in Florida. A project may only have received a tax credit award after it completed production and its expenditures had been verified by the DEO. Upon completion, a project would have been eligible to receive

a tax credit award of up to 23 percent of its qualified expenditures, or \$2 million, whichever is less. The program would have given tax credit awards on qualified expenditures to film, television, and digital media production projects that:

- Is a film, television, or digital media project that is not obscene, as defined in [s. 847.001, F.S.](#);
- Has projected qualified expenditures of at least \$1.5 million if the project is a film or digital media project, or at least \$500,000 per episode if the project is a television show;
- Employs a crew of which at least 60 percent are Florida residents and at least one is a military veteran;
- Is projected to spend at least 70 percent of its total production days in the state;
- Will not receive a sales tax exemption through the Florida entertainment sales tax exemption established under [s. 288.1258, F.S.](#);
- Makes a good faith effort to use existing Florida providers of infrastructure or equipment and to employ cast and crew who are Florida residents;
- Agrees to include marketing that promotes Florida tourism or Florida’s film and entertainment industry on its project, including, at minimum, placing a “Filmed in Florida” or “Produced in Florida” logo in its end credits;
- Permits the commissioner or an affiliate and at least two guests to visit the project’s production site; and
- Provides at least five photos of the production to the commissioner for use in promoting Florida as a film, television, or digital media production location or tourist destination.

The Senate bill was only heard in its first committee of reference, Senate Commerce and Tourism. Broward County Commissioner, Senator Steve Geller spoke in support of the bill and commended the bill sponsor for bringing forth the legislation. Senator Geller expressed that this bill supports his highest priority, which is bringing high-paying jobs to Broward County. However, the House bill was never heard.

## HOME RULE

SB 280/HB 403 – LOCAL ORDINANCES, BY SEN. HUTSON AND REP. GIALLAMBARDO

***SB 280 passed Senate 28-8. Died in House Messages.***

[SB 280/HB 403](#) was considered priority legislation of Senate President Wilton Simpson. The bill would have added to the process for local governments passing ordinances and gives certain additional rights to those challenging local ordinances.

The bill would have required counties and cities to produce a “business impact statement” prior to passing an ordinance. The statement must be published on the local government’s website and include certain information, such as the proposed ordinance’s purpose, estimated economic impact on businesses, and the cost-benefit analysis. The bill also would have provided that local governments may have the business impact estimate prepared on their behalf and exempts certain ordinances from the requirement.

The bill would have provided an entity to file a lawsuit against a local government for enacting a local ordinance they claim is arbitrary and unreasonable. If a civil action is filed against a local government to challenge the adoption of a local ordinance on the grounds that the ordinance is arbitrary or unreasonable, the court may assess and award reasonable attorney fees and costs and damages to a prevailing plaintiff not to exceed \$50,000. Additionally, the bill would have allowed a court the ability to award prevailing party attorney fees and costs and damages as provided in s. 57.112.

The bill also would have required the courts prioritize these civil action cases and adjudicate them in an expeditious manner. It allows a court to suspend an ordinance pending trial but also allows an appellate court to lift the stay if the local government won in a lower court. The bill also requires a party to certify that they are not filing such a suit for frivolous or improper purposes.

The bill would not have applied to ordinances enacted to implement the following:

- Part II of chapter 163;
- The Florida Building Code;
- The Florida Fire Prevention Code;
- A Community Development District;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances related to the issuance or refinancing of debt;
- Ordinances related to the adoption of budgets or budget amendments; or
- Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county government.



The bill would have been prospective in nature, and only would have applied to ordinances adopted after October 1, 2022. Broward County opposed this legislation, but worked with the bill sponsor from the moment it was filed to improve the language in the bill. The bill passed off the Senate Floor at the end of January; however, the House chose not to hear it and it died in Messages.

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SB 696/HB 445 – TRANSPORTATION NETWORK COMPANIES, BY SEN. PERRY AND REP. BOTANA

***SB 696 died in Senate Committee on Transportation. HB 445 died in House Tourism, Infrastructure and Energy Subcommittee.***

Florida law prohibits most local regulations of TNCs but does not prohibit airports and seaports from charging reasonable pickup fees to TNCs for the use of airport or seaport facilities, provided that those fees are consistent with fees charged to taxicab companies. [SB 696/HB 445](#) would have limited the pickup fee that an airport or seaport may charge a TNC to \$2 per pickup. This change would have also effectively limited the pickup fees for taxicab companies at \$2 per pickup, given the requirement that pickup fees charged to TNCs be consistent with those charged to taxicab companies.

The second section of the bill also would have prohibited airports and seaports from making any changes to a TNC's location/footprint on its property, including pickup locations, staging areas, and hold lots if these locations were not in effect as of January 1, 2021. Broward County worked alongside the airports council to remove the second section from the bill, as it was a nonstarter, and it was removed with a proposed committee substitute, before being temporarily postponed in its first committee of reference. It was never heard this Session in the House or Senate.

