

FHBA OVERVIEW: 2023 Legislative Session

The 2023 Legislative Session ended on Friday, May 5, seeing passage of several FHBA priorities as well as the largest budget in Florida's history.

In total, 1,828 bills were filed this session with more than 350 being approved by both the House and the Senate. As reported weekly by FHBA, a monumental effort went into passing a variety of bills that stand to positively impact your bottom line. In fact, so many so that FHBA was highlighted in Florida Politics annual "Winners" list from the 2023 Session. Thank you to the FHBA members and supporters who sent letters to Governor DeSantis and your local legislators, traveled to Tallahassee to meet with lawmakers, and who provided testimony to help drive home our message this session.

Most notably, **Construction Defects (SB360)** was signed into law by the Governor, reducing the Statute of Repose from 10 years to seven, and hopefully curbing the onslaught of frivolous law suits wreaking havoc on contractors' liability insurance coverage options.

Governor DeSantis also wasted no time in signing the **Live Local Act (SB102) this year's affordable housing bill**. Championed by Senate President, Kathleen Passidomo, the bill was crafted to increase homeownership opportunities and provide more affordable rental housing throughout the state. This bill included the largest investment in housing in state history with an allocation of \$811 million, and also diverts \$1.5 billion over 10 years to build new affordable rental units. Further, it expands eligibility of the Hometown Heroes Housing Program and eases local restrictions on where affordable housing may be built.

The Governor also signed **SB1604**, a land use bill including an amendment with the FHBA supported prohibition against local government architectural control in a PUD.

FHBA also victoriously defended the industry against the ratification of the **DEP Stormwater Rule** and will continue to work with the Department to ensure the rule is ready for ratification in the future.

At this time a number of bills supported by the Association achieved passage by both chambers of the legislature and await ratification from Governor DeSantis, including:

Local Licenses (HB 1383): Pushes back the sunset date for local licensure to July 1, 2024, prohibits local governments from adopting new licensing requirements, and authorizes counties which contain an area of critical state concern to continue to offer specialty licenses. Also requires the CLIB to establish certain optional specialty licenses.

Local Ordinances/Testa Case Fix (SB 170): Contained within the Local Ordinances is the Testa v. Jupiter Island City case fix which would remove the ability for ordinances to be challenged if the continued meeting was on the record, but not re-noticed.

Contraction/Prohibit Referendum for Land Use Issues (SB 718): The De-annexation/Contraction Bill was successfully combined with HB 41 which prohibits local governments from taking land use issues to referendum.

Delay of the Energy Code (HB 869): This is the DBPR Package which was amended to include a provision that if the Energy Code Compliance Software is not available within three months of the new building code's effective date, the Florida Building Commission may delay implementation of the Energy Code for up to three additional months.

Natural Emergencies (SB 250): This bill creating a more stable property environment (extension of existing permits, prohibiting more restrictive processes for land use changes, no impact fee increases etc.) following a named storm or other natural disaster which has been included in a declared State of Emergency. Also appropriates \$60,000,000 for Local Government Emergency Bridge Loan Program for local governments to access funds when they are impacted by federally declared natural disasters.

Building Code and Substantive Changes by Inspectors (HB 89): This limits when a local official may require substantive changes to plans after a permit has been issued. They must also cite in the building code or fire code upon which any directed substantive change is based upon.

The Governor has also signed **Owner of Property by Foreign Entities (SB 264)**. While the bill no longer regulates the purchases of real property near critical infrastructure, it does regulate the sale of real property within one mile of military installations by certain foreign principals. Foreign entities of agriculture land must register with the Department of Agriculture and Consumer Services. It also allows certain Chinese persons legally present in the state other than tourism to purchase single primary residences.

Work will continue to follow the Governor's consideration of each of these important pieces of legislation, as our advocacy team gears up to head into election season.

You can be sure to get a deeper dive into this and more July 19-20 at the Southeast Building Conference! The FHBA Advocacy team will be on hand to give a full update from the legislative session, and you can earn continuing education credit toward your license, too. Learn more and register today at www.sebcshow.com.