



2022 Legislative Session Week 3

Senate President Wilton Simpson officially made good on his opening day promise to pass SB 280 (Local Ordinances) and SB 620 (Local Business Damages) through the Senate. All focus is now on the House where the bills each have two committee stops left. We want to welcome Broward's newest delegation member, Representative Daryl Campbell, who was officially seated as the new Representative of House District 94 this week after winning the primary earlier this month. Tensions between the Governor and Federal government are growing over the discontinuation of COVID-19 treatments, such as Regeneron, which the Federal government says is not effective against Omicron but the Governor says has saved Floridians' lives. Next week, the Senate Judiciary will take up their bill raising Sovereign Immunity caps with an amendment that would raise caps by \$100,000, rather than \$1 million, but still make annual CPI adjustments. Senate Environment & Natural Resources will also take up the Senate's resiliency package.

Redistricting

House Advances Map Proposals

The House Redistricting committee voted 17-7 to advance its [State House map proposal](#) to the floor and is set to take up the House and Senate maps on February 1st.

The Senate voted last week 34-3 to pass its State Senate district map proposal ([Redistricting Plan S027S8058](#)) and 31-4 to pass its Congressional district map proposal ([Redistricting Plan S000C8040](#)).

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

Intergovernmental Relations

Senate Passes Local Ordinances

The Senate voted 28-8 to pass SB 280, a Senate Leadership priority, in week 3 as promised by the President. The sponsor worked with local governments over the course of the expedited process, eventually 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.

The final Senate product:

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](#) - Civil Justice & Property Rights; State Affairs
- [SB 280](#) - Passed (28 Yeas / 8 Nays)

Senate Passes Business Claims against Local Governments

The Senate voted 22-14 to pass SB 620 after rejecting several amendments filed by Democratic members. True to his word, the Senate sponsor did continue to work with local governments on changes up until the final vote- including adopting an amendment that, among other things, provided for prevailing party attorneys fees. All Democratic Senators and one Republican (Sen. Brandes) voted against the bill. It’s worth noting that some local government advocates believe the bill could trigger Article VII Section 18 of the Florida Constitution - which requires a 2/3rds vote of each Chamber to force local governments to take an action that requires the expenditure of funds. If local governments can successfully make the case that the bill is an unfunded mandate, they may be able to fight the bill in court should it become law because the Senate vote did not meet that threshold.

Ultimately, the Senate President priority would create a Bert Harris-style cause of action that would allow businesses to claim damages when a charter amendment or ordinance leads to at least a 15% loss of profit. The business must have conducted business in the state for at least 3



years prior to the ordinance. The business must provide records that substantiate a good-faith settlement offer that local governments then have 120 days to accept, reject, or counteroffer. Should the local government feel that more information is required, the business and local government could agree on a schedule for gathering it. The counteroffer can include a waiver of the ordinance for that business, which would cure liability for the local government. They are also able to cure liability by repealing or amending the ordinance (or posting an intent to repeal/amend within 30 days.) Should a settlement not be reached, the business may file suit within one year of the ordinance's enactment date to recover damages, attorneys fees, and costs. A significant portion of the bill is dedicated to assessing attorneys fees paid to the prevailing party under the different scenarios of reaching a settlement or undergoing litigation. Business damages may not exceed the amount of lost profit for the lesser of 7 years or the number of years the business has been in operation.

It applies to ordinances enacted or amended after July 1, 2022. Amendments to charter or ordinance provisions enacted prior to this date only apply if the specific amendment directly leads to the business impacts. It would exempt emergency ordinances; temporary emergency ordinances; ordinances necessary to implement: Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, and development permits; the fire code; the building code; contractual agreements, including grants and other financial assistance; issuance or refinancing of debt; budgets and budget amendments, including revenue sources; procurement; or ordinances that "promote, enable, or facilitate economic competition."

Opponents argued that SB 620 should be a simpler, less expensive reform of the business claims process and meant for only egregiously capricious and arbitrary ordinances. They warned that it would tie the hands of local governments and prevent them from making the decisions the public expects of them. Supporters argued the 15% in direct damages is a difficult threshold to prove as local governments can easily make the case that a loss of profits is due to other factors. They also argue that the bill grants local governments ample opportunity to avoid paying damages.

