



2022 Legislative Session Week 6

The House and Senate officially took up and passed their Chamber's budget- officially setting up for conference. Along with the budget, each Chamber advanced several conforming bills, including controversial policies. The House also voted to send HB 5 (Reducing Fetal & Infant Mortality) to the Senate after a long and contentious debate that intensified divisions between parties. The Senate Appropriations committee is slated to take the bill up in Week 7. While the rift between the Governor and Senate on the Lake Okeechobee bill seemed to potentially be improved or resolved, the rift between the Governor and Legislature seemed to deepen on Congressional redistricting.

House and Senate Proposed Budget

The House voted 102- 14 to pass their [\\$105.3 Billion initial budget](#) proposal, and the Senate voted unanimously to advance its [\\$108.6 B initial budget](#) proposal. The Senate budget summary can be found [here](#), and House budget highlights can be found [here](#). Below are some of the more contentious conforming bills the Chambers advanced alongside their budgets.

Virtual/Digital Education: The House voted 97-20 to advance [HB 5101](#) after amending the bill to improve access to student transportation for school choice. The House budget conforming proposal eliminates the Digital Classroom Allocation. It would further eliminate local FLVS franchises used in 40 districts, which the Chair called less effective than the main program. Opponents of the proposal note that FLVS franchise schools provide wrap-around services that the main program does not. It would also stop allowing Charter Schools to enroll students in virtual programs outside of their location. The amendments:

- Revise controlled open enrollment to require:
 - School districts and charter schools to identify and disclose on their websites the capacity for its schools, by grade level, and to update such data every 12 weeks.
 - School districts to provide information on student transportation options.
 - School districts to maintain a wait list of students who are denied access due to capacity and notify parents when space becomes available.
 - Schools to accept students throughout the school year as capacity becomes available.
- Require the Department of Education to establish a grant program to improve access to reliable and safe transportation for students who attend school through controlled open enrollment and to support innovative solutions that increase the efficiency of public school transportation.
- Increase the scholarship amount for public school transportation to the amount expended by the school district on students riding a bus or \$750 whichever is greater.
- Provide greater flexibility to school districts to use vehicles other than school buses to transport certain students.



Lake Okeechobee: The Senate voted 37-2 to pass [SB 2508](#), a budget conforming bill intended to ensure state control over Lake Okeechobee water supply levels that prioritizes current users. In response to the Governor's and environmentalist opposition, the Senate adopted an amendment that clarified the bill would not impact the EAA reservoir south of the Lake. The Everglades Foundation issued a statement thanking the Senate for its amendment and reaffirming the importance of the EAA reservoir. The same statement said that there were still issues remaining with the bill, but that they had assurances the issues can be worked out during the budget conference process. The Governor previously signaled he would veto the budget if SB 2508 is included, so the amendment was intended to avoid that prospect.

Nursing Workforce Development: The House voted 88-28 to pass [HB 5201](#). Among other things, the budget conforming bill creates two new funds for nursing workforce development funded by over \$250 million in cuts to Medicaid provider rates. \$100 million to create the Prepping Institutions, Programs, Employers and Learners through Incentives for Nursing Education (PIPELINE) Fund for performance-based incentive funding for graduation and licensure rates. It also proposes \$25 million to create the Linking Industry to Nursing Education (LINE) Fund to incentivize collaboration between nursing education programs and health care partners.

Budgeting for Inflation that Drives Elevated Needs Fund: The House voted 90-26 to pass [HB 5011](#). The budget conforming bill would create a \$2 billion pot of money for the Governor to use as needed to combat inflation on things such as major construction projects.

Redistricting

The House Congressional Redistricting committee voted along party lines to advance the House Congressional proposal, which would create 18 Republican seats and 10 Democratic seats. The House map also maintains the North Florida district currently represented by Congressman Lawson that the Governor asserts is unconstitutionally gerrymandered because it is not compact. The Governor's office submitted a new variation of his previous proposal and arranged for an out-of-state redistricting attorney to present the Governor's side of the argument to the committee. However, the committee was ultimately not persuaded. They instead relied on functional analysis of black voting population and the court's previous guidance on the district to determine it is a minority-held seat that should be protected. The committee also took further measures to ensure they were following the Fair Districts amendments by removing two members of the committee who could stand to gain from the proposed maps. While the Governor is clear he would veto a Congressional map with the North Florida district (currently CD 5 but CD 3 in both the House and Senate proposals) - the Legislature maintains it is following the Constitution and are saying that it is still early enough in the process to win the Governor's approval.

