

Legislative Bill Summaries

01-SPOTLIGHT BILLS

Prohibition on Open Primaries and Nonpartisan Elections (Oppose)

HB 405 (Tramont) proposes an amendment to the Florida Constitution that would prohibit nonpartisan municipal elections. The proposal also provides that only qualified electors in a municipal election with the same party affiliation as a candidate for office may vote in the primary election for such office (even if a candidate has no opponent with a different party affiliation). The same prohibitions and limitations are imposed on all other state, county and local primary elections, including school boards. In addition, the proposal specifies that a candidate for office may not be prohibited from disclosing his or her party ...

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Solid Waste Management (Oppose)

SB 798 (Ingoglia) and CS/HB 975 (Holcomb) provide that a city or county may not prohibit or "unreasonably restrain" a private entity from providing recycling or solid waste services to commercial, industrial or multifamily residential properties. In addition, the bills authorize a local government to require such private entities to obtain a permit, license or non-exclusive franchise but specify the local government's fee may not exceed the local government's administrative cost and that the fee must be commensurate with fees for other industries. The bills prohibit the use of exclusive franchise agreements and restrict a local government from ...

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Municipal Electric Utilities (Oppose)

SB 1380 (Martin) provides that any municipal electric utility serving any electric retail customer located outside of the municipality's corporate boundaries is a "public utility" subject to regulation by the Public Service Commission (PSC) for a minimum of five years. The bill directs the PSC to develop rules for such regulation. (O'Hara) ...

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Municipal Utilities (Oppose)

CS/HB 1331 (Busatta Cabrera) substantially amends provisions of law relating to municipal water and electric utility extraterritorial surcharges, extraterritorial service and transfers of enterprise funds. The bill authorizes 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 may not 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 amount of the transfer must be further reduced based on ...

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Sovereign Immunity (Oppose)

CS/HB 401 (Beltran) and SB 604 (Gruters) increase the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. CS/HB 401 was amended to increase the caps for damages against state and local government entities to \$2,500,000 per person and \$5,000,000 per incident. SB 604 (Gruters) would increase the caps to \$400,000 per person and \$600,000 per incident. (Cruz) ...

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Residential Building Permits (Oppose)

SB 682 (DiCeglie) and CS/HB 671 (Esposito) are comprehensive building permit bills. Of concern to cities, the bills do the following: ...

SB 682 (DiCeglie) and CS/HB 671 (Esposito) are comprehensive building permit bills. Of concern to cities, the bills do the following: •Require the local jurisdiction to reduce the permit fee by 75% if an owner retains a private provider. •Reduce the time frame of when municipalities must provide written notice of receipt and any other additional information that is required for a properly completed application to an applicant. •Reduce the amount of times a municipality can ask an applicant for additional information. •Allow an application to be "deemed" approved if municipalities fail to meet any of the timeframes. CS/HB 671 was amended to allow local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code. (Branch)

Land Use and Development Regulations (Oppose)

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): ...

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): As amended, CS/HB 439 in its current form revises and amends a variety of elements impacting local government comprehensive planning as well as methodologies in data usage and planning period timeframes. The bills include local governments must comply with Special Magistrate decisions where land use decisions were challenged by petitioners who were previously denied. Several key terms are redefined such as Density, Intensity, Urban Service Area, and Urban Sprawl. The bill requires the use of the State Office of Economics,

Demographics, and Research as the sole source of data for Comprehensive Planning. The bill removes the consideration of Levels of Service as a basis for denying a petition. Planned Unit Developments are removed from this section of Florida Statutes pertaining to architectural/design standards. The bills also prohibit the formation of new Design Review Boards unless established before January 1, 2020. The bills have a retroactive date of January 1, 2022. SB 1604 includes many of the same provisions of HB 439 but does not include the Special Magistrate mandate and data source requirements are different to allow for local data input into comprehensive plans. CS/SB 1604 was amended to remove the original language pertaining to the Special Magistrate decisions, the redefinitions section, the limitation on the use of local data and the prohibition of using levels of service as a basis for denial. CS/SB 1604 removes the ability of local governments to require certain design elements to single-family or two-family dwellings located in a planned unit development or master planned community. The bill also limits the application of those elements in communities with a design review board to only those board adopted prior to January 1, 2020. (Chapman)

Constitutional Amendment: Revised Limitation on Increases of Homestead Property Tax Assessments (Oppose)

SJR 122 (Avila) and HJR 469 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2%. In 1994, the State of Florida established a 3% Save Our Homes (SOH) Cap assessment limit on all residential properties that receive a homestead exemption. The 3% SOH Cap limits any increase to the assessed value of a homestead exempt property for tax purposes to a maximum of 3% each year. SB 120 would reduce the assessment limit to a maximum of 2% each year. SJR 122 and HJR 469 are constitutional amendments and would ...

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Communication Services Tax (Oppose)

HB 1153 (Steele) and CS/SB 1432 (Trumbull) would freeze the current local tax rate for CST for 3 years, from January 2023 to January 2026. Additionally the bills would prevent local governments from charging franchise fees for the location of the utilities in the public right of way. Lastly, the bill reduces the state tax rate for CST percentage by 1.44% as well as the portion on direct to home satellite services by 1.44%. (Chapman) ...

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Articles in this section: 9

BUILDING CODE/CONSTRUCTION

Building Construction (Monitor)

CS/CS/HB 89 (Maggard) and CS/SB 512 (Hooper) would prohibit a local government from making substantive changes to building plans after a permit has been issued. If substantive changes are made after a permit is issued, the local government must identify the specific plan features that do not comply with the Florida Fire Prevention Code or Life Safety or local amendments, identify the specific code chapters and sections upon which the finding is based and provide this information to the permitholder. A local fire inspector, plans reviewer or building official who fails to comply will be subject to disciplinary ...

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Building Permit Applications to Local Governments (Monitor)

HB 765 (Roth) is a bill dealing with building permit applications. The bill would require municipalities to notify the owner of a property and the contractor listed on the permit within 60 days before the permit is set to expire. The bill increases the permit reduction fee by 25% for each business day the local government fails to meet the established timeframes. HB 765 also requires a municipality to accept applications electronically and post the status update of each building permit application on their website. The bill prohibits a municipality from using a permit application unless it includes ...

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Fire Sprinkler System Projects (Monitor)

CS/CS/HB 327 (Bell) and CS/SB 408 (Perry) define a fire sprinkler system project as an alteration of a total of 20 or fewer fire sprinklers or the installation or replacement of an equivalent fire sprinkler system component in an existing building. The bills create an expedited permitting process for certain “fire sprinkler system projects,” which prohibits local enforcement agencies from requiring a fire protection system contractor to submit plans to obtain a building permit for a fire sprinkler system project. A local government may require a contractor as a condition of obtaining a permit for a fire sprinkler ...

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Public Construction (CS/HB 383 – Oppose, CS/CS/SB 346 – Support)

CS/HB 383 (Griffitts) and CS/CS/SB 346 (DiCeglie) require a contract for construction services between a local government entity and a contractor to include the estimated cost of each item necessary to complete the work. The bills restrict the ability of local governments to withhold certain amounts under the contract only to those subject to good faith disputes or claims against public surety bonds. CS/CS/SB 346 was amended to remove the preemption of a municipality to enact a local preference ordinance when awarding a public works project above \$350,000. (Branch) ...

CS/HB 383 (Griffitts) and CS/CS/SB 346 (DiCeglie) require a contract for construction services between a local government entity and a contractor to include the estimated cost of each item necessary to complete the work. The bills restrict the ability of local governments to withhold certain amounts under the contract only to those subject to good faith disputes or claims against public surety bonds. CS/CS/SB 346 was amended to remove the preemption of a municipality to enact a local preference ordinance when awarding a public works project above \$350,000. (Branch)

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Articles in this section: 5

CYBERSECURITY

Cybersecurity (Monitor)

CS/HB 1511 (Giallombardo) and CS/SB 1708 (DiCeglie) make several changes to the Local Government Cybersecurity (Act). The bills revise the definition of “cyber incident” and revise timelines for local governments to report cybersecurity incidents. The bills would require local governments to report cybersecurity incidents within four hours of discovery; current law allows for 48 hours. Ransomware incidents would be required to be reported within two hours of discovery; current law allows for 12 hours. Incidents would be reported to Florida Digital Service, the Cybersecurity Operations Center, the Cybercrime Office of the Department of Law Enforcement and the sheriff ...

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Articles in this section: 1

ECONOMIC DEVELOPMENT

Department of Economic Opportunity (Support)

CS/HB 1209 (Shoaf) and SB 1482 (Simon) modify provisions of the Rural Infrastructure Fund to increase the amount the Department of Economic Opportunity (DEO) may award for grants from 50% of the total infrastructure project cost to 75%. If the project is located within a rural community or a rural area of opportunity, they may receive up to 100% of the project cost. SB 1482 also increases the grant award amount for infrastructure planning and preparation activities to \$300,000 and removes the requirement for a local match. (Taggart) ...

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Economic Programs (Monitor)

CS/HB 5 (Esposito) eliminates Enterprise Florida, Inc. and transfers all duties and programs to the Department of Economic Opportunity (DEO). The bill authorizes Visit Florida and the Florida Sports Foundation to enter into an agreement with DEO to continue operations. The bill also eliminates several economic development programs. Of note to local governments, HB 5 eliminates the Urban High Crime Job Tax Credit Program, professional sports and spring training incentives, Brownfield Redevelopment Bonus Tax Refunds and film and entertainment-related incentives. (Taggart) ...

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Financial Assistance for Rural Areas of Opportunity (Support)

CS/HB 413 (Abbott) and SB 1628 (Simon) prohibit agency agreements from requiring local governments within a rural area of opportunity to expend funds in order to be reimbursed. Agency funding may be advanced to cities and counties based on an analysis of estimated costs, pay service providers or vendors directly or undertake other options to meet the requirements of the agreement. (Taggart) ...

CS/HB 413 (Abbott) and SB 1628 (Simon) prohibit agency agreements from requiring local governments within a rural area of opportunity to expend funds in order to be reimbursed. Agency funding may be advanced to cities and counties based on an analysis of estimated costs, pay service providers or vendors directly or undertake other options to meet the requirements of the agreement. (Taggart)

Florida First Production Partnership Pilot Program (Support)

HB 251 (Trabulsy) and SB 476 (Gruters) create the Florida First Production Partnership Program within the Department of Economic Opportunity. The purpose of the program is to boost Florida's economic prosperity by providing a tax credit award to certified film projects that provide the greatest return on investment and economic benefit to the State. (Taggart) ...

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Other Bills of Interest

HB 473 (Eskamani) – Agreement for Best Practices in Economic Development ...

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Articles in this section: 5

ETHICS & ELECTIONS

Conflicting Employment or Contractual Relationships for Public Officers or Employees (Monitor)

CS/HB 199 (Hunschofsky) and CS/CS/SB 620 (DiCeglie) address ethical conflicts of officers of independent taxing districts. CS/HB 199 would eliminate the current law exemption in the Code of Ethics for Public Officers and Employees for such officers relating to conflicting employment and contractual relationships. CS/CS/SB 620 would maintain the current law exemption but clarifies that certain conduct is still prohibited regardless of the exemption, such as misuse of public position and disclosing information that is not otherwise available to the public for their own personal benefit. CS/CS/SB 620 would also require elected local officers of independent special districts ...

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Financial Disclosures for Elected Local Officers (Oppose)

CS/HB 37 (Roach) and CS/CS/SB 774 (Brodeur) require all municipal mayors, city commissioners, elected members of a municipal governing body, and all municipal and county managers to file an annual Full Disclosure of Financial Interests (Form 6) with the Florida Commission on Ethics. These individuals are currently required to file only a Limited Disclosure of Financial Interests (Form 1). CS/SB 774 was amended to remove city managers from the list of officials required to file Form 6. (O'Hara) ...

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Local Redistricting (Monitor)

SB 1080 (Yarborough) prohibits the consideration of the residential addresses of current elected officials, and the favoring or disfavoring of any candidate or incumbent, in the district drawing process for counties, municipalities and school districts. In addition, the bill specifies that district changes may be made by counties, municipalities and school districts only in odd-numbered years. (O'Hara) ...

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Political Advertisements for Nonpartisan Office (Monitor)

CS/SB 1372 (Ingoglia) and HB 1321 (Beltran) strike provisions in current law that prohibit the political advertisement of a candidate running for nonpartisan office from stating the candidate's party affiliation and strike provisions in current law that prohibit a candidate for nonpartisan office from campaigning based on party affiliation. This would authorize a candidate for a nonpartisan municipal election to state his or her party affiliation in a political advertisement. HB 1321 would require all candidates running for a partisan office to state their party affiliation in a political advertisement and would also require candidates running for any ...

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authorize a candidate for a nonpartisan municipal election to state his or her party affiliation in a political advertisement. HB 1321 would require all candidates running for a partisan office to state their party affiliation in a political advertisement and would also require candidates running for any nonpartisan office (including municipal) to state their party affiliation or state “nonpartisan” in lieu of party affiliation. (O’Hara)

Prohibition on Open Primaries and Nonpartisan Elections (Oppose)

HB 405 (Tramont) proposes an amendment to the Florida Constitution that would prohibit nonpartisan municipal elections. The proposal also provides that only qualified electors in a municipal election with the same party affiliation as a candidate for office may vote in the primary election for such office (even if a candidate has no opponent with a different party affiliation). The same prohibitions and limitations are imposed on all other state, county and local primary elections, including school boards. In addition, the proposal specifies that a candidate for office may not be prohibited from disclosing his or her party ...

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Articles in this section: 5

FINANCE & TAXATION

Ad Valorem Tax Exemption for Nonprofit Homes for the Aged (Monitor)

CS/HB 127 (Smith) and CS/SB 566 (Wright) expand the current ad valorem tax exemption for not-for-profit homes for the aged. The bills will allow a home for the aged owned by a separate entity that is owned by a not-for-profit corporation to also receive the exemption. (Cruz) ...

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Communication Services Tax (Oppose)

HB 1153 (Steele) and CS/SB 1432 (Trumbull) would freeze the current local tax rate for CST for 3 years, from January 2023 to January 2026. Additionally the bills would prevent local governments from charging franchise fees for the location of the utilities in the public right of way. Lastly, the bill reduces the state tax rate for CST percentage by 1.44% as well as the portion on direct to home satellite services by 1.44%. (Chapman) ...

