



TO: Mayor Heitmann & City Council Members

FROM: Lisa Hurley, Smith Bryan & Myers, Inc.

DATE: June 12, 2023

RE: 2023 Legislative Session Report

On May 5th, 2023 the Florida House of Representatives and the Florida Senate agreed to the budget for the State Fiscal Year (SFY) 2023-2024 and officially ended the regular legislative session. The House and Senate's budget for SFY 2023-2024 totals approximately \$117 billion which represents a 4.42 percent increase from the current state budget and includes \$10.9 billion in reserves and hundreds of millions of dollars for Hurricane Ian and Nicole Recovery.

Budget Highlights

We are pleased to report that the legislature fully funded all of the City's appropriation project priorities as follows:

- Naples Bay Red Tide Septic Tank Mitigation- \$10 million
- Naples Gulf of Mexico Beach Stormwater Outfall Pipe Removal & Water Quality Project- \$10 million
- Naples Stormwater Lake Restoration Improvements- \$1.5 million
- Naples Stormwater Outfall Check Valve Installation Project -\$2.4 million
- Naples Cybersecurity- \$828,000

It is important to note that the Governor has line-item veto over the budget and to date has not yet acted on SB 2500 and therefore some items will be vetoed although we believe the City's funding will be preserved. With that understanding, we wanted to provide some additional funding highlights:

Hurricane Relief and Recovery:

Major Issues

- Division of Emergency Management - Hurricane Ian and Nicole Recovery Grant Program - \$350 million
- Department of Transportation - Lee County Bridge Repair and Replacement - \$75.2 million

- Department of Environmental Protection - Beach Recovery and Renourishment - \$106 million
- Department of Financial Services - My Safe Florida Homes Program - \$100 million
- Hurricane Restoration Reimbursement Grant Program - Beach Erosion - \$50 million
- Lee County School District School Repair/Rebuild - \$17.6 million
- Local Funding Initiatives - \$61.9 million
- Emergency Preparedness and Response Fund - \$1.4 billion
- Department of Economic Opportunity - Local Government Emergency Revolving Bridge Loan Program - \$50 million
- Division of Emergency Management - Safeguarding Tomorrow Through Ongoing Risk Mitigation Act Revolving Loan Program - \$11 million

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- Division of Emergency Management - Federal Emergency Management Agency (FEMA) Public Assistance - Grants for Local Match - \$350 million
- Florida Housing Finance Corporation - Affordable Housing for Hurricane Recovery - \$150 million
 - o \$60 million to local governments to assist individuals in the areas impact by Hurricanes Ian and Nicole with the repair or replacement of housing, relocation costs, housing reentry assistance, and insurance deductibles
 - o \$90 million to fund the Rental Recovery Loan Program to promote development and rehabilitation of affordable rental housing in affected areas
- Department of Environmental Protection (DEP) Beach Erosion and Water Infrastructure Projects - \$251.5 million
 - o \$100 million for local government beach management and erosion control projects
 - o \$50 million for the Hurricane Restoration Reimbursement Grant Program to assist coastal property owners with beach erosion costs
 - o \$100 million for the Hurricane Stormwater and Wastewater Assistance Grant Program to assist local governments with the repair of hurricane-damaged stormwater or wastewater systems
 - o \$1.5 million to the DEP for administration
- Department of Economic Opportunity - Local Government Emergency Bridge Loan Program - \$50 million
- Emergency Preparedness and Response Fund - \$650 million

Environmental and Natural Resources:

- Everglades Restoration - \$574.6 million
- Water Quality Improvements - \$1 billion
 - o Wastewater Grant Program - \$200 million
 - o Indian River Lagoon WQI - \$104.9 million
 - o Biscayne Bay Water Quality Improvements - \$20 million
 - o Caloosahatchee WQI - \$25 million
 - o Water Projects - \$433 million
 - o C-51 Reservoir - \$70 million
 - o Water Quality Improvements - Everglades - \$50 million
 - o Total Maximum Daily Loads - \$40 million
 - o Northwest Florida On-site Septic Systems - \$2 million