Remaining Committees:

- [HB 569](#) - Local Administration & Veterans Affairs; Judiciary
- [SB 620](#) – Passed Senate (22 Yeas / 14 Nays)

Vacation Rentals

House Regulatory Reform voted 10-6 to approve HB 325 after adopting an amendment that removed the \$50 cap on fees the local governments may charge to fund the local registration process. The amendment grandfathered current fees for programs adopted prior to the bill's enactment and prohibited new fees. The Florida League of Cities has taken an official neutral stance on the bill despite restrictions on the local registration program and an automatic approval of local registration if the municipality fails to approve or deny the application within 15 days. The bill establishes a local registration process that vacation rentals must first go through before applying for a state licensure and preempts regulation of advertising platforms to the



state. However, local governments and the Florida Restaurant & Lodging Association (FRLA) share concerns over the limitations on local authority and DPBR enforcement. Concerns include: that DPBR would be responsible for suspending licenses for non-compliance; too low of fines; too long of a window to cure compliance; no audit provisions; too broad of liability protections to platforms that adhere in good faith to own terms of use; a lack of public safety provisions that exist in many current local ordinances; and the absence of occupancy limits.

Remaining Committees:

- [HB 325](#) - Ways & Means; Commerce
- [SB 512](#) - Community Affairs (On agenda 02/02/22); Rules

Individual Freedom

House Judiciary voted 14-7 to advance HB 7. The bill is a House Speaker and Governor priority (which was also fast-tracked in the Senate) that would make employee training that “compels workers to believe concepts contradictory to the principles of individual freedom” unlawful discrimination under the Florida Civil Rights Act and would impose guidelines on school and employee training curriculums. Curriculums would not be allowed to violate certain value statements, such as: “No individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex”; “No race is inherently superior to another race”; “No individual should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability or sex.” According to the Speaker, the bill is in response to “concerns that students and workers are being pushed to adopt the personal or political viewpoints of employers, teachers or textbook authors.”

Remaining Committees:

- [HB 7](#)- State Affairs (On agenda 02/01/22); Education & Employment
- [SB 148](#)- Rules

Tree Trimming

House Civil Justice & Property Rights unanimously approved HB 1555. The bill would make surgical changes to the 2019 tree trimming and removal preemption passed by the Legislature. The bill is supported by the Florida League of Cities, who have been working with arborists on the changes. The changes include: applying the bill to single-family detached residential buildings on existing lots; requiring documentation be an onsite tree assessment conducted in accordance with Best Management Practices: Tree Risk Assessment, Second Edition (2017) and signed by a licensed Florida landscape architect or ISA certified arborist; documentation must show that the tree shows an “unacceptable risk” and removal is the only means of mitigation.

Remaining Committees:

- [HB 1555](#) - Local Administration & Veterans Affairs; Judiciary
- [SB 518](#) - Governmental Oversight & Accountability; Rules



Preemption of Local Government Wage Mandates

SB 1124 was temporarily postponed in Senate Community Affairs after opponents were allowed to run out the clock while arguing against it- a likely fatal blow to the bill. Meanwhile, Local Administration & Veterans Affairs approved HB 943 in a 10-7 vote. The bill would prohibit political subdivisions from enacting or enforcing wage mandates in an amount greater than the state minimum wage rate or the federal minimum wage rate- including on contractors and subcontractors.

Remaining Committees:

- [HB 943](#) - Regulatory Reform; State Affairs
- [SB 1124](#) - Community Affairs; Commerce & Tourism; Rules

Development

Alarm Systems

House Commerce unanimously approved HB 669. 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 committee adopted an amendment that 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](#) - House Floor
- [SB 1140](#) - Banking & Insurance; Rules

Building Permits

Senate Community Affairs voted 8-1 to advance SB 644. The bill contains similar provisions to HB 635 that are somewhat intended to help resiliency and hardening efforts of single-family buildings in a flood zone by restricting local government permit authority. The bill would prevent local governments from restricting private property owners from demolishing single family homes in a flood zone; streamline the review process for demolition permits; and prevent additional building requirements on new homes constructed on the site of the demolished ones. Historic buildings are exempted. However, the Senate bill goes further by requiring local governments to grant equal access to all permitting and inspection documents to private providers, contractors, and owners when a private provider is used. It further defines “reasonable administrative fees” local governments can charge for using a private provider to be only the cost of labor incurred. It would automatically grant certificates of occupancy and completion of a project if a local building official fails to respond to requests within the 2-day window that is already in statute. They must provide the automatically-granted certificate of



occupancy or completion within 10 days but may pull the certificate for non-compliance within 30 days. The owner would then have to re-apply.