Broward County was strongly opposed to this bill and worked with the bill sponsor, stakeholders, and the House Transportation and Infrastructure Committee Vice Chair, Chip LaMarca, to ensure the bill was defeated.

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SB 974/HB 985 – SOVEREIGN IMMUNITY, SEN. GRUTERS AND REP. BELTRAN

***SB 974 died in Senate Committee on Appropriations. HB 985 died on Second Reading Calendar.***

[Section 768.28\(5\), F.S.](#) caps tort recovery from a governmental entity at \$200,000 per person and \$300,000 per accident. Although a court may enter a judgment in excess of these caps, it is impossible, absent a claim bill passed by the legislature, for a claimant to collect more than the caps provide.

[HB 985/SB974](#) would have increased the sovereign immunity caps for damages against state and local government entities to \$400,000 per person and \$600,000 per incident. It would have also allowed a subdivision of the state to settle a claim and pay the settled amount without the need for a claim bill but did not provide for a state government entity to pay a claim above the statutory cap amount without a claim bill. Additionally, it would have eliminated 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.

The Senate companion would have increased the limits of the state's waiver of sovereign immunity for some public entities. The limits would have increased from \$200,000 per injured person and \$300,000 per incident to \$400,000 per person and \$600,000 per incident for the state, state agencies, and a county or municipality with a population in excess of 250,000, and would have increased to \$300,000 per person and \$400,000 per incident for a county or municipality with a population between 50,000 and 250,000.

Broward County alongside other local governments and stakeholders opposed the bill at every stop, and the Legislature was unable to come to an agreement with how to increase the sovereign immunity caps. Neither the House, nor the Senate bill were ultimately heard by their respective full chambers.

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SB 1124/ HB 943 – PREEMPTION OF LOCAL GOVERNMENT WAGE MANDATES, BY REP. HARDING AND SEN. GRUTERS

***SB 1124 died in Senate Committee on Commerce and Tourism. HB 943 died in House State Affairs Committee.***

[HB 943/SB 1124](#) would have prohibited political subdivisions from enacting, maintaining, or enforcing any wage mandates in an amount greater than the state minimum wage rate, calculated pursuant to s. 24(c), art. X of the Florida Constitution, or the federal minimum wage rate, and provides that any wage mandates in conflict with the state or federal minimum wage are void. The bill would have removed the definition for "employer contracting to provide goods or services for the political

subdivision.” The bill also would have 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 remove goods or services of the local government.

As Broward County currently has a living wage a contractual requirement for public contractors and vendors, the county was opposed to the bill. The County met with the bill sponsors and offered suggested amendments, none of which was acceptable to the House sponsor. The County worked with all Legislators to ensure the bill was defeated. The House bill was temporarily postponed in its last committee (State Affairs), while the Senate companion only made it out of its first committee (Community Affairs), after the bill sponsor agreed to amend the bill.

## LOCAL BILLS

HB 637 – BROWARD COUNTY SENIOR SERVICES DISTRICT, REP. DALEY

*Died in House Local Administration & Veterans Affairs Subcommittee.*

[HB 637](#) was sponsored by Rep. Daley on behalf of Broward County. The local bill would have created a special act titled the “Edith Schaffer Lederberg Senior Services Act” that would have allowed the County Commission to create an independent special district and would have established the district’s governing board known as the “Senior Services Council of Broward County” to provide and fund senior services throughout Broward County.

The bill would have authorized the Council to annually levy ad valorem taxes (not to exceed ½ mills) on all taxable property within Broward County if approved by a majority vote of the County’s electors voting in the November 2022 countywide General Election. The bill also provided for dissolution of the Council and a reauthorization at a general election every 12 years. The House refused to hear any bills that would have allowed local governments to create new special taxing districts.

HB 879 – BROWARD COUNTY AFFORDABLE HOUSING TRUST FUND, REP. GOTTLIEB

*Died in House Local Administration & Veterans Affairs Subcommittee.*

Rep. Gottlieb filed [HB 879](#) on behalf of Broward County. The bill would have authorized a discretionary surtax on documents pursuant to Section 202.031, Florida Statutes, to finance affordable housing throughout the County. The House refused to hear any bills this session that would have allowed local governments to collect additional revenues.

## SEA LEVEL RISE, FLOODING AND COASTAL RESILIENCE

SB 690/HB 691 – RESILIENCE-RELATED ADVISORY COMMITTEES, BY SEN. RODRIGUEZ (A) AND REP. SLOSBERG

*SB 690 died in Senate Committee on Rules. HB 691 died in House Government Operations Subcommittee.*

[SB 690/HB 691](#) would have allowed the Southeast Florida Regional Climate Change Compact and its committees to conduct public meetings and workshops virtually pursuant to the rules of the Administrative Procedures Act. The bill passed through two out of three Senate Committee hearings unanimously, but the House did not hear the bill.