- o Non-Point Source Planning Grants - \$5 million
 - o Alternative Water Supply - \$60 million
 - o Onsite Sewage Program - \$0.7 million
- Flood and Sea-Level Rise Program - \$300 million
- Water Quality Improvements - Blue Green Algae Task Force - \$12.8 million
- Innovative Technology Grants for Harmful Algal Blooms - \$10 million
- Innovative Wastewater Technology - \$10 million
- Springs Restoration - \$50 million
- Florida Forever Programs and Land Acquisition - \$1 billion
 - o Florida Wildlife Corridor - \$850 million
 - o Division of State Lands - \$100 million
 - o Florida Communities Trust - \$15 million
 - o Florida Recreational Development Assistance Grants - \$11.2.million
 - o Kirkland Ranch Land Acquisition - \$30.8 million
 - o Nassau County/Piney Island/Amelia River - \$1 million
 - o St. Johns County Summer Haven Managed Retreat - \$5 million
 - o Wetland Restoration and Protection Program - \$5 million
- Florida Keys Area of Critical State Concern - \$20 million
- Lake Apopka Restoration - \$5 million
- Petroleum Tanks Cleanup Program - \$195 million
- Volkswagen Settlement - \$15 million
- Hazardous Waste and Dry Clean Site Cleanup - \$16 million
- Beach Management Funding Assistance - \$206 million
- Wastewater and Drinking Water Revolving Loan Program - \$508.9 million
- Water Infrastructure Improvements - \$155.7 million
- Small County Wastewater Treatment Grants - \$11.5 million
- Land and Water Conservation Grants - \$13.8 million
- Local Parks - \$22.9 million
- State Parks Maintenance and Repairs - \$37 million

Other budget highlights:

Affordable Housing:

- o State Housing Initiatives Partnership (SHIP) - \$252 M
- o State Apartment Incentive Loan (SAIL) - \$259 M
- o Florida Hometown Hero Housing Program - \$100 M

Job Growth Grant Fund \$75 M – Provides grant funds to local governments for workforce and infrastructure projects which are awarded by the Governor.

Fertilizer Ordinance Ban – Prohibits local governments from adopting new or more restrictive ordinances for a period of one year while IFAS studies the effectiveness of seasonal restrictions.

Policy Bills of Potential Impact

The following list of bills are those we believe may impact City operations if passed or may otherwise be of interest. Please know that some of these bills have not been acted upon by the Governor. Just like the budget, once a bill is presented to the Governor, he has 15 days from receipt to sign, veto or otherwise allow it to become law without his signature.

SB 102 – Affordable Housing (*signed by the Governor):

The bill provides unprecedented funding for the State Housing Initiatives Partnership (SHIP) and State Apartment Incentive Loan (SAIL) programs. Specifically, the package appropriates \$252 million in non-recurring funds toward SHIP and \$259 million in total (recurring and non-recurring) toward SAIL. Additional provisions include:

- Eliminates the limited current statutory authority for local governments to impose rent control measures; the impact on existing ordinances appears to be limited to an Orange County rent stabilization measure approved by voters in a November referendum. The measure was struck down under recent litigation, with the Florida Supreme Court ruling in favor of the plaintiffs, namely the Florida Realtors Association and Florida Apartment Association.
- Authorizes counties to approve “mixed-use residential” development at their discretion that includes affordable housing (greater than 10% of the units within the development meet the criteria of affordable), within commercial or industrial zones.
- Requires counties to authorize multi-family and mixed-use residential as allowable uses in mixed use and commercial zones, conditional on 40% of the residential units meeting the criteria of “affordable” for 30 years. Additionally, the bill provides height and density incentives for residential development authorized under this section:
 - Prohibits counties from restricting the density of an eligible proposed affordable housing development below the highest allowed density on any unincorporated land within the county
 - Prohibits counties from restricting the height of an eligible proposed affordable housing development below the highest currently allowed within one mile of the proposed development OR three stories— whichever is higher.
- Provides an ad valorem tax exemption for land owned by a non-profit entity leased for 99+ years for the purpose of affordable housing.
- Provides an ad valorem tax exemption for newly constructed or substantially rehabilitated developments with 70+ units dedicated to providing affordable low to moderate-income housing. Portions of the property dedicated to “moderate income” housing (between 80- 120% Area Median Income) will receive a 75% exemption, while those serving low-income residents (less than 80% Area Median Income) will receive a full exemption.
- Permits local governments to offer an additional local option ad valorem tax exemption to property owners who dedicate units to extremely-low income or very-low income residents. In order to be eligible, a property must: 1. be used to house persons or families meeting the extremely-low-income or the very-low-income limits; 2. within a multifamily project containing 50 or more residential units, at

least 20% of which is used to provide affordable housing that meets the applicable requirements; 3. Rent at a monthly amount meets specified requirements. Counties retain the discretion to set the percentage granted by the exemption. The language authorizes counties to deny or revoke this exemption based on repeated code violations. This would ensure that unsafe/unsanitary properties are not entitled to receive the exemption.

