

# GRAYROBINSON

## Marion County 2023 Legislative Session Final Report May 30, 2023

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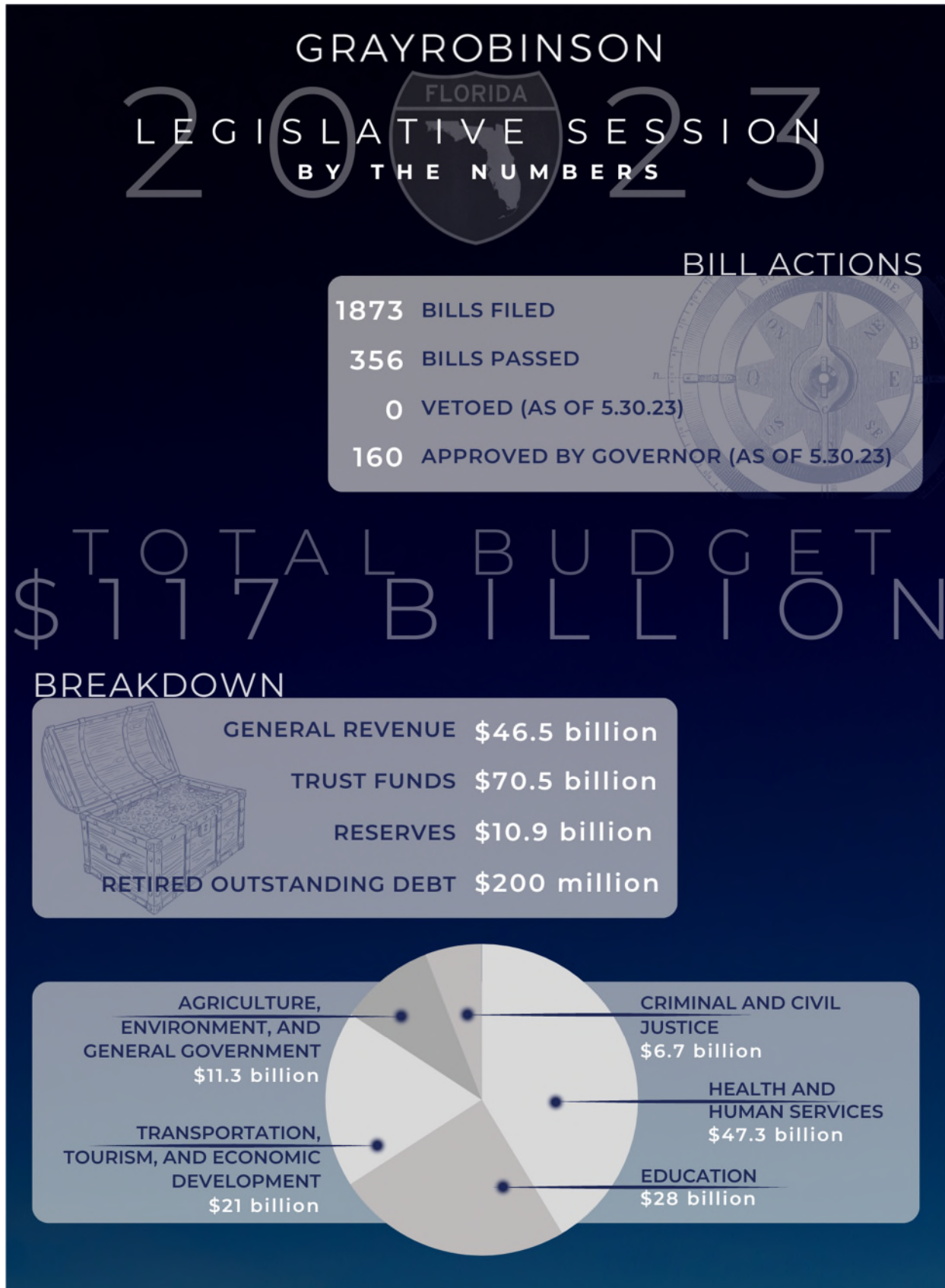
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*\*As of May 30, the budget, SB 2500, for FY 2023-2024 has not been signed by Governor DeSantis. Please note the Governor has line-item veto power.*

## BUDGET

[SB 2500, General Appropriations Act](#)





## GRAYROBINSON

# THE HIGHLIGHTS

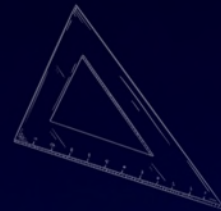


### HEALTH AND HUMAN SERVICES \$47.3 BILLION

**\$20.6 million** EXPAND KIDCARE ACCESS

**\$12.7 million** EXPANSION OF MATERNAL HEALTH USING TELEHEALTH

### EDUCATION \$28 BILLION



**TOTAL FUNDING  
(INCLUDING LOCAL REVENUES) \$42.9 billion**

**FEFP TOTAL INCREASE \$2.2 billion**

**TEACHER SALARY INCREASE \$252 million**

**SAFE SCHOOLS ALLOCATION INCREASE \$40 million**

**STATE UNIVERSITIES \$6.4 billion**

**STATE COLLEGES \$2.4 billion**

**PRIVATE COLLEGES \$217 million**

**STUDENT FINANCIAL AID \$1 billion**



### TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT \$21 BILLION

DEPARTMENT OF  
TRANSPORTATION

**\$13.6 billion** TRANSPORTATION WORK PROGRAM

**\$400 million** LOCAL TRANSPORTATION PROJECTS

**\$4 billion** MOVING FLORIDA FORWARD



## GRAYROBINSON

DEPARTMENT OF  
ECONOMIC  
OPPORTUNITY

HOUSING  
PROGRAMS  
LIVE LOCAL ACT

\$80 million VISIT FLORIDA  
\$75 million JOB GROWTH GRANT FUND  
\$20 million LAW ENFORCEMENT  
RECRUITMENT BONUS  
PROGRAM

\$100 million FLORIDA HOMETOWN  
HEROES PROGRAM  
\$252 million STATE HOUSING INITIATIVES  
PARTNERSHIP (SHIP)  
\$259 million STATE APARTMENT INCENTIVE  
LOAN PROGRAM (SAIL)  
\$100 million INFLATION LOAN PROGRAM  
FOR SAIL

## AGRICULTURE, ENVIRONMENT, AND GENERAL GOVERNMENT \$11.3 BILLION



RURAL AND FAMILY LANDS  
PROTECTION PROGRAM \$100 million

FLORIDA FOREVER PROGRAMS  
AND LAND ACQUISITION \$1 billion

INCLUDING



Florida Communities Trust (FCT)  
\$15 million  
Florida Wildlife Corridor  
\$850 million  
Division of State Lands  
\$100 million  
Water Projects  
\$433 million  
Everglades Restoration  
\$574.6 million

Springs Restoration  
\$50 million  
Wastewater Grant Program  
\$200 million  
Florida Keys Area of  
Critical State Concern  
\$20 million  
Local Govt Cybersecurity Grants  
(Department of Management Services)  
\$40 million



## CRIMINAL AND CIVIL JUSTICE \$6.7 BILLION

\$3.3 billion DEPARTMENT OF  
CORRECTIONS

\$491 million FLORIDA DEPT OF LAW  
ENFORCEMENT

## MARION COUNTY APPROPRIATIONS PROJECT

### ROADWAY IMPROVEMENTS ON 49TH STREET

Sponsored by Representative McClain and Senator Perry

SB 2500, Specific Appropriation 2042A

Funded at \$1,000,000

*\*Please note the General Appropriations Act, SB 2500, has not been signed by Governor DeSantis, and individual projects can be vetoed.*

## LEGISLATION

### General Government/Taxation: PASSED



#### **SB 102 - HOUSING**

*SB 102 passed the Legislature and was signed by the Governor on March 29.*

Senate President Passidomo's legislative priority for 2023, SB 102, cited as the "Live Local Act," addresses affordable housing at both the state and local levels of government. The Florida Housing Finance Corporation was the beneficiary of significant appropriation through the Live Local Act as the administrator of both the State Apartment Incentive Loan (SAIL) program and the State Housing Initiatives Partnership (SHIP) program. SB 102:

- Provides appropriations for the SHIP and SAIL programs, including:
  - \$252 million in non-recurring funds from the Local Government Housing Trust Fund for the SHIP program for the 2023-2024 fiscal year;
  - \$109 million in non-recurring funds from the State Housing Trust Fund for the SAIL program for the 2023-2024 fiscal year; and
  - \$100 million in non-recurring funds from the General Revenue Fund to implement a competitive loan program to alleviate inflation-related cost increases for FHFC-approved multifamily projects that have not yet commenced construction; funds unallocated as of December 1, 2023, will be dedicated as additional SAIL funding (effective upon becoming law).
- Temporarily exempts documentary stamp tax revenues from the General Revenue service charge to provide up to \$150 million in recurring funding to the SAIL program for specified priorities, such as urban infill projects and projects near military installations.
- Establishes the Florida Hometown Hero down payment assistance program for first-time homebuyers with incomes at or below 150 percent of the area median income (AMI) and employed by a Florida-based employer. The bill appropriates \$100 million in nonrecurring funds from the General Revenue Fund to implement this program.