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Constitutional Amendment: Revised Limitation on Increases of Homestead Property Tax Assessments (Oppose)

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Constitutional Amendment: Homestead Tax Exemption for Certain Senior, Low-income, Long-term Residents (Monitor)

SJR 126 (Avila) and HJR 159 (Borrero) propose an amendment to the Florida Constitution to increase the just value of a home that may be eligible to receive an additional homestead exemption for homes owned by seniors 65 years or older from \$250,000 to \$300,000. Under current law, a county or city may authorize an additional homestead exemption for seniors over the age of 65 if the value of the home is \$250,000 or less, has been a permanent residence for at least 25 years, and certain income limitations are met. The legislation would simply increase the just ...

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Implementing Bill: Homestead Exemptions for Persons Age 65 and Older (Monitor)

CS/SB 124 (Avila) and CS/HB 161 (Borrero) increase the just value limit of real estate eligible for the homestead tax exemption that may be adopted by counties or municipalities for certain persons age 65 and older if SJR 126, HJR 159 or a similar constitutional amendment is approved by the voters at the next general election. (Cruz) ...

CS/SB 124 (Avila) and CS/HB 161 (Borrero) increase the just value limit of real estate eligible for the homestead tax exemption that may be adopted by counties or municipalities for certain persons age 65 and older if SJR 126, HJR 159 or a similar constitutional amendment is approved by the voters at the next general election. (Cruz)

Florida Main Street Program and Historic Preservation Tax Credit (Monitor)

CS/SB 288 (DiCeglie) and HB 499 (Stark) create the Main Street Historic Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure. The tax credit may not exceed 20 percent of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit or 30 percent of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been ...

CS/SB 288 (DiCeglie) and HB 499 (Stark) create the Main Street Historic Tourism and Revitalization Act, which provides a tax credit against corporate income taxes and insurance premium taxes for qualified expenses incurred in the rehabilitation of a certified historic structure. The tax credit may not exceed 20 percent of qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit or 30 percent of the total qualified expenses incurred in the rehabilitation of a certified historic structure that has been approved by the National Park Service to receive the federal historic rehabilitation tax credit that is located within a local program area of an Accredited Main Street Program. (Chapman)

Homestead Exemption for First Responders (Monitor)

HB 101 (Woodson) and SB 184 (Polsky) expand the current homestead exemption for the surviving spouse of a first responder who dies in the line of duty to include first responders who die in the line of duty while employed by the United States Government. (Cruz) ...

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Homestead Tax Exemptions (Monitor)

HB 1599 (Tuck) and SB 1716 (Yarborough) revise the interest rate and penalty that applies to propertyowners who unlawfully received a homestead exemption. (Chapman) ...

HB 1599 (Tuck) and SB 1716 (Yarborough) revise the interest rate and penalty that applies to propertyowners who unlawfully received a homestead exemption. (Chapman)

Implementing Bill: Homestead Assessments (Oppose)

CS/SB 120 (Avila) and HB 471 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2% if SJR 122 or a similar constitutional amendment is approved by the voters at the next general election. (Chapman) ...

CS/SB 120 (Avila) and HB 471 (Fernandez-Barquin) would reduce the limitation on annual increases of homestead property tax assessments from 3% to 2% if SJR 122 or a similar constitutional amendment is approved by the voters at the next general election. (Chapman)

Local Tax Referenda Requirements (Monitor)

CS/SB 698 (Ingoglia) and CS/HB 731 (Temple) require referendums to reenact an expiring source of county or municipal revenue to be held at a general election immediately preceding the expiration or enactment date. Sources of revenue identified by the bill include: Tourist Development Tax, Children's Services Special District Millage Rate, Dependent District Millage Rates, Municipal Millage Rates in Excess of Limits, Local Government Discretionary Sales Tax, Ninth Cent Fuel Tax, and Local Option Fuel Tax. The bills specify that a referendum may only be held once during the 48-month period preceding the effective date of the referendum. (Chapman) ...

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Property Tax Administration (Monitor)

CS/SB 474 (Garcia) and HB 1131 (Fernandez-Barquin) revise the timeframe under which certain appeals of value adjustment board decisions must be filed by a property appraiser under certain circumstances. The bills specify when erroneous assessment of homestead property must be corrected in the year the error is discovered, removes duplicative language from the sections pertaining to correcting the error when present in subsequent years. The bills authorize a taxpayer to appeal the amount of a homestead assessment limitation difference with the value adjustment board. Including adding appeals for which a value adjustment board must meet to hear taxpayer ...

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Taxation of Affordable Housing (Support)

HB 229 (Cross) authorizes local governments to adopt ordinances to grant partial ad valorem tax exemptions to property owners whose properties are used to provide affordable housing. (Cruz) ...

HB 229 (Cross) authorizes local governments to adopt ordinances to grant partial ad valorem tax exemptions to property owners whose properties are used to provide affordable housing. (Cruz)

Tourist Development (Monitor)

HB 7053 (Regulatory Reform & Economic Development Subcommittee) would redirect a percentage of revenue levied to the Tourism Industry Marketing Corporation (Visit Florida) annually. Counties that levy the tax will have a remittance from the Department of Revenue quarterly of 5 percent of all revenue between July 1, 2023, to July 1, 2026, to Visit Florida unless the county is a Rural County. A rural county that levies the tax will have a remittance from the Department of Revenue quarterly of 2 percent of all revenue for the same time frame. The bill also repeals the Tourism Promotional ...

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Tourist Development Taxes (Monitor)

HB 309 (Shoaf) and SB 640 (Simon) allow for a fiscally constrained county bordering either the Gulf of Mexico or the Atlantic Ocean to utilize up to 10 percent of the tourist development tax revenues received to reimburse for expenses incurred in providing public safety services needed to address impacts related to increased tourism and visitors to the area. However, the revenues may not be used by a county or municipality to supplant the normal operating expenditures for public safety operations related to tourism or special events. (Chapman) ...

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Other Bills of Interest

HB 695 (Hawkins) and SB 1706 (DiCeglie) – Determinations for Tax Exemptions ...

HB 695 (Hawkins) and SB 1706 (DiCeglie) – Determinations for Tax Exemptions HB 711 (Overdorf) – Aircraft Taxes SB 882 (Brodeur) and HB 885 (Plasencia) – Local Government Infrastructure Tax HB 29 (Eskamani) and SB 114 (Book) – Tax Exemption for Diapers and Incontinence Products HB 103 (F. Robinson) and SB 182 (Rodriguez) – Taxpayer Delinquencies HB 253 (Barnaby) and SB 180 (Gruters) – Securities Transactions HB 205 (Gossett-Seidman)

and SB 116 (Rodriguez) – Tax Exemption for Charges for Private Investigations SB 372 (Ingoglia) and HB 507 (Overdorf) – Federal Taxation SB 374 (Ingoglia) and HB 509 (Overdorf) – Trust Funds/Internal Revenue Service Civil Liability Trust Fund/DFS HB 487 (Salzman) and SB 1158 (Diceglie) – Department of Financial Services SB 672 (Avila) and HB 717 (Amesty) – Homestead Property Tax Exemptions SB 686 (Brodeur) and HB 681 (Plasencia) – Sales Tax Exemption for Certain Investigation and Security Services HB 747 (Woodson) and SB 762 (Wright) – Property Tax Exemption for Surviving Spouses of Veterans SB 756 (Calatayud) and HB 1589 (Fabricio) – Cigarette Tax Distributions HB 791 (Brackett) – Taxes on Purchases Made Through Private-label Credit Card Programs SB 844 (Yarborough) and HB 867 (Griffitts) – Sales Tax Exemption for Renewable Natural Gas Machinery and Equipment SB 1360 (Ingoglia) and HB 987 (Botana) – Public Deposits SB 1710 (DiCeglie) – Taxes on Malt Beverages SB 7038 (Appropriations Committee on Criminal and Civil Justice - Trust Funds/Opioid Settlement Trust Fund/Department of Law Enforcement SB 7030 (Appropriations Committee on Health and Human Services) - Trust Funds/State Opioid Settlement Trust Fund/Department of Children and Families SB 974 (Hooper) and HB 1097 (Anderson) - Disclosures of Ad Valorem Taxes

Articles in this section: 15

GENERAL GOVERNMENT

Local Ordinances

CS/CS/SB 170 (Trumbull) and HB 1515 (Brackett) impose new requirements on municipalities for adopting and enforcing ordinances. First, the bills require a municipality to prepare a business impact estimate before adopting an ordinance and specifies the minimum content that must be included in the statement. The bills exempt various ordinances from this requirement. The business impact estimate must be posted on the municipality's website no later than the date of publication of notice of the proposed ordinance. Second, the bills require a municipality to suspend enforcement of an ordinance that is the subject of a civil action challenging ...

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Articles in this section: 1

HOUSING

Condominium Associations (Monitor)

CS/CS/SB 154 (Bradley) and CS/HB 1395 (Lopez) are comprehensive condominium bills. Of interest to cities, the bills do the following: ...

CS/CS/SB 154 (Bradley) and CS/HB 1395 (Lopez) are comprehensive condominium bills. Of interest to cities, the bills do the following: •Authorize a municipality to determine that a milestone inspection is deemed necessary when a condo building reaches 25 years of age instead of 30 years for a building that is three stories or more in height. The condo association is responsible for the inspection. •Allow a municipality to extend the deadline for a milestone inspection under certain circumstances upon showing a good cause. The bills provide a definition of a “good cause.” •Require the Florida Building Commission to create a standardized milestone inspection report form to be used as a submission to local enforcement agencies. •Require the condo association to submit a phase two progress report to the local enforcement agency that specifies a timeline for the completion of repairs. The phase two inspection must be performed if any substantial structural deterioration is identified during phase one inspection. (Branch)

Housing (Support)

CS/SB 102 (Calatayud) and CS/CS/HB 627 (Busatta Cabrera) are comprehensive housing bills that sunset after 10 years. Of interest to municipalities: ...

CS/SB 102 (Calatayud) and CS/CS/HB 627 (Busatta Cabrera) are comprehensive housing bills that sunset after 10 years. Of interest to municipalities: Funding and Tax Credits •The bills propose over \$700 million for affordable housing programs including \$252 million for SHIP, \$259 million for SAIL and \$100 million for the Florida Hometown Heroes Housing Program. •The bills create a new Live Local Corporate Tax Donation program for taxpayers to donate funds directly to the Florida Housing Finance Corporation (FHFC) for the SAIL program in return for tax credits against corporate and insurance liability tax. Affordable Housing Tax Exemptions •The bills authorize local governments to adopt an ordinance providing a property tax exemption for units dedicated to tenants with incomes at 60% of local AMI. •The bills also authorize local governments to deny or revoke exemption based on the history of code enforcement violations or failure to pay fines or charges related to code enforcement violations. Zoning and Land Use •The bills preempt municipalities’ regulation on zoning, density and height for certain multifamily or mixed-use affordable housing developments in commercial areas but must otherwise be consistent with local comprehensive plans. •The bills prohibit any local governments from enacting rent control. •The bills also require municipalities to post an inventory of lands appropriate for affordable housing on its website. CS/SB 102 passed the Senate (40-0) and the House (103-6) and was signed by the Governor. Effective July 1, 2023. Chapter No. 2023-17. (Branch)

Other Bills of Interest

HB 321 (Stevenson), HB 323 (Stevenson), SB 1404 (Trumbull) and SB 1406 (Trumbull)– Movable Tiny Homes ...

HB 321 (Stevenson), HB 323 (Stevenson), SB 1404 (Trumbull) and SB 1406 (Trumbull)– Movable Tiny Homes SB 570 (Powell) – Building Permits HB 611 (Lopez) – Bonds of Contractors Constructing Public Buildings SB 1212 (Rodriguez) and HB 1293 (Mooney) – Affordable Housing SB 1586 (Trumbull) and HB 1417 (Esposito) – Residential Tendencies HB 1535 (Rizo) and SB 1682 (Rodriguez) – Fees for Enforcement of Florida Building Code SB 1394 (Perry) – Building Plans

Articles in this section: 3

LAND USE AND COMPREHENSIVE PLANNING

Agriculture Lands (Monitor)

CS/HB 1343 (Tuck) and CS/SB 1184 (Collins) increase the exemption from the levy of a county special assessment for fire protection services from \$10,000 to \$350,000 for the value of nonresidential farm buildings. The bills authorize the construction of housing for migrant farmworkers on land zoned agricultural without any local government approval by ordinance or resolution. The migrant farmworker housing may not exceed 7,500 square feet. The bills require that the migrant workers have legal status to work in the United States. The bills prohibit local governments from adopting a land use or zoning restriction, condition or regulation ...

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construction of housing for migrant farmworkers on land zoned agricultural without any local government approval by ordinance or resolution. The migrant farmworker housing may not exceed 7,500 square feet. The bills require that the migrant workers have legal status to work in the United States. The bills prohibit local governments from adopting a land use or zoning restriction, condition or regulation that requires the termination or surrender of an agricultural classification for any property. CS/HB 1343 was amended to prohibit counties from levying any special assessment on lands classified as agricultural that meet certain requirements. (Cruz)

Alternative Mobility Funding Systems (Support)

CS/HB 235 (Robinson, W.) and SB 350 (Brodeur) provide clarity to local government adoption of a mobility plan and a mobility fee system. A mobility plan identifies various multimodal projects necessary to permit redevelopment, infill projects, and development. A mobility fee is a one-time fee paid by a developer to a local government to cover the costs of the improvements necessary to fully mitigate the development's impact on the transportation system. The bill would prohibit a transportation impact fee or fee that is not a mobility-based fee from being imposed within the area that is within a mobility ...

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Land Development Initiative and Referendum Processes (Monitor)

CS/CS/HB 41 (Garcia) and SB 856 (Rodriguez) would prohibit an initiative or referendum process for any amendment to local land development regulations. Under current law, the initiative or referendum process is prohibited for any development order and, under certain circumstances, local comprehensive plan or map amendments. The bills would now also prohibit the use of initiatives or referendums for any amendment to land development regulations. The bills are drafted to be remedial in nature and would render null and void any referenda or initiative actions pertaining to land development regulations commenced after June 11, 2011. The bills were ...