- Provides for a new distribution of the lesser of 8 percent of Documentary Stamp Tax revenues or \$150 million be deposited into the State Housing Trust Fund. In the event that the 8 percent Doc Stamp collection allowance exceeds \$150 million, the surplus will be deposited into General Revenue.
- Codifies the Hometown Heroes program, which provides down payment assistance and zero interest loans to eligible frontline community workforce members.

SB 250 – Natural Emergencies (*not sent to the Governor yet):

The bill provides that counties and municipalities may not prohibit the placement of a temporary shelter (including but not limited to a recreational vehicle, a trailer, or similar structure) on a residential property for up to 36 months or until a certificate of occupancy is issued on the permanent structure on the property, whichever occurs first, following a declared natural emergency as defined in s. 252.34(8).

The bill also prohibits a county within 100 miles of the landfall area of either Hurricane Ian or Nicole from adopting a building moratorium, or comprehensive plan amendments or land use regulations more burdensome or restrictive than allowed in s. 163.3164, F.S. until October 1, 2024. This section applies retroactively to the date Hurricane Ian made landfall.

The bill also extends the period within which an independent fire control district may file its final report of the performance review no later than 15 months from the beginning of the district's fiscal year if the special district is within an area for which a declared state of emergency for a natural disaster was declared or 24 months for a category 3 hurricane or higher.

Requires the Division of Emergency Management to post on its website no later than 6/1/2023 a model debris removal contract AND

- Prioritize technical assistance and training to fiscally constrained counties on the aspects of safety measures, preparedness, prevention, response, recovery, and mitigation relating to declared natural disasters and emergencies
- Revises the tolling of permits following a declared natural disaster from 6 months to 24 months and to up to 48 months if multiple declared natural emergencies occur
- Encourages Counties, Municipalities, and School Districts to develop an emergency financial plan for major natural disasters
- Encourages intergovernmental cooperation and creation of inspection teams
- Revises the Bridge loan program and appropriates an additional \$50 M
- Allows registered contractors to work outside of an area where they are registration within their field for up to 24 months if they are working within a declared disaster area
- Directs local governments to offer an expedited permitting process for projects that require minimal technical review, following a declared natural disaster event.

HB 1383 – Local Occupational Licensing/Specialty Contractors (*not sent to Governor yet):

Background: In 2021, the Legislature passed HB 735 which preempted locally licensed occupations to the state. However, the act allowed local licensing to continue for two-years, including construction trade occupations, in those counties that licensed the occupations locally as of January 1, 2021. Section 163.211, Florida Statutes, would have expired all local occupational licenses issued to construction industry specialty contractors on July 1, 2023, unless this Legislature takes action.

The bill establishes that local government licensing of occupations will now expire on July 1, 2024. By July 1, 2024, the Construction Industry Licensing Board shall establish certified specialty contractor categories for voluntary licensure for all of the following:

- Structural aluminum or screen enclosures.
- Marine seawall work.
- Marine bulkhead work.
- Marine dock work.
- Marine pile driving.
- Structural masonry.
- Structural prestressed, precast concrete work.
- Rooftop solar heating installation.
- Structural steel.
- Window and door installation, including garage door installation and hurricane or windstorm protection.
- Plaster and Lath.
- Structural carpentry.

A local government may not require a license issued by the local government or CILB to perform a job scope which does not substantially correspond to one of the state contractor or specialty contractor categories. A local government may continue to offer a license for veneer, including aluminum or vinyl gutters, siding, soffit, or fascia; rooftop painting, coating, and cleaning above three stories in height; or fence installation and erection if the local government imposed such a licensing requirement before January 1, 2021. Further, the bill allows a county in an area that is designated as an area of critical state concern, to offer a license for any job scope which requires a contractor license under this part, if the county imposed such a licensing requirement before January 1, 2021. Lastly, a local government may not require a license as a prerequisite to submit a bid for public work projects if the work to be performed does not require a license under general law.

SB 170 – Local Ordinances (*not sent to Governor yet):

Current law allows civil action challenges to local ordinances on grounds that they are expressly preempted by state law, or conflict with the state constitution. SB 170 expands this statute to include grounds that an ordinance is arbitrary or unreasonable and allows the courts to award attorney fees and costs to the prevailing complainant. An award of attorney fees or cost and damages cannot exceed \$50,000 and costs to the prevailing plaintiff. Like challenges under current law that are brought against local ordinances on express preemption grounds, the bill allows a complainant to recover damages against the local government that enacted the local ordinance. The bill requires a board of county commissioners to prepare a business impact statement before the adoption of certain ordinances. It also requires the preparation of a business impact estimate that must be published on a county's or city's website at the same time as notice of a proposed ordinance is published. Additionally, a good faith estimates of the number of businesses likely to be affected by said ordinance and any additional information the board determines necessary.