With regard to local governments, the bill:

- Preempts local governments' zoning, density, and height requirements to allow for streamlined development of affordable multifamily rental housing in commercial, industrial, and mixed-use zoned areas under certain circumstances.
- Removes a local government's ability to approve affordable housing on residential parcels by bypassing state and local laws that may otherwise preclude such development while retaining such rights for commercial and industrial parcels.
- Removes provision in current law allowing local governments to impose rent control under certain emergency circumstances, preempting rent control ordinances entirely.
- Requires counties and cities to update and electronically publish the inventory of publicly owned properties that may be appropriate for affordable housing development.



#### **SB 250 – NATURAL EMERGENCIES**

*SB 250 passed the Legislature and was enrolled on May 1.*

The bill makes various changes regarding state and local governments' preparation and response activities when natural emergencies impact the state. The Division of Emergency Management (DEM) will continue to oversee



response and preparation measures in conjunction with all levels of government. The bill requires DEM to post model debris removal contracts on its website; to prioritize technical assistance and training to fiscally constrained counties on aspects of preparedness, response, recovery, and mitigation. The bill:

- Prohibits local governments from allowing residents to place a temporary structure on their property for up to 36 months following a natural emergency.
- Requires local governments to expedite the issuance of building permits following a natural emergency.
- Increases the extension of certain building permits following a declaration of a state of emergency from 6 to 24 months and caps such extension at 48 months in the event of multiple natural emergencies.

The bill directs DEM to administer a revolving loan program for local government hazard mitigation projects and appropriates \$1 million in nonrecurring funds from the General Revenue Fund and \$10 million in nonrecurring funds from the Federal Grants Trust Fund for such activity for the 2023-2024 fiscal year.

Finally, the bill makes the Local Government Emergency Bridge Loan Program a revolving program and makes funds available for local governments impacted by federally declared disasters until July 1, 2038. The bill appropriates \$50 million in nonrecurring funds from the General Revenue Fund to the program for the 2023-2024 fiscal year and authorizes \$50 million of funds appropriated in special session to a previous version of the program to be transferred and used for this program.



#### **SB 540 – LOCAL GOVERNMENT COMPREHENSIVE PLANS**

*SB 540 approved by the Legislature and signed by the Governor on May 24.*

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, 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 inconsistent with the comprehensive plan.



#### **SB 1604 – LAND USE AND DEVELOPMENT REGULATIONS**

*SB 1604 was approved by the Legislature and signed by the Governor on May 8.*

The bill revises local comprehensive planning requirements by increasing the two required planning periods to a 10-year and 20-year period, from 5 and 10, and prohibiting local governments that fail to update their comprehensive plans in accordance with the 7-year evaluation and appraisal process from initiating or adopting any publicly-initiated plan amendments.

Additionally, the bill prescribes certain procedures for the Department of Economic Opportunity (DEO) to apply when local governments remain out of compliance with comprehensive planning updates. The bill also removes local governments' ability to require specified "building design elements" for residential dwellings in planned unit developments, master-planned communities, and communities with a design review board or architectural review board created on or after January 1, 2020.



The construction of new “distribution electrical substations” is a permitted use in all future land use categories and zoning districts, with certain exceptions. Local governments may adopt reasonable land development regulations for new substations, addressing only setback, landscaping, buffering, screening, lighting, and other aesthetic compatibility-based standards. The bill modifies the term “distribution electrical substation” to include accessory administration or maintenance buildings and related accessory uses and structures. It also removes reference to “distribution” and the kilovolt limitation, applying the local regulation limitations to electric substations of all sizes, i.e., distribution and transmission substations. Additionally, the bill makes the electric substation approval process applicable to existing substations, as well as new ones, and removes the ability for local governments to adopt reasonable land development regulations for solar substations.

**SB 718 – LOCAL GOVERNMENT**

*SB 718 passed the Legislature and was enrolled on May 2.*

The bill has two central components: (1) annexation/contraction and (2) amendments to land development regulations.

With respect to annexation and contraction, SB 718 makes changes to the municipal annexation and contraction process by specifying requirements for the report a municipality must prepare prior to any annexation or contraction action. The bill defines the report as a “feasibility study” and provides that such study must analyze the economic, market, technical, financial, and management feasibility of a proposed annexation or contraction.

With respect to amendments to land development regulations, SB 718 prohibits local governments from requiring an initiative and referendum process for amendments to land development regulations. Current law generally prohibits an initiative or referendum process for any development order, as well as any local comprehensive plan amendment or map amendment.

**HB 1383 – SPECIALTY CONTRACTORS**

*HB 1383 passed the Legislature and was enrolled on May 1.*

The bill amends s. 163.211, F.S., relating to the preemption of occupational licensing to the state, to extend by one year to July 1, 2024, the date that local governments may require and issue local occupation licenses, but only if the local government imposed such licensing before January 1, 2021.

The bill requires the Construction Industry Licensing Board in the Department of Business and Professional Regulation (DBPR) to establish, by rule, certified specialty contractor categories for voluntary licensing by July 1, 2024, as specified in the bill.

Under the bill, for specified job scopes exempted from local licensing in current law, local governments are prohibited from requiring state or local licenses for work covered by state licensing and from requiring a permit for such work. The bill authorizes a county that includes an area of critical state concern pursuant to s. 380.05, F.S., to offer a license for any job scope that requires a construction contracting license if the county imposed such a licensing requirement before January 1, 2021.

**HB 1521 – FACILITY REQUIREMENTS BASED ON SEX**

*HB 1521 passed the Legislature and was signed by the Governor on May 17.*

The bill creates s. 553.865, F.S., the *Safety in Private Spaces Act*, and states the legislative purpose and intent of the bill as “providing restrooms and changing facilities for exclusive use by females or males, respective to their sex, in order to maintain public safety, decency, decorum, and privacy.”

The bill establishes a procedure for individuals to notify authorized persons (for the public sector entities subject to the bill as described below) that a person of the opposite sex has entered into a restroom or changing facility designated for exclusive use for females or males.

The bill does not apply to persons born with a medically verifiable genetic disorder of sexual development under treatment by a physician with specified conditions.

The bill specifies the term “covered entities” to mean:

- state adult correctional institutions
- educational facilities (K-12 to university level)
- juvenile correctional facilities and secure detention centers
- county and city detention facilities/jails
- public buildings owned or leased by the state, a state agency, or a county, city, or special district



#### **SB 346 – PUBLIC CONSTRUCTION**

*SB 346 was approved by the Legislature and signed by the Governor on May 25.*

Under current law, political subdivisions may impose otherwise prohibited requirements on contractors for public works projects that are paid for entirely with local funds or, if state funds are used, for projects up to \$1 million.

The bill removes the ability for political subdivisions to impose such requirements on contractors for projects that use any amount of state-appropriated funds. Therefore, political subdivisions that pay for public works projects with any state funds cannot:

- Exclude contractors from bidding on a public works project based on their geographic location.
- Impose certain wage and employment conditions on contractors and their employees.
- Require that a contractor recruit, train, or hire employees from a designated, restricted, or single source.
- Prohibit any contractor, subcontractor, materials supplier, or carrier from submitting a bid if the entity is qualified, licensed, or certified.



#### **HB 199 – ETHICS REQUIREMENTS FOR OFFICERS AND EMPLOYEES OF SPECIAL TAX DISTRICTS**

*HB 199 was approved by the Legislature and signed by the Governor on May 24.*

The bill clarifies the exception for public officers or employees of a water control district or a special tax district created by general or special law that is explicitly limited to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, by specifying that conduct that constitutes a misuse of public position or violates the prohibition on disclosing information that is not otherwise available to the public for their own personal benefit would be considered an impermissible conflict of interest. The bill also requires four hours of annual ethics training for elected local officers of independent special districts, provides requirements for such training, specifies training content, and provides a schedule for when such training must be completed.



#### **SB 774– FINANCIAL DISCLOSURES FOR ELECTED LOCAL OFFICERS**

*SB 774 was passed by the Legislature and signed by the Governor on May 11.*

The bill requires, beginning January 1, 2024, mayors and governing board members of a municipality and members of the Commission on Ethics to file Form 6, which is a full and public disclosure of financial interests with the Commission on Ethics through the Commission’s electronic filing system.

**HB 7063 – TAXATION**

*HB 7063 was passed by the Legislature and signed by the Governor on May 25.*

The annual legislative tax package provides the following tax reductions and other tax-related modifications.

