APPROPRIATIONS UPDATE

CENTRAL AND SOUTHERN FLORIDA PROJECT

HB 3103 was heard on the consent agenda in the House Agriculture and Natural Resources Appropriations Subcommittee. The bill, filed by Rep. Robin Bartleman on behalf of Broward County, is an appropriations request of $2 million that would provide direct funding to expedite the Central and Southern Florida Resiliency Study. Now that the appropriation request has been heard in at least one committee, by House rules, it can be included in the chamber's budget. Senator Shevrin Jones is the companion sponsor of the Senate appropriations bill. Additionally, Rep. Bartleman passed HB 513 out of the House Agriculture and Natural Resources Appropriations Subcommittee, unanimously, its second referenced committee. The bill directs the South Florida Water Management District to prepare and submit a consolidated annual report regarding the state of the U.S. Army Corps of Engineers Section 216 Resiliency Study on the Central and Southern Florida (C&SF) Project. This legislation is supported by Broward County and its Southeast Florida Regional Climate Change partners. Broward County supported the bill in committee. The bill has been placed on the agenda for Tuesday, February 1, 2022.

BROWARD COUNTY CRIME LAB

A second Broward County appropriations request was heard on the House Justice Appropriations Subcommittee consent agenda, on Tuesday. The funding request, HB 3253, sponsored by Rep. David Borerro and Rep. Michael Gottlieb, would provide $3.3 million for the combined medical examiner and crime lab facility project that is a joint endeavor between Broward County and the Broward Sheriff's Office. Senator Time Polsky is sponsoring the request on behalf of the county in the upper chamber.

BILLS AND PRESENTATIONS

LOCAL GOVERNMENT PREEMPTION AND MANDATES

HB 620 – BUSINESS DAMAGES CAUSED BY LOCAL GOVERNMENTS, BY SEN. HUTSON

SB 620 passed off the Senate Floor on Thursday on a party line vote, 22-14, after being amended. The bill, as amended, creates 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 must have been in operation for at least 3 years in the jurisdiction to qualify.

The amendment offered by Senator Hutson on the Floor caps the amount of awardable damages to seven years lost profits or the number of years the business has been in operations. Additionally, a local government may cure within a 120-day timeframe by amending or repealing the local government actions causing business damages, publishing notice of its intent to repeal or amend the ordinance, or give an exemption to the affected business. A business must file an action for business damages within one year after the effective date of the relevant ordinance, ordinance amendment, or charter provision. The amendment also deleted the attorney's fees calculation provisions, and instead, provides that a court may award reasonable attorney fees and costs to the prevailing party.

The bill provides 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 zooming, 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 conservatively cost local governments a combined $900 million in increased exposure to liability. Broward County will continue to oppose this legislation in the House, where the companion, HB 569, by Rep. McClure is waiting to be heard in its second committee, Local Administration and Veterans Affairs.

SB 280 – LOCAL ORDINANCES, BY SEN. HUTSON

SB 280, a second bill this session identified as priority of the Senate President, adds to the process for local governments passing ordinances and gives certain additional rights to those challenging local ordinances. The bill passed off the Senate Floor, 28-8, with an amendment. The bill would require 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 provides that local governments may have the business impact estimate prepared on their behalf and exempts certain ordinances from the requirement.

The bill would allow 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. The amendment provides that a court may award prevailing party attorney fees and costs and damages as provided in s. 57.112, F.S.

Additionally, the bill requires the courts to prioritize these civil action cases and adjudicate them in an expeditious manner. The bill also requires a party to certify that they are not filing such a suit for frivolous or improper purposes.

The bill does not apply 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;
- 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; or
- Emergency ordinances.

The bill is prospective in nature, and only applies to ordinances adopted after October 1, 2022. Broward County will continue to oppose this legislation in the House, where the companion, HB 403, by Rep. McClure is waiting to be heard in its second committee, Civil Justice and Property Rights Subcommittee.