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

- Ordinances that implement:
- Part II of chapter 163;
- Section 553.73;
- Section 633.202;
- Sections 190.005 and 190.046;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances related to issuance or refinancing of debt;
- Ordinances related to the adoption of budgets

or budget amendments; • Ordinances required to implement a contract or an agreement; including but not limited to, any federal, state, local, or private grant or financial assistance accepted by a county government; or • Emergency ordinances.

Additionally, a county must suspend enforcement of an ordinance that is subject of action if the legal action is filed no later than 90 days after the adoption of the ordinance, the complainant requests suspension in the initial complaint or petition, and the county has been served with a copy of the complaint or petition.

The bill only applies to ordinances adopted on or after October 1, 2023. An amendment to an ordinance enacted after October 1, 2023, can give rise to a claim only to the extent the amendment language is the cause of the claim apart from the ordinance being amended. The county ordinance under consideration at a properly noticed meeting may continue to a subsequent meeting if, at the scheduled meeting, the date, time, and place of the subsequent meeting is publicly stated. No notice is required except the continued consideration must be listed in an agenda or similar to what was produced for the subsequent meeting. This applies retroactively.

SB 1604- Land Use and Development Regulations (*signed by Governor):

The bill increases the length of the required planning period from a 10-year period and a 20-year period (current law is 5 year and 10 year) and revises the comprehensive plan evaluation and appraisal process. The bill requires land development regulations adopted by a local government to establish minimum lot sizes consistent with the maximum density authorized by the comprehensive plan and to provide standards for infill residential development.

The bill allows local governments to require certain building design elements to single-family or two-family dwellings located in a planned unit development (PUD) or master planned community (MPC) created before July 1, 2023. This ability will not be allowed prospectively and is preempted. Additionally in Section 3, the bill limits the application of those elements in communities with a design review board or architectural review board to those who had such a board before January 1, 2020.

Lastly, the bill precludes an independent special district from complying with the terms of any development agreement, or other agreement for which a development agreement served as consideration, that was adopted in the three-month period preceding the effective date of a law modifying the manner of selecting the governing body of that independent special district, and required the district to take certain actions within a specified period. Additionally, the bill revises the process for approving certain electric substation installations.

SB 346- Public Construction (*signed by Governor):

Background: In 2021, HB 53 was signed into law that amended the definition of “public work projects” as an activity that exceeds \$1,000,000 in value and that is paid for with any state-appropriated funds. The law preempts existing local ordinances related to the procurement process for public works projects when any state funds are used. Additionally, the law removed the 50% threshold and applied the prohibition on local preference to all solicitations that will be paid for with funding that is state-appropriated.

This bill revises the definition of a public works project as any activity that is paid for with any state-appropriated funds, deleting any dollar threshold entirely. This will prohibit the political subdivision that undertakes the public works project that uses state-appropriated funds from imposing specified requirements on contractors.

Further, the bill establishes the reasonable time in which the parties to both local government and public entity construction contracts have to develop the punch list— allowing up to 30 days for contracts under \$10 million, and up to 45 days for contracts of \$10 million or more. Additionally, the bill allows a local government to retain up to 150% of the estimated cost to complete items on the punch list after it receives a contractor's request that the local government pay the contract balance, and clarifies that the local government must pay the withheld cost upon completion of those punch list projects—barring a good faith dispute.

HB 1417- Residential Tenancies (*not sent to Governor yet):

The bill preempts local governments from any regulation of the landlord/tenant relationship. The non-exhaustive list of features that are preempted includes:

- The screening process used by a landlord in approving tenancies.
- Security deposits.
- Rental agreement applications and fees associated with such applications.
- Terms and conditions of rental agreements.
- The rights and responsibilities of the landlord and tenant.
- Disclosures concerning the premises, the dwelling unit, the rental agreement, or the rights and responsibilities of the landlord and tenant.
- Fees charged by the landlord.
- Notice requirements; a number of counties actively require varying degrees of notice before rent increases/ termination of tenancy, beyond the statutory requirements
- The notice period for terminating a tenancy to no less than 30 days' or more than 60 days' notice from the tenant or the landlord.