CS/CS/HB 41 (Garcia) and SB 856 (Rodriguez) would prohibit an initiative or referendum process for any amendment to local land development regulations. Under current law, the initiative or referendum process is prohibited for any development order and, under certain circumstances, local comprehensive plan or map amendments. The bills would now also prohibit the use of initiatives or referendums for any amendment to land development regulations. The bills are drafted to be remedial in nature and would render null and void any referenda or initiative actions pertaining to land development regulations commenced after June 11, 2011. The bills were amended to remove the language which would have made them remedial in nature. As such, the bills no longer render land development regulations commenced after June 1, 2011 null and void. (Chapman)

Land Use and Development Regulations (Oppose)

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): ...

CS/HB 439 (McClain) and CS/SB 1604 (Ingoglia): As amended, CS/HB 439 in its current form revises and amends a variety of elements impacting local government comprehensive planning as well as methodologies in data usage and planning period timeframes. The bills include local governments must comply with Special Magistrate decisions where land use decisions were challenged by petitioners who were previously denied. Several key terms are redefined such as Density, Intensity, Urban Service Area, and Urban Sprawl. The bill requires the use of the State Office of Economics, Demographics, and Research as the sole source of data for Comprehensive Planning. The bill removes the consideration of Levels of Service as a basis for denying a petition. Planned Unit Developments are removed from this section of Florida Statutes pertaining to architectural/design standards. The bills also prohibit the formation of new Design Review Boards unless established before January 1, 2020. The bills have a retroactive date of January 1, 2022. SB 1604 includes many of the same provisions of HB 439 but does not include the Special Magistrate mandate and data source requirements are different to allow for local data input into comprehensive plans. CS/SB 1604 was amended to remove the original language pertaining to the Special Magistrate decisions, the redefinitions section, the limitation on the use of local data and the prohibition of using levels of service as a basis for denial. CS/SB 1604 removes the ability of local governments to require certain design elements to single-family or two-family dwellings located in a planned unit development or master planned community. The bill also limits the application of those elements in communities with a design review board to only those board adopted prior to January 1, 2020. (Chapman)

Local Government Comprehensive Plans (Support)

CS/CS/HB 359 (Duggan) and CS/SB 540 (DiCeglie) would allow for the Capital Improvement Element of Local Comprehensive Plans to have the option to modified administratively if all the projects have been adopted by the project's appropriate board. Additionally, the bills amend language to allow for the prevailing party in a challenge to recover attorney fees and costs in challenging or defending a plan or plan amendment, including reasonable appellate attorney fees and costs. The bills extend the deadline by which that small scale and large scale plan amendments must be adopted. The bills also prohibit local governments from ...

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Local Regulation of Nonconforming or Unsafe Structures (Oppose)

CS/HB 1317 (Roach) and CS/CS/SB 1346 (Avila) allow private property owners to obtain a building permit to demolish any nonconforming structure, including those which are designated on the National Register of Historic Places or the State Inventory of Historic Places. To be demolished, the structure must be a nonconforming use, located in a coastal high-hazard area, and fail to meet current Federal Emergency Management Agency (FEMA) flood standards for new construction. A local government may only prohibit the demolition of such a structure if the enforcement agency or local building official determines that demolition of the structure is ...

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existing nature and degree of nonconformity is not increased. A local government may not impose or enforce any limitation or condition on the approval of the replacement structure other than compliance with applicable current zoning and building regulations. Local governments may not require the replication of the demolished structure or limit the size or height of the replacement structure. The bills have been amended in committee to address local government concerns by limiting the scope of the bill to not apply to the demolition of a property on the National Register of Historic Places or to single-family homes. CS/CS/SB 1346 was amended to expand the types of qualifying nonconforming structures that will qualify for demolition and the building of a replacement structure from those located in a coastal high-hazard area, to those that are located within one-half mile of the coastline and within flood zones V, VE, AO or AE, as identified in Flood Insurance Rate Map. (Cruz)

Articles in this section: 6

OTHER

Actions Against Public-use Airports (Monitor)

HB 347 (Bankson) specifies that a person who owns, operates or uses a public-use airport is not subject to civil liability or criminal prosecution as it relates to noise or nuisances that result from operation or use. The bill does not prohibit a local government from regulating the location and construction of a public-use airport after July 1, 2023. (Branch) ...

HB 347 (Bankson) specifies that a person who owns, operates or uses a public-use airport is not subject to civil liability or criminal prosecution as it relates to noise or nuisances that result from operation or use. The bill does not prohibit a local government from regulating the location and construction of a public-use airport after July 1, 2023. (Branch)

Chiefs of Police (Oppose)

CS/HB 935 (Jacques) and CS/SB 998 (Burgess) prohibit a municipality from terminating a police chief without providing written notice, including just cause, and give them the opportunity to defend themselves against the termination in a public hearing. The chief may be represented by counsel at the public meeting at their own cost. The bills clarify that these provisions do not supersede any written employment contract, discipline, or termination standards or procedures. The bills create a civil cause of action, authorizing a police chief to sue for damages against anyone who knowingly files a false complaint against the police ...

CS/HB 935 (Jacques) and CS/SB 998 (Burgess) prohibit a municipality from terminating a police chief without providing written notice, including just cause, and give them the opportunity to defend themselves against the termination in a public hearing. The chief may be represented by counsel at the public meeting at their own cost. The bills clarify that these provisions do not supersede any written employment contract, discipline, or termination standards or procedures. The bills create a civil cause of action, authorizing a police chief to sue for damages against anyone who knowingly files a false complaint against the police chief. Both bills were amended to remove the cause of action provisions. Additionally, CS/HB 935 was amended to remove the provision requiring just cause and clarifies that the municipality may place the hearing on the agenda at the next regularly scheduled council meeting. (Taggart)

Department of Business and Professional Regulation (Monitor)

CS/SB 782 (Hooper) and CS/HB 869 (McClain) are a broad agency package for the Department of Business and Professional Regulation. Within this package is a new requirement for vacation rental licensees or licensed agents to create an online account and provide an email contact for all communications. Any changes made to the address or number of houses/units under a license must be submitted to the division within 30 days. (Taggart) ...

CS/SB 782 (Hooper) and CS/HB 869 (McClain) are a broad agency package for the Department of Business and Professional Regulation. Within this package is a new requirement for vacation rental licensees or licensed agents to create an online account and provide an email contact for all communications. Any changes made to the address or number of houses/units under a license must be submitted to the division within 30 days. (Taggart)

Drones (Monitor)

CS/CS/CS/SB 1068 (Collins) and CS/CS/HB 1071 (Duggan) prohibit local governments from withholding issuance of a business tax receipt or enacting or enforcing an ordinance or resolution that prohibits a drone delivery service's operation based on the location of the delivery service's drone port. As amended, the bills exempt drone ports from the Florida Fire Prevention Code, including national codes and the Life Safety Code. CS/CS/CS/SB 1068 was amended to allow local governments to enforce minimum setback and landscaping regulations that are generally applicable to permitted uses in the drone port site's zoning district. (Branch) ...

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Enforcement of School Zone Speed Limits (Monitor)

CS/CS/SB 588 (Rodriguez) and CS/HB 657 (Koster) would authorize a local government to place or install an automated speed detection system under its jurisdiction or a state road if permitted by the Florida Department of Transportation (FDOT) to be used solely to enforce speed limits in school zones. The bills also require local governments to notify the public of the speed detection system through a 30-day public awareness campaign before enforcement. The bills require each county or municipality that operate a speed detection system to submit a report on October 1, 2024, and annually thereafter, to the Department ...

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Flags (Monitor)

SB 668 (Collins) and SB 1011 (Borerro) prohibit governmental agencies from displaying to the public any flag that does not follow the protocol adopted by the Governor. The current protocol of displaying flags is based on the United States Flag Code and the Florida Flag Code and directs the public and governmental agencies on how to display the United States Flag, the State Flag, the POW/MIA Flag, the Firefighter Memorial Flag and the Honor and Remember Flag. (Taggart) ...

SB 668 (Collins) and SB 1011 (Borerro) prohibit governmental agencies from displaying to the public any flag that does not follow the protocol adopted by the Governor. The current protocol of displaying flags is based on the United States Flag Code and the Florida Flag Code and directs the public and governmental agencies on how to display the United States Flag, the State Flag, the POW/MIA Flag, the Firefighter Memorial Flag and the Honor and Remember Flag. (Taggart)

Flood Damage Prevention (Support)

HB 859 (Basabe) and SB 1018 (Trumbull) would allow local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code. (Branch) ...

HB 859 (Basabe) and SB 1018 (Trumbull) would allow local governments to adopt by ordinance a minimum freeboard requirement or a maximum voluntary freeboard that exceeds the requirements in the Florida Building Code. (Branch)

Food Insecure Areas (Support)

HB 727 (Rayner-Goolsby) and SB 778 (Rouson) authorize local governments to enact land development regulations to allow for small-footprint grocery stores within food insecure areas. Food insecure areas are areas where people have limited access to affordable, healthful and nutritious foods. The bills define a small-footprint grocery store as a store that has less than \$1 million in gross sales, and 20% of its gross receipts are from the retail sale of nutrient-dense foods. The bills also give local governments the authority to require mandatory reporting of certain information from the small-footprint grocery store. (Cruz) ...

HB 727 (Rayner-Goolsby) and SB 778 (Rouson) authorize local governments to enact land development regulations to allow for small-footprint grocery stores within food insecure areas. Food insecure areas are areas where people have limited access to affordable, healthful and nutritious foods. The bills define a small-footprint grocery store as a store that has less than \$1 million in gross sales, and 20% of its gross receipts are from the retail sale of nutrient-dense foods. The bills also give local governments the authority to require mandatory reporting of certain information from the small-footprint grocery store. (Cruz)

Government and Corporate Activism (Monitor)

CS/CS/HB 3 (Rommel) and CS/SB 302 (Grall) are comprehensive bills aimed at eliminating the consideration of environmental, social and governance (ESG) from government investment strategies, procurements, bond issuances and use of banks. The relevant provisions to local governments are as follows: ...

CS/CS/HB 3 (Rommel) and CS/SB 302 (Grall) are comprehensive bills aimed at eliminating the consideration of environmental, social and governance (ESG) from government investment strategies, procurements, bond issuances and use of banks. The relevant provisions to local governments are as follows: •The bills require fiduciaries of all government retirement plans to make investment decisions that only consider pecuniary factors, which do not include the consideration or furtherance of any social, political or ideological interests. By December 15, 2023, and by December 15 of each odd-numbered year thereafter, each government retirement system or plan shall file a comprehensive report detailing and reviewing the governance policies concerning decision-making in vote decisions and adherence to the fiduciary standards as required by the bill. •The bills prohibit local governments from the issuance of bonds used to further an ESG purpose. The bills define ESG bonds to include bonds that will be used to finance a project with an ESG purpose including, but not limited to, green bonds, Certified Climate Bonds, GreenStar designated bonds and other environmental bonds marketed as promoting an environmental objective; social bonds marketed as promoting a social objective; and sustainability bonds and sustainable development goal bonds marketed as promoting both environmental and social objectives. •The bills require that any contract between a government entity and an investment manager include provisions requiring a disclaimer be included in any communications from the investment manager. The disclaimer the investment manager must include states: "The views and opinions expressed in this communication are those of the sender and do not reflect the views and opinions of the people of the State of Florida." •The bills amend the definition of a "qualified public depository" to prohibit government entities from depositing funds in banks that make it a practice to deny or cancel services of its customers based on a person's political opinions, speech, affiliations, lawful ownership or sales of firearms, production of fossil fuels or other factors related to ESG. Pursuant to current law, all public deposits may only be deposited in a qualified public depository. •Lastly, the bills amend procurement requirements of all governmental entities to prohibit government bodies from giving a preference to vendors based on ESG factors or requesting information from vendors related to ESG. CS/CS/HB 3 passed the House (80-31) and is awaiting action by the Senate. (Cruz)

Governmental Agency Drone Use (Monitor)

HB 1455 (Altman) and SB 1514 (Wright) would require all governmental agencies that use a drone not produced by an approved manufacturer to submit to the Department of Management Services a comprehensive plan for discontinuing the use of such drone by July 1, 2026. (Branch) ...

HB 1455 (Altman) and SB 1514 (Wright) would require all governmental agencies that use a drone not produced by an approved manufacturer to submit to the Department of Management Services a comprehensive plan for discontinuing the use of such drone by July 1, 2026. (Branch)

License or Permit to Operate Vehicle for Hire (Oppose)

CS/HB 807 (Borrero) and SB 1700 (DiCeglie) would allow a person who holds a valid vehicle for hire license or permit from any city or county the ability to operate a vehicle for hire in another city or county without being subject to additional licensing or permitting requirements. The bills would grant the same reciprocity at airports. (Branch) ...

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Licensed Counseling for First Responders (Oppose)

HB 169 (Lopez) and CS/SB 314 (Rodriguez) require employers of first responders to pay for up to 12 hours of licensed counseling following a work-related traumatic event. This benefit would be in addition to any potential workers' compensation claim or counseling services covered by health insurance. Covered first responders include firefighters, paramedics, emergency medical technicians and law enforcement officers, including those working on a volunteer basis. The bills also hold the employing agency responsible for paying for up to an additional 24 hours of treatment if a mental health specialist finds that the first responder requires more hours ...

HB 169 (Lopez) and CS/SB 314 (Rodriguez) require employers of first responders to pay for up to 12 hours of licensed counseling following a work-related traumatic event. This benefit would be in addition to any potential workers' compensation claim or counseling services covered by health insurance. Covered first responders include firefighters, paramedics, emergency medical technicians and law enforcement officers, including those working on a volunteer basis. The bills also hold the employing agency responsible for paying for up to an additional 24 hours of treatment if a mental health specialist finds that the first responder requires more hours of counseling. CS/SB 314 was amended to cap the cost of employer-paid counseling at \$500 per hour. The bill was also further expanded to include correctional officers. (Cruz)

Local Floodplain Management (Oppose)

SB 920 (DiCeglie) prohibits a local government from denying a request for a variance or an exception if the local floodplain management requirements exceed the minimum standards for the National Flood Insurance Program. (Branch) ...

SB 920 (DiCeglie) prohibits a local government from denying a request for a variance or an exception if the local floodplain management requirements exceed the minimum standards for the National Flood Insurance Program. (Branch)

Local Occupational Licensing (Monitor)

CS/SB 1570 (Hooper)/HB 1625 (Mooney) and SB 1584 (Perry)/HB 1383 (Trabulsy) would allow municipalities to impose certain occupational licenses if the local government imposed a licensing requirement before January 1, 2021. HB 1383 prohibits a local government from requiring 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. CS/SB 1570 was amended to change the expiration of local government occupational licenses to July 1, 2024. (Branch) ...