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

HB 943 and SB 1124 prohibit 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 removes the definition for "employer contracting to provide goods or services for the political subdivision." The bill further removes 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 for certain public contractors and vendors, Intergovernmental Affairs opposed both of these bills in their respective committees. The House bill passed 10-7 out of the Local Administration and Veterans Affairs Subcommittee on Tuesday morning. However, on Tuesday evening, the Senate companion was temporarily postponed after at least one Senator walked out of committee, and the clock ran out for the committee to adjourn. Intergovernmental Affairs is uncertain of the fate of the bill after the Senate Community Affairs Committee hearing; however, staff will continue to oppose the legislation.

HB 977 – SALE OF TAX CERTIFICATES, BY REP.

HB 977 is 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:

- Provides 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;
- Removes the ability of the tax collector to require a deposit to bid on tax certificates;
- Provides that a tax certificate bidder who fails or refused to pay any bid is not entitled to bid in the future;
- Requires tax collectors to provide electronic notice that certificates are ready for issuance;
- Repeals 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 is ardently opposed to the legislation, and testified against it in the House Local Administration and Veterans Affairs Subcommittee on Tuesday. However, the committee voted 15-2 in support of the bill.

HB 215/SB 254 – EMERGENCY ORDERS PROHIBITING RELIGIOUS SERVICES OR ACTIVITIES, BY REP. DICEGLIE AND SENATOR BRODEUR

HB 215 and SB 254 provide that no emergency order may expressly prohibit religious institutions from conducting regular religious services or activities. The bill provides an exception for a general provision in an emergency order that applies uniformly to all entities in the affected jurisdiction. A general provision in an emergency order that also applies to religious institutions must be in the furtherance of a compelling government interest and be the least restrictive means for furthering that interest. The bill was amended in committee to clarify that a local government may not directly or indirectly prohibit a religion institution from conducting regular services or activities. It passed its second committee in the House, State Affairs, 15-7, on Wednesday. The Senate bill passed off the Floor during Session, 31-3, on Thursday, and is currently waiting in House Messages.

HB 499 – AGREEMENTS WITH PROFESSIONAL SPORTS TEAMS, BY REP. GREGORY

HB 499 prohibits 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 team sporting event. Failure to comply with the written verification constitutes a default and subjects the team to any penalty the agreement authorizes for default, which may include the team repaying money paid to the team by the state or governmental entity. The agreement must be strictly enforced. Should a governmental entity fail to timely enforce the written verification, the Attorney General is authorized to intervene.

Rep. Joseph filed a handwritten amendment to the bill to ensure that nothing in the bill should be interpreted to undermine the freedom of speech as protected in the U.S. Constitution to protest the playing of the U.S. national anthem. The amendment failed on a voice vote. The bill passed 13-4 out of the House Local Administration and Veterans Affairs Subcommittee after a lengthy debate on Tuesday.

HB 7 – INDIVIDUAL FREEDOM, BY SPEAKER AVILA

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 would apply to educational institutions and workplaces. It passed its first House committee, State Affairs, on party lines on Wednesday, and has the support of the governor.

HB 325 – VACATION RENTALS, BY REP. FISCHER

HB 325 generally preempts vacation rental regulation by local governments. The bill adds to the scope of the state preemption of public lodging establishments and public food service establishments by preempting "licensing" regulations, and revises the scope of the express state preemption on vacation rentals to allow local jurisdictions to amend local regulations to be less restrictive, or comply with local registration requirements.

The bill further:

- Allows local governments to create a local vacation rental registration program.
- Prohibits local governments from charging registration fees if not in place before the effective date of the bill.
- Requires waiver of fines for failure to register if the vacation rental becomes registered within 30 days.
- Preempts to the state the regulation of advertising platforms, requires users of advertising platforms to provide license and registration information in a vacation rental listing, requires advertising platforms to collect and remit certain taxes and adopt an antidiscrimination policy.
- Grants the Division certain enforcement mechanisms relating to unlicensed activities.
- Specifically does not supersede the authority of condominiums, cooperatives, or homeowners' associations to restrict the use of their properties.
- Requires vacation rental operators to display license and registration information.
- Requires sexual offenders and sexual predators who stay in a vacation rental to register with the local sheriff's office under certain circumstances.