SB 1434/ HB 1077 – PUBLIC FINANCING OF POTENTIALLY AT-RISK STRUCTURES AND INFRASTRUCTURE, BY SEN. RODRIGUEZ (A) AND REP. HUNSCHOFSKY

*SB 1434 died in Senate Committee on Appropriations. HB 1077 died on House Second Reading Calendar.*

In 2020, the Legislature passed SB 178, which, beginning July 1, 2022, prohibits a public entity from commencing construction of certain state-funded coastal structures unless the entity has conducted a sea level impact projection (SLIP) study to assess risks to the structure. [HB 1077/SB 1434](#) would have expanded 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 House bill passed unanimously (22-0) out of its last committee, [House State Affairs Committee](#), but the Senate companion was never heard in its last committee, Appropriations.

## BILLS THAT FAILED BY DEPARTMENT

### ADMINISTRATION

SB 510/HB 301 – FINANCIAL DISCLOSURES FOR ELECTED LOCAL OFFICERS, BY SEN. BRODEUR AND REP. ROACH

*Passed Senate 30-7. HB 301 died in House Messages.*

[SB 510/HB 301](#) would have required the following local officers to file full and public disclosure of financial interests pursuant to the Florida Constitution:

- Mayors.
- City Commissioners.
- Elected members of a city council; town council; village council; or other governing body of a city, town, or village.
- City, county, town, or village managers.

The bill would have revised the definition of “local officers” to conform to the changes proposed in the bill and required members of the Commission on Ethics (Commission) and the Elections Commission to file full and public disclosure of financial interests pursuant to the Florida Constitution.

Under the bill, full and public disclosure of financial interests would have been required to be filed electronically with the Commission beginning January 1, 2023.

### ANIMAL CARE AND ADOPTION

SB 994/HB 849 – PET PROTECTION ACT, BY SEN. DIAZ AND REP. FERNANDEZ-BARQUIN

*SB 994 died in Senate Committee on Community Affairs. HB 849 died in House Regulatory Reform Subcommittee.*

[SB 994/HB 849](#) would have created the “Florida Pet Protection Act” to require the licensing of retail pet stores in Florida that display, sell, offer to sell, deliver, auction, broker, give away, or transfer certain household pets (i.e., domestic dogs or domestic cats). Under the bill, a valid retail pet store license issued by the Department of Business and Professional Regulation (DBPR) is required to operate a retail pet store that sells certain household pets (retail pet store). A retail pet store must be annually inspected by the DBPR. Ultimately, the bill preempted all local governments from the regulation of retail pet stores in their jurisdictions.

### COUNTY ATTORNEY

SB 1256/HB 977 – SALE OF TAX CERTIFICATES, BY SEN. GRUTERS AND BY REP. CARUSO

*SB 1256 died in Senate Committee on Community Affairs. HB 977 died in House Ways and Means Committee.*

[SB 1256/HB 977](#) were targeted at the buying and selling of tax-lien certificates at auctions, which turn unpaid taxes into profits for investors who agree to settle the debt in exchange for interest from the property owner. Anyone can place a bid, but significant investors have been known to flood the auctions with simultaneous bids through thousands of shell and proxy companies. The Legislature is considering removing local rules and barring tax collectors from enacting policies that would limit institutional investors, including banks and hedge funds, from using shell companies to increase their chances of winning a bid. Specifically, the bill would have:

- Provided a declaration of public policy concerning the sale of tax certificates, stating that the design and implementation of the tax certificate process should provide the greatest opportunity for the delinquent property owner to redeem the certificate by ensuring the certificate is sold to a party that will demand the lowest rate of interest and that limitations of the purchase of certificates by volume or institutional buyers are against public policy;
- Removed the ability of the tax collector to require a deposit to bid on tax certificates;
- Provided that a tax certificate bidder who fails or refused to pay any bid is not entitled to bid in the future;
- Required tax collectors to provide electronic notice that certificates are ready for issuance;
- Repealed provisions concerning the commission due to the tax collector when a tax certificate is sold; and

- Adds definitions for the terms “beneficial owner” and “legal entity.”

The Florida Tax Collectors Association was ardently opposed to the legislation, and testified against it in the House [Local Administration and Veterans Affairs Subcommittee](#). The House bill passed one of three committees, but the companion bill was never heard in the Senate.

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SB 1298/HB 499 – AGREEMENTS WITH PROFESSIONAL SPORTS TEAMS, BY SEN. GRUTERS AND REP.