HB 1281- Preemption Over Utility Service Restrictions (*not sent to Governor yet):

The bill prohibits a municipality, county, special district, or other political subdivision of the state from enacting or enforcing a resolution, ordinance, rule, code, or policy, or take any other action that restricts or prohibits, or has the effect of restricting or prohibiting, the use of an appliance, including a stove or grill, which uses the types or fuel source of energy production which may be used, delivered, converted, or supplied by:

- Investor-owned electric utilities;
- Municipal electric utilities;
- Rural electric cooperatives;
- Entities formed by interlocal agreement to generate, sell, and transmit electrical energy;
- Investor-owned gas utilities;
- Gas districts;
- Municipal natural gas utilities;

- Natural gas transmission companies; and
- Certain propane dealers, dispensers, and gas cylinder exchange operators.

The bill provides an exception for circumstances in which the political subdivision must enforce the Florida Building Code or the Florida Fire Prevention Code.

SB 258- Prohibited Applications on Government-issued Devices (*signed by Governor):

The bill requires governmental entities to block all prohibited applications on government-issued devices (cell phones, laptops, or other electronic devices), restrict access to prohibited applications on a government-issued device, and remotely wipe and uninstall any prohibited application from a comprised government-issued device. Prohibited applications include any Internet application (eg. TikTok) that enables users to socially interact with one another and that is created, maintained, or owned by a foreign principal; or any Internet application deemed to present a security risk by the department. Foreign principals under the bill are defined as foreign country of concern from 288.860(1) or the political parties or members of a political party from those foreign country of concern. These include: the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic. Governmental entities may request a waiver from the Department of Management Services (DMS) to allow designated employees to access prohibited applications if the access is deemed necessary to conduct governmental or educational business.

Employees of governmental entities who have already downloaded a prohibited application must remove, delete, or uninstall the application by August 1, 2023. The bill authorizes DMS to adopt rules as necessary to administer this section.

SB 262- Technology Transparency (*signed by Governor):

The bill prohibits employees of a governmental entity from using their position or any state resources to communicate with a social media platform to request that it remove content or accounts. Additionally, a governmental entity cannot initiate or maintain any agreements with a social media platform for the purpose of content moderation.

The bill creates a unified scheme to allow Florida's consumers to control the digital flow of their personal information. Specifically, it gives consumers the right to:

- Confirm and access their personal data;
- Delete, correct, or obtain a copy of that personal data;
- Opt out of the processing of personal data for the purposes of targeted advertising, the sale of personal data, or profiling in furtherance of a decision that produces a legal or similarly significant effect concerning a consumer;
- Opt out of the collection of sensitive data; and
- Opt out of the collection of personal data collected through the operation of a voice recognition feature.

The Act generally applies to businesses that collect Florida consumers' personal information, make in excess of \$1 billion in gross revenues, and meet one of the following thresholds:

- Derives 50 percent or more of its global annual revenues from providing targeted advertising or the sale of ads online; or
- Operated a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing service that uses hands-free verbal activation.
- Operates an app store or digital distribution platform that offers at least 250,000 different software applications for consumers to download and install.

SB 1718- Immigration (*signed by Governor):

Among many other provisions, the bill prohibits a county or municipality from providing funds to any person, entity, or organization for the purpose of issuing an identification card or other document to an individual who does not provide proof of lawful presence in the United States.

SB 106- Florida Share-Use Nonmotorized Trail Network (*signed by Governor):

The bill discusses the development of "regionally significant trails" which are defined as trails crossing multiple counties; serving economic and ecotourism development; showcasing the state's wildlife areas, ecology, and natural resources; and serving as main corridors for trail connectedness across the state. The bill authorizes FDOT and local governments to enter into sponsorship agreements for trails and to use associated revenues for maintenance, signage, and related amenities.

Further, the bill expands the existing Shared-Use Nonmotorized (SUN) Trail Network and increases recurring funding for the SUN Trail Network from \$25 million to \$50 million and provides a non-recurring appropriation of \$200 million to plan, design, and construct the SUN Trail Network.

SB 154- Condominium and Cooperative Associations (*signed by Governor):

The bill revises the milestone inspection requirements for condominium and cooperative buildings that are three or more stories in height to limit the milestone inspection requirements to buildings that include a residential condominium or cooperative.