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Monuments and Memorials (Monitor)

CS/SB 1096 (Martin) and CS/HB 1607 (Black) provide that any person or entity that damages, defaces, destroys or removes an existing monument or memorial will be civilly liable for the costs to return, repair or replace the monument or memorial unless the person was authorized or the entity was the owner. The bills provide legal standing to any resident of this state to bring a civil action against any person or entity for damaging a monument or memorial displayed on public property. The bills clarify that these provisions do not prevent an agency from relocating a monument or ...

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Municipal Boundaries (Support)

CS/SB 718 (Yarborough) and CS/HB 653 (Canady) specify that before starting annexation procedures, a local government shall prepare a feasibility study for the proposed area. To provide needed clarification on the process of contraction, the bills require a city to get permission from at least 50% of owners in an area proposed to be de-annexed when more than 70% of the land is owned by individuals, corporations or legal entities.

"Contraction" means the reversion of property within municipal boundaries to an unincorporated status. Currently property owners who are not registered to vote from the property from the land ...

CS/SB 718 (Yarborough) and CS/HB 653 (Canady) specify that before starting annexation procedures, a local government shall prepare a feasibility study for the proposed area. To provide needed clarification on the process of contraction, the bills require a city to get permission from at least 50% of owners in an area proposed to be de-annexed when more than 70% of the land is owned by individuals, corporations or legal entities. "Contraction" means the reversion of property within municipal boundaries to an unincorporated status. Currently property owners who are not registered to vote from the property from the land in question have no voice in this process. The goal of the legislation is to prevent situations where a small group of property owners has requested a contraction of a large area of land and most of the land in question is owned by a property owner who is opposed to the contraction but is not registered to vote from the parcels in question. (Cruz)

Natural Emergencies (Monitor)

CS/CS/SB 250 (Martin) is a bill dealing with natural emergencies that impact the state. Of interest to cities, the bill does the following: ...

CS/CS/SB 250 (Martin) is a bill dealing with natural emergencies that impact the state. Of interest to cities, the bill does the following: Building Permits and Contracts •Requires the Division of Emergency Management to post on its website a model debris removal contract for the benefit of local governments. •Encourages local governments to create emergency financial plans in preparation for major natural disasters. •Authorizes local governments to create specialized building inspection teams following a natural disaster and encourages interlocal agreements for additional building inspection services during a state of emergency. •Requires local governments to expedite the issuance of permits following a natural disaster. •Prohibits counties and municipalities located in areas designated in the Federal Emergency Management Agency disaster declaration for Hurricane Ian or Hurricane Nicole from increasing building fees before October 1, 2024. This preemption expires on June 30, 2025. Tolling and Contractors •Increases the extension of certain building permits following a declaration of a state of emergency from six to 24 months and caps such extension at 48 months in the event of multiple natural emergencies. •Allows registered contractors to engage in contracting for the types of work covered by their registration within areas for which a state of emergency has been declared. This authorization terminates 24 months after the expiration of the declared state of emergency. Zoning and Funding •Provides that counties and municipalities cannot prohibit a resident from placing a temporary residential structure on their property for up to 36 months following a natural emergency under certain circumstances. •Prohibits counties and

municipalities within the disaster declaration for Hurricane Ian or Hurricane Nicole from adopting more restrictive procedures for proposing amendments to its comprehensive plan or land development regulations or for issuing a development permit or development order before October 1, 2024. •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. CS/CS/SB 250 passed the Senate (39-0) and is awaiting action by the House. Currently, there is no House companion. (Branch)

Preemption of the Regulation of Tobacco and Nicotine Products (Support)

HB 519 (Edmonds) and SB 530 (Polsky) would repeal the preemption on the regulation of tobacco and nicotine products. (Taggart) ...

HB 519 (Edmonds) and SB 530 (Polsky) would repeal the preemption on the regulation of tobacco and nicotine products. (Taggart)

Private Property for Motor Vehicle Parking (Monitor)

CS/HB 617 (Lopez, V.) and CS/SB 694 (Gruters) require that owners and operators of private property used for motor vehicle parking must have a physical location in Florida, establish parking fees that are equal to that of the local governments and have posted signage that is clearly visible to those parking. Additionally, the bills remove a preemption in current law that prohibits local governments from regulating private parking lots. The bills were amended significantly to remove the provision requiring the owner or operator of a private parking lot to have a physical presence in the state and remove ...

CS/HB 617 (Lopez, V.) and CS/SB 694 (Gruters) require that owners and operators of private property used for motor vehicle parking must have a physical location in Florida, establish parking fees that are equal to that of the local governments and have posted signage that is clearly visible to those parking. Additionally, the bills remove a preemption in current law that prohibits local governments from regulating private parking lots. The bills were amended significantly to remove the provision requiring the owner or operator of a private parking lot to have a physical presence in the state and remove the limitations on what rates the operator may charge. Additionally, the amendment does not remove the current preemption in law but limits the preemption to local regulations on the rates that may be charged by a private parking lot. (Taggart)

Prohibited Applications on Government-Issued Devices (Monitor)

CS/CS/SB 258 (Burgess) and CS/HB 563 (Amesty) prohibit employees of governmental entities from downloading or accessing prohibited applications on government-issued devices. The bills also direct governmental entities to block all prohibited applications on any wireless device or network they operate. The bills direct the Department of Management Services (DMS) to compile and maintain a list of prohibited applications and publish the list on its website. Both bills clarify that these provisions do not apply to law enforcement officers if the use of these applications is necessary for public safety or to conduct an investigation. A public employer may ...

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Public Meetings (Support)

HB 397 (Tuck) allows local governments to meet in private with legal counsel, during the 90-day notice period, to discuss claims concerning the Bert Harris Act and private property rights. Transcripts of these private meetings will be made a part of the public record upon settlement of a claim or when the statute of limitation has expired if there is no litigation or settlement. (Cruz) ...

HB 397 (Tuck) allows local governments to meet in private with legal counsel, during the 90-day notice period, to discuss claims concerning the Bert Harris Act and private property rights. Transcripts of these private meetings will be made a part of the public record upon settlement of a claim or when the statute of limitation has expired if there is no litigation or settlement. (Cruz)

Resale of Tickets (Monitor)

HB 317 (McFarland) and CS/SB 388 (Bradley), of concern to municipalities, would preempt the regulation of sales or resale of tickets to the state. (Taggart) ...

HB 317 (McFarland) and CS/SB 388 (Bradley), of concern to municipalities, would preempt the regulation of sales or resale of tickets to the state. (Taggart)

Retail Sale of Domestic Dogs and Cats (Monitor)

HB 849 (Killebrew) and SB 800 (Wright) would prohibit for-profit businesses from selling domestic cats and dogs. The bills do not prohibit a city or county from adopting an ordinance on the sale of animals that is more stringent than the bill. (Taggart) ...

HB 849 (Killebrew) and SB 800 (Wright) would prohibit for-profit businesses from selling domestic cats and dogs. The bills do not prohibit a city or county from adopting an ordinance on the sale of animals that is more stringent than the bill. (Taggart)

Statewide Blue Ribbon Task Force on County Realignment (Monitor)

SB 740 (Brodeur) creates the Statewide Blue Ribbon Task Force on County Realignment within the Department of Economic Opportunity. The task force will study and evaluate the effectiveness, efficiency and value of realigning county boundaries in the state. This task force will be comprised of key stakeholders, including one representative from the Florida League of Cities. (Cruz) ...

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Substance Abuse and Mental Health Services (HB 1303 – Oppose; CS/SB 1010 – Monitor)

HB 1303 (Snyder) create the Substance Abuse and Mental Health Treatment and Housing Task Force within the Department of Children and Families. The bill directs the task force to study issues related to the regulation of treatment providers and the impact of current regulations on the site selection of community residential homes and provide recommended changes. The bill directs the task force to conduct a statewide review of zoning codes to determine the effect of local regulations. The bill exempts all certified recovery residences from state and local zoning laws or ordinances, including all requirements included in Chapter ...

HB 1303 (Snyder) create the Substance Abuse and Mental Health Treatment and Housing Task Force within the Department of Children and Families. The bill directs the task force to study issues related to the regulation of treatment providers and the impact of current regulations on the site selection of community residential homes and provide recommended changes. The bill directs the task force to conduct a statewide review of zoning codes to determine the effect of local regulations. The bill exempts all certified recovery residences from state and local zoning laws or

ordinances, including all requirements included in Chapter 419, Florida Statutes, which do not apply to all other single-family and multifamily dwellings from July 1, 2023, until July 1, 2026, while the study is conducted. The task force would be required to submit all findings and recommendations to the Department of Children and Families by December 31, 2024. Any future changes to provisions relating to recovery residence credentialing would be adopted by department rule beginning October 1, 2023, rather than legislatively. CS/SB 1010 (Gruters) was substantially amended to remove the creation of the Substance Abuse and Mental Health Treatment and Housing Task Force and also removes the three-year exemption from local zoning laws and ordinances. (Taggart)

Substance Abuse Prevention (Monitor)

SB 704 (Boyd) and CS/HB 783 (Caruso) create the Statewide Council on Opioid Abatement for the purpose of coordinating state and local efforts. Members of the council must review how settlement monies recovered from the opioid litigation brought by the state and political subdivisions have been spent and the results that have been achieved from such expenditures. The Florida League of Cities would have two appointments to the council. (Taggart) ...

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Substance Abuse Providers (Monitor)

CS/HB 295 (Caruso) and CS/SB 210 (Harrell) close a loophole in current law. The bills require day or night community housing addiction treatment centers to be certified by the Florida Association of Recovery Residences. The bills also prohibit the use of marijuana on the premises of the residences in order to obtain licensure. The bills also clarify that anyone discharged from a recovery residence who refuses to leave may be charged with trespassing in lieu of an eviction proceeding. CS/SB 210 passed the Senate (39-0) and is awaiting action by the House. (Taggart) ...

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Technology Transparency (Monitor)

CS/SB 262 (Bradley) and CS/HB 1547 (McFarland), of importance to municipalities, the bills prohibit officers or employees of a governmental entity from using their position or state resources to communicate with a social media platform for purposes of content moderation. This prohibition does not apply if the entity or individual is performing routine account management of the entity's account, attempting to remove content if it pertains to a crime or a violation of the state's public records law, or for law enforcement or public safety purposes. The bills also preempt the collection, processing, sharing or sale of consumer ...

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Temporary Commercial Kitchens (Monitor)

CS/HB 415 (Porras) and CS/CS/SB 752 (Calatayud) preempt local governments from regulating temporary commercial kitchens as it relates to licensing, permits and fees. This mimics the current regulatory structure for food trucks. The bills define a “temporary commercial kitchen” as any kitchen that is a public food establishment used for take-out or delivery meals housed in a portable movable structure that includes self-contained utilities. A temporary commercial kitchen that is operated on the same premises and by a separately licensed public food service establishment may operate during the same hours of operation as the separately licensed public food ...

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Towing Vehicles (Monitor)

SB 438 (Rodriguez) clarifies current law to ensure that law enforcement agencies may tow a motor vehicle from the scene of the incident to their storage facility in lieu of the wrecker operator’s storage facility. Current law prohibits a law enforcement agency from placing a hold on a motor vehicle within a wrecker operator’s storage facility for more than five business days. If a law enforcement agency does tow a vehicle to their own facility, the agency may not release the vehicle to the owner or lienholder until proof of payment of the towing and storage charges incurred ...

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Unmanned Aircraft Systems Act (Support)

CS/CS/HB 645 (Brackett) and CS/SB 908 (Rodriguez) remove the requirement on local governments to apply to the Federal Aviation Administration in order to restrict or limit the operations of drones in close proximity to infrastructure or facilities owned or operated by the local government. (Branch) ...

CS/CS/HB 645 (Brackett) and CS/SB 908 (Rodriguez) remove the requirement on local governments to apply to the Federal Aviation Administration in order to restrict or limit the operations of drones in close proximity to infrastructure or facilities owned or operated by the local government. (Branch)

Workers' Compensation Benefits for Posttraumatic Stress Disorder (Monitor)

CS/HB 337 (McFarland) and SB 352 (Burgess) provide that 911 public safety telecommunicators and crime scene investigators are eligible for workers' compensation benefits for post-traumatic stress disorder, which is currently provided only to first responders. The bills specify that the time for notice of an injury or death in a

compensable post-traumatic stress disorder claim must be properly noticed within 52 weeks after the qualifying event or the diagnosis of the disorder, whichever is later. (Cruz) ...

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Other Bills of Interest

HB 27 (Benjamin) and SB 1574 (Rouson) – Judgement Liens ...