The bill passed the House Regulatory Reform Subcommittee, 10-6, on Thursday; however, the bill does not generally impact Broward County, as the county does not currently regulate vacation rentals.

SB 1808 – IMMIGRATION ENFORCEMENT, BY SEN. BEAN

SB 1808 passed out of the Senate Judiciary Committee on Monday, 6-3. The bill amends the federal immigration enforcement laws that were enacted in 2019. The laws prohibit sanctuary policies and seek to ensure that state and local entities and law enforcement agencies cooperate with federal government officials to enforce, and not obstruct, immigration laws. The bill changes three areas of the existing immigration enforcement statutes. The bill:

- Expands the definition of "sanctuary policy" to include any law, policy, practice, procedure, or custom of any state or local governmental entity that prohibits a law enforcement agency from providing to any state entity information on the immigration status of a person in the custody of the law enforcement agency.
- Requires each law enforcement agency that operates a county detention facility to enter into a "287(g) Agreement" with U.S. Immigration and Customs Enforcement.
- Prohibits state and local governmental entities from contracting with common carriers that willfully transport an unauthorized alien into the state, knowing the unauthorized alien entered or remains in the country in violation of the law. The bill also specifies that contracts, including a grant agreement or economic incentive program, must include certain provisions attesting that the common carrier is not, and will not, willfully provide the prohibited services to an unauthorized alien.

AFFORDABLE HOUSING

SB 1150 – AFFORDABLE HOUSING TAXATION, BY SEN. RODRIGUEZ (A)

SB 1150 provides 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 limits 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 be exempt where 100 percent of the multifamily project's total units are used for affordable housing. The bill details certain requirements for the ordinance authorizing such an exemption as well as administration of the exemption. Broward County support this legislation. It passed the Senate Committee on Finance and Tax unanimously on Thursday.

HB 981/SB 962 – MIXED-USE RESIDENTIAL DEVELOPMENT PROJECTS FOR AFFORDABLE HOUSING, BY SEN. BRADLEY AND REP. PAYNE

SB 962 and HB 981 authorize a county or municipality, regardless of zoning ordinances or the locality's comprehensive plan, to approve the development of mixed-use residential development projects on any parcel zoned for residential, commercial, or industrial use if a portion of the project is for affordable housing. Current law authorizes a county or municipality to approve the development of affordable housing regardless of zoning ordinances or the locality's comprehensive plan but does not specifically address mixed-use residential projects.

The sponsor of an approved project must additionally agree not to apply for or receive funding from the state's multi-family affordable housing program, known as the State Apartment Incentive Loan (SAIL), limiting eligible projects to those not already seeking SAIL funding. The bill clarifies that the new and existing provisions allowing affordable housing projects to circumvent comprehensive plans and other ordinances are self-executing and do not require further action by local governments before using this approval process.

The Senate bill was amended in the Senate Transportation Committee to clarify that the authorized approval of any residential development project, including a mixed-use residential development project, must be for a project on a parcel that is zoned for commercial or industrial use. The bill passed its second committee, 8-0, and is now in the Rules Committee. The House bill was also amended in committee to align with the Senate language, and passed the Local Administration and Veterans Affairs Subcommittee, unanimously, on Tuesday.

CRIMINAL JUSTICE

SB 1012 – VICTIMS OF CRIMES, BY SEN. BURGESS

SB 1012 amends s. 960.001, F.S., to require 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. Section 960.001, F.S., provides a list of rights for victims and witnesses in the criminal justice system. To inform a victim about his or her rights s. 960.001(1)(a), F.S. 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, and to be heard at all crucial stages of a criminal or juvenile proceeding;
- 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; and
- The right of a victim to a prompt and timely disposition of the case.