- Provide that the milestone inspection requirements apply to buildings that in whole or in part are subject to the condominium or cooperative forms of ownership, such as mixed-ownership buildings;
- Clarify that all owners of a mixed-ownership building in which portions of the building are subject to the condominium or cooperative form of ownership are responsible for ensuring compliance and must share the costs of the inspection;
- Require a building that reaches 30 years of age before December 31, 2024, to have a milestone inspection before December 31, 2024;
- Delete the 25-year milestone inspection requirements for buildings that are within three miles of the coastline;
- Authorize the local enforcement agencies that are responsible with enforcing the milestone inspection requirements the option to set a 25-year inspection requirement if justified by local environmental conditions, including proximity to seawater;

- Authorize the local enforcement agency to extend the inspection deadline for a building upon a petition showing good cause that the owner or owners of the building have entered into a contract with an architect or engineer to perform the milestone inspection services and the milestone inspection cannot reasonably be completed before the deadline;
- Permit local enforcement agencies to accept an inspection and report that was completed before July 1, 2022, if the inspection and report substantially comply with the milestone requirements;
- Provide that the inspection services may be provided by a team of design professionals with an architect or engineer acting as a registered design professional in responsible charge; and
- Clarify that an association must distribute a copy of the summary of the inspection reports to unit owners within 30 days of its receipt.

SB 540- Local Government Comprehensive Plans (*signed by Governor):

The bill provides that in challenges to the comprehensive plan and plan amendments, including small scale plan amendments, the prevailing party is entitled to recover attorney fees and costs, including reasonable appellate attorney fees and costs.

The bill revises the statute regulating land development regulations, to provide that land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions.

Lastly, the bill clarifies the scope of review for a local government decision to grant or deny a development order by providing that the order may only be challenged if it would materially alter the use, density, or intensity of the property in a manner not consistent with the comprehensive plan.

HB 89- Building Construction (*Governor must act by 6/24):

The bill prohibits a local government from making substantive changes to plans after a permit has been issued unless such changes are required under the Building Code, or Fire Prevention Code.

- Requires any changes a local government makes to plans after a permit has been issued to identify the specific parts of the plan that do not conform to the applicable code in writing.
- Requires a building official or inspector who asks another person or employee other than a building official, plans examiner, or inspector to review the building plans to notify the local government if such person or employee determines the plans do not comply with the Building Code.
- Requires a local fire official to notify the permit applicant of specific reasons why plans do not comply with the Fire Prevention Code.
- Allows a plans examiner, inspector, building official, or fire safety inspector to have their certificate disciplined for failure to notify the appropriate person of the reasons for making substantive changes to building plans

SB 718- Local Government (*not sent to Governor yet):

The bill requires a municipality to conduct a feasibility study before conducting an annexation or contraction. The bill removes a requirement that the owners of more than fifty percent of the parcels of land in the area proposed to be annexed consent to the annexation when an area does not have any registered electors. The bill removes the requirement that a municipality provide specific findings when rejecting a contraction petition.

The bill also revises municipal contraction procedures to require that if more than 70 percent of the acreage to be contacted is owned by entities that are not registered electors, the area may not be contracted unless the owners of a majority of the acreage in the area consent to the contraction. The consent must be obtained by the parties proposing the contraction before the referendum.

HB 1379- Environmental Protection (*signed by Governor):

The bill makes significant changes to the Onsite Sewage Treatment and Disposal Systems (OSTDSs) siting process, changes to the Wastewater Grant Program, updates to the Comprehensive Plan Capital Improvement Element, establishes the Indian River Lagoon Protection Program, and more.

Specifically, the bill:

- Requires any county or municipality with a basin management action plan (BMAP) within its jurisdiction to include within the capital improvement element of its comprehensive plan a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the BMAP.
- The bill requires the future potable water, drainage, sanitary sewer, solid waste, and aquifer recharge protection element of comprehensive plans to:
 - Address coordinating the treatment or upgrade of facilities providing such services and to prioritize advanced waste treatment;
 - Include an element to consider the feasibility of providing sanitary sewer services within a 10-year planning horizon to any group of more than 50 built or unbuilt residential lots with a density of more than one OSTDS per acre; and
 - Identify the name of the intended wastewater facility receiving sanitary sewer flows after connection, the capacity of the facility and any associated transmission facilities, the projected wastewater flow at the facility for the next 20 years including septic-to-sewer conversions and new construction, and a timeline for the construction of sanitary sewer service.
- Each comprehensive plan must be updated to include this element by July 1, 2024, and as needed thereafter to account for future applicable developments. This provision does not apply to a local government designated as a RAO.
- Prohibits the installation of new onsite sewage treatment and disposal systems (OSTDSs) within a BMAP area adopted under s. 403.067, F.S., a reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available. In addition, on lots of 1 acre or less within such areas where a publicly owned or investor-owned sewerage system is not available, the bill requires the installation of enhanced nutrient-reducing OSTDSs or other wastewater treatment systems that achieve at least 65 percent nutrient reduction.
- Authorizes DEP to provide grants for projects that reduce the amount of nutrients entering waters that: are not attaining nutrient or nutrient-related standards; have an established total maximum daily load (TMDL); or are located within a BMAP area, a reasonable assurance plan area adopted by final order, an accepted alternative restoration plan area, or a rural area of opportunity.
- Requires DEP, relevant local governments, and relevant local public and private wastewater utilities, as part of a BMAP that includes an Outstanding Florida Spring, to develop an OSTDS remediation plan for a spring if DEP determines OSTDSs within a BMAP contribute at least 20 percent of nonpoint source nitrogen pollution or if DEP determines remediation is necessary to achieve the TMDL.