For sales tax, the bill includes permanent exemptions for:

- specified baby and toddler products and clothes
- adult incontinence products
- oral hygiene products
- machinery and equipment to produce renewable natural gas
- certain agricultural fencing
- firearm safety devices
- small private investigative agency services

The bill provides the following temporary exemptions:

- one-year exemption for certain Energy Star-certified appliances
- one-year exemption for gas ranges and cooktops
- estimated 8-month reduction in the business rent tax from 5.5% to 4.5%

The bill also has the following tax holidays:

- Two 14-day “back-to-school” tax holidays
- Two 14-day “disaster preparedness” tax holidays
- A three-month “Freedom Summer” tax holiday for specified recreational items and activities
- A seven-day “Tool Time” tax holiday for tools and equipment commonly used in skilled trades.

For property taxes, the bill:

- Makes several changes to expand, clarify, or correct provisions related to homestead benefits for permanently and totally disabled veterans, first responders, and surviving spouses of either.
- Allows an educational facility to qualify for an exemption if it has a bona fide 98-year lease with nominal payments or has received an educational exemption for ten prior consecutive years.
- Amends the property value and percentage thresholds, which limit a property appraiser’s authority to appeal certain value adjustment board decisions.
- Makes technical and clarifying changes to several sections of existing law.

For corporate income tax, the bill:

- Adopts the Internal Revenue Code in effect on January 1, 2023.
- Creates temporary tax credits for homebuilders that purchase and install residential graywater systems and for companies that purchase machinery and equipment for use in the production of human breast milk fortifiers.
- Increases the annual cap for the Voluntary Cleanup Tax Credit (“Brownfields”) Program to \$35 million.

Additionally, the bill:

- Delays the imposition of natural gas fuel taxes
- Revises criteria for counties that may reimburse certain expenses from revenues received by a tourist development tax.
- Requires that all tourist development taxes be enacted by referendum.
- Requires expiring local taxes to be renewed at a general election within 48 months of the renewal date.
- Exempts certain small business loans from duplicative documentary stamp and intangible tax treatment.
- Authorizes the local food and beverage sales tax in Miami-Dade County to be levied in cities that impose the municipal resort tax if approved by referendum.
- Clarifies the calculation of a certain penalty as related to the Florida Tax Credit Program, New Worlds Reading Initiative, and Strong Families Tax Credit programs
- Increases the annual cap of the Strong Families Tax Credit to \$20 million.
- Distributes \$27.5 million for two fiscal years to promote the breeding and racing of horses in Florida.
- Creates a credit against pari-mutuel taxes for certain federal assessments related to horseracing safety.
- Prohibits special assessments on agricultural lands.

The total state and local government impact of the bill in Fiscal Year 2023-24 is estimated to be -\$1,161.1 million (-\$303 million recurring).



#### **HB 89 – PUBLIC CONSTRUCTION**

*HB 89 passed the Legislature and was enrolled on May 5.*

The bill makes various changes pertaining to the review and issuance of building permits and specifies the extent to which local building officials and fire safety officials may require a building permit applicant or holder to make substantive changes to building plans. Specifically, the bill:

- Prohibits a local government from making substantive changes to building plans after a permit has been issued unless such changes are required under the Florida Building Code or the Florida Fire Prevention Code. If changes are necessary, the local government must identify in writing the specific parts of the plan that do not conform to the applicable code.
- Requires a building code administrator, plans examiner, or inspector to notify the local government if an employee who is not a building code administrator, plans examiner, or inspector determines that a building plan does not comply with the Florida Building Code.
- Requires a local fire official to notify a building permit applicant of the specific reasons why building plans do not comply with the Florida Fire Prevention Code.
- Allows a plans examiner, inspector, building official, or fire safety inspector to have his or her certificate disciplined for failure to notify the appropriate person of the reasons for making or requiring substantive changes to building plans.



## General Government/Taxation: FAILED



### **HB 41/SB 856 – AMENDMENTS TO LAND DEVELOPMENT REGULATIONS**

*HB 41 passed its committees and died on the calendar. SB 856 did not receive a committee hearing.*

The bills would have prohibited local governments from requiring an initiative and referendum process for amendments to land development regulations. Current law prohibits an initiative or referendum process for any development order, as well as any local comprehensive plan amendment or map amendment that was not expressly authorized by specific language in a local government charter that was in effect on June 1, 2011.



### **HB 175/SB 192 – EVERGLADES PROTECTION AREA**

*HB 175 died in its second committee of reference, while SB 192 passed its committees and died in messages.*

The bills would have required plans and plan amendments that apply to any land within, or within two miles of, the Everglades Protection Area (EPA) to:

- Follow the State Coordinated Review process.
- Be reviewed by the Department of Environmental Protection (DEP), in consultation with all federally recognized Indian tribes in the state, within 30 days of receipt, which must determine whether the plan or plan amendment adversely impacts the EPA or statutory Everglades restoration and protection objectives.
- 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 405 – PROHIBITION ON OPEN PRIMARIES AND NONPARTISAN ELECTIONS**

*HB 405 did not have a Senate companion and did not receive a hearing in the House.*

The bill would have proposed an amendment to the State Constitution to provide that only qualified electors with the same party affiliation as candidates for office may vote in a primary election for such office.



### **SB 1380 – MUNICIPAL ELECTRIC UTILITIES**

*SB 1380 did not receive a Senate hearing.*

The bill would have placed any municipal electric utility serving any electric retail customer located outside of the municipality's corporate boundaries under the full regulation of the Public Service Commission (PSC) for a minimum of five years.



### **HB 1331 – MUNICIPAL UTILITIES**

*HB 1331 died in its second committee of reference.*

The bill amended provisions of law relating to municipal water and electric utility extraterritorial surcharges, extraterritorial service, and transfers of enterprise funds.

The bill would have authorized a municipal utility to transfer a portion of its earnings to the municipality for general government purposes. The revenues transferred to fund general government purposes would not have been permitted to exceed a rate equal to the amount derived by applying the average of the midpoints of the rates of return on equity approved by the PSC for investor-owned utilities in the state. The transfer amount would have been required to be further reduced based on the percentage of extraterritorial customers served by the

utility. The bill eliminated the automatic 25% surcharge that may be added to the rates and fees charged to extraterritorial customers.

**HB 1511/SB 1708– CYBERSECURITY**

*Both bills died in their second committees of reference.*

The bills would have made several changes to the Local Government Cybersecurity Act. The bills revised the definition of “cyber incident” and revised timelines for local governments to report cybersecurity incidents. The bills would have required local governments to report cybersecurity incidents within four hours of discovery; current law allows for 48 hours. Ransomware incidents would have been required to be reported within two hours of discovery; current law allows for 12 hours. Incidents would need to have been reported to Florida Digital Service, the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement, and the sheriff who has jurisdiction. The bills established an operations committee within the Florida Digital Service to assist with collaboration between state agencies and local governments. The bills also provided municipalities with a presumption from liability in connection with a cybersecurity incident for entities that are substantially compliant with the Act.

**HB 1153/SB 1432 – COMMUNICATIONS SERVICES TAX**

*HB 1153 did not receive a hearing. SB 1432 died in its second of three committees of reference.*

The bills would have revised the Communications Services Tax Simplification Law under Ch. 202, F.S., to:

- Decrease the state tax rate on the retail sale of communications services, including that of direct-to-home satellite service.
- Specify that the local discretionary communications services tax, authorized under s. 212.19, F.S., may not be increased until January 1, 2026.
- Specify that the local discretionary communications services tax under s. 212.19, F.S., shall replace other revenue sources for counties and municipalities and includes specified taxes, charges, fees, and other impositions to the extent that the respective local taxing jurisdictions were authorized to impose those taxes, charges, fees, and other impositions before July 1, 2000, and after January 1, 2023.
- Specify that any increases to discretionary sales tax levied pursuant to s. 212.055, F.S., may not be added to the local communications services tax under s. 202.19, F.S., before January 1, 2026.

**SB 698/HB 731 – LOCAL TAX REFERENDA REQUIREMENTS**

*SB 698 died in its last committee of reference. HB 731 died on the calendar.*

The bills would have amended provisions related to several taxes approved by referendum. The bills required a referendum to reenact or increase such taxes to be placed on the ballot at a general election occurring within the 48-month period immediately preceding the effective date of the tax. Furthermore, such referendums would have been required to appear on the ballot only once within 48 months of the effective date of the tax.

**SB 474/HB 1131 – PROPERTY TAX ADMINISTRATION**

*HB 1131 died on the calendar. SB 474 died in its last committee of reference.*

The bills would have made various changes to the process of determining accurate property assessments to collect ad valorem taxes. The bills:

- Amended the timeline for a property appraiser to appeal a decision of the Value Adjustment Board (VAB).
- Reduced situations in which an error in assessed value results in a homestead property owner being assessed back taxes, interest, and penalties.

- Increased the types of appeals a VAB may hear.