The bill passed the Senate Judiciary Committee unanimously and will next wait to be heard in Senate Judiciary. The House companion awaits a hearing in its last committee.

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

HB 197 applies to juveniles who completed a diversion program for misdemeanor and felony offenses, other than a forcible felony. Intergovernmental Affairs was in committee to waive in support of the bill, which is a priority of the Broward County Commission. 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 under to lawfully deny or fail to acknowledge his or her participation in the program and such expunction of the nonjudicial arrest record. This bill will expand the 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 was amended in committee to clarify 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 the House Government Operations Subcommittee, 16-0.

HB 195 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, it will require a two-thirds vote of each house to pass. The linked bill also passed the House Government Operations Subcommittee, 14-0. Both bills await a hearing in their last referenced committee, House Judiciary.

ECONOMIC DEVELOPMENT

HB 489/SB 434 – TOURISM MARKETING, BY REP. CHANEY AND SEN. HOOPER

HB 489 and SB 434 would extend 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. On Monday, the House bill passed 17-4 out of the Commerce Committee and the Senate bill passed unanimously out of Appropriations on Thursday. Both bills have been placed on the Calendar for 2nd Reading.

ENVIRONMENT AND NATURAL RESOURCES

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

SB 1078 provides that new soil and water conservation districts (SWCDs) must be subdivided into five numbered subdivisions that match, as practicable, the boundaries of either the five county commission districts or five school board districts within the county. If neither the county commission nor the school board is subdivided into five districts, the Department of Agriculture and Consumer Services shall subdivide the SWCD into five numbered subdivisions as nearly equal in area as practicable. The bill allows one SWCD supervisor to be elected from each of the five numbered subdivisions and provides for staggered terms for supervisors. The bill was amended in committee and now requires SWCD supervisors to be eligible voters who reside within the numbered subdivisions from which they are elected and to be actively engaged in farming or animal husbandry. However, based upon testimony, such requirements may be expanded. The bill provides that the term of a supervisor serving on an SWCD governing body at the time the amended bill becomes a law expires on January 10, 2023. The bill provides that by January 1, 2023, an SWCD in existence on July 1, 2022, which was not initially subdivided, must be subdivided in the manner provided by the bill. The bill passed 4-1 out of the Senate Committee on Environment and Natural Resources on Monday.

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

In 2020, the Legislature passed Senate Bill 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. SB 178 directed DEP to adopt rules to develop a standard by which public entities must conduct the SLIP study and specified requirements for the standard.

SB 1434 and HB 1077 expand the requirement for public entities to conduct a SLIP study before commencing construction of certain state-financed coastal structures to apply the requirement to certain structures that are within any area that is at risk due to sea level rise, not just coastal areas. The structures subject to this requirement are any "potentially at-risk structures or infrastructure," which are defined as any major structures or infrastructure, including all infrastructure critical to public health, life, or safety, that are within an area at risk due to sea level rise. The Senate bill passed out of the Senate Committee on Environment and Natural Resources on Monday, 6-0. The House companion passed out of the House Environment Agriculture and Flooding Subcommittee on Tuesday, 14-0.

SB 1556 – GOLF COURSE BEST MANAGEMENT PRACTICES CERTIFICATION, BY SEN. GRUTERS

SB 1556 provides for golf course best management practices (BMPs) certification. The bill directs the Department of Environmental Protection (DEP) to work with the turfgrass science program at the University of Florida Institute of Food and Agricultural Sciences to administer a golf course BMPs certification to ensure compliance with fertilizer

BMPs. The bill requires DEP to provide training and testing certification programs. The bill requires an applicant for certification to submit a copy of the training certificate. Recertification is available when the certificate expires, for which the bill requires eight classroom hours of continuing education. The bill exempts a person certified in golf course BMPs from additional local testing and local ordinances relating to water and fertilizer use restrictions, unless a state of emergency is declared. The bill directs DEP to adopt rules to implement golf course BMPs certification. The bill passed 5-0 out of the Senate Committee on Environment and Natural Resources on Monday.