SB 644 is not identical to HB 635. HB 635 would prohibit local governments from making substantive changes to plans after permits are issued- except for building code or fire code compliance. It would require building and fire officials to notify local governments of non-compliance with a detailed explanation of why it is not in compliance. Local governments must notify permit holders of the specific reasons for changes. HB 635 also does not contain the private provider provisions in the Senate bill.

Remaining Committees:

- [HB 635](#) - Local Administration & Veterans Affairs; Commerce
- [SB 644](#) - Regulated Industries (On agenda 02/01/22); Rules

Building Safety (Surfside)

Senate Community affairs unanimously passed SB 1702, which would increase mandatory inspections for multi-family residential buildings in the wake of the Surfside tragedy. Under the bill, buildings greater than 3 stories and larger than 3,500 sq ft must undergo “milestone inspections” at 30 years and every 10 years thereafter. Buildings located within 3 miles of coastline would undergo milestone inspections at 20 years and every 7 years thereafter. It would also revise the inspection to include two phases: a visual inspection and, if warranted, a structural distress inspection. A licensed engineer or architect must submit a copy of their inspection report to the building owner or board of a condominium or cooperative, and the building official in the jurisdiction of the building. Boards must then distribute the report to all unit owners. Further, the bill would require milestone inspection reports be provided for buyer review in condominium and cooperative unit resales. The bill would allow local enforcement agencies to prescribe timelines and penalties with for compliance with milestone inspections. The bill would also direct the Florida Building Commission to develop model structural and life safety standards available for adoption by local governments at their discretion.

Meanwhile, Senate Regulated Industries has put forward a proposed committee bill on building safety for consideration next week. The PCB includes the milestone inspection language from SB 1702 but adds in oversight of reserves and assessments.

The previous week, the House and Senate also advanced dueling bills related to the construction defect claims process. HB 583 would allow property owners to file suit against developers for construction defect claims without going through a settlement negotiation and removes limitations on designer liability. Controversially, SB 736 would reduce the period of time owners of certain properties could bring claims. Opponents of the Senate bill argue that defects often show up years down the road and that the bill is the wrong direction to head after the Surfside tragedy. Proponents, such as the Florida Home Builders Association, say that their members are being bankrupted by expensive litigation over what are often not defects but failure to properly maintain the property. They note that the Surfside report found that maintenance was the main culprit.



Remaining Committees:

- [HB 1391](#) - Regulatory Reform; Pandemics & Public Emergencies; Commerce
- [SB 1702](#) - Regulated Industries; Rules
- [SB 7042](#)- Proposed Committee Bill (On agenda 02/01/22)
- [HB 583](#)- Regulatory Reform; Judiciary
- [SB 736](#) - Rules

Finance & Tax

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

Senate Community Affairs unanimously passed SB 1746 and SB 1748. 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](#)- Ways & Means (On agenda 01/31/22); Local Administration & Veterans Affairs; State Affairs
- [SB 1746](#)- Finance & Tax; Appropriations
- [HB 1563](#) - Ways & Means (On agenda 01/31/22); Local Administration & Veterans Affairs; State Affairs
- [SB 1748](#) - Finance & Tax; Appropriations

Local Referenda Requirements

House Ways & Means and Senate Finance & Tax approved HB 777 and SB 1194, respectively. 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.

Remaining Committees:

- [HB 777](#) - State Affairs
- [SB 1194](#) - Appropriations

School Concurrency

Senate Community Affairs unanimously approved an amended SB 706. 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](#) - Education & Employment; State Affairs
- [SB 706](#) - Education; Rules

Ad Valorem Taxation of Construction Equipment

HB 751 passed House Ways & Means with a vote of 14-3. This bill amends Florida Statute to provide that the term "inventory," for all levies other than school district levies, also means construction equipment owned by a heavy equipment rental dealer that is for sale or short-term rental in the normal course of business on the annual assessment date. Furthermore, the prior short-term rental of any construction equipment does not disqualify such property from qualifying as inventory, and the term inventory does not include heavy equipment rented with an operator. The Revenue Estimating Conference has not estimated the potential revenue impacts of the bill. However, staff estimates that the bill will have a recurring impact on local government non-school taxes of -20.8 million in FY 2022-23 growing to -23.4 million in FY 2026-27.