**HB 671/SB 682 – RESIDENTIAL BUILDING PERMITS**

*HB 671 died in its second committee of reference, while SB 682 did not receive a hearing.*

The bills were filed as comprehensive residential building permit reform rife with difficult timelines to meet if passed as filed. The bills shortened timeframes for building applications. The bills provided that:

- After an applicant submits an application to the local government, the local government must provide written notice to the applicant within three calendar days after receipt of the application advising the applicant what information is needed to make the application properly complete. The bill shortened the local government's timeframe to respond to the application from ten days to three calendar days.
- Within nine calendar days after receipt of the completed application, the local government must provide a written notice to an applicant that the application is insufficient to be approved and additional information is needed. The bills shortened the local government's timeframe to notify the applicant from 45 days to 9 calendar days. The bills removed the requirement that the applicant must submit the requested information from the local government within 30 days.
- The local government cannot request additional information from the applicant more than two times instead of three times unless the applicant waives such limitation in writing. The bills removed the 120-day period, which is tolled while the applicant responds to the local government's request for additional information.
- If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government, the local government must, within nine calendar days (instead of 15 days) after receiving such information:
  - determine if the application is properly completed;
  - approve the application; or
  - advise the applicant in writing of information, if any, needed to determine the sufficiency of the application.

The bills removed the local government's decision to deny the application until after the second request for additional information from the local government and provided that prior to making a second request for information, the local government must offer to meet in person or virtually with the permit applicant to attempt to resolve outstanding issues. The bills required that the meeting occur within five calendar days after the applicant notifies the local government in writing that he or she wants an in-person or virtual meeting unless the applicant agrees to a longer time period in writing.

**HB 1317/SB 1346 – LOCAL REGULATION OF NONCONFORMING OR UNSAFE STRUCTURES**

*HB 1317 died on the calendar, while SB 1346 died in messages.*

The bills would have created the "Resiliency and Safe Structures Act," which provided that:

- The act would only apply to any structure that is a single-family home or individually listed on the National Register of Historic Places.
- For any reason other than public safety, a local government may not prohibit, restrict, or prevent the demolition of any:
  - Nonconforming structure, which is a structure that does not conform to the base flood elevation requirements for new construction issued by the National Flood Insurance Program, located within

one-half mile of the coastline in zones V, VE, AO, or AE in the Flood Insurance Rate Map issued by the Federal Emergency Management Agency;

- Structure determined to be unsafe by a local building official; or ○ Structure ordered to be demolished by a local government.
- A local government may only administratively review an application for a demolition permit for such a structure for compliance with the Building Code, the Fire Prevention Code, and any regulation applicable to a similarly situated parcel and may not impose additional local land development regulations or public hearings on an applicant for such a demolition permit.
- A local government must authorize replacement structures to be developed to the maximum height and overall building size authorized by local development regulations.
- A local government may not do any of the following:
  - Limit the development potential of replacement structures below the maximum development potential allowed by local development regulations.
  - Require replication or preservation of elements of a demolished structure.
  - Impose additional regulatory or building requirements on replacement structures or additional public hearings or administrative processes not otherwise applicable to a similarly situated vacant parcel.
- Development applications submitted for replacement structures must be processed in accordance with the process outlined in local land development regulations, including any required public hearings in front of the local historic board. However, a local government may not impose additional public hearings or administrative processes that would not otherwise apply to a similarly situated vacant parcel.
- A local government may not adopt or enforce a law that in any way limits the demolition of an applicable structure or that limits the development of a replacement structure in violation of the bill.



**SB 122/HB 469 – REVISED LIMITATION ON INCREASE OF HOMESTEAD PROPERTY TAX ASSESSMENTS**

*SB 122 died in its second committee of reference, while HB 469 did not receive a hearing.*

The bills proposed an amendment to the Florida Constitution to reduce the maximum increase in assessments on homestead properties from three to two percent of the previous year's assessment. If adopted by the Legislature, the proposed amendment would have been submitted to Florida's electors for approval or rejection at the next general election in November 2024. If the amendment were approved by at least 60 percent of the electors, the proposed amendment would have taken effect on January 1, 2025.



**SB 126/HB 159 – HOMESTEAD TAX EXEMPTION FOR CERTAIN SENIOR, LOW-INCOME, LONG-TERM RESIDENTS**

*HB 159 passed the House and died in messages. SB 126 died in its second committee of reference.*

The bills proposed an amendment to the Florida Constitution to raise the eligible real estate value for the optional full homestead exemption on long-term, low-income seniors from \$250,000 to \$300,000. If adopted by the Legislature, the proposed amendment would have been submitted to Florida's electors for approval or rejection at the next general election in November 2024. If the amendment were approved by at least 60 percent of the electors, the proposed amendment would have taken effect on January 1, 2025.



**SB 1716/HB 1599 – HOMESTEAD TAX EXEMPTIONS**

*Neither bill received a committee hearing.*

The bills would have revised the interest rate and penalty that applies to property owners who unlawfully receive a homestead exemption.

**HB 101/SB184 – HOMESTEAD EXEMPTION FOR FIRST RESPONDERS**

*HB 101 died in messages, while SB 184 died in its last committee of reference.*

The bills revised the definition of “first responder” to include federal law enforcement officers, thereby expanding the ad valorem tax exemption for surviving spouses of first responders who died in the line of duty and the ad valorem tax exemption for first responders rendered totally and permanently disabled as the result of an injury or injuries sustained in the line of duty to include federal law enforcement officers. It would not have changed any of the other requirements that must be met in order to qualify for either exemption.

## Agriculture and Environment: PASSED

**HB 1379 – ENVIRONMENTAL PROTECTION**

*The bill unanimously passed the Legislature and was enrolled on May 4.*

HB 1370 was the substantive environmental policy bill for the 2023 Legislative Session, including a variety of policy measures:

- Requires any county or municipality with a basin management action plan (BMAP) within its jurisdiction to include within its capital improvement plan (CIP) a list of projects necessary to achieve the pollutant load reductions attributable to the local government as established in the adopted BMAP.
- Prohibits the installation of a new septic tank within a BMAP, reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available.
- Creates a new grant program while modifying an existing program.
- Establishes the Indian River Lagoon Protection Program while modifying the wastewater grant program to include 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, or are located within a BMAP, restoration plan area or rural area of opportunity.
- Dedicates \$100 million annually to DEP from the Land Acquisition Trust Fund for the acquisition of lands through the Florida Forever Program.

**HB 1405 – BIOSOLIDS**

*HB 1405 unanimously passed the Legislature and was enrolled on May 5.*

In addition to the new and amended environmental grant programs found within HB 1379, HB 1405 establishes a biosolid grant program within DEP that will provide grants to municipalities, counties, and special districts to support projects that evaluate and implement innovative technologies and solutions for the disposal of biosolids or to 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.

**SB 162 – WATER AND WASTEWATER FACILITY OPERATORS**

*SB 162 passed the Legislature unanimously and was enrolled on April 21.*

SB 162 requires DEP to issue reciprocal licenses to water utility workers licensed in other jurisdictions. The bill directs DEP to award education and operational experience credits to license applicants who have performed comparable duties in the United States Armed Forces but do not meet other requirements for a reciprocal license. The bill also provides that, during a declared state of emergency under s. 252.36, F.S., DEP may issue a temporary license to applicants who otherwise meet the requirements for licensure reciprocity and must waive the application fee for a temporary operator license.

**SB 724 – SEAGRASS RESTORATION TECHNOLOGY DEVELOPMENT INITIATIVE**

*SB 724 was approved and signed by the Governor on May 11.*

The bill establishes the Seagrass Restoration Technical Development Initiative within DEP, in partnership with Mote Marine Laboratory (Mote) and the University of Florida (UF), to develop cost-effective, innovative, and environmentally sustainable technologies needed to restore coastal seagrass ecosystems. Mote and the UF are required to create a 10-year Florida Seagrass Restoration Plan to implement tools and technologies developed under the initiative. The bill requires the initiative to submit an annual report with an overview of its accomplishments to date and priorities for subsequent years to the Governor, the Legislature, the Secretary of DEP, and the executive director of the Fish and Wildlife Conservation Commission (FWC). The bill also establishes the Initiative Technology Advisory Council (TAC) as part of the initiative and specifies the membership of the council. The TAC must meet at least twice a year.

**HB 1191 – USE OF PHOSPHOGYPSUM**

*The bill passed the Legislature and was enrolled on May 1.*

The bill authorizes the Florida Department of Transportation (FDOT) to undertake demonstration projects using PG from phosphate production in road construction aggregate material. The bill requires FDOT to conduct a study to evaluate the suitability of using PG as a construction aggregate material. FDOT 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 April 1, 2024. Upon FDOT's determination of suitability, PG from phosphate production may be used as a construction aggregate material in accordance with the conditions of the U.S. Environmental Protection Agency's approval for the use.