The Senate already unanimously voted on its Congressional map proposal that would make way for 16 Republican seats and 12 Democratic seats. The House previously voted 77-39 to approve the and the State Senate Proposal, with the Senate approving its map 37-0.



[State House map proposal](#) [State Senate map proposal](#) (Passed Senate & House 37-0/ 77-39)
[House Congressional Map](#) [Senate Congressional Map](#) (Passed Senate 37-0)

All submitted plans can be viewed at: <https://www.floridaredistricting.gov/>

Intergovernmental Relations

Local Ordinances

House Civil Justice & Property Rights finally moved HB 403 in a 12-6 vote after aligning the language with the final Senate version incorporating over 80% of FLC and FAC's suggestions.

SB 280 is a Senate Leadership priority that creates an expedited legal process for challenging local ordinances that includes an automatic stay and priority docketing. It also requires a "business impact estimate" prior to the passage of certain local ordinances. The stated intent of the bill is to cut down on one-off preemption bills coming out of the Legislature by creating a "rocket docket" process in the courts and bringing transparency to business impacts prior to a vote.

Legal Challenges: If a business challenges an ordinance on the grounds that it is arbitrary and unreasonable, courts must give priority docketing to the case, so that "businesses don't suffer while cases languish in the system." Plaintiffs must certify that they are not bringing the suit frivolously. Stay of Ordinance: Local governments must suspend enforcement of the ordinance if the business files the challenge within 90 days of the adoption of the ordinance, requests a stay in enforcement, and provides notice to the local government. Should a lower court rule in the local government's favor and the business appeals, they may enforce the ordinance within 30 days of the judgment unless the appellate court grants a motion to suspend it. Attorneys Fees: The bill provides that the prevailing plaintiff may be awarded attorneys fees capped at \$50,000 and does not include costs incurred while negotiating the fees. It prohibits double recovery if they prevail on a separate case for the same ordinance. Ordinances: The bill applies to ordinances adopted after October 1, 2022. The bill exempts emergency ordinances and temporary emergency ordinances as well as ordinances enacted to implement: growth management and land use; fire code; building code; contractual agreements, including grants; refinancing of debt; budgets and budget amendments; compliance with state or federal law; and community development districts.

Business Impact Estimate: Prior to the adoption of certain ordinances, local governments must prepare a business impact estimate that includes:

- A summary of the ordinance and the expected public benefit;
- An estimate of impact on private for-profit businesses, including compliance costs, fees and charges, and regulatory costs of government expected to be borne by the businesses; and
- A good-faith estimate of the number of businesses impacted.

Ordinances: The same ordinances exempted from court challenges (above) also apply to the business impact statement.



Remaining Committees:

- [HB 403](#) - State Affairs
- [SB 280](#) - Passed (28 Yeas / 8 Nays)

Regulation of Smoking by Counties and Municipalities

Senate Rules and House Health & Human Services unanimously advanced SB 224 after adopting different amendments. The House further expanded local control over smoking in addition to allowing counties and municipalities to prohibit smoking cigarettes in public parks and beaches that they own. The amended House bill would allow local governments to ban smoking within 25 ft. of a public entrance or exit of a business in its jurisdiction. Stand-alone bars, tobacco retailers, and any business deriving less than 10% of its revenues from food sales would be exempt. The amended Senate bill only relates to parks and beaches, but would require specific signage with a scannable QR code referring to the statute. Cigars and tobacco pipes are exempt in both bills. The bills also change the “Florida Clean Indoor Air Act” into the “Florida Clean Air Act” to account for the broader application.