Remaining Committees:

[HB 751](#) - Appropriations

Taxation of Affordable Housing

Senate Finance & Tax unanimously approved SB 1150. The bill would authorize local governments to grant ad valorem tax exemptions for property used for affordable multi-family



housing with at least 50 dwellings. The government may grant an exemption up to 75% if 10% of the property is used for affordable housing and up to 100% if 100% is for affordable housing.

Remaining Committees:

- [HB 495](#) - Local Administration & Veterans Affairs; Ways & Means; State Affairs
- [SB 1150](#) - Appropriations

Health & Human Services

Surgeon General Confirmation

Senate Health Policy recommended Senate confirmation of the Governor's Surgeon General appointment, Dr. Ladapo, after the Democratic members of the committee walked out on the vote. Multiple times during questions, Democratic members of the committee reminded Dr. Ladapo that he was under oath and asked him to respect the process and provide concise and clear answers to their questions. He wasn't outwardly disrespectful but was often long winded while sometimes missing the point of their questions. Ultimately, Democratic Leader Book stated that he did not comply with their requests and explained they were walking out of committee out of respect for the process and the chair. As a reminder, Dr. Ladapo had the votes in his favor even if all Democratic members would have formally opposed. The outcome would have been the same had the Dems not walked but with less time to approve the bills on the committee's agenda.

COVID-19 Liability Protections for Health Care Providers

House Judiciary voted 15-5 to approve HB 7021. The bill would extend COVID-19 liability protections offered for health care providers by another 14 months, to all claims accruing before June 1, 2023. Without the bill, health care providers would be opened up to claims accruing after March 29, 2022.

Remaining Committees:

- [HB 7021](#)- 2nd reading
- [SB 7014](#) - Passed (22 Yeas / 13 Nays)

Sober Homes Task Force Recommendations

Senate Rules and House Health Care Appropriations unanimously approved SB 704 and HB 479- which would implement recommendations from the Sober Homes Task Force. The bill would require substance abuse providers to report to DCF the names and addresses of residential recovery homes with which the provider has a referral relationship. It would limit the number of residents being served by each administrator responsible for the individual facilities to 50 (allowing up to 100 in certain circumstances). It would provide for fees and penalties for non-compliance. Finally, it would require licensed facilities to return patients' personal property upon discharge. Committee members asked questions regarding the changes in the numbers of individuals served, home rule, HIPPA laws. Representative Caruso reiterated that the bill will now have requirements based on the number of residents being served as opposed to the number of facilities/homes and that any inquiries or data made public would be limited to the administrator of the facility and not the individuals being served. He also confirmed to



Representative Williams that it would not have any impact on home rule or current ordinances in place.

Remaining Committees:

- [HB 479](#) - Health & Human Services
- [SB 704](#) - Senate Floor

Education

School Safety

House Early Learning & Elementary Education voted 12-3 to approve HB 1421- the School Safety package. Meanwhile SB 802 was temporarily postponed in Senate Appropriations Subcommittee on Education. 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; require the Commissioner of Education to force school boards to withhold superintendents' salaries for noncompliance and authorize the State Board of Education (SBE) to direct the suspension of superintendent or school board member salaries. For safe-school officers, it would authorize school safety officers to make arrests on charter school property; require sworn law enforcement officers serving as school guardians 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 SBE to establish emergency drill policies and procedures; require 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.

Remaining Committees:

- [HB 1421](#) - Secondary Education & Career Development; Education & Employment
- [SB 802](#) - Appropriations Subcommittee on Education; Appropriations

Charter Schools

House Secondary Education & Career Development approved HB 865 in a 13-2 vote. The bill would require OPPAGA to conduct an analysis of charter school capital outlay funding to report to the Governor and Legislature. It would also establish a Charter School Review Commission to serve as an alternative authorizer of charter schools, while placing oversight responsibilities with the school district where the charter school is located. The Florida League of Cities successfully negotiated a change to siting provisions in the original bill.