GREGORY

***SB 1298 died in Senate Committee on Community Affairs. HB 499 died in House Judiciary Committee.***

[SB 1298/HB 499](#) would have prohibited a governmental entity from entering into an agreement with a professional sports team that requires a financial commitment by the state or a governmental entity unless the agreement includes a written verification that the professional sports team will play the U.S. national anthem at the beginning of each sporting event. Failure to comply with the written verification would have constituted a default and subjects the team to any penalty the agreement authorizes for default, which may have included the team repaying money paid to the team by the state or governmental entity. The agreement would have been required to be strictly enforced. Should a governmental entity have failed to timely enforce the written verification, the Attorney General would have been authorized to intervene.

The bill passed 13-4 out of only one committee of reference, the [House Local Administration and Veterans Affairs Subcommittee](#) and the companion bill was never heard in the Senate.

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SB 1342/ HB 829 – CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS, PRIVILEGES, OR IMMUNITIES, BY SEN.

DIAZ AND REP. BYRD

***SB 1342 died in Senate Committee on Judiciary. HB 829 died in House Public Integrity and Elections Committee.***

[SB 1342/HB 829](#) would have created a state equivalent to 42 U.S.C. s. 1983 (“Section 1983”) cause of action with respect to several provisions of the State Constitution. Specifically, the bill:

Provided 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.
- Created a civil cause of action for such a deprivation of rights and waives sovereign immunity for such suits for the state and its agencies and political subdivisions.
  - Authorized the award of damages and of attorney fees and costs to a prevailing plaintiff, which may include a contingency fee multiplier and expert witness fees.
  - Prohibited the granting of injunctive relief against a judicial officer for an act or omission taken in his or her judicial capacity unless a declaratory decree is violated or declaratory relief is unavailable.
  - Specified that a plaintiff is a prevailing plaintiff if the defendant substantially modifies or repeals a statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy after a complaint has been filed alleging a deprivation of rights based on such statute, ordinance, regulation, measure, directive, rule, enactment, order, or policy.

The County was opposed to this legislation. The bill only passed out of one of four committees of reference, House Civil Justice and Property Rights Subcommittee, 11-5. The Senate companion was not heard this session.

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SB 1420/HB 1213 – PUBLIC RECORDS/COUNTY AND CITY ATTORNEYS, BY SEN. BURGESS AND REP. ARRINGTON

***SB 1420 died in Senate Committee on Rules. HB 1213 died in House Civil Justice and Property Rights Subcommittee.***

[SB 1420](#) /[HB 1213](#) would have created a public records exemption for specified personal information of current and former county attorneys, assistant county attorneys, city attorneys, and assistant city attorneys. Personal information relating to their spouses and children is likewise exempt. The specific personal information that would have been made exempt from public records disclosure requirements included:

- Home addresses, telephone numbers, places of employment, dates of birth, and photographs;
- Names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The exemption, however, would not have applied to a current or former county attorney, assistant county attorney, city attorney, or assistant city attorney who qualified as a candidate for election to public office.

The bill passed two out of three committees unanimously in the Senate, but was never heard in the House.

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SB 1944/HB 1241 – LOCAL GOVERNMENT SOLID WASTE AND RECYCLING COLLECTION SERVICES, BY SEN. BAXLEY AND REP. HAWKINS

***SB 1944 died in Senate Committee on Environment and Natural Resources. HB 1241 died in House State Affairs Committee.***

[SB 1944](#)/[HB 1241](#) would have provided 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 with 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 no later than 36 hours after the time when the service should have been provided.

The bill also would have:

- Specified how a person facing liquidated damages or penalties for missed collections may obtain relief.
- Established when a local government must pay for certain missed collection services.

The bill passed out of two out of three House Committees; however, the Senate companion was never heard.

## ECONOMIC DEVELOPMENT

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SB 1336/HB 619 – U.S. PRODUCED IRON AND STEEL IN PUBLIC WORKS PROJECTS, BY SEN. BOYD AND REP. RODRIGUEZ (A)

***SB 1336 died in Senate Committee on Governmental Oversight and Accountability. HB 619 died on House Second Reading Calendar.***

[SB 1336](#)/[HB 619](#) would have required a governmental entity entering a contract for a public works project or for the purchase of materials for a public works project to include in such contract a requirement that any iron or steel product used in or purchased for the project must be produced in the United States.

The bill would have waived the required term if the governmental entity entering the contract for a public works project, or the purchase of such materials determines the following:

- Iron or steel products produced in the United States are not produced in sufficient quantities, reasonably available, or of satisfactory quality; or
- The use of iron or steel products produced in the United States will increase the total cost of the project by more than 20 percent; or
- Compliance is inconsistent with public interest.

Under the bill, when steel and iron materials are used in a project, the requirements do not prevent a minimal use of foreign steel and iron materials:

- If such materials are incidental or ancillary to the primary product and are not separately identified in the project specifications.
- The cost of such materials used does not exceed one-tenth of one percent of the total contract cost or \$2,500, whichever is greater.