Remaining Committees:

- [HB 105](#) - Special Order Calendar, 2/22/2022
- [SB 224](#) - Special Order Calendar, 2/22/2022

U.S. Produced Iron & Steel in Public Works Projects

House State Administration & Technology Appropriations voted 12-2 to advance HB 619. The bill would require all contracts for iron and steel materials used in public works projects for the materials to be domestically-sourced. Contracts would be exempt from the requirements if: it would increase cost of the project over 20%; iron and steel products produced in the United States aren't of sufficient quantity or quality; compliance is inconsistent with public interest. Labor advocates praise the bill for supporting a “foundational” industry in a way that traverses economic and labor markets. Americans For Prosperity oppose the bill on the grounds it is anti-free market and would drive up government costs- calling the 20% increase cap irresponsibly high. The sponsor argues that American-made products are safer, taxpayer dollars should be supporting the country's economy, and other jurisdictions with this mandate have never had to apply the 20% carve-out so it doesn't increase costs as much as opponents fear.

Remaining Committee:

- [HB 619](#) - State Affairs
- [SB 1336](#) - Governmental Oversight & Accountability; Community Affairs; Appropriations

Development

Senate Passes Alarm Systems

The Senate unanimously voted to pass SB 1140. The bill would streamline continuing education for fire alarm professionals and simplify the permitting process for certain fire alarm components. Specifically, the bill would prohibit local agencies from requiring alarm contractors from



submitting plans for a permit. Local agencies would still be allowed to require completed permit applications and payments. The bill clearly defines “fire alarm system project”, addresses closed-circuit TVs, requires local building officials to require at least one inspection of fire alarm system projects, and requires fire alarm contractors to maintain plan records. The bill is supported by alarm companies.

Remaining Committee:

- [HB 669](#) - Placed on Calendar, on 2nd reading
- [SB 1140](#) - Passed (Vote: 39 Yeas / 0 Nays)

Real Property Rights

Senate Rules unanimously advance SB 1380. The bill limits how certain older real estate covenants or restrictions apply in a manner that protects real property rights and honors zoning requirements and conditions of a building or development permit. The bill would clarify that a property conveyance subject to existing encumbrances identified in a title does not restart MRTA's 30-year marketability period without an affirmative statement of the parties' intent to do so in a muniments of title or a specific reference in the property's legal description to the identified encumbrance's official records. It would expand the list of encumbrances extinguished by MRTA. Finally, it would allow a person with an interest in land which may be extinguished by the bill and has not been before July 1, 2022, to file a notice with the clerk of the court by July 1, 2023, to preserve such interest.

The bill also preempts local ordinances on private parking lots, which is mostly targeted towards the City of Miami. It prohibits local governments from passing a local ordinance governing the rules, rates, and fines established by the private parking lot owners.

Remaining Committees:

- [HB 219](#) - Judiciary (On agenda 02/21/22)
- [SB 1380](#) - Special Order Calendar, 02/23/22

Senate Passes Residential Property Riparian Rights

House Environment, Agriculture & Flooding unanimously advanced HB 841. The bill would give a preference to the prolongation-of-property-line method of establishing the boundaries of a residential property owner's riparian rights unless doing so would result in an inequitable apportionment of the riparian rights at issue and would allow for reasonable attorney fees and costs being awarded to the defendant if the defendant is the prevailing party in a civil action.

Remaining Committees:

- [HB 841](#) - Judiciary (On agenda 02/21/22)
- [SB 840](#) - Passed (Vote: 39 Yeas / 0 Nays)

Finance & Tax



Homestead Property Tax Exemptions For Classroom Teachers, Law Enforcement Officers, Firefighters, Child Welfare Professionals, and Servicemembers

House State Affairs unanimously advanced HB 1 and HB 1563 after adding EMTs and paramedics to the list of eligible workers.

The Speaker priority proposes an amendment to the Florida Constitution to authorize a new homestead tax exemption of up to \$50,000 on the property's value between \$100,000 and \$150,000 for K-12 classroom teachers, law enforcement officers, firefighters, child welfare professionals, and active duty United States Armed Forces and Florida National Guard servicemembers. Local governments and special districts are concerned with the eye-popping cost, particularly given that Florida has one of the largest active duty military populations. They argue the state is, once again, trying to reduce taxes in an election year on the backs of local budgets. Proponents argue the measure is a way to make housing affordable for critical workers. The revenue estimating conference only estimated the cost as "indeterminate" as it is difficult to pinpoint not only how many would be entitled to the exemption but also where those individuals actually reside.