SB 1666 – DISCHARGE AND USE OF FIREFIGHTING FOAM, BY SEN. POLSKY

SB 1666 passed unanimously out of the Senate Committee on Environment and Natural Resources on Monday. The bill provides that beginning January 1, 2023, a fire service provider may not discharge or otherwise use Class B firefighting foam that contains intentionally added PFAS chemicals unless such discharge or use occurs in fire prevention or in response to an emergency firefighting operation. The bill does 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."

HB 101 – IMPROVEMENTS TO REAL PROPERTY, BY REP. FINE

A proposed committee substitute (PCS) was adopted in place of HB 101 in the Tourism, Infrastructure and Energy Subcommittee on Tuesday. The PCS substantially amends the original bill and adds several consumer protections relating to the current PACE program, including:

- Specifying that a financing agreement may not be used to fund ancillary work not meeting specified conditions.
- Capping the total of all non-ad valorem assessments, plus any mortgage-related debt on the property, at 97 percent of a residential property's fair market value.
- Requiring a determination that a residential property owner is able to pay the assessment and meets certain minimum creditworthiness requirements.
- Allowing property owners to cancel a financing agreement within three days of execution.
- Ensuring that financing agreements do not exceed the estimated useful life of the qualifying improvement.
- Requiring acknowledgement of a number of key terms and disclosures, both orally and in writing, before execution of the financing agreement by the property owner.
- Requiring the appropriate licensure and background screening for contractors who install qualifying improvements under a PACE program.
- Requiring verification that the work was completed to code before funds are disbursed.
- Imposing certain marketing and communication guidelines, including limitations and prohibitions on solicitation, advertising, and other inducements.
- Specifying terms relating to enforceability of contracts for qualifying improvements and associated remedies.

The bill also requires the local government to post an online annual report documenting certain PACE activities by April 1 containing the following information:

- The number of qualifying improvements funded.
- The aggregate, average, and median dollar amounts of annual and total qualifying improvements assessments funded.

- The percentage, the number, and the dollar value of qualifying improvements assessments represented by the category types consisting of energy efficiency, renewable energy, and wind resistance.
- The number of defaulted assessments including the total number and defaulted amount, the number and dates of missed payments, the total number of parcels defaulted and years in default, and the percentage of defaults by total assessments.
- A summary of all reported violations of this section, including the resolution of each.
- The estimated number of jobs created.
- The number and percentage of homeowners 60 years of age or older participating in a qualifying improvement program.

The bill passed the committee unanimously, as amended.

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

The state preempts counties or municipalities from regulating smoking. HB 105 amends the FCIAA 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 passed the House Professions & Public Health Subcommittee, 17-1.

HB 1555 – PRIVATE PROPERTY RIGHTS TO PRUNE, TRIME, AND REMOVE TREES, BY REP. MCCLAIN

HB 1555 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 under s. 163.045, F.S., 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 to s. 163.045, F.S., 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 supports this bill under the adopted 2022 State Legislative and Executive Program. It passed out of the House Civil Justice & Property Rights Subcommittee, 18-0.

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

SB 494 passed the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government unanimously on Thursday. The bill 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 which 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.

HB 729 – EVERGLADES PROTECTION AREA, BY REP. ALOUPIS

HB 729 requires 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 impact the EPA or Everglades protection and restoration.

The bill prohibits a proposed amendment impacting property located within, or within two miles of, the EPA from being considered a small-scale development amendment. HB 729 passed its first House committee on Tuesday, Environment, Agriculture and Flooding, with a unanimous vote.