- Establishes the Indian River Lagoon Protection Program within DEP.
- Dedicates \$100 million annually to DEP from the Land Acquisition Trust Fund for the acquisition of lands through the Florida Forever Program.
- Increases the contract price for a land acquisition agreement that requires approval by the Board of Trustees of the Internal Improvement Trust Fund and increases the threshold for when two appraisals are required.
- Requires appraisal reports to be disclosed to private land owners during negotiations for acquisition.

HB 1405- Biosolids (*not sent to Governor yet):

The bill establishes a biosolids grant program within DEP and provides that, subject to the appropriation of funds by the Legislature, DEP may provide grants to counties, special districts, and municipalities to support projects that:

- Evaluate and implement innovative technologies and solutions for the disposal of biosolids; or
- Construct, upgrade, expand, or retrofit domestic facilities that convert wastewater residuals to Class AA biosolids, nonfertilizer uses or disposal methods, or alternatives to synthetic fertilizers.

The bill encourages applicants to form public-private partnerships with private utilities and firms. The bill provides that projects eligible for funding by the biosolids grant program may include, but are not limited to, projects that reduce the amount of nutrients in biosolids, projects that reduce the amount of emerging contaminants in biosolids, or projects that provide alternatives to the land application or landfilling of biosolids as a method of disposal.

The bill requires DEP, in allocating grant funds, to prioritize projects by considering the environmental benefit that a project may provide. The bill requires DEP to administer the biosolids grant program so that, of the funds made available each year for the program, 10 percent of those funds are reserved for projects located within an area designated a rural area of opportunity

HB 1191- Use of Phosphogypsum (*not sent to Governor yet):

The bill authorizes the Department of Transportation (DOT) to undertake demonstration projects using Phosphogypsum (PG) from phosphate production in road construction aggregate material. The bill requires DOT to conduct a study to evaluate the suitability of using PG as a construction aggregate material. DOT may consider any prior or ongoing studies of PG's road suitability in the fulfillment of this duty. The study and a determination of suitability must be completed by January 1, 2024.

Upon DOT's determination of suitability, PG from phosphate production may be used as a construction aggregate material in accordance with the EPA's approval for use. The bill provides that PG used in accordance with an allowed use expressly specified in EPA regulations, or pursuant to an express EPA approval for the specific use, is not solid waste and is an allowed use in this state. The bill also provides that PG may be placed in a PG stack permitted by the Department of Environmental Protection.

HB 111- Flooding and Sea Level Rise Vulnerability Studies (*Governor must act by 6/24):

The bill expands the requirement for public entities to conduct a sea level impact projection (SLIP) study before commencing construction of certain statefinanced 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 areas within the coastal building zone. The structures subject to this requirement are any “potentially at-risk structures or infrastructure,” which include certain critical assets or historical or cultural assets that are within an area at risk due to sea level rise. The bill expands the Resilient Florida Grant Program to provide funding to:

- Municipalities and counties for feasibility studies and permitting costs for nature-based solutions that reduce the impact of flooding and sea level rise; and
- Water management districts to support local government adaptation planning.

HB 7063 – Tax Package (*signed by Governor):

The bill contains the following provisions pertaining to local governments:

- Limits county authority to levy special assessments on land classified as agricultural, with the exception of bonded assessment revenues. This prohibition does not apply to non-agricultural structures on the property.

Extends statutory authority to use up to 10% of tourist development revenues for public safety/law enforcement purposes to all fiscally constrained counties. The bill clarifies that such reimbursement may not be used to supplant normal operating expenses of local law enforcement agencies.