**HB 1279 – DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

*HB 1279 unanimously passed the Legislature and was signed by the Governor on May 25.*

The bill was the 2023 Department of Agriculture and Consumer Services (DACS) omnibus legislation in Commissioner Wilton Simpson's first legislative session as Commissioner of Agriculture. The bill:

- Requires state agencies, universities, state colleges, and their contracted food service providers to give preference to Florida-grown and produced food.
- Specifies DACS as the lead agency for regulating and encouraging the development of aquaculture in the state.
- Authorizes DACS to use drones to manage and eradicate plant or animal diseases.
- Authorizes DACS to adopt and implement an exemption, waiver, and variance process for school nutrition program sponsors.

- Requires DACS to submit a purchase agreement for a conservation easement acquisition to the Board of Trustees of the Internal Improvement Trust Fund if the easement purchase price exceeds \$5 million.

**SB 284 – ENERGY**

*The bill passed the Legislature and was enrolled on May 4.*

The bill revises the vehicle procurement requirements for the state purchasing plan. Specifically, the bill requires vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs, including costs for operations, maintenance, and fuel when fuel economy data is available, rather than on the greatest fuel efficiency available, when fuel economy data is available. The current exemption to this requirement is continued for emergency response vehicles.

The bill requires, when available, the use of ethanol and biodiesel blended fuels and natural gas fuel when a state agency purchases a vehicle with an internal combustion engine. The bill requires the Department of Management Services to make recommendations before July 1, 2024, regarding the procurement of electric vehicles and natural gas fuel vehicles, and other vehicles powered by renewable energy. The recommendations must include best practices for integrating these vehicles into existing fleets.

## Agriculture and Environment: FAILED

**HB 371/SB 910 – MANAGEMENT AND STORAGE OF SURFACE WATERS**

*HB 371 and SB 910 both died in their first and second committees of reference, respectively.*

The bills would have provided an exemption from surface water management and storage regulations for the implementation of measures or practices having the primary purpose of environmental habitat creation, restoration or enhancement activities, or water quality improvements on lands classified as agriculture or government-owned lands.

**SB 1134/HB 1505 – OUTSTANDING FLORIDA SPRINGS**

*Neither bill received a committee hearing in its respective chamber.*

The bills would have amended the statutory list of Outstanding Florida Springs to include Warm Mineral Springs.

**HB 1167/SB 1702 – MITIGATION CREDITS**

*Neither bill received a committee hearing in its respective chamber.*

The bills would have allowed DEP or water management districts, when mitigation credits were not available in sufficient quantities to be sold or used to offset allowable adverse impacts within a mitigation service area, to release mitigation credits to a mitigation bank before the bank meets the mitigation success criteria specified in the mitigation bank permit if the bank has been successfully constructed and there is a high degree of confidence the required ecological performance standards will be met.

**HB 1197/SB 1240 – LAND AND WATER MANAGEMENT**

*The bills failed to receive a committee hearing in either chamber.*

The bills would have prohibited cities and counties from adopting laws, regulations, rules, or policies relating to water quality or quantity, pollution control, discharge prevention or removal, or wetlands, preempting all such rules, laws, regulations, and policies to the state.

**SB 100/HB 561 – MANGROVE REPLANTING AND RESTORATION**

*SB 100 died in its final committee, while HB 561 did not receive a committee hearing.*

The bills would have required DEP to adopt rules for mangrove replanting and restoration. The bill required the rules to address significant erosion in areas of critical state concern, protect barrier and spoil islands, assist Everglades restoration and Biscayne Bay revitalization efforts, promote public awareness, and identify vulnerable properties along the coastline and encourage partnerships with local governmental entities to create mangrove protection and restoration zone programs.

**SB 336/HB 363 – REGULATION OF SINGLE-USE PLASTIC PRODUCTS**

*The bills failed to receive a committee meeting in either chamber.*

The bills would have created a coastal community pilot program to regulate single-use plastic products, allowing defined coastal communities to adopt ordinances regulating single-use plastics for a period of years, expiring by June 30, 2026. During that time, the coastal community would collect pertinent data relating to the effectiveness of the regulation and subsequently prepare and present a report of the community's findings at a publicly noticed meeting of its governing body.

**SB 1538/HB 423 – IMPLEMENTATION OF THE RECOMMENDATIONS OF THE BLUE-GREEN ALGAE TASK FORCE**

*SB 1538 died in its final committee of reference, while HB 423 did not receive a committee hearing.*

The bills would have required that each project listed in a new or revised basin management action plan (BMAP) with a total cost exceeding \$1 million must have been monitored to determine if it is working to reduce nutrient pollution or water use, or both, as intended. The monitoring assessments would have to be completed expeditiously and included in each BMAP update.

**SB 458/HB 827 – WASTEWATER GRANTS**

*HB 827 died in its final committee of reference, while SB 458 died in its second of three.*

The bills would have expanded the areas within which DEP could provide wastewater grants to include all water bodies or water body segments listed as impaired pursuant to s. 403.067, F.S.

**SB 498 – PREEMPTION OF RECYCLABLE AND POLYSTYRENE MATERIALS**

*The bill did not receive a committee hearing.*

The bill would have removed the preemption of local laws regarding the regulation of auxiliary containers, wrappers, or disposable plastic bags.

**SB 506/HB 1427 – COMPREHENSIVE WASTE REDUCTION AND RECYCLING PLAN**

*SB 506 died in its last committee, while HB 1427 did not receive a hearing.*

The bills would have directed DEP to develop a comprehensive waste reduction and recycling plan by July 1, 2024, and to convene a technical assistance group within DEP to help develop the plan. The bill provided minimum criteria for the plan and directed DEP to provide a report to the President of the Senate and the Speaker of the House of Representatives upon its completion.





## **SB 798/HB 975 – SOLID WASTE MANAGEMENT**

*HB 975 died in its second of three committees, while SB 798 did not receive a hearing.*

The bills would have prevented municipalities or counties from prohibiting private entities from providing recycling or solid waste management services to commercial, industrial, or multifamily residential properties, including condominiums, within the municipality or county. A municipality or county may not have required the private entity to obtain a permit, license, or nonexclusive franchise equivalent, but the permit, license, or nonexclusive franchise equivalent may not cost more than the administrative cost to issue the permit, license, or nonexclusive franchise equivalent. The bill required all permit, license, or nonexclusive franchise equivalent holders to pay any franchise fee adopted by the county or municipality. Contracts or franchises that have been in effect since January 1, 2023, would have been recognized and protected until the contract expires.



## **HB 1217/SB 1238 – ENERGY REGULATION**

*The bills did not receive a committee hearing.*

The bills would have prohibited state agencies from adopting or enforcing a state or regional program to regulate greenhouse gas emissions to address atmospheric temperature changes without specific legislative authorization.



## **HB 1361/SB 1472 – ORGANIC MATERIAL PRODUCTS**

*HB 1361 died on the calendar, while SB 1472 died in its second committee of reference.*

The bills would have added activities related to organic material collection, storage, processing, and distribution to the types of farm operations that are protected under the Right to Farm Act. The bills amended definitions in the Act to specify: "Farm" to include the land, buildings, support facilities, machinery, and other appurtenances used to produce organic material. "Farm operation" included all conditions or activities by the owner, lessee, agent, independent contractor, or supplier which occur on a farm in connection with the collection, storage, processing, and distribution of organic material products. "Farm product" included organic material. The bills also defined the term "organic material" to mean vegetative matter resulting from landscaping maintenance or land clearing operations, including materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps, and associated rocks and soils, and clean wood.



## **HB 1343/SB 1184 – AGRICULTURAL LANDS**

*The bills both died on the calendar.*

The bills would have prohibited counties from levying special assessments on agricultural lands and provided that the construction of housing for agricultural employees is an authorized use of land zoned for agricultural use and operated as a bona fide farm. The bills also preempted local government from adopting land use or zoning restrictions, conditions, or regulations requiring the termination of an agricultural classification for the property if the property is used for an agricultural purpose.

## **Transportation: PASSED**



## **SB 106 – FLORIDA SHARED-USE NONMOTORIZED TRAIL NETWORK**

*The Governor signed the bill on April 11, effective July 1, 2023.*

The bill expands the existing Shared-Use Nonmotorized (SUN) Trail Network and enhances the coordination of the state's trail system with the Florida Wildlife Corridor. It prioritizes the development of "regionally significant trails," 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 the FDOT and local governments to enter into sponsorship agreements for trails and to use associated revenues for maintenance, signage, and related amenities.

The bill 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.

The bill does not disrupt the currently planned projects in the FDOT 5-Year Work Program for the SUN Trail Network but specifically directs the new funds to be used to add new projects to the Work Program or to move up work on projects currently planned.



#### **HB 155 – TAMPA BAY AREA REGIONAL TRANSIT AUTHORITY (TBARTA)**

*HB 155 passed the Legislature and was signed by the Governor on May 25.*

The bill repeals the statutes relating to TBARTA. The bill dissolves TBARTA effective June 30, 2024 and requires TBARTA to provide for the discharge of any liabilities, settle and close its affairs, transfer any pending activities such as its vanpool program, close and appropriately disburse any applicable federal or state funds, provide for the distribution of any remaining assets, notify the DEO and each entity represented on TBARTA's board that it is dissolved, and forward its records to the Department of State.