ETHICS AND ELECTIONS

CS/HB 777/1194 – LOCAL TAX REFERENDA REQUIREMENTS, BY THE PUBLIC INTEGRITY & ELECTIONS COMMITTEE

HB 777 and SB 1194 would require 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. On Monday, the bill passed the House Ways and Means Committee, unanimously, and will next be heard in the Committee on State Affairs. The Senate companion passed its second committee, Community Affairs, unanimously, on Tuesday as well.

HJR 663 – RECALL OF COUNTY OFFICERS AND COMMISSIONERS, BY REP. WILLIAMSON

The joint resolution, HJR 663, proposes amending the Florida Constitution to allow the Legislature to provide by general law for the recall of county officers and commissioners. Each chamber of the Legislature must pass a joint resolution by a three-fifths vote for the proposal to be placed on the ballot. The joint resolution provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or reject. The bill passed the House Local Administration and Veterans Affairs Committee, unanimously, on Tuesday, despite opposition from the Florida Association of Counties.

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

HB 7001 implements the public officer lobbying prohibitions by providing definitions of terms that have no clear constitutional definition. It 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.

In 2018, the people of Florida amended the state constitution to prohibit lobbying by certain public officers both during public service and for a six-year period following vacation of public office. The prohibitions address lobbying on issues of policy, appropriations, or procurement. The prohibitions address lobbying before the federal government, the legislature, any state government body or agency, or any political subdivision. The amendment takes effect on December 31, 2022. It expressly authorizes the Legislature to enact implementing legislation to include definitions and penalties. Such legislation may deal with no other subject. Current law provides several lobbying restrictions based on public service. The state constitution provides that legislators may not represent another for compensation before any state agency while serving in legislative office and legislators and statewide elected officers may not represent another for compensation before the government body where they were an officer or member for two years following vacation of office. The Code of Ethics for Public Officers and Employees prohibits a broad class of public officers and employees from representing another for compensation before their former department or employer for two years after leaving public service. Finally, state legislators may not lobby the executive branch, as defined by the lobby registration laws, for a period of two years after vacation of office.

The Rules of the House of Representatives currently restrict members from lobbying local governments and former legislators from lobbying the House of Representatives for a period of six years following legislative service. Current law and related rules define lobbying and related terms for the purpose of registration to lobby both in the Legislature and in the executive branch. The bill requires the Commission to report violations and recommended penalties to the Governor for imposition of penalties on those found to have violated the post-service lobbying prohibition. Existing referral requirements would apply to violations by current public officers. The Chief Financial Officer and Attorney General are each authorized to collect any penalty imposed.

On Thursday, bill passed the House Rules Committee, 22-0, with an amendment that added a definition of "elected special district officer in a special district with ad valorem taxing authority" which excludes officers of community development districts elected by landowners when an election by qualified electors is a condition precedent to the exercise of ad valorem taxing authority. The bill will next be heard on the House Floor.

FINANCE AND TAX

HJR 923 – AD VALOREM TAX EXEMPTION, BY REP FISCHER

HJR 923 is a joint resolution that proposes amending art. VII, s. 6 of the Florida Constitution to allow for an additional ad valorem taxation exemption up to $25,000 on a homestead property with an assessed value that is greater than $50,000. The joint resolution further allows for the periodic increase in the additional $25,000 exemption as provided by general law. Additionally, the joint resolution adds a new section to art. XII of the Florida Constitution providing that the new section and the amendments to art. VII, s. 6, take effect January 1, 2023. Each chamber of the Legislature must pass a joint resolution by a three-fifths vote for the proposal to be placed on the ballot. The joint resolution provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose. The joint resolution passed 11-3 out of the House Local Administration and Veterans Affairs Subcommittee on Tuesday.