As the Speaker has promised to pass this legislation, local governments and special taxing districts should be preparing for a public education campaign on the impacts of the bills similar to Amendment 1 from 2018.

Remaining Committees:

- [HB 1](#) - Placed on Special Order Calendar, 2/22/2022
- [SB 1746](#) - Appropriations
- [HB 1563](#) - Placed on Special Order Calendar, 2/22/2022
- [SB 1748](#) - Appropriations

Local Referenda Requirements

House State Affairs approved HB 777. The bill would require local tax referenda elections to be held at a general election, including: tourist development taxes, children's services independent special district taxes, county temporary excess ad valorem millage, municipal temporary excess ad valorem millage, county transportation motor fuel tax, local option fuel taxes, and school district millages. The intent of the legislation is to ensure high voter participation in questions of tax referendums. The sponsor has still not accepted language from the Florida Association of Counties removing emergency ad valorem increases as the dates do not work.

Remaining Committees:

- [HB 777](#) - House Floor
- [SB 1194](#) - Appropriations

House Introduces the 2022 Tax Package

The House Ways and Means Committee unveiled their tax package this week. The Revenue Estimating Conference (REC) has not met yet to determine the fiscal impact of this bill. The PCB includes:



- **Sales Tax:**

- 14-day “back-to-school” sales tax holiday from July 25, 2022 to August 7, 2022, for clothing, footwear, wallets, and bags \$100 or less, school supplies costing \$50 or less, learning aids and jigsaw puzzles \$30 or less, and personal computers and related accessories that are \$1,500 or less.
- 14-Day “disaster preparedness” sales tax holiday from May 28, 2022 to June 10, 2022 for specific items related to disaster preparedness. This year the exemption was expanded to cover supplies necessary for the evacuation of household pets. Some examples of tax-free items include: portable self powered light source \$40 or less; radios for \$50 or less; tarps costing \$100 or less; coolers for \$60 or less; batteries for \$50 or less; generators for \$1000 or less.
- 7-day “Freedom Week” sales tax holiday from July 1, 2022 to July 7, 2022. This will exempt the purchase of admission to live music events, live sporting events, movies, museum entrance, access to state parks, cultural performances, and access to gyms. This sales tax holiday also includes boating, fishing, camping, residential pools and other general outdoor supplies.
- 7-day “skilled Worker Tools” sales tax holiday from September 3, 2022 to September 9, 2022 for specified tools used by skilled trade workers. Some examples of tax-free items include: power tools and power tools batteries for \$150 or less; tool boxes for \$75 or less; industry text books and code books for \$125 or less; work gloves and safety glasses for \$25 or less; hand tools, protective coveralls, tool belts, duffle/tote bags, and LED Flashlights for \$50 or less.

- **Permanent Sales Tax Exemptions**

- Mobile Home Taxation: This bill reduces the state sales tax from 6 percent to 3 percent of new mobile home sales.
- Green Hydrogen: The bill provides that machinery and equipment necessary to produce electrical or steam energy that burn hydrogen are exempt from sales and use tax. Also provides an exemption for when hydrogen is used as a combustible fuel in industrial manufacturing, processing, compounding, or production at a fixed location. There is an exemption for green hydrogen. They also provided an exemption for machinery used for Green Hydrogen.
- Formula One Grand Prix: exemptions for admission to any Formula One Grand Prix race.

- **Temporary Sales Tax Exemptions**

- Impact-Resistant Windows, Doors, and Garage Doors: Creates a two year sales tax exemption from July 1, 2022 to June 30, 2024 on the sales of impact-resistant windows, doors, and garage doors.
- Children’s Clothing and Shoes: Creates a one-year exemption from July 1, 2022 to June 30, 2023 on the sale of baby and toddler clothing and shoes. Clothing size up to 5T and shoe size up to 13T.