The bill also provided that the following products be exempt from the requirements: electrical components, equipment, systems, and appurtenances, including supports, covers, shielding, and other appurtenances related to an electrical system, necessary for operation or concealment, except transmission and distribution poles.

The House bill passed all four committees of reference, but the companion bill was not heard in the Senate. After a review, it was determined the bill would have had minimal to no impact on Broward County projects.

## ELECTIONS

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SJR 1004/ HJR 663 – RECALL OF COUNTY COMMISSIONERS, BY SEN. GRUTERS AND REP. WILLIAMSON

*SJR 1004 died in Senate Committee on Community Affairs. HJR 663 died in House State Affairs Committee.*

[SJR 1004/HJR 663](#) would have amended art. VIII, s. 1 of the Florida Constitution to authorize the Legislature to provide for the recall of county officers and commissioners by general law. The bill would have been effective upon Florida voter approval of the proposed constitutional amendment. The bill would have also revised existing procedures concerning the recall of members of the governing bodies of municipality and charter counties to apply to governing bodies of non-charter counties. The House bill died in its last committee, State Affairs, while the Senate companion was never heard in the upper chamber this Session.

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SJR 1412/HJR 1127 – LIMITING SUBJECT OF CONSTITUTIONAL AMENDMENTS PROPOSED BY CITIZEN INITIATIVE, BY SEN. BRODEUR AND REP. BELTRAN

*SJR 1412 died in Senate Committee on Rules. HJR 1127 died on House Second Reading Calendar.*

[SJR 1412/HJR 1127](#) would have proposed an amendment to Section 3 of Article XI of the Florida Constitution limiting the scope of constitutional revisions and amendments proposed by initiative. Such proposals would have been limited to matters relating to procedural subjects or to the structure of the government. The joint resolution would effectively remove the ability of citizens to make decisions and use the initiative process to circumvent the Legislature that has historically ignored the will of voters on policy issues. The House bill made it all the way to the Floor; however, the Senate companion was stuck in its last committee, Rules.

## EMERGENCY MANAGEMENT

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SB 1144/HB 1321 – ADVANCED LIFE SUPPORT NONTRANSPORT SERVICES AND MEDICAL COUNTERMEASURES, BY SEN. BRODEUR AND REP. MELO

*SB 1144 died in Senate Committee on Community Affairs. HB 1321 died in House Professions and Public Health Subcommittee.*

[SB 1144/HB 1321](#) would have created an exemption from certificate of public convenience and necessity (COPCN) requirements for licensure as a non-transport advanced life support service for a governmental entity that maintains a fire rescue infrastructure that dispatches first responders.

The bill required such a governmental entity who applies for licensure to implement the medical standards of any countywide common medical protocol, if such a protocol was instituted. The bill provided exclusions from the COPCN exemption and prohibited a county from limiting, prohibiting, or preventing a governmental entity who is exempted from COPCN requirements from providing non-transport advanced life support services.

The bill authorized paramedics to administer medical countermeasures in a nonemergency environment, within the scope of their training, and under the direction of a medical director. The bill specifies that a medical director would be liable for any act or omission of a paramedic or emergency medical technician when the paramedic or emergency medical technician is administering medical countermeasures in a non-emergent environment under the medical director's supervision.

The bill provided that there must be a written agreement between a paramedic's medical director and the Department of Health (DOH) or the county health department located within each county in which the paramedic administers immunizations or medical countermeasures, rather than just the county health department. The bill clarified that an independent special fire control district may allow its paramedics and emergency medical technicians to perform blood pressure screenings or health promotion and wellness activities or administer immunizations or medical countermeasures in accordance with s. 401.272, F.S.

Broward County and the Florida Association of Counties opposed the bill; however, it passed unanimously out of only one Senate Committee, Health Policy. The House companion was never heard.

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## RESILIENT ENVIRONMENT

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SB 228/HB 101 – RESILIENCY ENERGY ENVIRONMENT FLORIDA PROGRAMS, BY SEN RODRIGUEZ AND REP. FINE

*SB 228 died on Senate Second Reading Calendar. HB 101 died in House Commerce Committee.*

[SB 228/HB 101](#) would have substantially amended 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 named the program the Resiliency Energy Environment Florida program and enhances protections for consumers entering into PACE contracts. The bill would have allowed governmental leased property to qualify for the program.

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SB 512/HB 325 – VACATION RENTALS, BY SEN. BURGESS AND REP. FISHER

*SB 512 died on Senate Committee on Appropriations. HB 325 died in House Ways and Means Committee.*

[SB 512/HB 325](#) would have revised the regulation of vacation rentals. Under Florida Law, a vacation rental is a unit in a condominium or cooperative, or a single, two, three, or four family house that is rented to guests more than three times a year for periods of less than 30 days or one calendar month, whichever is shorter, or held out as regularly rented to guests. The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) license vacation rentals. Current law does not allow local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition would not have applied to any local law, ordinance, or regulation adopted on or before June 1, 2011. The bill permitted "grandfathered" local laws, ordinances, or regulations adopted on or before June 1, 2011, to be amended to be less restrictive or to comply with local registration requirements. The bill also would not have affected vacation rental ordinances in jurisdictions located in an area of critical state concern (Monroe County). The bill does not directly affect Broward County, as the County does not regulate vacation rentals.