HB 27 (Benjamin) and SB 1574 (Rouson) – Judgement Liens SB 46 (Wright) – Health Insurance Cost Sharing HB 477 (Rizo) and SB 1110 (Ingoglia) – Term Limits for School District School Board Members HB 1491 (Altman) and SB 1666 (Wright) – Marine Encroachment on Spaceflight and Military Operations HJR 129 (Roth) and SB 1410 (Gruters) – Requiring Broader Public Support for Constitutional Amendments or Revisions HJR 131 (Rudman), HB 209 (Rudman) and SB 1066 (Collins) – Recall of County Commissioners HB 137 (Nixon) and SB 1598 (Torres) – Department of Labor HB 237 (Altman) and SB 286 (Powell) – Legal Instruments HB 331 (Overdorf) and SB 624 (Grall) – Liens and Bonds HB 655 (Trabulsky), SB 468 (Garcia) and SB 914 (Garcia) – Suicide Prevention HB 743 (Fabricio) and SB 708 (Burgess) – Estoppel Letters HB 751 (Stark) – Mobile and Manufactured Homes HB 991 (Beltran) and SB 1220 (Brodeur) – Defamation, False Light, and Unauthorized Publication of Name or Likenesses HB 1141 (Gottlieb) and SB 1174 (Polsky) – Resolution of Disputed Property Insurance Claims HB 1129 (Plasencia) and SB 1458 (Yarborough) – Roller Skating Rink Safety HB 1299 (Daley) and SB 1344 (Bradley) – Payments for Health Care Providers and Surgical Procedures Under Workers' Compensation HB 1347 (Truenow) and SB 1400 (Martin) – County Constitutional Offices HB 1373 (Fernandez-Barquin) and SB 1490 (Garcia) – County Constitutional Officers HB 1551 (Berfield) and SB 1370 (Ingoglia) – Wind-borne Debris Region HB 1529 (Roth) and SB 1678 (Calatayud) – Agricultural Property Classification HB 1617 (Michael) and SB 1718 (Ingoglia) – Unlawful Immigration SB 1704 (DiCeglie) – Commercial Motor Vehicle Insurance SB 1686 (Wright) and HB 1489 (Altman) – Designation of Brevard Barrier Island Area of Critical State Concern SB 304 (Boyd) and HB 1239 (Griffitts) – United States-produced Iron and Steel in Public Works Projects HB 529 (Mooney) and SB 322 (Gruters) – Natural Gas Fuel Taxes HB 665 (Roth) – Workforce Housing Communities HB 597 (Lopez) – Operation of Electric Bicycles and Motorized Scooters HB 941 (Busatta Cabrera) and SB 942 (Calatayud) – Authorization of Restriction Concerning Dogs HB 1397 (McClure) and SB 1532 (Burgess) – Regional Transportation Planning HB 49 (Driskell) and SB 430 (Driskell) – Abandoned and Historical Cemeteries HB 275 (Daley) – Pari-mutual Wagering HB 269 (Caruso) and SB 994 (Calatayud) – Public Nuisances HB 493 (Antone) and SB 548 (Davis) – Applicants for Licensure as a Medical Marijuana Treatment Center SB 554 (Gruters) – Medical Treatment of Animals HB 745 (McFarland) and SB 1418 (Bradley) – Emergency Communications HB 701 (Bell) and SB 760 (Perry) – Wreckers and Towing-Storage Operators HB 67 (Gottlieb) and SB 174 (Polsky) – Obscene or Harassing Telephone calls HB 865 (Valdes) and SB 1722 (Rouson) – Public Food Service Establishments SB 932 (Book) and HB 381 (Waldron) – Animal Welfare SB 1576 (Torres) – Legalization of Medical Marijuana
Articles in this section: 33

PERSONNEL

Cost-of-living Adjustment of Retirement Benefits (Monitor)

HB 181 (Lopez) and SB 1354 (Stewart) specify the minimum factor used to calculate the cost-of-living adjustment for certain retirees and beneficiaries of the Florida Retirement System. (Cruz) ...

HB 181 (Lopez) and SB 1354 (Stewart) specify the minimum factor used to calculate the cost-of-living adjustment for certain retirees and beneficiaries of the Florida Retirement System. (Cruz)

Local Official's Employment Contract (Oppose) *Amendment change summary*

CS/SB 696 (Ingoglia) and HB 729 (Holcomb) prohibit a municipality from renewing, extending, or renegotiating employments contracts with the Chief Executive Officer of a municipality or a municipal attorney within 12 months before an August primary election for the municipality's mayor or for members of the governing body. CS/SB 696 amended the original bill to now prohibit a municipality from renewing or extending, employments contracts with the Chief Executive Officer of a municipality or the city's general counsel within 8 months before a general election for the municipality's mayor or for members of the governing body. (Chapman) ...

CS/SB 696 (Ingoglia) and HB 729 (Holcomb) prohibit a municipality from renewing, extending, or renegotiating employments contracts with the Chief Executive Officer of a municipality or a municipal attorney within 12 months before an August primary election for the municipality's mayor or for members of the governing body. CS/SB 696 amended the original bill to now prohibit a municipality from renewing or extending, employments contracts with the Chief Executive Officer of a municipality or the city's general counsel within 8 months before a general election for the municipality's mayor or for members of the governing body. (Chapman)

Rights of Law Enforcement Officers and Correctional Officers (Monitor)

HB 927 (Alvarez) and SB 1086 (Gruters) require an agency to provide notice to a law enforcement or correctional officer within 180 days after an alleged misconduct before any disciplinary action, suspension, demotion, or dismissal can be taken. (Chapman) ...

HB 927 (Alvarez) and SB 1086 (Gruters) require an agency to provide notice to a law enforcement or correctional officer within 180 days after an alleged misconduct before any disciplinary action, suspension, demotion, or dismissal can be taken. (Chapman)

Rights of Law Enforcement Officers and Correctional Officers - 2 (Monitor)

CS/HB 95 (Duggan) and CS/SB 618 (Yarborough) will amend the "law enforcement officer bill of rights" to prohibit a law enforcement officer or correctional officer from being discharged, suspended, demoted or otherwise disciplined solely as a result of a prosecuting agency determining that the officer withheld exculpatory evidence or that officer's name was included on the Brady identification system. The Brady identification system is a database that contains information about police misconduct, public complaints, use-of-force reports, etc. (Cruz) ...

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Other Bills of Interest

HB 239 (Bussatta Cabrera) and SB 224 (Hooper) – Special Risk Class Retirement Date ...

HB 239 (Bussatta Cabrera) and SB 224 (Hooper) – Special Risk Class Retirement Date HB 291 (Holcomb) and SB 436 (Rodriguez) – 911 Public Safety Telecommunicators HB 1121 (Bartleman) and SB 1156 (Burton) – Florida Retirement System SB 632 (Powell) and HB 687 (Daniels) – Veteran's Preference for Promotion SB 576 (Book) and HB 663 (Cassel) – Employment Protections SB 972 (Polsky) and HB 1065 (Nixon) – Protections for Public Employees Who Use Medical Marijuana as Qualified Patients SB 1026 (Stewart) – Discrimination in Labor and Employment HB 1109 (Barnaby) and SB 1310 (DiCeglie) – Expanding Public Sector Career Opportunities HB 1445 (Black) and SB 256 (Ingoglia) – Employee Organizations Representing Public Employees HB 1311 (Porrás) and SB 1452 (Rodriguez) – Survivor Benefits SB 7024 (Government Oversight and Accountability) – Retirement

Articles in this section: 5

PROCUREMENT

Competitive Award of Public Construction Works Contracts (Support)

SB 830 (Hooper) clarifies that a public works project for the purposes of repair or maintenance also includes projects that utilize a consortium or cooperative purchasing agreement. (Taggart) ...

SB 830 (Hooper) clarifies that a public works project for the purposes of repair or maintenance also includes projects that utilize a consortium or cooperative purchasing agreement. (Taggart)

Commercial Service Airport Transparency and Accountability (Monitor)

CS/CS/HB 1123 (Gossett-Seidman) and CS/SB 1646 (Davis) require commercial service airports to post certain information on their website and modify certain purchasing requirements. The airport must post online the airport's master plan and any contract or contract amendments for the purchase of commodities or contractual services in excess of category five. The bills also increase the threshold that requires commercial service airports to use a competitive solicitation process from category three to category five. The bills were amended to specify that contract approval must be placed as a separate line item on a meeting agenda for all contracts. ...

CS/CS/HB 1123 (Gossett-Seidman) and CS/SB 1646 (Davis) require commercial service airports to post certain information on their website and modify certain purchasing requirements. The airport must post online the airport's master plan and any contract or contract amendments for the purchase of commodities or contractual services in excess of category five. The bills also increase the threshold that requires commercial service airports to use a competitive solicitation process from category three to category five. The bills were amended to specify that contract approval must be placed as a separate line item on a meeting agenda for all contracts. The amendment also creates a scaled threshold for this requirement ranging from \$500,000-\$1.5 million depending on the airport size instead of \$4 million as originally filed. (Taggart)

Energy (Monitor)

CS/CS/SB 284 (Brodeur) and CS/HB 1025 (Caruso) revise the vehicle procurement requirements for the state purchasing plan. Specifically, the bills require vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs rather than the greatest fuel efficiency. Before July 1, 2024, the Department of Management Services (DMS) shall make recommendations to all governmental agencies regarding the procurement of electric vehicles and best practices for integrating such vehicles into existing fleets. The bills direct DMS to rank vehicles based on the lowest cost of ownership over five years. Any vehicle purchased ...

CS/CS/SB 284 (Brodeur) and CS/HB 1025 (Caruso) revise the vehicle procurement requirements for the state purchasing plan. Specifically, the bills require vehicles of a given use class to be selected for procurement based on the lowest lifetime ownership costs rather than the greatest fuel efficiency. Before July 1, 2024, the Department of Management Services (DMS) shall make recommendations to all governmental agencies regarding the procurement of electric vehicles and best practices for integrating such vehicles into existing fleets. The bills direct DMS to rank vehicles based on the lowest cost of ownership over five years. Any vehicle purchased under the state's purchasing plan must be ranked in the top five of the Department's rankings. Law enforcement vehicles are exempt from this requirement. (Branch)

Interests of Foreign Countries (Monitor)

CS/CS/SB 264 (Collins) and CS/HB 1355 (Borrero) prohibit governmental agencies from knowingly entering into a contract with an entity that would give access to an individual's personal information if the entity is owned by a foreign country of concern or a foreign country of concern has a controlling interest in the entity. These provisions would also apply to entities that have their principal place of business in a foreign country of concern.

Beginning January 1, 2024, the bills require governmental agencies to receive a signed affidavit under penalty of perjury attesting that they do not meet the criteria ...

CS/CS/SB 264 (Collins) and CS/HB 1355 (Borrero) prohibit governmental agencies from knowingly entering into a contract with an entity that would give access to an individual's personal information if the entity is owned by a foreign country of concern or a foreign country of concern has a controlling interest in the entity. These provisions would also apply to entities that have their principal place of business in a foreign country of concern. Beginning January 1, 2024, the bills require governmental agencies to receive a signed affidavit under penalty of perjury attesting that they do not meet the criteria as described above. Foreign countries of concern 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 Nicolas Maduro and the Syrian Arab Republic. The bills direct the Attorney General to enforce these provisions. The bills also prohibit governmental entities from providing economic incentives to foreign countries of concern. (Taggart)

Small Business Certification Program (Monitor)

SB 918 (DiCeglie) directs the Office of Supplier Diversity of the Department of Management Services to establish a Small Business Certification Program. The bill requires local governments to accept this small business certification regardless of any additional local certification process. (Taggart) ...

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Articles in this section: 5

PUBLIC RECORDS & PUBLIC MEETINGS

Accessibility of Government Records (Monitor)

SB 1516 (Pizzo) and HB 1527 (Joseph) require governmental agencies to provide members of the Legislature and the Florida cabinet any requested documents within seven days after receiving the request. The governmental entity may not redact the records and must waive all fees associated with the request. The legislative member or the cabinet member requesting the records is responsible for keeping the records confidential and may only share the records with another member of the Legislature. The requestee must submit a form to the agency releasing the records acknowledging this obligation. (Taggart) ...

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Electronic Payment of Public Records Fees (Monitor)

SB 1264 (Rouson) requires an agency to provide an electronic option for the payment of any fee associated with a request to inspect or copy public records. (Taggart) ...

SB 1264 (Rouson) requires an agency to provide an electronic option for the payment of any fee associated with a request to inspect or copy public records. (Taggart)

Federal Law Enforcement Agency Record (Monitor)

HB 279 (Jacques) and SB 310 (Collins) would require federal law enforcement agencies that are not subject to the Freedom of Information Act and have a physical office in Florida to comply with the state's public records requirements. (Taggart) ...

HB 279 (Jacques) and SB 310 (Collins) would require federal law enforcement agencies that are not subject to the Freedom of Information Act and have a physical office in Florida to comply with the state's public records requirements. (Taggart)

OGSR/Building Plans, Blueprints and Schematic Drawings (Support)

HB 7009 (Ethics, Elections & Open Government Subcommittee) and SB 7008 (Governmental Oversight and Accountability) save from repeal the public record exemption for building plans, blueprints and schematic drawings. The exemption does not apply to comprehensive plans or site plans that are submitted for approval or that have been approved under local land development regulations, local zoning regulations or development-of-regional-impact review. SB 7008 passed the Senate (38-0) and the House (109-0) and is awaiting action by the Governor. (Taggart) ...

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OGSR/Nationwide Public Safety Broadband Network (Support)

HB 7001 (Yarkosky) and SB 7006 (Governmental Oversight and Accountability) save from repeal the public record exemption for information related to the Nationwide Public Safety Broadband Network. SB 7006 passed the Senate (38-0) and the House (108-0) and is awaiting action by the Governor. (Taggart) ...

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OGSR/Security and Firesafety System Plans (Support)

HB 7007 (Ethics, Elections & Open Government Subcommittee) saves from repeal the public record and public meeting exemption for security or firesafety system plans for any property owned by or leased to the state or any of its political subdivisions or for any privately owned or leased property held by an agency, information related to such systems, as well as any portion of a meeting relating directly to or that would reveal such systems, plans or information. (Taggart) ...

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Public Meetings/Commission on Public Safety in Urban and Inner-City Communities (Monitor)

HB 495 (Antone) creates the Commission on Public Safety in Urban and Inner-City Communities within the Department of Law Enforcement. The purpose of the commission is to investigate system failures and the causes and reasons for high crime and gun violence incidents in urban and inner-city neighborhoods and communities and to develop recommendations for system improvements. Linked to HB 495, HB 497 (Antone) creates a public meeting exemption for the Commission on Public Safety in Urban and Inner-City Communities when exempt or confidential information is discussed. This provision is set to sunset in 2028. (Taggart) ...

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Public Records/Current and Former County and City Attorneys (Support)

CS/SB 216 (Burgess) and CS/HB 525 (Arrington) create a public records exemption for the personal identifying and location information of current county and city attorneys and assistant/deputy county and city attorneys, as well as information regarding the spouses and children of those attorneys. (Taggart) ...

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Public Records Exemption for Animal Foster or Adoption (Monitor)

HB 157 (Holcomb) and SB 518 (DiCeglie) provide a public records exemption for the personal information of individuals who foster or adopt an animal from an animal shelter or animal control agency operated by a local government. (Taggart) ...

HB 157 (Holcomb) and SB 518 (DiCeglie) provide a public records exemption for the personal information of individuals who foster or adopt an animal from an animal shelter or animal control agency operated by a local government. (Taggart)

Public Records/Reports of County or Municipal Code Violations (Support)

SB 842 (Harrell) provides a public records exemption for the personal identifying information of a person reporting a potential code violation. (Taggart) ...