- Children's Diapers: Creates a one year tax exemption from July 1, 2022 to June 30, 2023 on the sale of diapers.
- Energy Efficient Appliances: Creates a six-month sales tax exemption from September 1, 2022 to February 28, 2023 on the sale of ENERGY STAR appliances; refrigerators or refrigerator/freezers for \$3000 or less; Water heater and clothes washers or dryers selling for \$1500 or less.
- Children's Books: Creates a three-month sales tax exemption from May 14, 2022 to August 14, 2022.
- **Property Tax**
 - Sudden and Unforeseen Collapse of a Residential Building or a Catastrophic Event: Provides a homestead property tax relief for a building rendered uninhabitable for 30 days or more due to a catastrophic event in 2023 or thereafter and provides relief from all assessments to owners affected by the sudden and unforeseen collapse of a residential building in 2021.
 - Aquaculture: modifies the assessment methodology for land use in the production of aquaculture products.
 - Exemption for Deployed Service Members: Updates the statutory list of military operations eligible for exemption by adding; Operation Enduring Freedom-Horn of Africa; and European reassurance Initiative/European Deterrence Initiative and removes Operation Observant Compass.
 - Exemptions for Widows: Increases the value of property exempt from ad valorem taxation for widows, widowers, blind, and total permanent disabled from \$500 to \$5000.
- **Corporate Income Tax**
 - Adoption of the Internal Revenue Code: Updated the Florida Corporate income tax deduction by adopting the IRC effective January 1, 2022.
 - Credit for Investment in Short-Line Rail: Creates a credit for Class II and Class III railroads maintaining or improving railroad tracks in Florida.
 - Community Contribution Tax Credit: Provides an additional \$5 million in community contribution tax credit. For projects that provide homeownership for low and very low income households or housing for those with special needs by \$4 million. For all other projects the bill increases the cap by \$1 million.
 - Strong Families Tax Credit and New Worlds Reading Initiative: Adds flexibility in the timing and increases the annual cap for the Strong Families Tax Credit to \$10 million.
- **Documentary Stamp Tax**
 - Creates an exemption from the documentary stamp tax from any loans relating to a state of emergency declared through either an executive order or a proclamation from the Governor.

Senate Passes School Concurrency



House Education & Employment and Senate Rules unanimously advanced HB 851 and SB 706 after adopting an amendment that would require school boards to notify local governments that capacity is available within 30 days of receiving the developer's commitment.

The original bill would have required school concurrency be applied on a district-wide basis. Opponents raised concerns over the original bill in a workshop during committee weeks that this would lead to bussing students far away from the schools parents choose to locate near - often specifically for the reason of their children attending the school. The amended bill provides that school concurrency is satisfied if the developer in good faith offers to execute, rather than actually executes, a commitment to provide mitigation proportionate to the demand created by the development. The bill also provides that such mitigation paid by a developer, rather than being immediately directed toward a school capacity improvement, may be set aside and not spent until an appropriate improvement is identified. Developers argue their projects are getting caught in the middle of food fights between local governments and school districts over siting and other issues- leading to high costs and delays. They raised issues with Hillsborough County refusing to issue new permits.

Remaining Committees:

- [HB 851](#) - State Affairs (On agenda 02/21/22)
- [SB 706](#) - Passed (Vote: 38 Yeas / 0 Nays)

Education

School Safety

House Education unanimously approved HB 1421- the School Safety package. The bill would implement outstanding recommendations from the MSDHS Public Safety Commission not included in the final passage of previous packages. The bill focuses on state oversight and accountability of school districts. It would require the office of the Inspector General within the Department of Education to investigate credible allegations of school safety and security violations if a district cannot or does not. For safe-school officers, it would authorize school safety officers to make arrests on charter school property; require all safe school officers serving to complete mental health crisis intervention training; provide that only sheriffs may conduct school guardian training and requires that individuals satisfy screening requirements before participating in training. For planning, the bill would require the State Board of Education to establish emergency drill policies and procedures; requires all members of a school threat assessment team participate; require law enforcement officers responsible who will respond to school emergencies to be directly involved in emergency drills on campus; and requires districts to adopt family reunification plans for use in the event of an emergency. The bill requires the Office of Safe Schools to maintain a directory of school-based diversion programs.

Four amendments were adopted which extend the MSD Public Safety Commission through 2026, require districts to certify that at least 80% of school personnel have received mandatory youth mental health training, allow designees for oversight of safe-school officer discipline,



modifies CIT training requirements to be just for law enforcement and de-escalation training for those not in law enforcement as well as requiring the Office of Safe Schools to provide districts with information on the proper use of School Safety Awareness Programs and the consequences for wrongly submitting false information.