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SB 884/HB 537 – FEES IN LIEU OF SECURITY DEPOSITS, BY SEN. BOYD AND REP. MOONEY

*SB 884 died on Senate Committee on Rules. HB 537 died in House Rules Committee.*

[SB 884/HB 537](#) would have allowed landlords to charge tenants a nonrefundable fee in lieu of an up-front security deposit to alleviate affordable housing impacts in the state. However, the bill was labeled a "poor tax" by Democrats and would not have required landlords to deposit the fees in an escrow account or return the fees to the tenants at the end of their lease as required with security deposits. The bill sponsors maintained that the fees were an option for renters and that a renter could opt out any time by paying the full security deposit; however, none of the fee payments would have gone toward the security deposit as the bill was written. It also would not have applied toward any costs or damages beyond normal wear and tear. The bill did not set a cap on how much landlords can charge each month or offer any protections against discrimination. The legislation did stipulate that if a landlord offers the fee option to one tenant, they must offer it to all new tenants after the effective date of July 1. Both the House and Senate bills died in their last committees of reference.

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SB 920/HB 737 – ELECTRIC VEHICLE TRANSPORTATION ELECTRIFICATION PLAN, BY SEN. PERRY AND REP. BORRERO

***SB 920 died on Senate Committee on Appropriations. HB 737 died in House Commerce Committee.***

In Florida, the Public Service Commission (PSC) regulates the rates, terms, and conditions of retail electric service provided by investor-owned electric utilities (IOUs), including electric vehicle (EV) charging incorporated into an IOU's rate base. A non-utility providing EV charging to the public is not considered the retail sale of electricity and is not subject to PSC regulation. These non-utility EV charging providers pay the commercial electricity rate of the local electric utility.

[SB 920/HB 737](#) would have required the PSC to adopt rules for an EV transportation electrification plan to facilitate the deployment of EV charging infrastructure in a competitively neutral manner. These rules would have been required to:

- Promote investment in publicly available EV charging stations in a competitively neutral manner prioritizing and encouraging private investment in and private ownership and operation of EV charging infrastructure.
- Establish policies that stimulate innovation, competition, private investment, and customer choice in EV charging infrastructure.
- Establish mechanisms that support the efficient and cost-effective use of the electric grid in a manner that supports EV charging infrastructure.
- Establish incentives that support private investment in EV charging equipment.
- Establish policies on a prospective basis, prohibiting IOUs from using rate base investment in the ownership and operation of new EV charging stations and limiting cost recovery to distribution level infrastructure on the utility side of the meter.
- Stimulate fair and reasonable electricity pricing through IOUs' tariffs that promote the widespread offering of EV charging.

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SB 932/HB 729 – EVERGLADES PROTECTION AREA, BY SEN. RODRIGUEZ (A) AND REP. ALOUPIS

***SB 932 died on Senate Committee on Environment and Natural Resources. HB 729 died in House Agriculture and Natural Resources Appropriations Subcommittee.***

[SB 932/HB 729](#) would have required plans and plan amendments that apply to any land within, or within two miles of, the Everglades Protection Area (EPA) to:

- Follow the State Coordinated Review process;
- Be reviewed by the Department of Environmental Protection (DEP), in consultation with all federally recognized Indian tribes in the state, within 30 days of receipt, which must determine whether the plan or plan amendment adversely impacts the EPA or statutory Everglades restoration and protection objectives; and
- Include written notice from DEP stating the plan or plan amendment does not adversely affect the EPA or Everglades protection and restoration.

The bill prohibited a proposed amendment that affected a property located within, or within two miles of, the EPA from being considered a small-scale development amendment. HB 729 passed only one committee of reference, and the Senate bill was not heard.

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SB 954/HB 1139 – ENERGY, BY SEN. BRODEUR AND REP. DRAKE

***SB 954 died on Senate Second Reading Calendar. HB 1139 died in House State Administration and Technology Appropriations Subcommittee.***

[SB 954/HB 1139](#) would have revised the vehicle procurement requirements for the state purchasing plan. Specifically, the bill required vehicles of a given use class be selected for procurement based on the lowest lifetime ownership cost over 5 years as determined by the Department of Management Services in which the department would have been required to publish on its website vehicle rankings based on industry data.