Remaining Committees:

- [HB 865](#) - Early Learning & Elementary Education; PreK-12 Appropriations; Education & Employment



- [SB 758](#) - Appropriations Subcommittee on Education; Appropriations

Progress Monitoring

Senate Appropriations Subcommittee on Education unanimously passed SB 1048. The bill would substantially revise student assessments by implementing a new statewide coordinated screening and progress monitoring (CSPM) tool for english and math beginning in the 2022-2023 school year. It would allow for a transition period where the 22-23 school year would count as a baseline, but schools would be held harmless on scoring for the transition year. It would require the tool to provide actionable feedback to teachers and parents as well as the FDOE to inform the development of programming. It would streamline the tool for school districts and provide assessment information on students who transfer mid-year. It would also clarify parental rights with regard to academic progress. School district reports to parents must be easy to comprehend, available on the web or paper format, and may include a video. It would revise the VPK CSPM to be computer-based and assess VPK- grade 2 rather than grade 3. This bill will not affect title one funding or change the way in which teachers are evaluated. Several members of the public expressed some concerns with the bill- particularly using the 2022-23 year as a baseline which some believe would not capture a true baseline due to COVID-19.

Remaining Committees:

- [HB 1193](#) - Early Learning & Elementary Education; Secondary Education & Career Development; PreK-12 Appropriations; Education & Employment
- [SB 1048](#) - Appropriations

Public Safety

Juvenile Diversion Program Expunction

House Justice Appropriations unanimously approved HB 195. The bill would require FDLE to expunge nonjudicial arrest records of minors who successfully complete a diversion program for nonviolent felony offenses and misdemeanor offenses- rather than only first-time misdemeanors. The Legislature unanimously passed a similar bill last Session that was ultimately vetoed by the Governor. The sponsor stated that they have worked with the Governor's office on new language that would unseal previously wiped criminal records should the youthful offender break the law again.

Remaining Committees:

- [HB 195](#) - Judiciary (On agenda 02/01/22)
- [SB 342](#) - Appropriations

Immigration Enforcement

Senate Judiciary voted 6-3 to advance SB 1808, which amends the sanctuary city laws enacted in 2019. It would expand the definition of "sanctuary policy" to include any law, policy, practice, procedure, or custom of any state or local governmental entity that prohibits a law enforcement agency from providing to any state entity information on the immigration status of a person in



the custody of the law enforcement agency. It would require each law enforcement agency that operates a county detention facility to enter into a "287(g) Agreement" with U.S. Immigration and Customs Enforcement. It would prohibit state and local governmental entities from contracting with common carriers that willfully transport an unauthorized alien into the state, knowing the unauthorized alien entered or remains in the country in violation of the law. It would also specify contracts, including a grant agreement or economic incentive program, must include certain provisions attesting that the common carrier is not, and will not, willfully provide the prohibited services to an unauthorized alien

Remaining Committees:

- [HB 1355](#) - Criminal Justice & Public Safety; State Affairs; Judiciary
- [SB 1808](#) - Appropriations; Rules

Workers' Compensation Benefits for First Responders

House Insurance & Banking approved HB 689. The bill provides that the time for notice of injury or death in the case of compensable PTSD is 90 days and is measured from the qualifying event that supports the claim or the diagnosis, rather than the manifestation, of the disorder, whichever is later. The bill further provides that the PTSD workers' compensation claim is barred if not properly noticed within one year of the qualifying event that supports the claim or the diagnosis of the disorder, whichever is later.

Remaining Committees:

- [HB 689](#) - Insurance & Banking; State Administration & Technology Appropriations; State Affairs
- [SB 1066](#) - Banking & Insurance (On agenda 02/02/22); Community Affairs; Rules

Record of Physical Examinations of Officers

Senate Criminal Justice and House Criminal Justice & Public Safety unanimously approved SB 1736 and HB 453, respectively. The amended bill would require an employing agency to maintain records of pre-employment physical exams of police and correctional officers for at least five years after the officer separates from the agency. Should the agency not maintain records and then contest a workers comp claim by the officer under s. 112.18, F.S, it would result in the presumption that the officer's disability due to tuberculosis, heart disease, or hypertension is a compensable disease to be covered by workers comp. It also authorizes medical exams required for firefighter certification to satisfy the pre-employment physical exam under s. 112.18, F.S.