- Requires counties to go to referendum to impose additional tourist development tax levies. It also extends statutory authority to use a percentage of tourist development revenues for public safety/law enforcement purposes to all fiscally constrained counties.
- Increases the discrepancy thresholds for a property appraiser to challenge a value adjustment board (VAB) decision in circuit court.
- Requires that any referendum for specified taxes must coincide with a general election, and may only take place once within 48 months prior to reenactment/increase of the tax.
- “Freezes” local communications services tax (CST) rates at their current level until January 1, 2026.
- Provides additional guidelines for property owners to receive a property tax refund following a catastrophic event rendering their residence uninhabitable.
- Appropriates \$35 million to offset the reductions in local property tax revenues from complying with s. 197.3181, F.S., directing counties to issue prorated property tax refunds to property owners whose homes were rendered uninhabitable by Hurricane Ian or Nicole.
- A number of sales tax holidays of varying impacts to local government revenues.

HB 3- Government and Corporate Activism (*signed by Governor):

The bill dictates that investment decisions, including written policies and the exercise of shareholder rights, for any funds invested by state or local governments must be driven solely by pecuniary factors, and may not sacrifice investment return to promote non-pecuniary factors. Social, political, and ideological interests are expressly precluded from consideration. Likewise for public procurement, state

and local governments are prohibited from considering social, political, or ideological beliefs when evaluating prospective vendors.

Additionally, the bill prohibits both the state Division of Bond Finance and specified public bond issuers from issuing an Environmental, Social, and Governance (ESG) bond, paying for the services of another to verify or certify a public bond as an ESG bond, or contracting with rating agencies that use ESG scores in a manner that directly impacts the issuer's bond ratings. The Attorney General is authorized to bring civil or administrative actions to enforce provisions of the bill.

HB 411 Residency of Local Elected Officials (*signed by Governor):

The bill prohibits county commission districts, municipal districts, and school board member residence areas from being drawn with the intent to favor or disfavor a candidate for or incumbent of a governing body based on the candidate's or incumbent's residential address. It also prohibits district boundary changes from being made during a certain period. The bill voids any local ordinance adopted by a county, municipality, or school district, on or after July 1, 2023, that conflicts with these provisions.

SB 774 – Ethics Requirements for Public Officials (*signed by Governor):

The bill makes the following changes to ethics requirements for public officials: • Requires specified local officers to file a Form 6 financial disclosure, beginning January 1, 2024, instead of the Form 1 they are currently required to file. • Mayors • Elected members of the governing body of a municipality • Members of the Commission on Ethics

- Maintains and makes permanent requirements for e-filing of financial disclosures as specified in the current year implementing bill, by

- Maintaining the requirement that Form 6 filers submit their financial disclosures via the Commission on Ethics electronic filing system beginning January 1, 2023, and requiring Form 1 filers to submit their disclosures electronically beginning January 1, 2024.

- Allowing filers to submit federal tax returns for purposes of showing income.

Allows the Commission on Ethics to dismiss complaints or investigations for certain minor infractions.

- Increases the maximum civil penalty for violations of the Code of Ethics to \$20,000 from \$10,000.

- Adds commissioners of a community redevelopment agency to the list of officers exempt from having to complete ethics training in the year they begin their term, if the term begins after March 31.

- Clarifies that a candidate may submit a verification or receipt of a previous financial disclosure filing to the qualifying officer in lieu of the full financial disclosure.

- Permits the Commission a narrow rulemaking exemption for the bill's implementation.

SB 1310 - Substitution of Work Experience for Postsecondary Education Requirements (*not sent to Governor yet):

The bill requires public employers (state agencies and branches, state universities and public colleges, counties, cities, special districts, school boards, and all other governmental entities) to prioritize direct work experience over postsecondary education in their hiring considerations. Postsecondary education

may be considered in hiring decisions only (a) as an alternative for direct work experience or (b) if the position requires advanced accreditation or licensure that is available only to a person holding a specific postsecondary degree. The bill grants authority to the Department of Management Services to enforce the new requirements either (a) through appeals by applicants who allege the lack of a postsecondary degree is the sole basis for the applicant not being hired by the public employer or (b) notices from any person that a job posting for a public sector job required a postsecondary degree without including information justifying the requirement for the degree.

Not included in this report are the various preemption bills that were filed but did not pass, which once again, included the regulation of vacation rentals. While the parties got close to reaching an agreement, the bill ultimately died but we expect to see it again next year.

I look forward to visiting with each of you to discuss these bills and any other legislation in further detail in the near future. In the meantime, we will continue to work to ensure all the City's appropriations projects will ultimately get funded and will keep you posted on our progress, as well as, the status of the bills included herein. Please let me know if we can provide any additional information.