The bill also deleted the current law requirements placed on state agencies to use ethanol and biodiesel fuel when available and on certain entities to procure biofuels for fleet when possible. The bill also would have expanded the definition of single-



trade inspection for purposes of building code inspection services to include inspections of the installation of electric vehicle charging stations and solar energy and energy storage installations or alterations.

The Senate bill made it to the Floor; however, the House companion only passed its first of three committees of reference.

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SB 1156/HB 935 – COMPREHENSIVE WASTE REDUCATION AND RECYCLING PLAN, BY SEN. STEWART AND REP. MORALES

*SB 1156 died on Senate Second Reading Calendar. HB 1139 died in House State Administration and Technology Appropriations Subcommittee.*

[SB 1156/HB 935](#) would have directed the Department of Environmental Protection (DEP) to develop a comprehensive waste reduction and recycling plan by July 1, 2023, and to convene a technical assistance group within the DEP to develop the plan. The bill provided minimum criteria for the plan and directs the DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon its completion. The bill passed two out of three committees of reference in the Senate; however, the House bill was not heard this Session.

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SB 1158/HB 707 – HOME KITCHEN OPERATIONS, BY SEN. JONES AND REP. LEARNED

*SB 1158 died in Senate Committee on Appropriations. HB 707 died in House Agriculture and Natural Resources Subcommittee.*

[SB 1158/HB 707](#) would have provided the following:

- Allowed “home kitchen operations” in a private residence under certain conditions.
- Provided an exception for “home kitchen operations” from food permitting requirements.
- Allowed home kitchen operators to store, handle, prepare, and package food that does not include raw milk, raw milk products, raw oysters, or raw shellfish.
- Limited home kitchen operations annual gross sales to \$250,000.
- Limited food preparation and service to 10 individual meals per day.
- Required food to be prepared, cooked, and served on the same calendar day.
- Authorized sales via the Internet or in person, and delivery in person directly to the consumer, to a specific event venue, or to the consumer by the home kitchen operation or a third-party delivery service.
- Prohibited sales and deliveries of home kitchen products at wholesale or retail.
- Specified labeling requirements.
- Preempted the regulation of home kitchen operations to the State.
- Required DACS to investigate complaints and makes refusal to permit entry and inspection grounds for disciplinary action.
- Authorized immediate closures by DACS if it determines that the continued operation of a food establishment presents an immediate danger to the public health, safety, and welfare.

Both the House and Senate bills only passed out of one committee of reference this Session.

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SB 1248/ HB 739 – LOCAL GOVERNMENT LAND DEVELOPMENT ACTIONS, BY REP. BORRERO AND SEN. GRUTERS

*SB 1248 died in Senate Committee on Community Affairs. HB 739 died in House Commerce Committee.*

[SB 1248/HB 739](#) would have prohibited local governments that have noted a deficiency in an application for a development order, development permit, or building permit, from requesting additional information from the applicant beyond information on the noted deficiency or new issues raised by the applicant. This provision would have applied to building permit applications even if a local government ordinance would otherwise allow additional requests for information.

The bill would have required each local government with total revenues of \$10 million or more to adopt to adopt residential infill development (RID) standards in its local land use regulations by January 1, 2023. The standards would have been required to include a list of guidelines for determining whether a development qualifies as an RID, guideline to assist an applicant in determining if an area qualifies as an RID, and requires the applicant consider certain factors.

The House bill only received one committee hearing, Local Administration and Veterans Affairs, where it passed unanimously (18-0); the Senate companion never received a hearing this Session. Broward County opposed this legislation.

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SB 1666/HB 1257 – DISCHARGE AND USE OF FIREFIGHTING FOAM, BY SEN. POLSKY AND REP. CASELLO

***SB 1666 died in Senate Committee on Governmental Oversight and Accountability. HB 1257 died on House Second Reading Calendar.***

[SB 1666](#) /[HB 1257](#) would have provided that beginning January 1, 2023, a fire service provider may not have discharge or otherwise used Class B firefighting foam that contains intentionally added PFAS chemicals unless such discharge or use occurred in fire prevention or in response to an emergency firefighting operation. The bill did not:

- Restrict the manufacturing, sale, or distribution of Class B firefighting foam that contains intentionally added PFAS chemicals or restrict the discharge or use of Class B firefighting foam in response to fire prevention or an emergency firefighting operation; or
- Prevent the use of nonfluorinated foams, including other Class B firefighting foams, for purposes of firefighter training or testing. The bill also includes definitions for the terms “Class B firefighting foam,” “PFAS chemicals,” and “testing.”

The Senate bill passed only one committee of reference, Senate Environment and Natural Resources; however, the House bill did not receive a hearing.