Senate Appropriations Subcommittee on Education also unanimously approved their school safety bill with a strike-all. The strike-all removed the withholding of the superintendent's salary and made numerous additions to bring the bill in closer alignment to the House bill. Specifically, the strike-all extended the sunset of the MSD Commission to July 2025, requires DOE to annually publish SESIR data, and included the reunification plan procedures, mental health awareness training requirement, and notifications for school safety officials.

Remaining Committees:

- [HB 1421](#) - On Special Order Calendar, 2/22
- [SB 802](#) - Appropriation

Substitution of Work Experience for Post Secondary Educational Requirements

Senate Rules unanimously advanced SB 514. The bill allows an employing agency of the state or its political subdivisions to substitute verifiable, related work experience for postsecondary educational requirements for employment positions if the candidate is otherwise qualified for the position. Work experience may not be substituted for any required licensure, certification, or registration. If the employing agency elects to substitute related work experience for postsecondary educational requirements, the employing agency must include that in all advertisements for the position along with a description of the related work experience that may be substituted.

Remaining Committees:

- [HB 317](#) - Placed on 2nd Reading
- [SB 514](#) - Placed on Special Order Calendar, 02/23/22

Environment & Water

Comprehensive Review Study of the Central and Southern Florida Project

Senate Rules voted unanimously to advance SB 1326. The Central and Southern Florida Project was authorized by Congress over 70 years ago to provide for flood control, water supply, Everglades protection and more in all or part of 18 counties in south and central Florida. Congress twice authorized a C&SF Project Comprehensive Review Study (restudy) in the 1990s to review the project and provide a framework for needed modifications. The sponsors shared that the Federal Government has been too slow and hasn't committed the resources necessary to bring the study to a resolution. Meanwhile, sea level rise and intense rainfall necessitate immediate upgrades to the system to protect millions of inland South Florida residents from flooding. For example, SFWD district identified 18 flood control structures within six inches of failure in 2009 and current projections anticipate sea level rising eight inches by 2030. The bill



would require SFWMD to submit an annual report beginning in October 2023 on the status of the restudy, including: findings of SFWMD's sea level rise and resiliency plan; structures expected to fall below service levels in the next five years; recommendations for replacement or refurbishment of those structures; and a summary of state and federal funds expended for the restudy.

Remaining Committees:

- [HB 513](#) - Special Order Calendar, 2/22/2022
- [SB 1326](#) - Special Order Calendar, 02/23/22

Potentially At-risk Structures and Infrastructure (SLIP Study Expansion)

House Agriculture & Natural Resources Appropriations unanimously advanced HB 1077. The bill expands the requirement for public entities to conduct a SLIP study before commencing construction of certain state-financed coastal structures to apply within any area that is at risk due to sea level rise. This means areas impacted by inland flooding and not just coastal areas. The bill defines "potentially at-risk structures or infrastructure," as any major structures or infrastructure, including all infrastructure critical to public health, life, or safety, that are within an area at risk of sea level rise and flood damage.

Remaining Committees:

- [HB 1077](#) - State Affairs (On agenda 02/21/22)
- [SB 1434](#) - Agriculture, Environment & General Government Appropriations (On agenda 02/22/22); Appropriations

PFAS

House Agriculture & Natural Resources Appropriations unanimously advanced HB 1475. The bill:

- Requires DEP to adopt by rule statewide cleanup target levels (CTLs) for PFAS in soils and groundwater, which do not take effect until ratified by the Legislature;
- Until the rules are ratified, the bill limits liability from actions brought by local or state government entities for site rehabilitation, as well as fines or penalties, and tolls the statute of limitations;
- Requires the Office of Program Policy Analysis and Government Accountability to conduct an analysis of programs in other states for the assessment and cleanup of soils and groundwater contamination, and submit a report of its findings and recommendations to the Governor and Legislature by January 1, 2023

Remaining Committees:

- [HB 1475](#) - State Affairs
- [SB 7012](#) - Appropriations

Liquidated Damages for Waste & Recycling Haulers

House Civil Justice & Property Rights unanimously advanced HB 1241 after further narrowing the protections. The bill would prevent local governments from seeking liquidated damages from



waste and recycling companies that are late or fail to pick up. The bill was narrowed to only apply during states of emergency. The hauler must notify the local government that the failure was due to the emergency and complete the pickup within 36 hours. The issue stems out of Lake County which is currently seeking \$1 million from Waste Pro but would impact all local governments.