Remaining Committees:

- [HB 453](#) - Appropriations; Commerce
- [SB 1736](#) - Government Oversight & Accountability; Rules

Firefighter Inquiries & Investigations

Senate Governmental Oversight & Accountability unanimously approved SB 264. The bill would expand the Firefighters' Bill of Rights to apply to questioning conducted under an



informal inquiry. The bill revises the definition of the term “informal inquiry” to exclude certain routine work- related discussions such as safety sessions or normal operational fire debriefings.

Remaining Committees:

- [HB 31](#) - 2nd reading
- [SB 264](#) - Rules

Environment & Water

Comprehensive Review Study of the Central and Southern Florida Project

House Agriculture & Natural Resources Appropriations unanimously approved HB 513. 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](#) - State Affairs
- [SB 1326](#) - Community Affairs; Rules

Implementation of the Recommendations of the Blue-Green Algae Task Force

Senate Appropriations Subcommittee on Agriculture, Environment & General Government unanimously approved SB 1326. The bill would require DEP to develop an onsite sewage treatment and disposal systems (OSTD), i.e. septic tank, inspection program. The inspection program would involve: five-year inspections, minimum standards, requirements for pumpout or repair of failing systems, and enforcement. It would also address pollutant reduction projects in BMAPs. Environmental advocates praised the bill along with the actions the Governor has taken to date to address water quality in the state.

Remaining Committees:

- [HB 561](#) - Environment, Agriculture & Flooding; Agriculture & Natural Resources Appropriations; State Affairs
- [SB 832](#)- Appropriations



REEF Programs (PACE Programs)

House Tourism, Infrastructure & Energy unanimously approved HB 101. The bill would transform the Property Assessed Clean Energy (PACE) program into the Resiliency Energy Environment Florida (REEF) program and provides for comprehensive consumer protections and contractor oversight.

Remaining Committees:

- [HB 101](#) - Local Administration & Veterans Affairs; Ways & Means; Commerce
- [SB 228](#) - Appropriations

Floating Solar Facilities

HB 1411 passed unanimously out of Tourism, Infrastructure & Energy. The bill promotes the use of floating solar facilities by requiring each local government to allow these facilities as a permitted use under certain conditions and amend its land development regulations to promote the use of floating solar. Under the bill, counties may adopt an ordinance specifying buffer and landscaping requirements for floating solar facilities, however, such requirements may not exceed the requirements for similar uses involving the construction of other solar facilities that are permitted uses in agricultural land use categories and zoning districts. The bill states that a floating solar facility may not be constructed in the Lake Belt Area or an Everglades Agricultural Area reservoir project if the local governments involved with the area or project determine that the facility will have a negative impact on that area or project. The Office of Energy within the Department of Agriculture and Consumer Services is tasked with submitting recommendations to the Legislature to provide a regulatory framework to private and public sector entities that implement floating solar facilities.

Remaining Committees:

- [HB 1411](#) - Local Administration & Veterans Affairs; Commerce
- [SB 1338](#) - Regulated Industries; Community Affairs; Rules

Municipal Solid Waste-to-Energy Program

SB 1764 passed Regulated Industries unanimously. 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.

Remaining Committees:

- [HB 1419](#) - Agriculture & Natural Resources Appropriations; Commerce
- [SB 1764](#) - Agriculture, Environment & General Government Appropriations; Appropriations



Public Financing of Potentially At-risk Structures and Infrastructure

House Environment, Agriculture & Flooding advanced HB 1077 and Senate Environment & Natural Resources advanced SB 1434. 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, 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 due to sea level rise.

Remaining Committees:

- [HB 1077](#) - Agriculture & Natural Resources Appropriations; State Affairs
- [SB 1434](#) - Agriculture, Environment & General Government Appropriations; Appropriations

Grease Waste Removal and Disposal

House Environment, Agriculture & Flooding advanced HB 1177. The bill requires a hauler who removes grease waste from a grease interceptor or grease trap to dispose of the grease waste at the appropriate disposal facility in response to an issue in Pinellas County.