#### **HB 425 – TRANSPORTATION**

*HB 425 passed the Legislature and enrolled on May 4.*

This omnibus transportation bill addresses many issues (23 total sections) related to the FDOT and general issues surrounding Florida's corridors, including:

- Expanding the Move Over Law to include disabled motor vehicles.
- Requiring that construction aggregates (gravel, sand, etc.,) producers may not represent that an aggregate is certified unless it complies with FDOT rules.
- Requires a local government to accept electronic proof of delivery for construction materials.
- Authorizes FDOT to spend \$5 million for workforce development.

With regard to Metropolitan Planning Organizations (MPOs), the bill requires that:

- Any MPOs within the same urban area must coordinate plans and transportation improvements.
- MPOs are prohibited from performing capital improvements on the State Highway System.
- By December 31, 2023, the MPOs serving Hillsborough, Pasco, and Pinellas Counties must submit a feasibility report to the Governor, Senate President, and Speaker exploring the benefits, costs, and consolidation process into a single MPO.



#### **HB 1305 – DEPARTMENT OF TRANSPORTATION**

*The Governor signed the bill on May 11, effective July 1, 2023.*

The bill contains multiple provisions relating to the FDOT, as well as other transportation-related issues. The bill:

- Increases the maximum amount of debt service coverage that may be transferred from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund from \$35

million annually to \$425 annually and increases the maximum term of state bonds using federal appropriations for federal aid highway construction, from 12 years to 18 years.

- Authorizes the FDOT to purchase promotional items for the promotion of electric vehicle use and charging stations, autonomous vehicles, and context design for electric and autonomous vehicles.
- Increases from \$120 million to \$200 million the FDOT's annual cap on the award of contracts using innovative techniques of highway and bridge design, construction, maintenance, and finance; and excludes low-bid design-build milling and resurfacing contracts from the annual cap.
- Requires the FDOT to adopt by rule minimum safety standards for certain fixed guideway transportation systems operating in this state which are located within an independent special district created by local act which have boundaries within two contiguous counties (See: district f/k/a Reedy Creek Improvement District) and to conduct structural safety inspections of such systems as specified.
- Effective upon becoming a law, reestablishes the Greater Miami Expressway Agency, subject to the revised powers, governance, jurisdiction, and duties contained in the bill.



#### **HB 1397 – REGIONAL TRANSPORTATION PLANNING**

*HB 1397 passed the Legislature and was enrolled on May 4. If signed, the bill is effective upon becoming law and would require the report from FDOT by January 1, 2024.*

The bill provides legislative intent to explore transformative changes to the policy management structure of the Hillsborough Area Regional Transit Authority (HART) to achieve organizational efficiencies with the goal of streamlining decision-making, improving transparency, and enhancing the effectiveness of local and regional public transit service delivery. The bill directs the FDOT, or its consultant, to conduct a study reviewing aspects of HART's organizational structure and operation.

### **Transportation: FAILED**



#### **SB 370 – ELECTRONIC MOTOR VEHICLE REGISTRATION CERTIFICATION**

*The bill passed two Senate committees but was never heard in its final committee Fiscal Policy.*

The bill would have authorized acceptance of an electronic certificate of motor vehicle registration as documentation required to be in the possession of a motor vehicle's operator or carried in the vehicle while the vehicle is being operated on the roads of this state. The bill provides that displaying an electronic registration certificate does not constitute consent for an officer or agent to access any other information on the electronic device, and the person who presents the device assumes liability for any resulting damage to the device.

### **Economic Development: PASSED**



#### **HB 5 – ECONOMIC PROGRAMS**

*HB 5 passed the Legislature and was enrolled on May 8.*

The bill eliminates Enterprise Florida, Inc. (EFI) and provides that all duties and functions are transferred to the Department of Commerce (renamed by the bill from the formerly named Department of Economic Opportunity). The bill repeals the following programs: Entertainment Industry Tax Credit; Florida Space Business Incentives Act; qualified defense contractor and space flight business tax refund program; tax refund for qualified target industry (QTI) businesses; Brownfield Redevelopment Bonus Refunds relating to QTI; Economic Gardening Business Loan Pilot Program; Economic Gardening Technical Assistance Pilot Program; Quick Action Closing Fund;

Innovation Incentive Program; New Markets Tax Credit; Microfinance Loan Program; Motorsports Entertainment Complex; Golf Hall of Fame; and International Game Fish Association World Center facility. Further, the bill requires the Florida Sports Foundation and VISIT Florida to contract with the department as direct-support organizations.

**HB 637 – MOTOR VEHICLE DEALERS, MANUFACTURERS, IMPORTERS, AND DISTRIBUTORS**

*HB 637 passed the Legislature and was enrolled on May 2.*

The bill amends the Florida Automobile Dealers Act, which primarily regulates the contractual business relationship between franchised motor vehicle dealers and manufacturers, factory branches, distributors, and importers (licensees).

With the onset of direct-to-consumer manufacturers like Tesla, the legislation aims to ensure that automotive dealers in Florida are protected from one-sided franchise agreements. The bill revises various provisions related to the licensure of, and contractual agreements between, dealers and licensees, including:

- Prohibits new franchise agreements with manufacturers that do not include all types of “line-make.”
- Expands the actions which a manufacturer is prohibited from taking to include owning, operating, or controlling by contract, agreement, or otherwise a dealership for any line of automobiles if the line is already offered for sale in Florida by an independent person.
- Authorizes manufacturers to sell certain vehicle features or improvements through remote transmission and requires the manufacturer to pay the dealer at least eight percent of the payment.

**HB 869 – DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

*HB 869 passed the Legislature and was enrolled on May 1.*

The bill revises licensing and regulatory requirements for businesses and professions administered by DBPR, including mold-related professionals, asbestos abatement professionals, electrical and alarm system contractors, certain public lodging establishments, and certain public food service establishments. Relating to timeshare plans, the bill: eliminates certain requirements for the offering of incidental benefits in the sale of a timeshare plan; extends from one year to five years the period to void a contract when a closing unlawfully occurred before the cancellation period’s expiration, and retains the one-year right for a purchaser to void a contract if he or she knowingly or unknowingly waived the right to cancel the contract within the 10-day cancellation period; revises public offering statement requirements to allow the developer’s description of each component site for a multisite timeshare plan to be provided to the purchaser electronically, and to provide that a developer is not required to file a separate public offering statement for any component site located within or outside Florida, in order to include the component site in the multistate timeshare plan.

**HB 1209 – ECONOMIC DEVELOPMENT**

*HB 1209 passed the Legislature and was enrolled on May 5.*

In an effort to lower the up-front costs to rural counties for grants, the bill specifies that an agency agreement that provides state or federal financial assistance to local government entities within a rural area of opportunity (RAO) must allow the agency to provide for the payment of invoices to the county, municipality, or RAO for verified and eligible performance that has been completed in accordance with the terms and conditions in the agreement. The bill also removes the 33 percent local match requirement for grants for surveys, feasibility studies, and the preclearance review of land for projects in an RAO.

**HB 7041 – SPACE FLORIDA**

*HB 7041 passed the Legislature and was enrolled on May 4.*

The bill revises provisions governing Space Florida to increase collaboration on spaceport activities, enhance transparency measures on spaceport projects, and administratively transfer Space Florida from Enterprise Florida, Inc., to the DEO. The bill reconstitutes a 12-member board and directs Space Florida to collaborate with entities with an interest or stake in the aerospace industry and complete a risk-based compliance assessment every three (3) years of all internal contracts.

**SB 262 – TECHNOLOGY TRANSPARENCY**

*The bill passed the Legislature and was enrolled on May 9. If signed by the Governor, the child safety portions of the bill are effective July 1, 2023, and the remainder of the bill is effective July 1, 2024.*

The bill is omnibus legislation that addresses the following areas in technology: (1) prohibits government-directed content moderation of social media platforms; (2) to better protect children online, requires age-appropriate design code (AADC) for online platforms, including the restriction on selling or sharing data; (3) creates the Florida Digital Bill of Rights granting consumers the right to confirm their personal data owned by specific tech companies, and opt out of certain targeted advertisements; and (4) amends current law to include an individual's geolocation in the Florida Information Protect Act's definition of "personal information."

The companies affected by the digital bill of rights are companies that make in excess of \$1 billion in global annual revenues and meet one of the following thresholds: derive 50 percent or more of its global revenues from online sale of advertisements; operates a consumer smart speaker and voice command component service with an integrated virtual assistant connected to a cloud computing services that uses hands-free verbal activation; or operates an app store or digital distribution platform that offers at least 250,000 different applications.