Remaining Committees:

- [HB 1241](#) - State Affairs
- [SB 1944](#) - Environment & Natural Resources; Community Affairs; Rules

Municipal Solid Waste-to-Energy Program

House Tourism, Infrastructure & Energy voted 13-4 to advance HB 1419, and Senate Appropriations Subcommittee on Agriculture, Environment & General Government voted unanimously to advance SB 1764 after adopting amendments to clarify eligibility. The bill would establish the Municipal Solid Waste-to-Energy Program within FDACS to provide for a financial assistance grant program and an incentive grant program for municipal solid waste-to-energy (MSWE) facilities in order to incentivize the production and sale of energy and reduce waste disposed of in landfills. The bill requires the DACS to establish a process in coordination with the PSC to verify eligibility and the amount of energy purchased from the facility. The incentive grant will provide facilities with matching funds on a dollar-for-dollar basis to assist with planning and design for constructing, upgrading, or expanding the facility. To qualify, the facility must have previously entered into a power purchase agreement with an electric utility before January 1, 2022. Both bills appropriate \$100 million towards the fund.

Remaining Committees:

- [HB 1419](#) - Appropriations (On agenda 02/22/22); Commerce
- [SB 1764](#) - Appropriations (On agenda 02/21/22)

Environmental Management

House Agriculture & Natural Resources Appropriations and Senate Appropriations Subcommittee on Agriculture, Environment, & General Government unanimously advanced HB 965 and SB 1426. The bill would create water quality enhancement areas (WQEA) defined as “a natural system constructed, operated, managed, and maintained pursuant to a permit issued under this part for the purpose of providing offsite, compensatory, regional treatment within an identified enhancement service area, for which enhancement credits may be provided.” Construction, maintenance, and operation must be approved through the ERP process. A WQEA would allow for water quality enhancement credits to be given to governmental entities. Local governments may use a WQEA for its own water quality needs but may not contract out with a third-party or regulate or require a permit for them. DEP will determine the appropriateness of the permit and credits based upon specific data, numerical models, and analytical tools. The bill would also allow DEP to take certain actions to expedite the ERP process. The bill also includes language on private mitigation banks. Finally, the bill clarifies eligibility for graywater technology use incentives – that each residence forming part of a



multifamily project must be serviced by its own residential graywater system or a master graywater collection and re-use system for the entire project. It also clarifies that it does not apply to multifamily buildings that are more than 5 stories.

The Senate removed a requirement that a WQEA must be located within the geographic boundaries of a BMAP allocation or Reasonable Assurance Plan (RAP) as well as funding additional FTEs to assist with the ERP process. The House bill provides for \$878,275 in recurring funds to help implement the bill.

Remaining Committees:

- [HB 965](#)- State Affairs
- [SB 1426](#) - Appropriations

Transportation & Commerce

Fleets

Senate Appropriations Subcommittee on Agriculture, Environment, and General Government unanimously advanced SB 954. The bill would revise the procurement requirements of the state's purchasing plan to require vehicles be selected based on lowest ownership costs rather than greatest fuel efficiency. The committee adopted an amendment that would require state agencies, rather than the DMS, to procure vehicles based on the lowest lifetime ownership costs, including costs for fuel, operations, and maintenance. The amendment also removed the requirement to rank the vehicles. The bill requires the Department of Management Services, by July 1, 2023, to make recommendations regarding the procurement of electric and natural gas vehicles and the best practices for integrating these vehicles into existing fleets for state agencies, including colleges, universities, and local governments. Finally, the bill expands the definition of "single-trade inspection" under building code inspection services to include inspections of the installation and alteration of electric vehicle charging stations, solar energy, and energy storage.