Remaining Committees:

- [HB 1177](#) - Agriculture & Natural Resources Appropriations; State Affairs
- [SB 1110](#) - Agriculture, Environment & General Government Appropriations; Appropriations

Discharge and Use of Firefighting Foam

Senate Environment and Natural Resources advanced SB 1666. The bill provides that beginning January 1, 2023, a fire service provider may not discharge or otherwise use Class B firefighting foam that contains intentionally added PFAS chemicals unless such discharge or use occurs in fire prevention or in response to an emergency firefighting operation. The bill does not: Restrict the manufacturing, sale, or distribution of Class B firefighting foam or restrict the discharge or use in response to fire prevention or an emergency firefighting operation; or prevent the use of nonfluorinated foams in firefighter training or testing.

Remaining Committees:

- [HB 1257](#) - Insurance & Banking; Commerce
- [SB 1666](#) - Governmental Oversight & Accountability; Appropriations

Transportation & Commerce

Code and Traffic Enforcement

House Criminal Justice & Public Safety voted 16-1 to advance HB 1435. 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; authorize an LEO to enforce occupancy limits; 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.

Remaining Committees:

- [HB 1435](#) - Tourism, Infrastructure & Energy; Judiciary
- [SB 1954](#) - Transportation; Community Affairs; Rules

Photographic Enforcement of School Speed Zones

Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development unanimously approved SB 410. The bill would authorize a local government to install an automated speed detection system in school zones. It provides for \$158 fines for violators and also provides that a county or municipality may enforce the school zone speed limit up to 1 hour before and 1 hour after regularly scheduled school sessions.

Remaining Committees:

- [HB 797](#) - Criminal Justice & Public Safety; Tourism, Infrastructure & Energy; Justice Appropriations; Judiciary
- [SB 410](#)- Appropriations

Boating Safety Act of 2022

Senate Appropriations Subcommittee on Agriculture, Environment & General Government unanimously approved SB 606, the “Boating Safety Act of 2022.” Among other things, the bill enhances and adds penalties for boating infractions and establishes an Illegal Boating Strike Team to aid law enforcement. 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. It provides a \$25 million appropriation to fund the additional law enforcement programs and livery permit program. The sponsor stated that local livery operations that are operating correctly are asking the state to take action on the ones that are not following needed guidelines. Miami-Dade County supports the bill.

Remaining Committees:

- [HB 493](#)- Environment, Agriculture & Flooding; Criminal Justice & Public Safety; Agriculture & Natural Resources Appropriations; State Affairs
- [SB 606](#) - Appropriations

Florida Fish & Wildlife Conservation Commission

Senate Appropriations unanimously approved SB 494, 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](#)- Environment, Agriculture & Flooding; Agriculture & Natural Resources Appropriations; State Affairs
- [SB 494](#) - Senate Floor

Insurance

Senate Appropriations unanimously approved SB 468. It would redefine “covered policy” under the Florida Hurricane Catastrophe Fund in relation to collateral protection policies; authorize any association, trust, or pool created for the purpose of forming a risk management mechanism or providing self-insurance for a public entity to virtually conduct public business; authorize insurers to file insurance rating plans based on windstorm mitigation construction standards, if certain requirements are met.

Remaining Committees:

- [HB 503](#) - Commerce
- [SB 468](#) - Senate Floor

Week 4 Schedule:

[HB 985](#) - Sovereign Immunity

[SB 974](#) - Sovereign Immunity

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

[HB 3](#) - Law Enforcement Officer, Benefits, Recruitment, and Training

[SB 512](#) - Vacation Rentals

[SB 828](#) - Critical Infrastructure

[HB 751](#) - Ad Valorem Taxation of Construction Equipment

[SB 1238](#) - Saltwater Intrusion Vulnerability Assessments

[SB 1426](#) - Water Quality Enhancement Areas

[SB 1418](#) - Soil and Groundwater Contamination (PFAS)

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

[SB 1664](#) - Unlawful Assemblies

[SB 702](#) - Photographic Enforcement of School Bus Safety

[SB 1380](#) - Real Property Rights

[SB 1534](#) - Retail Theft

[SB 706](#) - School Concurrency

[SB 644](#) - Building Inspections



[SB 394](#) - Residential Associations

[SB 1702](#) - Mandatory Building Inspections

[SB 664](#) - Posttraumatic Stress Disorder Workers' Compensation for Law Enforcement, Correctional, and Correctional Probation Officers

[SB 1066](#) - Workers' Compensation Benefits for First Responders

[SB 1140](#) - Alarm System

[SB 608](#) - Sanitary Sewer Lateral Inspection Programs