OFFICE OF MANAGEMENT AND BUDGET/FINANCE AND ADMINISTRATION

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SB 1310/HB 247 – FLORIDA MAIN STREET PROGRAM AND HISTORIC PRESERVATION TAX CREDIT, BY SEN. RODRIGUEZ (A)

***SB 1310 died in Senate Committee on Appropriations. HB 247 died in House Ways and Means Committee.***

[SB 1310](#)/[HB 247](#) would have created the Main Street Historic Tourism and Revitalization Act (Act), which would have provided a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure. The tax credit may not have exceeded 20 percent of qualified expenses incurred in the rehabilitation of a certified historic structure that was approved by the National Park Service to receive the federal historic rehabilitation tax credit or 30 percent of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit that is located within a local program area of an Accredited Main Street Program. The Senate bill passed out of two committees of reference before being stuck in the Appropriations Committee, while the House companion passed through one committee before dying in Ways and Means.

TRANSPORTATION

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SB 398/ HB 157 – TRANSPORTATION PROJECTS, BY SEN. HOOPER AND REP. ANDRADE

***SB 398 died on Senate Second Reading Calendar. HB 157 died in Senate Committee on Appropriations.***

[HB 157](#)/[SB 398](#) would have:

- Required a local government to provide mobility fee credits to residential developers for certain capital improvements to a transportation system that the Department of Transportation (DOT) deems necessary in certain circumstances.
- Codified the Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies (I-STREET) Living Lab within the University of Florida and provides for its duties relating to transportation research, education, workforce development, and related issues.
- Clarified DOT’s authority to engage in progressive design-build contracting as an innovative technique of highway and bridge design and construction.
- Exempted certain progressive design-build contracts from an existing statutory cap on innovative contracts.
- Authorized landowners to obtain permits from DOT to clear vegetation from the right-of-way on limited access facilities under specified conditions.

- Removed a limitation on design-build contracting to certain types of projects and authorizes design build contracting for all types of projects.
- Required contracts for bridge work over navigable waters to contain provisions requiring a minimum amount of general liability insurance.
- Provided stipends paid by DOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in DOT's legislatively approved work program are not subject to existing documentation and notification requirements for settlement payments made by DOT to resolve bid protests.
- Authorized an applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of \$2 million or less (increased from \$1 million) to submit reviewed annual or reviewed interim financial statements.
- Authorized an applicant for a contractor certificate of qualification to submit a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date of the existing certificate.
- Repealed a public records exemption for documents that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by DOT.
- Changed from 5 years to 10 years the frequency with which DOT must adjust toll rates for inflation.

[SB 398](#) was placed on the Special Order Calendar, before being withdrawn from consideration. The bill differed from the House bill containing language which would revise the current requirement for an annual minimum commitment by the Florida Department of Transportation (FDOT) of at least 15 percent of revenues deposited into State Transportation Trust Fund (STTF) for specified public transportation projects, by imposing a maximum commitment of no more than 25 percent of such revenues, excluding state revenues used for matching federal grants, unless otherwise specified in the General Appropriations Act.

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SB 410/HB 797 – PHOTOGRAPHIC EVIDENCE OF SCHOOL ZONE SPEED LIMITS, BY SEN. RODRIGUEZ (A) AND REP. OVERDORF

*SB 410 died on Senate Second Reading Calendar. HB 797 died in House Criminal Justice and Public Safety Subcommittee.*

[SB 410/HB 797](#) would have authorized a local government to install an automated speed detection system in a school speed zone and appoint traffic infraction enforcement officers to issue traffic citations to persons that are detected as exceeding a school zone speed limit by at least 10 miles per hour. The Senate bill passed all its committees of reference before dying on the Second Reading Calendar, as the House bill was never heard.

Under the bill, a county or municipality would have had the authority to enforce school speed zones within one hour before, during the entirety of, and within one hour after a regularly scheduled school session. The bill authorized a traffic infraction enforcement officer employed by a sheriff's department or police department of a municipality to issue a fine of \$158 or a traffic citation for violations of school speed zone requirements as detected by a speed detection system in a school speed zone. To use a speed detection system to enforce school speed zone requirements, the bill required:

- The speed detection system to be permitted, placed, and installed in accordance with regulations developed by the Florida Department of Transportation.
- The local government to notify the public of the speed detection system through a 30-day public awareness campaign.
- A notice of violation to be mailed to the registered owner of the motor vehicle alleged to be in violation within 30 days of the violation and include information regarding the right to pay a \$158 fine, review the evidence, request a hearing, or submit an affidavit identifying another person as the person in violation.

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SB 1160/HB 1031 – TRANSPORTATION RESEARCH, BY SEN. PERRY AND REP. ANDRADE

[SB 1160/HB 1031](#) would have established the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida (UF) and provided for its duties relating to transportation research, education, workforce development, and related issues. The bill required I-STREET, by July 1, 2023, and annually thereafter, to provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report outlining its goals, as well as its efforts and progress on reaching those goals. The bill passed two Senate committees unanimously; however, the House bill only passed one before being indefinitely postponed and withdrawn from consideration.