**SB 752 – TEMPORARY COMMERCIAL KITCHENS**

*The Governor signed the bill on May 11, and it is effective July 1, 2023.*

The bill regulates temporary commercial kitchens in the same manner as mobile food delivery vehicles (MFDVs or food trucks). The bill defines the term "temporary commercial kitchen" to mean "any kitchen that is a public food service establishment, used for the preparation of takeout or delivery-only meals housed in portable structures that are movable from place to place by a tow or are self-propelled or otherwise axle-mounted, that include self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal." The term does not include a tent.

Temporary kitchens are typically used when fixed kitchens are unavailable, e.g., when damaged by a fire, or during remodeling, when extra kitchen space is needed, and for catering at events. Temporary kitchens may also be used after a natural disaster, such as a hurricane. Temporary kitchens are contained in various modular structures, such as portable cabin structures, modular buildings, towed trailers, or standard freight containers.

**SB 1068 – DRONE DELIVERY SERVICES**

*The bill passed the Legislature and was enrolled on April 27.*

The bill prohibits political subdivisions from withholding the issuance of a business tax receipt, development permit, or other use approval to a drone delivery service and from enacting or enforcing an ordinance or resolution prohibiting a drone delivery service's operation based on the location of the delivery service's drone port. However,



the bill does allow a political subdivision to enforce generally applicable minimum setback and landscaping regulations.

**SB 1188 – CONTRACT LIABILITY**

*SB 1188 passed the Legislature and was enrolled on May 2.*

The bill requires each state agency to contract for more than \$35,000 of contractual services to include a provision limiting a vendor's liability to a defined monetary threshold. The bill requires all contracts for services in excess of \$35,000 to include a provision limiting vendor liability for direct damages to the greater of \$100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the contractor under the purchase order. This limitation of liability clause does not impact other contractual provisions relating to indemnification for any contractual services or insurance coverage for professional services contracts.

**Economic Development: FAILED****HB 7053 - TOURISM DEVELOPMENT**

*Heard and passed in Regulatory Reform and Economic Development Subcommittee, but never heard again.*

If passed, the bill would have required a percentage of each county's TDT revenue to be used to fully fund Visit Florida for a mandatory period of three (3) years. Also, Visit Florida would have been required to expend at least 75% of all funds toward rural counties. Further, the bill would have required that tourist development taxes expire after six years and must be renewed by a referendum. This bill was a proposed committee bill of the House's Regulatory Reform and Economic Development Subcommittee.

**SB 714 - VACATION RENTALS**

*SB 714 died in messages.*

If passed, the bill would have revised the regulation of vacation rentals. Specifically, the bill would have permitted "grandfathered" local laws to be amended to be less restrictive or to comply with local registration requirements. Further, the bill would have preempted to the state regulation of the advertising platforms and given DBPR enforcement authority to revoke or suspend vacation rental licenses for violation of local ordinances. The bill passed the Senate and was teed up for final passage in the House. During the last week, the House proposed an amendment that would have significantly changed provisions regarding local government enforcement. This proved to be a bridge too far for the Senate, and the bill died in messages.

**Health and Human Services: PASSED****HB 121 - FLORIDA KIDCARE PROGRAM ELIGIBILITY**

*The bill unanimously passed the Legislature and was enrolled on May 4.*

The bill raises the income eligibility limits for the subsidized MediKids, Florida Healthy Kids, and Children's Medical Services Network programs within the Florida Kidcare program from 200 percent to 300 percent of the federal poverty level (FPL), effective January 1, 2024. The bill also requires the Florida Healthy Kids Corporation to revise the monthly premiums for enrollees in households over 150 percent of the FPL who are not otherwise exempt from premiums, based on a minimum of three, but not more than six, income-based tiers.

**SB 1580 – PROTECTIONS OF MEDICAL CONSCIENCE**

*SB 1580 passed the Legislature and was enrolled on May 2. The Governor signed SB 1580 into law on May 11.*

The bill establishes a health care provider's or health care payor's right to decline to participate in any health care service, including treatment and research that violates the provider's or payor's sincerely held religious, moral, or ethical beliefs. The bill prohibits individuals and entities from discriminating against a health care provider or payor on the basis of conscience-based objections. The bill provides civil immunity to health care providers and health care payors for exercising the right of conscience and provides whistleblower protections.

**HB 387 - MEDICAL USE OF MARIJUANA**

*HB 387 passed the Legislature and was enrolled on May 4.*

Under current law, to obtain medical marijuana, a qualified patient must have a physician certification from a qualified physician and an identification card from the Department of Health. To be certified by a physician, a patient must receive an in-person physical examination from the physician to determine that the patient has a qualifying medical condition and that the medical marijuana would likely outweigh the health risks to the patient. Subsequent renewal certifications require the same physical in-person examination of the patient. The bill authorizes a qualified physician who performs an in-person examination of a patient for the initial physician certification to use telehealth to conduct subsequent examinations of that patient for renewal physician certifications.

**SB 252 – PROTECTION FROM DISCRIMINATION BASED ON HEALTH CARE CHOICES**

*SB 252 passed the Legislature and was enrolled on May 3. The Governor signed SB 252 into law on May 11.*

The bill prohibits businesses and governmental entities from requiring individuals to provide proof of vaccination or post-infection recovery from any disease to gain access to, entry upon, or service from such entities. Further, SB 252 prohibits employers from refusing employment to or discharging, disciplining, demoting, or otherwise discriminating against an individual solely based on vaccination or immunity status. Finally, the bill prevents discrimination against Floridians related to COVID-19 vaccination, immunity status, etc.

## Health and Human Services: **FAILED**

**SB 576 - EMPLOYMENT PROTECTIONS/HB 663 EMPLOYEE LEAVE AND WAGE AND SALARY HISTORY**

*SB 576 and HB 663 both died in their first committees of reference.*

In response to a teacher being denied paid family leave in 2021, because she could not provide the birth certificate of her stillborn daughter, SB 576/HB 663 would have required that all state employees be entitled to paid family leave following the birth of a stillborn child.

## Civil Justice: **PASSED**

**HB 3 – GOVERNMENT AND CORPORATE ACTIVISM**

*HB 3 passed the Legislature and was enrolled on April 19. The Governor signed HB 3 into law on May 2.*

In response to corporations that employ "environmental, social, and governance (ESG)" investment strategies that drive up the cost of living, undermine national security, and bypass the democratic process, the Legislature passed HB 3 to combat financial discrimination, safeguard Florida's assets, and finance Florida's future with quality bonds. The bill prohibits discrimination of consumers from financial institutions based on political or social beliefs.

The bill requires financial institutions to make decisions based on quantitative, impartial, risk-based standards. Finally, the bill ensures that Florida's taxpayer dollars and investments are not compromised by ESG marketing strategies.

**HB 27 – JUDGEMENT LIENS**

*HB 27 passed the Legislature and was enrolled on April 27.*

The bill improves the available remedies that may be used by a judgment creditor to collect a civil judgment from a judgment debtor. Specifically, HB 27 simplifies the process of recording a judgment lien against a motor vehicle or vessel in the records of the Department of Highway Safety and Motor Vehicles. The new process protects the interests of subsequent purchasers of the motor vehicle or vessel. The bill expands the scope of a judgment lien recorded with the Secretary of State to additionally encumber the intangible assets of payment intangibles and accounts and the proceeds thereof. Finally, HB 27 specifies in statute that a judgment creditor may not use self-help measures to take personal property of the judgment debtor except with documented consent of the judgment debtor that is agreed to after attachment of the judgment lien.

**SB 170 – LOCAL ORDINANCES**

*SB 170 passed the Legislature and was enrolled on May 3.*

The bill requires counties and cities to produce a "business impact estimate" prior to passing an ordinance, with exceptions. The estimate 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 compliance costs. Additionally, the bill imposes certain conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable. In these cases, SB 170 requires the local government to suspend enforcement of an ordinance of such legal challenge under certain circumstances. The bill requires the court to give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible. Finally, SB 170 provides that a court may award up to \$50,000 in attorney fees to a prevailing plaintiff who successfully challenges an ordinance as arbitrary or unreasonable.

**SB 256 – EMPLOYEE ORGANIZATIONS REPRESENTING PUBLIC EMPLOYEES**

*SB 256 passed the Legislature and was enrolled on April 26. The Governor signed SB 256 into law on May 9.*

The bill prohibits teachers' unions from using government resources to have dues deducted directly from employee paychecks and requires unions to notify members of the costs of membership. SB 256 requires a union to represent at least 60% of employees – increasing from the current 50%. The bill sets forth requirements that allow state investigations into unions suspected of fraud, waste, and abuse and prohibits any union from offering anything of value to a public official in collective bargaining negotiations. SB 256 requires annual audits and financial disclosures for unions.