SB 842 (Harrell) provides a public records exemption for the personal identifying information of a person reporting a potential code violation. (Taggart)

Other Bills of Interest

HB 313 (Rudman) and SB 560 (Trumbull) – Pub. Rec./Active Duty Servicemembers and Families ...

HB 313 (Rudman) and SB 560 (Trumbull) – Pub. Rec./Active Duty Servicemembers and Families SB 1316 (Broder) – Information Dissemination HB 1495 (Holcomb) and SB 1616 (Martin) – Pub. Rec./Security and Transportation Services Records HB 1549 (McFarland) and SB 1648 (Bradley) – Pub. Rec./Investigations by the Department of Legal Affairs SB 552 (Hooper) and HB 1437 (Esposito) – Public Records/Broadband Opportunity Program
Articles in this section: 11

PUBLIC SAFETY

Bereavement Benefits for Law Enforcement Officers (Monitor)

CS/HB 364 (Avila) and CS/CS/HB 535 (Botana) allow a law enforcement agency to grant administrative leave, up to eight hours, to a law enforcement officer in order to attend a funeral of an officer killed in the line of duty. The bills specify that expenses incurred with bereavement travel are to be reimbursed by the agency. The bills

also increase the amount to be paid toward the funeral and burial expenses of an officer from \$1,000 to \$10,000. Both bills were amended to limit travel to within the state of Florida. (Taggart) ...

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Law Enforcement Operations (Monitor)

CS/HB 1595 (Fernandez-Barquin and Yarkosky) and SB 1588 (Burgess) – Current law sets out a process to prevent municipalities from reducing law enforcement budgets. The current process allows the state attorney or a member of the governing body of a city to file a petition to the Administration Commission (comprised of the Governor and Cabinet) within 30 days after the municipality posts its tentative budget if the budget contains a funding reduction to the operating budget of the municipal law enforcement agency. The governing body of the municipality then has five working days to file a reply with ...

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Impeding, Provoking or Harassing First Responders (Support)

CS/CS/SB 1126 (Avila) and CS/HB 1539 (Rizo) would make it unlawful for any person, after receiving a warning from a first responder not to approach, to violate such warning and approach or remain within 20 feet of a first responder who is engaged in the lawful performance of any legal or emergent duty, with the intent to: 1. Interrupt, disrupt, hinder, impede or interfere with the first responder's ability to perform such duty; 2. Provoke a physical response from the first responder; or 3. Directly or indirectly harass the first responder or make so much noise that a ...

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911 Public Safety Telecommunicators Certificates (Monitor)

CS/HB 341 (Amesty) and CS/SB 980 (Brodeur) revise the time period that a 911 public safety telecommunicator certificate may remain inactive or be reactivated from 180 days to six years. CS/SB 980 was amended to remove the requirement that the certificate holder must request their inactive status and instead makes that automatic after six years and removes the \$50 fee. (Taggart) ...

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Possession or Use of a Firearm in a Sensitive Location (Monitor)

HB 215 (Rayner-Goolsby) and HB 456 (Berman) prohibit the possession or use of a firearm in "sensitive locations." The bills define a sensitive location as numerous public facilities including but not limited to buildings or facilities owned, leased or operated by government entities, including public transportation. (Taggart) ...

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Public Safety Emergency Communications Systems (Monitor)

HB 1575 (Brackett) and CS/SB 1614 (Rodriguez) require local authorities to have a qualified third party certify that the jurisdiction's public safety emergency communications system meets or exceeds the minimum radio coverage design criteria for emergency services communications systems in the current edition of the National Fire Protection Association (NFPA) before the local authority having jurisdiction requires an assessment for the need of a two-way radio communications enhancement system in a new or existing building. If the third party proves the authority has a valid radio coverage design certification, the authority may only require an assessment of a ...

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Special Persons Registry/Public Records (Monitor)

CS/SB 784 (Burgess) allows a local law enforcement agency to develop and maintain a Special Persons Registry. The registry contains a list of persons who have developmental, psychological or other disabilities or conditions that may be relevant to their interactions with law enforcement officers. CS/SB 786 (Burgess) creates a public records exemption for all records, data, information, correspondence and communications relating to and submitted in connection with the enrollment of persons in the Special Persons Registry. (Taggart) ...

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Surrendered Newborn Infants (Monitor)

CS/HB 899 (Canady) and CS/SB 870 (Burton) authorize the use of newborn infant safety devices by hospitals, emergency medical services stations and fire stations. The devices are used to safely surrender newborn infants and must meet designated safety requirements. If an agency chooses to use the device, it must be monitored 24 hours per day, and the alarm must be checked at least twice per week. CS/HB 899 passed the House (110-0) and is awaiting action by the Senate. (Taggart) ...

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Other Bills of Interest

HB 25 (Benjamin) and SB 812 (Simon) – Citizen's Arrest ...

HB 25 (Benjamin) and SB 812 (Simon) – Citizen's Arrest HB 45 (Skidmore) and SB 66 (Berman) – Risk Protection Orders HB 119 (Benjamin) and SB 1510 (Pizzo) – Visiting County and Municipal Detention Facilities HB 217 (Rayner-Goolsby) and SB 584 (Book) – Rights of Children HB 151 (Daley) and SB 146 (Polsky) – Sale or Transfer of Ammunition HB 153 (Daley) and SB 148 (Polsky) – Pub. Rec./Sales of Ammunition HB 187 (Waldron) and SB 208 (Polsky) – Sale, Transfer, or Storage of Firearms HB 165 (Hunschofsky) and SB 164 (Polsky) – Controlled Substance Testing SB 214 (Burgess) and HB 221 (Snyder) – Sales of Firearms and Ammunition HB 571 (Hinson) and HB 277 (Hinson) – Storage of Firearms in Private Conveyances and Vessels HB 353 (Skidmore) and SB 318 (Polsky) – Conditions of Pretrial Release HB 335 (Amesty) – School Safety Training SB 428 (Rouson) and HB 403 (Basabe) – Community Violence Intervention and Prevention Grant Program SB 462 (Berman) and HB 579 (Eskamani) – Assault Weapons and Large-capacity Magazines HB 1081 (Benjamin) and SB 1556 (Perry) – Contraband Forfeiture SB 1300 (Burton) and HB 1047 (Killebrew) – Animals Working with Law Enforcement Officers HB 1543 (Payne) – Minimum Age for Firearm Purchase or Transfer
Articles in this section: 9

SHORT-TERM RENTALS

Public Lodging and Food Service Establishments (Support)

HB 1399 (Cassel/Woodson) and SB 1422 (Pizzo) would require an applicant for a vacation rental license to provide the Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR) with proof of inspection and compliance with municipal codes when it changes in use from single-family residential to a transient public lodging establishment. The bills would also require that the applicant provide proof that the underlying homeowner's insurance policy allows the structure to be used as a transient public lodging establishment and a signed affidavit from the chief executive of the local government where the ...

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Vacation Rentals (Monitor)

CS/HB 833 (Duggan) and CS/SB 714 (DiCeglie) Impact on Local Governments The bills maintain the current preemption on local governments from adopting zoning ordinances specific to short-term rentals, as well as regulating the duration of stays and the frequency in which the properties are rented. The bills expand this preemption to include local regulations on advertising platforms. For cities that adopted ordinances prior to June 1, 2011, the bills maintain the "grandfather" currently in place but clarify that those cities may amend their ordinances to be less restrictive or to comply with a local registration program. For cities that do not have "grandfathered" ordinances, the bills preempt cities from licensing short-term rentals; however, they authorize local governments to have a local registration program. Local governments who choose to adopt a local registration program may impose a fine for failure to register. The local government has 15 days after receiving an application for registration to either accept the application or issue a written notice specifying all deficiencies. Both parties may agree to extend the timeline. If a municipality does not accept or deny an application within that 15-day window, that application is deemed approved. As a condition of registration, the local registration programs may only require the owner or operator of a vacation rental to:

- Pay a fee of no more than \$50 for processing an individual registration application or \$100 for a collective application
- Renew their registration no more than once per year unless the property has a change in ownership
- Submit identifying information about the owner or the property manager and the short-term rental being registered
- Obtain a license as a transient public lodging establishment by the Department of Business and Professional Regulation (DBPR) within 60 days of local registration
- Obtain all required tax registration, receipts or certificates issued by the Department of Revenue, a county or a municipal government
- Maintain all registration information on a continuing basis so it is current
- Comply with parking and solid waste handling requirements; these requirements cannot be imposed solely on short-term rentals
- Designate and maintain a property designee who can respond to complaints and other immediate problems related to the property, including being available by phone
- Pay in full all municipal or county code liens against the property being registered.

Impact on Advertising Platforms and DBPR Advertising platforms must include in all listings the property's state license number and, if applicable, the local registration number. After July 1, 2024, the advertising platform will be required to check and verify the license number of all listings with DBPR. Additionally, by that date, DBPR will be required to maintain all short-term rental license information in an electronic format to ensure prompt compliance. Advertising platforms will be required to remove unlicensed listings within 15 days after notification by DBPR, as well as collect and remit all required taxes. **Termination/Denial of License** DBPR may revoke, refuse to issue or renew a short-term rental license or suspend the license for up to 30 days under several circumstances:

- The property owner violates the terms of any lease or applicable condominium, coop or homeowner's association restrictions
- The owner fails to provide proof of local registration if one is required
- The local registration is terminated by a local government for violating any of the registration requirements described above
- The property and property owner are subject to a final order or judgment directing termination of the property's short-term rental status
- DBPR may also suspend the license for up to 30 days when the short-term rental has been cited for two or more code enforcement violations during a 90-day period. (Taggart)

Vacation Rentals (Support)

SB 92 (Garcia) and HB 105 (Basabe) codify the ability of local governments to require vacation rental owners or operators to designate and maintain at all times the name and contact information of a responsible party who is able to respond to complaints and other immediate problems related to the property. (Taggart) ...

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Articles in this section: 3

TORT LIABILITY

Sovereign Immunity (Oppose)

CS/HB 401 (Beltran) and SB 604 (Gruters) increase the statutory limits on liability for tort claims against the state and its agencies and subdivisions (which include cities). The current statutory limits for claims are \$200,000 per person and \$300,000 per incident. CS/HB 401 was amended to increase the caps for damages

against state and local government entities to \$2,500,000 per person and \$5,000,000 per incident. SB 604 (Gruters) would increase the caps to \$400,000 per person and \$600,000 per incident. (Cruz) ...

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Other Bills of Interest

HB 85 (Snyder) and SB 360 (Hutson) – Causes of Action Based on Improvements to Real Property ...

HB 85 (Snyder) and SB 360 (Hutson) – Causes of Action Based on Improvements to Real Property HB 315 (Andrade) and SB 738 (Brodeur) – Civil Remedies for Unlawful Employment Practices HB 843 (Cross) and SB 816 (Polsky) – Challenges to Development Orders HB 837 (Fabricio), SB 236 (Hutson) and HB 1165 (Duggan) – Civil Remedies HB 1205 (Andrade) and SB 1246 (Yarborough) – Advertisement for Legal Services
Articles in this section: 2

TRANSPORTATION

Vertiports (Monitor)

HB 349 (Bankson) and SB 1122 (Harrell) promote the development of a network of vertiports that will provide residents in Florida with equitable access to advanced air mobility operations for passenger and cargo services. For vertiports to operate in the state, the owner must comply with the Federal Aviation Administration's regulations and guidance relating to vertiport design and performance standards as well as submit a layout plan to the administrator of the Federal Aviation Administration. The bills specify that a local government may not exercise its zoning and land use authority to give an exclusive right to one ...

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Other Bills of Interest

SB 64 (Hooper) and HB 425 (Esposito) – Department of Transportation ...

SB 64 (Hooper) and HB 425 (Esposito) – Department of Transportation HB 155 (Holcomb) and SB 198 (DiCeglie) – Tampa Bay Area Regional Transit Authority

Articles in this section: 2

UTILITIES & NATURAL RESOURCES

Biosolids (Monitor)

CS/SB 880 (Brodeur) and CS/HB 1405 (Tuck) authorize the Department of Environmental Protection to provide grants for projects that convert wastewater residuals to Class A biosolids and Class AA biosolids. The bills also prohibit the Department from authorizing a land application site permit for Class B biosolids within the subwatershed of a waterbody designated as impaired for either nitrogen or phosphorus or within an adjoining

upstream subwatershed containing surface waters that flow to a waterbody designated as impaired for either nitrogen or phosphorus unless the applicant demonstrates the biosolids will not add to the nutrient load of the ...

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Boating Restricted Areas (Support)

HB 1103 (Tramont) and SB 1314 (Wright) authorize counties and municipalities to establish certain portions of the Florida Intracoastal Waterway slow speed, minimum wake boating-restricted areas within 500 feet of any private or public marina pumpout. (O'Hara) ...

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Comprehensive Waste Reduction and Recycling Plan (Support)

SB 506 (Stewart) and HB 1427 (Casello) require the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan by July 2024, based on recommendations from the Department's 2020 75% Recycling Goal Final Report. The bills also require the Department to convene a technical assistance group to help develop the plan. The plan must include the following: recycling goals based on sustainable materials management and waste diversion; a 30-year plan to implement strategies relating to recycling education and outreach; local government recycling assistance; and recycling materials market development. The bills require the Department to submit ...

SB 506 (Stewart) and HB 1427 (Casello) require the Department of Environmental Protection to develop a comprehensive waste reduction and recycling plan by July 2024, based on recommendations from the Department's 2020 75% Recycling Goal Final Report. The bills also require the Department to convene a technical assistance group to help develop the plan. The plan must include the following: recycling goals based on sustainable materials management and waste diversion; a 30-year plan to implement strategies relating to recycling education and outreach; local government recycling assistance; and recycling materials market development. The bills require the Department to submit a report and recommendations to the Legislature following completion of the plan. (O'Hara)

Construction Materials Mining Activities (Monitor)

HB 77 (Fabricio) and SB 186 (Avila) provide that beginning July 2023, the ground vibration limit for construction materials mining activities within one mile of residentially zoned areas may not exceed .15 inches per second. The bills authorize the Chief Financial Officer to direct the State Fire Marshal to modify the standards for the use of explosives in connection with construction materials mining activities within one mile of residentially zoned areas. (O'Hara) ...