SB 1748 – HOMESTEAD PROPERTY TAX EXEMPTIONS AND 1746 - HOMESTEAD PROPERTY TAX EXEMPTIONS FOR CLASSROOM TEACHERS, LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, CHILD WELFARE PROFESSIONALS, AND SERVICEMEMBERS, BY SEN. BRODEUR

SB 1748 is a proposed amendment to the Florida Constitution authorizing the Legislature to provide an additional homestead exemption on the value greater than $100,000 and up to $150,000 for a classroom teacher, law enforcement officer, correctional officer, firefighter, child welfare services professional, active-duty member of the United States Armed Forces, or a member of the Florida National Guard. The resolution must be adopted by three-fifths of the Legislature for consideration by Florida voters during the general election of November 2022. The bill is estimated to cost $83 million to local governments statewide; school board tax assessments are exempt from the measure. SB 1746 is the implementing language should Florida voters pass the proposed amendment by at least 60 percent. The amendment would apply to the 2023 tax rolls.

The Florida Association of Counties spoke against the bill stating that the measure will result in a tax increase elsewhere to offset lost revenues. Some members of the committee stated that they would like a more comprehensive approach to affordable home ownership, but ultimately supported the measures. Both bills passed the Community Affairs Committee, 9-0. The House companions HB 1 and HB 1563 are slated to be heard next week.

SB 1610 – AD VALOREM TAX ABATEMENT, BY SEN. RODRIGUEZ (A)

SB 1610 provides for the abatement of taxes for property owners affected by the 2021 collapse of Champlain Towers South. The bill provides that taxes levied in 2021 on persons who held property in Champlain Towers South on the date of its destruction must be abated, and prescribes the process by which the state and local government will administer the abatement of taxes. The bill passed unanimously out of the Senate Community Affairs Committee on Tuesday.

SB 356 – SALES TAX HOLIDAY FOR ENERGY STAR AND WATERSENSE PRODUCTS, BY SEN. JONES

SB 356 establishes a three-day sales tax holiday period, from April 22, 2023, to April 24, 2023, on the retail sale of a new ENERGY STAR or WaterSense products. The Revenue Estimating Conference (REC) has not analyzed this version of the bill. Staff estimates that the bill will reduce General Revenue Fund receipts by approximately $4.4 million and local government revenues by $1.3 million. The bill passed unanimously out of the Senate Community Affairs Committee on Tuesday.

GROWTH MANAGEMENT

SB 706 – SCHOOL CONCURRENCY, BY SEN. PERRY

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.

An amendment to the bill removed a provision requiring all counties which apply school concurrency to do so on a district-wide basis, which was supported by Broward County. The bill passed unanimously out of the Senate Community Affairs Committee on Tuesday, its next committee of reference is Senate Education.

HB 481/SB 1332 – TEMPORARY UNDERGROUND POWER PANELS, BY REP. DUGGAN

HB 481 and SB 1332 provide 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. The bill passed unanimously out of both the Senate Regulated Industries Committee and the House Local Administration and Veterans Affairs Subcommittee this week. The preemption does not appear to impact Broward County.

SB 1702 – MANDATORY BUILDING INSPECTIONS, BY SEN. BRADLEY

SB 1702 passed unanimously out of the Senate Community Affairs Committee on Tuesday. It establishes a mandatory structural inspection program for multi-family residential buildings in the state of Florida. Under the bill, multi-family residential buildings greater than 3 stories and larger than 3,500 square feet are required to have a "milestone inspection" once the building reaches 30 years in age, and every 10 years thereafter. If the building is within 3 miles of coastline the requirements drop to 20 years in age, and every 7 years thereafter. Inspections must be done by a licensed architect or engineer.

The bill provides for a two-phase milestone inspection process including a visual inspection and a structural distress inspection if a visual inspection warrants a second phase. The bill states that a licensed engineer or architect must submit a copy of their inspection report to the building owner or board of a condominium or cooperative, and the building official in the jurisdiction. Condominium or cooperative boards must distribute the report to all unit owners.

The bill makes milestone inspection reports official records and must be provided for buyer review in condominium and cooperative unit resales. The bill allows local enforcement agencies to prescribe timelines and penalties with respect to compliance with milestone inspections. Additionally, the bill directs the Florida Building Commission to establish comprehensive structural and life safety standards beyond the bill's requirements for maintaining and inspecting all building types, and to make them available for adoption by local governments at their discretion.