Remaining Committees:

- [HB 1139](#) - State Administration & Technology Approations; State Affairs
- [SB 954](#) - Appropriations

Special Event Zones

Senate Rules voted 11-6 to advance SB 1954. The bill would authorize the sheriff or chief administrative officer of a county or municipality to designate an area as a special event zone in response to a special pop-up event, defined as an unpermitted activity or event organized or promoted via a social media platform which is attended by 50 or more persons and substantially increases or disrupts the normal flow of traffic on a roadway, street, or highway. In a special event zone, it would: double the statutory fine for any noncriminal traffic infraction that occurs; allow an LEO to impound a vehicle for up to 72 hrs for any criminal traffic violation or noncriminal traffic infraction that occurs; requires the sheriff or chief administrative officer to notify the State Fire Marshal or designee to enforce occupancy limits in a special event zone.;



and provide for the recovery of costs associated with designating and enforcing a special event zone from the organizer or promoter of the special event. The bill authorizes a local authority to impose more stringent regulations than those provided in statute. The bill revises provisions relating to the operation of radios or other sound making devices in vehicles and authorizes a local authority to impose more stringent regulations than those provided in statute.

Remaining Committees:

- [HB 1435](#) - Judiciary
- [SB 1954](#) - 2nd reading

Boating Safety Act of 2022

House Agriculture & Natural Resources Appropriations unanimously approved HB 493, the “Boating Safety Act of 2022.” Among other things, the bill improves safety regulations of livery operations and enhances/creates penalties for boating infractions. It also establishes a no-cost livery permit that companies that rent out, lease, or charter boats to others without a captain or crew must obtain by January 1, 2023. The livery permit requires the company to follow specific safe practices. The Senate bill also establishes an Illegal Boating Strike Team to aid law enforcement and provides a \$2.25 million appropriation to fund the additional law enforcement programs and livery permit program. However, this section was removed from the House bill along with funding.

Remaining Committees:

- [HB 493](#)- State Affairs
- [SB 606](#) - Appropriations (On agenda 02/21/22)

Boating Safety

House Commerce unanimously approved HB 701 or “Ethan’s Law” after adopting a strike-all amendment. The bill would require the operator of a vessel used in instruction of a water sport or activity to use an engine cutoff switch with an operative link when participants are in the water. It also requires FWC to include several new items in its public safety campaign and education materials, including: the proper use and benefits of engine cutoff switches for personal watercraft, the danger of leaving the vessel running as passengers onboard and offboard, operating a vessel with people in the water, etc.

Remaining Committees:

- [HB 701](#) -Special Order Calendar, 02/24/22
- [SB 1650](#) - Environment & Natural Resources; Appropriations Subcommittee on Agriculture, Environment & General Government; Appropriations

Florida Fish & Wildlife Conservation Commission

House Agriculture & Natural Resources Appropriations unanimously advanced HB 323, an FWC package. Among other things, the bill provides that a vessel is declared a public nuisance if it is found at-risk of becoming derelict for the same circumstance within an 18-month period. It



directs grant programs for derelict vessels to also include public nuisance vessels, provides that public nuisance vessels are abandoned property, and prohibits DHSMV from providing a certificate of title for a public nuisance vessel. It also clarifies that local governments may not designate a public bathing or swimming area within or within 100 ft. of the marked channel of the Intracoastal Waterway. It also provides for a suspension of driving privileges for refusal to submit to a lawful breath, blood, or urine test.

Remaining Committees:

- [HB 323](#) - State Affairs
- [SB 494](#) - Passed (39 Yeas/ 0 Nays)

Week 7 Schedule:

[SB 974](#) - Sovereign Immunity

[SB 606](#) - Boating Safety [HB 1555](#) - Private Property Rights to Prune, Trim, and Remove Trees

[HB 1077](#) - Public Financing of Potentially At-risk Structures and Infrastructure

[HB 7049](#) - Legal Notices

[HB 7](#) - Individual Freedom

[HB 1421](#) - School Safety

[HB 105](#) - Regulation of Smoking by Counties and Municipalities

[HB 1](#) - Additional Homestead Property Tax Exemption for Specified Critical Public Service Workforce

[HB 1563](#) - Homestead Property Tax Exemption for Classroom Teachers, Law Enforcement Officers, Firefighters, Emergency Medical Technicians, Paramedics, Child Welfare Professionals, and Servicemembers

[SB 1940](#) - Statewide Flooding and Sea Level Rise Resilience

[SB 1702](#) - Mandatory Building Inspections

[SB 510](#) - Financial Disclosures

[SB 644](#) - Building Regulation