HB 77 (Fabricio) and SB 186 (Avila) provide that beginning July 2023, the ground vibration limit for construction materials mining activities within one mile of residentially zoned areas may not exceed .15 inches per second. The bills authorize the Chief Financial Officer to direct the State Fire Marshal to modify the standards for the use of explosives in connection with construction materials mining activities within one mile of residentially zoned areas. (O'Hara)

Department of Agriculture and Consumer Services (Monitor)

SB 1150 (Ingoglia) and CS/HB 1307 (McClure) revise various provisions of law relating to the powers and duties of the Florida Department of Agriculture and Consumer Services. The bills amend the current law definition of “Category I liquefied petroleum gas dealer” to include persons engaged in the design of equipment for use of liquefied petroleum or natural gas. This definition has relevance to the current law preemption of local government prohibition of the types or fuel sources of energy production in Section 366.032, Florida Statutes, which includes a Category I liquefied petroleum gas dealer within the scope of ...

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Department of Agriculture & Consumer Services (Monitor)

SB 1164 (Collins) and CS/HB 1279 (Alvarez) amend various provisions relating to the Department of Agriculture, including provisions concerning the regulation of aquaculture. The bills express an intent to eliminate duplication of regulatory inspections of aquaculture products and preempt the regulatory and permitting authority of all aquaculture products to the Department. (O’Hara) ...

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Energy Regulation (Oppose)

SB 1238 (Rodriguez) and HB 1217 (Melo) prohibit local governments from imposing certain requirements and prohibitions relating to energy-savings or energy-producing factors. The bills provide that, except for the purpose of compliance with building and fire safety laws, a local government may not require that a particular design or type of material be used in the construction of a building due to the design’s or the material’s energy saving or energy producing qualities. In addition, the bills prohibit a local government from prohibiting the use of a particular design or type of material in the construction of a ...

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Energy Transition Task Force (Monitor)

HB 293 (Hinson) and SB 680 (Davis) would create the Energy Transition Task Force within the Department of Agriculture and Consumer Services to provide recommendations for fostering a fair and equitable transition of the state's energy infrastructure to renewable energy technologies within minority, underserved, rural and low-income communities. It directs the Task Force to submit a report with its recommendations to the Governor and Legislature by September 2024. (O'Hara) ...

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Everglades Protection Area/Comprehensive Plan Amendments (Monitor)

HB 175 (Busatta Cabrera) and CS/CS/SB 192 (Avila) require comprehensive plans and plan amendments by a county defined in Section 125.011(1) or any municipality therein (i.e., Miami-Dade County and municipalities within the county), that apply to any land within, or within two miles of, the Everglades Protection Area (EPA) to follow the state-coordinated review process for state agency compliance review under Part II, Chapter 163, Florida Statutes, and requires the Department of Environmental Protection (DEP) to coordinate with the affected local governments on mitigation measures for plans or plan amendments that would impact Everglades restoration. The EPA consists ...

HB 175 (Busatta Cabrera) and CS/CS/SB 192 (Avila) require comprehensive plans and plan amendments by a county defined in Section 125.011(1) or any municipality therein (i.e., Miami-Dade County and municipalities within the county), that apply to any land within, or within two miles of, the Everglades Protection Area (EPA) to follow the state-coordinated review process for state agency compliance review under Part II, Chapter 163, Florida Statutes, and requires the Department of Environmental Protection (DEP) to coordinate with the affected local governments on mitigation measures for plans or plan amendments that would impact Everglades restoration. The EPA consists of the three state-designated Water Conservations Areas (WCA-1, WCA-2 and WCA-3) as well as Everglades National Park. If DEP determines that any portion of a proposed plan or proposed amendment will adversely impact the EPA or Everglades restoration objectives, the local government must modify the plan or plan amendment to mitigate such impacts before adoption of the plan or amendment, or that portion of the plan or amendment may not be adopted. Plan amendments that apply to any land within, or within two miles of, the EPA must be transmitted to DEP within 10 days of the second public hearing on the amendment. Finally, the bills require a county subject to the bill and any municipality within that county to transmit a copy of any small-scale plan amendment to the Department of Economic Opportunity within 10 days after adoption. (O'Hara)

Financing Improvements to Real Property (Monitor)

SB 810 (Gruters) and CS/CS/HB 1151 (Amesty) amend Section 163.08, Florida Statutes, relating to Property Assessed Clean Energy (PACE) programs and financing. The bills expand the purpose of the program to include resiliency-qualifying improvements to commercial or residential property. The bills define commercial property to include multifamily, commercial, industrial, agricultural, nonprofit, long-term care facilities or government-commercial property. Government-commercial property is defined as real property owned by a local government and leased to a nongovernmental lessee. The bills expand the types of improvements to commercial property that are eligible for PACE financing to include energy conservation and efficiency improvements ...

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financing to include energy conservation and efficiency improvements and resiliency improvements. The bills specify conditions for entering financing agreements with commercial properties and governmental-commercial properties. They clarify the changes made by the bill are prospective and do not affect or amend any existing non-ad valorem assessment or any existing interlocal agreement between local governments. (O'Hara)

Floating Vessel Platforms and Floating Boat Lifts (Monitor)

CS/HB 847 (Stark) and SB 1082 (DiCeglie) amend Section 403.813, Florida Statutes, which currently authorizes exemptions from certain state and local permitting requirements for floating vessel platforms and floating boat lifts under specified circumstances. HB 847 provides that structures associated with a dock or structures wholly contained within a boat slip that do not exceed 500 square feet (or 200 feet in an Outstanding Florida Water) as specified in Section 403.813(1)(s)2., Florida Statutes, create a presumption of compliance with certain environmental impact requirements of the Florida Department of Environmental Protection. The bills provide that local governments may require ...

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Florida Shared-Use Nonmotorized Trail Network (Support)

CS/SB 106 (Brodeur) and CS/HB 915 (Botana) authorize the Department of Environmental Protection to establish a program to recognize local communities located along or in proximity to one or more long-distance nonmotorized recreational trails as "trail towns." The bills revise provisions relating to the Florida Greenways and Trails Program. The bills authorize the Greenways and Trails Council to recommend priorities for regionally significant trails for inclusion by the Florida Department of Transportation in the Florida Shared Use Nonmotorized Trail Network. The bills revise the responsibilities of the Division of Tourism Marketing to include promotion of the Florida Greenways ...

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Implementation of the Recommendations of the Blue-Green Algae Task Force (Monitor)

HB 423 (Cross) and CS/SB 1538 (Stewart) would require septic tank owners to have the system inspected every five years and direct the Department of Environmental Protection to implement the inspection program. The bills require basin management action plans to include estimated pollutant load reductions that meet or exceed the amount of load reductions needed to meet the total maximum daily load requirements under the plan. The bills

require the allocation of pollutant load reductions in a basin management action plan to consider projected increases in pollutant loading due to growth in population or agricultural activity and require ...

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Land Acquisition Trust Fund – Florida Forever (Support)

HB 559 (Roth) and SB 928 (Stewart) extend the retirement date of bond issues to fund the Florida Forever Act. The bills revise distributions for various programs funded by the Land Acquisition Trust Fund. HB 559 specifies that the lesser of 40% or \$350 million shall be appropriated annually to the Florida Forever Trust Fund. SB 928 specifies that the lesser of 40% or \$300 million shall be appropriated annually to the Florida Forever Trust Fund. Both bills prohibit moneys distributed from the Trust Fund from being used for executive direction and support services by state agencies. (O'Hara) ...

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Land and Water Management (Oppose)

HB 1197 (Maggard) and SB 1240 (Burgess) prohibit counties and municipalities from adopting laws, regulations, rules or policies relating to water quality, water quantity, pollution control, pollutant discharge prevention or removal or wetlands, and preempt such regulation to the state. The prohibition does not apply to an interagency or interlocal agreement between the Department of Environmental Protection and any agency or local government and does not apply to any local government conducting programs relating to or materially affecting the water resources of the state. In addition, the prohibition does not apply to the authority of a county or ...

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Management and Storage of Surface Waters (Monitor)

HB 371 (Killebrew) and SB 910 (Burton) provide an exemption from surface water management and storage regulations for implementing certain projects for environmental habitat creation, restoration and enhancement activities, and water quality improvements on agricultural lands and government-owned lands. The bills remove

current law requirements for the Department of Environmental Protection and water management districts to be notified of such projects. (O'Hara) ...

HB 371 (Killebrew) and SB 910 (Burton) provide an exemption from surface water management and storage regulations for implementing certain projects for environmental habitat creation, restoration and enhancement activities, and water quality improvements on agricultural lands and government-owned lands. The bills remove current law requirements for the Department of Environmental Protection and water management districts to be notified of such projects. (O'Hara)

Mitigation Credits (Monitor)

HB 1167 (Duggan) and SB 1702 (DiCeglie) authorize the Department of Environmental Protection (DEP) and the water management districts if mitigation credits are not available in sufficient quantities to be sold or used to offset imminent 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 its permit if the bank has been successfully constructed and there is a high degree of confidence that the required ecological performance standards will be met. If mitigation credits are not available in a basin, the bills ...

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Municipal Electric Utilities (Oppose)

SB 1380 (Martin) provides that any municipal electric utility serving any electric retail customer located outside of the municipality's corporate boundaries is a "public utility" subject to regulation by the Public Service Commission (PSC) for a minimum of five years. The bill directs the PSC to develop rules for such regulation. (O'Hara) ...

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Municipal Utilities (Oppose)

CS/HB 1331 (Busatta Cabrera) substantially amends provisions of law relating to municipal water and electric utility extraterritorial surcharges, extraterritorial service and transfers of enterprise funds. The bill authorizes 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 may not 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 amount of the transfer must be further reduced based on ...

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midpoints of the rates of return on equity approved by the PSC for investor-owned utilities in the state. The amount of the transfer must be further reduced based on the percentage of extraterritorial customers served by the utility. The bill eliminates the automatic 25% surcharge that may be added to the rates and fees charged to extraterritorial customers. (O'Hara)

Municipal Water and Sewer Utility Rates (Monitor)

HB 361 (Robinson, F.) and SB 1712 (Jones) require a municipality that operates a water or sewer utility providing services to customers in another recipient municipality using a facility or plant located in the recipient municipality to charge customers in the recipient municipality the same rates, fees and charges it imposes on customers within its own municipal boundaries. (O'Hara) ...

HB 361 (Robinson, F.) and SB 1712 (Jones) require a municipality that operates a water or sewer utility providing services to customers in another recipient municipality using a facility or plant located in the recipient municipality to charge customers in the recipient municipality the same rates, fees and charges it imposes on customers within its own municipal boundaries. (O'Hara)

Onsite Sewage Treatment and Disposal System Inspections (Support)

HB 1425 (Caruso) requires onsite sewage treatment and disposal systems to be inspected at least once every five years and directs the Department of Environmental Protection to administer the inspection program with a phased-in implementation plan that prioritizes areas within a basin management action plan. The inspection is to be paid by the system owner, and an owner would be required to take remedial measures if an inspection identifies a system failure. (O'Hara) ...

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Organic Material Products (Monitor)

SB 1472 (Bradley) and CS/HB 1361 (Truenow) amend the Florida Right to Farm Act. The definition of "farm" is amended to include the production of organic material, and the definition of "farm operation" is amended to include the collection, storage, processing and distribution of organic material products. Organic material is defined as vegetative matter resulting from landscaping maintenance or land clearing operations, including clean wood and materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps and associated rocks and solids. (O'Hara) ...

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Pollutant Load Reduction/Environmental Protection (Monitor)

CS/HB 1379 (Steele) and CS/SB 1632 (Brodeur) impose new requirements and restrictions on local governments relating to pollutant load reduction, local government comprehensive plans, basin management action plans, onsite sewage treatment and disposal systems, mandatory connection to central sewer systems, septic system and wastewater treatment facility remediation plans and advanced waste treatment systems. ...

CS/HB 1379 (Steele) and CS/SB 1632 (Brodeur) impose new requirements and restrictions on local governments relating to pollutant load reduction, local government comprehensive plans, basin management action plans, onsite sewage treatment and disposal systems, mandatory connection to central sewer systems, septic system and wastewater treatment facility remediation plans and advanced waste treatment systems. Comprehensive Plans and Capital Improvements Schedule Both bills require the comprehensive plan's schedule of capital improvements to include a list of projects necessary to achieve the pollutant load reductions attributable to the local government pursuant to a basin management action plan. For groups of 50 or more parcels with a density greater than one septic system per acre, a local government's comprehensive plan must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and identify the name of the intended wastewater facility could receive sanitary sewer flows after connection and a timeline for connection. Indian River Lagoon Protection Program The bills establish this program within the Department of Environmental Protection, which consists of the various basin management action plans around the Indian River Lagoon. The Department water management districts, local governments and other stakeholders are directed to identify and prioritize strategies necessary to meet water quality standards. Beginning January 2024, the bills prohibit the installation of new septic systems for areas within the Program where central sewer is available. If central sewer is not available, only advanced nutrient-reducing onsite systems or distributed wastewater systems will be permitted. By July 2030, the bills require any existing septic system within the areas subject to the Program to connect to central sewer if available or upgrade to an advanced onsite system. Outstanding Florida Springs HB 1379 requires a septic system remediation plan to be developed if septic systems are identified as contributors of nonpoint source nitrogen pollution, regardless of the percentage of contribution. Both bills prohibit the installation of septic systems where connection to central sewer is available. For lots of less than 1 acre where central sewer is not available, the bills require the use of advanced treatment onsite systems. Basin Management Action Plans The bills specify additional required contents for basin management action plans, including a requirement that any entity with a specific pollutant load reduction requirement established in a plan identify the projects or strategies the entity will undertake to meet the plan's current five-year milestone. Each project identified must include an estimated amount of nutrient reduction that is expected. The bills prohibit the installation of new septic systems within areas subject to a basin management action plan or reasonable assurance plan where connection to central sewer is available. In addition, the bills require the installation of advanced onsite septic systems on lots of 1 acre or less located within such areas if central sewer is not available. Wastewater Grant Program The bills rename the Wastewater Grant Program in Section 403.0673, Florida Statutes, to the "Water Quality Improvement Grant Program" and expand the types of projects that reduce the amount of nutrients entering waters that are not attaining nutrient or nutrient-related standards, have an established TMDL, are located within a BMAP area or are within an alternative restoration plan area, or a rural area of opportunity. Expanded project types include: wastewater facility repair, projects to upgrade, construct or expand stormwater treatment facilities, wastewater reuse and collection systems, projects included in a septic system or wastewater facility remediation plan and projects listed in a city or county capital improvements element. The bills specify that funding priority must be given to projects most likely to achieve the maximum pollutant reduction. Advanced Waste Treatment For facilities that discharge to specified waters and are required by current law to upgrade to advanced waste treatment by a specified date, the bill authorizes the Department of Environmental Protection to require even more stringent treatment standards of these facilities if necessary to achieve the total maximum daily load or applicable water quality criteria. In addition, beginning January 2033, waters that are not attaining nutrient standards or that are subject to a nutrient basin management action plan or reasonable assurance plan are subject to the requirement to upgrade to advanced wastewater treatment facilities. Finally, the bills provide that sewage disposal facilities may not dispose of any wastes in the following waters without providing advanced waste treatment within a 10-year period: a waterbody that does not attain nutrient standards after July 2023; a water body that is subject to a nutrient related basin management action plan after July 2023; or a waterbody that is subject to an adopted reasonable assurance plan after July 2023. (O'Hara)

Preemption of Recyclable and Polystyrene Materials (Support)

SB 498 (Stewart) removes the state preemption of local government laws relating to auxiliary containers, wrappings or disposable plastic bags and removes the state preemption of local government laws relating to the use or sale of polystyrene products. (O'Hara) ...