**SB 258 – PROHIBITED APPLICATIONS ON GOVERNMENT-ISSUED DEVICES**

*SB 258 passed the Legislature and was enrolled on May 3. The Governor signed SB 258 into law on May 8.*

The bill directs the Department of Management Services to create a list of prohibited applications, defined as those that (1) are created, maintained, or owned by a foreign principal and that engage in specific activities that endanger cybersecurity; or (2) present a security risk in the form of unauthorized access to or temporary unavailability of a public employer's information technology systems or data, as determined by the DMS. The bill requires public employers (including state agencies, public education institutions, and local governments) to:

block access to prohibited applications on any wireless network or virtual private network that it owns, operates, or maintains; restrict access to prohibited applications on any government-issued device; and retain the ability to remotely wipe and uninstall prohibited applications from a compromised government-issued device.

**HB 837 – CIVIL REMEDIES**

*HB 837 passed the Legislature and was enrolled on March 23. The Governor signed HB 837 into law on March 24.*

The bill makes significant changes to Florida's civil justice systems, which include changing Florida's comparative negligence system from a "pure" comparative negligence system to a "modified" system, except for medical negligence cases, so that a plaintiff who is more at fault for his or her own injuries than the defendant may not generally recover damages from the defendant.

HB 837 modifies Florida's "bad faith" framework to allow an insurer to avoid third-party bad faith liability if the insurer tenders the policy limits or the amount demanded by the claimant within 120 days after receiving actual notice of the claim and requires a claimant to act in good faith with respect to furnishing information, making demands, setting deadlines, and attempting to settle the insurance claim. Finally, among other changes, the bill provides that a contingency fee multiplier for an attorney fee award is appropriate only in rare and exceptional circumstances, adopting the federal standard and that Florida's one-way attorney fee provisions for insurance cases apply in limited situations.

**HB 1417 – RESIDENTIAL TENANCIES**

*The bill passed the Legislature and was enrolled on April 28.*

In response to local government attempts to tackle the affordable housing crisis by regulating residential tenancies within the slim ability allowed under an already heavily preempted section of law, HB 1417 further preempts all aspects of residential tenancies to the State while also creating a 30-day minimum notice requirement of nonrenewal of a lease. This minimum notice requirement will help renters have adequate time to find replacement housing at the end of their current lease.

**SB 1188 – CONTRACT LIABILITY**

*SB 1188 passed the Legislature and was enrolled on May 2.*

The bill requires each state agency contract for more than \$35,000 of contractual services to include a provision limiting a vendor's liability to a defined monetary threshold. SB 1188 requires all contracts for services in excess of \$35,000 to include a provision limiting vendor liability for direct damages to the greater of \$100,000, the dollar amount of the contract or purchase order, or two times the charges rendered by the contractor under the purchase order. This limitation of liability clause does not impact other contractual provisions relating to indemnification for any contractual services or insurance coverage for professional services contracts.

**Civil Justice: FAILED****SB 604/HB 401 – SOVEREIGN IMMUNITY**

*SB 604 and HB 401 both died in their first and second committees of reference, respectively.*

The bills would have increased the sovereign immunity caps for damages against state and local government entities to \$2,500,000 per person and \$5,000,000 per incident and allowed a subdivision of the state to settle a claim and pay the settled amount without the need for a claim bill.

Further, SB 604/HB 401 would have eliminated any statute of limitations for filing a claim against a state or local government entity for sexual battery actions involving a victim who was younger than 16 years old at the time of the incident. However, the bills did not resuscitate any such claim, which would have been time-barred as of July 1, 2010. Finally, the bills would have increased the time limitation for filing a claim from three years to four years after the claim accrues and reduced from six months to three months the general pre-suit statutory time period for a government entity to review and dispose of a claim.

**HB 7059 – TIMEFRAMES FOR BRINGING CERTAIN ACTIONS**

*HB 7059 died in Senate Messages after passing the House on April 20.*

The bill would have reduced the statute of limitations from four years to two years for a negligence claim against the state or an agency or subdivision of the state and reduced the presuit notice period from three years to 18 months for such claims. Further, HB 7059 would have decreased from six months to four months the amount of time a government entity has to make a final disposition of a claim during the pre-suit process, after which time the plaintiff may bring a lawsuit.

**SB 474/HB 1131 – PROPERTY TAX ADMINISTRATION**

*SB 474 died in its third and final committee of reference, and HB 1131 died on the House Second Reading Calendar.*

The bills would have made various changes to the process of determining accurate assessments of property for the purpose of collecting ad valorem taxes. Specifically, the bills would have amended the timeline for a property appraiser to appeal a decision of the Value Adjustment Board (VAB), reduced situations in which an error in assessed value results in a homestead property owner being assessed back taxes, interest, and penalties, and increased the types of appeals a VAB may hear.

**Education: PASSED****HB 1 – SCHOOL CHOICE**

*The Governor signed HB 1 on March 27.*

The bill expands educational choice and opportunity for Florida families, supports public schools by reducing state regulations, and benefits teachers by removing barriers to certification.

The bill expands eligibility for Florida Tax Credit (FTC) and Family Empowerment Scholarship for Education Options (FES-EO) programs to include any student who is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a public school.

In addition, the bill expands the eligibility for public school transportation scholarships to all students eligible for a scholarship.

The bill requires the State Board of Education to, by November 1, 2023, recommend reductions to the Florida Early Learning-20 education code and provides immediate reductions to regulations, including removing the requirement for at least one course within the 24 credits required for a standard diploma to be completed through online learning expressly authorizing any public school, including charter schools, to permit a student to enroll part-time, and provides for proportional funding based on time of attendance.



The bill removes barriers to teacher certifications by adding options to the acceptable means of demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence.

The bill also increases the validity period of a nonrenewable temporary teaching certificate from 3 to 5 years.

**SB 190 – INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES**

*SB 190 passed the Legislature and was signed by the Governor on May 24.*

The bill provides a mechanism for a charter school student and a Florida Virtual School student to participate in interscholastic extracurricular activities at a private school. The bill authorizes a charter school student to develop an agreement with a private school to participate in the private school's interscholastic extracurricular activities if the activity is not offered at the charter school and the student meets the participation requirements provided in law. Additionally, the bill authorizes a Florida Virtual School student who meets academic, conduct, and other specified requirements to participate in interscholastic extracurricular activities of a private school if the student develops an agreement to participate with the private school. If approved by the Governor or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

**HB 301 EMERGENCY RESPONSE MAPPING DATA**

*The Governor signed HB 301 on May 17.*

The bill creates in the DOE the School Mapping Data Grant Program to provide standard emergency response mapping data for public school buildings to assist local first responders in responding to emergencies in public schools.

In consultation with local law enforcement and public safety agencies, each school district may apply to receive funds from the grant program to provide school mapping for the school district, including charter schools. The bill requires the entity producing the emergency response mapping data to provide the data to the applicable county, district school board, and the appropriate local, state, and federal public safety agencies for use in response to emergencies or conducting specified drills. The bill specifies minimum requirements for the emergency mapping data. The bill appropriates \$14 million to the DOE to administer the grant program. These provisions take effect July 1, 2023.

**HB 379 TECHNOLOGY IN K-12 PUBLIC SCHOOLS**

*The Governor approved HB 379 on May 9*

The bill requires public schools to provide instruction for students in grades 6-12 on the social, emotional, and physical effects of social media. It requires the DOE to make social media safety instructional material available online and district school boards to notify parents of the material's availability, and it further specifies that district school boards must provide and adopt an internet safety policy for student access to the internet provided by the school district which:

- Limits access by students to only age-appropriate subject matter and materials.
- Protects the safety and security of students when using e-mail and other forms of direct electronic communication.
- Prohibits access to data or information, and other unlawful online activities, by students.
- Prevents access to websites, applications, or software that does not protect against the disclosure, use, or dissemination of students' personal information.

The bill requires each district school board to prohibit and prevent students from accessing social media platforms through the use of internet access provided by the school district, except when expressly directed by a teacher solely for educational purposes.

The bill also requires each school district to prohibit the use of the TikTok platform or any successor platform on internet access provided by the school district or as a platform to communicate or promote any district school or school activity.

Additionally, the bill prohibits a student from using a wireless communications device during instructional time, except when directed by a teacher for educational purposes, and requires a teacher to designate an area for wireless communications devices during instructional time. These provisions take effect on July 1, 2023.

**HB 733 MIDDLE SCHOOL AND HIGH SCHOOL START TIMES**

*The Governor approved HB 733 on May 12.*

The bill requires district school boards to adopt middle and high school start times beginning with the 2026-2027 school year. By July 1, 2026, middle schools may not begin the instructional day prior to 8:00 a.m., and high schools may not begin prior to 8:30 a.m.

The bill requires each district school board to inform its community, including parents, students, teachers, school administrators, athletic coaches, and other stakeholders, about the health and safety impacts of sleep deprivation on middle and high school students and the benefits of the later school start times.

Each district school board must discuss with such groups local strategies to successfully implement the later start times. The bill requires charter schools to comply with the specified start times while providing an exemption for a charter school-in-the-workplace. These provisions take effect July 1, 2023.