Sb 644 – BUILDING INSPECTION SERVICES, BY REP. LAMARCA

SB 644 passed unanimously with a strike-all amendment on Tuesday out of the Senate Community Affairs Committee. 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 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 certificate of occupancy within 10 days.

The strike-all amendment addressed Broward County's concerns based on Intergovernmental Affairs' conversations with the House bill sponsor, Rep. LaMarca. The amendment provides that 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.

HEALTH POLICY

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

The House Healthcare Appropriations Subcommittee voted 10-5 in favor of HB 5, the bill that would ban on 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 like a Mississippi law that was adopted in 2021, which is currently before the U.S. Supreme Court.

The bill was amended in committee by Rep. Persons-Mulicka to increase the recurring appropriation to the measure from $260,000 to $1.6 million to create the fetal and infant mortality review committees. All Democrat-backed amendments to the bill failed. The bill has one more committee stop before it will be heard on the House floor.

SB 704/HB 479 – SUBSTANCE ABUSE SERVICE PROVIDERS, BY SEN. HARRELL AND REP. CARUSO

SB 704 and HB 479 make 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. The bill subjects providers 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. The bill requires substance abuse service providers to return an individual's personal effects upon the individual's discharge from treatment.

The Senate bill passed the Senate Rules Committee, unanimously on Thursday, and has been placed on the Calendar, on 2nd Reading. The House bill also passed unanimously, out of the Health Care Appropriations Committee, on Thursday.

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

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; and
- Provides those individuals certified as peer specialists by July 1, 2022, will be deemed to have met the requirements for certification under the bill.

The bill passed the Senate Appropriations Subcommittee on Health and Human Services, unanimously on Wednesday. It will next be heard in the Senate Appropriations Committee.

TRANSPORTATION

HB 157 – TRANSPORTATION PROJECTS, BY REP. ANDRADE

HB 157 provides that no more than 25 percent of revenues from the State Transportation Trust Fund, excluding state revenues used for matching federal grants, and otherwise specified in the General Appropriations Act, be used for public transportation projects. According to the Secretary of the Department of Transportation, the Department has never come close to hitting the proposed 25 percent cap on STTF allocations for public transportation projects. The highest they have come is 20 percent in FY 2019 and the average allocated by the STTF for public transportation projects annually is 17-18 percent, which is within the proposed range.

The bill also clarifies the FDOT's authority to engage in "progressive" design-build contracting as an innovative technique of highway and bridge design and construction, removes certain progressive design-build contracts from an existing cap on innovative contracts, and removes a limitation on design-build contracting to certain types of projects.

Additionally, the bill authorizes an applicant for an FDOT contractor certificate of qualification to submit with a timely submitted application a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date. Further, the bill repeals a current provision of law providing temporary confidential and exempt status from public records requirements for a document 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 the FDOT.

The bill passed the House Infrastructure and Tourism Appropriations Subcommittee, 12-0, and will next be heard in the Commerce Committee.

REDISTRICTING

HB 7501 – JOINT RESOLUTION OF APPORTIONMENT, BY THE HOUSE REDISTRICTING COMMITTEE

The House Redistricting Committee adopted HB 7501 that selected House Redistricting Plan H000H8013 as the joint resolution 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 would 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.

When compared to the existing 120 State House districts, this proposed committee substitute would:

- Reduce the number of cities split from 101 to 53;
- Improve the statewide averages of mathematical compactness scores;
- Increase the number of county splits by one;
- Increase the total population deviation from 3.97% to 4.75%, still within the legally acceptable range; and
- Ensures all protected minority districts have the ability to elect candidates of their choice, in alignment with the federal Voting Rights Act and the Florida Constitution.

The House plan passed the Redistricting Committee, 17-7, and has been placed on the Calendar on 2nd Reading.