SB 498 (Stewart) removes the state preemption of local government laws relating to auxiliary containers, wrappings or disposable plastic bags and removes the state preemption of local government laws relating to the use or sale of polystyrene products. (O'Hara)

Preemption of Tree Pruning, Trimming and Removal (Support)

SB 886 (Stewart) repeals a state law preemption of local government regulation of tree pruning, trimming or removal on residential property. (O'Hara). ...

SB 886 (Stewart) repeals a state law preemption of local government regulation of tree pruning, trimming or removal on residential property. (O'Hara).

Preemption Over Utility Service Restrictions (Oppose)

CS/HB 1281 (Buchanan) and SB 1256 (Collins) prohibit a local government from enacting or enforcing an ordinance, resolution, rule, code or policy, or from taking any action that restricts or prohibits or has the effect of restricting or prohibiting the use of any major appliances, including stoves and gas grills. CS/HB 1281 was amended to exempt local government actions and regulations necessary to implement the Florida Building Code and the Florida Fire Prevention Code. (O'Hara) ...

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Public Financing of Potentially At-Risk Structures and Infrastructure (Monitor)

CS/HB 111 (Hunschofsky) and SB 1170 (Calatayud) revise current law provisions that require certain public-financed projects and infrastructure to undergo a Sea Level Impact Projection Study prior to construction. The bills expand the types of projects and infrastructure subject to the requirement by including "potentially at-risk" projects within an area that is "at-risk due to sea-level rise." The bills define "at-risk due to sea-level rise" and "potentially at-risk structure or infrastructure." The bills also add a requirement that a public-financed constructor provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk ...

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Ratification of Rules of the Department of Environmental Protection (Monitor)

CS/SB 7002 (Environment and Natural Resources Committee) and HB 7027 (Water Quality, Supply & Treatment Subcommittee) ratify rules relating to the standards for on-site sewage treatment and disposal systems and for domestic wastewater facility planning for facilities expansion, collection/transmission systems and an operation and maintenance manual. State law requires legislative ratification of agency rules exceeding a specified fiscal regulatory impact threshold. (O'Hara) ...

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Recycling of Covered Electronic Devices (Monitor)

HB 691 (Basabe) and CS/SB 1030 (Trumbull) establish the statewide Covered Electronic Device Recovery Program within the Department of Environmental Protection. A covered electronic device means a computer, portable computer, computer monitor or television. The term does not include devices that are part of a car, an appliance or other equipment, and it does not include phones. The bills specify requirements for a statewide plan for the recycling of covered electronic devices and require counties to submit a plan for the disposal of covered electronic devices by January 2025. In addition, the bills require the owners or operators ...

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Resilience Districts (Oppose)

HB 1147 (Buchanan) and SB 1200 (Grall) create the Resilience District Act of 2023 by amending Chapter 190, Florida Statutes, relating to Community Development Districts. The bills establish the exclusive and uniform method for the establishment of a special district to address infrastructure through a petition from taxpayers who own real property within the district ("infrastructure resilience district"). The bills also establish the exclusive and uniform method for the establishment of a special district by petition from residents and taxpayers who are unit owners of condominiums or an associated group of condominiums within the district's proposed boundaries ("condominium ...

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without working with the petitioner to find an agreeable alternative, the local government will be responsible for implementing the project, paying all costs and commencing the project within 180 days. If the proposed district overlaps the boundaries of more than one local government, the affected local governments must enter an interlocal agreement. For condominium unit owner-initiated petitions, the bills specify that counties must develop processes to receive and process petitions by December 2023. The bills specify the required contents for petitions for the establishment of a resilience district by condominiums and the duties and responsibilities of county governments upon receiving a petition. The bills establish Section 190.1052, Florida Statutes, for the purpose of specifying requirements for district boundaries and property to be included in a proposed district. If a proposed district is identical to or shares more than 90% of the geography of any existing special taxing district that primarily serves a similar function, the bills specify the existing district must be dissolved and reconstituted as a resilience district and all assets transferred to the resilience district. The bills create Section 190.1054 to specify accepted uses of infrastructure resilience districts, which may include the following: projects that mitigate flood risk and sea-level rise; infrastructure to improve access to property during floods or storm events; septic to sewer conversion; redevelopment of nonresilient housing stock; and debt service. Acceptable uses of a condominium resilience district include fully funding condominium reserves and executing mandates of the Florida Building Code, Fire Prevention Code or local building codes. The bills create Section 190.1056, Florida Statutes, for the purpose of addressing management and service fees of infrastructure resilience districts and condominium resilience districts, including limitations on management fees paid to local governments and private providers. The bills specify board membership and eligibility for infrastructure resilience districts and condominium resilience districts. The bills create Section 190.111, Florida Statutes, for the purpose of describing the powers and duties of the district boards. Among these powers include the power to borrow money and issue bonds, levy special assessments, collect fees and charges, contract for professional consulting services, and cooperate and contract with other governmental agencies. The bills provide for the reduction, expansion or termination of districts. They provide a local government must take ownership of all infrastructure built by an infrastructure resilience district upon completion of the project, with the district continuing to service the debt. (O'Hara)

Regulation of Single-Use Plastics (Support)

SB 336 (Rodriguez) and HB 363 (Mooney) require the Department of Environmental Protection to submit updated reports analyzing the need for regulation of auxiliary containers, wrappings or disposable plastic bags to the Legislature. The bills also authorize specified coastal communities to establish pilot programs to regulate single-use plastic products. (O'Hara) ...

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Resiliency Energy Environment Florida Programs (Monitor)

HB 669 (Fine) and CS/SB 950 (Rodriguez) amend current law relating to Property Assessed Clean Energy programs (PACE), whereby local governments, alone or in partnership with a program administrator, may finance qualifying improvements on residential property relating to energy conservation and efficiency or renewable energy. The bills expand the types of projects that are eligible for PACE financing, including septic tank upgrades, repair of lateral sewer lines, septic-to-sewer connections and remediation of certain environmental contaminants. The bills add nonresidential real property, which includes multifamily residential property composed of five or more dwelling units, to PACE program eligibility. The ...

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market value, requiring a determination that a property owner meets certain creditworthiness requirements, and allowing property owners to cancel a financing agreement within three days of execution. (O'Hara)

Safe Waterways Act (Monitor)

HB 177 (Gossett-Seldman) and SB 172 (Berman) require the Department of Health to adopt and enforce certain rules and issue health advisories for beach waters and public bathing places if the results of bacteriological water sampling at the site fail to meet health standards. The bills also expand the current law preemption of the issuance of health advisories related to bacteriological sampling of beach waters to include public bathing places. The bills specify that beach waters and public bathing places must close if closure is necessary to protect health and safety and must remain closed until the water ...

HB 177 (Gossett-Seldman) and SB 172 (Berman) require the Department of Health to adopt and enforce certain rules and issue health advisories for beach waters and public bathing places if the results of bacteriological water sampling at the site fail to meet health standards. The bills also expand the current law preemption of the issuance of health advisories related to bacteriological sampling of beach waters to include public bathing places. The bills specify that beach waters and public bathing places must close if closure is necessary to protect health and safety and must remain closed until the water quality is restored in accordance with the Department's standards. The bills require the Department to adopt by rule specifications for signage that must be used when it issues a health advisory against swimming in affected beach waters or public bathing places due to elevated levels of specified bacteria and require such signage to be placed at beach access points and access points to public bathing places until the health advisory is removed. The bills specify that municipalities and counties are responsible for posting and maintaining the signage around beaches and public bathing places they own. Finally, the bills require the Department to develop an interagency database for reporting fecal indicator bacteria data and specify that fecal indicator bacteria relating to sampled beach waters and public bathing places must be published in the database within five business days after receipt of the data. (O'Hara)

Saltwater Intrusion Vulnerability Assessments (Support)

SB 734 (Polsky) and HB 1079 (Cross) authorize the Department of Environmental Protection to provide grants to coastal counties for saltwater intrusion vulnerability assessments that analyze the effects of saltwater intrusion on a county's water supply, water utility infrastructure, wellfield protection and freshwater supply management. The bills require the Department to update its comprehensive statewide flood vulnerability and sea level rise data set to include information received from the county saltwater intrusion vulnerability assessments. The bills direct the Department to provide 50% cost-share funding to counties, up to \$250,000, for each grant, and exempt counties with a population ...

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Sanitary Sewer Lateral Inspection Programs (Monitor)

HB 661 (Truenow) and SB 1420 (Rodriguez) authorize counties and municipalities to access sanitary sewer laterals within their jurisdiction to investigate, repair or replace the lateral. A sanitary sewer lateral is a privately owned pipeline connecting a property to the main sewer line. The bills require municipalities and counties to notify private property owners within a specified timeframe if the government intends to access the owner's sanitary sewer lateral and an anticipated timeframe for the work. The bills specify that local governments who establish sanitary sewer lateral programs are legally and financially responsible for all work that is ...

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Solid Waste Management (Oppose)

SB 798 (Ingoglia) and CS/HB 975 (Holcomb) provide that a city or county may not prohibit or "unreasonably restrain" a private entity from providing recycling or solid waste services to commercial, industrial or multifamily residential properties. In addition, the bills authorize a local government to require such private entities to obtain a permit, license or non-exclusive franchise but specify the local government's fee may not exceed the local government's administrative cost and that the fee must be commensurate with fees for other industries. The bills prohibit the use of exclusive franchise agreements and restrict a local government from ...

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State Renewable Energy Goals (Monitor)

SB 970 (Berman) and HB 957 (Eskamani) amend multiple provisions of law relating to renewable energy. The bills prohibit the drilling, exploration for or the production of oil, gas or other petroleum products on the lands and waters of the state. The bills provide that by 2050, 100% of the electricity used in the state will be generated from 100% renewable energy and that by 2051, the state will have net zero carbon emissions. The bills direct the Office of Energy within the Department of Agriculture and Consumer Services to coordinate with state, regional and local entities to ...

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Wastewater Grant Program (Support)

CS/SB 458 (Rodriguez) and HB 827 (Basabe) authorize the Department of Environmental Protection to provide wastewater grant program grants to projects directed at or focused on a water body that is included in the Department's verified list of impaired waters. (O'Hara) ...

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Water and Wastewater Facility Operators (Support)

CS/CS/HB 23 (Bell) and CS/CS/SB 162 (Collins) state that water and wastewater facility operators are essential first responders. The bills require the Department of Environmental Protection to issue a license by reciprocity to any applicant who: (1) is a water treatment plant operator, water distribution system operator or domestic wastewater treatment plant operator and who holds an active and valid license from another state, the federal government or tribal government, for which the licensure requirements are comparable to or exceed Florida's licensure requirements; (2) has passed a licensure examination comparable to the Department's licensure examination, subject to approval ...

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Other Bills of Interest

SB 100 (Garcia) and HB 561 (Mooney, Jr.) – Mangrove Replanting & Restoration ...

SB 100 (Garcia) and HB 561 (Mooney, Jr.) – Mangrove Replanting & Restoration HB 55 (Garcia) and SB 108 (Rodriguez) – Trees and Other Vegetation within Rights-of-Way SB 54 (Rodriguez) and HB 135 (Mooney) – Land Acquisition Trust Fund (Keys) HB 125 (McClain) and SB 194 (Hooper) – Utility System Rate Base Values HB 207 (Edmonds) and SB 592 (Powell) – Notice of Contaminated Water Systems HB 325 (Valdes), SB 484 (Bradley), HB 759 (Baker) and SB 1720 (Rouson) – Flood Disclosures for Property Sales SB 716 (Stewart) and HB 1291 (Antone) – Flood Zone Disclosures for Dwelling Units HB 527 (Skidmore) and SB 1484 (Pizzo) – Office of the Blue Economy HB 407 (Shoaf) and SB 702 (Simon) – Apalachicola Bay Area of Critical State Concern SB 320 (Harrell) and HB 547 (Sirois) – Land Acquisition Trust Fund (Indian River Lagoon) HB 557 (Bell) and SB 602 (Burton) – Land Acquisition Trust Fund (Heartland Headwaters) HB 713 (McFarland) and SB 742 (Grall) – Administrative Procedures and Permitting Process Review HB 739 (Cassel) and SB 1336 (Polsky) – Disposal of Food Waste Material SB 724 (Boyd) and HB 1181 (Robinson) – Seagrass Restoration Technology Development Initiatives HB 821 (Yeager) and SB 1162 (DiCeglie) – Renewable Energy Cost Recovery SB 930 (Stewart) – Excise Tax on Water Extracted for Commercial or Industrial Use SB 1134 (Gruters) and HB 1505 (Grant) – Outstanding Florida Springs (Warm Mineral Springs) HB 1149 (Massullo) – Carbon Sequestration HB 1187 (Beltran) and SB 1216 (Ingoglia) – Campaign Finance SB 1206 (Thompson) and HB 1469 (Joseph) – Elections HB 1195 (Cross) and SB 1268 (Rouson) – Urban Agriculture Pilot Projects SB 1368 (Wright) and HB 1367 (Altman) – Unlawful Dumping (water control districts) SB 1248 (Ingoglia) – Political Parties

Articles in this section: 40